

ZONING ORDINANCE



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ACKNOWLEDGEMENTS

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Funding

This project was originally funded by the Mississippi Development Authority with Katrina Supplemental Community Development Block Grant Program Funds. Haley Barbour - Governor of the State of Mississippi. Subsequent amendments were funded by the City of D'Iberville.

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ARTICLE 1: GENERAL PROVISIONS

1.1 SHORT TITLE

This Ordinance shall be known as and may be cited as the City of D'Iberville Zoning Ordinance.

1.2 PURPOSE

1.2.1 This Ordinance is hereby adopted in accordance with:

- A. The requirements of Title 17, Chapter 1 of the Mississippi Code, 1972, Annotated;
- B. The goals and objectives of the D'Iberville Comprehensive Plan and the Citizens Master Plan;
- C. An overall program; and,
- D. With consideration for the character of D'Iberville, its various parts and the peculiar suitability of the various parts for particular uses, and with a view to conserving the value of land and buildings, and encouraging the most appropriate use of land throughout the City of D'Iberville.

1.2.2 In addition to carrying out the objectives of the Comprehensive Plan, this Ordinance is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1.3 APPLICATION

1.3.1 No building, structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.

1.3.2 This Ordinance regulates (under 17-1-3 General Powers of the Mississippi Code, 1972, Annotated):

- A. The height, number of stories and size of building and other structures.
- B. The percentage of lot that may be occupied, the size of the yards, courts and other open spaces.
- C. The density of population.
- D. The location and use of buildings, structures and land for trade, industry, residence or other purposes.

1.4 INTERPRETATION

The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its sources.

1.5 SEVERABILITY

If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of the Ordinance shall continue to be separately and fully effective.

1.6 REPEALER

All other ordinances, of the City of D'Iberville, or parts thereof, that were adopted prior to this Ordinance and are in conflict with this Ordinance are hereby repealed.

1.7 EFFECTIVE DATE

This Ordinance shall become effective on one month following its passage and publication.

1.8 ENACTMENT

This Ordinance is enacted by legislation adopted January 17, 2012 by the City Council.

ARTICLE 2: ADMINISTRATION

2.1 GENERAL PROVISIONS

2.1.1 Duties of Planning and Zoning Director

The Planning and Zoning Director shall administer and enforce this ordinance. In carrying out his duties under this ordinance, the Planning and Zoning Director or his designee shall:

- A. Receive all applications for building permits, certificates of zoning compliance, amendments, planning approvals, special plans, conditional uses, variances, review and approve such applications or refer them to the Planning Commission as required herein, and make necessary certifications and issue the necessary certificates and approvals.
- B. Maintain the official zoning map showing the current classification of all land.
- C. Maintain records of all actions taken under this ordinance.
- D. Represent the municipality on all public hearings before the planning commission or mayor and the city council and present facts and information to assist the commission in reaching a decision consistent with this ordinance.
- E. Propose and recommend the enactment of such amendments to this ordinance, including the zoning map, as are made necessary or desirable because of changing conditions or because of judicial or administrative proceedings or for the purpose of improving administration and enforcement, all in accordance with the amendment procedure set forth herein.
- F. Receive and examine all applications required under the terms of this Ordinance.
- G. Issue or refuse permits within fifteen (15) days of the receipt of the application, except as specifically provided for in this Ordinance.
- H. Receive complaints of violation of this Ordinance.
- I. Issue a written notice of violation to any person violating any provision of this Ordinance.
- J. Establish the schedule for receiving and processing applications for Conditional Use Permits, Rezoning of Property, Text Amendments to the Ordinance, Appeals from the Planning Commission, Administrative Appeal, and Variances.
- K. Keep records of applications, permits, and certificates issued, variances granted by the Board, complaints received, inspections made, reports rendered, and notice of orders issued; and make all required inspections and perform all other duties as called for in this Ordinance.
- L. The Planning and Zoning Director shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

2.1.2 Permits, Certificates, and Licenses

No building or other permit, certificate or other document of approval or license, the use of which may be subject to the provisions of this ordinance, shall be issued by any department, agency, or board of the municipality until the Planning and Zoning Director shall have certified that the use to be made of the permit, certificate or other document or license, is in compliance with the provisions of this ordinance.

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Building Official.
- B. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance unless he receives a written order from the Planning Commission or approved by the City Council, in the form of an administrative review, conditional use, or variance as approved by this ordinance.
- C. All permits issued by the Building Official shall be in compliance with Section 2.2.

*City of D'Iberville, Mississippi***2.1.3 Enforcement, Violations, and Penalties**

The Building Official and/or Planning and Zoning Director shall enforce this ordinance. He may be provided the assistance of such other persons as the mayor and city council or city manager may direct.

- A. If the Building Official and/or Planning and Zoning Director finds that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of use and/or construction or demolition of 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.
- B. Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances, conditional use, or planning approval) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon convictions thereof, be punished as provided by law. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to remedy any violation.

2.1.4 Schedule of Fees, Charges, and Expenses

The mayor and the city council shall establish a schedule of fees, charges, and expenses and a collections procedure for building permits; certificates of zoning compliance; appeals; applications for amendments; approval of special plans, planning approvals, conditional use and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official and/or Planning and Zoning Director and may be altered or amended by the mayor and city council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

2.2 PERMITS AND CERTIFICATES**2.2.1 Development Permit**

- A. Scope
No person shall construct any improvements, including any site work involving clearing, grading, filling, dredging, excavating or alike, nor alter the use of any land or structure, until the Building Official and/or Planning and Zoning Director issues a Development Permit for improvements, site work, or construction. No Development Permit is required for normal maintenance and repairs.
- B. Types of Uses
 - i. Permitted Use. A Development Permit for a Permitted Use may be issued by the Building Official and/or Planning and Zoning Director.
 - ii. Conditional Use, Site Plan Review, Variance. A Development Permit for a use requiring a Conditional Use or Variance shall be issued by the Building Official and/or Planning and Zoning Director only upon the order of the appropriate body having final review.
- C. Application
 - i. All applications for a Development Permit shall be in writing on a form provided by the Building Official and/or Planning and Zoning Director and shall be submitted to the Building Official and/or Planning and Zoning Director.
 - ii. All applications for a Development Permit shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Building Official and/or Planning and Zoning Director may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with this Ordinance.

- iii. Prior to the issuance of any Development Permit, the Building Official and/or Planning and Zoning Director shall review the application for such permit to determine if all other necessary governmental permits have been obtained. No permit shall be issued until this determination has been made.
 - iv. The Building Official and/or Planning and Zoning Director may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, City Engineer, etc.) for review and comment.
- D. Issuance
- i. The Building Official and/or Planning and Zoning Director shall issue or refuse an application for a Development Permit within fifteen (15) days after the date such application was made, except as specifically provided for in this Ordinance.
 - ii. A Development Permit shall be issued in at least triplicate.
 - iii. One (1) copy shall be kept conspicuously on the premises.
 - iv. No person shall perform building operations of any kind unless a Development Permit is being displayed as required by this Ordinance.
 - v. After the issuance of a Development Permit by the Building Official and/or Planning and Zoning Director, no changes of any kind shall be made to the application, permit, plans, specifications, or other documents submitted with the application without the written consent or approval of the Building Official and/or Planning and Zoning Director.

2.2.2 Certificate of Zoning Compliance

- A. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Planning and Zoning Director stating that the proposed use of the building or land conforms to the requirements of this ordinance. No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued by the Planning and Zoning Director as approved by the city council.
- B. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.
- C. A Temporary certificate of zoning compliance may be issued by the Planning and Zoning Director for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as well as protect the safety of the occupants and the public.
- D. Unless furnished with the application for a building permit, each application for a certificate of zoning compliance shall be accompanied by a site plan, in duplicate and drawn to scale, showing the locations and dimensions of existing and proposed structures with supporting open facilities, the ground area to be provided and continuously maintained for the proposed structure or structures. The application shall include such other information as lawfully may be required by the Planning and Zoning Director, including existing or proposed uses of the building and land, the number of dwelling units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with the requirements of this ordinance. One copy of the plans shall be returned to the applicant by the Planning and Zoning Director after he shall have marked such plans either as approved or disapproved and attested so such approval or disapproval by his signature on such copy. One copy of the plans shall be retained by the Planning and Zoning Director.

2.3 PLANNING COMMISSION**2.3.1 Members of Planning Commission**

The Planning Commission for the City of D'Iberville was heretofore created by virtue of Ordinance No. 65 and subsequent amendments thereto. Said Commission shall continue to exist in such form and constitution as prescribed by said Ordinance No. 65.

2.3.2 General Governing Rules

- A. The Planning Commission of the City of D'Iberville shall be governed by the provision of all applicable state statutes, local laws, ordinances and these rules.
- B. The term "Commission" as used in these rules shall mean the duly appointed Planning Commission of the city of D'Iberville.
- C. The Commission shall become familiar with all the duly enacted ordinances and laws of the City under which it may be expected to act as well as applicable state statutes.
- D. The Commission shall become familiar with the Community goals, desires and policies as expressed in a "comprehensive plan" and grant the minimum relief which will ensure that the goal and policies of the plan are preserved and substantial justice is done.

2.3.3 Officers and Duties

- A. The officers of the Commission shall consist of a Chairperson and Vice-Chairperson. The chairperson and vice chairperson shall be elected by and among the members of the Commission, and they shall perform all duties required by law, ordinance, and these rules and preside at all meetings of the commission.
- B. Chairperson.
The Chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the commission. The Chairperson shall appoint any committees found necessary to carry out the business of the commission. The Chairperson may administer oaths and compel the attendance of witnesses as necessary to carry out the business of the Commission. The Chairperson's signature shall be the official signature of the Commission and shall appear on all decisions and resolutions to the City Council as directed by the Commission.
- C. Vice-Chairperson.
A Vice-Chairperson shall be designated by the city Council to serve in the absence of the Chairperson during the Chairperson's absence, disability or disqualification.
- D. Vacancies.
Should any vacancy on the Commission occur for any reason, the Chairperson or Vice-Chairperson shall give immediate notice thereof to the City Clerk.
- E. Should the office of Chairperson become vacant, the Vice-Chairperson shall attend to the notice required in Section 2.3.3 D of these rules. The Vice-Chairperson shall handle the duties of the Chairperson until such a time as the Commission shall appoint a new Chairperson.

2.3.4 Meetings

- A. Regular Meetings
The regular meeting of the Commission shall be held on the second and fourth Tuesday of each month at 5:30 p.m. in the Council Room of the city Hall. Workshop meetings may be held two (2) weeks prior at the same time and place and are also open to the public.
- B. Special Meetings
Special meetings of the Commission may be called by the Chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Commission.

City of D'Iberville, Mississippi

- B. The Chairperson shall call a special meeting within ten (10) days of receipt of a written request from any three (3) members of the commission or written request from the Mayor and City Manager of the City, which request shall specify the matters to be considered at such special meeting.
- C. Cancellations of Meetings
Whenever there is no appeal of applications for variance or other business to transact at a regular meeting, the Chairperson may dispense with such meeting by written notice to members of the Commission no less than forty-eight (48) hours prior to the time set for such meeting.
- D. Proceedings
The Order of business at regular meetings shall be as follows:
 - i. Prayer and Pledge of Allegiance;
 - ii. Opening Comments;
 - iii. Administer Oaths;
 - iv. action on held cases;
 - v. other business; and
 - vi. adjournment.

2.3.5 Voting

- A. Quorum
A quorum shall consist of a majority of the members of the Commission.
- B. No hearing or meeting of the board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date. All subsequent hearings shall be readvertised in accordance with the requirements of the applicable law.
- C. Voting
All matters shall be decided by a roll call vote. Decisions on any matter before the Commission shall require the affirmative vote of a majority of the entire membership of the Commission unless otherwise specified herein.
- D. Tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
- E. No member of the Commission shall sit in hearing or vote on any matter in which he is personally or financially interested. Said member shall not be counted by the Commission in establishing the quorum for such matter.
- F. No member shall vote on the determination of any matter requiring public hearing unless he has attended the public hearing thereon; however, where such a member has familiarized himself with such matter by reading the record, he shall be qualified to vote

2.3.6 Powers, duties of the Planning Commission

The Planning Commission shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Planning and Zoning Director in the enforcement of this title.
- B. To authorize in special cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship.
- C. To hear and act upon applications for Conditional Use permits.
- D. To hear and act upon applications for Site Plan Review.
- E. To hear and act upon applications for proposed rezoning or proposed amendments to this Ordinance.

2.3.7 Recommendations

- A. Form of Recommendations or Decisions

The Commission's recommendations or decisions shall be made by written resolution signed by the Chairperson. Such resolution or recommendation shall state the findings of fact which were the basis for the commission's determination. After such determination, recommendation, or resolution, the City Council may adopt or not adopt the resolution, wholly or partially, or may modify the resolution of the Commission. The recommendation or resolution shall also state any conditions and safeguards necessary to protect the public interest.

B. Basis for Decisions

The Commission, in reaching said recommendation or resolution shall be guided by standards specified in the applicable ordinance as well as by community goals and policies as specified in the comprehensive plan, and by the findings of the Commission in each case.

C. Findings - Contents.

The findings of the commission and the supporting facts shall be spelled out in detail regardless of whether it is based on evidence submitted or on the personal knowledge of the Commission. The Commission should show that:

- i. It has made an intelligent review of the question.
- ii. It has considered all of the information or evidence.
- iii. It has heard all parties in question.
- iv. Any intimate knowledge it has of the subject under question has been taken into account.
- v. It has heard from the Code Enforcement Officer who has made a personal inspection of the parcel in question and from this examination certain findings were ascertained.

D. Conflicts with Other Laws or Regulations.

In reviewing an application on any matter, the standards in any applicable local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.

E. Filing or Resolution.

Resolutions and recommendations of the Commission shall be filed in the office of the City Clerk and shall be part of the public record. The date of the filing of each resolution or recommendations shall be entered when final action is taken by the City Council.

F. Notice of Recommendation or Resolution:

In addition to any entry into the minutes of the Commission, a copy of the recommendation or resolution shall be maintained on file in the office of the Planning and Zoning Director.

G. Certificate of Compliance:

The Planning and Zoning Director of the City of D'Iberville shall be authorized to issue certificates of Zoning compliance when requested and the parcel is in compliance under the Zoning Ordinance after the City Council has taken final action.

2.3.8 Adoption and Amendment of Rules and Regulations

A. Adoption:

Upon adoption of these rules by the Commission, the City Council shall file a copy of these rules and they shall be public record.

B. Amendment:

These rules may be amended by affirmative vote of a majority of the members of the Commission, provided that such amendment is presented in written form at a regular or special meeting at which the vote is taken.

C. Filing:

All amendments adopted shall be filed in the same manner as provided for in Section 2.3.8.A.

2.4 SITE PLAN (PLANNING COMMISSION) REVIEW**2.4.1 Scope**

Before any permit is issued for any use designated in Table 4.2 as requiring Site Plan (Planning Commission) Review, the procedures of this Section shall be followed in order to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance.

2.4.2 Application Procedure

Applications for Site Plan (Planning Commission) Review shall be filed with the Planning and Zoning Director, and the application shall include all of the information set forth herein unless some items are determined by the Planning and Zoning Director to be unnecessary to conduct a meaningful review of the application. The Planning and Zoning Director may require additional information not listed below when said information is deemed necessary to conduct a meaningful review of the application. Within ten (10) days of the receipt of an application for Site Plan (Planning Commission) Review, the Planning and Zoning Director shall transmit a full and complete copy of the application to the Planning Commission. An application for Site Plan (Planning Commission) Review shall contain the following:

- A. Name and address of the applicant.
- B. Address and legal description of the property.
- C. If the applicant is not the legal owner of the property, proof that the applicant has the authority to make the application (power of attorney).
- D. Payment of any fee established by the City of D'Iberville.
- E. A graphic site plan, drawn to a scale of not less than one inch to fifty feet (1" = 50') and sufficiently dimensioned as required to show the following:
 - i. The date, scale, north point, title, name of owner, and name of person(s) preparing the site plan.
 - ii. A statement describing the proposed use.
 - iii. The location, dimensions, and area of each lot, the locations, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
 - iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
 - v. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening as required in Section 5.4.4.
 - vi. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
 - vii. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
 - viii. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
 - ix. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
 - x. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
 - xi. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards, along with a description of methods to be employed in controlling said effects of the operations.
 - xii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval.

- xiii. Location of existing tree growth shall be shown on a tree survey. Tree growth shall be considered as a plant having at least one well defined trunk of at least six (6) inches caliper measured at five feet above adjacent grade.
- xiv. A key map showing the entire project and its relation to surrounding properties and existing buildings thereon.
- xv. Location of any flood hazard areas set forth on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- xvi. Floor plans showing proposed structural uses.
- xvii. Photographs, artist renderings, or other visual documents that will assist the City in establishing compatibility.
- xviii. Road improvements, traffic control, and signalization necessary to properly service the development.
- xix. Expected infrastructure improvements such as water, natural gas, electricity, drainage, and sanitary sewerage collection to include location of improvements, size of pipes, etc.
- xx. A legally binding agreement from the applicant that includes language agreeing to the following:
 - a. All permanent improvements to be constructed shall be to the standards of the latest editions for the building and related codes adopted by the City of D'Iberville.
 - b. Water system and sanitary sewer system improvements necessitated by any development shall be designed and constructed in accordance with the standards and requirements of the City of D'Iberville and may be at the expense of the developers.
 - c. The developers shall dispose of garbage, trash, and other solid waste in a manner consistent with applicable federal, state, and local laws.
 - d. Other requirements may be deemed necessary and appropriate and in the interest of the public health, safety, and welfare. Completion of the improvements set forth in the agreement shall be a condition before certificate of occupancy shall be issued for any use and no building or facility will be occupied until such improvements are constructed and operational.
- F. The City of D'Iberville may require additional information before granting a permit for developments. The information may include, but not limited to, the following:
 - i. Evidence of site control for all lands necessary for the full and complete implementation of the development plan.
 - ii. Landscape buffer areas of sufficient length and width as necessary to protect adjoining uses from any adverse impact from noise, traffic, lights, etc., or to protect any adjoining use of right, including for fire safety, or maintenance operations.
 - iii. Storm water retention and drainage plans.
 - iv. Permit and approval from state and federal agencies for any development within designated flood hazard areas.
 - v. Exterior lighting plans for buildings and parking lots and other similar lighting uses.

2.4.3 Planning Commission Approval

At its next regular meeting following the receipt of an application for Site Plan (Planning Commission) Review, but in any event within forty-five (45) days of receipt of such application by the Planning and Zoning Director, the Planning Commission shall approve or disapprove the application. The Planning and Zoning Director shall provide any reports, comments, or recommendations made during staff and DRC review regarding the subject Site Plan. Approval of a site plan granted by the Planning Commission shall be final unless an aggrieved party properly files an appeal in accordance with Section 2.7 of this ordinance.

2.4.4 Review and Evaluation Criteria

The Planning Commission shall review and evaluate site plans using the following criteria:

- A. Conformance with applicable regulations and standards established by the Zoning Regulations.

- B. Compatibility with existing or permitted uses on abutting sites or within 100 feet of the proposed development, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
- C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may occur.
- D. Modifications to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards.

2.4.5 Modification of Site Plan

The Planning and Zoning Director or Planning Commission may require modification of a site plan as a prerequisite for approval. Such modifications may include, but shall not be limited to, provision for special setbacks, open spaces, buffers, fences, walls, and screening; for installation and maintenance of landscaping and erosion control measures; improvements of access and circulation; rearrangements of structures or activities within the site; location and character of signs; and such other site plan features as necessary to ensure compatibility with surrounding uses and to support the findings required by Section 2.4.6.

2.4.6 Findings

The Planning Commission shall make the following findings before approval of a site plan:

- A. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted use on abutting sites or within 100 feet of the proposed development.
- B. That any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable impacts on adjacent uses.

2.4.7 Site Design Guidelines

The following guidelines are divided into seven (7) categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Planning and Zoning Director in their reviews of all Site Plans. These guidelines are meant to encourage creativity, innovation, and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

- A. **Relation of Proposed Buildings to the Surrounding Environment**
Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.
- B. **Drive, Parking, and Circulation**
For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
- C. **Surface Water Drainage**
Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies, and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
- D. **Utility Service**
Place electric and telephone lines underground, where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
- E. **Advertising Features**

Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.

F. **Special Features**

Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.

G. **Preservation of Landscape**

Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

2.4.8 Renewal or Lapse of a Site Plan (Planning Commission) Approval

A. A Site Plan (Planning Commission) Approval shall lapse and shall become void one (1) year following the date on which such approval became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.

B. A Site Plan (Planning Commission) Approval subject to lapse may be renewed by the Planning Commission for an additional period of one (1) year, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Zoning Director.

2.4.9 Special Administrative Approval for Certain Uses

See Section 4.23 for procedures and conditions pertaining to special administrative approval for certain uses. Uses located within the AG, R-E, R-1, R-2, R-3, or R-4 requiring Site Plan (Planning Commission) Approval shall not be eligible administrative approval.

2.5 CONDITIONAL USE PROCEDURE

2.5.1 Title and Purpose

Sections 2.5.1 through Sections 2.5.10 shall be known as the Conditional Use Procedure. The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties. The Conditional Use Procedure process is intended to encourage broad public review and to ensure adequate mitigation of potentially unfavorable impacts.

2.5.2 Jurisdiction

The Planning and Zoning Director shall be responsible for administration of the Conditional Use procedure, and the Planning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

2.5.3 Application and Fee

Application for a Conditional Use Permit shall be filed with the Planning and Zoning Director and said application shall include the information set forth herein. Within ten (10) days of the receipt of an application for Conditional Use, the Planning and Zoning Director shall transmit a full and complete copy of the application to the Planning Commission. An application for a Conditional Use Permit shall contain the following:

A. Name and address of the owner and applicant.

B. Address and legal description of the property.

C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.

- D. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Planning and Zoning Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
- E. Site plans, preliminary building elevation, preliminary improvement plans, additional maps and drawings, all sufficiently dimensioned as required illustrating the following:
 - i. The date, scale, north point, title, name of owner, and name of persons preparing the site plan.
 - ii. The location and dimension of boundary lines, with distances and bearings, easements, and required yards and setbacks, water course drainage features and location and size of existing and proposed street and alleys, 100-year flood plains.
 - iii. The location, height, bulk general appearance and intended use existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 100 feet.
 - iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaping areas, utility or service areas, fencing and screening, signs, and lighting.
 - v. The location of watercourses and drainage features.
 - vi. The number of existing and proposed off -street parking and loading spaces, and a calculation of applicable minimum requirements.
 - vii. A plan showing existing and proposed topography at 2-foot contour intervals, grading and proposed erosion control measures.
 - viii. A plan showing the Buffer Yards as required in Section 5.4.4.
 - ix. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
 - x. Any applicable fee established by the City Council.

2.5.4 Public Hearing and Notice

At its next regular meeting following the receipt of an application for Conditional Use, but in any event within forty-five (45) days of receipt of such application by the Planning and Zoning Director, the Planning Commission shall approve or disapprove the application.

The Planning Commission shall hold a public hearing on each application for a Conditional Use Permit. Notice shall be given as prescribed in Section 2.9.1. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed condition under which it would be operated or maintained, particularly, with respect to the findings prescribed in Section 2.5.6. The applicant is required to be present at the public hearing.

2.5.5 Action by the Planning Commission

The Commission may grant a Conditional Use Permit as the permit was applied for or in a modified form or subject to conditions, or may deny the application.

2.5.6 Review and Evaluation Criteria

The Planning and Zoning Director and the Commission shall review and evaluate and make the following findings before granting a Conditional Use Permit application using the following criteria:

- A. Conformance with applicable regulations and standards established by the Zoning Regulations.
- B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.

- C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
- D. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.
- E. Safety and convenience of vehicular and pedestrian circulation in vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.
- F. Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
- G. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- H. Adequacy and convenience of off-street parking and loading facilities.
- I. That the proposed use is in accordance with the objectives of these Zoning Ordinance and the purposes of the district in which the site is located.
- J. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
 - i. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
 - ii. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the purpose of this criterion, the term neighborhood shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.
 - iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
 - iv. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a special exception application.
- K. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- L. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2.5.7 Conditions of Approval

The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses.

2.5.8 Legislative Disposition

The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for Conditional Use Permit has been denied by the Mayor and City Council shall be considered again by the Planning Commission or the Mayor and City Council for the same classification for at least one (1) year from the date such application was denied.

2.5.9 Renewal or Lapse of a Conditional Use Permit

- A. A Conditional Use Permit shall lapse and shall become void one (1) year following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.
- B. A Conditional Use Permit subject to lapse may be renewed by the City Council for an additional period of one (1) year, provided that prior to the expiration date, a written request for renewal is filed with the Planning and Zoning Director.

2.5.10 Modification of Conditional Use Permit

Minor revisions or modifications may be approved by the Planning and Zoning Director if he determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 2.5.6.

2.6 VARIANCE PROCEDURE**2.6.1 Title and Purpose**

Sections 2.6.1 through Sections 2.6.7 shall be known as the variance procedure. This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

- A. Variance: A modification from the provisions of the comprehensive zoning ordinance of the City of D'Iberville, recommended by the Planning Commission to the Mayor and City Council for final disposition, in cases where enforcement of the zoning ordinance would result in unnecessary hardship.
- B. Hardship: For purposes of granting a variance hardship shall mean an unusual topographical situation or condition involving a particular property and which makes it impossible for the owner to use the property in the manner prescribed for the district by the zoning ordinance. A hardship exists only where the unusual situation or condition is not created by the owner of the property. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.

2.6.2 Application

Application for a variance shall be filed with the Planning and Zoning Director. The application shall include the following:

- A. Name and address of the owner or applicant.
- B. A legal description of the property, which shall include, but not limited to: deed of current ownership (not a Deed of Trust.), City of D'Iberville tax parcel number identification, and street address.
- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- D. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5.

- E. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- F. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Planning and Zoning Director may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

2.6.3 Public Hearing and Notice

The Planning Commission shall act on the application not more than forty-five (45) days following the filing of said application. Notice shall be given as prescribed in Section 2.9.6.

2.6.4 Action by the Planning Commission

The Planning Commission may recommend that a variance be granted as the variance was applied for or in a modified form or subject to conditions, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the City Council may prescribe. The Planning Commission shall forward all variance applications, reports, and recommendations to the City Council for final disposition.

2.6.5 Findings

The Planning Commission may grant a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will not result in any change in use or density of the subject property.

- I. In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.
- J. Under no circumstances shall the Planning Commission recommend a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

2.6.6 Variance to Run with Land or Structure

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change ownership of the site or structure to which it applies.

2.6.7 Legislative Disposition

- A. The Mayor and City Council shall examine all such variance applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for variance has been denied by the Mayor and City Council shall be considered again by the Planning Commission or the mayor and City Council for the same classification for at least one (1) year from the date such application was denied.
- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit from the City of D'Iberville within one (1) year of the variance being granted, or said variance will expire.
- C. No additional public notification shall be required.

2.7 APPEALS PROCEDURE**2.7.1 Title and Purpose**

Sections 2.7.1 through Sections 2.7.7 shall be known as the Appeals Procedure. This procedure is intended to afford review of actions taken pursuant to the Zoning Regulations where such action may be in error.

2.7.2 Appeals

- A. Any person aggrieved, or any taxpayer affected, by any decision of the Planning and Zoning Director made in the administration of this Ordinance may appeal to the Planning Commission. Such appeal shall be taken within 10 days following the decision being appealed, and by filing with the Planning and Zoning Director a notice of appeal, which shall specify the grounds thereof. The Planning and Zoning Director shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
- B. Any person, taxpayer, officer, or department of the city affected by any decision of the Planning Commission may appeal to the Mayor and City Council. Such appeal shall be taken within 10 days following the decision being appealed, by filing with the Planning and Zoning Director a notice of appeal, which shall specify the grounds thereof. The Planning and Zoning Director shall forthwith transmit to the Mayor and City Council all the papers constituting the record upon which the action appealed from was taken.

2.7.3 Fee

A fee prescribed by the City Council shall accompany the appeal. In the event an appeal contains two stages (appeal Planning and Zoning Director's decision to Planning Commission, and then Planning Commission to Mayor and City Council) then each shall be considered a separate appeal and a separate fee paid for each appeal.

2.7.4 Stay of Procedures

Any appeal shall stay all proceedings in furtherance of such action unless the Planning and Zoning Director certifies to the Planning Commission or the Mayor and City Council, after the notice of appeal shall have been filed, that by reason of the fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In event the Planning and Zoning Director shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by a court of record, upon application of the party aggrieved by the action of the Planning and Zoning Director and after notice to him and upon due cause shown. At the time of the appeals hearing, the applicant shall be present.

2.7.5 Public Hearing and Notice

The Planning Commission or Mayor and City Council, as the case may be, shall hold a public hearing within thirty (30) days on the appeal. Notice of appeal hearings before the Planning Commission shall be given as prescribed in Section 2.9.5. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.

2.7.6 Action

The Planning Commission or City Council, as the case may be, shall act on the appeal ten (10) days following the closing of the public hearing. In exercising the powers set out in this section, the Planning Commission or City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made. The Planning and Zoning Director shall notify the appellant by mail of the outcome of the appeal decision.

2.7.7 Appeals from the City Council

Appeals from any action of the mayor and city council shall be governed by applicable statutes of the State of Mississippi.

2.8 AMENDMENT (REZONING) PROCEDURE**2.8.1 Title and Purpose**

- A. Section 2.8.1 through Section 2.8.11 shall be known as the Amendment Procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the City of D'Iberville, Mississippi by means of the Zoning Map (Rezoning).
- B. This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:
 - i. Error: There was an error in the initial zoning of the property as it was brought into the city.
 - ii. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity.
 - iii. Changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.

2.8.2 Jurisdiction

The City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

2.8.3 Initiation

- A. The Planning Commission or the City Council may initiate a text amendment.
- B. The owner or authorized agent of the owner of property may initiate a rezoning by filing an application for a change in district boundaries (rezoning) as prescribed in this chapter. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application. A rezoning may be initiated also by the Planning Commission or the City Council.

2.8.4 Legislative Disposition

- A. The mayor and city council shall examine all such applications, reports, and recommendations transmitted to it and shall take such further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further consideration. No land for which an application for reclassification has been denied by the mayor and city council shall be considered again by the Planning Commission or the mayor and city council for the same classification for at least one (1) year from the date such application was denied.
- B. The owner, agent, or lessee of property that requested a zoning change and subsequently was rezoned by the Mayor and City Council must secure a building permit within one (1) year of the rezoning of the subject property. The building permit must be issued for the use for which the applicant requested the rezoning and must generally conform to the site plan requested in Section 2.4 above in regard to Site Plan. The failure to secure a building permit as described above and/or the failure to maintain a valid building permit shall result in the reversion of said zoning classification of the subject property back to its original classification.
- C. Prior to automatic reversion as set out above, the owner, agent, lessee, or assign may request an Administrative extension to the City Manger, which upon approval, may provide petitioner with up to a one (1) year extension to secure a building permit under said section. Such action shall only be permitted one (1) time and only for one (1) year. Such request must be made prior to the lapse of the one (1) year reversion period.

2.8.5 Limitations on Proposed Amendments

Proposed amendments to effect a change in zoning district classification shall be subject to the following limitations:

- A. An amendment shall be in harmony with the Comprehensive Plan and/or the Land Use Plan of the City of D'Iberville.
- B. An amendment shall be compatible with the zoning of the surrounding area such as to support the comprehensive plan of the City of D'Iberville.
- C. An amendment shall be in a consistent manner for the benefit of entire community and the City of D'Iberville.

2.8.6 Amendments Procedure

Proposed amendments to this ordinance shall be considered by the Planning Commission and by the mayor and city council. It is the function of the Planning Commission to consider prepared amendments, to collect information relative thereto by investigations or other means, and to conduct public hearings thereon, and to make recommendations to the mayor and city council. The ordinance can be amended only by the mayor and city council.

- A. An amendment to this ordinance may be initiated by the Mayor and City Council on its own motion or by the Planning Commission. An amendment may also be initiated by any person, firm, or corporation by filing a written application therefore with the Planning and Zoning Director. The application for amendment shall contain at least the following:

- i. The applicant's name, address, and interest in the application, and the name address, and interest of every person, firm, or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area proposed to be changed in classification or to be included within the proposed district; the name of the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property within five hundred (500) feet (exclusive on the width of intervening streets, alleys, or bodies of water).
 - ii. If the proposed amendment would require a change in the zoning map, a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures.
 - iii. The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
 - iv. A report giving the nature, description, and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties.
 - v. The error in this ordinance that would be corrected by the proposed amendment, if the intent is to correct the error.
 - vi. Upon receipt of an application for amendment, properly and completely made out, the Planning and Zoning Director shall examine the application and shall make such investigation as is necessary. He shall transmit the application, together with his report and recommendation, to the Planning Commission.
 - vii. A tax parcel map of the area proposed for Rezoning and the surrounding area, showing existing streets or roads and property lines, and existing and proposed zoning district boundaries. The map shall include an area determined by the Planning and Zoning Director to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than 200 feet or more than 1000 feet from the property proposed for rezoning.
 - viii. Information demonstrating the appropriateness of the requested change, including at least one of the following:
 - a. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
 - b. Whether or not an error exist with regard to the original zoning designation of the subject property.
- B. Following receipt of an application for amendment from the Planning and Zoning Director, the Planning Commission shall hold a Planning Commission Workshop. After such preliminary hearing, the Commission shall certify the application for public hearing.
- C. The Commission shall prepare a record of its proceedings for each case, showing the grounds for its recommendations. The record shall be filed in the office of the Commission and shall be public record; a certified copy of the record of proceedings shall be transmitted to the mayor and city council.

2.8.7 Application and Fee

- A. Application for a Rezoning initiated by a property owner shall be filed with the Planning and Zoning Director on a prescribed form supplied by the Planning and Zoning Director.
- B. The Planning and Zoning Director may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance.
- C. An application fee shall accompany Rezoning initiated by a property owner. Said fee shall be established by the City Council.

- D. A rezoning initiated by the Planning Commission or by the City Council shall be pursuant to a motion of the Commission or City Council. No fee shall be applicable. The Planning and Zoning Director shall execute the necessary steps pursuant to the intent of the motion.
- E. A text amendment initiated by the Planning Commission or by the City Council shall be pursuant to a motion of the Commission or the City Council. The City Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion. No fee shall be applicable.

2.8.8 Recommendation to the Planning Commission

- A. The Planning and Zoning Director shall review the application and shall prepare a recommendation thereon which shall be filed with the Planning Commission and available to the applicant at least five (5) days prior to the Planning Commission meeting.
- B. In event of withdrawal of an application after action by Planning Commission prior to action by City Council, an application for same or permissive zoning for the property shall not be filed within one year of the withdrawal.

2.8.9 Public Hearing and Notice

The Planning Commission shall act on the application not more than forty-five (45) days following the filing of said application. Notice shall be given as prescribed in Section 2.9.2. Action by the Planning Commission shall be in the form of a recommendation to the Mayor and City Council.

2.8.10 Findings and Action by Reviewing Bodies

- A. Upon conducting the requisite public hearing and considering all evidence, the Planning Commission and City Council shall make specific findings related to the following criteria:
 - i. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
 - ii. Whether or not an error exist with regard to the original zoning designation of the subject property.
- B. Upon finding in favor of the foregoing criteria the Planning Commission and City Council shall find in favor of the requested rezoning, otherwise, the rezoning request shall be denied.

2.8.11 Change of Zoning Map

A change in district boundaries shall be indicated on the Zoning Map.

2.9 PUBLIC NOTICE PROCEDURE

Section 2.9.1 through Section 2.9.7 shall be known as the Public Notice procedure. The purpose of this Procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

2.9.1 Planning Commission: Conditional Use Permits

Notice or public hearing for consideration of a Conditional Use Permit by the Planning Commission shall be given as follows:

- A. Notice shall be given by mail to the owner of each site within 300 feet of the subject property at least fifteen (15) days prior to the date of the hearing.
- B. At the option of the Planning and Zoning Director, notice may be given by mail to the owner of any site more than three hundred (300) feet from the subject property at least fifteen (15) days prior to the date of the hearing.
- C. Notice may be given by mail to any civic organization having interest in the application.
- D. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.

