

# HANCOCK COUNTY ZONING ORDINANCE

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## **Zoning Ordinance Hancock County, Mississippi**

An Ordinance dividing Hancock County, Mississippi into Zoning Districts which regulate the size of yards and open spaces, density and distribution of population, and the uses of buildings, structures and lands, and prescribing procedures for the administration, enforcement, and appeal of regulations contained herein.

**Article I**  
**Title and Purpose**

Section 100: Enactment Clause

Whereas, the Board of Supervisors of Hancock County, Mississippi having been authorized by the laws of Mississippi, including among others, Title 17, Chapter 1 of the 1972 Mississippi Code and Comprehensive Plan for the purpose of bringing about coordinate physical development in accordance with present and future needs.

Whereas, the Planning Commission of Hancock County has made recommendations to the Board of Supervisors, after review and modifications of the Comprehensive Plan including a proposed Zoning Ordinance and Official Zoning Map; and

Whereas, the Board of Supervisors, after study and review of this Zoning Ordinance, consider the regulations contained herein to be in the best interest for the health, safety, and general welfare of the citizens of Hancock County.

Now it shall so be ordained by the Board of Supervisors of Hancock County, Mississippi that:

Section 101: Title

This ordinance shall be known and cited as the “Hancock County Zoning Ordinance”.

Section 102: Purpose

This ordinance has been prepared in accordance with a Comprehensive Plan and is enacted to promote the general welfare of the citizens of Hancock County. Specifically, this Ordinance is designed to:

- 102.01           Lessen congestion in the streets
- 102.02           Secure safety from fire, panic and other dangers.
- 102.03           Provide adequate light and air.
- 102.04           Prevent overcrowding of land and mixing of land uses.
- 102.05           Facilitate the provision of transportation, public utilities, and community facilities.

The regulations contained herein have been made with reasonable consideration, among other things, to the character of the zoning district and its suitability for particular uses and with the intention of conserving the values of buildings and encouraging use of land throughout the county.

## **Article II**

### **Interpretations and Definitions**

Section 200: Interpretations

In interpreting and applying the provisions of the Ordinance, the said provisions shall be held to the minimum requirements for promotion of public safety, health, and general welfare.

Section 201: Repeal of Conflicting Ordinances

All ordinances or parts of an Ordinance, in conflict with this consistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 202: Validity

If, for any reason, one or more articles, sections, or subsections of this Ordinance are held invalid or unconstitutional, such judgment shall not effect, invalidate or prejudice the remaining provisions of this Ordinance.

Section 203: Meaning of Words and Terms

For the purpose of this Ordinance certain words and terms shall be defined as follows: Words used in the singular shall include the plural, words used in the present tense will include the future, the word "person" includes a firm or corporation as well as an individual, the word "lot" includes the word plot or parcel, the term "shall" mandatory and 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 used or occupied.

203.01        Accessory Building or Use- Any building or use which is subordinate or incidental to the main building or use of a lot.

203.01N      Recreational vehicle- A vehicle type unit that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (2) is designed for temporary use as sleeping quarters but does not satisfy one or more of the criteria of a mobile home. The basic entities are travel trailer, camping trailer, truck camper, fifth wheel, park model and motor home.

203.01N      Recreational Vehicle Park- A parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational of the general public as temporary living quarters for recreational or vacation purposes. Sites are typically rented on a daily, weekly, or monthly basis.

203.02        Agriculture- The raising or growing of crops, fowl or livestock, providing such use does not constitute a health hazard and includes the growth of trees for pulp, lumber, and other wood products.

- 203.03 Agriculture Livestock- Any animal normally considered to be a farm animal or commercially produced animal. This includes but is not limited to: cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and other forms of poultry.
- 203.04 Alley- Any public right of way which offers a secondary means of access for properties.
- 203.05 Apartment House or Multi-Family Building- Any structure or building detached dwelling unit designed for and occupied by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, flats, and townhouses or condominiums, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels.
- 203.06 Automobile/Junk Area- An area other than a street, alley, or public land use for dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked automobiles or their parts.
- 203.07 Auto Wrecking- The collecting burning out, or dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partly dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track lying equipment, or trailer at a time even though not for profit of a principal use of a parcel of land shall be defined as auto-wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.
- 203.08 Buffer Area- An area which acts as a separation area between two or more incompatible districts.
- 203.09 Buildable Area- That portion of a lot remaining after required yards have been provided.
- 203.10 Buildable Width- Width of the building site left after the required yards have been provided.
- 203.11 Building- Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
- 203.12 Building Alteration of- Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.
- 203.13 Building Front Line of- A line intersecting the foremost portion of a building, and parallel and /or concentric to the street line.

203.14 Building Height- The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

203.15 Building Setback Line- The distance required by this Ordinance to be maintained between a given lot line, easement, or right-of-way line, and any structure-front, rear, or side as specified.

203.16 Building Main- A building in which is conducted the principal use of the lot on which it is situated.

203.17 Building Lot or Site- A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

203.18 Cemetery- A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.

203.19 Certificate of Occupancy- A permit by the Zoning Officer indicating that the use of the building or land in question is in conformity with this Ordinance or that there has been a legal violation there from, as provided by the Ordinance.

203.20 Child Care Center- A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of children is charges. The term "child care center" indicates day care nurseries, day care centers and any other centers and any other facilities that fall within the scope of the definition set forth herein, regardless of auspices.

Exempted from this definition is any facility operating as a kindergarten, nursery school or head start in conjunction with an elementary and /or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be stipulated by the Mississippi State Board of Health.

203.21 Coverage- The percentage of the lot covered by the building area.

203.22 County- Hancock County, Mississippi.

203.23 Commission- Hancock County Planning Commission.

203.24 Conforming Use- Any lawful use of a building or lot which complies with the provisions of this Ordinance.

203.25 Development- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

203.26 District- Zoning district.

203.27 Dwelling- A building or portion thereof, designed and used exclusively for residential occupancy.

203.28 Dwelling, Single Family- A building designed for or occupied exclusively by two families.

203.29 Dwelling, Two Family- A building designed for or occupied exclusively by two families.

203.30 Dwelling, Multi-Family- A building designed for or occupied exclusively by two or more families.

203.31 Easement- An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

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

203.33 Family- One(1) person living alone, or two(2) or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premises residents.

203.34 Fish Camp- An area of land used for temporary occupancy and rented or leased by the owner including and limited to placement of mobile homes, modular homes, cabins, camper trailers, boats and accessory structures of uses.

203.35 Floor Area- The square feet of floor space within the outside line of walls and including line of walls and including the total of all space on all floors of a building used for dwelling purposes.

203.36 Frontage- All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

203.37 Garage Parking- A building other than a private or storage garage, used for the care, repair, or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire, or sake. This includes premises commonly known as filling stations or service stations.

203.38 Home Occupation- Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on

wholly within a main building by a member of a family residing on the premises, in connection with which there is no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or accessory building; and no excess traffic is generated in area and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare. The home occupation shall be limited to twenty-five percent (25%) of the main dwelling.

203.39 Junk Yard, Open Storage- An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” also includes auto wrecking yards, but it does not include uses enclosed entirely within a building.

203.40 Kennel- Any building, lot, or premises on, or in which, six (6) dogs or domesticated animals more than one year old are housed, groomed, bred, or boarded or trained for remuneration or offered for sale.

203.41 Landscaped Buffer Area- Landscaped areas which act as a buffering or separation area between two or more incompatible land uses.

203.42 Lot of Record- A lot which is part of a subdivision, the map of which has been recorded in the Office of Chancery Clerk of Hancock County, or a parcel of land the deed to which has been recorded, as required by law, prior to the adoption of this Ordinance.

203.43 Lot- A parcel of land suitable for permitted use and complying with all necessary minimum yard, width, area and off-street parking requirements and having frontage on a public street, or having the right of access from a dedicated public street or road.

203.44 Lot Area- The area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot.

203.45 Lot Corner- A lot situated at the intersection of two or more streets.

203.46 Lot Depth- The average horizontal distance between the front lot line and the rear lot line of a building lot.

203.47 Lot Interior- A building lot other than a corner lot.

203.48 Lot Line- The boundary of a building lot.

203.49 Lot Width- The width of a lot at the front building setback line.

203.50 Major Street- A street which is used primarily for fast a heavy traffic.

203.51 Marina- A boat basin, harbor or dock, with facilities for berthing and servicing boats, including bait and fishing tackle shop and eating establishments.

203.52 Mobile Home- A dwelling unit that has the following characteristics

203.53-01 Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

203.53-02 Designed to be transported after fabrication on its own wheels, flat bed, or other trailers or detachable wheels.

203.53-03 Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports, connection to utilities and the like.

203.53 Mobile Home Park- Any parcel of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. A mobile home park must have a minimum of five (5) acres.

203.54 Mobile Home Subdivision- Any parcel of land divided into two (2) or more lots for the purpose of sale or development and the placement of mobile homes.

203.55 Nonconformity- A lawful condition of a structure or land, at the time of the adoption of this Ordinance, which does not conform to the regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage, or off street parking.

203.56 Non-conforming Use- A structure or land, at the time of the adoption of this Ordinance, which is lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

203.57 Office Building- A building designed for or used as offices for professional, commercial, industrial, religious, public or semi-public activities or organizations providing no product is sold on the premises

203.58 Outdoor Storage- A depository or place for storing goods related to the establishment on the same premises and not located within a building.

203.59 Parking Space- A space located on private or public property sufficient in size to store one (1) automobile.

203.60 Permitted Use- That use of a zoned lot or parcel of land which is among the uses allowed as a matter of right under the zoning classification.

- 203.61 Premises- Land together with structure or structures occupying it.
- 203.62 Public building- A building owned and used by the city, county, state, and/or federal governments.
- 203.63 Residential Structure- A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels and motor lodges.
- 203.64 Special Exception- A use which is not permitted in the zoning district where the property is located under the provisions of this ordinance but which in the specific case would, in the judgment of the Planning Commission, promote the public health, safety, and general welfare of the community and the granting of which would not adversely affect adjacent properties. A permit granted as a special exception will not change the general zoning of the property or allow any change in integrity and appearance of the existing structure that would be contrary to the desired character of the district.
- 203.65 Story- The portion of a building between the surface of a floor and the ceiling immediately above.
- 203.66 Street- A public right-of-way which affords a primary means of access to lots, or parcels of land.
- 203.67 Structure- Any types of construction which requires a permanent location.
- 203.68 Structural Alterations- Any change in the roof, exterior walls or supporting members of a building.
- 203.69 Substantial Improvement- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the actual cash value of the structures either
1. before the improvement is started, or
  2. if the structure has been damaged and is being restored, before the damage occurred.
- Substantial improvement is started when the first alteration of any structural part of the building commences.
- 203.70 Unobstructed Open Space- An area of land upon which no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.
- 203.71 Use Permit- A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the planning commission that under the particular circumstances present such use is in harmony with the principal permitted uses of the zone. Allowable use permits are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

203.72 Variance- A modification from the literal provisions of this Ordinance in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted.

203.73 Yard- Open on a building lot unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In determining yard widths and depths, the minimum horizontal distance between the building and the respective property line, easement, or right-of-way line shall be used.

203.74 Yard, Front- That area of a yard which extends along the entire length of the front line, within the two side lines and the minimum horizontal distance between the street right-of-way and the building.

203.75 Yard, Rear- That area of a yard which extends along the entire length of the rear lot line within the two side lot lined, and the minimum horizontal distance between the rear lot like and the building.

203.76 Yard, Side- That area of a yard which extends along the entire side lot line between the front and rear lot lines and the minimum horizontal distance between the side lot line and the building.

203.77 Zoning Officer- The person or persons designated byt the Hancock County Board of Supervisors, to enforce the provisions of this Ordinance.

203.78 Zoning Map- The official zoning map or maps which are a part of this Zoning Ordinance and delineates the boundaries of the zoning districts.

- (1) Abandoned personal property or junk. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
- (2) Abandoned Sign: Any
- (3) Abandoned vehicle. Any vehicle which is without a current license tag and/or which is wrecked, dismantled, partially dismantled, or inoperative. Storage shall mean being on or occupying the premises for thirty (30) days or more.
- (4) Abutting. Having a common border with, or being separated from such a common border by a right-of-way, alley or easement
- (5) Accessory Building. A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building.
- (6) Accessory Use. See **Section 000**
- (7) Addition. Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
- (8) Adjacent property. See abutting
- (9) Administrator. See **Section 00**
- (10) Agricultural Livestock. Any animal normally considered to be a farm animal or commercially produced animal. This includes but is not limited to: cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, livestock and other forms of poultry.
- (11) Agriculture. The raising or growing of crops, fowl or livestock, and includes the growth of trees for pulp, lumber, and other wood products.
- (12) All weather surface. A surface of asphalt, concrete, gravel or shell of sufficient depth and composition to provide a hard driving surface which is impervious to water and prevents erosion, dust and potholes.
- (13) Alley. A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes although not intended for general traffic circulation.
- (14) Alteration. Any change in the supporting members of a building (such as bearing walls, columns girder) except such change as may be required for its safety; any addition to a building any change in use from that of one district classification to another; or of a building from one classification to another.
- (15) Animal unit. One animal unit shall mean either one horse, one cow, one mule, two (2) goats, two (2) sheep, two (2) hogs or two (2) miniature horses.
- (16) Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

- (17) Apartment. A room or suite of rooms with cooking facilities designed for or used as living quarters for a single household.
- (18) Apartment house. See Dwelling, multiple family
- (19) Apartment, Low Rise. A multiple dwelling not more than three (3) stories in height.
- (20) Auto wrecking. The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.
- (21) Automobile body and painting shops. The general repair of automobiles and light trucks, consisting of and major and minor frame and body repair and replacement; and where there can be the additional service of sanding, painting, etc., or other automobile finish work, all of which must be carried on inside a structure, and more particularly, concerning paint or paint products; all of said service must be carried on by Southern Building code requirements as to paint "booths," ventilation fire prevention, etc.
- (22) Auto/Vehicle junk area. Any non-public place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.
- (23) Base flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also know as the 100 year flood.
- (24) Basement. A story below the first story as hereinafter defined. See "story".
- (25) Bed and breakfast (A). An owner-occupied dwelling which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging, up to a maxi-mum of five (5)inn class A bedrooms, and only lodgers are served meals.
- (26) Bed and breakfast (B). An owner-occupied dwelling which is the primary residence of the owner Bed and breakfast and where a portion of the dwelling is available for short-term lodging, up to a maxi-mum of five (5)inn class B bedrooms, and where receptions or other social gatherings may be held. Meals may only be served to lodgers or guests of receptions and other social gatherings.
- (27) Billboard. See Sign, Outdoor advertising.
- (28) Block. A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.
- (29) Boardinghouse. Any dwelling in which more than three (3) families are housed or lodged for rent with or without meals.
- (30) Buffer area. An area set aside to remain vacant or to be planted and landscaped to act as a separation between two or more different districts.
- (31) Buildable area. That portion of a lot remaining after required yards and open spaces has been provided.
- (32) Buildable width. Width of the building site left after the required yards have been provided.