- E. Notice shall be posted at the street frontage of the subject site no less than fifteen (15) days prior to the date of the hearing.

2.9.2 Planning Commission: Rezoning

Notice of public hearing for consideration of a Rezoning by the Planning Commission shall be given as follows:

- A. Notice shall be given by mail to the applicant at least 15 days prior to the date of the hearing.
- B. Notice shall be given by mail to the owner of each site within five hundred (500) feet of the subject property at least 15 days prior to the date of the hearing.
- C. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
- D. Notice shall be posted at the street frontage of the subject site no less than fifteen (15) days prior to the date of the hearing.
- E. At the option of the Planning and Zoning Director, notice may be given by mail to the owner of any site more than five hundred (500) feet from the subject property at least fifteen (15) days prior to the date of the hearing.

2.9.3 City Council: Text Amendment

Notice of public hearing for a consideration of a Text Amendment by the City Council shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.

2.9.4 City Council: Appeal from Planning Commission

Notice of a public hearing for consideration of any appeal from a decision of the Planning Commission shall be given as follows:

- A. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
- B. Notice shall be given by mail to the applicant, if different from the appellant, at least fifteen (15) days prior to the date of the hearing.
- C. At the option of the Mayor or City Council, notice may be given by mail to the owner of any site in the vicinity of the subject property who, on the basis of the records pertinent to the appeal, has shown an interest in the application, at least fifteen (15) days prior to the date of the hearing.

2.9.5 Planning Commission: Administrative Appeal

Notice of public hearing for consideration of an Administrative Appeal by the Planning Commission shall be given as follows:

- A. Notice shall be given by mail to the appellant and to the applicant if different from the appellant, at least fifteen (15) days prior to the date of the hearing.
- B. Notice shall be given by publication of legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
- C. At the option of the Planning and Zoning Director or Planning Commission, notice may be given by mail to the owner of any site potentially affected by an administrative appeal pertaining to a particular site, at least fifteen (15) days prior to the date of the hearing.

2.9.6 Planning Commission: Variance

Notice of public hearing for consideration of a variance by the Planning Commission shall be given as follows:

- A. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
- B. Notice shall be given by mail to the owner of each site within three hundred (300) feet of the subject property at least fifteen (15) days prior to the date of the hearing.

2.9.7 Notice Requirement Defined

- A. Requirements for notice and publication contained in this section shall have the following meanings:
 - i. Notice by certified or regular mail shall refer to the date of deposit of such mail with the U.S. Post Office.
 - ii. Publication shall refer to the date of publication of a legal notice in a newspaper of general circulation in the City of D'Iberville. Two (2) publication days shall be sufficient.
- B. Each such notice, whether by mail or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

2.10 REMEDIES AND PENALTIES**2.10.1 Enforcement Remedies**

If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City Council and/or the Planning and Zoning Director may, in addition to other remedies, institute in the name of the City of D'Iberville any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

2.10.2 Penalties

- A. Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than One Hundred Dollars (\$100.00) and the cost of prosecution or in default of the payment thereof, shall be punished by imprisonment for a period not to exceed thirty (30) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the cost of such prosecution. Each day such a violation continues shall be considered a separate offense after the thirty (30) days from the date of written notification.
- B. The owner of any structure or premises, where any condition in violation of this Ordinance shall exist or shall be created shall be guilty of an offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Forbearance in enforcement of this Ordinance shall not be deemed the condoning of any violation thereof.
- C. In addition to all other remedies, including the penalties provided in this section of the Ordinance, the City may commence and prosecute appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such non-compliance. Violation of any provisions of this Ordinance is hereby declared to be a nuisance per se, and the Court shall order such nuisance abated.

ARTICLE 3: DEFINITIONS

3.1 INTERPRETATION

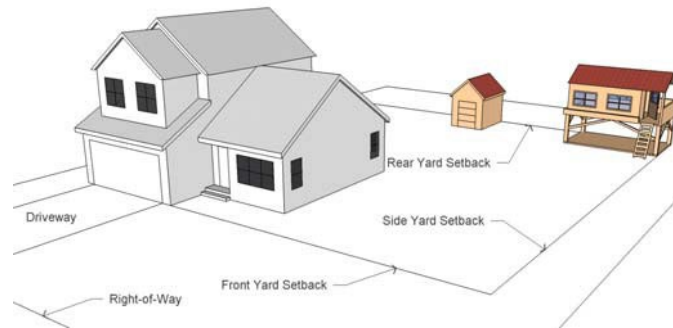
For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. The singular shall include the plural, and the plural shall include the singular.
- C. The masculine gender shall include the feminine and the neuter and vice-versa.
- D. The word "lot" includes the word "plot," "parcel," or "tract."
- E. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
- G. Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

3.2 DEFINITIONS

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

1. **Abandoned Vehicle.** Any inoperable vehicle which has been lacking a currently effective state license for a period of at least one (1) year.
2. **Abut.** Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."
3. **Access Drive.** A privately owned, constructed, and maintained vehicular access from a public or private street to four (4) or more off-street parking spaces or to at least one (1) loading space.
4. **Accessory Building.** A building (such as a private garage, private tool house or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.



5. **Accessory Structure.** A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.
6. **Accessory Use.** A use subordinate to the principal use on the same lot and customarily incidental thereto.
7. **Acres.** 43,560 square feet.
8. **Adjacent.** A state of being side by side, next to, adjoining, contiguous, or abutting one to another.
9. **Adult entertainment business.** Shall include the following:
 - a. **Adult bookstore:** An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
 - 1) Books, magazines and other periodicals distinguished or characterized by the emphasis on matter depicting, describing, or relating to sexually explicit material, or

- 2) Selling or displaying books, magazines, or other periodicals and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

- b. **Adult Live Entertainment:** Any establishment where dancers, entertainers, performers, or other individuals, who, for commercial gain, model, perform, demonstrate, or are presented while displaying or exposing "specified anatomical area", or engage in "straddle dancing", or touching with customers.

- c. **Adult Novelty Store:** An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:

- 1) Miscellaneous articles relating to sexually explicit material appropriate as gifts excluding any minor by reason of age as prevailing practice; or
- 2) Novelties, toys, books, or bondage kits for the intent as a gag gifts, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

- d. **Adult Video Recording Stores:** An establishment or segment or section of an establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:

- 1) Film, videotape, or other video recordings, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
- 2) Selling or displaying film, videotape, or other video recordings, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

- e. **Adult Motion Picture or mini-motion Picture Theaters:** An establishment where, enclosed buildings or a section of a building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexually explicit material, for observation by patrons therein, or if such establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.

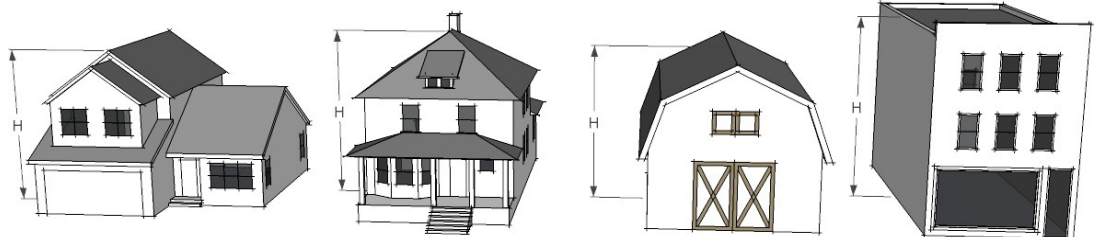
- f. **Specified Anatomical Areas:**

- 1) Less than completely and opaquely covered:
 - a) Human genitals, pubic region.
 - b) Buttocks.
 - c) Anus.
 - d) That portion of the human breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola.
- 2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.

- g. **Specified Sexual Activity:** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually-oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.
- Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.
10. **Agricultural Industries.** The processing, treating, packing or storing of agricultural products.
11. **Agriculture.** The raising and keeping of field crops for any commercial purpose. "Agriculture" does not include animal husbandry, commercial forestry, greenhouse, nursery, or orchard.
12. **Alley.** A public or private way affording only secondary means of access to abutting property.
13. **Alteration.** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
14. **Amusement Facility.** Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusements such as miniature golf course, golf driving ranges, merry-go-rounds, car race tracks, outdoor motion picture theaters, or similarly operated place.
15. **Animal Hospital.** A building, structure, or area of land where animals are given medical care, other than the premises where such animals are normally kept.
16. **Animal Husbandry.** The raising and keeping of livestock, fish, fur-bearing animals, honey bees, or poultry for any commercial purpose. The keeping of livestock, fish, fur-bearing animals, honeybees, or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.
17. **Arcade.** A covered walkway/structural canopy extending along the entire length of the front facade of a commercial building.
18. **Auto Dealer, New.** The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of new automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work or other repair service conducted as an accessory use. New auto dealerships as defined herein include the display, sale, and servicing of used vehicles provided the majority stock in trade consist of new vehicles which have never been titled.
19. **Auto Dealer, Used.** The use of any building, land area, or other premises or portion thereof, for the display and sale of used automobiles, panel trucks or vans, trailers, or recreational vehicles.
20. **Auto, Recreation Vehicle, or Boat Sales Area.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, recreation vehicles, or boats in operable condition, and where no major repairs are done.
21. **Auto Repair Garage.** Buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major auto repairs are conducted.
22. **Auto Service Station.** Buildings and land areas where gasoline, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor auto repairs and services are conducted. Uses permissible at a service station do not include major auto repairs and services.
23. **Auto Wrecking.** The dismantling, crushing or disassembling of used motor vehicles or recreation vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
24. **Bank.** Includes Savings & Loan, Finance Companies, Credit Unions, and other similar enterprises.

- 25. **Bar Rooms.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.
- 26. **Barrier.** Any fence, wall, or other structure built to bar passage.
- 27. **Basement.** A story in a building (excluding a subterranean building) which has a structural ceiling five (5') feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road. A basement shall be counted as one story in determining the permissible number of stories.
- 28. **Block.** Property bounded on one side by a street, and on the other three (3) sides by a street, railroad right-of-way, public park, waterway, township line, tract of land held in separate ownership, or any combination thereof.
- 29. **Block Frontage.** That portion of a block which abuts a single street.
- 30. **City Council.** The City Council of D'Iberville.
- 31. **Boarding House (Rooming House, Lodging House).** Any dwelling, or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and where the occupants share common bathroom, cooking and eating facilities.
- 32. **Brewery.** The land and buildings in which light wine or beer is manufactured or brewed for distribution to offsite retailers.
- 33. **Brewpub.** The premises of any stand alone restaurant or hotel restaurant in which light wine or beer is manufactured or brewed for consumption exclusively on the premises.
 - a. "Premises" for a brewpub operated by a stand alone restaurant means those areas normally used by the brewpub to conduct business and shall include the selling areas, brewing areas, and storage areas.
 - b. "Premises" for the purpose a brewpub operated by a hotel restaurant means only those areas immediately adjacent and connected to the brewing facility where food is normally sold and consumed.
- 34. **Buffer Yard.** A strip of land either fifteen feet (15') or twenty feet (20') in width, depending on the adjacent land use, which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any other use than open space.
- 35. **Building.** Any structure having a roof supported by walls and intended for the shelter, housing, or enclosure of any individual, process, equipment, goods, or materials of any kind. "Building" is interpreted as including "or part thereof."
- 36. **Building Coverage.** The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies and decks, covered porches, carports and breeze-ways, but excluding patios) by the total area of the lot upon which the buildings are located.
- 37. **Building Height.** The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the site covered by the building to the highest portion of the roof; or in the alternative, as expressed in number of stories where so regulated with a story not exceeding 14 feet clear span between floor and ceiling.



- 38. **Building Official.** The administrative officer authorized by the City Council with the power and duty of enforcing the provisions of the adopted building codes.

39. **Campground.** Any lot, parcel, or tract of land upon which space is rented for one (1) or more tents, recreation vehicles, camping trailers, travel trailers, pickup coaches, motor homes, or any combination thereof for temporary occupancy.
40. **Cargo Container.** A container constructed of metal and sufficiently durable to allow repeated use for storage, protection and transport of bulk items or commodities and is designed to be transported by truck, rail or ship and is designed with standardized dimensions and features to facilitate the handling, shipping and storage of such containers. Cargo containers are without axles and wheels and are designed to attach to specially designed trailers or platforms for over-the-road or rail transport or transport by ship.
41. **Carpport.** A building open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.



42. **Cellar.** A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than five (5') feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.
43. **Cemetery.** Includes a mausoleum or crematorium.
44. **Citizens Master Plan.** The plan resulting from a 2006 post Katrina charrette whereby a plan for the redevelopment of the City was created.
45. **City.** The City of D'Iberville.
46. **Commercial Forestry.** Areas where trees are harvested for any commercial purpose.
47. **Commission.** The Planning Commission of D'Iberville.
48. **Communication Tower.** A tower, pole, mast or similar structure, either free standing or guyed with wire or cable, designed to accommodate an antenna, receiver or transmitter for the purpose of sending or receiving digital or analog signals.
49. **Comprehensive Plan.** The document entitled 20 Year Comprehensive Development Plan or any part thereof, adopted by the D'Iberville City Council.
50. **Conditional Use.** A use for which the Planning Commission may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.
51. **Condominium.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under the Mississippi Condominium Law.
52. **Construction.** Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; includes the demolition of a pre-existing building, provided that further construction be diligently carried on.
53. **Container Home.** A single, detached structure which is without a hitch, axle(s) or other carriage components enabling towing, and intended to house a single family and is constructed with one or more brand new never before utilized cargo containers which constitute the usable square footage of said structure and, at the time of completion, is compliant with the building codes adopted by the City of D'Iberville. A container home is not considered a modular home for the purposes of this ordinance.
54. **Convenience Store.** Small retail establishment that sells a limited range of everyday items for quick and easy purchase. These stores are typically open for extended hours and aim to provide convenience to customers by offering products that cater to immediate or last-minute needs. Sales include traditional tobacco products such as cigarettes, smokeless tobacco, other **nicotine** products, and beer; excluding all vapes and specialty items such as CBD products, Delta products, and Kratom.

55. **Conversion.** To change or adapt land or structures to a different use, occupancy or purpose.
56. **Corner.** The space between intersecting streets, the intersection of a street and an alley, the intersection of a driveway and an alley or the intersection of a street and a driveway.
57. **County.** The County of Harrison.
58. **Curative Amendment.** A proposed zoning amendment made to the City Council by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.
59. **Detached.** A state of being surrounded on all sides by yards.
60. **Development Review Committee.** The group of department heads and staff professionals for the City of D'Iberville that meet periodically to review, confer and coordinate regarding proposed developments within the city.
61. **District (or Zoning District).** A portion of the territory of D'Iberville within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
62. **DRC.** An acronym referring to the Development Review Committee.

63. **Driveway.** A privately owned and constructed vehicular access from a private or public street to three (3) or fewer off-street parking spaces.
64. **Dump.** A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, abandoned vehicles or parts thereof, or waste material of any kind.
65. **Dwelling (Residential Structure).** A building containing one (1) or more dwelling units. The term "dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Mobile Home" or "Manufactured Home".
- a. **Single Family Detached Dwelling.** A detached building containing only one (1) dwelling unit. The term "Single Family Detached Dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Manufactured Home."
- b. **Two-Family Dwelling.** A detached building containing two (2) dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
- c. **Multiple Family Dwelling.** A building containing three (3) or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple family dwelling shall comply with all of the requirements for that type of multiple family dwelling in that district.
- 1) **Low-Rise Multiple Family Building.** A Multiple Family Dwelling which does not contain more than six (6) dwelling units, does not exceed three (3) stories in height, and in which each dwelling unit has an independent outside access.
- a) **Garden Apartment.** A Low-Rise Multiple Family Building in which individual dwelling units are entirely separated by vertical walls or horizontal floors.
- b) **Townhouse.** A Low-Rise Multiple Family Building in which each dwelling unit extends from ground to roof and contains two (2) points of independent outside access.
- 2) **Low-Rise Apartment.** A Multiple Family Dwelling not exceeding three (3) stories in height, in which each dwelling unit shares a common outside access with at least one (1) other dwelling unit.
66. **Dwelling Unit (Housing Unit).** One or more rooms intended to be occupied by one (1) family as separate living quarters, containing sanitary facilities, kitchen facilities, and having outside access directly from the dwelling unit or through a common access hall.
67. **Electronic Cigarette Devices.** Any device utilized for the consumption of electronic nicotine delivery system products. Such devices include, but are not limited to, e-cigarettes, e-cigars, e-hookah, vape pens, personal vaporizers, and electronic pipes.
68. **Escort Service.** An establishment where, for any form of consideration, companions for the purpose of accompanying another or others for protection, guidance, or courtesy are provided.
69. **Facade.** A vertical exterior face or elevation of a building.
- a. **Front Facade.** Any facade with a public entry which faces a public right-of-way.
- b. **Rear Facade.** Any facade without a public entry that does not face a public right-of-way.
- c. **Side Facade.** Any facade without a public entry but facing a public right-of-way or any facade with a public entry but not facing a public right-of-way. A side facade typically connects a front facade with a rear facade.
70. **Factory Built Home.** A Manufactured Home, a mobile home, or a modular home as those terms are defined herein.
71. **Family.** One (1) or more persons (whether or not they are related by blood, marriage, or adoption) living together in a single dwelling and maintaining a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, or lodger.

- 72. **Farmer's Market.** An area where agricultural, horticultural and animal husbandry products are sold by two (2) or more enterprises.
- 73. **Farm Pond.** A man-made body of water at least two thousand (2,000) square feet in area used for agricultural or recreational purposes.
- 74. **Fast Food Restaurant.** A building in which food is prepared and served to the public for consumption, but where no waiters or waitresses take orders and serve food to seated patrons at tables, booths, or counters.
- 75. **Feather Flags.** Feather flags shall mean any portable banner made of cloth, canvas, plastic, or other flexible material that is designed or intended to move or blow in the wind. The structure of which is constructed of a single plastic or metal shaft driven in the ground with or without a frame or other supporting structure that is vertically elongated and attached to the shaft. Additionally, feather flags are indicated in the following examples:

Feather Flag Shapes

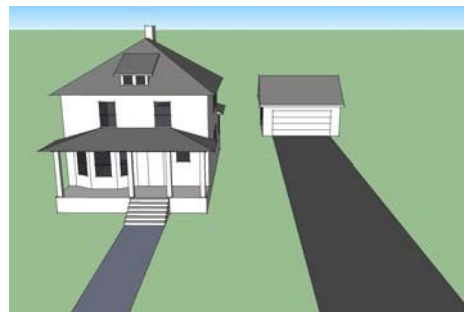


Image taken from <http://www.allstarflags.com/facts/feather-flag-guide/>

- 76. **Fence.** A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof and prohibits through passage. The term "Fence" shall be deemed to include a wall.
- 77. **Fence, Decorative.** Fencing that adds beauty and does not substantially block the view and maintains the open space characteristic provided for by zoning standards.
- 78. **Floodplain.** A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation once in every one hundred (100) years.
- 79. **Floodway.** The designated area of a floodplain required to carry the discharge waters of one hundred (100) year magnitude.
- 80. **Floodway Fringe.** That portion of the floodplain outside the floodway.
- 81. **Floor Area (Gross Floor Area).** The total area of all floors, as measured to the outside surfaces of exterior walls (or from the centerline of party walls separating two buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.
- 82. **Garage.** A building or part thereof used for the storage or parking of one (1) or more vehicles.



Attached Garage



Detached Garage

83. **Gate.** A point of entry into an enclosed space or an opening in a fence that may prevent or control ingress and egress of the enclosed space.
84. **Gate, Self Closing.** A gate which is kept in a normally closed position and is equipped with an approved device to ensure closing and latching after having been opened for use.
85. **General Merchandise Store.** A building with less than ten thousand (10,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.
86. **Government Services Facilities.** Municipal, County, State, or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.
87. **Grade.** The elevation of finished ground or paving.
88. **Group Home.** A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable State program.
89. **Hazardous Wastes.** Those wastes where a significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.
90. **Home Occupation.** An occupation for gain or support conducted in a residential dwelling in accordance with the provisions of Section 4.20.3 (B) of this ordinance.
91. **Hospital.** A building used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to also include a sanitarium, sanatorium, clinic, medical center, or other equivalent use.
92. **Hotel.** A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients licensed under applicable laws, in which access to and from each room is through an interior door.
93. **Impervious Cover.** Any area covered by a structure or other cover which is incapable of being penetrated by moisture.
94. **Intersection.** A point where streets, roads, highways, alleys, and driveways meet or cross.
95. **Junk or Salvage.** Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.
96. **Junk Yards (Salvage Yards).** Any land or structure where junk or salvage is discarded, bought, sold, exchanged, sorted, bailed, cleaned, packed, disassembled, or handled. "Junk Yards" but not including those structures where used furniture or household equipment is stored, bought, or sold, nor those structures or land where automobiles not abandoned are stored, bought, or sold.
97. **Kennel.** Any lot on which six (6) or more adult (over six months of age) dogs or cats are kept.
98. **Kitchen Facilities.** Shall consist of the following: sink with piped water, a permanent cook stove and a refrigerator.
99. **Landowner.** The owner of a legal or equitable interest in land, including the holder of any option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the right of the landowner.
100. **Lodging House.** See "Boarding House."
101. **Lingerie Store with Modeling Inside.** Any establishment which having as a substantial or significant portion of its stock in trade of fashionable and alluring women's undergarments in which the garments are modeled by a live person.
102. **Lot.** Any parcel or tract of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots under common ownership shall be considered one lot.
- a. **Corner Lot.** A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty-five (135°) degrees.
- b. **Interior Lot.** A lot other than a corner lot (whose sides do not abut a street).

- c. **Reverse Frontage Lots.** Lots which front on one public street but provide vehicular access solely from another public street at the rear of the lot.
- d. **Through Lot.** An interior lot having frontage on two (2) streets.
103. **Lot Area.** The area contained within the lot lines, excluding space within all existing and future road rights-of way.
104. **Lot Depth.** The mean average horizontal distance between the front and the rear lot lines.
105. **Lot Lines.** The property lines bounding the lot.
- a. **Front Lot Line (Street Line).** A lot line separating the lot from an existing or future street right-of-way (whichever contains a greater right-of-way width).
- b. **Rear Lot Line.** A lot line opposite and most distant from the front lot line. [A three (3) sided lot has no rear lot line.]
- c. **Side Lot Line.** Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.
106. **Lot Width.** The horizontal distance between the side lot lines measured along the minimum prescribed front yard setback line as set forth in the Zoning Ordinance.
107. **Lounges.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.
108. **Major Auto Repairs.** Include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.
109. **Major Road.** A major street provides easy access to the various traffic generators within the city or county and to the arterial highway system. The design of major streets includes a right-of-way 120 feet wide and a pavement width of 63 feet measured from back of curb to back of curb.
110. **Manufactured Home.** A structure defined by and constructed in accordance with the National Manufactured Housing and Construction and Safety Standards Act of 1974, as amended, 42.U.S.C 5401, et seq., and manufactured after June 15, 1976, and designed to be used as a single family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this code and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Uniform Standards Code for Factory Built Homes Law, State of Mississippi. A mobile home is not a manufactured home except as hereinafter-provided.
111. **Manufactured Home Foundation:** The site built supporting parts upon which the manufactured home is placed, whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer or shield from such support, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.
112. **Manufactured Home HUD-Code (Building Code Standard for Manufactured Housing):** The Manufactured Home Construction and Safety Standards (24CFR3280), promulgated by the Secretary of U. S. Department of Housing and Urban Development, in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (the HUD Code), is recognized herein as the standard of manufactured home construction, strength, durability, energy performance, fire resistance, installation and performance of plumbing and electrical systems which code shall not be preempted by any state or local building codes.
113. **Manufactured Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient residential use.
114. **Manufactured Home Subdivision:** The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of the placement of manufactured housing for dwelling purposes.

115. **Manufactured Housing Land-Lease Community:** A parcel of land under single or multiple ownership, but single management, that has been planned and improved for the placement of manufactured housing for dwelling purposes. A manufactured home land-lease community shall only include developments wherein manufactured housing sites are leased or rented and/or wherein manufactured houses and sites are leased or rented.
116. **Massage Parlor.** Any establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where message or similar manipulation of the human body is offered as an incidental or accessory service.
117. **Medical Office Building.** A building used exclusively by physicians or dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
118. **Member.** A structural component part of a whole fence.
119. **Membership Club.** An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.
120. **Mineral Extraction.** A site where a mineral, stone, sand, gravel, or topsoil is extracted.
121. **Minor Auto Repairs and Services.** Includes
- a. Sale and servicing of spark plugs, batteries, distributors and distributor parts, and ignition components;
 - b. Tire servicing and repair, but not recapping or regrooving;
 - c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
 - d. Radiator cleaning and flushing;
 - e. Washing and polishing, and sale of automotive washing and polishing materials;
 - f. Greasing and lubrication;
 - g. Providing and repairing fuel pumps, oil filters and lines;
 - h. Minor servicing and repair of carburetors and fuel injection systems;
 - i. Emergency electrical repairs;
 - j. Adjusting and repairing brakes;
 - k. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
 - l. Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and
 - m. Provision of road maps and other informational material to customers; provision of restroom facilities.
118. **Mobile Food Vendor.** Any individual selling foods, other than fresh fruits or vegetables, from any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering, or other device designed to be portable and not permanently attached to the ground and is independent with respect to water, sewer, and power utilities. Said units may also contain equipment, used for the preparation and/or sale of food products and is closed up when not in operation. Mobile food vendors do not include catering services.
119. **Mobile Home.** A structure manufactured prior to June 15, 1976, and that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42USC5401, et seq.
120. **Modular Home:** Factory fabricated dwelling designed and constructed without carriage or hitch; as stationary house construction for placement upon permanent foundations, to be connected to utilities, for year-round occupancy. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two (2) or more units separately

- transportable but designed to be joined into one (1) integral unit must meet the minimum construction standards for house construction as specified by International Building Code at the current standards.
121. **Motel.** A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients licensed under applicable laws, in which access to and from each room is through an exterior door.
122. **Motor Freight Terminal.** The building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by motor truck.
123. **Museum.** A building having public significance due to its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged or intended for viewing by the public.
124. **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, or the affixing of any prefabricated structure or modular or manufactured home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basements, footings, piers, or foundations, erection of temporary forms, installation of sewer, gas, and water pipes, or electric or other service lines from the street, or existence on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure.
125. **Nightclub.** Any places of entertainment principally offering alcoholic beverages for consumption on the premises, which may provide a floor show and music as well as a place for dancing and which are not an accessory use.
126. **Nonconforming Lot.** A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Board. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.
127. **Nonconforming Structure.** A structure which could not be built under this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, but was lawfully in existence prior to the effective date of this Ordinance.
128. **Nonconforming Use, Building, or Yard.** A use, building, or yard which does not comply with the applicable use provisions of this Ordinance, but which was lawfully in existence prior to the effective date of this Ordinance.
129. **Nursery/Greenhouse.** The raising of trees (for transplanting), ornamentals, shrubs, flowers, or houseplants for any commercial purpose.
130. **Nursing Home.** A building containing sleeping rooms used by elderly persons who are lodged and furnished with meals with or without nursing care. Unless otherwise specified, a "nursing home" shall be deemed to also include a convalescent home, rest home, life care community, or other similar use.
131. **Office (general).** A building in which a business is conducted, but no merchandise is displayed or professional or personal services are performed.
132. **Official Zoning Map.** The map as adopted or amended by the City Council designating the location and boundaries of zoning districts.
133. **Open Space.** The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.
134. **Open Space, Common.** A parcel or parcels of land, or an area of water, or a combination of land and water within a development site which is designed and intended for the use or enjoyment of residents of a development.
135. **Orchard.** The raising and keeping of tree crops for any commercial purpose, including a Christmas tree farm.
136. **Ordinance.** The D'Iberville Zoning Ordinance, including the Official Zoning Map, and any amendments enacted by the City Council.

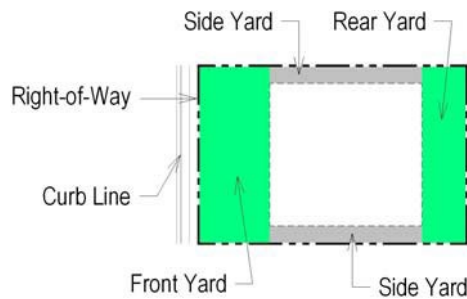
137. **Palm Reader, Astrologer, Fortune Teller, Tarot Card Reader, and the like.** An establishment offering, for any form of consideration, advice, predictions, or interpretations of the lines on the palm of the hand, the positions and aspects of celestial bodies, or cards for the specific purpose of predicting future events or human affairs.
138. **Park.** Any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.
139. **Parking Facilities.** Outdoor areas or specifically designed buildings or garages used for the storage of vehicles.
140. **Patio.** An area or courtyard which is not covered by a roof or permanent awning, and is designed for outdoor living purposes as an accessory use to a structure.
141. **Permit.** A document issued by the proper D'Iberville official authorizing the applicant to undertake certain activities.
- a. **Zoning Permit.** A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building, or structure.
- b. **Building Permit.** A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the City Council which authorizes an application to commence with said construction, alteration, repair or reconstruction.
- c. **Occupancy Permit.** A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land, or reoccupancy of a structure or land indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.
142. **Permitted Use.** A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this ordinance.
143. **Person.** An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.
144. **Personal Service.** A building in which a business provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.
145. **Planned Development.** An area of land under single ownership containing any combination of two (2) or more principal uses permitted by right or as a conditional use in the district, in which the development is proposed, provided a conditional use approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed.
146. **Planning and Zoning Director.** The administrative officer authorized by the City Council with the power and duty of enforcing the provisions of the zoning ordinance.
147. **Planning Commission.** The Planning Commission for D'Iberville.
148. **Pool Hall.** Any commercial establishment which derives significant or substantial income from the operation of pool tables, billiard tables, or similar devices, and which permits the consumption of alcoholic beverages on the premises.
149. **Porch.** A roofed or unroofed structure projecting from the front, side, or rear wall of a building.
150. **Principal Building.** The building in which the principal use of a lot is conducted.
151. **Principal Use.** The single dominant use or single main use on a lot.
152. **Professional Office.** A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentists, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor, or undertaker.
153. **Public Facilities.** Any facility necessary for the operation or maintenance of a local government unit or a public utility as defined by the laws of the State of Mississippi.

154. **Radio/TV Transmitter.** Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.
155. **Recreational Vehicle.** A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreation Vehicle" includes any "Travel Trailer" or "Travel Unit."
156. **Rental Unit.** One or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.
157. **Restaurant.** A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booths, or counters.
158. **Retail Center.** A building with ten thousand (10,000) square feet or more of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.
159. **Retail Store.** A building with less than five thousand (5,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of retail merchandise which is specifically listed in this Ordinance.
160. **Retail Strip.** A building being utilized by more than three separate tenants, which are located in separate suites of the same building.
161. **Riding Stable.** The commercial boarding or hacking of six (6) or more horses.
162. **Right-of-Way.** Land reserved for the public or others for future use as a street or other means of access.
163. **Rooming House.** See "Boarding House."
164. **Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
165. **Sanitary Facilities.** All of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.
166. **Sanitary Landfill.** An area where garbage, trash, or junk is disposed of by burial in conformance with State regulations, but shall not include the disposal of hazardous materials or radioactive materials.
167. **Screen.** A fence or natural obstruction of sufficient height (but not less than six (6) feet high) to effectively visually obscure the area being screened from adjoining areas.
168. **Seasonal Roadside Produce Market.** An accessory use for the sale of dairy, farm, greenhouse, or nursery products.
169. **Sewage Disposal System.** A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the City Council.
- a. **Centralized Sewage Disposal System.** A Sewage Disposal System which collects, treats, and disposes sewage from more than one (1) dwelling, principal use, or lot.
- b. **On-Site Sewage Disposal System.** A Sewage Disposal system which collects, treats, and disposes of sewage within the confines of the individual property served.
170. **Sign.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. A sign shall not be used as the principal or primary use of the property.
- a. **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 the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.
- b. **Banner Sign.** A sign made of canvas or other approved flexible materials, with or without a structural frame, and attached to a building, canopy, pole or other structure.
- c. **Billboard.** A freestanding structure used for outdoor advertising which is designated, intended, or used to advertise or inform and is customarily erected and owned by an outdoor

- advertising entity for the purpose of providing advertising space whether by lease or by charitable donation.
- d. **Digital Billboard.** A Billboard as defined herein and uses exclusively liquid crystal display ("LCD"), plasma, light emitting diode ("LED"), or similar electronic technology for providing content to the billboard.
- e. **Digital Sign.** A sign that employs the use of any type of digital, light emitting diode ("LED"), liquid crystal display ("LCD") plasma, electrical or similar technology to display or project multiple messages or advertisements on a sign structure.
- f. **Exempt Sign.** Any sign designated as exempt from the permit requirements of these regulations.
- g. **Freestanding Sign.** A sign which is supported by uprights or braces upon the ground and not attached to any building or structure.
- h. **Group Sign.** A composite sign, the total perimeters of which shall be deemed a single unit.
- i. **Mobile Billboard.** One or more advertising display structures that are mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising.
- j. **Mobile Sign.** A sign not exceeding one hundred (100) square feet in area per display face and not exceeding twelve (12) feet in height to the top thereof above the surrounding ground level and specifically designed to be of a temporary nature and capable of being transported to various locations. The subject matter of such signs shall be related to products, accommodations or services available within one thousand (1,000) feet of the location of the sign; or shall be in the nature of an announcement of general public interest.
- k. **Monument Sign.** A freestanding sign supported by internal structural components and encased in a decorative cabinet or cabinet like structure for aesthetic purposes or framed with landscaping. A monument sign is also described as being low to the ground, typically with the bottom edge of the sign being within twenty four to thirty six inches from the ground.
- l. **Nit.** A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.
- m. **Portable Sign.** A sign which may be allowed for a maximum of sixty (60) days per year at any location for a specific event not to exceed thirty (30) days' continuous usage at any one time.
- n. **Projecting Sign.** A sign which is erected or supported on the wall of a building or other structure and projects from same.
- o. **Sidewalk Sign.** A sign which is temporary in nature, that is not secured to the ground, and constructed in such a manner as to form an "A" or tent-like shape used for the purpose of business advertising on the angular sides.
171. **Sign Area.** The entire advertising area of a sign excluding any framing, trim, or moulding, and the supporting structure.
172. **Site Alteration.** Includes regarding the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.
173. **Story (and Half-Story).** That portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7') feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7') feet shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.
174. **Street.** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, lane, boulevard, highway, road and any other thoroughfare except an alley, access drive, or driveway.
- a. **Arterial.** Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds, and generally should not provide access to land which would

- interfere with their primary traffic functions. Arterial Streets are so designated on the Street Classification Map within the Comprehensive Plan.
- b. **Collector.** Streets designed to carry a moderate volume of traffic between Local Streets and Arterials at moderate speeds, and provide only limited vehicular access to the abutting properties. Collector Streets are those streets which are so designated on the Street Classification Map within the Comprehensive Plan.
- c. **Local.** Streets designed to provide direct access to abutting properties or gather traffic from marginal access streets which are so designated on the Street Classification Map within the Comprehensive Plan.
175. **Structure.** Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof."
176. **Subterranean Building.** A building covered by land on at least fifty (50%) percent of the total surface of its walls and roof.
177. **Swimming Club.** An area containing a swimming pool which is used by the public or by members for a fee.
178. **Swimming Pool.** A pool of water 24 inches or greater in depth either indoors or outdoors and is used for swimming or water-related recreations. This also includes spas and hot tubs.
- a. **Private Pool.** A swimming pool appurtenant to a single-family or duplex residence and used only by the occupants of the residence and their guests.
- b. **Semipublic Pool.** A swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartments residents and club members.
179. **Tattoo and/or Body Piercing Parlor.** An establishment whose principle business activity, either in terms of operation or as held out to the public is the practice of one or more of the following:
- a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use needles or other instruments designed to contact or puncture the skin;
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
180. **Temporary Occupancy (Seasonal Occupancy).** The use of any premises or structure for living and/or sleeping purposes for less than one hundred (100) consecutive days in any calendar year.
181. **Temporary Structure.** A structure which is not designed to last or to be used for a specific use for more than one (1) year.
182. **Theater.** A building or part thereof devoted to showing motion pictures, or for dramatic, music, dance, musical, or other live performances.
183. **Thrift Store.** A profit or non profit business or organization that engages in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.
184. **Tobacco Store.** A retail establishment that specializes in selling tobacco products, related accessories, and, in many cases, specialty items as their primary inventory. These stores cater to consumers who use tobacco and alternative products in various forms, offering a diverse range of items.
185. **Trailer.** See "Manufactured Home" (listed under "Dwelling") and "Recreation Vehicle."
186. **Travel Trailer.** See "Recreation Vehicle."
187. **Urban Bank.** A place of business providing financial services including, but not limited to, that of lending money against automobile titles, advance check cashing, or other financial activities which are not regulated by the Federal Deposit Insurance Corporation.
188. **Use.** Any activity, occupation, business, or operation carried on or intended to be carried on in a structure or on a lot.
189. **Vape.** Short for vaporizer; An electronic device that heats a liquid-commonly called vape juice or e-liquid-to produce an aerosol, often referred to as vapor, which the user inhales. Vapes are typically used as an alternative to traditional cigarettes or other methods of consuming **nicotine**. ie: Cigalikes, Vape Pens, Pod Systems, Mods. (This does not include any **specialty items** as later defined.)