- (33) Building. Any covered structure intended for the shelter, housing or enclosure of persons, animals or chattels.
- (34) Building area. Building area means the total of the areas, taken on a horizontal plane at the main grade, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.
- (35) Building permit. A permit authorizing the construction or alteration of or addition to a specific building on a specific lot.
- (36) Building setback line. The minimum distance, as prescribed by this Ordinance, between the property line of a lot or parcel of land, as established by survey, and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend thereunto.
- (37) Building site. A single parcel of land occupied or intended to be occupied by a building or structure and appropriate accessory buildings or uses; every building site shall abut a dedicated street for at least thirty-five (35) feet.
- (38) Building, alteration. Any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building or movement of a building from one location to another.
- (39) Building, front line. A line being along the foremost portion of a building and parallel and/or concentric to the street line.
- (40) Building, height. The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.
- (41) Building, principal. A building in which is conducted or intended to be conducted the principal use of the lot on which it is situated.
- (42) Cafeteria. Restaurants at which patrons serve themselves at a counter and take the food to the tables to eat.
- (43) Camp, fishing. An area of land used for temporary occupancy and rented or leased by the owner including and limited to placement of mobile homes, modular homes, cabins, camper trailers, boats and accessory structures or uses.
- (44) Camp, hunting. A building, grounds and accessory structures, which residential in nature, are used for the predominant use of hunting, and similar to the structures allowed under fishing camps.
- (45) Camping trailer. See recreation vehicle
- (46) Carport. A canopy or shed attached to the main building and open on two (2) or more sides for the purpose of providing shelter for one or more vehicles.
- (47) Casino. A room or rooms in which gaming is conducted and in compliance with applicable state statutes.
- (48) Cellar. See basement
- (49) Cemetery. A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.
- (50) Centerline of street. That line running midway between the right-of-way lines of a dedicated street, avenue or highway. Not to be confused with the centerline of the paved surface.
- (51) Certify. Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the

foregoing, the city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

- (52) Certificate of Occupancy. See zoning compliance certificate
- (53) Child care center. An establishment providing care for four or more children. The term “child care center” includes day care nurseries, day care centers and any other facilities that fall within the scope of the definition set forth herein, regardless of auspices. Exempted from this definition is any facility operating as kindergarten, nursery school or head start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. The Mississippi State Board of Health shall stipulate space requirements.
- (54) Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (55) City. The City of Pass Christian, Mississippi.
- (56) Clinic. A building in which a group of physicians, dentist and allied professional assistants are associated for the purpose of carrying on their profession; the clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery.
- (57) Club. Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is normally carried on as a business.
- (58) Condominium. That form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.
- (59) Condominium unit. The elements of a condominium which are not owned in common with the owners of other condominiums in the project.
- (60) Conforming use. Any lawful use of a building or lot, which complies, with the provisions of this ordinance.
- (61) Construction Plans. The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units.
- (62) Council. The City Council of Pass Christian
- (63) County. Harrison County, Mississippi
- (64) Court. An unoccupied open space, other than a yard, on the same lot with building, which is bounded on two (2) or more sides by the walls of such building.
- (65) Coverage, lot. The percentage of the lot area covered by all structures.
- (66) Customer service area. The total gross floor area of any business establishment comprising the customer waiting or receiving, service and dining areas including any other incidental areas in which the general public has unrestricted access.
- (67) Day care center. See child care center
- (68) Developer. Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

- (69) Developer's Engineer. A registered professional engineer, in good standing, in the State of Mississippi, whose seal shall appear on all plats, construction drawings and plans for improvements.
- (70) Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- (71) District. Any zoning district established by this ordinance.
- (72) Drive-in restaurant. Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
- (73) Dwelling. Any building which is designed or used for permanent living quarters for one or more families.
- (74) Dwelling unit. One room, or rooms connected together, providing complete independent living facilities for one or more persons including permanent provisions for living, eating, sleeping, cooking and sanitation.
- (75) Dwelling, manufactured. A single-family detached housing unit that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act of 1974. The standards are administered by the U.S. Department of Housing and Urban Development (HUD), and shall include structures known as manufactured homes or mobile homes. Manufactured homes are built on a non-removable steel chassis and are transported to the building site on their own wheels.
- (76) Dwelling, mobile. See also dwelling, manufactured. A transportable, factory built home, on a permanent non-removable steel chassis using two I-Beams (main rails) for single wide homes and four I-Beams in double wide homes which are used to absorb the weight of the home and transfer that to the ground, designed to be used as a year round residential dwelling and built prior to enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. The mobile home is mounted to a semi permanent system.
- (77) Dwelling, multi-family. A residential building designed for or occupied by more than two families.
- (78) Dwelling, single family. A detached residential dwelling unit, designed for and occupied by one family only.
- (79) Dwelling, two family. A building designed and intended for or occupied exclusively by two (2) families living independently of each other.
- (80) Easement. A right given by the owner of land to another party for specific limited use of that land.
- (81) Enclosed Structure. A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.
- (82) Engineering Plans. The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.
- (83) Expansion to an existing Mobile home park. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are

- to be affixed (including tile installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- (84) Extraction. The removal from the premises of sand, gravel, shells, topsoil, minerals, or other natural resources from a lot or a part thereof.
  - (85) Family. One or more persons occupying a dwelling and living as a single housekeeping unit.
  - (86) Farm. A parcel of land used for growing or raising agricultural products, including related structures thereon.
  - (87) Fence. A structure other than a building, which is a barrier and used as a boundary or means of protection or confinement.
  - (88) Filling station. See service station and self-service station.
  - (89) Final Plat. The final map or drawing on which the subdivision plan is submitted to the Planning Commission for review and recommendation and to the Mayor and Council for approval and which, if approved, will be submitted to the Chancery Clerk of Harrison County for recording.
  - (90) Fix-it shop. Fix-it shop/general repair shop: Buildings or premises used for the repair of home appliances, such as, but not limited to radios, televisions, refrigerators, deep freezers, washing machines and other similar appliances or household articles.
  - (91) Floodplain management program. An overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and land use and control measures.
  - (92) Floodplains. Any land area susceptible to being inundated by water from any source.
  - (93) Floodway. The channel of a river or other watercourse and the adjacent land areas needed to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.
  - (94) Floor area. The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for occupancy or use purposes.
  - (95) Floor area, gross. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
  - (96) Floor area, habitable. Any floor usable for living purposes, which includes working sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
  - (97) Floor area, ratio. The numerical value obtained through dividing the gross floor area of a building by the total area of the lot or parcel of land on which such building is built.
  - (98) Front. The side of a lot bordering a street right-of-way, except in the case of corner or other double frontage lots, in which case the owner of the lot must designate in his application for a building permit which side bordering a street is the front.
  - (99) Gaming or gambling. Any activities that is regulated pursuant to the Mississippi Gaming Control Act of 1990.
  - (100) Garage apartment. A dwelling unit attached to a private garage.

- (101) Garage, private An accessory building or a part of a main building used for storage purposes for one or more automobiles.
- (102) Garage, public. Any building other than a private garage, available to the public for the parking or storing of vehicles for remuneration, hire or sale.
- (103) Garage, repair. A building, land or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.
- (104) Garage, storage . A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.
- (105) Gas station. See service station and self-service station
- (106) Grade. The elevation of the ground at a building or building site as established by the governing (city/county) engineer.
- (107) Grade, finished. The completed surfaces of lawns, walks and roads, brought to grades as shown on official plans or designs relating thereto.
- (108) Green space. Land designated for conservation, preservation, recreation, landscaping or parks.
- (109) Group home. A nonprofit or for profit boarding house for the sheltered care of persons with special needs, which in addition to providing food and shelter, may also provide some combination of personal care, social or counseling service and transportation.
- (110) Hardship. An unusual 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 owner of the property does not create the unusual situation or condition. A hardship as related to zoning is not to be confused with an economic hardship.
- (111) Hazardous material. All materials and substances that are now or hereafter designated or defined as hazardous by and state or federal law or by regulation of any state or federal agency.
- (112) Home occupation. An occupation for gain conducted in a dwelling unit only by members of a family residing in the dwelling unit and not including the employment of any additional persons, provided that no article is sold or offered for sale except such as may be produced by members of the family in the dwelling unit; provided further that the occupation is incidental to the residential use of the dwelling unit and does not utilize more than twenty-five (25) percent of the gross floor area or more than 500 square feet, which ever is less, that no part of the occupation is conducted in any accessory building, that no traffic shall be generated by such home occupation in greater volume than would be normally expected in a residential neighborhood, and that any need for parking generated by the conduct of such home occupation shall be met off the street. There shall be no visible evidence of the conduct of a home occupation other than one sign not exceeding two (2) square feet in area, unlighted and mounted flat against the wall of the principal building.
- (113) Hospital. An institution providing health services primarily for inpatients and medical and surgical care for the sick or injured. This shall include accessory uses such as laboratories, out patient clinics and medical offices.

- (114) Hotel. A building containing individual sleeping rooms or suites each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals.
- (115) Household. One person living alone or two (2) or more persons living together as a single housekeeping unit, whether related to each other legally or not and distinguished from a group of persons occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A household shall be deemed to include domestic employees of said household when these employees are on-premise residents.
- (116) Impervious surfaces. Any hard surface man-made that is more impervious than the natural surface.
- (117) Improvement. Any permanent building or structure that becomes part of, placed upon or is affixed to real property.
- (118) Improvement, public. Includes street surfacing, which curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities, drainage and monuments.
- (119) Industry. The processing or assembly of product or raw materials.
- (120) Industry, heavy. Those operations whose processing results in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors or noise or vibration which may be heard or felt off the premises or those industries which constitute a fire or explosion hazard.
- (121) Industry, light. Those operations where all processing is conducted wholly within a building.
- (122) Institution. Any building used by a nonprofit corporation or nonprofit establishment for public use.
- (123) Junk. Defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metal and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, in-operable automobiles or airplanes or their parts and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing conditions; subject to being dismantled for scrap.
- (124) Junk yard. An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" also includes auto-wrecking yards, but it does not include uses enclosed entirely within a building,
- (125) Kennel. Any building, lot or premises on or in which, six (6) dogs or domesticated animals are housed, groomed, bred, boarded or offered for sale.
- (126) Landscaped area. An area within the boundaries of a given lot which is devoted to and consists of plant material including but not limited to trees, shrubs, ground covers, grass, flowers and native plant materials, and also including but not limited to inorganic features such as planter, stone, brick and aggregate forms, water, excluding retention/detention ponds, and other landscape elements; provided however that the use of such inorganic materials shall not predominate

over the use of organic plant material. Artificial plants are not considered landscape material.

- (127) Lane. A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes although not intended for general traffic circulation. (See also “alley.”)
- (128) Laundromat. Business premises equipped with individual clothes washing and drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.
- (129) Loading space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials and which abuts on a street, alley, or other appropriate means of access.
- (130) Lot. A plot or parcel of land devoted to or suitable for a common use or occupied by a building and its accessory buildings, or by a dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this Ordinance and having not less than the minimum area required under the provisions of this Ordinance and having not less than the minimum area required by this Ordinance for a lot in the district in which it is located and having its principal frontage upon a public street or right-of-way for a minimum distance of thirty-five (35) feet.
- (131) Lot area. The total area included within the front, side and rear lot lines.
- (132) Lot depth. The average horizontal distance between the front lot line and the rear lot line.
- (133) Lot Depth, corner lot. The average distance from the street right-of-way to the rear lot line, measured along the sidelines of the lot
- (134) Lot depth, interior lot. The average horizontal distance between the front and rear lot lines, measured along the sidelines of the lot
- (135) Lot frontage. That measurement of a lot abutting on a public Street, measured along the street right-of-way line from side lot line to side lot line. (Structures on corner lots fronting on a particular street shall be deemed to have frontage, on that street)
- (136) Lot line, front. In the case of an interior lot, the line separating said lot from the street In the case of a corner or double frontage lot, the line separating said lot from the street which the house will face, to be determined from the request for a building permit.
- (137) Lot line, rear. The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- (138) Lot line, side. The side lot line is the property boundary line between the front and rear lot lines.
- (139) Lot lines. The lines bounding a lot as defined herein.
- (140) Lot of Record. A lot, the plat or deed or act of sale of which has been recorded in the office of the Chancery Clerk of Harrison County, Mississippi, prior to the adoption of this Ordinance.
- (141) Lot width. Distance between the side lot lines measured at the front building line.