- 190. **Vape Shop.** A business offering for retail sales, as its primary stock in trade, electronic cigarette devices, replacement components, hardware and related e-products utilized therewith. As used in this regulation, a vape shop may also contain space dedicated to socialization or group consumption of tobacco or vapor products and may include forms of entertainment. The term "vape shop" shall also include a hookah lounge.
- 191. **Variance.** The granting of permission by the Planning Commission to use or alter land or structures which requires a variation from the strict application of a requirement of the Zoning Ordinance. Variances are granted only in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application of regulations would result in practical difficulty and unnecessary hardship. Variances are granted only if specific requirements are met. A variance may not be granted to permit a use which is not permitted in the Zoning District involved.
- 192. **Veterinarian Office.** See "Animal Hospital."
- 193. **Visibility Range.** The distance required to afford proper vision for pedestrian and vehicular traffic at intersections and/or corners.
- 194. **Wall Area.** The total square feet of the exterior elevation of the building that is vertical to the ground.
- 195. **Water Supply System.** A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the City of D'Iberville, and may further be defined within one or more of the following categories:
 - a. **Centralized Water Supply System.** A Water Supply System which transmits water from a common source to more than one (1) dwelling, principal use, or lot.
 - b. **On-Site Water Supply System.** A Water Supply System which transmits water from a source on the lot to one (1) dwelling or principal use within the confines of the same lot.
- 192. **Wildlife Sanctuary.** Includes nature center, indoor or outdoor education laboratory, woodland preserve, or arboretum for wildlife of any type, whether land or sea creature.
- 193. **Yard.** An open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.
 - a. **Front Yard.** A yard extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter boxes, unenclosed porches and driveways.
 - b. **Rear Yard.** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.
 - c. **Side Yard.** A yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.



- 194. **Zone.** See "District."
- 195. **Zoning District Map.** The map incorporated into this article as a part hereof by reference thereto.

ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

4.1 ESTABLISHMENT OF ZONING DISTRICTS

4.1.1 For the purpose of this Ordinance, zoning districts are hereby established as follows:

AG	Agricultural District
R-E	Residential Estate
R-1	Single-family Residential District
R-2	Single-family Residential District
R-3	General Residential District
R-4	Multifamily Residential District
R-4A	Mixed Multifamily Residential District
R-5	Manufactured Home District
R-0	Residence-Office District
C-1	Neighborhood Commercial District
C-2	General Commercial District
C-3	Interstate Commercial District
I	Industrial District
WF	Waterfront District
FMD	French Market District

4.1.2 For the purposes of this Ordinance, the zoning districts named in Section 4.1.1 shall be of the number, size, shape and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

4.2 APPLICATION OF DISTRICT REGULATIONS

4.2.1 Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.

4.2.2 The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.

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

4.2.4 No part of yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4.2.5 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

4.2.6 Any territory which may hereafter be annexed to the City of D'Iberville shall be classified as the zoning district of D'Iberville most similar to the zoning of such territory before annexation (as determined by the Planning Commission) until otherwise classified. In the event territory is without a zoning classification at the time of annexation, then such annexed territory shall remain unzoned until otherwise classified by the City of D'Iberville.

4.3 ZONING MAP

4.3.1 A map entitled, "Official Zoning Map - City of D'Iberville Mississippi" accompanies this Ordinance and is declared a part of this Ordinance.

4.3.2 The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the adoption date of this Ordinance and the seal of the City of D'Iberville under the following words: "This

City of D'Iberville, Mississippi

is to certify that this is the Official Zoning Map adopted January 17, 2012, as part of the City of D'Iberville Zoning Ordinance.

- 4.3.3** Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- 4.3.4** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the D'Iberville City Hall and shall be the final authority on boundaries and districts. The Planning and Zoning Director shall have a certified copy of the Official Zoning Map for official use.
- 4.3.5** Replacement of Official Zoning Map
- A. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
 - B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
 - C. The new Official Zoning Map shall be identified by the signatures of the Mayor, attested by the City Clerk, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the D'Iberville Zoning Ordinance."
 - D. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

4.4 RULES FOR INTERPRETING DISTRICT BOUNDARIES

- 4.4.1** Zoning boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- 4.4.2** Boundaries approximately following property lines shall be construed as following such property lines.
- 4.4.3** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- 4.4.4** Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 4.4.1 through 4.4.3 above, the Planning Commission shall interpret the district boundaries.

4.5 AGRICULTURAL DISTRICT (AG)**4.5.1 Purpose**

The purpose of the Agricultural District is to accommodate agricultural and related uses, and low density single family residential development in those areas within the City of D'Iberville which are not yet served with adequate infrastructure to support higher density development.

4.5.2 Uses Permitted by Right

The uses permitted by right in the Agricultural District are set forth in Section 4.22, Chart of Permitted Uses.

4.5.3 Conditional Uses

The uses permitted by conditional use permit in the Agricultural District are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.5.4 Accessory Uses

Accessory uses shall be permitted in the Agricultural District (AG) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

*City of D'Iberville, Mississippi***4.5.5 Dimensional Requirements**

Each of the following dimensional requirements shall apply to each use in the Agricultural District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 15%
- C. Minimum Lot Area: 1 acre (43,560 square feet)
- D. Minimum Yards:
 - i. Front yard: Main structure - 35 feet from the street right-of-way line to the building setback line
Accessory Structure = 50 feet
 - ii. Side yards: 10 feet
 - iii. Rear yard: 25 feet
- E. Minimum Lot Width: 100 feet

4.5.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.6 SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT (R-E)**4.6.1 Purpose**

The purpose of the Single Family Residential Estate District is to provide for very low density residential development on large lots. The principal use of the land is for single-family dwellings with such other facilities and accessory uses that are deemed necessary or related functionally and would not be considered incompatible with a residential development and its characterized by high quality design standards.

4.6.2 Uses Permitted by Right

The uses permitted by right in the Single Family Residential District are set forth in Section 4.22, Chart of Permitted Uses.

4.6.3 Conditional Uses

The uses permitted by conditional use permit in the Single Family Residential Estate District (R-E) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.6.4 Accessory Uses

Accessory uses shall be permitted in the Single Family Residential Estate District (R-E) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.6.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the Single Family Residential Estate District (R-E), except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 15%
- C. Minimum Lot Area: 43,560 square feet (1.0 acre)
- D. Maximum Density: 1 dwelling unit per acre
- E. Minimum Yards:
 - i. Front yard: Main structure - 40 feet from the street right-of-way line to the building setback line for main structure; 50 feet for accessory buildings.
 - ii. Side yards: 10 feet
 - iii. Rear yard: 30 feet for main structure; 10 feet for unattached accessory buildings.

F. Minimum Lot Width: 100 feet

4.6.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.7 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

4.7.1 Purpose

The purpose of the Single Family Residential District is to provide areas to meet the needs of the present and expected future residents seeking low density residential lifestyle with the benefits of urban services. This district is designed to accommodate single family housing, to protect residential neighborhoods from the negative impacts of incompatible land uses, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community.

4.7.2 Uses Permitted by Right

The uses permitted by right in the Single Family Residential District are set forth in Section 4.22, Chart of Permitted Uses.

4.7.3 Conditional Uses

The uses permitted by conditional use permit in the Single Family Residential District (R-1) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.7.4 Accessory Uses

Accessory uses shall be permitted in the Single-Family Residential District (R-1) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.7.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the Single Family Residential District (R-1), except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 45%
- C. Minimum Lot Area: 10,000 square feet
- D. Maximum Density: 4 dwelling units per acre
- E. Minimum Yards:
 - i. Front yard: Main structure - 30 feet from the street right-of-way line to the building setback line
 - ii. Side yards: 10 feet
 - iii. Rear yard: 25 feet
- F. Minimum Lot Width: 80 feet

4.7.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.8 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2)

4.8.1 Purpose

The purpose of the Single Family Residential District (R-2) is to provide areas to meet the needs of the present and expected future residents seeking medium density residential lifestyle with the benefits of urban services. This district is designed to accommodate single family housing, to protect residential neighborhoods from the negative impacts of

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incompatible land uses, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community.

4.8.2 Uses Permitted by Right

The uses permitted by right in the Single-Family Residential District (R-2) are set forth in Section 4.22, Chart of Permitted Uses.

4.8.3 Conditional Uses

The uses permitted by conditional use permit in the Single-Family Residential District (R-2) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.8.4 Accessory Uses

Accessory uses shall be permitted in the Single-Family Residential District (R-2) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.8.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the Single Family Residential District (R-2), except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 45%
- C. Minimum Lot Area: 6,000 square feet
- D. Maximum Density: 7 dwelling units per acre
- E. Minimum Yards:
 - i. Front yard: Main structure - 25 feet from the street right-of-way line to the building setback line
 - ii. Side yards: 7 feet
 - iii. Rear yard: 25 feet
- F. Minimum Lot Width: 60 feet

4.8.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.9 GENERAL RESIDENTIAL DISTRICT (R-3)**4.9.1 Purpose**

The purpose of the General Residential District is to provide areas for the development of a variety of single family housing types, including patio homes, townhomes, duplexes, and single-family Manufactured Homes. Additionally, this district is also for the purpose of protecting and preserving existing medium density single family neighborhoods. The use of this district is appropriate as a transition zone between single family residential districts, commercial uses, or any noise that may devalue the single family homes.

4.9.2 Uses Permitted by Right

The uses permitted by right in the General Residential District (R-3) are set forth in Section 4.22, Chart of Permitted Uses.

4.9.3 Conditional Uses

The uses permitted by conditional use permit in the General Residential District (R-3) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.9.4 Accessory Uses

Accessory uses shall be permitted in the General Residential District (R-3) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.9.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the General Residential District (R-3), except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage:
 - i. Single-family detached 60%
 - ii. Single-family zero-lot line 60%
 - iii. Single-family Manufactured Home 60%
 - iv. Two-family detached 60%
 - v. Single-family attached townhouse unit 70%
 - vi. All other uses 60%
- C. Minimum Lot Area:
 - i. Single-family detached 4,000 square feet
 - ii. Single-family zero-lot line 4,000 square feet
 - iii. Single-family Manufactured Home 5,000 square feet
 - iv. Two-family detached 6,000 square feet
 - v. Single-family attached townhouse unit
 - a. First two (2) dwelling units 6,000 square feet
 - b. Each additional unit 1,800 square feet
 - vi. All other Uses 6,000 square feet
- D. Maximum Density:
 - i. Single-family detached 10 dwelling units per acre
 - ii. Single-family zero-lot line 8 dwelling units per acre
 - iii. Single-family Manufactured Home 10 dwelling units per acre
 - iv. Two-family detached 7 dwelling units per acre
 - v. Single-family attached townhouse unit 15 dwelling units per acre
 - vi. All other Uses 10 dwelling units per acre
- E. Minimum Yards:
 - i. Single-family and two-family detached
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 5 feet
 - c. Rear yards: 20 feet
 - ii. Zero-lot line
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 0 feet
 - c. Rear yards: 20 feet
 - iii. Manufactured Home unit
 - a. Front yard: 10 feet if not on a public right-of-way
30 feet if on a public right-of-way
 - b. Side yards: 10 feet and 16 feet between Manufactured Home units
 - c. Rear yards: 20 feet
 - iv. Townhouse
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 0 feet at common firewall; 10 feet at end of building unit or lot line; 20 feet between townhouse building clusters
 - c. Rear yards: 20 feet

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- v. All other uses
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 10 feet
 - c. Rear yards: 20 feet
- F. Minimum Lot Width
 - i. Single-family and two-family detached: 40 feet
 - ii. Zero-lot line: 40 feet
 - iii. Manufactured Home unit: 40 feet
 - iv. Two-Family Detached: 40 feet
 - v. Townhouse: 18 feet

4.9.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.10 MULTI-FAMILY RESIDENTIAL DISTRICT (R-4)**4.10.1 Purpose**

The purpose of the Multi-Family Residential District (R-4) is to provide areas for the development of a variety of higher density housing types, including single-family dwellings, duplexes, fourplexes, and conventional apartments. The use of this district is appropriate as a transition zone between single family residential districts, commercial uses, or any noise that may devalue the single family homes.

4.10.2 Uses Permitted by Right

The uses permitted by right in the Multi-Family Residential District (R-4) are set forth in Section 4.22, Chart of Permitted Uses.

4.10.3 Conditional Uses

The uses permitted by conditional use permit in the Multi-Family Residential District (R-4) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.10.4 Accessory Uses

Accessory uses shall be permitted in the Multi-Family Residential District (R-4) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.10.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the Multi-Family Residential District (R-4), except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 45% or 25 units/acre, whichever is greater.
- C. Minimum Lot Area: First two (2) dwelling units 6,000 square feet
Each additional unit 1,500 square feet
- D. Maximum Density: 25 dwelling units per acre
- E. Minimum Yards:
 - i. Front yard: 20 feet from the street right-of-way line to the building setback line
 - ii. Side yards: 5 feet (minimum of 10 feet between adjacent buildings)
 - iii. Rear yards: 20 feet
- F. Minimum Lot Width: 50 feet

4.10.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.11 MIXED MULTIFAMILY RESIDENTIAL DISTRICT (R-4A)

4.11.1 Purpose

The purpose of the Mixed Multi-Family Residential District (R-4A) is to provide areas for the development of a variety of higher density housing types, including single-family dwellings, duplexes, fourplexes, and conventional apartments along with the opportunity for limited mixed office and commercial uses. This district is designed to be unique in terms of its zoning allowances and requirements and to foster the development or redevelopment of hurricane damaged areas and to overcome economic challenges associated therewith. This district is intended to protect existing established development yet afford redevelopment opportunities to vacant lands within the district.

4.11.2 Uses Permitted by Right

The uses permitted by right in the Mixed Multi-Family Residential District (R-4A) are set forth in Section 4-24 4.22, Chart of Permitted Uses.

4.11.3 Conditional Uses

The uses permitted by conditional use permit in the Mixed Multi-Family Residential District (R-4A) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.11.4 Accessory Uses

Accessory uses shall be permitted in the Mixed Multi-Family Residential District (R-4A) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.11.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the Mixed Multi-Family Residential District (R-4A), except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 3 stories max.
- B. Maximum Building Site Coverage:
 - i. Single-family detached 60%
 - ii. Single-family zero-lot line 60%
 - iii. Two-family detached 60%
 - iv. Single-family attached townhouse unit 70%
 - v. Multifamily Units 60% or 20 units per acre, whichever is greater
 - vi. All other uses 60%
- C. Minimum Lot Area:
 - i. Single-family detached 4,000 square feet
 - ii. Single-family zero-lot line 4,000 square feet
 - iii. Two-family detached 6,000 square feet
 - iv. Single-family attached townhouse unit
 - a. First two (2) dwelling units 6,000 square feet
 - b. Each additional unit 1,800 square feet
 - v. Multifamily Units
 - First two (2) dwelling units 4,000 square feet
 - Each additional unit 1,500 square feet
 - vi. All other Uses 6,000 square feet
- D. Maximum Density:
 - i. Single-family detached 12 dwelling units per acre

- ii. Single-family zero-lot line 10 dwelling units per acre
 - iii. Single-family attached townhouse 18 dwelling units per acre
 - iv. Two-family detached 7 dwelling units per acre
 - v. Multifamily Units 30 dwelling units per acre
 - vi. All other Uses 10 dwelling units per acre
- E. Minimum Yards:
- i. Single-family and two-family detached
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 5 feet
 - c. Rear yards: 20 feet
 - ii. Zero-lot line
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 0 feet
 - c. Rear yards: 20 feet
 - iii. Townhouse
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 0 feet at common firewall; 10 feet at end of building unit or lot line; 20 feet between townhouse building clusters
 - c. Rear yards: 20 feet
 - iv. Multifamily Units
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 5 feet (minimum of 10 feet between adjacent buildings)
 - c. Rear yards: 20 feet
 - v. All other uses
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yards: 10 feet
 - c. Rear yards: 20 feet
- F. Minimum Lot Width
- i. Single-family detached: 40 feet
 - ii. Zero-lot line: 40 feet
 - iii. Two-Family Detached: 40 feet
 - iv. Townhouse: 18 feet
 - v. Multifamily Units: 50 feet
 - vi. All other uses: None

4.11.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.12 MANUFACTURED HOME DISTRICT (R-5)

4.12.1 Purpose

The purpose of this district is to allow the development of manufactured home communities and manufactured home parks, either as subdivisions or as rental parks, in certain areas of the city, where by public hearing it can be shown that a need for this type of use is warranted.

4.12.2 Uses Permitted by Right

- A. The uses permitted by right in the Manufactured Home District are set forth in Section 4.22, Chart of Permitted Uses.
- B. In addition to the provisions of Section 4.22, the following use may also be permitted by right within this district: Laundromat, vending machine center, and related auxiliary uses incidental to the primary

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manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the park, and further provided that they be exclusively for the use of the residents of the manufactured home park.

4.12.3 Conditional Uses

The only conditional uses or structures which may be considered in this district are public or quasi-public facilities and utilities such as a meeting room. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.12.4 Site Plan Required

No building permit to construct a new manufactured home park or subdivision or to expand (by the addition of one or more spaces) an existing manufactured home park or subdivision shall be issued until the applicant for the building permit has complied with the provisions of Section 2.4 relative to site plan review. All new manufactured home parks and subdivisions established after the effective date of this Ordinance shall comply with all of the provisions herein.

4.12.5 Building Permit Required

Prior to the connection of utilities (water, sewer, electricity) to serve any manufactured home located in a manufactured home park or subdivision, the owner of the manufactured home, or the owner (or his/her authorized representative) of the manufactured home park in cases where both the space and the manufactured home are leased or rented, shall apply for a building permit. All electrical wiring and plumbing connections shall be performed in accordance with all applicable building codes as adopted by the City of D'Iberville by qualified, licensed, and bonded electricians and plumbers.

Furthermore, any person responsible for placing a manufactured home in a manufactured home park shall comply with the tie down standards and all applicable building codes as adopted by the City of D'Iberville.

4.12.6 Dimensional Requirements

- A. Maximum Building Height: 25 feet.
- B. Maximum Building Site Coverage: 60%
- C. Minimum Lot Area:
 - i. Minimum of 3 contiguous acres of developable land
 - ii. Minimum of 17 Manufactured Home lots
 - iii. Maximum density: 8 Manufactured Home lots/acre
 - iv. Minimum Manufactured Home lot: 5,000 square feet
 - v. Minimum Separation: Sixteen (16) feet separation of manufactured home and/or mobile homes from each other and from other structures located on other lots.
- D. Maximum Density: 8 dwelling unit per acre
- E. Minimum Yards:
 - i. Front yard: 10 feet minimum or 30 feet from the public right-of-way line to the building setback line
 - ii. Side yards: 10 feet minimum or 30 feet from the public right-of-way line to the building setback line
 - iii. Rear yards: 20 feet
- F. Accessory Buildings or Uses:

Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes, except as provided in Section 4.12.9(C) (v). Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the Manufactured Home park or subdivision.
- G. Minimum Lot Width: 40 feet

4.12.7 Off-Street Parking Requirements

In order to provide for the free movement of traffic through the park on park streets, no on-street parking shall be permitted on any manufactured home park street. See Article 8 for the off-street parking requirements of this district.

4.12.8 Permissible Locations

- A. A manufactured home as defined in Section 3.2 of the ordinance is a permitted use as a permanent residence on an individual lot in the following zoning districts; provided however, that the exterior of the unit shall be compatible in exterior appearance with adjacent or nearby structures in the zoning district. The determination of compatibility shall be based on standards prescribed in Section 4.12.9, Standards for Determination of Compatibility in Exterior Appearance. Ag Agricultural district (multi-section units only) R-3 General residence district (multiple section units only) except in special flood hazard area R-4 Multi-family residence district (multiple and single section units) R-5 Manufactured home/mobile home district (multiple and single section units)
- B. A mobile home defined in Section 3.2 of this ordinance is a permitted use only in the R-5 manufactured home/mobile home district and is permitted only in a mobile home park and/or a manufactured home land lease community.

4.12.9 Standards for Determination of Compatibility in Exterior Appearance and Site Orientation

- A. It is the intent of these regulations to encourage the provision of affordable housing in a general residential environment by permitting the use of manufactured housing, as defined herein, in residential districts in which similar dwellings constructed on the site are permitted, subject to the requirements and procedures as set forth herein to assure residentially designed exterior appearance and compatibility between such manufactured housing and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same district.
- B. Manufactured homes (single-family use only) shall be permitted in the residential districts enumerated above, subject to requirements and limitations applying generally to residential use in the districts, including minimum lot, yard, and building spacing, percentage of lot coverage, off-street parking requirements, and approved foundations as described herein.
- C. The following standards shall be used in determination of compatibility of residentially designed exterior appearance in manufactured homes, with foundations approved as provided in this Section, and site built housing which has been constructed in adjacent or nearby locations.
 - i. Minimum width.

The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby locations so as to insure compatibility of site-built housing and manufactured housing.
 - ii. Roof pitch, roof overhang; roofing materials.

The general shape and appearance of the roof of the manufactured home shall conform to housing in adjacent or nearby locations so as to insure compatibility of site built housing and manufactured housing. The pitch of the roof shall conform to the roof pitches of homes on adjacent or nearby lots. To insure compatibility, asphalt shingle or similar roofing material shall be used. Built up composition and metal roofs, except where compatible with other site built structures in the neighborhood shall be prohibited.
 - iii. Exterior finish; light reflection.

Any material may be used for exterior finish which is generally acceptable for site built housing which has been constructed in adjacent or nearby locations.
 - iv. Removal of transport equipment; skirting.

The hitch, axles, and wheels shall be removed. Skirting shall harmonize with the architectural style of the unit and other structures in the surrounding neighborhood.
 - v. Accessory Buildings.

All accessory buildings shall be architecturally compatible with the principal structure and must be located a minimum of five (5) feet from the property line on two sides. All additions or accessory buildings, garages, carports, decks, etc. must have a building permit, regardless of valuation to assure compatibility with the adjacent or nearby locations.

4.12.10 Foundations and Anchors

- A. A manufactured home and/or mobile home stand (pad) is required for each manufactured home and/or mobile home lot. Each pad shall be well drained, uniformly graded and compacted as approved by the Building Official.
- B. Foundations and anchor systems shall be installed according to State Law. Every manufactured home shall be installed in accordance with the manufacturer's "owner's manual" or at a minimum, the Uniform Standard Code for Factory Manufactured Homes Act and the rules and regulations of the Manufactured Home Division of the Mississippi State Fire Marshall's Office.
- C. All tie down straps shall be 1.25"x 0.035"galvanized steel conforming to ASTM standard specifications 10-3953-91. Tie down straps to be Type I, Finish B, Grade 1 steel strapping certified by a registered professional engineer. Strap to have an ultimate load capacity of 4,725 lbs. and an allowable working load of 3,150 lbs minimum.
- D. Ground anchors shall be cable of resisting a tensile load of 5,000 lbs. and an angle load (45 degrees) of 4000 lbs. minimum per anchor. Anchors shall be installed full depth, below frost line and 12" minimum above water table. Minimum anchor capacity required is as noted and indicated on P.E. Certified Pier and Tie Down details. Anchors should be certified by a professional engineer, architect, or a nationally recognized testing laboratory as to their resistance, based on the maximum angle or diagonal tie and/or vertical tie loading and angle of anchor installation and type of soil in while the anchor is to be installed. Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.
- E. The frame tie down straps shall be installed on the outermost I-Beam of the home using the spacing shown in the "owner's manual".
- F. Strap installation to anchors must be in accordance with "owner's manual".
- G. Tie down straps must be tightened alternately on opposite sides of the home or the home may be pulled off its supports. Stabilizer plates shall be installed to provide added resistance to overturning or sliding forces.
- H. Where a vertical tie and a diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loads simultaneously.
- I. This aforementioned system is based on the assumption that the home itself is constructed to resist the design load reference above, if not, owner must present to the Building Official a certified professional engineers plans for the anchoring of said manufactured and/or mobile home in accordance with HUD Wind Zone II regulations.

4.12.11 Traffic Circulation

- A. Direct vehicular access to the land lease community and/or mobile home park shall be provided by means of an abutting improved public street. Each development shall be provided with one or more major interior thoroughfares for complete and uninterrupted traffic circulation within its boundaries. These major thoroughfares shall be directly related or connected to the major point or points of ingress and egress. Minor streets may extend from the major thoroughfares as necessary to serve the traffic circulation needs of the development. On-street parking is prohibited. The following minimum requirements shall apply to major thoroughfares:
 - i. For developments designed to accommodate one hundred (100) sites or more - thirty (30) feet wide paved driving surface with curbing as may be required by the Building Official and/or Planning and Zoning Director.
 - ii. For developments designed to accommodate less than one hundred (100) sites - twenty-two feet wide paved driving surface with curbing as may be required by the Building Official and/or Planning and Zoning Director.
- B. Minor streets shall be those streets serving a minimum number of sites, clusters of sites, cul-de-sacs, parking bays, or similarly arranged manufactured homes within the overall plan. Minor streets shall be

- provided with a twenty (20) feet wide paved driving surface with curbing as may be required by the Building Official and/or Planning and Zoning Director. On-street parking shall be prohibited.
- C. Cul-de-sacs shall have a minimum diameter of ninety (90) feet with a minimum paved driving surface of twenty (20) feet width and curbing as may be required by the Building Official and/or Planning and Zoning Director on the perimeter of the cul-de-sac paved surface.
 - D. Street intersection center lines shall be a minimum of one hundred (100) feet apart if not directly opposite one another and shall be at right angles, except where other arrangements of intersections provide for equal or better movement of traffic.
 - E. All streets shall be constructed to meet the minimum requirements of the Subdivision Regulations of the City and amendments thereof, except minimum widths as specified herein shall apply.
 - F. Automotive parking shall all be off street and in parking stalls or bays of ten (10) feet by twenty (20) feet minimum. Two (2) off-street parking spaces shall be provided for each manufactured home. One (1) such parking space shall be provided at each site. The second space may be located in parking bays not more than one hundred fifty (150) feet from the site.

4.12.12 Open Space and Recreational Areas

- A. A minimum of ten (10) percent of the gross manufactured home park area shall be set aside and developed as common use areas for open or enclosed recreational facilities.
- B. No street, storage area, manufactured home lot or utility site shall be included in meeting recreational purposes.
- C. No area to be computed as recreation space shall have a dimension less than twenty (20) feet measured in any direction.

4.12.13 Setbacks and Screening

Each manufactured home park shall have set aside along the perimeter of the property line the following areas which shall be landscaped and used for no other purpose:

- A. Minimum park front setback.
Thirty (30) feet except when the park abuts a designated major thoroughfare; then the minimum shall be fifty (50) feet.
- B. Minimum side setback.
When abutting residential districts, the side setback shall be twenty-five (25) feet; when abutting a dedicated public right-of-way, the side setback shall be thirty (30) feet on the side street; when abutting a designated major thoroughfare, the minimum shall be fifty (50) feet; when abutting any other zoning district, the side setback shall be twenty-five (25) feet along the interior lot line.
- C. Minimum park rear setback.
Twenty five (25) feet except when the rear yard abuts a dedicated public right-of-way the minimum shall be thirty (30) feet. If the rear yard abuts a designated major thoroughfare, the minimum rear setback shall be fifty (50) feet.
- D. Where needed to enhance aesthetics or to ensure public safety, the park grounds shall be enclosed by a fence, wall, landscape screening, earth mounds or by other designs approved by the Planning Commission which will compliment the landscape and ensure compatibility with the adjacent environment.
- E. The land lease community or park shall contain only manufactured homes meeting all residential design standards in accordance with these regulations.

4.12.14 Utilities

Privies, septic tanks, underground absorption fields, sewerage lagoons, the use of "honey wagons", package type treatment facilities and other types of private waste water treatment systems are strictly prohibited. Also prohibited is the use of private water supply systems. The land lease community and/or manufactured home park shall under all circumstances connect to the City of D'Iberville's water supply and waste water disposal systems (or the utility district if

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applicable). Stormwater sewers shall be separate and apart from any sewers intended for the conveyance of sanitary sewerage. All utilities shall be approved by the Building Official.

A. Electrical and gas supply systems

All electrical and gas equipment installations within a manufactured home land lease community and/or manufactured home park shall be in compliance with the codes and the City of D'Iberville, Mississippi, governing the same.

B. Lighting

Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use. Exterior illumination shall be provided as follows:

i. Streets

An average illumination level of six tenths (0.6) of a foot-candle and a minimum level one-tenth (0.10) of a foot-candle.

ii. Service Buildings

Illumination levels of at least five (5) foot candles shall be maintained at the entrance.

iii. Common parking Areas

Illumination levels of at least one and five-tenths (1.5) foot candles but not more than five (5.0) foot candles measured at pavement level shall be maintained in common parking areas.

C. Swimming facilities

If provided, such facilities shall be designed in accordance with the codes of the City of D'Iberville governing the same and applicable regulations of the Mississippi State Board of Health and/or the Mississippi Department of Environmental Control.

4.12.15 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, easily cleanable refuse container, sufficient to contain all the refuse, shall be provided at each service building, or at a central storage area readily accessible and located not more than three hundred (300) feet from any lot unless provided at the lot. Refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) lots or the equivalent thereof if containers are provided at individual lots.

C. All solid waste generated by a land lease community and/or mobile home park shall be stored and disposed of in accordance with the Mississippi State Board of Health Regulations governing solid waste management and codes of the City of D'Iberville, Mississippi, governing the same.

4.12.16 Fire Protection

All manufactured home parks shall have fire hydrants connected to six-inch (6") water mains and located within five hundred (500) feet of every mobile home lot. The required five-hundred-foot distance is measured along the street or drive areas or otherwise to the specific hose layout per fire department requirements.

4.12.17 Service Building

Management headquarters, recreational facilities, coin-operated laundry facilities, service buildings and other buildings and other accessory structures permitted by the Planning Commission are allowed as accessory uses to the park.

A. One or more service buildings shall be provided at such locations as to be reasonably accessible to residents of the park.

B. Service buildings shall include space and separation for a park manager's office, storage and maintenance equipment and supplies and recreational management.

C. Service buildings space shall also be provided for tenant active storage of outdoor equipment, furniture and tools and for inactive storage of such material as is used only seasonally or infrequently.

D. A minimum of one hundred fifty (ISO) cubic feet for general storage or [for] each manufactured home and/or mobile home lot shall be provided on the lot or within one hundred (100) feet of the lot.

- E. Storage facilities shall be constructed of suitable weather-resistant materials.
- F. No service building shall be located closer than five (5) feet to any mobile home or other structure and shall not be placed over any collector sewer or sewage disposal facility.
- G. The accessory uses and structures are intended to serve only the residents of the park.

4.12.18 Walking Areas, Patios, Decks, Etc.

A walking area such as a patio, deck, etc., shall be placed in front of the manufactured home and/or mobile home entrance. The walking area shall be constructed of concrete or other suitable material as approved by the Planning Commission and shall be a minimum of eight (8) feet wide by ten (10) feet long. If desired, an awning or other cover may be provided for the walking area and/or other cover must be attached to the manufactured home and/or mobile home and shall not be enclosed on the sides. In regard to yard setback requirements, except for the yard on the street side, this cover shall not be considered as a structure.

4.13 RESIDENTIAL-OFFICE DISTRICT (R-O)

4.13.1 Purpose

The purpose of the Residential-Office District is to provide areas to meet the needs of the present and expected future residents seeking a mixture of residential uses and neighborhood/light commercial areas. This district is designed to accommodate uses such as offices, studios, and small shops, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community.

4.13.2 Uses Permitted by Right

The uses permitted by right in the Residential-Office District are set forth in Section 4.22, Chart of Permitted Uses.

4.13.3 Conditional Uses

The uses permitted by conditional use permit in the Residential Office District (R-O) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.13.4 Accessory Uses

Accessory uses shall be permitted in the Residential-Office District (R-O) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.13.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the Residential-Office District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 50%
- C. Minimum Lot Area: 5,000 square feet
- D. Maximum Density: none
- E. Minimum Yards:
 - i. Front yard: 25 feet from the street right-of-way line to the building setback line
 - ii. Side yards: 0 feet *
 - iii. Rear yard: 10 feet

* Side yard setback shall be 0 feet when adjoining property is zoned R-O, C-1, or C-2, and must have a two-hour fire wall construction; otherwise 5 feet minimum side yard.

4.13.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.14 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)**4.14.1 Purpose**

The purpose of the Neighborhood Commercial district is to provide for the development and operation of retail and personal service establishments at a neighborhood scale. This district is not intended to encroach on existing residential development, nor is it to result in a threat to the investment in residential development. The land uses resulting from the development of this district are anticipated to serve the needs of those individuals living in close proximity to the district as opposed to serving a market opportunity created by the motoring public.

4.14.2 Uses Permitted by Right

The uses permitted by right in the Neighborhood Commercial District (C-1) are set forth in Section 4.22, Chart of Permitted Uses.

4.14.3 Conditional Uses

The uses allowed by conditional use permit in the Neighborhood Commercial District are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.14.4 Accessory Uses

Accessory uses shall be permitted in the Neighborhood Commercial District only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.14.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the Neighborhood Commercial District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 35 feet.
- B. Maximum Building Site Coverage: 50%
- C. Minimum Lot Area: None,
- D. Minimum Lot Width: 100 feet
- E. Maximum Density: none
- F. Minimum Yards:
 - i. Front yard (from the street right-of-way line to the building setback line): 25 feet
 - ii. Side yards: None*
 - iii. Rear yard: 10 feet

* Side yard setback shall be 0 feet when adjoining property is zoned R-O, C-1, or C-2, and must have a two-hour fire wall construction; other wise 5 feet minimum side yard.

4.14.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.15 GENERAL COMMERCIAL DISTRICT (C-2)**4.15.1 Purpose**

The purpose of the General Commercial District is to provide for the preservation and continuation of the economic livelihood of D'Iberville. This district is intended to provide for a mix of business, professional and cultural uses, as well as to provide adequate parking and loading facilities, internal traffic circulation, and safe ingress and egress to the public street system within this district. The uses within this district are those which do not rely solely upon traffic flow for their sustainability.

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The uses permitted by right in the General Commercial District (C-2) are set forth in Section 4.22, Chart of Permitted Uses.

4.15.3 Conditional Uses

The uses allowed by conditional use permit in the General Commercial District (C-2) are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.15.4 Accessory Uses

Accessory uses shall be permitted in the General Commercial District (C-2) only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.15.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the General Commercial District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 50 feet.
 - B. Maximum Building Site Coverage: 50%
 - C. Minimum Lot Area: None,
 - D. Minimum Lot Width: 100 feet
 - E. Maximum Density: none
 - F. Minimum Yards:
 - i. Front yard (from the street right-of-way line to the building setback line): 25 feet
 - ii. Side yards: None*
 - iii. Rear yard: None if constructed by a minimum two hour firewall; otherwise, 10 feet
- * Side yard setback shall be 0 feet when adjoining property is zoned R-O, C-1, or C-2, and must have a two-hour fire wall construction; other wise 5 feet minimum side yard.