- (142) Lot, corner. A plot of land located at the intersection of and abutting on two (2) or more streets.
- (143) Lot, double frontage. A lot which runs through a block from street to street, and has two opposite sides abutting on two or more streets.
- (144) Lot, interior. A lot other than a corner lot.
- (145) Lounge. A retail establishment offering alcoholic beverages for consumption on the premises. The definition of lounge includes barrooms.
- (146) Manufactured home. See Dwelling, manufactured housing
- (147) Manufactured housing /mobile home park. Any parcel (or contiguous parcels) of land upon which two (2) or more units of manufactured housing or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. A mobile home park must have a minimum of five (5) acres.
- (148) Manufactured housing/mobile home space. A plot of ground within a manufactured housing/mobile home park designed for the accommodation of one (1) manufactured housing unit or mobile home.
- (149) Manufactured housing/Mobile home subdivision. The division of any tract or parcel of land, including frontage along an existing street or highway, into two (2) or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of the placement of manufactured housing or mobile homes for dwelling purposes
- (150) Marina. A boat basin, harbor, or dock, with facilities for berthing and servicing boats which may include the provision of bait, ice and fishing tackle and eating establishments.
- (151) Mobile food vendor. One who is engaged in the sale of prepared food from a motor vehicle or push cart equipped for such purpose.
- (152) Mobile Home. See Dwelling, Mobile Home.
- (153) Modular home. A modular home is a factory fabricated dwelling which is transported to the home site on flatbed trucks or trailers and is designed and constructed without carriage or hitch collar as stationary house construction for placement on a permanent foundation, to be permanently connected to utilities, and to be used for year round occupancy. It may consist of two (2) or more components that can be separated when transported but designed to be joined into one integral unit. A modular home must meet the minimum construction standards for house construction as specified in the International Building Code 2003 as adopted by Hancock County, and minimum construction standards as may from time to time be fixed by the laws of the State of Mississippi, as well as all construction standards imposed by applicable Hancock County ordinances. Modular homes shall be treated as conventional homes for the purpose of the Zoning Ordinance.
- (154) Modular structure. A modular structure is a factory fabricated structure, notwithstanding tilt-up construction, which is designed to be used for commercial uses but not for residential or dwelling purposes. It may consist of two (2) or more components that can be separated when transported but are designed to be joined into one integral unit.
- (155) Motel. A building or group of buildings, comprising individual living quarters or dwelling units for the accommodation of transient guests, which so designed that

parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto courts, tourist courts, motor hotels but does not include accommodations for mobile homes. A motel is a business use rather than a residential use.

- (156) Motor Home. A structure built on and made an integral part of a self-propelled motor vehicle chassis primarily designed to provide temporary living quarters for recreation, camping, and travel use.
- (157) New Construction. Structures for which the start of "construction" commenced on or after the effective date of this ordinance.
- (158) Nightclub. A place of entertainment offering alcoholic beverages for consumption on the premises and which may provide a floor show and music as well as space for dancing.
- (159) Nonconforming building. A building or part thereof lawfully existing on the effective date of this ordinance and which does not conform to all of the regulations of the district in which it is located.
- (160) Nonconforming use. A use which lawfully occupies a building or land on the effective date of this ordinance and which does not conform to the regulations of the district in which it is located.
- (161) Nursing or convalescent home. Nursing or convalescent home means a facility designed and intended to provide nursing service on a continuing basis to persons the majority of whom require such service under trained professional nurses or physicians and for whom medical records are maintained.
- (162) Office building. A building designed for or used as offices for professional, commercial, industrial, religious, public or semipublic activities or organizations providing that no manufactured products or commodities are warehoused or sold on the premises.
- (163) Open Space. An unoccupied space open to the sky on the same lot with the principal building upon which no structure may be erected.
- (164) Outdoor storage. A depository or place for storing goods related to an establishment on the same premises and not located within a building.
- (165) Overhang. That portion of a roof or other structural appendage that projects out past the main building wall of the structure.
- (166) Parking Area. Parking area means a required off-street parking facility, enclosed or unenclosed. Parking area includes parking spaces and access drives.
- (167) Parking Area, Public. A open area other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for client or customers.
- (168) Parking Lot. Parking lot means an open area which is used for the temporary parking of motor vehicles but which is not a required off-street parking facility
- (169) Parking Space. A space located on private or public property sufficient in size to store one (1) automobile.
- (170) Pedestrian Way. A right-of-way, however designated, either across or within a block, intended for use by pedestrian traffic.
- (171) Permitted use. A use of meeting all the requirements established by the ordinance for the district in which the use is located.

- (172) Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.
- (173) Personal service shops Personal service shops means business establishments such as barbershops, beauty parlors, and chiropody, massage, or similar personal service shops.
- (174) Place See Open space
- (175) Planned Unit Development Planned unit development: A land tract in which a multiplicity of land uses may be permitted including single-family residential, multifamily residential, public use and compatible commercial use, and in which land not used by residential or commercial structures and yards, but required by basic zoning of the site, shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.
- (176) Planning Commission. The Pass Christian Planning Commission
- (177) Planning Jurisdiction. The area within the city limits as well as the area beyond the city limits within which the city is authorized to plan for and regulate development.
- (178) Premises A lot parcel of land together with structure or structures occupying the lot or parcel
- (179) Principle Use The specific primary purpose for which land or a building is intended to be used.
- (180) Private Drive A right-of-way, which has the characteristics of a street, as defined herein, except that it is not dedicated for public use. A driveway located on a lot, which serves only that lot is not considered a private drive.
- (181) Public building A building owned or used exclusively by the city, county, state or federal government.
- (182) Public Uses Includes parks and recreation, schools and other education or cultural facilities, libraries, hospitals, and other public offices or administrative facilities
- (183) Public Utility Any person, firm, corporation, municipal department, or board duly authorized under state or municipal regulations to furnish such public services as electricity, gas, water, sewer, telephone, telegraph, transportation or other public utility service to its subscribers or customers.
- (184) Quarry A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, gravel or soil for sale.
- (185) Recreational Facilities Country clubs, riding stables, golf courses, swimming pools, playgrounds, recreation centers, and other noncommercial recreational areas and facilities.
- (186) Recreational Vehicle A vehicular type unit primarily designed as temporary living quarters of recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are travel trailers, camping trailers, truck campers and motor homes.
- (187) Recreational Vehicle Park Recreational vehicle park means a parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes, not to be confused

- with a mobile home park. The term Recreational vehicle “campground” includes necessary sanitary and utility facilities and permitted accessory uses.
- (188) Recreational Vehicle Site A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle or other individual camping unit on a temporary basis.
- (189) Residential Structure A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels and motor lodges.
- (190) Rest Home The rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a city, county, state, or federal agency.
- (191) Restaurant Restaurant means an establishment principally offering food for consumption on the premises and permitting no dancing by proprietors, patrons or employees. Restaurants do not include barrooms, nightclubs or lounges, but do permit service bars.
- (192) Re-subdivision. The revision of any part of, or any block or blocks of a previously platted subdivision, addition, lot or tract.
- (193) Right-of-way Right-of-way: A grant by the property owner, usually in the form of a dedication to the public, of a strip or strips of land to be used for or occupied by a street, highway, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.
- (194) Right-of-way Line The boundary line between a right-of-way and abutting property.
- (195) Roadway That paved portion of a right-of-way, or in the case of an unpaved roadway, the designated riding surface, which is set aside for the movement of vehicular traffic.
- (196) Rooming House A dwelling in which the resident family provides rooms for the accommodation of persons on a semi-permanent basis (one month or longer) and not as transients.
- (197) Satellite dish antenna Satellite dish antenna: A device incorporating a reflective surface of any configuration. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based transmitters. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.
- (198) School, business Schools offering instruction in general business subjects such as accounting, secretarial work, business administration, computer training and similar subjects.
- (199) School, elementary or secondary Any institute for the education of students in elementary or secondary grades (1 through 12) which is publicly owned. The term includes day nurseries and kindergartens.
- (200) School, trade or industrial An establishment, public or private for the purpose of training students in skills required for the practice of trades or industries.
- (201) Sectional Home See Modular Home
- (202) Semi-Public Body Includes churches and organizations such as noncommercial clubs and lodges, theatre groups, recreational and neighborhood

associations, and cultural activities operating as a nonprofit activity and serving a public purpose.

- (203) Service Bar An area of a restaurant at which alcoholic beverages may be prepared to serve patrons of the dining room area only, provided no alcoholic beverages will be sold across the bar.
- (204) Service Station (See also garage, repair) Any premises where gasoline or other petroleum products are sold and where light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may or may not be conducted. Service stations shall not include premises where heavy automobile or truck maintenance activities such as engine overhauls, painting and body work are conducted.
- (205) Setback Line See Building Setback Line
- (206) Shell House A structure which is composed of foundation outside walls and roof with no interior walls or fixtures, or incomplete interiors and which is transferred to another party for completion of the interior
- (207) Shopping Center Shopping center means a group of retail stores, planned and designed for the site upon which they are built.
- (208) Sign SIGN: Any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks, or demonstrations, designed to advertise, inform, identify or to attract attention of persons not on the premises on which the device is located and is visible from any public way. A sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner without organized relationship of the components or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of each sign shall be the area computed on a single surface.
- (209) Sign, business An attached or freestanding structure on which is announced the business, use of the premises and/or the name of the operator of the business.
- (210) Sign, flashing A sign on which the illumination is intermittent or not maintained in intensity and color.
- (211) Sign, Ground A sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (212) Sign, Mobile A sign designed to be and capable of being transported to various locations.
- (213) Sign, nameplate Sign, nameplate means a sign which states the name or address, or both of the profession or business on the lot where the sign is located.
- (214) Sign, off-premises A sign, including the supporting sign structure, which directs the attention of the general public to a business, service or activity not conducted, or a product not offered or sold upon the premises where such signs are located.
- (215) Sign, Outdoor Advertising Signs erected and maintained by an advertising business or service in the form of a ground, wall, or roof sign, upon which advertising matter may be displayed, generally advertising goods and services not sold or available on the premises on which the sign is located. These types of

signs are generally referred to as billboards, the surface of which is sold, or leased, for the display of advertising material.

- (216) Sign, Roof Any sign or outdoor advertising device attached to the roof of a building.
- (217) Sign, surface area of Sign, surface area of means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limit of such sign and not forming an integral part of the display. Only one side of a double-faced or V-type sign structure shall be used in computing total surfacing area.
- (218) Small Animal Clinic A commercial facility operated to provide treatment and care including temporary boarding for domestic animals.
- (219) Stable, private An accessory building for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.
- (220) Stable, public A stable other than a private or riding stable.
- (221) Stable, Riding A structure in which horses or mules used for pleasure riding or driving are housed, boarded or kept for hire, including a riding track.
- (222) Story Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- (223) Street Street means a public or private thoroughfare that affords the principal means of access to abutting property.
- (224) Street line Street line means a dividing line separating a lot, tract or parcel of land and a contiguous street.
- (225) Street, arterial A street which brings traffic to and from the city and serves those major movements of traffic within or through the city and throughout the region. Arterial streets are designed on the applicable Street Plan of the city or the transportation plan of the Metropolitan Planning Organization.
- (226) Street, Cul-de-sac A short street having one end open to traffic and being permanently terminated by a vehicular turn-around.
- (227) Street, Dead-end Any local street, other than a cul-de-sac, which has only one outlet.
- (228) Street, major Major street means a street or highway shown as a major street upon the major thoroughfare plan.
- (229) Street, minor Minor street means a street or highway not shown as a major street upon the major thoroughfare plan.
- (230) Structural alteration Any change in the roof, exterior walls or supporting members of a building.
- (231) Structure Any type of construction that requires a permanent location.
- (232) Subdivision. The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this ordinance applicable strictly to subdivisions: a) the combination or recombination of portions of previously platted lots where the total number lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in the

ordinance, b) the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved, or c) the public acquisition by purchase of strips of land for widening or opening streets.

- (233) Subdivision, Major. Any subdivision other than a minor subdivision.
- (234) Subdivision, Minor. A subdivision that does not involve any of the following: a) the creation of more than a total of three lots; b) the creation of any new public streets, c) the extension of a public water or sewer system, or d) the installation of drainage improvements through one or more lots to serve one or more other lots.
- (235) Substantial improvement Substantial Improvement – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either 1) before the improvement is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
- (236) Surveyor. A registered land surveyor as authorized by the state statutes to practice the profession of surveying in the State of Mississippi.
- (237) Swimming Pool A swimming pool shall be considered as a structure, the same as an accessory building, and subject to the same setback requirements but not as to area.
- (238) Tenant dwelling A residential structure located on a bona fide farm, and occupied by a non-transient farm worker employed by the farm owner to work on that farm
- (239) Theater, drive-in Theatre, drive-in means an open lot or part thereof, with it appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.
- (240) Timeshare building A building containing condominium units, rooms or suites of rooms, with or without culinary facilities and subject to a timeshare plan or transient vacation rentals.
- (241) Timeshare plan The practice whereby an individual or individuals, corporation, or other entity pays for and acquires the right to the timed use of a condominium or apartment unit for a specified period of time each year, generally for a week or a number of weeks in a given year, with the right to use said condominium or apartment unit for like periods in subsequent years.
- (242) Tourist court See Motel
- (243) Townhouse A structure that is one of a series of dwelling units designed for single-family occupancy, which dwelling units are structurally connected to each other without side yards between individual dwelling units.
- (244) Trailer TRAILER: Any vehicle without motive power and which is designed to be drawn by a motor vehicle, and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or for the conduct of any business, trade or occupation or use as a selling or advertising device, or used for storage or conveyance of tools, equipment, or machinery and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term trailer includes the terms “camp trailer,” and similar terms, except when the latter falls within the definition of “manufactured housing or mobile home.” Trailers are considered structures for the purpose of this ordinance when they are

used as temporary places for human habitation, offices, wash houses, or for storage. Trailers are characteristically for a variety of temporary or intermittent types of use whereas manufactured housing or mobile home are intended for full time use as a residence.