4.15.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.16 INTERSTATE COMMERCIAL DISTRICT (C-3)**4.16.1 Purpose**

The Interstate Commercial District has been created for the following purposes:

- A. To serve high traffic retail and service and light industrial type trades. These types of establishments serve a market population beyond the community or neighborhood. The market area tends to be regional. These types of establishments generate traffic which is best suited for arterial service road and highways to avoid undue congestion.
- B. To attract economic development and employment opportunities that are supportive of and compatible with the existing character of the area and those private and public uses contemplated within the Comprehensive Plan.
- C. To enhance the visual image of D'Iberville which is associated with the major Interstate Highway gateways to the City, ensuring the architectural compatibility of new structures with the development of the district; preventing visual clutter related to signs, utilities transmission lines, unkempt facades of buildings and structures, storage of materials and visibility of parked vehicles providing and maintaining landscaping along streets, at buildings and structures, and in vehicular parking areas; protection of visual vistas identified in the City's Comprehensive Plan.

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- D. Protect and provide for specific sites for development and redevelopment as indentified in the City's Comprehensive Plan.
- E. The area divisions (A, B, C, and D) as designated on the zoning map are established for the purpose of the sign regulations only. All other characteristics of the zoning district (lot area, lot width, building coverage, required yards, and building height) shall be in accordance with Section 4.16 Interstate Commercial District (C-3).

4.16.2 Uses Permitted by Right

The uses permitted by right in the Interstate Commercial District (C-3) are set forth in Section 4.22, Chart of Permitted Uses.

4.16.3 Conditional Uses

The uses allowed by conditional use permit in the Interstate Commercial District are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.16.4 Accessory Uses

Accessory uses shall be permitted in the Interstate Commercial District only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.16.5 Lot Area, Width, Building Coverage, Required Yards, and Height Regulations

Each of the following dimensional requirements shall apply to each use in the Interstate Commercial District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height:
 - i. North of I-10: 65 feet, no structure shall have more than 6 stories or as otherwise required by the FAA
 - ii. South of I-10: 50 feet, no structure shall have more than 5 stories or as otherwise required by the FAA
- B. Maximum Building Site Coverage: To be determined by the Planning Commission with approval of the development plans. Single Family Residential shall meet the requirements of the R-1 Single Family Residential District.
- C. Minimum Lot Area: To be determined by the Planning Commission with approval of the development plans; Single Family Residential shall meet the requirements of the R-1 Single Family Residential District.
- D. Minimum Lot Width: None
- E. Maximum Density: none
- F. Minimum Yards:
 - i. Front yard (from the street right-of-way line to the building setback line):
 - a. 25 feet measured from the right-of-way.
 - b. Single Family Residential shall meet the requirements of the R-1 Single Family Residential District
 - ii. Side yards: None
 - a. 10 feet (with landscaping buffer)
 - b. Single Family Residential shall meet the requirements of the R-1 Single Family Residential District
 - iii. Rear yard:
 - a. 25 feet (with landscaping buffer)
 - b. Single Family Residential shall meet the requirements of the R-1 Single Family Residential District

4.16.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.17 INDUSTRIAL DISTRICT (I)**4.17.1 Purpose**

The purposes of this district are to provide areas for development of uses which are suitable for manufacturers and related activities. Located for convenient access from existing and future arterial streets, highways or waterway, this district is separated from residential districts by business and commercial districts. Where adjacent to residential districts, some type of artificial separation may be required (buffer).

4.17.2 Uses Permitted by Right

The uses permitted by right in the Industrial District are set forth in Section 4.22, Chart of Permitted Uses.

4.17.3 Conditional Uses

The uses allowed by conditional use permit in the Industrial District are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.17.4 Accessory Uses

Accessory uses shall be permitted in the Industrial District only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.17.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the Industrial District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 50 feet, except as provided in Section 5.3.
- B. Maximum Building Site Coverage: 75%
- C. Minimum Lot Area: None, except as provided in Section 5.4.
- D. Maximum Density: none
- E. Minimum Yards:
 - i. Front yard (from the street right-of-way line to the building setback line): 25 feet
 - ii. Side yards: 0 feet when adjoining property is zoned R-O, C-1, or C-2, and must have a two-hour fire wall construction; otherwise 5 feet minimum side yard
 - iii. Rear yard: None if constructed by a minimum two hour firewall; otherwise, 10 feet

4.17.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.18 WATERFRONT DISTRICT (WF)**4.18.1 Purpose**

The purposes of this district are to create an environment attuned to preserving the waterfront and waterfront views along the Bay of Biloxi. It is the intent of this classification to locate uses which allow and actually encourage visual and physical accessibility to the water, promote pedestrian and limit vehicular activity, and accommodate a number of diverse uses inclusive of residential, commercial and amusement, and gaming activities, as herein provided for, as permitted, accessory or conditional uses. It is further intended the Waterfront District be limited to actual water front areas and areas within the legal physical limits of casino gaming (800 feet from mean high tide).

4.18.2 Uses Permitted by Right

The uses permitted by right in the Waterfront District are set forth in Section 4.22, Chart of Permitted Uses.

4.18.3 Conditional Uses

The uses allowed by conditional use permit in the Waterfront District are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.18.4 Accessory Uses

Accessory uses shall be permitted in the Waterfront District only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.18.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the Waterfront District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height: 110 feet, except as provided in Section 5.3.
- B. Maximum Building Site Coverage: 50%
- C. Minimum Lot Area: 6 acres, except as provided in Section 5.4.
- D. Maximum Density: None
- E. Minimum Yards:
 - i. Front yard (from the street right-of-way line to the building setback line): 25 feet
 - ii. Side yards: 10 feet
 - iii. Rear yard: 25 feet
 - iv. Floor area ratio: 2:1 maximum

4.18.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.19 FRENCH MARKET DISTRICT (FMD)**4.19.1 Purpose**

The purpose of this district is to provide and encourage the development of territory within the City in a manner more consistent with traditional forms of built environment. Further, it is anticipated that this district would contain land uses which relate to and compliment gaming and other related entertainment type uses and further the goal of reintroducing residents to this area of the City of D'Iberville. Within this district, it is desirable to achieve an identity consistent with the master plan and comprehensive plan for the City of D'Iberville, and attract investment through the requirement of quality building design within a pedestrian-friendly environment.

A secondary purpose of this district is to facilitate infill development and redevelopment in a portion of the City of D'Iberville which was struck heavily by Hurricane Katrina and continues to face environmental and regulatory challenges to redevelopment. To this end, this district is designed to encourage higher value land uses and increased density of development and a mix of uses including retail, office, entertainment, and high density residential units.

4.19.2 Uses Permitted by Right

The uses permitted by right in the French Market District are set forth in Section 4.21, Chart of Permitted Uses.

4.19.3 Conditional Uses

The uses allowed by conditional use permit in the French Market District are set forth in Section 4.22, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.19.4 Accessory Uses

Accessory uses shall be permitted in the French Market District only if such use complies with the relevant standards contained in Section 4.20 of this Ordinance.

4.19.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the French Market District, except as specifically provided for in this Ordinance.

- A. Maximum Building Height:
 - i. Principle Building: 4 stories max, except as provided in Section 5.3.
 - ii. Outbuilding: 2 stories max.
- B. Maximum Building Site Coverage: 90%
- C. Minimum Lot Area: None
 - i. Single-family detached 3,000 square feet
 - ii. Single-family 0 lot line 4,000 square feet
 - iii. Single-family attached townhouse unit
 - a. First two (2) dwelling units 4,000 square feet
 - b. Each additional unit 1,800 square feet
 - iv. Two-family detached 6,000 square feet
 - v. Multifamily Units
 - First two (2) dwelling units 4,000 square feet
 - Each additional unit 1,500 square feet
 - vi. Residential and non residential mixed vertically
 - No minimum provided residential is not the predominate use of the property.
 - vii. All other Uses
 - No minimum
- D. Maximum Density:
 - i. Single-family detached 12 dwelling units per acre
 - ii. Single-family zero-lot line 10 dwelling units per acre
 - iii. Single-family attached townhouse 18 dwelling units per acre
 - iv. Two-family detached 7 dwelling units per acre
 - v. Multifamily Units 30 dwelling units per acre
 - vi. All other Uses none
- E. Minimum Yards:
 - i. Single-family and two-family detached
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yard: 5 feet
 - c. Rear yard: 20 feet
 - ii. Zero-lot line
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yard: 0 feet
 - c. Rear yard: 20 feet
 - iii. Townhouse
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yard: 0 feet at common firewall; 10 feet at end of building unit or lot line; 20 feet between townhouse building clusters
 - c. Rear yard: 20 feet
 - iv. Multifamily Units
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line
 - b. Side yard: 5 feet (minimum of 10 feet between adjacent buildings)
 - c. Rear yard: 20 feet
 - v. All other uses
 - a. Front yard: 20 feet from the street right-of-way line to the building setback line

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- b. Side yard: 0 feet with a 2 hour fire wall construction; otherwise, 5 feet.
- c. Rear yard: 10 feet
- F. Minimum Lot Width:
 - i. Single-family detached 30 feet
 - ii. Single-family 0 lot line 40 feet
 - iii. Single-family attached townhouse unit 18 feet
 - iv. Two-family detached 40 feet
 - v. Multifamily Units 60 feet
 - vi. All other Uses No minimum
- G. Maximum Lot Depth: 180 feet for all uses. This provision shall not prevent the utilization of a lot of greater depth provided such lot was heretofore lawfully created.

4.19.6 Special Provision for Adjustment to Required Yard Setbacks in the French Market District

Front, rear and side yard requirements may be lessened from those required in Section 4.19.5E provided the use for which the reduced yards are requested be treated as a Conditional Use subject to the procedures and provisions of Section 2.5. In reviewing the proposed development and in consideration of criteria necessary to grant a Conditional Use, the following factors shall be considered:

- A. The extent to which a reduction in minimum yard requirements serves to achieve a more urban, compact development form consistent with the master plan or comprehensive plan for the City of D'Iberville.
- B. The urban form resulting from reducing the minimum yard requirements, including but not limited to:
 - i. Location of parking areas.
 - ii. Provision of liner buildings and street screening.
 - iii. Façade enhancements though balconies or similar attributes.
 - iv. Landscaping materials.
- C. The extent to which other properties in the vicinity have successfully reduced the minimum yard requirements pursuant to this procedure.
- D. The likelihood of adjacent properties developing with similar setbacks to achieve continuity along the street upon which such use is facing.
- E. Whether or not the reduction of a required yard would impede the delivery of any municipal service, particularly fire protection and the ability to maintain city infrastructure.
- F. Whether or not the granting of reduced setbacks would adversely impact adjacent property or otherwise endanger pedestrians or interfere with vehicular traffic.
- G. Whether or not the reduction of a required yard would prevent compliance with other city codes and ordinances.
- H. Whether or not the request is designed to simply circumvent the variance procedure.

4.19.7 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.20 ACCESSORY USES

4.20.1 In General

An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.

4.20.2 Yard Requirements

Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.

4.20.3 Special Standards

Each accessory use shall comply with all of the following standards listed for that use:

- A. Dwelling(s) Accessory to Principal Nonresidential Use.
 - i. The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
 - ii. Additional parking spaces required by Article 8 for such dwelling(s) shall be provided.
- B. Home Occupation with no outdoor storage.
 - i. Number. No more than one (1) home occupation shall be permitted per dwelling unit.
 - ii. Workers. The workforce of a home occupation shall be limited to only those family members residing upon the premises within which the home occupation is conducted.
 - iii. Size. The area utilized for the home occupation shall not consume more than ten (10%) percent of the floor area of the dwelling unit in which such occupation is located. No part of a home occupation may be conducted within an accessory building.
 - iv. Traffic Generation, Parking. No traffic shall be generated by a home occupation in greater volume than would be expected in a residential neighborhood, and any need for parking shall be met off-street parking.
 - v. Building Appearance. There shall be no outdoor storage or display and no change in the existing outside appearance of the building or premises or other visible evidence of the conduct of such home occupation of home professional office other than a sign.
 - vi. Nuisances Prohibited. No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the subject property.
 - vii. Principal use of structure. Any structure within which a home occupation is conducted shall have a principal use as a dwelling unit. A home occupation shall only be incidental to a residential use.
- C. Noncommercial Swimming Pool
A noncommercial swimming pool designated to contain a water depth of twenty four (24") inches or more shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:
 - i. Location. No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any on-site sewage disposal field or system. No portion of any walkway or pool appurtenance structure shall be closer than four (4') feet to any lot line.
 - ii. Fence. Every in-ground noncommercial swimming pool shall be entirely enclosed with a good quality chain link, wooden or equivalent fence of not less than four (4') feet in height. Above ground pools on any lot shall not require a fence but shall require a lockable gate to any pool access platform or ladder.
- D. Residential Accessory Building, Structure or Use
Permitted residential accessory buildings, structures or uses include:
 - i. Parking Spaces and Garages shall be provided in accordance with Article 8.
 - ii. Structures. Structures (such as bathhouses, greenhouses, freestanding carports, and storage sheds) shall not exceed fifty (50%) percent of the floor area of the principal building, shall not exceed fifteen (15') feet in height, and shall not be located in front of nor within ten (10') feet of the principal building not within five (5') feet from a side lot line, nor within five (5') feet of a rear lot line.
 - iii. Fences and Walls
Fences and walls to be located on a lot shall be in conformance with the requirements of Article 9 of this ordinance.

4.21 CHART OF SETBACKS AND RELATED REQUIREMENTS

TABLE 4.1: ZONING DISTRICT SUMMARY SETBACKS AND RELATED REQUIREMENTS							
Summary Data Only - Refer to specific district text for full dimensional requirements and allowances							
Zoning District	Height ¹	Front Yard ¹	Side Yard ¹	Rear Yard ¹	Lot Area ²	Lot Width ¹	Density ³
AG Agriculture	35	35	10	25	43,560	100	-
R-E Single-Family	35	40	10	30	43,560	100	1
R-1 Single-Family	35	30	10	25	10,000	80	4
R-2 Single-Family	35	25	7	25	6,000	60	7
R-3 General Residence							
Single Family Detached	35	20	5	20	4,000	40	10
Single Family 0 Lot Line	35	20	0	20	4,000	40	10
Manufactured Home	35	30 ⁴	16 ⁴	20	5,000	40	8
Two-Family Detached	35	20	5	20	6,000	40	7
Townhouse	35	20	0	20	6,000 ⁵	18	15
R-4 Multifamily	35	20	5	20	6,000 ⁷	50	25
R-4A Mixed Multifamily							
Single Family Detached	3 Stories	20	5	20	4,000	40	12
Single Family 0 Lot Line	3 Stories	20	0	20	4,000	40	10
Two-Family	3 Stories	20	5	20	6,000	40	7
Townhouse	3 Stories	20	0 ¹²	20	6,000 ⁵	18	18
Apartment Units	3 Stories	20	5 ¹³	20	6,000 ⁷	50	30
All Other Uses	3 Stories	20	10	20	6,000	40	10
R-5 Manufactured Home	25	30 ⁴	16 ⁴	20	5,000	40	8
R-O Residential / Office	35	25	0	10	5,000	N/A	-
C-1 Neighborhood Com.	35	25	0 ⁸	10	N/A	100	-
C-2 General Commercial	50	25	0 ⁸	0 ⁹	N/A	100	-
C-3 Interstate Commercial							
North of I-10	65 ¹⁰	25	10	25	N/A	N/A	-
South of I-10	35 ¹¹	25	10	25	N/A	N/A	-
Single Family Residential	35	30	10	25	10,000	80	-
I Industrial	50	25	0 ⁸	0 ⁹	N/A	N/A	-
WF Waterfront	110	25	10	25	261,360 ¹⁴	N/A	-
FMD French Market Dist.							
Single Family Detached	4 stories	20	5	20	3,000	30	12
Single Family 0 Lot Line	4 stories	20	0	20	4,000	40	10
Two-Family Detached	4 stories	20	5	20	6,000	40	7
Townhouse	4 stories	20	0	20	4,000 ⁵	18	18
Multi-Family Units	4 stories	20	5	20	4,000 ⁷	60	30
All Other Uses	4 stories	20	0 ⁸	10	N/A	40	-

1. Units are in Feet

2. Units are in Square Feet (s.f.)

3. Dwelling Units per Acre (DUA)

4. 10 feet from non-public right-of-way

5. First 2 units, 1,800 s.f. each additional unit

6. Each additional dwelling unit

7. First 2 units; 1,500 s.f. for each additional unit

8. A 2-hour firewall is required, otherwise 5 feet

9. A 2-hour firewall is required, otherwise 10 feet

10. Maximum of 6 stories

11. Maximum of 3 stories

12. 0 feet at common fire wall; 10 feet at end of building unit or lot line; 20 feet between building clusters

13. Minimum of 10 feet between buildings

14. 261,360 s.f. (6 ac.) for casino sites. Other permissible land uses shall require lot sizes consistent with the FMD District.

4.22 CHART OF PERMITTED USES**4.22.1 Conditions governing permitted uses.**

Permitted uses shall be governed by conditions set out in the three categories as follows:

- A. Uses by Right. The land uses contained within the Schedule of Uses set forth herein and denoted with a "R" are considered permitted uses without further approval of the City of D'Iberville, unless otherwise required by this or any other ordinance or requirement of the City. Uses by Right are subject to any permits or administrative approvals required by the City of D'Iberville.
- B. Uses Requiring Site Plan (Planning Commission) Review. The land uses contained within the Schedule of Uses set forth herein and denoted with a "P" are considered permitted uses with the review and approval in accordance with the site plan review provisions set forth in Section 2.4 of this ordinance.
- C. Conditional Uses. The land uses contained within the Schedule of Uses set forth herein and denoted with a "C" are considered conditional uses and require the review and approval in accordance with the conditional use provisions set forth in Section 2.5 of this ordinance. Additionally, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered on an individual case and shall be subject to conditions imposed thereon for the protection of the health, safety and general welfare of the City of D'Iberville.

The schedule of uses shall be as shown in Table 4.2.

4.22.2 Schedule of Uses.

- A. Property lying within each of the districts as reflected on the official zoning map shall be used only for the purpose as hereinafter set forth, and in accordance with the provisions of this ordinance. The uses permitted in each of the types of districts are listed below. For any use not specifically listed, the Planning and Zoning Director shall make a determination of the appropriate zoning district in which such use shall be permitted either by right, by site plan review, or by conditional use. If the Planning and Zoning Director cannot reach a determination, then the matter shall come before the Planning Commission for such determination.

4.23 ADMINISTRATIVE APPROVAL PROCEDURE FOR CERTAIN USES REQUIRING SITE PLAN REVIEW.

- A. Any use designated as requiring site plan (planning commission) review, except those to be located within the AG, R-E, R-1, R-2, R-3, or R-4 districts, may forego said review and be administratively approved by the DRC subject to each of the following conditions:
 - i. That the proposed use is to occupy an existing building whereby it replaces an identical or nearly identical use. (ex. Cindy's Flower Shop proposes to occupy the former site of Brenda's Flower Shop)
 - ii. That neither the proposed space nor its former use was nonconforming in any aspect.
 - iii. That the proposed use does not require any alterations to the site or structures thereon, except for the changing of signage, repainting, remodeling, or redecorating to accommodate the theme of the proposed use.
 - iv. That the former use was free from any conditions of approval imposed by the City of D'Iberville.
- B. If, in the opinion of the Planning and Zoning Director or the DRC, the nature or operating aspects of a proposed use subject to these provisions are such that binding conditions may be necessary or beneficial for the preservation of public health, safety, and general welfare, the application shall be forwarded to the Planning Commission for review in accordance with Section 2.4.

4.24 ADMINISTRATIVE APPROVAL PROCEDURE FOR CONDITIONAL USES.

- A. An application for a use designated as requiring conditional use approval, except those to be located within the AG, R-E, R-1, R-2, R-3, or R-4 districts, may forego the formal procedure specified in Section 2.5 and be administratively approved by the DRC subject to each of the following conditions:
 - i. The application shall be submitted as outlined in Section 2.5.3 of this ordinance.

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- ii. That the proposed use is to occupy an existing building whereby it replaces an identical or nearly identical use which has previously received conditional use approval. (ex. Bob's Boat Sales proposes to occupy the former site of Rick's Boat Sales)
 - iii. That neither the proposed space nor its former use was nonconforming in any aspect.
 - iv. That the proposed use does not require any alterations to the site or structures thereon, except for the changing of signage, repainting, remodeling, or redecorating to accommodate the theme of the proposed use.
 - v. Where conditions were imposed by the City of D'Iberville upon the former use as a result of the conditional use process, the applicant shall submit a written agreement that said conditions shall also be binding as a condition of approval for the proposed use. Prior conditions may be waived by the DRC if such condition no longer applies to the property or use. Should the applicant desire relief from any other prior conditions, the application shall be forwarded to the Planning Commission for review in accordance with Section 2.5.
- B. The Planning and Zoning Director and the DRC shall review the application using the criteria as outlined in Section 2.5.6 of this ordinance. If, in the opinion of the Planning and Zoning Director or the DRC, the nature or operating aspects of the proposed use are such that additional conditions may be necessary or beneficial for the preservation of public health, safety, and general welfare, the application shall be forwarded to the Planning Commission for review in accordance with Section 2.5.
- C. Receipt of administrative approval of the conditional use application does not exempt the applicant from other requirements or fees required by this ordinance.

4.25 C-1 Neighborhood Commercial Uses to be reviewed by DRC Approval under Certain Circumstances.

In the instance that property bearing the zoning designation of C-1 Neighborhood Commercial lies adjacent to and adjoining any property which is zoned for residential purposes, any land use proposed to be established, created, expanded or enlarged upon the property zoned C-1 Neighborhood Commercial shall be subjected to DRC Approval, in conjunction with any other required application or procedure indicated in Table 4.2 Chart Of Determinate Uses.

For the purposes of this provision, "property zoned for residential purposes" shall include AG, R-E, R-1, R-2, R-3, R-4, R-4A or R-5 districts.

TABLE 4.2: CHART OF DETERMINATE USES

Alphabetical Listing of Uses by Zoning Districts

R = Use by Right
 P = Use by Site Plan (Planning Commission) Review
 C = Use by Public Hearing as a Conditional Use

CAUTION: Other provisions of this zoning ordinance impact the allowable uses and procedures indicated in this table, e.g. see Sections 4.23 through 4.25

Uses	Zoning Classification														
	AG	R-E	R-1	R-2	R-3	R-4	R-4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
AGRICULTURAL USE (General)	R	-	R	-	-	-	-	-	-	-	-	-	-	-	-
RESIDENTIAL USES															
Single Family unit	R	R	R	R	R	R	R	R	R	C	C	R	R	-	R
Two Family units	-	-	-	-	C	C	C	-	C	C	C	C	C	-	C
Multi-family units (tri-plex, four-plex, and apartments)	-	-	-	-	-	C	C	-	C	C	C	C	C	-	C
Townhouse unit	-	-	-	C	C	C	C	-	C	C	C	C	C	-	C
Zero Lot Line unit (patio homes)	-	-	-	C	R	P	P	-	P	P	P	-	-	-	C
Manufactured homes (Single)	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-
(Double)	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-
Manufactured Home Park or Subdivision	C	-	-	-	-	C	-	C	-	-	-	-	-	-	-
Modular Home	R	-	-	-	R	R	R	-	R	C	C	-	C	-	R
ALL OTHER USES															
Adult Bookstores ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Adult Live Entertainment ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Adult Theaters ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Adult Novelty Stores ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Adult Video Stores ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Airports, Heliports	-	-	-	-	-	-	-	-	-	-	C	-	C	P	-
Air Products/Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Alcohol Distribution and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Ambulance Service	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-
Ammonia Distribution and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Amusement Center (Indoors)	-	-	-	-	-	-	C	-	-	C	C	C	C	-	C
Amusement Facilities (Outdoors)	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C
(Water Parks)	-	-	-	-	-	-	-	-	-	-	C	P	C	-	C
Animal Clinics, Hospital	C	-	-	-	-	-	-	-	-	-	C	C	-	R	-
Animal Kennel	C	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Antique Shops	-	-	-	-	-	-	C	-	P	R	R	R	R	-	R
Appliance Stores/Furniture Stores	-	-	-	-	-	-	-	-	-	C	R	R	-	-	-
Art Studios, Galleries, and Museums	-	-	-	-	-	-	C	-	R	P	R	P	-	-	R
Arts Crafts and Hobby Shops	-	-	-	-	-	-	C	-	P	R	R	R	R	-	R
Asphalt Bulk Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-

ZONING ORDINANCE

ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

City of D'Iberville, Mississippi

	AG	R-E	R-1	R-2	R-3	R-4	R-4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
Auction business/yard	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Auditorium/Civic Center	-	-	-	-	-	-	C	-	-	-	C	C	C	P	C
Auto Dealership (New Car)	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-
Auto Dealership (Used Car)	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-
Auto Parts Stores	-	-	-	-	-	-	-	-	-	-	R	-	-	R	-
Auto Repair Garages	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-
Auto Salvage Business, Including Yard	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-
Awning, Trawl, Net Manufacturing	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Bait or Tackle Shop	-	-	-	-	-	-	-	-	-	-	C	-	C	P	C
Bakery (Retail)	-	-	-	-	-	-	C	-	P	R	R	R	R	R	R
Battery Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Beauty Salon, Barber Shops, and Similar	-	-	-	-	-	-	C	-	R	R	R	R	R	-	R
Beauty Salon, Barber Shops, and Similar serving beer/wine	-	-	-	-	-	-	C	-	-	C	C	C	-	-	C
Beauty Supply	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-
Bed and Breakfast	-	-	-	-	-	-	C	-	-	C	P	C	P	-	P
Bicycle Shops/Sales	-	-	-	-	-	-	-	-	-	P	R	R	-	-	C
Bingo Parlors (Commercial, not Churches)	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C
Blueprint Shop or Similar	-	-	-	-	-	-	-	-	-	P	R	R	P	R	-
Boarding Houses, Rooming, etc. (not hotels or motels)	-	-	-	-	-	-	-	-	C	C	C	C	-	-	-
Boat Building Company	-	-	-	-	-	-	-	-	-	-	C	C	P	R	-
Boat Sales/Service	-	-	-	-	-	-	-	-	-	-	C	C	P	R	-
Boiler Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Book Stores	-	-	-	-	-	-	C	-	R	R	R	R	R	-	R
Bowling Alley	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C
Bowling Alley w/Lounge ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C ⁶
Brewery (Micro Brewery)	-	-	-	-	-	-	-	-	-	-	-	-	C	P	C
Building Material Products and Supplies	-	-	-	-	-	-	-	-	-	-	C	C	-	R	-
Business Machine Sales/Service	-	-	-	-	-	-	-	-	-	C	C	C	-	R	-
Business Schools, other Trade Schools	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-
Butane, Propane Storage/Sales	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Cabinet Shop, including Furniture Refinishing	-	-	-	-	-	-	-	-	-	-	C	C	-	R	-
Camera and Photo Shops	-	-	-	-	-	-	-	-	C	R	R	R	P	R	R
Candy Store w/w.o. Manufacturing	-	-	-	-	-	-	C	-	P	P	R	R	P	R	R
Car Wash (All Types)	-	-	-	-	-	-	-	-	-	C	C	C	-	C	-
Carnival Circus Locations (temporary)	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C
Casino Gaming	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Catering Establishments	-	-	-	-	-	-	C	-	-	R	R	P	P	R	P
Caustic Soda Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Cellular/Communication Towers	C	C	C	C	C	-	-	-	C	C	C	C	-	C	-
Cement, lime, Gypsum Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Cement Products Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Cemeteries, Mausoleums	C	-	-	-	-	-	-	-	-	C	C	C	-	-	-

ZONING ORDINANCE

ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

City of D'Iberville, Mississippi

	AG	R-E	R-1	R-2	R-3	R-4	R-4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
Churches and Facilities	C	C	C	C	C	C	C	C	P	C	P	P	P	-	P
City Municipal Building and Facilities	C	-	-	-	-	-	C	-	R	R	R	R	R	-	R
Clothing and Dry Goods Store	-	-	-	-	-	-	C	-	-	R	R	R	R	-	R
Clothing Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Coffee Shops	-	-	-	-	-	-	C	-	-	R	R	P	-	-	R
Commercial Laundry Facilities (Including Linen Supply)	-	-	-	-	-	-	-	-	-	C	R	P	-	R	-
Computer Store and Services	-	-	-	-	-	-	C	-	P	R	R	R	-	R	R
Connex Container (dwelling)	C	C	C	C	C	C	C	-	C	C	C	C	-	-	-
Connex Container (storage)	R									C	C	C	-	R	-
Construction Business Office (No Storage or Equipment or Materials)	-	-	-	-	-	-	-	-	-	P	P	-	-	R	R
Contractors Yard (Storage and Warehouse)	-	-	-	-	-	-	-	-	-	-	C	-	-	R	C
Convenience Stores (w/w.o. Gas)	-	-	-	-	-	-	-	-	-	C	C	C	-	-	P
Correctional Facilities	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-
Cosmetics Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Cotton manufacturing (not Ginning)	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Dance Studios, Performing Arts and Similar	-	-	-	-	-	-	C	-	P	C	R	R	P	-	R
Day Care Centers or Similar	-	-	-	-	-	-	C	-	C	C	P	P	-	-	C
Delicatessens	-	-	-	-	-	-	C	-	P	R	R	P	P	-	R
Department or Variety Stores (No Outside Storage)	-	-	-	-	-	-	-	-	-	R	R	R	R	R	R
Department or Variety Stores (With Outside Storage)	-	-	-	-	-	-	-	-	-	P	R	R	R	R	R
Diesel Engine Repair, etc.	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Dress making, Tailor Shops	-	-	-	-	-	-	C	-	-	R	R	R	-	-	R
Drive-in Banks and Similar	-	-	-	-	-	-	C	-	-	R	R	R	R	-	R
Drive-in Restaurants	-	-	-	-	-	-	C	-	-	R	R	P	P	P	P
Drug Store, Pharmacies	-	-	-	-	-	-	C	-	-	R	R	P	P	-	P
Dry Cleaning Facilities (Drop Off / Pick Up)	-	-	-	-	-	-	-	-	-	R	R	R	P	R	R
Dry Cleaning Facilities (Full Service)	-	-	-	-	-	-	-	-	-	-	C	C	C	R	C
Electric Substations	C	C	C	C	C	C	C	C	P	P	P	P	C	P	C
Electroplating Company	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Elevator Maintenance Company	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Escort Services ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-
Equipment / Miscellaneous Rental Shop	-	-	-	-	-	-	-	-	-	-	P	P	-	R	-
Fairgrounds and Rec. Facilities	C	-	-	-	-	-	-	-	-	-	P	-	P	R	C
Farm Supply Stores (Including Equipment)	P	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Feed and Seed Store or Similar (No Outside Storage)	P	-	-	-	-	-	-	-	-	-	R	-	-	R	-
Financial Institutions	-	-	-	-	-	-	C	-	R	R	R	R	P	R	R
Fire and Police Stations	C	C	C	C	C	C	C	C	R	R	R	R	R	R	R
Fix It Shops	-	-	-	-	-	-	-	-	-	C	P	P	-	R	-
Fixture Stores	-	-	-	-	-	-	-	-	-	-	R	P	-	R	R
Floor Covering Showrooms/Sales	-	-	-	-	-	-	-	-	-	-	R	R	-	R	R
Floor Covering w/Warehouse	-	-	-	-	-	-	-	-	-	-	C	C	-	R	-

City of D'Iberville, Mississippi

	AG	R-E	R-1	R-2	R-3	R-4	R4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
Florist Shops (no Greenhouses or nurseries)	-	-	-	-	-	-	C	-	R	R	R	R	P	-	R
Food Locker Services (Cold/Rental)	-	-	-	-	-	-	-	-	-	-	P	P	P	R	P
Food Products (Wholesale)	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Foundry	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Frozen Food Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Fruit and Vegetable Sales (Fruit Stand Indoors)	-	-	-	-	-	-	-	-	-	C	P	-	-	R	P
Funeral Homes	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-
Furniture Store	-	-	-	-	-	-	-	-	-	-	R	R	-	-	R
Garden Supplies (Including Outside Storage)	-	-	-	-	-	-	-	-	-	-	R	P	-	-	-
Garment Factory	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Gas Regulator Stations	C	C	C	C	C	C	C	C	P	P	P	P	C	P	C
Gasket Manufacturing Company	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
General Business Office (No Outside Storage)	-	-	-	-	-	-	-	-	P	R	R	R	P	R	P
Gift Shops	-	-	-	-	-	-	C	-	R	R	R	R	R	-	R
Glass Sales/Service	-	-	-	-	-	-	-	-	-	C	P	P	-	R	P
Golf Course	C	C	C	-	-	-	-	-	-	-	P	P	P	-	-
Gravel and Similar, Bulk Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Greenhouse and Plant Nurseries	P	-	-	-	-	-	-	-	-	C	C	C	-	P	-
Grocery Stores / Supermarket	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C
Hair Product Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Hardware Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Hardware Store (No Outside Storage)	-	-	-	-	-	-	-	-	-	R	R	R	-	-	R
Hardware Store w/Outside Storage	-	-	-	-	-	-	-	-	-	C	P	C	-	R	C
Hatchery	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Health Clubs & Fitness Gym	-	-	-	-	-	-	C	-	C	P	R	P	P	-	P
Heavy Machinery Sales	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Home Occupations (no outdoor storage)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Home Occupations (with outdoor storage)	C	C	C	C	C	C	C	C	P	P	P	P	P	-	P
Hospitals, Sanitariums	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C
Hotel, Motel with Accessory Uses such as Lounges, Restaurants, and Brewpub 1,2,3,4	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C ⁶
Ice Cream Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Ice Cream, Yogurt Shop	-	-	-	-	-	-	C	-	P	P	R	R	R	-	R
Ice Plant, Including Storage	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Industrial Park (Planned)	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Insulation Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Interior Decorating	-	-	-	-	-	-	C	-	P	R	R	R	R	-	R
Jewelry Stores	-	-	-	-	-	-	C	-	P	R	R	R	R	-	R
Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-

ZONING ORDINANCE

ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

City of D'Iberville, Mississippi

	AG	R-E	R-1	R-2	R-3	R-4	R-4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
Landscape Garden Sales and Service	-	-	-	-	-	-	-	-	-	P	R	P	-	-	C
Laundromats	-	-	-	-	-	-	-	-	-	C	R	P	-	-	C
Lawnmower Sales/Service	-	-	-	-	-	-	-	-	-	C	R	P	-	-	C
Libraries	-	-	-	-	C	C	C	C	P	R	R	P	-	-	-
Lingerie Stores w/ Models Inside ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C
Linoleum / Vinyl Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Liquor Store ⁵	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P
Locksmith	-	-	-	-	-	-	-	-	-	R	R	P	-	-	R
Lounges & Barrooms ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C ⁶
Machine Shop	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Mail Order Business	-	-	-	-	-	-	-	-	-	C	P	C	-	R	-
Marina's w/accessory uses	-	-	-	-	-	-	-	-	-	-	C	C	C	P	-
Massage Parlors or Similar ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C ⁶
Mattress Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Meat Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Medical and Dental Clinics	-	-	-	-	-	-	-	-	P	R	R	R	C	-	R
Medical and Dental Laboratories	-	-	-	-	-	-	-	-	P	R	R	C	-	R	R
Metal Products Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Metal Sharpening, etc.	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Millwork Company	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Mini Warehouse or Similar	-	-	-	-	-	-	-	-	-	C	C	-	-	R	-
Mobile Food Vendor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Mobile Home Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Mobile Home Sales/Service	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Moving and Storage Company	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Music Stores	-	-	-	-	-	-	C	-	-	P	R	R	P	-	R
Newspaper Company or Similar	-	-	-	-	-	-	-	-	-	C	R	P	-	R	R
Newsstand	-	-	-	-	-	-	C	-	-	P	R	R	P	-	R
Nightclubs or Similar ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C ⁶
Nursing or Personal Care Homes	C	-	-	-	-	C	C	-	-	-	C	C	-	-	C
Office Equipment Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Office Supply Stores	-	-	-	-	-	-	-	-	-	R	R	R	-	-	R
Optician	-	-	-	-	-	-	-	-	P	R	R	R	-	-	R
Optics Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Paint and Decorator Store	-	-	-	-	-	-	-	-	-	P	R	P	-	R	R
Paint and Varnish Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Palm Readers, Astrologers, Fortune Tellers, Tarot Card Readers, & the like ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C
Paper Products Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Parking Garage	-	-	-	-	-	-	-	-	-	-	P	C	P	P	P
Pawnshops / Buy & Sell Gold Shops ^{1,2,3,4}	-	-	-	-	-	-	-	-	-	C	C	-	C	-	C
Personnel Agencies	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-
Pest Control w/ Indoor Chemical Storage	-	-	-	-	-	-	-	-	-	-	P	-	-	R	P