- (245) Trailer Camp See Recreational Vehicle Camp
- (246) Trailer park or court See Recreational Vehicle Camp
- (247) Trailer, camping See Recreational Vehicle
- (248) Transient vacation rentals Transient vacation rentals means rentals in a dwelling, hotel, motel, apartment hotel, condominium, motor lodge, boardinghouse, rooming house, lodging house, tourist court, tourist home or other similar

## Article III General Provisions

Section 300: Establishment of Districts

For the purpose of applying the provision of this Ordinance, Hancock County, Mississippi is hereby divided into Zoning districts as follows:

300.01	A-1	General Agricultural
300.02	R-1	Single Family Residential
300.03	R-1A	Single Family Residential
300.04	R-2	Medium Density Residential
300.05	R-2A	Medium Density Residential
300.06	R-3	Multi-Family Residential
300.07	C-1	Neighborhood Commercial
300.08	C-2	Highway Commercial
300.09	I-1	Light Industrial
300.10	I-2	Heavy Industrial
300.11	I-3	Planned Industrial Park

Section 301: Official Zoning Map

The zoning districts set forth herein before as identified as delineated on a map entitled “Official Zoning Map of Hancock County, Mississippi”, on file in the office of the Building Official.

Section 302: Rules for Interpretation of the Zoning Map

Where the boundaries of zoning districts are uncertain as shown on the Official Zoning Map, the following rules shall apply.

302.01 Boundary lines indicated as approximately following the center lines of streets, railroad lines, highways, or alleys shall be construed to follow such center lines.

302.02 Boundary lines indicated as approximately following platted lot lines or corporate limits shall be construed as following these lot lines or corporate limits.

302.03 Boundary lines indicated as approximately parallel to or extensions of features mentioned above shall be so construed.

302.04 Boundary lines indicated as approximately parallel to or extensions of features mentioned above shall be so construed.

302.05 Whereas streets, property lines, or other physical boundaries are not applicable, boundaries shall be determined by the measurement and scale of the certified Official Zoning Map.

Section 303: Lots in Multiple Zoning Districts

303.01 Where a lot or tract lies in two or more zoning districts, the zoning for the street frontage of the lot or tract shall govern, except that the zoning for the street frontage shall not extend more than 100 feet into a more restricted district.

303.02 Where frontage of a lot or tract lies in two or more zoning districts, the zoning for the portion containing the most frontage shall govern the entire lot or tract.

Section 304: Vacation of Public Easements

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

Section 305: Non-classified Uses

For any use not specifically listed, the Planning Commission shall make a determination of the district or districts in which such use shall be permitted, conditional or a use by special exception based on its similarity in nature and character to other uses listed in districts.

## Article IV District Regulations

### Section 400: Application of District Regulations

400.01 Use of Property- No building or land shall hereinafter be used or occupied and no building or part thereof shall be erected or altered unless in conformity with the regulations herein specified for the District in which said building or land is located.

400.02 No part of a yard or other open space required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

### Section 401: All Districts

#### 401.01 Uses Permitted

401.01-01 Uses by temporary permit- The County may grant temporary permits, not to exceed six (6) months, allowing a deviation from the uses herein after provided. A temporary permit shall not be granted except upon written application referred to the County Planning Commission and recommendation from that Commission. The applicant shall provide proof that good cause exists for the granting of a temporary permit.

401.01-02 Publicly owned uses necessary for conducting the business of operating the County, State, and /or Federal Government including parks, playgrounds, schools and utilities.

401.01-03 Any existing use, designated as a conditional use at the time of adoption of this ordinance shall be considered a permitted use in that district.

401.01-04 Any A-1 parcel of land designated as a building site and containing more than 43,500 square feet of contiguous area, shall be exempted from the side and rear yard setbacks.

401.02 Yard requirements for residential districts. In all residential districts, where a subdivision was legally established prior to the effective date of this Zoning Ordinance, and such subdivision has a valid and enforceable covenants which provide for yard and / or lot requirements which differ from those hereinafter set forth, the yard and/or lot requirements of said covenants shall apply in lieu of those hereinafter set forth, except that the lot width shall not be less than fifty (50) feet, the front and rear yards shall not be less than twenty (20) feet, and the side yards shall not be less than five (5) feet.

Section 402: A-1 General Agriculture District

402.01 Purpose- This district is intended to provide an area primarily for agriculture purposes and low density residential development. Because of the rural nature, it is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made. Multiple uses are allowed in this district.

402.02 Permitted Uses- See Section 411 for permitted uses.

402.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission; see Article IX, Section 904.

402.04 Yard Required

- 402.01-1 Front: Major street setback of 40 feet.
- 402.01-2 Side: Setback a minimum of ten (10) feet.
- 402.04-3 Rear: Setback a minimum of twenty (20) feet.

402.05 Lot Requirements

- 402.05-01 Lot Area: Minimum of twenty thousand (20,000) square feet
- 402.05-02 Lot Width: Minimum of one hundred (100) feet
- 402.05-03 Lot Coverage: Maximum of sixty percent (60%)

402.06 Height Regulations- No building or structure shall exceed fifty (50) feet in height.

Section 403: R-1 Single Family Residential District

403.01 Purpose- This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the paper functional relationships of each element.

403.02 Permitted Uses- See Section 411 for permitted uses.

403.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

\* Dwellings two family for immediate family only (parent/child)

- 403.04 Yard Requirements
  - 403.04-01 Front: a minimum of twenty-five (25) feet.
  - 403.04-02 Side: a minimum of ten (10) feet, except on a corner lot the side yard abutting a street right-of-way shall be same as the required front yard.
  - 403.04-03 Rear: a minimum of twenty (20) feet.
  - 403.04-04 Setbacks for Accessory Uses: a minimum of (5) feet from property lines.
- 403.05 Lot Requirements
  - 403.05-01 Lot Width: a minimum of seventy-five (75) feet
  - 403.05-02 Lot Area: a minimum of seventy-five hundred (7,500) square feet.
  - 403.05-03 Lot Coverage: Buildings including accessory structures, shall not cover more than sixty (60%) percent of the area of any lot.
- 403.06 Height Regulations- No building or structure shall exceed thirty-five (35) feet in height.

Add: 403.A R1-100 Single Family Residential District

- 403.A01 Purpose. This is one of the most restrictive residential districts but allows for 100' lot widths. The principal use of land is for single family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.
- 403.A02 Permitted uses: See Section 411 for permitted uses.

- 403.A03 Conditional Uses: See Section 411 for conditional uses. All Conditional Uses require review and approval by the Planning Commission. See Article IX, Section 904.
- 403.A04 Yard Requirements
- 403.A04-01 Front: A minimum of twenty-five (25) feet
- 403.A04-02 Side: A minimum of fifteen (15) feet, except on a corner lot. The side yard abutting a street right of way shall be the same as the required yard.
- 403.A04-03 Rear: A minimum of twenty (20) feet.
- 403.A04-04 Setbacks for Accessory Uses: A minimum of five (5) feet from the property lines.
- 403.A05 Lot Requirements
- 403.A05-01 Lot Width: A minimum of one hundred (100) feet
- 403.A05-02 Lot Area: A minimum of ten thousand (10,000) square feet.
- 403.A05-03 Lot Coverage: Buildings including accessory structures shall not cover more than sixty (60%) percent of the area of any lot.
- 403.A05-04 Height Regulations: No building or structure shall exceed thirty-five (35) feet in height.

Add: 403.B R1-75 Single Family Residential District

- 403.B01 Purpose. This is one of the most restrictive residential districts but allows for 75' lot widths. The principal use of land is for single family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

- 403.B02 Permitted uses: See Section 411 for permitted uses.
- 403.B03 Conditional Uses: See Section 411 for conditional uses. All Conditional Uses require review and approval by the Planning Commission. See Article IX, Section 904.
- 403.B04 Yard Requirements
  - 403.B04-01 Front: A minimum of twenty-five (25) feet
  - 403.B04-02 Side: A minimum of ten (10) feet, except on a corner lot. The side yard abutting a street right of way shall be the same as the required yard.
  - 403.B04-03 Rear: A minimum of twenty (20) feet.
  - 403.B04-04 Setbacks for Accessory Uses: A minimum of five (5) feet from the property lines.
- 403.B05 Lot Requirements
  - 403.B05-01 Lot Width: A minimum of seventy-five (75) feet
  - 403.B05-02 Lot Area: A minimum of seven thousand five hundred (7,500) square feet.
  - 403.B05-03 Lot Coverage: Buildings including accessory structures shall not cover more than sixty (60%) percent of the area of any lot.
  - 403.B05-04 Height Regulations: No building or structure shall exceed thirty-five (35) feet in height.

Add: 403.C R1-50 Single Family Residential District

- 403.C01 Purpose. This is one of the most restrictive residential districts but allows for 50' lot widths. The principal use of land is for single family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and

through consideration of the proper functional relationships of each element.

- 403.C02 Permitted uses: See Section 411 for permitted uses.
- 403.C03 Conditional Uses: See Section 411 for conditional uses. All Conditional Uses require review and approval by the Planning Commission. See Article IX, Section 904.
- 403.C04 Yard Requirements
  - 403.C04-01 Front: A minimum of twenty-five (25) feet
  - 403.C04-02 Side: A minimum of ten (10) feet, except on a corner lot. The side yard abutting a street right of way shall be the same as the required yard.
  - 403.C04-03 Rear: A minimum of twenty (20) feet.
  - 403.C04-04 Setbacks for Accessory Uses: A minimum of five (5) feet from the property lines.
- 403.C05 Lot Requirements
  - 403.C05-01 Lot Width: A minimum of fifty (50) feet
  - 403.C05-02 Lot Area: A minimum of five thousand (5,000) square feet.
  - 403.C05-03 Lot Coverage: Buildings including accessory structures shall not cover more than fifty (50%) percent of the area of any lot.
  - 403.C05-04 Height Regulations: No building or structure shall exceed thirty-five (35) feet in height.

403.D

E-1 Very Low Density Residential District

- 403D.01 Purpose. This is a restrictive residential estate district. The principal use of land is for single family dwellings and provides for a very low density, estate type, and residential development with larger minimum lot sizes. It allows for limited scale or hobby type agricultural and farm uses adjacent to areas where the character of development is established as or is planned to be predominately residential. Recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area are also permitted.

These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

- 403.D02 Permitted uses: See Section 411 for permitted uses.
- 403.D03 Conditional Uses: See Section 411 for conditional uses. All Conditional Uses require review and approval by the Planning Commission. See Article IX, Section 904.
- 403.D04 Yard Requirements
  - 403.D04-01 Front: A minimum of thirty (30) feet
  - 403.D04-02 Side: A minimum of fifteen (15) feet, except on a corner lot. The side yard abutting a street right of way shall be the same as the required yard.
  - 403.D04-03 Rear: A minimum of thirty (30) feet.
  - 403.D04-04 Setbacks for Accessory Uses: A minimum of ten (10) feet from the property lines.
- 403.D05 Lot Requirements
  - 403.D05-01 Lot Width: A minimum of one hundred (100) feet
  - 403.D05-02 Lot Area: A minimum of 43,560 square feet (1 acre)
  - 403.D05-03 Lot Coverage: Buildings including accessory structures shall not cover more than fifty (50%) percent of the area of any lot.
  - 403.D05-04 Height Regulations: No building or structure shall exceed thirty-five (35) feet in height.

Section 404 R-1A Single Family Residential District

404.01 Purpose- This is a restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These area are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

404.02 Permitted Uses- See Section 411 for permitted uses, a mobile home is allowed only in existing mobile home subdivisions.

404.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

\*Dwellings, two family for immediate family only (parent/child)

404.04 Yard Requirements

404.04-01 Front: a minimum of twenty (20) feet

404.04-02 Side: a minimum of five (5) feet with total (both sides) setback of fifteen (15) feet, except on a corner lot the side yard butting a street right- of- way shall be the same as the required front yard.

404.04-03 Rear: a minimum of twenty (20) feet

404.04-04 Setbacks for Accessory Uses: a minimum of (5) five feet from property lines.

404.05 Lot Requirements

404.05-01 Lot Width: a minimum of sixty (60) feet

404.05-02 Lot Area: a minimum of six thousand (6,000) square feet.

404.05-03 Lot Coverage: Buildings including accessory structures shall not cover more than sixty percent (60%) of the area of any lot.

404.06 Height Restrictions- No building or structure shall exceed thirty-five (35) feet in height.

Section 405 R-2 Medium Density Residential District

405.01 Purpose- This is a residential district to provide for medium population density. The principal use of land is for single-family and medium density multi-family dwelling units.

405.02 Permitted Uses- See Section 411 for permitted uses.

405.03 Conditional uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

405.04 Yard Requirements

405.04-01 Front: a minimum of twenty-five (25) feet

405.04-02 Side: a minimum of five (5) feet, except on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard.

405.04-03 Rear: a minimum of twenty (20) feet

405.04-04 Setbacks for Accessory Buildings: a minimum of five (5) feet

405.05 Lot Requirements

405.05-01 Lot width: -Single Family a minimum of fifty (50) feet.  
-Two Family a minimum of seventy-five (75) feet.  
-Multi-Family a minimum of one hundred (100) feet.

- 405.05-02 Lot Area: -Single Family a minimum of five thousand (5,000) square feet.  
 -Two Family a minimum of ten thousand (10,000) square feet.  
 -Multi-Family a minimum of ten thousand (10,000) square feet for two units and one thousand five hundred (1,500) square feet for each additional unit.
- 405.05-03 Lot Coverage: Building including accessory structures, shall not cover more than sixty (60%) percent of the area of any lot.

405.06 Height Regulations. No building or structure shall exceed thirty- five (35) feet in height.

Section 406 R-2A Medium Density Residential District

- 406.01 Purpose- This is a residential district to provide for medium population density on small lots with reduced setbacks. The principal use of land is for single-family and medium density multi-family dwelling units, whether frame or modular.
- 406.02 Permitted Uses- See Section 411 for permitted uses.
- 406.03 Conditional uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.
- 406.04 Yard Requirements
- 406.04-01 Front: a minimum of twenty (20) feet
- 406.04-02 Side: a minimum of five (5) feet,
- 406.04-03 Except on corner lot the side yard abutting a street right-of-way shall be the same as the required front yard.
- 406.04-04 Rear: a minimum of twenty (20) feet

406.04-05 Setbacks for Accessory Buildings: a minimum of five (5) feet from the property line.

406.05 Lot Requirements

406.05-01 Lot Width: -Single Family a minimum of fifty (50) feet  
-Two-Family a minimum of seventy-five (75) feet  
-Multi-Family a minimum of one hundred (100) feet

406.05-02 Lot Area: -Single Family a minimum of five thousand (5,000) square feet  
-Two-Family a minimum of ten thousand (10,000) square feet  
-Multi-Family a minimum of ten thousand (10,000) square feet for two units and one thousand five hundred (1,500) square feet for each additional unit.

Section 407 R-3 Multi-Family Medium o High Density Residential District

407.01 Purpose- The intent of this district is to establish and preserve medium density presidential districts excluding uses which are not compatible with residential use.

407.02 Permitted Uses- See Section 411 for permitted uses.

407.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

407.04 Yard Requirements

407.04-01 Front: a minimum of twenty-five (25) feet

407.04-02 Side: -Single Family a minimum of five (5) feet

			-Two or more units a minimum of ten (10) feet, except on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard.
	407.04-03	Rear:	a minimum of fifteen (15) feet
	407.04-04	Setback for Accessory Uses:	a minimum of five (5) feet from the property line.
407.05	Lot Requirements		
	407.05-01	Lot Width:	-Single Family a minimum of fifty (50) feet -Two-Family a minimum of ten thousand (10,000) square feet -Multi-Family a minimum of ten thousand (10,000) square feet for two units and one thousand five hundred (1,500) square feet for each additional unit
	407.05-02	Lot Area:	-Single Family a minimum of five thousand (5,000) square feet -Two-Family a minimum of ten thousand (10,000) square feet -Multi-Family a minimum of ten thousand (10,000) square feet for two units and one thousand five hundred (1,500) square feet for each additional unit
	407.05-03	Lot coverage:	Building including accessory structures, shall not cover more than sixty (60%) percent of the area of an lot.
407.06	Height Regulations- No building or structure shall exceed fifty (50) feet.		

Section 414 C-1A Light Neighborhood Commercial District

414.01 Purpose – The purpose of the light neighborhood commercial district is to provide for a carefully controlled selection of light commercial uses and to serve the convenience of nearby and adjacent residential areas with limited service and limited retail needs.

No use permitted in this district shall be dangerous or detrimental by reason of emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a fire hazard.

414.02 Permitted Uses – See Section 411 for permitted uses.

414.03 Conditional Uses – See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

414.04 Yard Requirements

414.04.1 Front: a minimum of thirty (30) feet

414.04.2 Side: a minimum of twelve (12) feet on each side. On a corner lot, side yard abutting a street right-of-way- shall be a minimum of twenty (20) feet.

414.04.3 Rear: a minimum of twenty-five (25) feet except where a commercial use abuts a residential district, then a rear yard of not less than thirty-five (35) feet shall be provided. Such space shall be screened from the abutting residential district by walls or fences or by other screening not less than six (6) feet in height, in a manner acceptable to the County Planning Commission.

414.04.4 Abutter: Where a commercial use abuts a residential district, a minimum side yard of twenty (20) feet shall be provided. Such space shall be screened from the abutting residential district by walls or fences or by other screening in a manner acceptable to the County Planning Commission.

414.04.5 Setback for Accessory Uses: a minimum of five (5) feet from the property lines.

414.05 Lot Requirements

414.05.1 Lot Width: Eighty (80) foot minimum

414.05.2 Lot Area: Ten thousand (10,000) square feet minimum

414.05.3 Lot Coverage: Buildings, including accessory structures, shall not cover more than fifty (50%) percent of the area of a lot.

414.06 Height Requirements – No building or structure shall exceed thirty-five (35) feet in height.

<b>Residential</b>	<b>C1-A</b>
Bed and breakfast	S
Boarding House	
Condominium	S
Apartments (1-4 units)	
Apartments ( 5 plus units)	
Hotel/motel Including restaurant and lounge	
Mobile home	
Mobile Home Park	
Mobile Home Subdivision	
Recreational Vehicle	
Recreational Vehicle Park	
Single Family Dwelling	C/R
Townhouse	S
Two Family Dwelling	S
Zero Lot Line	S

**INDEX:**

**C = Conditional Use**

**S = Special Exception**

**R = Allowed by Right**

**Blank - Not Allowed**

<b>Residential</b>	<b>C1-A</b>
Agricultural	
Air conditioning sales & service	
Airport district	
All wells (gas or oil)	
Ambulance service	
Ammonia, bleaching powder & chlorine manuf.	
Amusement park indoor	
Amusement park outdoor	
Antique store, including repairing & refinishing	
Apparel stores	
Appliance stores	
Arcade, non-gaming	S
Arts & crafts	S
Art gallery or museum	S
Assembly plant	
Asphalt & asphalt products manufacturing	
Auction yards or barns	
Automobile repair	
Automobile manufacturing	
Auto parts store	
Automated teller machine	R
Automobile storage	
Automobile & truck dealership	
Bait shop	S
Bait shop with fuel dock	S
Bakery stores (retail)	S
Bakery stores (wholesale)	S
Banks & other financial institutions	C
Bar or lounge to include sports tavern	C
Barber shops	C
Beauty shops	C
Beverage manufacturing (nonalcoholic)	
Bicycle and/or lawn mower sales & service	
Boat accessories, sales & service	
Book binders	
Book store	C

Bowling Alley	S
Brewery	
Building supplies & specialties store	
Business college	
Canneries	
Car wash (manual or automatic)	S
Catering shop	S
Cement, lime, gypsum & plaster manufacturing	
Cemetery	
Chemicals (heavy or industrial) manuf./process	
Churches	R
Clinic, dental, or medical	C
Clubs or lodges (private)	C
Cold storage	
Commercial guest ranch, hunting or fishing resort	
Concrete or concrete products manufacturing	
Contractors office, limited storage or equipment enclosed and unseen from property	
Confectionery manufacturing	
Contractors storage yard for equipment, material, &/or supplies	
Convenience store	S
Cosmetic manufacturing	
Countertop & cabinet sales	S
Creamery, including ice cream manuf./wholesale	
Cultured marble manufacturing	
Daily products processing & manufacturing	
Delicatessen	C
Department store	S
Disinfectant, insecticide, or poison manuf/wholesale	
Driving range	S
Drug store	S
Dry cleaning	C
Dry goods store	S
Electrical parts, assembly, & manufacturing	
Engraving plants	
Explosive, fireworks, & gunpowder manuf/ storage	
Exterminator shop or sales	

Feed store	
Fiber products manufacturing	
Fiber optics storage facility	
Fireworks stand	S
Flea market (Farmers market)	
Floor covering store	S
Florist shop	C
Food products manufacturing/storage	
Foundry casting lightweight, nonferrous metal	
Funeral home, mortuary, or undertaking use	
Furniture repair or upholstering	
Furniture manufacturing	
Furniture store	S
Garden supplies store, handling packages fertilizer & not other types of fertilizer	S
Gasoline stores	
Gift shop	S
Glass shop	S
Golf course with or without clubhouse	S
Grain elevator	
Granite, stone & monument sales including fabrication	
Grocery store	S
Gym or fitness center (public or private)	C
Hardware stores (retail)	S
Home occupation	C
Hospital	S
Hotel or motel	
Hunting or fishing camp	S
Hydraulic equipment repair shop	
Ice plants	
Incinerator	
Interior decorating shop	S
Iron works (light)	
Jewelry store	C
Junk yard to include salvage & wrecker yards	
Kennel (non commercial)	
Kennel (commercial)	

Landscape garden sales	S
Large & small veterinary hospital & clinic	S
Laundry self service	S
Laundry or dry cleaning pick up service	S
Leather products manufacturing	
Liquor store (see requirements)	S
Locksmith service	S
Lounge (see requirements)	C
Lumber yard & building materials	
Marina	
Marina store & supplies	
Medical supplies (retail)	S
Medical supplies (wholesale)	
Metal products fabrication to include machining	
Millwork & cabinet, similar wood products	
Miniature golf	S
Mining, landfill, dump	
Mobile or modular home sales & service	
Moving supplies & service	S
Moving supplies & storage	S
Neighborhood health club	C
Novelty & souvenir sales	S
Nurseries & greenhouses	
Nursery or day care center	S
Nursing home	S
Office building or retail spaces	S
Office equipment & supplies (manufacturing)	
Outdoor advertising	
Outdoor storage of building materials	
Painting, pigments, enamels, laquers, varnish, etc (manuf./storage)	
Paint & wallpaper store	S
Paper products manufacturing & storage	
Parcel delivery service	S
Pawn shop	
Pet shop	S
Pharmaceutical manufacturing	
Plastic products manufacturing	

Plumbing shop or supply store	
Post office, branch	S
Ponds for livestock, fish, aqua culture or fire prevention	
Poultry live storage, housing, or dressing	
Print shops or newspaper publishing	
Private outdoor recreation area: (lakes, riding stables, golf courses tennis courts, swimming pools, etc)	S
Private schools	S
Private schools (trade, vocational, & technical)	S
Professional & service offices	S
Radio & television broadcast studio	
Refrigerating plants	
Railroad depot (passenger & freight)	
Research or experimental laboratory	
Resort	
Restaurant	R
Restaurant drive in	C
Restaurant drive in where there is an ingress or egress to a major thoroughfare	C
Restaurant supply sales	
Rock crushing	
Roofing & sheet metal fabrication	
Rubbish sites, dump sites, & landfills	
Sand & gravel storage yard	
Saw mill ( 5 acres minimum)	
Seafood market	
Seafood processing plant	
Seafood store (retail)	S
Seafood store (wholesale)	
Seed store	S
Sewage treatment facility	
Sexually oriented business	
Sheet metal products (light) manufacturing	
Shoe repair	S
Shoe store (retail)	S
Shoe store (wholesales)	
Shooting range	

Sign shop	
Small assemble or manufacturing uses	
Snowball stand	S
Sporting goods store	S
Stockyard	
Studios for professional work or teaching of fine art, photography, music or dance	S
Tar manufacturing or distillation	
Television & radio broadcasting transmitters & towers	
Textile mill	
Telephone exchange, not including administrative offices, shops, or garages	
Theater (indoor)	S
Theater ( outdoor)	S
Tile shop	S
Tire grinding (entirely confined within a structure)	
Tire retreading, recapping, and / or rebuilding	
Tire shop & garage	
Tobacco store	S
Tool & machinery manufacturing	
Towing or wrecker service (conducted within an enclosed structure)	
Toy manufacturing	
Toy store	S
Trade school	
Trailer manufacturing	
Transit vehicle storage & servicing	
Thrift store	S
Truck fleet maintenance & storage	
Used automobile & truck sales	
Variety stores (limited to the sales of items which may be sold by other uses in their district)	S
Veterinary clinic	S
Vegetable & /or fruit store	S
Video rental store	S
Warehouse	
Warehouse (mini)	

<b>Water Related Uses</b>	
Boat launch	S
Concessions	S
Pier	S
Recreational Uses	S
Restrooms	S
Watchman or caretaker on site living	
Welding shop	
Well drilling services	
Well drilling site	
Wholesale busiess outlet	
Wood products manufacturing	
Yacht club	S

Section 408 C-1 Neighborhood Commercial District

408.01 Purpose- The purpose of the neighborhood commercial district is to serve the convenience of nearby and/or adjacent residential areas with everyday retail and personal service needs.

No use permitted in this district shall be dangerous, offensive, or detrimental by reasons of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a fire hazard. (Nor will any use permitted in this area cause undue traffic congestion in residential neighborhood.)

408.02 Permitted Uses- See section 411 for permitted uses.

408.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

408.04 Yard Requirements

408.04-01 Front: a minimum of forty (40) feet

408.04-02 Side: a minimum of five (5) feet on each side. On a corner lot, side yard abutting a street right-of-way shall be a minimum of twenty (20) feet.

408.04-03 Rear: a minimum of twenty-five (25) feet except where a commercial use abuts a residential district, then a rear yard of not less than thirty-five (35) feet shall be provided. Such space shall be screened from the abutting residential district by walls or fences or by other screening not less than six (6) feet height, in a manner acceptable to the County Planning Commission.

408.04-04 Abutter: Where, a commercial use abuts a residential district, a minimum side yard of twenty (20) feet shall be provided. Such space shall be screened from the abutting residential district by walls or fences or by other screening to the County Planning Commission.

408.05 Lot Requirements

408.05-01 Lot Width: Eighty (80) feet

408.05-02 Lot Area Ten thousand (10,00) square feet.

408.05-03 Lot Coverage: Buildings, including accessory buildings and structures shall not cover more than 50% of the area of any lot.

408.06 Height Requirements- No building or structure shall exceed fifty (50) feet in height.

Section 409 C-2 Highway Commercial District

409.01 Purpose- The purpose of the Highway Commercial District is to serve high traffic retail and service type trade. These types of establishments serve a market population beyond the community or neighborhood. The market area tends to be regional, often serving the entire county and adjacent hinterlands. These types of establishments generate traffic which is best suited to arterial highways to avoid undue congestion.

409.02 Permitted Uses- See Section 411 for permitted uses.

409.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

409.04 Yard Requirements

409.04-01 Front: a minimum of 50 feet

409.04-02 Side: a minimum of five (5) feet except that on a corner lot the side yard abutting a street right-of-way shall be a minimum of thirty-five (35) feet.

409.04-03 Rear: a minimum of twenty-five (25) feet except where the commercial use abuts a residential district, then a rear yard of not less than thirty-five (35) feet shall be required. Such space shall be screened not less than six (6) feet in height, in a manner acceptable to the County Planning Commission.

409.04-04 Abutter: Where a commercial use abuts a residential district, a minimum side yard of thirty-five (35) feet shall be screened not less than six (6) feet in height, in a manner acceptable to the County Planning Commission.