City of D'Iberville, Mississippi

	AG	R-E	R-1	R-2	R-3	R-4	R-4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
Pet Stores	-	-	-	-	-	-	-	-	-	C	P	P	-	-	P
Pharmaceutical Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Picture and Frame Shop	-	-	-	-	-	-	C	-	-	R	R	R	P	-	P
Pool Halls 1,2,3,4	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C
Pottery Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Printing, Duplicating Shop	-	-	-	-	-	-	-	-	-	R	R	P	P	R	P
Private Organizations/Lodges	-	-	-	-	-	-	-	-	C	C	C	-	C	-	C
Professional Offices	-	-	-	-	-	-	C	-	P	R	R	R	R	P	R
Public Parking Lots	-	-	-	-	-	-	C	-	-	-	P	C	C	R	C
Public Parks/Recreation Facilities	C	C	C	C	C	C	C	C	P	P	P	C	C	-	C
Pulp, Rayon and Plastics	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Radio, TV, Electronic Repairs	-	-	-	-	-	-	-	-	-	C	C	C	C	R	C
Radio, TV Towers or Similar	-	-	-	-	-	-	-	-	-	-	C	C	-	C	-
Railroad Lines and R.O.W.	C	C	C	C	C	C	C	C	P	P	P	-	-	P	-
Recreational Vehicle Park	C	-	-	-	-	-	C	-	-	-	C	-	-	C	C
Restaurant Suppliers	-	-	-	-	-	-	-	-	-	-	P	-	-	R	-
Restaurant (No Lounges)	-	-	-	-	-	-	-	-	-	P	R	P	P	-	R
Restaurant w/Lounge and / or Brewpub 1,2,3,4	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C ⁶
Retail Manufacturing (Indoors)	-	-	-	-	-	-	-	-	-	-	P	-	-	R	-
Riding Academy	-	-	-	-	-	-	-	-	-	-	C	-	-	C	-
Sawmills	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Schools	P	C	C	C	C	P	C	P	P	C	C	-	C	-	C
Seafood Processing Plant	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
Seafood Shops (Retail) / Markets	-	-	-	-	-	-	-	-	-	C	C	C	C	P	C
Service Station (No Major Repairs)	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P
Sewage Disposal Plant	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-
Shoe Shops Repairs & Retail	-	-	-	-	-	-	C	-	-	R	R	R	P	-	R
Shopping Center or Mall	-	-	-	-	-	-	-	-	-	-	C	C	C	-	C
Sign Construction Sales/Service	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Snowball Stand	-	-	-	-	-	-	-	-	P	R	R	P	P	-	P
Sporting Goods (Including Outside Storage)	-	-	-	-	-	-	-	-	-	-	C	P	-	P	C
Sporting Goods Store, Gun Shop (No Outside Storage)	-	-	-	-	-	-	-	-	-	C	P	P	-	-	P
Sugar, Starch Refinery	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Tattoo Parlor or Shop or Body Piercing Parlors 1,2,3,4	-	-	-	-	-	-	-	-	-	-	C	-	-	-	C
Telephone Exchange	C	C	C	C	C	C	C	C	C	P	P	C	C	P	C
Tent Sales (Temporary)	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C
Terminals, Depots, and Similar	-	-	-	-	-	-	-	-	-	-	P	C	C	P	C
Textile Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Theaters (Indoors)	-	-	-	-	-	-	-	-	-	C	P	C	C	-	C
Tire Sales/Service	-	-	-	-	-	-	-	-	-	-	C	C	-	P	C
Title Loan Company w/Storage 1,2,3,4	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Title Loan Company w/o Storage 1,2,3,4	-	-	-	-	-	-	-	-	-	-	R	R	-	R	C

	AG	R-E	R-1	R-2	R-3	R-4	R-4A	R-5	R-O	C-1	C-2	C-3	W-F	I	FM D
Toy Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Toy Store	-	-	-	-	-	-	-	-	-	R	R	P	P	-	R
Tree Cutting Service or Similar	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Truck Fleet Maintenance etc.	C	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Truck Terminals	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Upholstery Shops	-	-	-	-	-	-	-	-	-	-	P	-	-	R	P
Utility Structures	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-
Vape Shop/Tobacco Store ^{1,2,3,4,7}	-	-	-	-	-	-	-	-	-	C	C	C	C	-	C ⁶
Vehicle storage Lot (Not Salvage)	-	-	-	-	-	-	-	-	-	-	C	-	-	P	-
Vending Machine Business	-	-	-	-	-	-	-	-	P	P	R	P	P	-	P
Vulcanizing Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-
Warehouse / Commercial Use	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Water Storage Facilities	C	C	C	C	C	C	C	C	P	P	P	C	C	P	C
Welding Shops	-	-	-	-	-	-	-	-	-	-	C	-	-	R	-
Wholesale Distribution Center	-	-	-	-	-	-	-	-	-	-	C	C	-	R	-
Wildlife Sanctuary	C	-	-	-	-	-	-	-	-	-	C	C	C	-	-
Yacht Club, w/w/o Marina	-	-	-	-	-	-	-	-	-	C	P	P	P	-	-

Notes:

1. The building containing a regulated use shall not be located within four hundred (400) feet of an exclusive residential zoning district unless a petition requesting waiver of this requirement is received and verified by the Planning Commission, signed by sixty (60) percent of those persons owning property within a five-hundred-foot radius of the proposed location, in which case the city council may waive this requirement similar to those required for a waiver as listed in Footnote 2.
2. The regulated use shall not be located within a twenty-five hundred foot (2,500) radius of any other regulated use. The restrictions of this subsection may be waived by the city council after an application for a waiver and a hearing before the Planning Commission, if the city council shall find:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this ordinance will be observed;
 - b. That the proposed use will not enlarge or encourage the development of a blighted or downgraded area;
 - c. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
 - d. That all other applicable regulations of this article will be observed.
3. No building containing a regulated use shall be established within four hundred (400) feet of any church, temple, synagogue, or other regularly established place of worship, or any school; provided, however, the City Council may waive this requirement after receipt of a recommendation from the Planning Commission and upon findings similar to those required under Footnote 2.
4. The Planning and Zoning Director or his representative is hereby authorized to enter, examine and survey, during business hours, any premises in the City which is a regulated use for the purpose of enforcing the provisions of this article. This section shall not restrict or limit the right of entry vested in any other person under any other provision of law.
5. Liquor stores and similar establishments shall conform to the requirements of Mississippi Code Annotated Section 67-1-51. Permits; distance regulations; prohibition on ownership of more than one package retailer's permit; prohibition on ownership of additional permits by persons living in same household.
6. Without regard to the separation requirements contained in footnotes 1, 2, and 3, the City of D'Iberville may, through the Conditional Use procedure, approve these uses with a lesser (smaller) separation.
7. Specialty Items such as CBD products, Delta products and/pr other cannabinoids, and Kratom are to be specifically asked for during the Conditional Use Application process.

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ARTICLE 5: GENERAL REGULATIONS

5.1 LIMIT OF ONE PRINCIPAL USE

No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance.

5.2 PRINCIPAL BUILDINGS

5.2.1 Street Frontage Required

Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet minimum standards set forth in the subdivision regulations for the City of D'Iberville.

5.2.2 Two or More on a Lot

Where two (2) or more principal buildings are on a lot, the same shall conform to the following:

- A. The requirement of this Ordinance which would apply to each building if each were on a separate lot; and,
- B. The standards and improvements required for land development by the Subdivision regulations.

5.3 MAXIMUM HEIGHT OF BUILDINGS

No building shall exceed the maximum building height standard specified in the relevant district regulations of this Ordinance, and the following additional height restrictions shall apply:

- A. Buildings and structures located in the Runway End and Clear Zone, the Runway Airspace Plan and Profile, and the Runway Airspace Imaginary Surfaces for Keesler Air Force Base shall not exceed one hundred seventy feet (170') in height as established by the United States Department of Defense.
- B. Farm structures, silos, water towers, church spires, belfries, solar energy collectors (and equipment used for the mounting or operation of such collectors), windmills, chimneys or other appurtenances shall be considered as accessory uses as defined in Section 4.20 and as such the height may be increased above the maximum allowable height of the associated district one foot (1'-0") vertically provided every required setback is increased one foot (1'-0") horizontally.

5.4 SPECIAL LOT AND YARD REQUIREMENTS

5.4.1 In General

- A. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance.
- B. No required lot area or yard shall include any property (the ownership of which has been transferred subsequent to the effective date of this Ordinance), if such property was part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

5.4.2 Exceptions to Minimum Lot Areas, Lot Widths and Yards

- A. Nonconforming Lots
See Section 5.6.

- B. Irregularly Shaped Lots

In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the front lot line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70%) percent of the required minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than three hundred (300') feet radius where the lot frontage measured at the street right-of-way line shall not be less than forty (40%) of the minimum lot width.

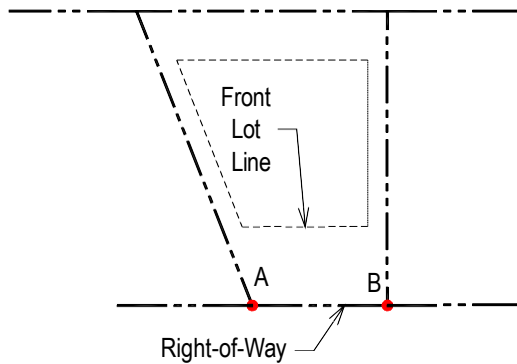


FIGURE 5.1: IRREGULAR LOT

If the minimum width is required to be 100' (per Table 4.1), the width at line AB must be at least 70'.

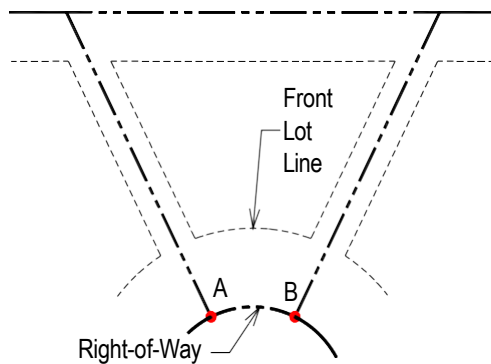
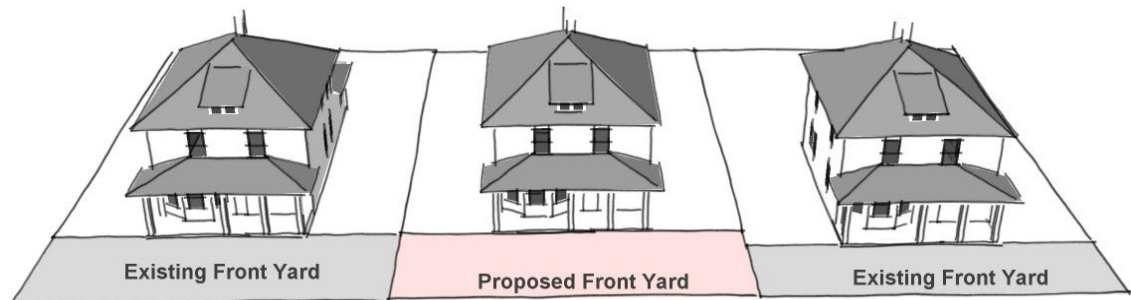


FIGURE 5.2: CUL-DE-SAC

If the minimum width is required to be 100' (per Table 4.1), the width at line AB must be at least 40'.

- C. Through Lots
 Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots. The presence of an alley shall not constitute a through lot.
- D. Corner Lots
 Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots (but shall not be less than ten (10') feet).
- E. The front yard of a lot between two lots (each having a principal building within twenty (20') of the lot) may be reduced to a depth equal to that of the greater of the two adjoining lots, except that the front yard shall not be less than ten (10') feet.



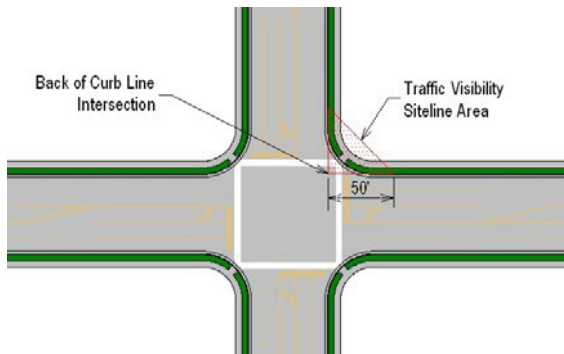
- F. Projections into Yards
 - i. No projection into required yard areas permitted in Sections 5.4.2F.ii. and iii. (except for patios) in a Low Density Residential District or Medium Density Residential District shall be less than ten (10') feet from any side or rear lot line or fifteen (15') feet from any front lot line.

- ii. Bay windows, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, marquees, eaves or other architectural features not required for structural support may project into the required side, front or rear yard not more than two (2') feet.
 - iii. Patios may be located in the required side and rear yards not closer than three (3') feet to any adjacent property line.
- G. Yard Setback Variation under Harrison County Subdivision Plat Approval
- i. Although the provisions of this ordinance are specific as they relate to required yard setbacks, the City of D'Iberville recognizes that certain development occurred under the jurisdiction of the County Board of Supervisors within areas annexed in 2013. Therefore, any residential lot having been previously platted, approved, or developed with a yard setback less than that required by this ordinance shall hereafter develop in conformance with those yard setbacks as heretofore approved.

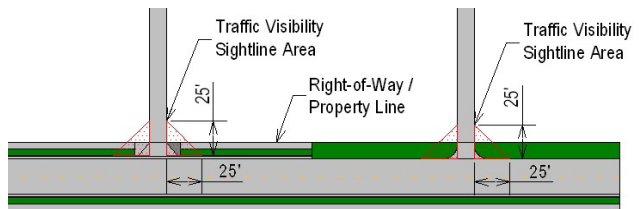
5.4.3 Traffic Visibility across Corners

- A. Sightlines at Intersections of Streets
- i. A triangular area as defined in Section 5.4.3 A. iii. shall be graded and shall be free of sight obstructions so that vision between a height from two to ten (2' to 10') feet above the centerline grades of the intersecting streets is not obscured.
 - ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting streets within the triangular area defined in Section 5.4.3 A. iii.
 - iii. Such triangular area shall be bound at street intersections (corner lots) as measured along the back of curb on both streets for a distance of fifty (50) feet from the point of intersection of the curb line. In the absence of curb, the triangular area shall be measured fifty (50) feet from intersection of the projection line of the edge of pavement.
- B. Sightlines at Intersections of Driveways or Accessways with Streets
- i. A triangular area as defined in Section 5.4.3 B. iii. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting driveway, accessway, or streets is not obscured.
 - ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting driveway, accessway, or streets within the triangular area defined in Section 5.4.3 B. iii.
 - iii. Such triangular area shall be bound by the intersecting driveway, accessway, or street centerlines and a diagonal connecting two points as measured along the back of curb on both streets and driveways for a distance of twenty-five (25) feet from the point of intersection of the curb lines. In the absence of curb, the triangular area shall be measured twenty-five (25) feet from intersection of the projection line of the edge of pavement.

TABLE 5.1 – SIGHTLINES AT VARIOUS TYPES OF INTERSECTIONS.



Streets: Arterial, Collector and Local



Driveways and Service Drives

5.4.4 Buffer Yards**A. Scope**

Any nonresidential use which borders any Residential zoning district shall provide buffer yards which comply with the standards of Section 5.4.4.

B. Size, Location

- i. A fifteen (15') foot buffer yard shall be required, unless otherwise indicated in this Ordinance. A twenty five (25') buffer yard shall be required when any nonresidential use borders any Residential Estate (RE) zoned area.
- ii. The buffer yard shall be measured from the property line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.
- iii. The buffer yard may be coterminous with a required front, side, or rear yard, provided the larger yard requirements shall apply in case of conflict.

C. Characteristics

- i. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- ii. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than twelve (12") inches in height, or weeds.

D. Planting Screen

- i. Each buffer yard shall include a Planting Screen of trees, shrubs, and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
- ii. Each Planting Screen shall be in accordance with the following requirements:
 - a. Plant materials used in the planting screen shall be of such species and size as will produce, within two (2) years, a complete year-round visual screen of at least eight (8') feet in height.
 - b. The Planting Screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one (1) year.
 - c. The Planting Screen shall be so placed that at maturity it will be at least three (3') feet from any street or property line.
 - d. The Planting Screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 5.4.3.
- iii. In circumstances where it is impractical for a Planting Screen to meet all the requirement of this Section or would create an undue hardship, the Planning Commission may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements. Planning Commission review is subject to Section 2.4 Site Plan Review of this Ordinance.

E. Plans

- i. Prior to the issuance of any Zoning approval, the applicant shall submit plans which graphically indicate, in both drawing and text where appropriate, the following:
 - a. The location and arrangement of each buffer yard.
 - b. The placement, species, and size of all plant materials, and
 - c. The placement, size, materials and type of all fences to be placed in such buffer yard.
- ii. Such plans shall be reviewed by the Planning and Zoning Director to ascertain that the plans are in conformance with the terms of this Ordinance.

5.5 ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTHS FOR ROADS**5.5.1 Purpose and Establishment**

All front yards and other appropriate yards shall be measured from the relevant minimum future right-of-way line indicated in Section 5.5.2 where the existing right-of-way is less than that indicated in Section 5.5.2 for the particular class of road on which a property abuts.

5.5.2 Measurement

- A. The future right-of-way shall be measured from the centerline of the existing road.
- B. The specific classification of each road is shown on the Street Classification Map set forth in the Comprehensive Plan for the City of D'Iberville.

5.6 NONCONFORMITIES IN USE AND STRUCTURES**5.6.1 INTENT OF REGULATIONS**

- A. Existence of Nonconforming Uses and Structures
 - i. Within the districts established by this ordinance or amendments that may later be adopted, there exist structures, uses of land and structures, and characteristics of use which were lawful before the effective date of his ordinance or amendment thereof, but which would be prohibited, regulated or restricted under the terms of this ordinance or of future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of this ordinance that non conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 - ii. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the district involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged by attachment on a building premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would be prohibited generally in the district involved.
 - iii. As used in this section, "amendment" shall mean and shall be limited to an amendment by which the use of land, or structures, or of structures and premises in combination, because nonconforming or otherwise affected.
- B. Construction Begun Prior to Ordinance
 - i. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this ordinance or of amendment thereto and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

5.6.2 Continuation

- A. Where lawful use of land, a structure, or of structures and premises in combination, exists on the effective date of this ordinance or amendment thereto, which use would not be permitted by the regulations imposed by this ordinance or by amendment thereto, and where such use or structures have a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful.
- B. Any nonconforming use, structure, or lot may be continued, maintained, improved, and repaired, provided it conforms to all of the provisions of Section 5.6.

5.6.3 Alteration or Extension**A. Nonconforming Structure**

- i. A nonconforming structure may be altered, reconstructed, or enlarged provided that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure.
- ii. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Section 5.6 3.C.
- iii. An existing nonconforming structure cannot be enlarged, except by requesting a public hearing through the Planning Commission to indicate that a hardship is existing and that a variance of the requirement would be considered by affirmative vote of the Planning Commission and City Council.

B. Nonconforming Lot of Record

- i. A building may be constructed on a nonconforming lot, provided the yard requirements of this Ordinance are observed.
- ii. Contiguous nonconforming lots under common ownership shall be considered one lot.

C. Nonconforming Use

A nonconforming use shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

- i. Such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence on the date in use became nonconforming.
- ii. Such alteration, reconstruction, extension, or enlargement shall not create a volume or floor area of the nonconforming use which is greater than one hundred (100%) percent more than the volume or floor area of the nonconforming use as it existed on the date the use became nonconforming, provided all other requirements of this Ordinance are met.
- iii. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance or amendment thereto. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.
- iv. No such nonconforming use shall be extended or moved to any portion of the premises or parcel of land other than occupied by such on the effective date of this ordinance or amendment thereto.

5.6.4 Restoration

A nonconforming building or any building containing a nonconforming use which is legally condemned or destroyed by fire, explosion, flood or other natural phenomenon, to an extent equal to fifty (50%) percent or less of its fair market value, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be completed within one (1) year of the date commenced.

5.6.5 Ownership

Whenever a nonconforming use, structure, or lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner, tenant, or management provided there is not change in the nature or character of such nonconforming use, structure, or lot, except as otherwise provided in this chapter.

5.6.6 Cessation

- A. When a nonconforming use of a structures and premises in combination be destroyed or damaged by an act of God, including tornado, hurricane, flood, wind, earthquake, etc., or accident not caused purposefully by the owner or tenant, the structure may be replaced or repaired. However, such replacement or repair shall be subject to the following provision:

Application for a building permit must be made within one (1) year of the time the structure was destroyed. However, in cases of hardship the Planning Commission shall, at its discretion, have the authority to extend said one-year limitations for additional periods of time upon application of the owner or leaseholder.

- B. If a nonconforming use of a building or land ceases for any reason for a period of more than six (6) months, subsequent use of such building or land shall conform with the regulations of the district in which it is located.

5.6.7 Changes

- A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- B. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Planning Commission after the applicant has shown that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:
 - i. Traffic generation and congestion (including truck, passenger car, bicycle and pedestrian traffic),
 - ii. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration,
 - iii. Storage and waste disposal, and
 - iv. Appearance.

5.6.8 District Changes

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structure existing in the district to which the area was transferred.

5.6.9 Repairs and Maintenance

- A. Ordinary Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any twelve (12) consecutive months or ordinary repairs, or on repair and replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not to exceed ten (10) percent of the current replacement cost of the nonconforming structure or portion of the structure, as the case may be, provided that the cubic content existing when the structure or portion thereof became nonconforming shall not be increased.
- B. Unsafe Structures

If a nonconforming structure or portion of structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be resorted, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in the ordinance shall be deemed to prevent the strengthening or restoration to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protection the public safety, upon order of such official.

5.6.10 Uses Requiring Planning Approval and Conditional Uses

- A. Existing Uses

Any lawful use existing on the effective date of this ordinance or amendment thereto, and which would be required to have planning approval or would be a conditional use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions.
- B. Authorized Uses

Any lawful use which is permitted with planning approval or as a conditional use under terms of this ordinance (other than a change through planning commission action from a nonconforming use to another use not generally permitted in the distinct) shall not be deemed a nonconforming use in such district but shall, without further action, be considered a conforming use.

5.6.11 Nonconforming Mobile or Manufactured Homes

- A. Manufactured homes and mobile homes lawfully located prior to the enactment of the Ordinance but not meeting the terms of this Ordinance and/or having discontinued use for a period of 30 days, shall be considered nonconforming uses. Such manufactured homes

and mobile homes may be replaced, repowered, or occupied only if they meet all the terms of this Ordinance and all existing codes and regulations as set forth below.

- B. Additions and improvements to existing mobile or manufactured homes are permitted only if the entire home is brought into compliance with all existing codes and regulations.

5.7 TEMPORARY STRUCTURE OR USE

A temporary permit may be issued by the Building Official for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

5.7.1 The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.

5.7.2 Such structure or use shall be removed completely upon expiration of the permit without cost to the City of D'Iberville.

5.8 CARGO CONTAINER as a RESIDENTIAL STRUCTURE

Where, in accordance with the provisions of this Ordinance, a cargo container is to be utilized as any part of the living space of a single-family residential home, the following provisions and restrictions shall apply:

- A. The cargo container so utilized must be new and never before utilized for storage, shipping or any other purpose, also referred to as a "one-trip" container.
- B. The resultant single-family home shall be situated upon a permanent foundation.
- C. The resultant single-family home shall comply with the building codes, life safety codes, flood regulations, and any other regulation adopted by the City of D'Iberville.
- D. Architectural requirements include the following:
 - a. At least 40% of each façade of the structure shall be finished with traditional building materials as utilized on neighboring homes (i.e. brick, stucco, hardy plank, stone, etc.).
 - b. Each structure shall have a roof with a minimum pitch of 4:12.
 - c. Each structure shall have a covered front porch with a minimum roof pitch of 4:12.
- E. In addition to any other required documentation, each building permit application for a container home shall be accompanied by front, side and rear elevations of the proposed structure in order to demonstrate compliance with this ordinance.
- F. If, in the event strict compliance with the architectural requirements is not reasonable, the Development Review Committee (DRC) is authorized to allow minor variations in the appearance of the structure provided that the finished product will not detract from the character of the neighborhood nor be dissimilar compared to other nearby homes to an objectionable extent.

The City of D'Iberville may require an architect's or engineer's certification of the construction, or a third-party inspection, at the discretion of the Building Official

ARTICLE 6: ENVIRONMENTAL PROTECTION

6.1 ENVIRONMENTAL PRESERVATION REQUIRED

- 6.1.1** All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site.
- 6.1.2** All uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, and the preservation of attractive views and any other natural features existing on the site.

6.2 NUISANCES PROHIBITED

No land or structure in any Zoning District shall be used or occupied in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

6.3 RESERVED

ARTICLE 7: PLANNED UNIT DEVELOPMENT

7.1 POLICY ON PLANNED UNIT DEVELOPMENTS

7.1.1 Purpose of Provisions

Under the regulations prescribed by this ordinance for the various districts, a separate site is required for each structure other than an accessory structure. For the purpose of allowing and encouraging greater variety of design and flexibility of location for buildings comprising a planned group and occupying an area of two (2) or more acres, the provisions of this section waive the requirement for a separate building site for each building and permit two (2) or more buildings to be erected and maintained on the same building site where the planning commission finds that certain conditions hereinafter set forth are met. Examples of such building groups that might be erected under the provision of this section are multiple-family dwelling projects and shopping centers.

7.1.2 Option and Limitations

The use of this section in connection with the development of any land or the construction of any building or group of buildings is optional with the applicant. The provisions of this section are applicable in all districts; provided, however, that nothing in this section shall be construed to permit in any district any use not permitted in that district as a use by right or with planning approval or by conditional use approval.

7.2 CONDITIONS TO BE MET BY PLANNED UNIT DEVELOPMENT

7.2.1 District Regulations

Every building group erected and maintained under the provisions of this section shall comply with all of the regulations established by this ordinance for the district in which the building group is located except the regulation requiring a separate building site to be provided and maintained for each principal structure. Such building group may be considered as one building for the purpose of complying with the building site area, height, yard, and other regulations of the ordinance. With respect to residential uses, building site area per dwelling unit may be reduced not to exceed twenty (20) percent where common open space provided justified such reduction by its location, character, and intended use.

7.2.2 Site Plan and Improvements

- A. Adequate facilities for the drainage of surface water, including storm sewers, gutters, paving, and the proper design of finished grades.
- B. Adequate facilities for the safe and convenient circulation of pedestrian and vehicular traffic, including walks, driveways, off-street parking areas, and landscaped separation spaces between pedestrian and vehicular ways.
- C. In dwelling building groups, adequate and safely located play areas for small children shall be included.
- D. The buildings in a planned unit development shall be so arranged that every building is accessible by emergency vehicles.

7.3 PROCEDURE ON SPECIAL PLANS FOR PLANNED UNIT DEVELOPMENTS

7.3.1 Procedure on Preliminary Special Plan

Submission of a preliminary plan is not mandatory, but is recommended as a means to identifying and solving design problems.

- A. An application for approval of a preliminary plan for a planned unit development shall contain the following information:
 - i. The applicant's name, address, and interest in the application.

- ii. A site plan, which may be in a sketch form, showing the land area to be occupied by the planned unit development, its approximate dimensions, easements and rights-of-way, the relation of the planned unit development to adjoining properties, the general layout of buildings, the arrangement of driveways, parking areas, loading areas, walks, screen planting, and other landscaping, and such additional information as may be needed to describe the proposed planned unit development. Elevations or perspective sketches of the proposed planned unit development may be submitted.
- B. Upon receipt of an application for preliminary plan approval of a planned unit development, the Planning and Zoning Director shall examine the plan and make such investigation as is necessary. Within thirty (30) days of the receipt of an application, the Planning and Zoning Director shall transmit the application, together with the report and recommendation, to the Planning Commission. The Planning and Zoning Director shall also transmit a copy of the application, and such department or agency shall transmit its report and recommendation to the Planning Commission.
- C. Within forty-five (45) days of receipt of an application for preliminary plan approval, the Planning Commission shall review the application and shall approve or disapprove the preliminary plan; approval may establish conditions and limitations. The Planning Commission shall return the application, together with its report of approval or disapproval, to the Planning and Zoning Director and the Planning and Zoning Director shall notify the applicant.
- D. Approval of a preliminary plan shall not constitute approval of the planned unit development but shall be deemed only as an expression of approval of the preliminary plan submitted as a guide to preparation of a final plan. Approval of a preliminary plan shall be void if a final plan has not been submitted within one (1) year.

7.3.2 Procedure on Final Special Plan

Submission of a final plan in accordance with the following provisions is mandatory for planned unit developments.

- A. An application for approval of a final plan for planned unit development shall contain the following information:
 - i. The applicant's name, address, and interest of every person, firm, or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area to be occupied by a planned unit development.
 - ii. A site plan showing the land area to be occupied by the planned unit development, with its boundaries and dimensions; all public and private easements and rights-of-way, both existing and proposed, within or bounding the designated area and the adjoining properties; proposed contours not to exceed two (2) foot intervals and necessary finished grade; the location, number of stories, and gross floor area of proposed principal buildings and accessory buildings, curb cuts, driveways, off-street parking areas, off-street loading areas, and walks; open areas to be set aside for special purposes; the location and height of proposed walls, fences and screen planting; the types of additional information as may be necessary to described completely the planned unit development. Elevation or perspective of the proposed building group shall be submitted.
- B. The same procedure for administrative examination and review by Planning Commission set out for the preliminary plan shall be followed in respect to a final plan.

7.3.3 Filing and Recording of Special Plan

Upon approval of the final plan, a copy of the site plan shall be filed among the records of the Planning and Zoning Director and the original thereof recorded with the official zoning map of the city, as a part thereof and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, shall limit and control the issuance and validity of permit and certificates, and shall restrict and limit the use and operation of all land and structure within the area designated in such plan to all conditions and limitations specified in such plan and the approval thereof; provided, however that the Planning and Zoning Director may, upon a showing of engineering necessity, permit minor changes in the location of structures and site improvements, if such minor change will not change the character of the development, or otherwise cause the plan to fail to meet the conditions specified herein.

7.3.4 Amendment or Withdrawal of Special Plan

Pursuant to the same procedure and subject to the same limitations and requirements by which a final plan was approved, filed and recorded, it may be amended or withdrawn, either partially or completely, if all land and structures remaining comply with all the conditions and limitations of the final plan and the approval thereof and all land and structures withdrawn comply with all regulations established by all other sections of this ordinance.

ARTICLE 8: OFF-STREET PARKING AND LOADING

8.1 REQUIRED NUMBER OF OFF-STREET PARKING SPACES

8.1.1 Requirement

- A. Each use established, enlarged, or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 8.1 and the regulations of this Article.
- B. Uses not specifically listed in Table 8.1 shall comply with the requirements for the most similar uses listed in Table 8.1.
- C. Where a proposed use contains or includes more than one type of use (regardless of whether each use is listed in Table 8.1 or is an unlimited use), the number of parking spaces required shall be the sum of the parking requirements for each separate use.
- D. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter (1/4, 0.25) or more shall be counted as one (1).

8.1.2 Schedule of Off Street Parking Spaces Required

At least the following amounts of off-street parking spaces shall be provided. The classification of use shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the number of parking spaces to be provided is not readily determinable hereunder the classification of the use shall be fixed by the Planning Commission.

TABLE 8.1 – GENERAL OFF-STREET PARKING REQUIREMENTS

Dwelling, one-family	2 spaces per dwelling unit
Dwelling, two-family	2 spaces per dwelling unit
Dwelling, multi-family	1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2.0 spaces per 3 bedroom unit
Hotels without restaurants and lounges	1 spaces per guest room 1 space per employee at largest shift
Hotels with restaurants, lounges, office space, and convention halls	1 spaces per guest room 1 space per employee at largest shift
Restaurants, lounges, night clubs, office space, and convention halls connected to Hotels	1 space per 50 sq. ft. of space used for customer service plus; 1 space per 2 employees
Manufactured home on individual lots	2 spaces per dwelling unit
Manufactured home in manufactured home park	2 spaces per dwelling unit
Manufactured home in land lease community	2 spaces per dwelling unit
Hospitals and sanitariums	2 spaces per bed
Institution for children or the aged (nursing homes)	1 space per 2 beds
Theaters, auditoriums, gymnasiums, convention halls, stadiums	1 space per 3 seats
Churches	1 space per 4 seats
Funeral homes	1 space per 3 chapel seats
Schools, elementary	1.5 spaces per teaching station
Schools, junior high	1 spaces per teaching station
Schools, senior high	1 space per 4 students

Colleges, universities	1 space per 4 students
Business colleges; trade schools	1 space per 4 students
Restaurants	1 space per 50 sq. ft. of space used for customer service plus 1 space per 2 employees
Furniture or appliance store, machinery, equipment, automotive, or boat sales and services	1 space per 900 sq. ft. of gross retail floor area
Retail stores, personal service establishments; indoor commercial amusements; office; repair shops; medical and dental clinics; libraries; art galleries; clubs; lodges	1 space per 300 sq. ft. of gross retail floor area
General services or repair establishments; printing; publishing; plumbing; heating; electrical and broadcasting	1 space per 2 employees plus 1 space for each vehicle utilized in the conduct of business
Industrial and manufacturing establishments; warehouse and distribution establishments; creamery and bottling plant	1 space per 2 employees on the maximum shift
Day Care Facilities	1 space per 6 children and 1 for each staff member
Amusements, commercial outdoor	5 for every hole for golf courses, 2 for every hole for miniature golf courses, 2 for every tee or target for golf driving or archery ranges, 10 for every acre of land included within a zoning lot of the premises where a skateboard, motorbike or motorcycle course or water or aquatic slide or amusement park is located

Casino patron parking shall be designed to accommodate peak user demand based upon eighty (80) percent of casino capacity. Such parking shall reflect a mixture of bus and automobile parking such that bus spaces accommodate twenty (20) to thirty (30) percent of casino capacity. The exact percentage of estimated bus traffic shall be determined by the D'Iberville Planning Commission based upon marketing information provided by the casino developer, and bus parking shall be based upon eighty-five (85) percent capacity of the bus. The following calculations shall be used

TABLE 8.2 – CASINO OFF-STREET PARKING REQUIREMENTS

Patron cars	1 per 50 square feet of casino floor area
Employee cars	1 space per 2 employees on largest shift
Buses	5 spaces (10' x 50' each)

These standards are based upon parking generation studies for gaming conducted in other comparable communities across the country.

8.1.3 Handicapped Parking Spaces Required

In each parking lot of 20 or more spaces, a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed by the State for use by the handicapped, according to the following schedule:

<u>Total Spaces</u>	<u>Handicapped Spaces Required</u>	<u>Van Accessible Spaces</u>
20-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total	3
1001 and over	20 + 1 for each 100 over 1000	1 in 8 of all Accessible spaces

8.2 GENERAL REGULATIONS APPLYING TO OFF-STREET PARKING FACILITIES

8.2.1 Existing Parking

Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article, provided that the kind or extent of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.