409.05 Lot Requirements

409.05-01 Lot Width: Eighty (80) feet

409.05-02 Lot Area: Ten thousand (10,000) square feet.

409.05-03 Lot Coverage: Main and accessory structures shall not cover more than sixty (60) percent of the area of any lot.

409.06 Height Requirements- No building or structure shall exceed fifty (50) feet in height.

## Section Commercial Resort District

PURPOSE: The purpose of the Commercial Resort Districts is to provide suitable areas for casinos and resort uses, activities and facilities that may be constructed and/or operated in connection or conjunction therewith including but not limited to hotels, condominiums, restaurants, retail facilities, recreational vehicle parks and other uses required by law or uses that may be reasonably incidental to the foregoing uses.

This district shall provide for tourist related recreational development, within those areas that possess unique scenic and recreational value, while providing for maximum conservation of the resources of the parcel.

Before any business may locate within this district, or before there is any change to an existing business in this district, the applicant must satisfy the normal Site Plan requirements of the Hancock County Planning & Zoning Ordinance. In addition, to the normal site plan requirements, any proposed multi-use concept, or proposed Medium to High Density residential use must also comply with the Master Plan section of this Ordinance and must follow the yard and setback requirements in sections 409.B06, 409. B07.

**Permitted uses:** See section 411 for permitted uses.

**Prohibited uses:** Industrial, manufacturing, or processing uses, the sale or repair of automobiles, and the sale of commodities not customarily construed as retail shoppers items, and any other uses not complementary or customarily needed to support commercial resort areas. Uses not prohibited by this section and not identified in the Chart of Uses, shall be referred to the Hancock

County Planning Commission for classification.

**Conditional Uses:** See section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

**The following requirements are for uses not requiring a Master Plan under Section 409.B01 of this ordinance.**

### **Lot Requirements**

Lot Width: One hundred (100) feet

Lot Area: Ten thousand (10,000) square feet

Lot Coverage: Main and accessory structures shall not cover more than seventy (70%) percent of the area of any lot. Maximum impervious surface coverage shall not exceed seventy (70%) percent of the area of any lot.

Height Regulations: No building or structure shall exceed fifty (50') feet in height

### **Yard Requirements**

Front: A minimum of twenty-five (25') feet.

Side: A minimum of five (5') feet except that on a corner lot the side yard abutting a street right-of-way shall be twenty-five (25) feet. Where a commercial use abuts a residential district, then a side yard of not less than thirty-five (35') feet is required.

Rear: A minimum of twenty-five (25') feet except where the commercial use abuts a residential district, then a rear yard of not less than thirty-five (35') feet shall be required.

Setbacks for Accessory Uses: a minimum of five feet (5') from adjacent property lines.

Abutter: Where any Commercial Resort use abuts a residential district, it shall be screened by walls, fences, or other screening not less than six (6') feet in height, in a manner acceptable to the Hancock County Planning Commission.

All screening requirements shall be the responsibility of the property owner(s) to install and must be maintained in a clean and neat condition and in such a manner to accomplish its purpose continuously. The Hancock County Building Official or designee shall have the authority to approve of the placement of the fence, wall and/or landscaping, so long as the intent of this section is complied with and there is no reduction in the buffered area.

## **Yard and Size Requirements for applications requiring a Master Plan in a C – 3 District**

### **Principal Buildings (Minimum Setback from lot line)**

### **C-3 District**

Minimum Lot Area	8,000 sq. ft
Minimum Lot Width at Building Line	50 feet
Minimum Front Yard	25 feet
Minimum Side Yard (usable floors)	
One	5 feet
Two	8 feet
Three	10 feet
Four	10 feet

Five and above\*

Minimum Side Yard, Street	10 feet
Minimum Rear Yard*	10 feet +
Maximum Impervious Surface	70 %
Maximum Building Height	200 feet
Maximum Number of Habitable Floors	20 floors

\*Plus 1 foot per every three (3) floors or any portion thereof over 50 feet

**Yard and Size Requirements for applications requiring a Master Plan in a C-4 District**

<b>Principal Buildings</b> (Minimum Setback from lot line)	<b>C-4 Districts</b>
	10,000 sq. ft
Minimum Lot Area	75 feet
Minimum Front Yard	25 feet
Minimum Side Yard (Habitable floors)-----One	5 feet
Two	8 feet
Three	10 feet
Four	10 feet
Five and above*	10 feet +
Minimum Side Yard, Street	15 feet
Minimum Rear Yard*	10 feet +
Maximum Impervious Surface	70 %
Maximum Building Height	None
Maximum Number of Habitable Floors	No Maximum



## Hancock County Building & Zoning

3068 Longfellow Drive, Building 16C  
Bay St. Louis, Mississippi 39520  
Telephone (228) 467-4157 Fax (228) 463-1009

February 6, 2009

Re: C-4 Zoning District

As of yesterday, February 5, 2009 the Mississippi Supreme Court ruled in favor of the Board of Supervisors allowing the C-4 Commercial Resort District. A map of this new district can be found in the Zoning Office in Building 15 and also in my office in Building 16C.

This district was created to provide suitable areas for casinos and resort uses, activities and facilities that may be constructed and/or operated in connection or conjunction therewith including but not limited to hotels, condominiums, restaurants, retail facilities, recreational vehicle parks and other uses required by law or uses that may be reasonably incidental to the foregoing uses.

Please refer to the Chart of Uses for all allowed uses in this district. Some uses that were previous allowed under the previous zoning designation are no longer allowed by right and would require additional approvals from the Planning Commission before the permitting process could begin. One such use that is no longer allowed by right is that of Single Family Dwelling. This use will now require a Special Exception approval and does require a public hearing to be conducted by the Planning Commission.

If you have any questions, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Beaugez", written over a horizontal line.

Jerry Beaugez, CFM  
Director of Planning & Zoning  
Floodplain Administrator

**Section Commercial Resort District**

PURPOSE: The purpose of the Commercial Resort Districts is to provide suitable areas for casinos and resort uses, activities and facilities that may be constructed and/or operated in connection or conjunction therewith including but not limited to hotels, condominiums, restaurants, retail facilities, recreational vehicle parks and other uses required by law or uses that may be reasonably incidental to the foregoing uses.

This district shall provide for tourist related recreational development, within those areas that possess unique scenic and recreational value, while providing for maximum conservation of the resources of the parcel.

Before any business may locate within this district, or before there is any change to an existing business in this district, the applicant must satisfy the normal Site Plan requirements of the Hancock County Planning & Zoning Ordinance. In addition, to the normal site plan requirements, any proposed multi-use concept, or proposed Medium to High Density residential use must also comply with the Master Plan section of this Ordinance and must follow the yard and setback requirements in sections 409.B06, 409. B07.

**Permitted uses:** See section 413 for permitted uses.

**Prohibited uses:** Industrial, manufacturing, or processing uses, the sale or repair of automobiles, and the sale of commodities not customarily construed as retail shoppers items, and any other uses not complementary or customarily needed to support commercial resort areas. Uses not prohibited by this section and not identified in the Chart of Uses, shall be referred to the Hancock

County Planning Commission for  
classification.

**Conditional Uses:** See section 411 for conditional uses.  
All conditional uses require review and approval by the  
Planning Commission. See Article IX, Section 904.

**Yard and size requirements for applications requiring a Master Plan in a C - 4 District**

**Principal Buildings**  
(Minimum Setback from lot line)

**C-4 Districts**

Minimum Lot Area	10,000 sq. ft
Minimum Lot Width at Building Line	75 feet
Minimum Front Yard	25 feet
Minimum Side Yard (Habitable floors)	
One	5 feet
Two	8 feet
Three	10 feet
Four	10 feet
Five and above*	10 feet +
Minimum Side Yard, Street	15 feet
Minimum Rear Yard*	10 feet +
Maximum Impervious Surface	70%
Maximum Building Height	None
Maximum Number of Habitable Floors	No Maximum

\*Plus 1 foot per every three (3) floors or any portion thereof over 50 feet in height.

**Accessory Uses,**

Accessory Use: Any apartment, hotel, motel, condominium or tourist accommodation facilities in any C-3 or C-4 District containing (50) rental units or more shall be permitted by right to establish accessory uses within the principal building designed to serve primarily the guest of the facility such as:

C-3	C-4
-----	-----

Agricultural		
Air conditioning sales & service		
Airport district		
All wells (gas or oil)		
Ambulance service		
Ammonia, bleaching powder & chlorine manuf.		
Amusement park indoor	R	R
Amusement park outdoor	R	R
Antique store, including repairing & refinishing		
Apparel stores		
Appliance stores		
Arcade non-gaming	R	R
Arts & crafts	C	C
Art gallery or museum	R	R
Assembly plant		
Asphalt & asphalt products manufacturing		
Auction yards or barns		
Automobile repair		
Automobile manufacturing		
Auto parts stores		
Automated teller machine	R	R
Automobile storage		
Automobile & truck dealership		
Bait shop	S	S
Bait shop with fuel dock		
Bakery stores (retail)	R	R
Bakery stores (wholesale)		
Banks & other financial institutions	R	R
Bar or lounge to include sports tavern	R	R
Barber shops	R	R
Beauty shops	R	R
Beverage manufacturing (nonalcoholic)		
Bicycle and/or lawn mower sales & service		
Boat accessories, sales, & service	S	S
Book binders		
Book store	R	R
Bowling alley	R	R
Brewery		
Building supplies & specialties store		
Business college		
Canneries		
Car wash (manual or automatic)		
Catering shop		
Cement, lime, gypsum & plaster manufacturing		
Cemetery		
Chemicals (heavy or industrial) manuf. / processing		
Churches		
Clinic, dental, or medical	S	S
Clubs or lodges (private)	S	S
Cold storage		

Commercial guest ranch, hunting or fishing resort (50 acres minimum)	S	S
Concrete or concrete products manufacturing		
Contractors office, limited storage or equipment enclosed and unable to be seen from any property		
Confectionery manufacturing		
Contractors storage yard for equipment, material, &/or supplies		
Convenience store	S	S
Cosmetic manufacturing		
Countertop & cabinet sales		
Countertop sales and fabrication		
Creamery, including ice cream manuf. / wholesale		
Cultured marble manufacturing		
Dairy products processing & manufacturing		
Delicatessen	S	S
Department store	C	C
Disinfectant, insecticide or poison manuf. / wholesale		
Driving range	R	R
Drug store	R	R
Dry cleaning		
Dry goods store	R	R
Electrical parts, assembly, & manufacturing		
Engraving plants		
Explosive, fireworks, & gunpowder manuf. / storage		
Exterminator shop or sales		
Feed store		
Fiber products manufacturing		
Fiber optics storage facility		
Fireworks stand		
Flea market (Farmers market)		
Floor covering store		
Florist shop		
Food products manufacturing / storage		
Foundry casting lightweight, nonferrous metal		
Funeral home, mortuary or undertaking use		
Furniture repair or upholstery		
Furniture manufacturing		
Furniture store	C	C
Garden supplies store, handling packaged fertilizer & not other types of fertilizer		
Gasoline stores	S	S
Gift shop	R	R
Glass shop		
Golf course with or without clubhouse	R	R
Grain elevator		
Granite, stone and monument sales including fabrication		
Grocery store	R	R
Gym or fitness center (public or private)	R	R
Hardware stores (retail)		
Home occupation		

Hospital		
Hotel or motel	R	R
Hunting or fishing camp		
Ice plants		
Incinerator		
Interior decorating shop	C	C
Iron works (light)		
Jewelry store	R	R
Junk yard to include salvage & wrecker yards		
Kennel (non commercial)		
Kennel (commercial)		
Landscape garden sales		
Large & small veterinary hospital & clinic		
Laundry self service		
Laundry or dry cleaning pick up service		
Leather products manufacturing		
Liquor store (see requirements)	R	R
Locksmith service	S	S
Lounge (see requirements)	R	R
Lumber yard & building materials		
Marina	R	R
Marina store & supplies	R	R
Medical supplies retail		
Medical supplies wholesale		
Metal products fabrication to include machining		
Millwork & cabinet, similar wood products		
Miniature golf	R	R
Mining, landfill, or dump		
Mobile or modular home sales & service		
Moving supplies & services		
Moving supplies & storage		
Neighborhood health club		
Novelty & souvenir sales	R	R
Nurseries & greenhouses		
Nursery or day car center		
Nursing home		
Office building or retail spaces	R	R
Office equipment & supplies (manufacturing)		
Outdoor advertising	C	C
Outdoor storage of building materials		
Paint, pigments, enamels, lacquers, varnish, etc (manufacturing & storage)		
Paint & wallpaper store	C	C
Paper products manufacturing & storage		
Parcel delivery service	R	R
Pawn shop		
Pet shop	R	R
Pharmaceutical manufacturing		
Plastic products manufacturing		
Plumbing shop or supply store		
Post office, branch	R	R
Ponds for livestock, fish, aqua culture or fire prevention		

Polutry live storage, housing, or dressing		
Print shops or newspaper publishing		
Private outdoor recreation area: (lakes, riding stables, golf courses, tennis courts swimming pools, etc)	R	R
Private schools		
Private schools (trade, vocational, & technical)		
Professional & service offices	R	R
Radio & television broadcast studio		
Refrigerating plants		
Railroad depot (passenger & freight)		
Research or experimental laboratory		
Resort	R	R
Restaurant	R	R
Restaurant drive in	R	R
Restaurant drive in where there is an ingress or egress to a major thoroughfare	R	R
Restaurant supply sales		
Rock crushing		
Roofing & sheet metal fabrication		
Rubbish sites, dump sites, & landfills		
Sand & gravel storage yard		
Saw mill (5 acres minimum)		
Seafood market		
Seafood processing plant		
Seafood store (retail)		
Seafood store (wholesale)		
Seed store		
Sewage treatment facility		
Sexually oriented business		
Sheet metal products (light) manufacturing		
Shoe repair	C	C
Shoe store (retail)	R	R
Shoe store (wholesale)		
Shooting range	C	C
Sign shop		
Small assemble or manufacturing uses		
Snowball stand	C	C
Sporting goods store	R	R
Stockyard		
Studios for professional work or teaching of fine art, photography, music or dance	R	R
Tar manufacturing or distillation		
Television & radio broadcasting transmitters & towers		
Textile mill		
Telephone exchange, not including administrative offices, shops, or garages	C	C
Theater (indoor)	R	R
Theater (outdoor)	R	R
Tile shop		
Tire grinding (entirely confinded within a structure)		
Tire retreading, recapping, and / or rebuilding		

Tire shop & storage		
Tobacco store	C	C
Tool & machinery manufacturing		
Towing or wrecker service (conducted within an enclosed structure)		
Toy manufacturing		
Toy store	R	R
Trade school		
Trailer manufacturing		
Transit vehicle storage & servicing		
Transportation terminal		
Thrift store	C	C
Truck fleet maintenance & storage		
Used automobile & truck sales		
Variety stores (limited to sales of items which may be sold by other uses in their district)	R	R
Veterinary clinic		
Vegetable & / or fruit store	C	C
Video rental store	R	R
Warehouse		
Warehouse (mini)		

Water Related Uses:		
Boat Launch	R	R
Concessions	R	R
Pier	R	R
Recreational Uses	R	R
Restrooms	R	R
Watchman or caretaker on site living	S	S
Welding shop		
Well drilling services		
Well drilling site		
Wholesale business outlet		
Wood products manufacturing		
Yacht club	R	R

Section 410 **I-1 Industrial District**

410.01 Purpose- the purpose of the Industrial District is to create a district primarily for use in those areas of the county where it is desirable to locate manufacturing establishments. This district seeks to encourage the formation and continuance of a compatible environments for all types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting, or being affected by the industrial character if the district.

410.02 Permitted Uses- See Section 411 for permitted uses.

410.03 Conditional Uses- See Section 411 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

410.04 Yard Requirements

410.04-01 Front: The front yard building line shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road.

410.04-02 Side: The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where a light industrial use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district. Such space will remain open and unoccupied by any other structure or uses and will be screened from residential district by a fence not less than six (6) feet in height.

410.04-03 Rear: The rear yard building

setback line shall be not less than fifty (50) feet except in instances where light industrial use abuts a residential district, in which case a rear yard of not less than one-hundred (100) feet shall be provided. Such space shall remain open and unoccupied by any structure or use. Where a light industrial use backs upon a railroad spur, a rear yard may not be required.

410.05 Lot Requirements

410.05-01 Lot Area: Two (20 acres or as approved by the Planning Commission.

410.05-02 Lot Width One hundred (100) feet.

410.05-03 Buildable Area: Buildings, including accessory buildings and structure

410.06 Building Height- Any structure which exceeds thirty-five (35) feet in height will require a site plan and approval from the fire marshal which states that the fire district has reviewed the plans and that the fire department's equipment as training can adequately fight a fire on the site.

Section 411 I-2 Heavy Industrial District

411.01 Purpose- These districts are composed of land and structures occupied by or suitable for heavy manufacturing, and related activities. Located for convenient access from existing and future arterial thoroughfares, highways, railway lines or waterways, these districts are usually separated from residential areas by business or light industry area or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The district regulations are designed to permit the development of the districts for their purpose, including almost any industrial uses but subject to conditions necessary for the mutual protection of the uses and the county generally.

411.02 Permitted Uses- See Section 413 for permitted uses.

411.03 Conditional Uses- See Section 413 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

411.04 Yard Requirements

411.04-01 Front: The front yard building setback line shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road.

411.04-02 Side: The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where a heavy industrial use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district.

411.04-03 Rear: The rear yard building setback line shall be not less than twenty-five (25) feet as measured from the rear lot line to the nearest building or structure except in instances where a heavy industrial use abuts a residential district, in which case a minimum rear yard of one hundred (100) feet shall be provided on the rear adjacent to the residential district.

411.05 Lot Requirements

411.05-01 Lot Area: Two (2) acre or as approved by the Planning Commission.

411.05-02 Lot Width: One hundred (100) feet.

411.05-03 Buildable area: Buildings, including accessory buildings and structures, shall not cover more than 75-percent of any lot.

411.06.01 Building Height- Any structure which exceeds thirty-five (35) feet in height will require a site plan and approval from the fire marshal which states that the fire district has reviewed the plans and that the fire department's equipment and training can adequately fight a fire on the site.

Section 412 I-3 Planned Industrial Park

412.01 Purpose- These districts are a self-contained environment, which do not operate in such a manner as to be obnoxious to surrounding properties. Included are manufacturing, fabrication, distribution and storage or warehouse uses, which are conducted both indoors and outdoors. It is intended that this district have uses grouped in a park-like setting with appropriate setbacks and buffers from adjoining properties.

412.02 Permitted Uses- See Section 413 for permitted uses.

412.03 Conditional Uses- See Section 413 for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article IX, Section 904.

412.04 Yard Requirements

412.04-01 Front: The front yard building setback line shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road.

412.04-02 Side: The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where a planned industrial park use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district.

412.04-03 Rear: The rear yard building setback line shall be not less than twenty-five (25) feet as measured from the rear lot line to the nearest building or structure except in instances where a planned industrial park use abuts a residential district, in which case a minimum rear yard of one hundred (100) feet shall be provided on the rear adjacent to the residential district.

412.05 Lot Requirements

412.05-01 Lot Area: As approved by the Planning Commission.

412.05-02 Lot Width: One hundred (100) feet.

412.05-03 Buildable area: Buildings, including accessory buildings and structures, shall not cover more than 50 percent of any lot.

412.06 Building Height- Any structure which exceeds thirty-five (35) feet in height will require a site plan and approval from the fire marshal which states that the fire district has reviewed the plans and that the fire department's equipment and training can adequately fight a fire on the site.

412.07 General Requirements

412.07-01 This district will require a zoning map change and compliance with Section 904.

412.07-02 This district will comply with the following requirements for Special Use District, specifically Sections 500.04, 500.05, 500.06, 500.07, 500.08, and 500.09

412.07-03 In a planned industrial district development, the developer may make use of the land for any industrial purpose authorized in Section 413. A developer may use a combination of industrial uses.

412.07-04 The plans for the proposed industrial park shall indicate the particular portions of the site that the developer intends to develop for each industrial use. Though each portion of the development shall be treated as if it were a separate district, there will only be one Certificate of Compliance issued for the entire development

Section 413 Chart of Uses

413.01 Conditions governing uses- Uses shall be governed by conditions set forth in the following categories.

413.01-01 **Permitted uses by Right- Uses allowed by right are specified by an 'R' in the chart.**

413.01-02 Uses requiring Conditional Approval- The uses listed in the chart are permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard and as being in harmony with the orderly and appropriate development of the district in which the use is located. **A 'C' indicated a use which requires planning commission approval.**

# HANCOCK COUNTY PLANNING COMMISSION



**Chart of Uses  
Off Street Parking Requirements  
2000 Land Use Map**

Residential	E1	R1	100	R1	75	R1	50	R1A	R2	R2A	R3	A1	C1-A	C1	C2	C3	C4	I1	I2
Bed and Breakfast		C		C		C		C	R	R	R	S	S	R	R	R	R		
Boarding House											R	S		R	R	S	S		
Condominium								C	C	C	R	S	S	R	R	R	R		
Apartments (1-4 units)									R	R	R	S		R	C	R	R		
Apartments (5 plus units)									C	C	R	S		R	R	R	R		
Hotel/Motel including restaurant and lounge										S	S	S		C		R	R		
Mobile Home										R	R	R		C	C				
Mobile Home Park											C	C		C	C				
Mobile Home Subdivision										C	C	S							
Recreational Vehicle											C	S		S	S				
Recreational Vehicle Park										S	C	S		C	R	R	R		
Single Family Dwelling	R	R		R		R		R	R	R	R	R	S	C	C	C	S	S	
Townhouse									R	R	R	S	S	R	C	R	R		
Two Family Dwelling		C		C		C		C	R	R	R	S	S	C	C	S	S		
Zero Lot Line		C		C		C		C	R	R	R	S	S	C	S	S	S		

**INDEX:**

- C= Conditional Use**
- S= Special Exception**
- R= Allowed by Right**
- Blank= Not Allowed**



	E1	R1	100	R1	75	R1	50	R1A	R2	R2A	R3	A1	C1-A	C1	C2	C3	C4	I1	I2
Book store												C	C	R	R	R	R		
Bowling alley												C	S	R	R	R	R	S	
Brewery												S	S	S	C			R	R
Building supplies & specialties store												C		C	R	R		R	R
Business college														C	S			R	R
Carneries															S			R	R
Car wash (manual or automatic)												C	S	C	R	R		C	
Catering shop												C	S	R	R				
Cement, lime, gypsum & plaster manufacturing												S		S	R			S	C
Cemetery												S		S	S				
Chemicals (heavy or industrial) manuf./process																			
Churches									C	C	C	C	R	R	R				
Clinic, dental, or medical												C	C	R	R		S		
Clubs or lodges (private)												R	S	R	R	S	S		
Cold storage												S		S	C			R	R
Commercial guest ranch, hunting or fishing resort (50 acres minimum)												R		S	S	S	S		
Concrete or concrete products manufacturing												S							C
Contractors office, limited storage or equipment enclosed and unable to be seen from any property												C		S	R				C
Confectionery manufacturing																		R	R
Contractors storage yard for equipment, material, &/or supplies												S		S	S				C
Convenience store																	S		
Cosmetic manufacturing												C	S	R	R	S			
Countertop & cabinet sales												C	S	C	C			C	R
Creamery, including ice cream manuf./wholesale																		R	R
Cultured marble manufacturing																		R	R
Dairy products processing & manufacturing												R						R	R
Delicatessen												R	C	R	R	S	S	C	R
Department store													C	R	R	R	C		
Disinfectant, insecticide, or poison manuf/wholesale													S	R	R		C		
Driving range												R	S	R	R	R	R	R	R
Drug store												C	S	R	R	R	R		
Dry cleaning												C	C	C	R	R	R		
Dry goods store												C	S	R	R	R	R		

	E1	R1	100	R1	75	R1	50	R1A	R2	R2A	R3	A1		C1	C2	C3	C4	I1	I2
Electrical parts, assembly, & manufacturing																		R	R
Engraving plants																		R	R
Explosive, fireworks, & gunpowder manuf / storage												C		R	R			C	C
Exterminator shop or sales																			
Feed store												R		R	R				
Fiber products manufacturing																		C	R
Fiber optics storage facility																			
Fireworks stand												R		R	R				
Flea market (Farmers market)												C		S					
Floor covering store												C		R	R				
Florist shop												C		R	R				
Food products manufacturing/ storage															S			R	R
Foundry casting lightweight, nonferrous metal																		R	R
Funeral home, mortuary, or undertaking use												S		S	S			R	R
Furniture repair or upholstering												C		C	R			R	R
Furniture manufacturing															S			R	R
Furniture store												C		R	R	C			
Garden supplies store, handling packages fertilizer & not other types of fertilizer												R		S				C	R
Gasoline stores												C		C	R	S			
Gift shop												C		S	R			S	
Glass shop												C		C	R				
Golf course with or without clubhouse												R		R	R				
Grain elevator												R		R	R				
Granite, stone & monument sales including fabrication												R		S	C			R	R
Grocery store												C		R	R				
Gym or fitness center (public or private)												C		R	R			R	
Hardware stores (retail)												R		R	R				
Home occupation	C	C	C	C	C	C	C	C	C	C	C	R		R	R				
Hospital												R		R	R				
Hotel or motel												R		R	R				
Hunting or fishing camp										C	C	C		R	R				
Hydraulic equipment repair shop														S	C				
Hydro-drip Water Transfer Printing Shop												S							
Ice plants												C		S				R	R
Incinerator												S		S	R				S

	E1	R1	100	R1	75	R1	50	R1A	R2	R2A	R3	A1	C1-A	C1	G2	C3	C4	I1	I2
Interior decorating shop												C	S	R	R	C	C		
Iron works (light)												S	C	S	C			C	C
Jewelry store												C	C	R	R	R	R		S
Junk yard to include salvage & wrecker yards												S		S					
Kennel (non commercial)												S		S	S				
Kennel (commercial)												C	S	R	R				
Landscape garden sales												C	S	R	R				
Large & small veterinary hospital & clinic												C	S	R	R				
Laundry self service												C	S	R	R				
Laundry or dry cleaning pick up service												C	S	R	R				
Leather products manufacturing												S	S	C	R	R	R	R	R
Liquor store (see requirements)												S	S	R	R	S	S		
Locksmith service												C	S	S	R	R	R		
Lounge (see requirements)												S	S	S	S				
Lumber yard & building materials												C		C	R	R	R		R
Marina															R	R	R		
Marina store & supplies													S	R	R	R	R		
Medical supplies (retail)												C	S	R	R			R	R
Medical supplies (wholesale)														C	R			R	R
Metal products fabrication to include machining												C		C	C			R	R
Millwork & cabinet, similar wood products												C	S	R	R			R	R
Miniature golf																			
Mining, landfill, or dump												S						C	C
Mobile or modular home sales & service												C		S	R				
Moving supplies & services												C	S	C	R			R	R
Moving supplies & storage												C	S	C	R			R	R
Neighborhood health club												C	C	R	R				
Novelty & souvenir sales												C	S	R	R	R	R		
Nurseries & greenhouses												R		R	R				
Nursery or day care center												C	S	R	R				
Nursing home												R	S	R	R				
Office building or retail spaces												C	S	R	R	R	R	R	R
Office equipment & supplies (manufacturing)													S	R	R	R	R	R	R
Outdoor advertising														S	R	C	C		
Outdoor storage of building materials												R		C	C		C		R