8.2.2 Change in Use

Whenever a building or use (including those specified in Section 8.2.1 is changed in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 8.1 for an increase of (10%) percent or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement so required.

8.2.3 Continuing Character of Obligation

- A. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.
- B. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

8.2.4 Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

8.2.5 Joint Use

In the Commercial Districts, two (2) or more uses may provide for required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually.

8.3 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES

8.3.1 General Requirements

- A. Every parking facility shall be designed so that it does not constitute a nuisance, hazard, or unreasonable impediment to traffic.
- B. Every parking area shall be arranged for orderly, safe, movement.
- C. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except those of a single family or two-family dwelling.
- D. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single family or two-family dwelling.
- E. Surfacing of all parking facilities shall be concrete, asphaltic concrete, or asphalt and all parking facilities shall be properly graded for drainage and maintained in a good condition, free of weeds, dust, trash, and debris.
- F. Wheel guards may be provided and so located that no part of a parked vehicle will extend beyond the parking facility.
- G. Parking spaces shall not be used for the sale, repair, dismantling, or storage of any vehicles, equipment, materials, or supplies.
- H. On-street parking in R-1, R-2, R-3, R-4, and R-0 shall be used only by vehicles up to eight thousand (8,000) pounds gross vehicle weight (manufacturer's capacity rating) and have wheels not to exceed seventeen (17) inches in diameter.
- I. Parking facilities on more than one level (multiple-level) shall be designed in accord with those standards set out herein for grade level parking facilities insofar as they are reasonably applicable. The design of such a multiple-level facility shall be subject to approval of the Planning Commission with respect to layout, circulation, accommodations for pedestrians' ingress and egress, and other characteristics affecting safety and convenience.

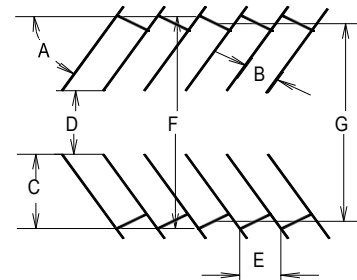
8.3.2 Parking Space Geometry.

- A. Parking spaces shall have a minimum area of 171 square feet with a width of nine (9) feet and a length of nineteen (19) feet. Parking lots shall be laid out and constructed in accordance with the following specifications:

TABLE 8.3 – PARKING SPACE GEOMETRY

A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	9.0	9.0	11.0	23.0	30.0	---	60°	9.0	21.0	18.0	10.4	50.0	55.5
20°	9.0	15.0	11.0	26.3	41.0	32.5	70°	9.0	2.10	19.0	9.6	61.0	57.9
30°	9.0	17.3	11.0	18.0	45.6	37.8	80°	9.0	20.3	22.0	9.1	62.6	61.0
45°	9.0	19.8	13.0	12.7	52.5	46.5	95°	9.0	19.0	24.0	10.0	60.0	60.0

- 1. Parking angle (degrees)
- 2. Stall width (feet)
- 3. Stall to curb (feet)
- 4. Aisle width (feet)
- 5. Curb length (feet) per car
- 6. Center to center width (feet) of double row with aisle between
- 7. Curb to curb stall center (feet)



- B. Pedestrian walks shall be located between every other (alternating) parking bay, a parking bay being the vehicular access aisle and parking spaces on one or both side served by it. If parking bays exceed three hundred (300) feet in length without vehicular access to adjacent bays or to another drive or street, a pedestrian walk shall be provided between each parking bay. Required pedestrian walks shall have a four foot (4') clear width and such width shall be protected and maintained by curbs or wheel guards. All pedestrian walks shall be paved and maintained free of standing water.
- C. Blocks of parking bays containing more than two hundred (200) parking spaces shall be established if the total number of parking spaces to be provided exceeds two hundred (200). Such blocks shall be defined by landscaped strips having at least a fifteen (15) foot clear width and such width shall be protected by raised curbs. Each such landscape strip shall be raised and protected by curbs and shall contain four (4) foot wide pedestrian walk extending the full length of the strip. Vehicular access aisles within the block shall be connected to one or more roadway at least twenty-four (24) feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.

8.3.3 Access Drives and Driveways

- A. Parking lot access drives may be designed for either one-way or two-way traffic and in either case shall be appropriately marked. In the case of one-way traffic, a parking lot access drive shall not be less than twelve (12) feet in width. In the case of two-way traffic, a parking lot access drive shall not be less than twenty-four (24) feet in width.
- B. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
- C. At least fifty (50') feet shall be provided between any two (2) access drives along one (1) street for one (1) lot.
- D. No access drive or driveway shall be less than thirty (30') feet from any street intersection.

8.3.4 Grading, Surface Drainage

Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be graded and surfaced with a durable asphalt or concrete, and drained to the extent necessary to prevent erosion or excessive water flow across streets or adjoining properties.

8.3.5 Nighttime Illumination

- A. Any parking area designed for use by ten (10) or more cars after dusk shall be adequately illuminated.
- B. All lighting fixtures used to illuminate parking areas shall be arranged so that the source of light does not shine directly into adjacent residential properties and does not interfere with traffic.

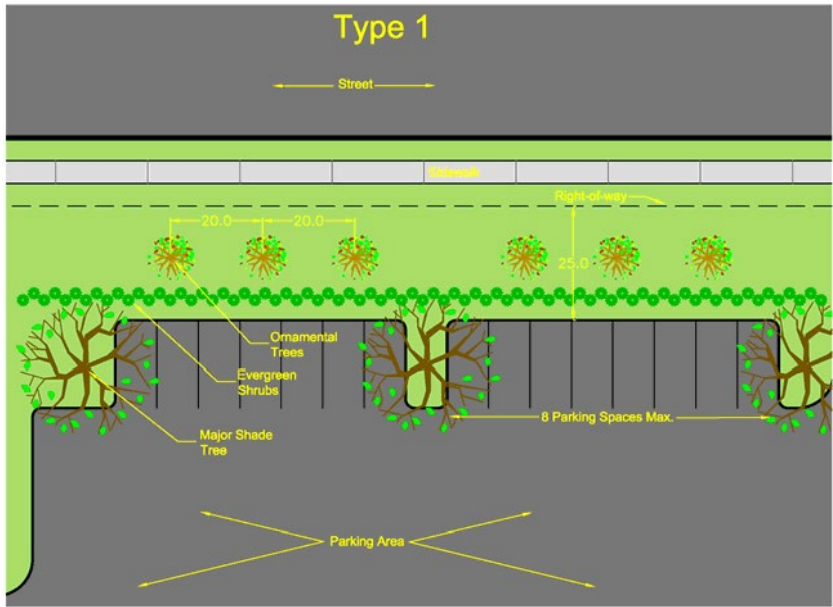
8.3.6 Landscaping and Streetscaping Requirements

- A. Pursuant to the application requirements for the various permits and procedures specified in this Ordinance, a landscaping plan shall be submitted for review and approval, and shall indicate the following:
 - i. Scale and North Arrow.
 - ii. Any existing or proposed buildings, parking areas, pedestrian areas, or other impervious surfaces.
 - iii. Existing landscaped areas to be preserved.
 - iv. A plant legend indicating the size, spacing, quantity and type of proposed landscaping materials.
 - v. Appropriate landscape planting details as needed or requested by the Planning and Zoning Director.
 - vi. Any proposed irrigation system to be provided.
 - vii. Existing land uses adjacent to the development site.
- B. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot lines, unless a greater dimension is otherwise required.
- C. All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be permanently landscaped and maintained.

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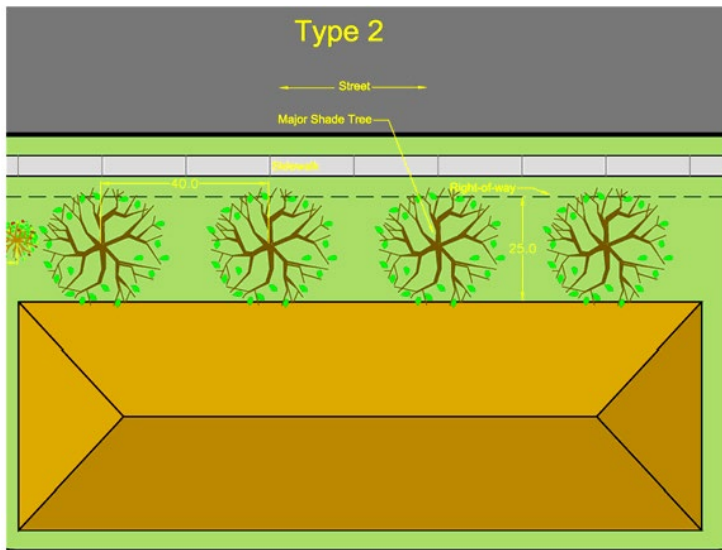
- D. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall not be less than ten (10') feet in depth (measured from the right-of-way line).
- E. The perimeter of all parking areas, drive aisles, planted islands, projections, or other features which serve to distinguish and protect parking and driving areas from landscaped or pedestrian areas, shall be protected by a raised curb.
- F. Except for parking spaces which face and are adjacent to a street, the maximum number of uninterrupted parking spaces shall be twenty-five (25). Landscape islands shall be utilized as a means to divide the groups of twenty-five (25) parking spaces from each other. Each landscape island shall be planted with at least one (1) indigenous shade tree a minimum of two-and-one-half (2½) inch caliper and said island shall be either grassed or mulched.
- G. All parking rows must be anchored on each end with a curved planted island/projection. Each island/projection must have one (1) indigenous shade tree for single parking rows, and two (2) indigenous shade trees for double parking rows, with said shade trees being at a minimum two-and-one-half (2½) inch caliper.
- H. Except for those areas required to provide streetscape planting, the perimeter of all parking areas, including drive aisles, must have an unbroken hedge consisting of either indigenous evergreen shrubs or indigenous densely planted deciduous shrubs, to be a minimum height of twenty-four (24) inches at the time of planting. The perimeter screening must also include indigenous shade trees planted a minimum of thirty-five (35) feet on center, measured at two-and-one-half (2 ½) inch caliper thickness, at a height of five (5) feet at the time of planting.
- I. Streetscaping shall be provided for all new development types except for single family and two family residential units; however, the development of any residential subdivision containing more than five lots or ten (10) dwelling units shall require streetscaping. Streetscaping shall be in the form of landscape plantings along all public roadways and private roadways where such private roadways are intended to be open and accessible by the general public. Any portion of a required streetscape which is not dedicated to required plantings shall be maintained as mulched or grassed area. The type of streetscape required shall depend upon the relationship of the parking area, drive area, and buildings to the street:
 - i. Streetscape Type 1. Streetscape Type 1 shall be required where parking is located adjacent to and fronting the street right-of-way. Streetscape Type 1 shall consist of a landscaped area equal in depth to the front yard setback requirement of the parent zoning classification and supplemented by the following plantings and characteristics:
 1. For every eight (8) parking spaces fronting and adjacent to the street, there shall be a raised landscape island no smaller in dimension than one parking space.
 2. Planting shall include one (1) major shade tree, measuring at two-and-one-half (2 ½) inch caliper thickness, planted in each landscape island.
 3. There shall be provided a single, staggered row of evergreen shrubs designed to form a continuous barrier for the width of the required streetscape.
 4. There shall be provided a group of three (3) ornamental trees planted twenty (20) feet on center with said group being centered between the pairs of major shade trees.

The following illustration is intended to graphically demonstrate the placement and arrangement of landscaping elements for type 1 streetscape. Nothing in this provision shall prevent the Planning and Zoning Director or the City of D'Iberville from approving a landscaping plan which incorporates innovative or unique design elements provided the minimum required plantings are provided.



- ii. Streetscape Type 2. Streetscape Type 2 shall be required where a building is located adjacent to and fronting the street right-of-way and the lawn or greenspace thereby is unbroken by vehicular travel ways. Streetscape Type 2 shall consist of a landscaped area equal in depth to the front yard setback requirement of the parent zoning classification and supplemented by the planting of one (1) major shade tree, measuring at two-and-one-half (2 ½) inch caliper thickness, for every forty (40) feet.

The following illustration is intended to graphically demonstrate the placement and arrangement of landscaping elements for type 2 streetscape. Nothing in this provision shall prevent the Planning and Zoning Director or the City of D'Iberville from approving a landscaping plan which incorporates innovative or unique design elements provided the minimum required plantings are provided.



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- iii. Streetscape Type 3. Streetscape type 3 shall be required where a drive aisle is located adjacent to and fronting the street right-of-way. Streetscape Type 3 shall consist of a landscaped area equal in depth to the front yard setback requirement of the parent zoning classification and supplemented by either of the following planting requirements:

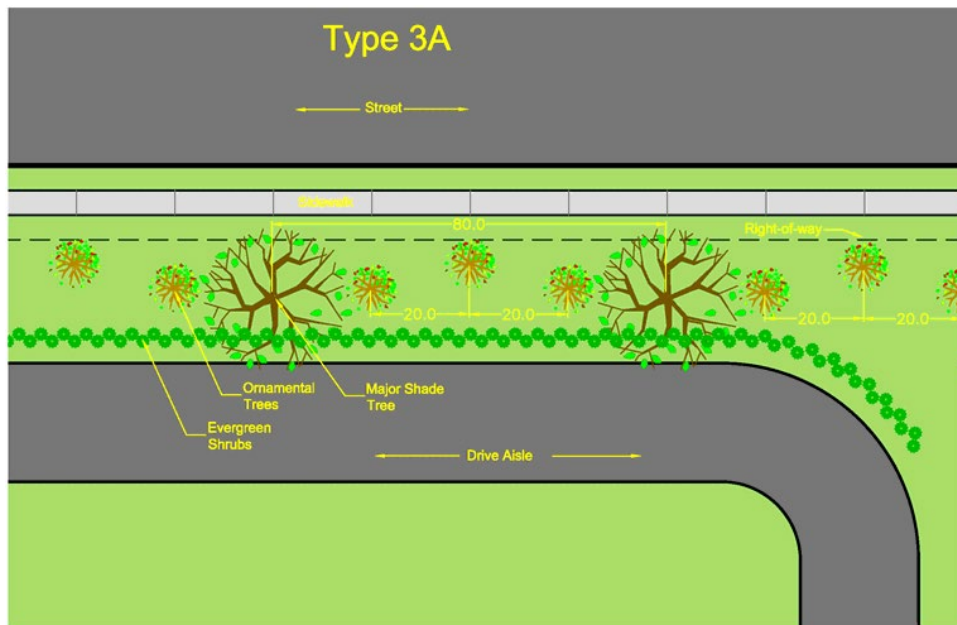
Streetscape Type 3A:

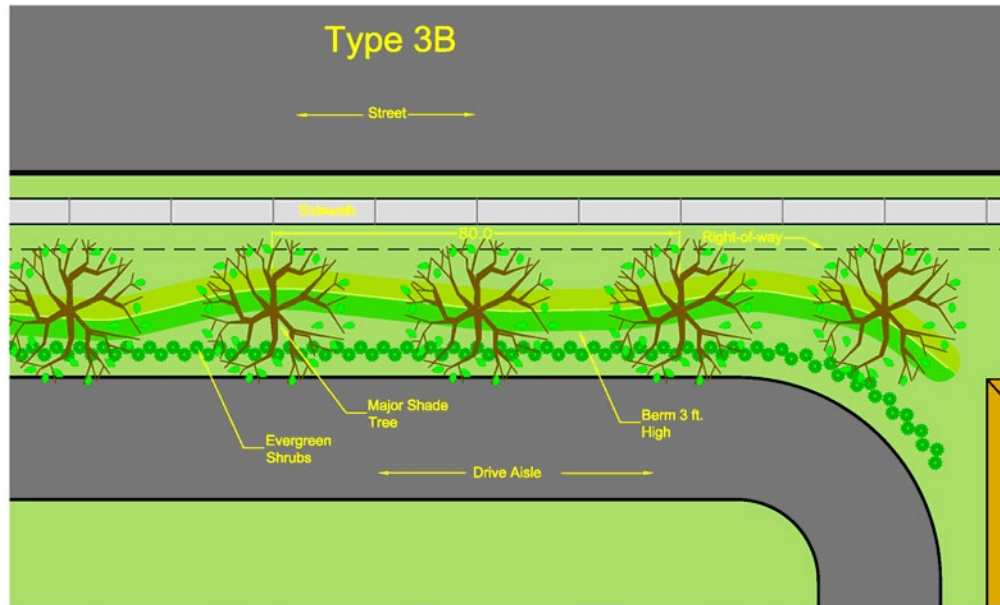
- 1. Planting shall include one (1) major shade tree, measuring at two-and-one-half (2 ½) inch caliper thickness, planted every eighty (80) feet.
- 2. There shall be provided a single, staggered row of evergreen shrubs designed to form a continuous barrier for the width of the required streetscape.
- 3. There shall be provided a group of three (3) ornamental trees planted twenty (20) feet on center with said group being centered between the major shade trees.

Streetscape Type 3B:

- 1. Planting shall include one (1) major shade tree, measuring at two-and-one-half (2 ½) inch caliper thickness, planted every forty (40) feet.
- 2. There shall be provided a single, staggered row of evergreen shrubs designed to form a continuous barrier for the width of the required streetscape.
- 3. There shall be provided an earthen berm (3) feet in height.

The following illustration is intended to graphically demonstrate the placement and arrangement of landscaping elements for type 3A and type 3B streetscape. Nothing in this provision shall prevent the Planning and Zoning Director or the City of D'Iberville from approving a landscaping plan which incorporates innovative or unique design elements provided the minimum required plantings are provided.





8.3.7 Screening

- A. Any area of six (6) or more spaces which is not within a building and abuts or is across a street from any lot in an R-1 or R-2 Residential District, shall be provided with a suitable fence, wall, berm, or evergreen planting, or a combination thereof, at least four (4') feet in height, designed to screen visibility and headlight glare from such residential lot. When these screening provisions are required in conjunction with streetscaping, the streetscape elements shall be modified to include any additional elements required for screening; however, no elements are required to be duplicated.

8.3.8 Shared Parking Facilities

Under the foregoing provisions of this ordinance, off-street parking spaces are required to be provided individually for each use or structure. Pursuant to the procedure hereinafter set forth and subject to certain limitations, two (2) or more uses may share off-street parking facilities in accordance with the provisions of Section 8.3.9, with each of such uses being considered to have provided the parking spaces individually.

- A. No use shall be considered as individually having provided off-street parking facilities which are shared with one or more other uses unless the schedules or nature of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as the other sharing them.
- B. An application for approval of a special plan hereunder shall be filed with the Planning and Zoning Director by the owner or owners of all land and structures for which shared off-street parking spaces are to be provided. The applications shall contain such information as is required by this ordinance or reasonably deemed necessary by the Planning and Zoning Director and shall include plans showing the proposed shared facilities in relation to the uses for which they are to be provided.
- C. Applications hereunder shall be reviewed by the Planning and Zoning Director and either approved or disapproved within thirty (30) days; approval may establish conditions and limitations.
- D. Upon approval of a special plan, a copy of such plan shall be filed among the records of the Planning and Zoning Director and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, shall limit and control the issuance and validity of permits and certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.

- E. Pursuant to the same procedure and subject to the same limitations and requirements by which the special plan was approved and filed, any special plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such special plan comply with all the conditions and limitation of the special plan and all land structures withdrawn from such special plan comply with all regulation established by this ordinance and unrelated to t the special plan.

8.3.9 Parking –Sharing Factor

The Sharing Factor indicated in Table 8.4 for two uses or structures, when divided into the sum of the two amounts as listed in Table 8.1, produces the effective parking for each site involved in sharing. Conversely, the Sharing Factor may be used as a multiplier to indicate the amount of building allowed on each site given the parking available.

TABLE 8.4 – SHARING FACTOR

Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL / CASINO		RETAIL / CASINO

		1		
	1.1	1	1.1	
1.4	1	1	1.4	
1.2	1.7	1.4	1.2	
1.3	1	1.3		
1.2	1.2			
	1			

8.3.10 Sample Calculation

A developer proposes to construct a vertically mixed use development. It will consist of retail spaces on the first level with apartment units on the second and third levels. In total, there will be 5,000 square feet of gross retail space and 10 two bedroom apartment units. Calculating each use separately, the retail space will require 17 (16.6) parking spaces and the 10 apartment units will require 15 spaces, for a total of 32 spaces for the development. Because residential and retail have a sharing factor of 1.2, divide the 32 required spaces by 1.2 to arrive at 27 (26.6) spaces, or a 5 space reduction.

8.4 OFF-STREET LOADING FACILITIES

8.4.1 Required Number of Spaces

At least the following amounts of off-street truck loading facilities shall be provided for all structures containing uses devoted to commerce, business, industry, manufacturing, storage, warehousing, processing, hotels, hospitals, airports, railroad terminal, and similar purposes. Structures required to provide and maintain less than ten (10) off-street parking spaces shall be exempt from these requirements.

Square Feet of Gross Floor Area	Required Number of Spaces
0 – 5,000	1
5,001 – 15,000	2
15,001 – 40,000	3
40,001 – 100,000	4

For Each Additional 5,000 Above 100,000 1

8.4.2 Size and Location

Each truck loading space shall have the following minimum clearances which are exclusive of access or maneuvering are, platform, and other appurtenances:

<u>Item</u>	<u>Minimum</u>	<u>Clearance</u>
Overhead	16'-0"	
Width	12'-0"	
Length	50'-0"	

Off-street truck loading facilities shall be located on the same building site on which the structure for which they are provided is located. Access, maneuvering area, ramps, and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not required to back from the area into the street.

8.4.3 Construction and Maintenance

Off-street loading facilities shall be constricted, maintained, and operated in accordance with the following specifications:

- A. They shall be graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash, and debris.
- B. Lighting shall be arranged so that the source of light does not shine directly into adjacent residential properties or into traffic.
- C. Entrances and exist shall be provided and located as to minimize traffic congestion.
- D. Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than three hundred (300) vehicles, provision shall be made to maintain separate circulation routes within such facilities.

8.4.4 Cooperative Establishment and Use

Requirements for the provision of off-street truck loading facilities with respect to two (2) or more structures may be satisfied by the permanent allocation for the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the Planning and Zoning Director, a lesser number of spaces will be adequate, taking into account the respective time of usage of the truck loading facility by the individual uses, the character of the merchandise, and related factors. In order to eliminate the multiplicity of individual facilities, to conserve space where space is at a premium and to promote orderly development generally, the Planning and Zoning Director is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity to one another in a given area, and especially in the general business district, in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

8.5 SPECIAL PROVISIONS FOR DELIVERY OR OTHER BUSINESS VEHICLES

Vehicles utilized in the normal operation of a business shall be parked behind or beside the principle building or parked in the most inconspicuous location available relative to its visibility from a public street or right-of-way (if parked at the business location) when said vehicle is not in use. The term "use" shall not include advertising purposes.

8.6 MAINTENANCE REQUIREMENTS FOR PRIVATE STREETS AND DRIVES

Any privately owned street or drive which is open and available for public use, public access, and is reasonably expected to be utilized by the motoring public shall be maintained in a condition free of weeds, dust, dirt, standing water, trash and

debris, and be free from potholes or other signs of surface failure. Additionally, such privately owned streets or drives shall be suitably marked and striped in conformance with the *Manual on Uniform Traffic Control Devices*.

ARTICLE 9: FENCES

9.1 REQUIRED AT POOLS.

All unattended public and private swimming pools shall have a fence or enclosure separating the entire pool from public access. Said fence or enclosure for pools used or accessible by the general public shall have a minimum height of six feet (6'-0") measured on the side of the barrier which faces away from the swimming pool. Said fence or enclosure for private pools shall have a minimum height of four feet (4'-0") measured on the side of the barrier which faces away from the swimming pool. The fence or enclosure for both public and private pools shall comply with all conditions required by this article except requirements set forth in Section 9.12 and all height requirements set forth in Section 9.12 A. If the pool contains over 24 inches of water it must be fully enclosed by a fence. Gates that provide access to swimming pools must be self-closing, self-latching and child resistant.

9.2 PERMITS REQUIRED

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence regulated by this article without first obtaining a separate permit for each fence. A fence permit shall be required other than for minor repair or painting as necessary.

9.3 APPLICATION FOR PERMIT

To obtain a permit required by this division, the applicant shall first make an application for permit on a form furnished by the Building Official.

9.4 PLANS AND SPECIFICATIONS

Three sets of plans and such other data as deemed necessary by the Building Department shall be submitted with each application for a permit under this article.

9.5 INFORMATION ON PLANS.

Plans shall be drawn to scale and shall include the following:

- A. Building locations and area to be fenced;
- B. Legal description of land to be fenced;
- C. Height offence and type of materials to be used;
- D. intersections of streets, roads, highways, alleys and driveways;
- E. Zoning; and
- F. Corner "visibility range," when required, shall be shown.

9.6 PERMIT ISSUANCE.

9.6.1 Application

The application, plans and other data, filed by an applicant for a permit under this article shall be reviewed by the Building and Zoning department. If the work described in an application for a permit and the plans and other data filed therewith conform to the requirements of this article and all other pertinent laws and ordinances, and the fees specified in the City Ordinance providing for permit, inspection and license fees have been paid, the permit shall be issued to the applicant.

9.6.2 Endorsement

The plans shall be endorsed by the City in writing and shall not be changed, modified or altered without authorization from the Building and Zoning department, and all work shall be done in accordance with the approved plans.

9.6.3 Plan Retention

One set of approved plans shall be retained by the Building and Zoning department for a period of not less than 90 days from the date of completion of the work covered, (one set of the approved 2 plans shall be retained by the engineering department and one set of the approved plans shall be returned to the applicant.)

9.7 VALIDITY OF PERMIT

The issuance or granting of a permit under this article or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this article or any other code or ordinance of the City. The issuance of a permit based community development from thereafter requiring correction of errors in such plans and other data, or from preventing building operations being carried on there under when in violation of this article or any other code or ordinance of the City.

9.8 PERMIT EXPIRATION

Every permit issued by the Building and Zoning department under the provisions of this article shall expire by limitation and become null and void if the authorized work is not commenced within 60 days from the date of permitting, or if the authorized work is not completed, or is abandoned for a period of 60 days. Before the work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided the elapsed time does not exceed 180 days in which case the permittee shall pay a new full permit fee in order to renew the permit.

9.9 SUSPENSION OR REVOCATION OF PERMIT

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this article whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any code or ordinance of the City or any of the provisions of this article.

9.10 APPEAL

Any applicant for a fence permit whose request is denied by the City staff for noncompliance with this article, or whose permit is suspended or revoked, may, within ten days from the date of written notification, appeal such decision as allowed by statute.

9.11 PERMIT FEES

The fee for each permit shall be as set forth in the City ordinance providing for permit, inspection and license fees which are set out in Section 9.15. No permit fees shall be refunded.

9.12 GENERAL REQUIREMENTS AND RESTRICTIONS.

- A. Fences constructed on any lot, and specifically corner lots, will be subject to, and shall conform to the visibility range requirements contained in Section 5.4.3 Traffic Visibility Across Corners of this ordinance. An additional clear zone may be required by the Planning and Zoning Director.
- B. No fence, guy wire, brace or post shall be constructed upon or extend over property that the City has control over, owns or has an easement over or under, except upon:
 - i. Underground drainage easements that contain non-pressurized storm sewer pipes if written permission is granted by all users.
 - ii. Underground sanitary sewer easements that contain non-pressurized pipes if written permission is granted by all users.
 - iii. Utility easements if written permission is granted by all users.
- C. No drainage easement, public or private, shall be fenced or obstructed in any manner, without prior written permission by all users. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance.

- D. No fence shall exceed ten feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this article.
- E. No fence erected within the City limits shall be electrically charged in any manner, without prior written permission by the authority having jurisdiction.
- F. No fence shall be constructed of barbed wire or other sharp, pointed material except on property zoned agriculture and is five acres or greater in size, or except as provided for in subsection (H) of this section.
- G. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. A driveway approach, in conformance with the general development ordinance and approved by the engineering division, shall be required for all vehicle gates.
- H. In C-1 and C-2 zoning districts, fences six feet or greater in height may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or private property. Any property that requires a screening device shall conform to the general development ordinance.
- I. Construction material may be wood, vinyl, chain link, masonry, or other approved material except in the case where a screening device is required; in all such cases the City Zoning Ordinance requirements shall prevail.
- J. All swimming pools shall have a fence or enclosure which complies with the following:
 - i. The top of the barrier shall be at a height specified in Section 9.1 according to the type of pool. Said barrier height shall be above grade and measured on the side of the barrier which faces away from the swimming pool. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be two (2) inches.
 - ii. Openings in the barrier shall not allow passage of more than a four-inch diameter sphere.
 - iii. Solid barriers which do not have openings, such as a masonry or stone Wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - iv. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1¾ inches in width.
 - v. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cut outs within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.
 - vi. Maximum mesh size for chain link fences shall be 1¾ -inch square unless the fence is provided with slats fastened at the top and the bottom which reduce the openings to no more than 1¾ inches.
 - vii. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1¾. inches.
 - viii. Access gates shall comply with the requirements of previous paragraphs i. through vii. of this subsection, and shall be equipped to accommodate a locking device. Gates shall have self-closing and self-latching devices which shall meet the following three requirements:
 - a. The release mechanism of the self-latching device must be located not less than 45 inches from the grade below the gate.
 - b. The release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate.
 - c. The gate and barrier shall have no opening greater than one-half inch within 18 inches of the release mechanism.
 - ix. Where a wall of a dwelling serves as part of the barrier, direct access to the pool through the wall shall be limited to doors and windows which meet the following conditions:
 - a. Windows leading to the pool area shall have a latching device at least 54 inches above the floor.
 - b. Hinged doors leading to the pool area shall be self-closing and shall have a self latching device. The release mechanism, if not self-locking, shall be located at least 54 inches above the floor.

- c. Sliding doors or sliding screen doors leading to the pool area shall be self-locking and shall have a self-latching device. The release mechanism, if not self-locking, shall be located at least 54 inches above the floor.
- K. Barriers shall be located so as to prohibit permanent structures, landscaping objects, stationary equipment, or similar objects from being used to climb the barrier.
- L. No fence shall be constructed in the required front yard building setback area of R-1, R-2, R-3, R-4, R-5, R-O, C-1, C-2 or WF zoning districts; except that a decorative fence may be constructed outside of any defined and/or dedicated easement, a height no greater than 3½ feet above the finished lot grade and the solid area of such fence shall not exceed 50 percent of the total.
- M. In all zoning districts where outside storage of material, equipment, goods and supplies is allowed, all fencing shall comply with the general development ordinance.
- N. In the C-3 Interstate Commercial District shall conform to the following criteria:
 - i. No chain link fences shall be permitted within the district, any section, on commercially developed property, except for security purposes when approved by the planning commission.
 - ii. All fences shall maintain as a minimum a thirty-five (35) percent transparency unless permitted as an exception by the planning commission.
 - iii. Fences shall not exceed four (4) feet in height unless utilized for security or screening purposes, in which case such fence may not exceed seven (7) feet in height within the buildable area of the lot.

9.13 INSPECTIONS

Upon completion of work authorized under this article it shall be the duty of the permittee to notify the director of the Building and Zoning department that such work is ready for inspection. Required inspections shall include:

- A. Alignment inspection. (To be made after all post or support structures are in place or to be made when the holes are dug before the posts are inserted or concrete is poured.)
- B. Final inspection. To be made after the fence has been completed.

9.14 MAINTENANCE

- A. All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately.
- B. All devices or safeguards which are required by this article shall be maintained operable.
- C. The owner or his designated agent shall be responsible for the maintenance of the fence, and to determine compliance of this section, the director of the health and code enforcement division of the department of community development may cause any fence to be re-inspected.

9.15 FENCE FEE SCHEDULE

Building permit fees for fences shall be as listed in Table 9.1

TABLE 9.1 FENCE FEE SCHEDULE

Total Valuation	Fee
\$1.00 to \$1,000.00	\$20.00
\$1,001.00 to \$2,000.00	\$20.00 for the first \$1,000.00, plus \$1.55 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$35.65 for the first \$2,000.00, plus \$4.65 for each additional thousand or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$142.00 for the first \$25,000.00, plus \$4.00 for each additional thousand or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$240.35 for the first \$50,000.00, plus \$2.35 for each additional thousand or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$355.50 for the first \$100,000.00, plus \$1.55 for each additional thousand or fraction thereof

9.15.1 Variance

Variations shall be administered in accordance with Section 2.6 Variance Procedure

ARTICLE 10: SIGNS

10.1 SCOPE; PURPOSE; LEGAL EFFECT

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located as specified in this article. For the purpose of this article, the following sign regulations are established to assure the health, welfare, and safety of the citizens of D'Iberville and to encourage the economy of the city, to protect the public investments in streets and highways, to preserve natural beauty, and to protect tax revenues by promoting the reasonable, orderly, and effective display of outdoor advertising. Any prior zoning ordinance or part thereof, inconsistent with this article is hereby amended to conform with this article.

10.2 DEFINITIONS

For the purpose of this article the words and terms found herein shall have the meanings respectively ascribed in Section 3.2. All words used in this article not specifically defined herein shall be given their meanings in normal and customary usage

10.3 PERMIT REQUIRED.

It shall be unlawful to erect, enlarge, rebuild, or structurally alter any sign without first obtaining a permit therefor.

10.4 GENERAL REQUIREMENTS

10.4.1 Conformity, Generally

All signs hereafter erected on any lot in any district of the city, except official, traffic and street signs, shall conform with the provisions of this article unless otherwise provided.

10.4.2 Signs Not to be Primary Land Use

Signs shall be permitted or sited only when the property, lot, or parcel upon which the sign is to be placed houses a structure or active land use in conformance with the provisions of the zoning regulations. For clarification and administrative purposes, a vacant lot shall not contain any additional sign above that which may already exist, and a nonconforming land use shall not contain any additional sign above that which may already exist.

10.4.3 Ingress, Egress

No sign shall be erected as to impede or prevent free ingress or egress from any door, window or fire escape, and no sign of any kind shall be attached to a standpipe or fire escape.

10.4.4 Sight Line Obstruction

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, it may interfere with or obstruct the view of traffic signs, fire hydrants, lines, or traffic-control devices.

10.4.5 Projecting Signs

Any sign affixed flat against the wall of a building and not more than fifteen (15) inches in thickness shall not be deemed a projecting sign. Projecting signs may not extend more than twenty-four (24) inches beyond the building line and shall be at least ten (10) feet above the highest point or finished grade of the adjacent surface.

10.4.6 Architectural Compatibility for Signage

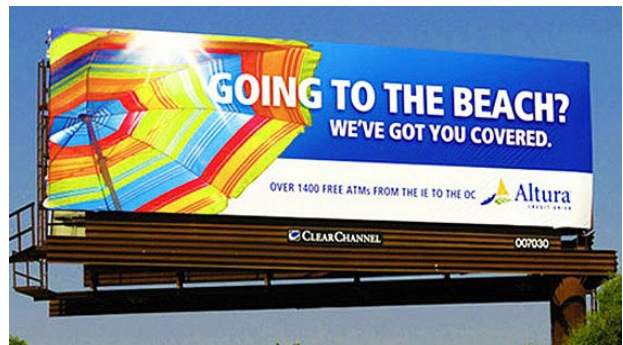
Permanent signage shall be designed and constructed to conform to the following standards:

- A. All signage shall be constructed such that the façade materials are of consistent type, texture, color, and design as the building or buildings upon the same site as said sign. In simple terms, the sign is to be architecturally compatible and consistent with its related building.
- B. Ground signs, free standing or pylon signs shall not have exposed structural support members, unless such support members are of consistent type, texture, color, and design as the building or buildings upon the same site as said sign. Structural support members shall be concealed within or behind a cabinet, skirt, façade, or otherwise decorative means of achieving architectural compatibility as required herein.
- C. Wall mounted signs, awning signs, and window signs shall be designed as an architectural feature and shall be aesthetically compatible with the architectural style of the corresponding building(s).
- D. Outdoor Advertising (Billboards)
 - i. Outdoor advertising structures shall be designed and constructed so that the message area(s) are symmetrical with respect to the supporting structure. Cantilever or offset structures as demonstrated in Figure 10.1 shall not be allowed within the City of D'Iberville.
 - ii. The pole or support structure of a billboard shall be adorned with decorative or ornamental attachments, facades, casings, skirting or otherwise necessary to create architectural significance and compatibility with the property on which the structure is located.
 - iii. Equipment areas shall be screened from public view by opaque materials and natural landscape material.
 - iv. Wooden members shall not be utilized for structural support.
- E. A variance from the above requirements may be requested under the conditions of Section 10.4.7 and procedures as outlined in Section 2.6 of this ordinance

FIGURE 10.1 EXAMPLES OF BILLBOARDS THAT ARE NOT ALLOWED



Billboard with a telescoping horizontal member resulting in sign being off center of the vertical support structure.



V-shaped two-sided billboard with the vertical support structure located at one end of sign structure.

Images taken from <http://thefinancialbrand.com/29263/bank-credit-union-outdoor-billboards-reviewed/>

10.4.7 Variances

- A. Administrative Variance

To provide reasonable and convenient flexibility in these regulations governing the maximum size of the message space of any sign, there is hereby created this special provision for the administrative issuance of a variance. Any administrative variance shall be limited in applicability to the area of the message space of any sign, and shall not apply to sign height, location, number, or any other aspect of a sign as contained in this Article. An administrative variance, if granted, shall authorize up to a ten percent (10%) increase in the message area of any sign. An administrative variance shall conform to the following procedures:

 - i. An application for an administrative variance shall be filed with the City of D'Iberville Planning Department and shall be accompanied by its related sign permit application.

- ii. The applicant shall state the reasons in support of the request for an administrative variance and shall further provide any additional information, as deemed by the City of D'Iberville Planning Department, to be relevant to the application.
- iii. An application for administrative variance shall be granted, within the parameters as specified herein, only after review and recommendation by the DRC. The DRC shall be the final authority on the question of an administrative variance.
- iv. An administrative variance shall be granted only upon the basis of one or more of the following criteria:
 - a. Unique circumstances exist upon the site or building upon which the sign is proposed to be located, and such unique circumstances impede the visibility of the proposed sign. This provision shall not be construed to simply allow a larger message area where a conforming message area is sufficiently visible.
 - b. As a result of granting the administrative variance, a proposed sign will be more architecturally compatible, either by arrangement of the message or by scale, with the building or structure upon which the sign is to be affixed.
 - c. That the granting of an administrative variance will serve to eliminate or mitigate an otherwise unsafe condition.
 - d. That the necessity for the administrative variance does not arise from actions of the applicant or owner of the subject sign.
- v. No administrative variance may be granted to any sign which is nonconforming according to the provisions of this Ordinance.
- vi. No administrative variance may be granted to any outdoor advertising (billboard) sign as regulated by Section 10.9.
- vii. No administrative variance shall be granted concerning a sign which has previously been subject to the variance procedures as specified in Section 2.6 et. seq. of these regulations.
- viii. If warranted, the DRC may prescribe conditions upon the approval of the administrative variance.
- ix. In granting an administrative variance, the DRC shall specify in writing the basis for therefor.

B. Other Variances

Where an administrative variance is insufficient for the applicant's desires, and to provide reasonable flexibility in these regulations, the Planning Commission may approve an application for a business sign or advertising structure within a commercial district which may not conform with the provisions of the district in which it is to be located, where the location, size, or addition would not be inconsistent with the character of the area or neighborhood in which such signs or structure is to be located and if conformance would cause undue hardship.

10.4.8 Building Codes

Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building codes of the City.

10.5 ZONING DISTRICT REQUIREMENTS

This section gives the requirements for permanent and temporary signs; including types allowed, setbacks, sizes, etc. for the zoning districts of D'Iberville.

10.5.1 Residential Districts

Residential Districts shall consist of the AG Agricultural District, R-1 Single-Family Residence District, R-2 Single-Family residence District, R-3 General Residence District, and R-4 Multifamily Residence District.

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- A. Permanent / Temporary Signs
 - i. Personal identification - 2 square feet, maximum
 - ii. For sale or for rent - 4 square feet, maximum
 - iii. Yard sale (temporary) - 2 square feet, maximum
 - iv. Political (temporary) - 3 square feet, maximum
 - v. Churches, schools, fraternal, civic, and other nonprofit uses:
 - a. Main sign - 20 square feet, maximum
 - b. Bulletin boards - 15 square feet
 - vi. Accessory (entrance, exit, etc.) - 2 square feet, per sign
 - vii. Flags - One (1) residential size national flag and one (1) residential size state flag per residential use
 - viii. Development - Subject to approval of the Planning Commission
 - ix. Exempted signs apply to this use area classification and all setbacks are per Zoning District Requirements.

10.5.2 R-O Residential / Office and R4A Districts

- A. Permanent / Temporary Signs
 - i. Same requirement as the Residential Districts as indicated in 10.5.1.A, and all setbacks are per zoning district requirements.
 - ii. Size - 64 square feet, maximum
 - a. 50% of the allowable sign area shall be applied to an on-structure mounted sign.
 - b. 50% of the allowable sign area shall be applied to a freestanding sign.
 - iii. Accessory Signs - Same as above, if applicable
 - iv. It is intended that office use signs shall conform architecturally to the existing character of the district, or as approved by the Planning Commission.

10.5.3 C-1 Neighborhood Commercial District

- A. Permanent / Temporary Signs
 - i. Same requirements as the Residential Districts as indicated in 10.5.1.A and all setbacks are per zoning district requirements, except as noted herein.
 - ii. Setback - 10 feet minimum from property line and/or right-of-way line (to edge of sign, not support)
 - iii. Size – Freestanding and on-structure mounted signage shall be sized as follows:
 - a. Freestanding signs – 0.5 square feet of message area for each foot of property frontage; however, no freestanding sign message area shall exceed 64 square feet per face.
 - b. On-structure mounted signs:
 - i. Single tenant / single occupancy building – 1 square foot of message area for each linear foot of building frontage, not to exceed 64 square feet of sign message area.
 - ii. Multi-tenant / multi-occupant building – 1.3 square feet of message area for each linear foot of building frontage per tenant space, not to exceed 32 square feet of sign message area per individual tenant space. The sign area allowed under this provision shall not be transferrable across tenant spaces.
 - c. Limitation on proportion of on-structure mounted signage – In no case shall an on-structure mounted sign exceed eighty percent (80%) of the width and forty percent (40%) of the height of the façade upon which it is mounted. For multi-tenant / multi-occupant buildings, this provision shall apply to each individual lease space facade.
 - iv. See Section 10.7.1 Commercial Use for type of sign configurations, etc. Excepted signs apply to this use area classification, and this requirement does not include legal nonconforming signs.
 - v. Temporary sidewalk signs shall be allowed, provided that the removal of such occurs at the end of the business day. Sidewalk signs shall have a maximum size of two feet by three feet (2' x 3').
 - vi. Revolving signs or beacons, streamers, pennants, banner, corrugated yard signs, flags, animated air powered, and whirling devices may be allowed temporarily for up to 14 days consecutive with specific

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written approval from the Planning and Zoning Department and by permit with the Building Department. All temporary signs must be located within 200 ft. of the business requesting the approval. A permit application will only be accepted from the owner of the business and/or event being advertised.

B. Informational and regulatory signs.

The following types of signs displayed for the direction, safety, convenience, or information for the public are permitted:

- i. Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices, and other signs required to be maintained or posted by law or other regulations.
- ii. Utility signs not over four (4) sq ft in area identifying parking area entrances and exits, off-street loading areas, and the like.
- iii. Memorial plaques, cornerstones, historical marker, and the like.
- iv. Project signs: Contractors or Developers signs on construction site, not to exceed sixty-four (64) sq. ft. in area, indicating the names of persons associated with the project for no more than 90 days without written approval from the Planning and Zoning Dept.

C. Any signage proposed upon properties utilized for residential purposes within the C-1 Neighborhood Commercial District shall conform to Section 10.5.1.

10.5.4 C-2 General Commercial District

A. Permanent / Temporary Signs

- i. Same requirements as the Residential Districts as indicated in 10.5.1.A and all setbacks are per zoning district requirements, except as noted herein.
- ii. Setback - 10 feet minimum from property line and/or right-of-way line (to edge of sign, not support).
- iii. Size – Freestanding and on-structure mounted signage shall be sized as follows:
 - a. Freestanding signs – 1.0 square foot of message area for each foot of property frontage; however, no freestanding sign message area shall exceed 100 square feet per face.
 - b. On-structure mounted signs:
 - i. Single tenant / single occupancy building – 1.3 square foot of message area for each linear foot of building frontage, not to exceed 150 square feet of sign message area.
 - ii. Multi-tenant / multi-occupant building – 1.3 square feet of message area for each linear foot of building frontage per tenant space, not to exceed 48 square feet of sign message area per individual tenant space. The sign area allowed under this provision shall not be transferrable across tenant spaces.
 - c. Limitation on proportion of on-structure mounted signage – In no case shall an on-structure mounted sign exceed eighty percent (80%) of the width and forty percent (40%) of the height of the façade upon which it is mounted.
- iv. See Section 10.7.1 Commercial Use, for type of sign configurations, etc. Exempted signs apply to this use area classification, and this requirement does not include legal nonconforming signs.
- v. Temporary sidewalk signs shall be allowed, provided that the removal of such occurs at the end of the business day. Sidewalk signs shall have a maximum size of two feet by three feet (2' x 3').
- vi. Revolving signs or beacons, streamers, pennants, banner, corrugated yard signs, flags, animated air powered, and whirling devices may be allowed temporarily for up to 14 days consecutive with specific written approval from the Planning and Zoning Department and by permit with the Building Department. All temporary signs must be located within 200 ft. of the business requesting the approval. A permit application will only be accepted from the owner of the business and/or event being advertised.
- vii. Street pole banners are allowed on poles owned and maintained by the business, and can only be placed with an approved permit. All banners must be placed to not obstruct the view of traffic. These banners must be constructed of a durable material designed to withstand weather and properly maintained.

B. Billboards

- i. Maximum size - 600 square feet
- ii. Maximum height - 45 feet

- iii. V type - V-type billboards count as one side total, or 600 square feet maximum for both
 - iv. Spacing - Minimum spacing between billboards is 1,500 feet in radius
 - v. Setbacks - All billboards shall have a minimum setback of 50 feet from roadway and/or any property line.
 - vi. No billboard shall be erected within 400 feet of an adjoining residential district. No billboard shall be allowed on a lot with less than 100 feet of street frontage. Billboards shall only be allowed parallel or fronting I-10 and I-110. Billboards shall not be allowed on MS Hwy 67, MS Hwy 15, Old Hwy 67, inner city streets, or roadways.
- C. Informational and regulatory signs
The following types of signs displayed for the direction, safety, convenience or information for the public are permitted:
- i. Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices and other signs required to be maintained or posted by law or other regulations.
 - ii. Utility signs not over four (4) sq ft in area identifying parking area entrances and exits, off-street loading areas and the like.
 - iii. Memorial plaques, cornerstones, historical marker and the like.
 - iv. Project signs: Contractors or Developers signs on construction site, not to exceed sixty-four (64) sq. ft. in area, indicating the names of persons associated with the project for no more than 90 days without written approval from the Planning and Zoning Dept.
- D. Any signage proposed upon properties utilized for residential purposes within the C-2 General Commercial District shall conform to Section 10.5.1.

10.5.5 C-3 Interstate Commercial District

The area divisions (A, B, C, and D) indicated on the Zoning Map are established for the purpose of these sign regulations only. All other characteristics of the C-3 zoning district (lot area, lot width, building coverage, required yards, and building height) shall be in accordance with Section 4.16 Interstate Commercial District (C-3).

- A. Generally
The following regulations shall apply to all signs within the Interstate District, all sections:
- i. No sign shall be placed or maintained within the district except as herein provided.
 - ii. No sign, except an unlighted sign for lease, sale, or rent of property and not exceeding thirty-two (32) sq ft in area; and announcement of profession sign not exceeding four (4) sq ft in area; traffic and other regulatory signs, legal notices and the like shall be placed or erected only after approval of the Planning and Zoning Department.
 - iii. No signs attached to the vertical face of a building shall employ flashing, rotating or blinking lights.
 - iv. Temporary sidewalk signs shall be allowed, provided that the removal of such occurs at the end of the business day. Sidewalk signs shall have a maximum size of two feet by three feet (2' x 3').
 - v. Revolving signs or beacons, streamers, pennants, banner, corrugated yard signs, flags, animated air powered, and whirling devices may be allowed temporarily for up to 14 days consecutive with specific written approval from the Planning and Zoning Department and by permit with the Building Department. All temporary signs must be located within 200 ft. of the business requesting the approval. A permit application will only be accepted from the owner of the business and/or event being advertised.
 - vi. Street pole banners are allowed on poles owned and maintained by the business and can only be placed with a permit. All banners must be placed to not obstruct the view of traffic. These banners must be constructed of durable material designed to withstand weather conditions and maintained.
- B. Informational and regulatory signs
The following types of signs displayed for the direction, safety, convenience or information for the public are permitted:
- i. Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices and other signs required to be maintained or posted by law or other regulations.
 - ii. Utility signs not over four (4) sq ft in area identifying parking area entrances and exits, off-street loading areas and the like.
 - iii. Memorial plaques, cornerstones, historical marker and the like.

- iv. Project signs: Contractors or Developers signs on construction site, not to exceed sixty-four (64) sq. ft. in area, indicating the names of persons associated with the project for no more than 90 days without written approval from the Planning and Zoning Dept.
- C. Business signs-on site
- i. District A, C, D
 - a. Signs advertising a commercial use shall be permitted on-structure (except roof); on a freestanding pole or pylon; and on group signs for multiple businesses such as for a shopping center, strip mall, group business or office complex.
 - b. The total length of on-structure signs shall not exceed 80% of total storefront width, maximum letter size 4'0".
 - c. The total area of signs permitted on a freestanding pole or pylon or group sign shall not exceed 200 square feet or the sum of 2 square feet for each lineal foot of lot frontage, whichever is greater, in Interstate District A, C and D.
 - d. The number of freestanding pole or pylon signs shall not exceed one (1) per development.
 - ii. District B
 - a. In Interstate District B, the total area of all signs allowed shall not exceed 1 square foot per lineal foot of property frontage or 100 square feet, whichever is greater, because of the proximity to residential development.
 - b. Frontage must be declared where a corner lot or double frontage exists.
- D. Religious, Fraternal, or Civic Signs
- i. In order to qualify under this section, the entity must be organized and operated as a not-for-profit corporation under the laws of the State of Mississippi.
 - ii. Signs advertising a religious, fraternal, or civic use shall be permitted on-structure (except roof); on a freestanding pole or pylon; and on group signs such as for a shopping center, strip mall, group business or office complex.
 - iii. The total area of signs permitted on a freestanding pole or pylon or group sign shall not exceed 200 square feet or the sum of 2 square feet for each lineal foot of lot frontage, whichever is greater.
 - iv. The total area of on-structure signs shall not exceed 80% of total storefront width, maximum letter size 4'0".
 - v. Except for commercially zoned property, this type of use for signage purposes must comply with the general aesthetics of the location, as reviewed and approved by the planning commission.
- E. Residential Signs
- No signs are allowed in the residential use areas, except those signs as indicated under the exempted section (Section 10.11), or allowed under other sections of that Article.
- F. Sale or Rent Signs
- Signs advertising that the premises are for lease, sale or rent are permitted; provided that each real estate firm shall be limited to one such sign not to exceed sixteen (16) square feet in area on each lot or parcel of property for which such firm has a bona fide listing, and that such sign shall be removed from the premises within ten (10) days subsequent to the leasing, sale or rental of such premises.
- G. Development Signs
- i. One company sign not to exceed sixty-four (64) square feet in area may be affixed to each lot or parcel of property to designate that such property is to be occupied at the future date by the business or use designated. This sign shall remain in place no longer than six (6) months, unless an extension is granted by the Planning Commission.
 - ii. Signs such as, entrance identification at subdivisions and other similar type developments are permitted as permanent signs, as approved by the Planning Commission.
- H. Sign Setbacks
- Each sign must be setback ten (10) feet minimum from the property line and/or right-of-way line (to edge of sign, not support)
- I. Sign Height Requirements
- i. District A
 - The height of the sign shall not exceed sixty-five (65) feet in height if the property in question is located south of Mallett Road and the extension that is being constructed and eight-five (85) feet in height if

- the property in question is located to the north of said road, or as otherwise required by FAA or approved by the planning commission with acceptance of the development plan.
- ii. District B
The height of the sign shall not exceed thirty-five (35) feet in height, or as otherwise required by the FAA or approved by the planning commission with acceptance of the development plan.
 - iii. District C
The height of the sign shall not exceed sixty-five (65) feet in height, or as otherwise required by the FAA or approved by the planning commission with acceptance of the development plan.
 - iv. District D
The height of the sign shall not exceed 65' in height if the property in question is located southeast Promenade Parkway and 85' in height if the property in question is located northeast of Promenade Parkway, or as otherwise required by FAA or as otherwise approved by the Planning Commission with acceptance of the development plan.
- J. Any signage proposed upon properties utilized for residential purposes within the C-3 Interstate Commercial District or any division thereof shall conform to Section 10.5.1.

10.5.6 I Industrial District

Exempt signs apply to this area classification, and this requirement does not include legal nonconforming signs.

- A. Permanent / Temporary Signs
 - i. Setback - Same as district zoning regulations
 - ii. Size – 200 square feet maximum
 - a. 50% of the allowable sign area shall be applied to an on-structure mounted sign.
 - b. 50% of the allowable sign area shall be applied to a freestanding sign
 - iii. See Section 10.7.1 Commercial Use for type of sign configurations, etc. Exempted signs apply to this use area classification, and this requirement does not include legal nonconforming signs.
- B. Any signage proposed upon properties utilized for residential purposes within the I Industrial District shall conform to Section 10.5.1.

10.5.7 WF Waterfront District

- A. Generally
The following regulations shall apply to signs within the WF-1 and WF-2 waterfront districts:
 - i. No sign shall be placed or maintained within the waterfront district except as herein provided.
 - ii. No sign, except an unlighted sign for lease, sale, or rent or property and not exceeding twelve (12) square feet in area; and announcement of profession sign not exceeding two (2) square feet in area; traffic and other regulatory signs; legal notice and the like shall be placed or erected without the prior approval of the Planning and Zoning Director.
 - iii. No signs which extends above the building or structure; sign employing flashing, rotating, or blinking lights.
 - iv. Temporary sidewalk signs shall be allowed, provided that the removal of such occurs at the end of the business day. Sidewalk signs shall have a maximum size of two feet by three feet (2' x 3').
 - v. Revolving signs or beacons, streamers, pennants, banner, corrugated yard signs, flags, animated air powered, and whirling devices may be allowed temporarily for up to 14 days consecutive with specific written approval from the Planning and Zoning Department and by permit with the Building Department. All temporary signs must be located within 200 ft. of the business requesting the approval. A permit application will only be accepted from the owner of the business and/or event being advertised.
- B. Informational and regulatory signs.
The following types of signs displayed for the direction, safety convenience or information for the public are permitted.

- i. Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices and other signs required to be maintained or posted by law or other regulations.
 - ii. Utility signs not over four (4) square feet in area identifying parking area entrances and exits, off-street loading areas and the like.
 - iii. Memorial plaques, corner stones, historical marker, and the like.
 - iv. Temporary announcement signs including contractors' signs on construction sites, not to exceed thirty-two (32) square feet in area, indicating the names of persons associated with or events conducted upon the premises.
 - v. Project signs: Contractors or Developers signs on construction site, not to exceed sixty-four (64) sq. ft. in area, indicating the names of persons associated with the project for no more than 90 days without written approval from the Planning and Zoning Department.
- C. Business Signs
- i. The total area of all business signs on a building, structure, or lot shall not exceed three hundred (300) square feet or the sum of six (6) square feet for each linear foot of lot frontage, whichever is greater.
 - a. 50% of the allowable sign area shall be applied to an on-structure mounted sign.
 - b. 50% of the allowable sign area shall be applied to a freestanding sign.
 - ii. No single business sign surface may exceed three hundred (300) square feet in area, nor shall two (2) or more signs be so arranged and integrated as to create a surface area in excess of three hundred (300) square feet.
- D. Sale or Rent Signs
- i. Signs advertising that the premises are for lease, sale, or rent are permitted; provided that each real estate firm shall be limited to one such sign not exceeding sixteen (16) square feet in area on each lot or parcel of property for which such firm has a bona fide listing, and that such sign shall be removed from the premises within ten (10) days subsequent to the leasing, sale, or rental of such premises.
- E. Development Signs
- i. One company sign not to exceed sixty-four (64) square feet in area may be affixed to each lot or parcel of property to designate that such property is to be occupied at a future date by the business or used designated.
- F. Height Requirements
- i. No structure of any kind, except signs as otherwise provided, shall exceed one hundred ten (110) feet in height, or as otherwise required by the FAA.
- G. Any signage proposed upon properties utilized for residential purposes within the WF Waterfront District shall conform to Section 10.5.1.

10.5.8 FMD French Market District

A. Generally

The following regulations shall apply to all signs within the French Market District:

- i. No sign shall be placed or maintained within the district except as herein provided.
- ii. No sign, except an unlighted sign for lease, sale, or rent of property and not exceeding thirty-two (32) sq ft in area; and announcement of profession sign not exceeding four (4) sq ft in area; traffic and other regulatory signs, legal notices and the like shall be placed or erected only after approval of the Planning and Zoning Department.
- iii. No signs attached to the vertical face of a building shall employ flashing, rotating or blinking lights.
- iv. Temporary sidewalk signs shall be allowed, provided that the removal of such occurs at the end of the business day. Sidewalk signs shall have a maximum size of two feet by three feet (2' x 3').
- v. Revolving signs or beacons, streamers, pennants, banner, corrugated yard signs, flags, animated air powered, and whirling devices may be allowed temporarily for up to 14 days consecutive with specific written approval from the Planning and Zoning Department and by permit with the Building Department. All temporary signs must be located within 200 ft. of the business requesting the approval. A permit application will only be accepted from the owner of the business and/or event being advertised.

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- B. Informational and regulatory signs
The following types of signs displayed for the direction, safety, convenience or information for the public are permitted:
- i. Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices and other signs required to be maintained or posted by law or other regulations.
 - ii. Utility signs not over four (4) sq ft in area identifying parking area entrances and exits, off-street loading areas and the like.
 - iii. Memorial plaques, cornerstones, historical marker, and the like.
 - iv. Project signs: Contractors or Developers signs on construction site, not to exceed sixty-four (64) sq. ft. in area, indicating the names of persons associated with the project for no more than 90 days without written approval from the Planning and Zoning Dept.
- C. Business signs-on site
- i. Signs advertising a commercial use shall be permitted on-structure (except roof); on a freestanding pole or pylon; monument sign; and on group signs for multiple businesses such as for a shopping center, strip mall, group business or office complex.
 - ii. In the French Market District, the total area of all signs allowed shall not exceed 1.5 square foot per lineal foot of property frontage or 150 square feet, whichever is greater, because of the proximity to residential development.
 - iii. The total area of signage permitted on a freestanding pole or pylon or group sign shall not exceed 125 square feet.
 - iv. The number of freestanding pole, pylon or group signs shall be limited to one per development.
 - v. The total length of on-structure signs shall not exceed 80% of total façade width, and the maximum letter size shall be 4 feet.
 - vi. Frontage must be declared where a corner lot or double frontage exists. The signage allowed by the length of a frontage must be placed upon that frontage.
- D. Religious, Fraternal, or Civic Signs
- i. In order to qualify under this section, the entity must be organized and operated as a not-for-profit corporation under the laws of the State of Mississippi.
 - ii. Signs advertising a religious, fraternal, or civic use shall be permitted on-structure (except roof); on a freestanding pole or pylon; and on group signs such as for a shopping center, strip mall, group business or office complex.
 - iii. The total area of signs permitted on a freestanding pole or pylon or group sign shall not exceed 100 square feet or the sum of 1 square foot for each lineal foot of lot frontage, whichever is greater.
 - iv. The total area of on-structure signs shall not exceed 80% of total façade width, maximum letter size 4'0".
- E. Residential Signs
No signs are allowed in the residential use areas, except those signs as indicated under the exempted section (Section 10.11), or allowed under other sections of that Article.
- F. Sale or Rent Signs
Signs advertising that the premises are for lease, sale or rent are permitted; provided that each real estate firm shall be limited to one such sign not to exceed sixteen (16) square feet in area on each lot or parcel of property for which such firm has a bona fide listing, and that such sign shall be removed from the premises within ten (10) days subsequent to the leasing, sale or rental of such premises.
- G. Development Signs
- i. One company sign not to exceed sixty-four (64) square feet in area may be affixed to each lot or parcel of property to designate that such property is to be occupied at the future date by the business or use designated. This sign shall remain in place no longer than six (6) months, unless an extension is granted by the Planning Commission.
 - ii. Signs such as entrance identification at subdivisions and other similar type developments are permitted as permanent signs, as approved by the Planning Commission.
- H. Sign Setbacks

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Each sign must be setback ten (10) feet minimum from the property line and/or right-of-way line (to edge of sign, not support)

- I. Sign Height Requirements
 - i. Residential uses
The height of free standing, ground mounted signs shall not exceed eight (8) feet in height.
 - ii. Commercial
The height of free standing, ground mounted, pole or pylon signs shall not exceed thirty-five (35) feet in height.
- J. Any signage proposed upon properties utilized for residential purposes within the French Market District shall conform to Section 10.5.1.

10.6 ILLEGAL SIGNS

The following signs are illegal signs and are prohibited within the city limits:

- B. Any signs attached to the following: The roof or top of a building or structure, out-buildings, appurtenant structures, utility poles, fences, trees, vehicles (except for identification of business, see Section 10.7 Permanent Signs, and added to any existing sign (except those signs originally designed for group advertising.)
- C. Any signs located as follows: Signs located on city, county, state, or other government property, including public lands, rights-of-way, easements, or similar locations (except those signs exempted, from this requirement), and no sign shall be constructed within fifty (50) feet of a residential district and sizes over fifty (50) distant must face away from the residential area (lighting must be indirect or diffused).
- D. Design and construction restraints. Any sign that uses flashing lights, such as strobe, etc., (except those signs that are of a particular design that have been approved by the Planning Commission); any sign that uses the red, amber, green and red and blue colored lights which may be misinterpreted as emergency, police, and traffic-control identification; any sign that exhibits confusing form, color, lighting, or that may affect normal visibility for traffic, etc.; any sign that allows trash, debris, etc., to exist, which may be considered a fire and/or health hazard.
- E. Portable signs of any type other than a sidewalk sign as found in Section 10.5.

10.7 PERMANENT SIGNS.

The following permanent signs shall be permitted in the indicated land use classifications:

10.7.1 Commercial Use

Identification signs allowed in commercial use areas include the following:

- A. Building structure mounted signs
 - i. Roof mounted sign are prohibited
 - ii. Building mounted signs must be approved as an architectural design by the Planning Commission
- B. Freestanding pole or pylon signs
- C. Group signs
 - i. Shopping Center
 - ii. Group Business
 - iii. Office Complex
- D. Accessory signs such as traffic-control (not public)
- E. Corner Lot or Double Frontage
 - i. Sign square footage requirement can be a maximum of ten (10) percent of the main identification sign square footage requirement
 - ii. Signs shall be limited to one (1) per street frontage
- F. Digital signs or digital display areas may be incorporated into the freestanding sign subject to the following criteria:
 - i. A digital sign shall be permitted only as an integral component of a freestanding sign.

- a. A digital sign shall be compatible with the design of the primary sign structure including width, depth, material, and color of the cabinet.
- ii. The digital display portion of the sign shall comprise no more than 50% of the total sign area.
- iii. No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights.
- iv. There shall be no effects of movement, animation, scrolling, flashing, scintillation or similar effects, and shall display only static images.
- v. The static display time for each message shall be a minimum of eight (8) seconds.
- vi. The time to completely change from one message to the next is a maximum of one (1) seconds and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.
- vii. All such signs shall have installed light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions. In addition, maximum brightness levels for said sign shall not exceed five thousand five hundred (5,500) nits from dawn to dusk, during daylight hours, and one thousand (1,000) nits from dusk to dawn, nighttime hours.
- viii. Any digital display sign face or similar such sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing, or any similar effects, shall have a default mechanism freezing said sign if any such malfunction occurs.
- ix. Digital signs are prohibited from being inserted into or added to nonconforming signs.

10.7.2 Development Signs

Signs such as entrance identification at subdivisions, apartment complexes, and other similar type residential developments.

10.7.3 Nonprofit Uses

Signs for these uses must be for a nonprofit entity (religious, civic, fraternal, other nonprofit entities, memorial plaques, historical plaques, and other similar uses) and allows signs on structure, pole and/or pylon sign, bulletin board sign, and accessory signs all subject to the required setback, square footage, and illumination requirements as set forth otherwise in this article. Except for commercially zoned property, this type of use (for signage) must comply with the general aesthetics of the location as directed and approved by the Planning Commission. Accessory signs, similar to those described under commercial use, may be allowed subject to the Planning Commission approval.

10.7.4 Residential Use

No signs are allowed in the residential use areas, except those signs as indicated under the exempted section of this article (Section 10.11); or allowed under other sections of this article; and home occupation signs may be allowed, subject to existing covenants and subject to the Planning Commission review and approval.

10.7.5 Vehicle Signs

Signage may be attached, painted, or otherwise applied to the doors, roof, or side panels of business vehicles in accordance with the following limitations:

- A. Any vehicle bearing signage shall not be used for the primary purpose of advertising.
- B. Vehicle shall not be parked continuously for a period of more than forty-eight (48) hours if the signage thereon is visible from a public street or right-of-way.

This section shall not apply to Mobile Billboards as regulated in Section 10.7.6.

10.7.6 Mobile Billboards

- A. Mobile Billboards shall mean one or more advertising display structures that are mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising. The term does not include a sign that is displayed or installed on:

- i. A bus, taxicab, or similar vehicle that is used primarily for the purpose of transporting multiple passengers; or
 - ii. A vehicle operated in the normal course of the vehicle owner's business, if the sign contains advertising or identifying information directly related to the business and is not used to display advertising that is unrelated to the business.
- B. General Requirements for Mobile Billboards
- i. No person shall operate a mobile billboard on a street, public or private, within residential areas of the City
 - ii. Mobile billboards shall be allowed to travel the public streets of the City's commercial corridor during normal business hours.
 - iii. The parking of a mobile billboard on any street within the City for the primary purpose of advertising is prohibited.
 - iv. When parked, mobile billboards shall not be visible from a public street or right-of-way.

10.8 TEMPORARY SIGNS

All signs classified as temporary must be approved by the Planning and Zoning Director (except those signs that are exempted) and are all generally limited to a specific time period and relate to an activity at a specific location. Signs classified as temporary include proposed development signs, construction signs, directional signage, and similar type signs. Temporary signs are limited to one (1) sign per fifty (50) feet of lot frontage. A special event sign as provided in Section 10.10 shall not be permitted pursuant to the provisions of this Section 10.8.

10.9 OUTDOOR ADVERTISING (BILLBOARDS)

Outdoor advertising signs shall only be located in the C-2 Commercial District.

10.9.1 Digital Billboards

- A. Generally
- Construction of new or conversion of existing billboards to digital display billboards shall be subject to the following provisions:
- i. Any newly erected digital display billboard shall adhere to the provisions as set forth in this section and all other provisions of this ordinance pertaining to such billboard.
 - ii. No digital billboard shall be erected or existing billboard converted to a digital billboard within three thousand (3,000) feet of any other billboard facing the same such direction on the same street, highway, or interstate.
 - iii. A permit for the construction and/or erection of a new outdoor advertising sign structure containing digital displays or conversion of an existing static display sign structure to a digital display sign structure may be issued after the permanent removal of any other billboards pursuant to the provisions of Section 10.13.4.
 - iv. The owner of every permitted Digital Billboard shall provide the Planning and Zoning Director with an on-call contact person and phone number for each permitted Digital Billboard. The contact person must have the authority and ability to make immediate modifications to the displays and lighting levels should the need arise.
 - v. Upon notification by the Planning and Zoning Director that any display or effect thereon causes glare, impairment of driver vision, or otherwise interferes with the operation of a motor vehicle, the owner of the sign shall promptly and diligently begin and complete modifications needed to reduce lighting intensity of the digital billboard to a level acceptable to the Planning and Zoning Director.
 - vi. If the malfunction poses a hazard to the safety of the traveling public, the sign shall be turned off on arrival by the owner or its maintenance personnel until such repairs can be made.
 - vii. Failure to reduce lighting intensity on request shall be cause for revocation of the permit.
- B. Digital Billboard Display Faces.
- Digital display sign faces shall be allowed, subject to the following provisions:

- i. There shall be no effects of movement, animation, scrolling, flashing, scintillation or similar effects, and shall display only static images.
- ii. The static display time for each message shall be a minimum of eight (8) seconds.
- iii. The time to completely change from one message to the next shall be such that the change is instantaneous according to the human eye. The use of fading, rolling, window shading, dissolving, or similar effects as part of the message change is prohibited.
- iv. All such signs shall have installed light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions. In addition, maximum brightness levels for said sign shall not exceed five thousand five hundred (5,500) nits from dawn to dusk, during daylight hours, and one thousand (1,000) nits from dusk to dawn, nighttime hours.
- v. Any digital display sign face or similar such sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing, or any similar effects, shall have a default mechanism freezing said sign if any such malfunction occurs.

10.10 SPECIAL EVENT SIGNS

Special event signs include, banners, political signs, flags (including feather flags), posters, public notification, large scale events (circus, fairs, expositions, etc.), sales promotions, bazaars (not yard sales), holiday events, and similar that relate to an event which is temporary in nature and has a relatively short duration. A permit for a special event sign may be approved for up to 30 consecutive days with written approval from the Planning and Zoning Department and by permit with the Building Department. All special event signs must be located within 200 ft. of the business or activity requesting the approval. A permit application will only be accepted from the owner of the business and/or event being advertised. Special event sign permits may be extended for an additional 30 days with written permission from the Planning and Zoning Department. Special event signs are limited to a maximum of one (1) sign per fifty (50) feet of lot frontage.

10.11 EXEMPT SIGNS

The following types of signs are exempted from the requirements of this article, except those particular signs that may be classified by the Planning Commission as obscene, dangerous or hazardous, conflicting aesthetically, or that generally do not meet the basic requirements of other sections of this article, such as design, maintenance, etc., signs. Exempted signs allowed are residential identification signs, for sale or rent signs, yard sale signs, national flags, legal notices, traffic-control signs, street signs, construction-control signs, political yard signs (if installed no sooner than sixty (60) days from the scheduled election and removed no later than fifteen (15) days from the conclusion of the specific election), temporary posters (affixed to glass storefront windows), signs on vehicles (not stored, immobile, or permanently parked), temporary sidewalk signs (removed at the end of the business day), and other similar types of signage. Note: No permit is required for exempted signs.

10.12 DESIGN AND MAINTENANCE

- A. All signs shall be designed according to generally accepted engineering practices to withstand wind pressures and to ensure that loads are distributed to structural supports to avoid overstress and all signs must be reasonably and properly anchored to avoid being swept away by wind or water. All signs over twenty (20) feet in height are required to have a set of plans or drawings, signed and stamped by a Mississippi Registered Engineer certified to meet wind load requirements as per current adopted Building Codes. Also, all signs shall be maintained and in good repair and appearance.
- B. All outdoor advertising signs, displays, or devices in the city, except those signs excepted from regulation in Section 10.11, shall display the name or logo of the owner of such sign display or device if the owner is separate or distinct from the owner of the real property upon which the advertising is located. In cases in which such notice of ownership is not displayed, the sign display or device shall be construed to have attached to the real estate upon which the outdoor advertising is located.

10.13 NONCONFORMING EXISTING SIGNS**10.13.1 Existing Nonconforming Use**

Signs which were legally in existence prior to the adoption of this Ordinance which do not conform to the provisions of this Ordinance are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination, as fairly as possible, of non-conforming signs is as much a subject of public health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance.

10.13.2 General Non-Conforming Sign Provisions

- A. Subject to any other exceptions contained in this Ordinance, any nonconforming signs may be continued in operation and maintained after the effective date of this Ordinance provided, however, that non-conforming signs shall not be:
 - i. Changed to or replaced with another nonconforming sign including changing the sign face (except for changeable copy signs which comply with this regulation and Outdoor Advertising Signs.)
 - ii. Converted from a static display message area to a digital or electronically display message area.
 - iii. Structurally altered so as to extend their useful life.
 - iv. Expanded.
 - v. Relocated.
 - vi. Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.
 - vii. Modified in any way that would increase the degree of non-conformity of such sign.
- B. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Official. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the current market value of the existing sign structure.

10.13.3 Discontinued Use of Existing Nonconforming Signs

Discontinued use of an existing nonconforming sign for a period of six (6) months shall require such sign to be either removed in its entirety or otherwise brought into conformance with these regulations. Nothing herein shall relieve one of the responsibility of acquiring any necessary permits, approvals, or inspections associated with the conversion of a sign from a nonconforming status to a conforming status.

10.13.4 Modifications to Non-Conforming Billboards

The owner of any existing Billboard may voluntarily petition the Planning Commission and subsequently the Mayor and City Council to allow the relocation or modification of an existing nonconforming billboard. Approval of any such petition may be conditioned on an overall net reduction in the number of billboards within the city by voluntary removal, with the ultimate goal of the City of D'Iberville being the complete removal of all nonconforming billboards within the city. The approval of the Mayor and City Council is discretionary. At a minimum, the petition shall set forth the following:

- A. A description of the existing billboard proposing to be modified and a description of the proposed modification.
- B. If a billboard is proposed to be relocated, the proposed new location of the billboard.
- C. The location of existing billboards to be removed in support of the petition.
- D. An acknowledgement that the request is voluntary and no compensation is expected or required in return for voluntarily removing any billboards.
- E. The time required to remove any existing billboards, along with the timing of the proposed modifications or relocation of the billboard subject to the petition.
- F. Any other information as may be requested by the City of D'Iberville in consideration of the petition.

The petition shall be in the form of a written request from the billboard owner and shall contain the above described information. Such request shall be placed on the next available Planning Commission agenda provided such request is

received ten days prior to the scheduled Planning Commission meeting. The Planning Commission shall review the petition and forward a recommendation to the Mayor and City Council for final disposition. In consideration of the petition, the Planning Commission and the Mayor and City Council shall take into consideration the number of non-conforming billboards remaining within the city and number of potential locations where a billboard may be placed in conformance with these regulations. With this information, a ratio may be established as to the desired number of billboards to remove for each billboard modified or brought into conformance.

Nothing in the section shall require a fee associated with the petition nor shall a public hearing or public notice be required for the consideration of the petition before the Planning Commission or City Council. However, nothing herein shall relieve the owner or any other party from securing any necessary permits or approvals for the execution of the activities described in the petition.

10.14 SIGNS IN DISREPAIR OR ABANDONMENT

- A. Any outdoor advertising sign, whether permitted to remain as a nonconforming sign or whether erected under the terms and in accordance with this article, which is found to be abandoned, or is not properly maintained and in a state of disrepair, or signs which do not meet all requirements of the building codes, including the issuance of a permit therefor, shall be removed by the property owner or sign owner within thirty (30) days or such signs shall become subject to removal by the city, without liability.
- B. Business signs which are not properly maintained and are in a state of disrepair, or which are abandoned, may likewise be removed by the city, without liability, following a thirty-day period of notification to the property owner or lessee.

10.15 PENALTIES AND ENFORCEMENT

In addition to the penalties and enforcement remedies available then city under the general zoning ordinance of the city, the city may petition the chancery court for the 2nd Judicial District of Harrison County for injunctive or other appropriate relief from any unlawful or unauthorized out door advertising sign, device or display. The owner or owners of each and every outdoor advertising sign, device, or display shall be deemed to be doing business in the city and therefore subject to the jurisdiction of the chancery court, which may award cost of any action brought under this section, including court cost, expenses, and reasonable attorney' fees, to the prevailing party.

ARTICLE 11: TREE ORDINANCE

11.1 SCOPE

The provisions of this Ordinance shall apply to Live Oaks, Magnolia, Bald Cypress, Sycamore, and Cedar trees within the City limits of the City of D'Iberville, Mississippi, on all privately owned property.

11.2 PERMIT REQUIRED PRIOR TO TREE DESTRUCTION

Except as provided and permitted herein, it shall be unlawful to cut down, remove, deface, burn, poison or take any other action that results ultimately in the destruction of any tree designated in this Ordinance on private property which has a trunk circumference of at least eighteen inches (18") when measured at a point five feet (5') above ground level from the base of such tree unless a proper permit is issued under the provisions of this Ordinance.

11.3 PERMIT PROCESS; TREE PROTECTION COMMITTEE

11.3.1 Application

Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a tree, as defined in this Ordinance, shall first make application to the Tree Protection Committee which shall be composed of three (3) members, at least one of which shall be a full-time City employee as appointed by the City Council and/or the City Manager.

11.3.2 Review; Initial Decision

The Tree Protection Committee shall receive and review applications for any work proposed to be done which may result in destruction of any tree or trees covered by this Ordinance and shall render such decision in writing as they deem to be in the best interest of the City of D'Iberville.

11.3.3 Decision on Appeal to Mayor and City Council.

The Mayor and City Council upon written appeal from a decision of the Tree Protection Committee shall make a final decision as to the disposition of the tree or trees in question, and this decision shall be made a part of the City minutes.

11.3.4 Appeal to Circuit Court

Any person being aggrieved by the decision of the Mayor and Members of the Council may appeal said decision to the Circuit Court of Harrison County in the time and manner provided by law.

11.4 PERMIT APPLICATION CONTENTS

Any person, firm, partnership, corporation or other legal entity seeking permission to cut down, remove, deface, burn, poison, or take any other action that results ultimately in the destruction of any tree designated in this Ordinance shall first make written application to the Tree Protection Committee via the Building Department, in triplicate which shall contain the following information:

- A. The plat map describing the property on which the tree or trees are located naming streets adjacent to the property and showing the location of the tree or trees on said plat. The map may be prepared by the petitioner (compass direction shall show on the map). The scale of the map shall be as follows:

<u>Scale</u>	<u>Property Size</u>
1 inch equals 10 feet (1:10)	Up to 200' wide x 300' deep
1 inch equals 20 feet (1:30)	Up to 400' wide x 600' deep
1 inch equals 30 feet (1:30)	Up to 600' wide x 900' deep
1 inch equals 40 feet (1:40)	Up to 800' wide x 1200' deep
1 inch equals 50 feet (1:50)	Up to 1000' wide x 1500' deep

1 inch equals 60 feet (1:60) Up to 1200' wide x 1800' deep

Property over 1200' x 1800' should have a key plan base plot map with attached partial plot maps at the larger appropriate scale.

- B. Trees to be affected shall be so denoted on the map by a circle and numbered in sequence so that they may be identified by the same code with any written material accompanying the map.
- C. An explanation or description of the work or alteration to be performed on each tree.
- D. The name, legal residence, mailing- address, and phone number of the property owner making the request and the same information of the person or firm doing the work.

11.5 CONSIDERATION OF A TREE LOSS VERSUS ECONOMIC HARDSHIP

The Tree Protection Committee shall, in reaching its decision for recommendation, weigh the loss created by the removal of the tree against the economic hardship that would be imposed upon the applicant were the permit denied.

11.6 TREES ON PUBLIC PROPERTY

All trees of any kind, regardless of size, located on public property belonging unto the City of D'Iberville shall not be removed, cut down nor destroyed except upon action of the City Manager. Provided, however, any tree removed under authority of the City Manager shall nonetheless be reported to the City Council by the City Manager stating his reasons therefor.

11.7 EXEMPTION FOR PUBLIC UTILITIES

Any public utility operating within the City of D'Iberville may, upon order of the City Manager, be exempt from the provisions of this Ordinance, upon a finding that the services provided by them are necessary for the general health, safety and welfare of the citizens of the City of D'Iberville, but such cutting, removal, defacing, burning, poisoning or taking of any other action that would ultimately result in the destruction of any tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility service.

11.8 REPLACEMENT TREES

Any person removing tree or trees covered by this Ordinance shall plant new tree or trees as per the tree mitigation schedule established in Section 11.9. In the alternative, any person responsible for replacing trees pursuant to this section may elect to compensate the city, at the rate of one hundred dollars (\$100.00) per replacement tree required, for each tree not replanted. By way of example, a person required to replant 45 trees may replant 20 of said trees and compensate the city for the remainder, or 25 x \$100 = \$2,500.00.

Nothing in this section shall enable one to reduce the landscaping, streetscaping, or buffering requirements of the city's Zoning Ordinance.

11.9 TREE MITIGATION PROCESS

11.9.1 Location of New Trees

The location of new plantings will be determined by the tree protection committee.

11.9.2 Mitigation Chart

The following chart in Table 11.1 will be used as a guideline for mitigation:

TABLE 11.1 TREE MITIGATION CHART

Old Tree at five (5') feet		Number of new 10-12 feet tall trees to be planted
Circumference	Diameter	
15"	5"	1 for each 2

City of D'Iberville, Mississippi

20"	6.5"	1 for each 1
25"	8"	1.5 for each 1
30"	9.75"	2 for each 1
Over 30"	10"	3 plus 3 for each 2" in diameter over 10"

11.9.3 Substitutions

Shrubs or other landscaping (of similar dollar value) may be substituted for new trees, if so determined by the tree committee, to be in the best interest of the city.

ARTICLE 12: ARCHITECTURAL STANDARDS

12.1 SCOPE

This article is intended to set architectural guidelines defining the character and general composition of buildings for the construction of new buildings within the Commercial, Industrial, Interstate, Mixed Multifamily Residential, and French Market districts of the City of D'Iberville. Additionally, these provisions apply to two family and multifamily zoning districts.

12.2 PURPOSE

12.2.1 The purpose of architectural standards is to make certain the exterior of all new construction and building additions are high quality, long-lasting, and sustainable within the City of D'Iberville and consistent with the architectural theme and character of the neighborhood. Architectural design and use of materials for the construction of any building shall be subject to the approval of the Development Review Committee (DRC).

12.2.2 These standards are intended to enhance the visual aspect and livability of the entire city. These standards will foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

12.2.3 All buildings shall be designed to achieve an appearance consistent with the publication titled "Architectural Guidelines for the City of D'Iberville",

- A. The "Architectural Guidelines for the City of D'Iberville" provides guidance in building disposition, building proportions, material placement, permitted materials, and other architectural elements used in designing buildings for construction in the City of D'Iberville.
- B. The correct application and/or interpretation of the "Architectural Guidelines for the City of D'Iberville" does not guarantee the approval or denial of any proposal within the City of D'Iberville.

12.3 BUILDING PLANS

12.3.1 Building Plan Application

- A. All applications shall conform with the requirements of Section 2.2 Permits and Certificates.
- B. All building plans submitted with an application for a building permit shall clearly indicate all of the proposed building materials and colors for each facade as described herein.
- C. The plans shall clearly show the location and calculate the amount/percentages of all building materials per facade.
- D. The plans submitted shall include elevations of all building sides that are visible from public streets.

12.3.2 Multiple Buildings

Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

12.4 GENERAL REQUIREMENTS

12.4.1 Dumpsters

- A. All dumpsters shall be screened from sight by a fence or wall at least six inches taller than the tallest point on the dumpster. In no case shall said wall or fence exceed eight feet in height.
- B. The fence shall be constructed of an opaque material made of brick, stucco, split face block, or similar material to that of the principal building.
- C. Dumpsters shall be located in the rear yard behind the building they serve.

Figure 12.1 Example of Dumpster Enclosure

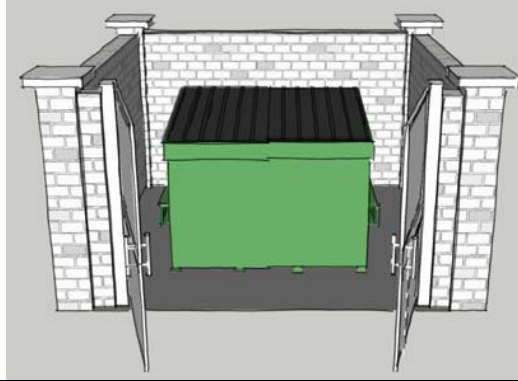


Image: Bridge & Watson, Inc.

12.4.2 Mechanical systems (HVAC)

- A. All ground mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) by an opaque wall or fence of similar material to that of the principal building or landscaping.
- B. All commercial and retail building roof mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides.

Figure 12.2 Example of HVAC Enclosure

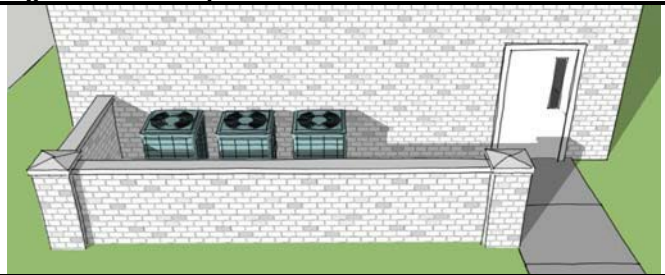


Image: Bridge & Watson, Inc.

12.4.3 Roof Requirements

- A. Pitched Roofs
 - i. All one-story buildings less than ten-thousand (10,000) gross square feet must have a symmetrical pitched roof (between 5:12 and 12:12) as much as possible.
 - ii. If a pitched roof is not possible, a combination of flat roof and pitched roof is required.
 - a. Provide a pitched roof on front and side of the building to screen view of any flat roof.

Figure 12.3 Pitched Roof with a Flat Roof

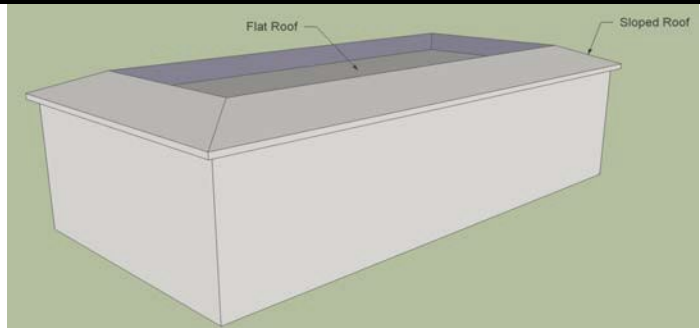


Image: Bridge & Watson, Inc.

- iii. Arcades, drive-under canopies, porches, and other features shall be created with a pitched roof.

- iv. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
- B. Mansard Roofs
Mansard roofs shall have a maximum pitch of 12:12 with a minimum twelve-foot (12') vertical surface length.
- C. Flat Roofs
 - i. Flat roofs may be of any material that meets building codes.
 - ii. Exposed metal flashing shall be copper or factory finished sheet metal.
 - iii. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze.
 - iv. All buildings with flat roofs should include parapet articulation on the front facade(s) of such building.
 - v. There shall be roof articulations/offsets at a minimum of one (1) per each one hundred twenty-five linear feet (125') of length by a change in the top line of the parapet.
 - vi. Additional articulation may occur at any lesser distance.
 - vii. If the front facade is less than one hundred twenty-five linear feet (125'), then a minimum of one (1) roof articulation must occur.
- D. Other
Drive under canopies for gasoline pumps may have flat roofs with vertical or factory formed facing of finished sheet metal.

Figure 12.3 Roof Types

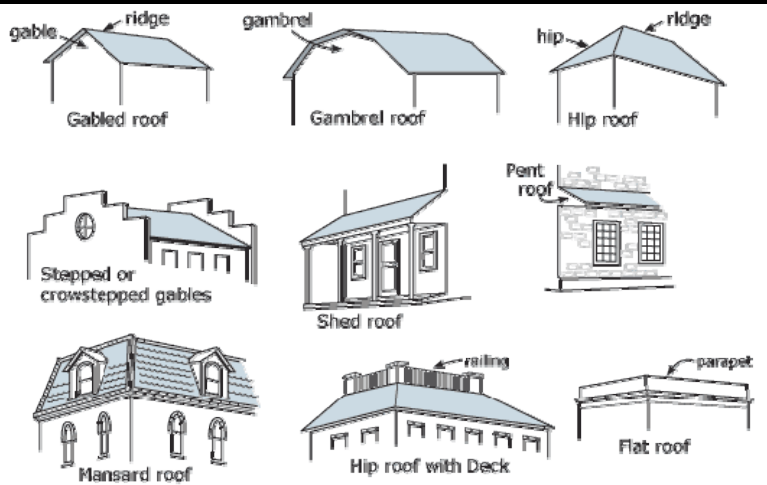


Image: www.budget.state.pa.us

12.5 COMMERCIAL ZONING DISTRICTS

12.5.1 Building Design

Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.

- A. Unadorned pre-stressed upright concrete panels, unfinished concrete block, metal siding (such as galvanized or unfinished steel, galvalume, or unfinished aluminum), and pole-type building materials are not permitted as primary exterior building materials.
- B. At least fifty (50) percent of all exterior wall finishes shall be comprised of any combination of at least two (2) of the following materials:
 - i. Brick
 - ii. Natural Stone
 - iii. Glass
 - iv. Stucco or stucco-like finishes

- v. Hardy Plank or other fiber cement board
 - vi. Other comparable or superior material approved by the DRC.
 - vii. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
- C. In the C-1 Neighborhood Commercial District, C-2 General Commercial District, and non-residential uses in residential districts, a minimum of thirty (30) percent of the façade facing the public right-of-way shall be glass.
 - D. In the C-3 Interstate Commercial District, a minimum of twenty (20) percent of the facade facing the public right-of-way shall be glass.
 - E. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building. The rear elevation of a building shall be exempt from this requirement provided the rear of the building is not visible from public view.

12.6 INDUSTRIAL ZONING DISTRICTS

12.6.1 Building Design

Building design shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.

12.6.2 Located within 1,350 feet to Certain Roadways

Industrial properties which are located within 1,350 feet of the centerline of the right-of-way of a collector or arterial road shall meet the following architectural standards. Where only a portion of the parcel lies within 1,350 feet of the collector or arterial road centerline, the standards shall apply to the entire parcel:

- A. Unadorned pre-stressed upright concrete panels, unfinished concrete block, metal siding (such as galvanized or unfinished steel, galvalume, or unfinished aluminum), and pole-type building materials are not permitted as primary exterior building materials.
- B. Building exterior wall finishes shall be comprised of any combination of a least two (2) of the following materials:
 - i. Brick
 - ii. Natural Stone
 - iii. Glass
 - iv. Masonry stucco
 - v. Hardy Plank
 - vi. Other comparable or superior material approved by the DRC.
 - vii. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims and shall consist of materials comparable in grade and quality to the primary exterior materials.
- C. A minimum of twenty (20) percent of the facade facing the public right-of-way shall be glass.
- D. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building

12.6.3 Not Located Within 1,350 to Certain Roadways

Industrial properties which are not located within 1,350 feet of the centerline of the right-of-way of a collector or arterial road shall meet the following architectural standards:

- A. Exterior wall surfaces of all buildings shall be faced with brick, stone, architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials or glass.
- B. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
- C. A minimum of twenty (20) percent of the facade facing the public right-of way shall be glass.

- D. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.

12.7 TWO-FAMILY, MULTI-FAMILY, AND MIXED MULTI-FAMILY ZONING DISTRICTS

The exterior building finish of two-family and multi-family dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, all buildings shall be designed in a manner consistent with the publication titled "Architectural Guidelines for the City of D'Iberville". Two-family, townhome, condominiums, and multi-family dwelling structures shall comply with the requirements provided below. Non residential buildings and structures shall comply with the requirements below as well as any applicable provisions contained within Section 12.5 et. seq.

12.7.1 Finish Material Composition

- A. When multiple building wall materials are utilized, said materials may be combined on each Facade only horizontally, with the heavier material below the lighter and in accordance with the "Architectural Guidelines for the City of D'Iberville".
- B. A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco, hardy plank, and/or natural or artificial stone.
- C. Except for brick, stucco, hardy plank, and/or natural or artificial stone, no single building facade shall have more than seventy-five (75) percent of one type of exterior finish.
- D. For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
- E. No more than three (3) buildings within 300 feet of each other shall consist of the same building facade.
- F. All openings, including porches, galleries, arcades, and windows, with the exception of storefronts, shall be square or vertical in proportion.
- G. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.
- H. Openings below the second story shall not exceed 80% of the total wall area on the front facade and 50% of the wall area on all other facades, with each facade being calculated independently.
- I. Doors and windows that operate as sliders are prohibited along frontages.
- J. Balconies and porches shall be made of painted wood or metal, excluding galvanized tin.
- K. Notwithstanding the provisions of 9.12(l), fences provided at the first layer shall be painted or stained. Fences at other lot lines may be of wood board or chain link. Chain link fences must be screened from public view with hedge of a minimum of 3 feet in height. For the purposes of this provision, the "first layer" shall be that portion of the lot or parcel lying between the street right of way and the required building setback line.
- L. All structures required to be raised on the basis of FEMA standards must be screened at the ground floor with breakaway materials approved by the DRC in compliance with FEMA regulations.

12.8 FRENCH MARKET DISTRICT

12.8.1 Building Design

For commercial uses in the French Market District the requirements of Section 12.5 shall apply. For all other uses within this district the following shall apply.

Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.

- A. Building exterior wall finishes shall be comprised of any combination of at least two (2) of the following materials:
 - i. Brick
 - ii. Natural Stone

- iii. Glass
- iv. Masonry Stucco
- v. Hardy Plank
- vi. Other comparable or superior material approved by the DRC.
- vii. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims and shall consist of materials comparable in grade and quality to the primary exterior materials.
- B. Multiple exterior wall materials shall be combined on each facade only horizontally, with the heavier material below the lighter and in accordance with the "Architectural Guidelines for the City of D'Iberville".
- C. All openings, including porches, galleries, arcades, and windows, with the exception of storefronts, shall be square or vertical in proportion.
 - i. Openings above the first story shall not exceed 50% of the total building wall area, with each facade being calculated independently.
 - ii. Openings below the second story shall not exceed 80% of the total wall area on the front facade and 50% of the wall area on all other facades, with each facade being calculated independently.
- D. Doors and windows that operate as sliders are prohibited along frontages.
- E. Balconies and porches shall be made of painted wood or metal, excluding galvanized tin.
- F. Buildings located within a FEMA designated flood hazard area that requires the building's finished floor elevation to be elevated above the base flood elevation must be screened from public view at the ground floor level with breakaway materials approved by the DRC in compliance with FEMA regulations.
- G. It is desirable, but not mandatory, that streetscreens be installed coplanar with facades in order to create a continuous frontage along streets. When installed, streetscreens shall conform to the following:
 - i. Screening material should be between 3.5 feet and 8.0 feet in height and constructed of an opaque material made of brick, stucco, split face block, or similar material to that of the principal building.
 - ii. Screening material may be replaced by a hedge with a minimum height of 3.0 feet at the time of planting.
 - iii. Screening material at finished exterior grade shall have openings no larger than necessary to allow automobile and pedestrian access or a maximum width of 12.0 feet.
 - iv. Screening material shall be located coplanar with the front building setback line.

12.9 EXCEPTIONS

The DRC may approve materials and designs that differ from those required within this ordinance provided the following criteria are achieved:

- A. The proposed building maintains the quality and value intended by this section.
- B. The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.
- C. The design exceeds the intent of the ordinance.
- D. Any building is subject to denial that does not meet architectural standards as determined by the Planning Commission and the Mayor and City Council.

12.10 PLAN REVIEW

12.10.1 Plan Review Procedure

- A. Plans for new construction, additions, and changes to existing buildings that involve 50% or more of the floor area or 50% or more of the value of the property shall be submitted to the DRC for approval.
- B. Each building design will be reviewed for at least the following considerations:
 - i. Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.
 - ii. General massing, roof treatments, proportions and quantity of exterior openings.
 - iii. Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.

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- iv. Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

12.10.2 Variance

Any request for a variance in the requirements of this article shall be submitted in accordance with Section 2.6 Variance Procedure.

ARTICLE 13: RECREATIONAL VEHICLES

13.1 PERMISSIBLE LOCATIONS

Recreational vehicles shall not be occupied or used at any time for any purpose other than temporary residential use and when used as such, it must be located in a legal recreational park. However, a self contained recreational vehicle may be used by an individual owner for a period not to exceed two (2) consecutive days within a thirty-day period, provided that such recreational vehicle is parked on property on which the owner's principal residence is located.

- A. The recreational vehicle park is allowed only in AG, C-2, and I Districts with Planning Commission and City Council approval.
- B. Reserved.

13.2 PARK SIZE AND DENSITY

- A. Minimum of three (3) acres of land.
- B. Minimum of forty (40) recreational vehicle sites.
- C. Maximum density of eighteen (18) recreational vehicles per acre.

13.3 RECREATIONAL VEHICLE SITE

- A. Minimum Recreational Vehicle Site: One thousand five hundred (1,500) square feet.
- B. Minimum Recreational Vehicle Site Lot Width: Thirty (30) feet.
- C. Minimum of ten (10) feet separation of recreational vehicles from each other and from other structures.
- D. No part of a recreational vehicle or other unit placed on a recreational vehicle site shall be closer than five (5) feet to a site line.
- E. Each site shall contain a hard surface such as asphalt or concrete for parking the Recreational Vehicle.

13.4 RECREATIONAL VEHICLE SITE PARK TRAFFIC CIRCULATION

13.4.1 All recreational vehicle parks shall abut upon a public dedicated street for at least thirty (30) feet and shall be provided with safe and convenient vehicular access from such street.

13.4.2 Entrance driveways shall be located no closer than one hundred twenty (120) feet from the intersection of public streets.

13.4.3 Streets in recreational vehicle parks shall be private, but shall be constructed with a hard surface such as asphalt or concrete (materials and construction methods as approved by the Planning and Zoning Director) that is regularly and properly maintained. The street shall meet the following minimum travel way width requirements:

- A. One-way, no parking: 11 feet
- B. One-way with parking on one side, or two-way with no parking: 18 feet.
- C. Two-way with parking on one side: 27 feet.
- D. Two-way with parking on both sides: 36 feet.

13.4.4 Turnarounds shall be provided for all dead-end roads. The minimum radius of a required turnaround shall be fifty (50) feet.

13.4.5 At least one (1) parking space shall be provided in the park per recreational vehicle site. Each parking space shall be composed of a hard surface such as asphalt or concrete. Each parking space shall be at least nine (9) feet wide and nineteen (19) feet long exclusive of a maneuvering area.

13.5 RECREATIONAL VEHICLE SITE PARK ACCESSORY USES

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:

- 13.5.1 Such establishments and the parking areas primarily related to their operation shall not occupy more than five (5) percent of the gross area of the park.
- 13.5.2 Such establishments shall be restricted to serve only occupants of the park.
- 13.5.3 Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
- 13.5.4 The structures housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within a park.

13.6 PARK OPEN SPACE AND RECREATIONAL AREAS

- 13.6.1 A minimum of eight (8) percent of the gross recreational vehicle park area shall be set aside and developed as common use areas for open or enclosed recreational facilities. No required buffer strip, street, storage area, recreational vehicle site, or utility site shall be included in meeting recreational purposes.
- 13.6.2 Reserved.

13.7 RECREATIONAL VEHICLE PARK SETBACKS AND SCREENING

Each recreational vehicle park shall have set aside along the perimeter of the property line the following areas which shall be landscaped and used for no other purpose:

13.7.1 Minimum Park Front Setback

Thirty (30) feet except when the park abuts on a designated major thoroughfare then the minimum shall be fifty (50) feet.

13.7.2 Minimum Side Setback

When abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side yard setback shall be thirty (30) feet on the side street; when abutting a designated major thoroughfare, the minimum shall be fifty (50) feet; when abutting any other zoning district, the side setback shall be fifteen (15) feet along the interior lot line.

13.7.3 Minimum Park Rear Setback

Twenty (20) feet except when the rear yard abuts a dedicated public right-of-way or a residential district. If the rear yard abuts a public right-of-way, the minimum shall thirty (30) feet. If the rear yard abuts a designated major thoroughfare, the minimum rear setback shall be fifty (50) feet. If the rear yard abuts a residential district, the minimum rear setback shall be fifty (50) feet.

- 13.7.4 Where needed to enhance aesthetics or to ensure public safety, the campgrounds shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will compliment the landscape and ensure compatibility with the adjacent environment.

13.8 PERMANENT OCCUPANCY PROHIBITED

13.8.1 No recreational vehicle shall be used as a permanent place of abode, dwelling or business, or for indefinite periods of time. Continuous occupancy extending beyond six (6) months in twelve-month periods, shall be presumed to be continuous usage, such lot may be used as the building site for a one-family dwelling.

13.8.2 Reserved.

13.9 RECREATIONAL VEHICLE PARK UTILITIES

Privies, septic, tanks, underground absorption fields; sewerage lagoons, the use of "honey wagons," package type treatment facilities, and other types of private wastewater treatment systems are strictly prohibited. Also prohibited is the use of private water supply systems. The recreational vehicle park shall under all circumstances connect to the utility district's water supply and waste water disposal systems. Storm water sewers shall be separate and apart from any sewers intended for the conveyance of sanitary sewerage. All utility receptacles and facilities shall be designed in such a manner as to provide protection of the receptacle or facility from damage.

13.9.1 Recreational Vehicle Sanitary Waste Disposal Stations

- A. One recreational vehicle sanitary waste disposal station shall be provided for each one hundred (100) recreational vehicle stands, or part thereof, which area not equipped with individual sewer connections.
- B. Sanitary waste disposal stations shall be located not less than fifty (50) feet from a recreational vehicle site or other residential area.
- C. The disposal hatch of a sanitary waste disposal station shall be connected to the city's sewer system.

13.9.2 Recreational Vehicle Flushing Facilities

A means for flushing the immediate area of a sanitary waste disposal station and a camping vehicle holding tank shall be provided at each sanitary waste station. If individual sewer connections are provided, one flushing facility shall be provided for each one hundred (100) recreational vehicle stands or part thereof. Flushing facilities shall be located not less than fifty (50) feet from a recreational vehicle site or other residential area. Adjacent to the flushing outlets there shall be posted a sign constructed, of durable material, not less than two (2) feet square, and inscribed thereon in clearly legible letters shall be: "Danger - Not to Be Used for Drinking or Domestic Purposes."

13.9.3 Recreational Vehicle Water Station

A water station for filling camping vehicle water storage tanks shall be provided at the rate of one station for every one hundred (100) recreational vehicle stands or part thereof. These shall be located to less than fifty (50) feet from a sanitary station. The station shall be posted with Signs of durable material, not less than two (2) square feet in size, and inscribed thereon in clearly legible letters shall be: "Potable Water - Do Not Use to Flush Waste Tanks."

13.9.4 Toilet and Shower Facilities

Required toilet, lavatory, and bathing facilities shall be provided in the following minimum numbers:

- A. One toilet and one lavatory shall be provided for each sex at the rate of one each for every fifteen (15) recreational vehicle sites 'or fraction thereof.
- B. One shower shall be provided for each sex for every thirty (30) recreational vehicle sites or' fraction thereof.
- C. The plumbing shall be installed in accordance with the codes of the City of D'Iberville, Mississippi, governing the same.

13.9.5 Sewerage Facilities, Washroom or Toilet Facilities, and Water Supply

All sewerage facilities and water supply shall comply with the sanitary regulations of the Mississippi State Board of Health and/or Mississippi Air and Water Pollution Control Commission where applicable.

*City of D'Iberville, Mississippi***13.9.6 Electric and gas supply systems**

All electrical and gas equipment installations within a recreational vehicle park shall be in compliance with the codes of the City of D'Iberville, Mississippi, governing the same.

13.9.7 Lighting

Adequate lighting shall be provided for all streets, walkways, buildings, and other facilities subject to nighttime use. Exterior illumination shall be provided as follows:

- A. Streets. An average illumination level of six-tenths (0.6) of a foot candle and a minimum level of one tenth (0.10) of a foot candle.
- B. Service Buildings. Illumination levels of at least five (5) foot candles shall be maintained at the entrance.
- C. Common Parking Areas. Illumination levels of at least one and five-tenths (1.5) foot candles but not more than five (5.0) foot candles measured at pavement level shall be maintained in common parking areas.

13.9.8 Swimming facilities

If provided, such facilities shall be designed in accordance with the codes of the City of D'Iberville governing the same and applicable regulations of the Mississippi State Board of Health and/or the Mississippi Air and Water Pollution Control Commission.

13.10 REFUSE DISPOSAL

13.10.1 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.

13.10.2 Durable, watertight, easily cleanable 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. Refuse containers shall be provided at the rate of at least one twenty-gallon container for each two (2) campsites.

13.10.3 All solid waste generated by a recreational vehicle park shall be stored and disposed of in accordance with the Mississippi State Board of Health Regulation Governing Solid Waste Management and the codes of the City of D'Iberville, Mississippi, governing the same.

13.11 NONCONFORMING USES

13.11.1 A legal nonconforming recreational vehicle park may be continued so long as it remains otherwise lawful. However, from the effective date of this ordinance, a nonconforming recreational vehicle park may not be enlarged either to increase the number of recreational vehicle sites or to enlarge the total area except in conformity with this ordinance.

13.11.2 Reserved.

ARTICLE 14: CELLULAR/COMMUNICATION TOWERS

14.1 PURPOSE AND INTENT

- A. Regulate the placement, construction, and operation of wireless communication facilities to protect public health, safety, and welfare by balancing the need for effective wireless communication with minimizing adverse impacts on the environment, aesthetics, and the character of the community.

14.2 ZONING DISTRICTS AND PERMITTED USES

- A. See table 4.2 Chart of Determinate Uses

14.3 GENERAL REQUIREMENTS

A. SETBACKS

1. All towers in excess of 100 feet must be set back from any structure located on the premises and any structures on adjacent properties a distance of one third the height of the tower or 100 feet, whichever is greater
2. All towers less than 100 feet must be set back from any street a distance equal to or greater than the height of the tower, and set back from all other lot lines as required in the zoning district
3. All guyed towers in excess of 100 feet and self-support towers in excess of 175 feet must be set back from any street and any lot used or intended to be used for a residential structure a distance equal to one-half the height of the tower or 500 feet, whichever is greater
4. All self-support towers in excess of 100 feet and less than 175 feet must be set back from any street and any lot used or intended to be used for a residential structure a distance equal to or greater than the height of the tower

B. HEIGHT RESTRICTIONS

1. Height maximums to be determined with DRC and Keesler Flight paths

14.4 PERMITTING PROCESS

Require a conditional use permit for the construction and operation of cell towers. All applicants shall provide a scaled map identifying the exact location of all telecommunication towers and tall structures suitable for antenna placement within a two-mile radius of the proposed tower.

14.5 DESIGN STANDARDS

14.5.1 Landscaping and Buffering:

- i. Landscaping requirements around the base of the tower and buffering standards to shield towers from adjacent residential areas unless FAA or other federal or state authorities require otherwise

14.5.2 SAFETY AND ENVIRONMENTAL CONSIDERATIONS

- i. Structural and Engineering Standards:
- ii. Environmental Impact Assessment
- iii. Requires an environmental impact assessment to address potential effects on wildlife, vegetations, and historical sites

10.16 CO-LOCATION AND SHARED USE**10.16.1** Co-location:

- A. To allow and promote antenna colocation and to minimize the adverse visual impacts associated with the proliferation and clustering of telecommunication towers, co-location of facilities on existing or new towers is encouraged:
 - i. All new towers shall have the capacity to permit multiple users, at a minimum; towers shall be designed and constructed to accommodate not less than three telecommunication users.
 - ii. Towers existing and legally permitted prior to the enactment of this ordinance may be increased in height, one time, upon application and consideration for a conditional use permit. The maximum allowed increase shall be no greater than 20% of the originally approved tower height or as otherwise directed at the discretion of the Planning Commission.
 - iii. All applicants shall provide a scaled map identifying the exact location of all telecommunication towers and tall structures suitable for antenna placement within a two-mile radius of the proposed tower. Information detailing the availability of co-location space on each tower or structure within the prescribed area shall be included. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission and/or City Council that no existing tower or other tall structure can accommodate the applicant's proposed antenna or equipment.