	E1	R1	100	R1	75	R1	50	R1A	R2	R2A	R3	A1	C1-A	C1	C2	C3	C4	I1	I2
Painting, pigments, enamels, lacquers, varnish, etc (manufacturing & storage)																		S	R
Paint & wallpaper store												C	S	R	R	C	C		
Paper products manufacturing & storage												C	S	R	R	R	R	R	R
Parcel delivery service												C	S	R	R	R	R		
Pawn shop												C	S	R	R	R	R		
Pet shop																		R	R
Pharmaceutical manufacturing																		R	R
Plastic products manufacturing												C	S	R	R	R	R	R	R
Plumbing shop or supply store												C	S	R	R	R	R	R	R
Post office, branch												R							
Ponds for livestock, fish, aqua culture or fire prevention												R							
Poultry live storage, housing, or dressing												R							
Print shops or newspaper publishing												C		C	R	R		R	R
Private outdoor recreation area: (lakes, riding stables, golf courses, tennis courts, swimming pools, etc)												R	S	C	C	R	R		
Private schools												C	S	R	R				
Private schools (trade, vocational, & technical												C	S	R	R	R		R	R
Professional & service offices												C	S	R	R	R	R		
Radio & television broadcast studio												S		C	R	R	R	R	R
Refrigerating plants																		R	R
Railroad depot (passenger & freight)																		R	R
Railroad depot (passenger & freight)																		R	R
Research or experimental laboratory																		R	R
Resort												C			C	R	R		
Restaurant												C			R	R	R	C	
Restaurant drive in												C	R	R	R	R	R	C	
Restaurant drive in where there is an ingress or egress to a major thoroughfare												C	C	R	R	R	R	C	
Restaurant supply sales														C	R			R	
Rock crushing																		R	S
Roofing & sheet metal fabrication																		S	S
Rubbish sites, dump sites, & landfills												S						S	S
Sand & gravel storage yard												S							S
Saw mill (5 acres minimum)												R							R
Seafood market												C		C	R				
Seafood processing plant												C		C	R			R	R

	E1	R1 100	R1 75	R1 50	R1A	R2	R2A	R3	A1	C1-A	C1	C2	C3	C4	I1	I2	
Seafood store (retail)									C	S	R	R				R	R
Seafood store (wholesale)									R	S	R	R				S	R
Seed store									S								
Sewage treatment facility																	
Sexually oriented business																	
Sheet metal products (light) manufacturing									S							C	R
Shoe repair									C	S	R	R	C	C			
Shoe store (retail)									C	S	R	R	R	R			
Shoe store (wholesale)									S		C	C	C	C		R	R
Shooting range									S		C	C	C	C		R	C
Sign shop									C		C	R				R	R
Small assemble or manufacturing uses																	
Snowball stand									C	S	C	C	C	C			
Sporting goods store									C	S	R	R	R	R			
Stockyard									R								
Studios for professional work or teaching of fine art, photography, music or dance									C	S	R	R	R	R		C	
Tar manufacturing or distillation																S	R
Television & radio broadcasting transmitters & towers									C		C	R				R	R
Textile mill																	
Telephone exchange, not including administrative offices, shops, or garages									C		R	R	C	C		C	C
Theater (indoor)									C	S	R	R	R	R			
Theater (outdoor)									C	S	R	R	R	R			
Theater (outdoor)									C	S	R	R					
Tile shop									C								
Tire grinding (entirely confined within a structure)																C	R
Tire retreading, recapping, and / or rebuilding																S	R
Tire shop & garage									C		C	R					
Tobacco store									C	S	R	R	C	C			
Tool & machinery manufacturing																	
Towing or wrecker service (conducted within an enclosed structure)									S		S	R				R	C
Toy manufacturing																	
Toy store									C	S	R	R	R	R		R	R
Trade school									C		S	R	R	R		R	R

Trailer manufacturing	E1	R1 100	R1 75	R1 50	R1A	R2	R2A	R3	A1	C1-A	C1	C2	C3	C4	I1	I2
Transit vehicle storage & servicing									C		S	R			R	R
Transportation terminal									C		R	R			R	R
Thrift store									C	S	R	R	C	C		
Truck fleet maintenance & storage									S		C	R				
Used automobile & truck sales									S		C	R				
Variety stores (limited to sales of items which may be sold by other uses in their district)									C	S	R	R	R	R		
Veterinary clinic									C	S	R	R				
Vegetable &/ or fruit store									R	S	C	R	C	C		
Video rental store									C	S	R	R	R	R		
Warehouse									C		C	R			R	R
Warehouse (mini)									C		C	C			R	C

<b>Water Related Uses:</b>	E1	R1 100	R1 75	R1 50	R1A	R2	R2A	R3	A1	C1-A	C1	C2	C3	C4	I1	I2
Boat launch									R	S	C	R	R	R		
Concessions									R	S	C	R	R	R		
Pier									R	S	C	R	R	R		
Recreational Uses									R	S	C	R	R	R		
Restrooms									R	S	C	R	R	R		
Watchman or caretaker on site living	C								R		S	S	S	S		
Welding shop									S		C	C			R	R
Well drilling services									S						S	S
Well drilling site									S							
Wholesale business outlet											C	R			R	R
Wood products manufacturing									C						R	R
Yacht club									R	S	R	R	R	R		R

## Off Street Parking Requirements

Land Use	Unit	Required Parking Spaces Per Unit	Required Dimensions											
			90°			60°			45°					
			Stall Width parallel to aisle	Stall septh to wall	Stall depth to interlock	Stall width parallel to aisle	Stall septh to wall	Stall depth to interlock		Stall width parallel to aisle	Stall septh to wall	Stall depth to interlock		
<b>Residential</b>														
Single Family	Dwelling	2	8.5	18.5	18.5	9.8	19	17.5	12	17.5	15.3			
Two Family	Dwelling	2	8.5	18.5	18.5	9.8	19	17.5	12	17.5	15.3			
Multi-Family	Dwelling	1.5	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Condominium	Dwelling	1.5	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Mobile Home Park	Site, Pad or space	2	8.5	18.5	18.5	9.8	19	17.5	12	17.5	15.3			
Rooming House	Guest Room	1.5	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Auditorium, Theater, Stadium	Seat	0.2	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Restaurant	50 sq. ft. GFA Seat	1 0.2	9 9	18.5 18.5	18.5 18.5	10.4 10.4	19 19	17.5 17.5	12.7 12.7	17.5 17.5	15.3 15.3			
Church	300 sq. ft. GFA	1	9	18.5	18.5	11	19	17.5	13.4	17.5	15.3			
Retail Sales	400 sq. ft. GFA	1	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Office	1000 sq. ft. GFA	3	9.5	18.5	18.5	11	19	17.5	13.4	17.5	15.3			
Shopping Center														
Hotels, Motels, Tourist Court	Guest Room Unit	1.5 1.5	9.5 9.5	18.5 18.5	18.5 18.5	11 11	19 19	17.5 17.5	13.4 13.4	17.5 17.5	15.3 15.3			
Timesharing Condo	Unit	1.5	9.5	18.5	18.5	11	19	17.5	13.4	17.5	15.3			
Hospital, Nursing home	Bed	0.5	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Wholesale Sales	1,000 sq. ft. GFA	1	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Industrial	Employee-Max. per shift	1	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Private Club or Lodge	50 sq. ft. GFA	1	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			
Filling Stations and Bus Terminals	Bay		9.5	18.5	18.5	11	19	17.5	13.4	17.5	15.3			
Auto Sales and Repair	500 sq. ft. GFA	1	9	18.5	18.5	10.4	19	17.5	12.7	17.5	15.3			

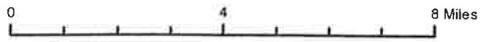
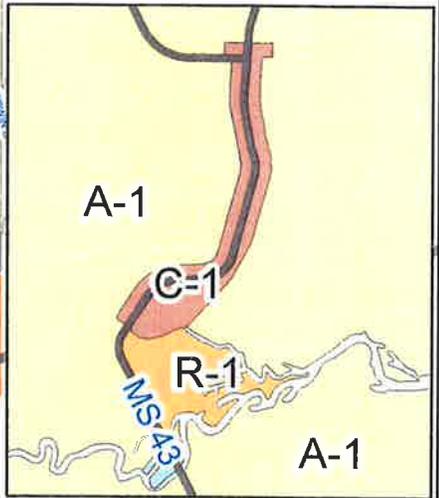
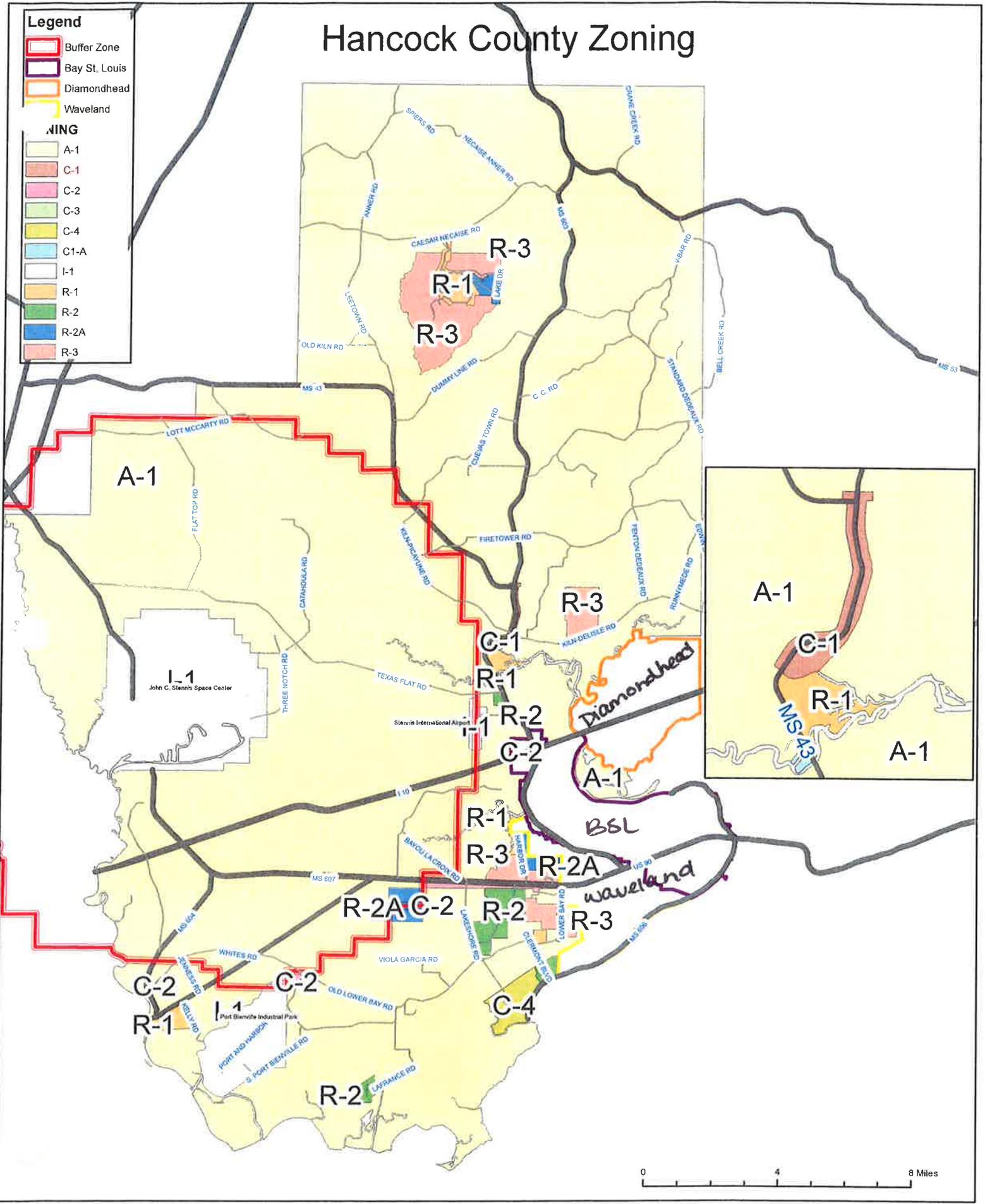
# Hancock County Zoning

## Legend

- Buffer Zone
- Bay St. Louis
- Diamondhead
- Waveland

## ZONING

- A-1
- C-1
- C-2
- C-3
- C-4
- C1-A
- I-1
- R-1
- R-2
- R-2A
- R-3



## Article V Special and Overlay Districts

### Section 500 Special Use Districts

500.01 Purpose of this Districts- The purpose and intent of the Special Use District Zoning Classification is to permit the County the right to establish needed zoning districts for a number of specific types of land use developments which do not compatibly fit into the established zoning districts because of their size, unique characteristics, or institutional nature.

500.02 Types of Special Use Districts:

500.02-01 Recreational District- To include such compatible and related active and passive recreational activities as neighborhood centers, parks and playgrounds, golf courses, swimming pools, picnic areas, tennis courts, riding academies, football stadiums, outdoor tracks and other related recreational uses.

500.02-02 Educational Institutions District- To include such compatible and related activities as elementary schools, secondary schools, colleges and universities, technical and vocational training facilities, auditoriums, libraries and other directly related education uses.

500.02-03 Public/Quasi-Public Facilities and Utilities- Any building, structure, system, use or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not limited to:

500.02-03.01 Churches and other religious institutions.

- 500.02-03.02 Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
- 500.02-03.03 All governmental buildings (including municipal buildings and buildings erected by County, State, or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.
- 500.02-03.04 All hospitals, whether public or private.
- 500.02-03.05 Convalescent homes or nursing homes.
- 500.02-03.06 Civic organization buildings and major facilities.
- 500.02-03.07 Buildings and facilities erected by charitable organizations (e.g. American Red Cross, Salvation Army, etc.) ;(Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions in this Ordinance, including site plan review and public hearing requirements).

- 500.02-03.08 Country clubs and other major recreational facilities constructed by private groups.
- 500.02-03.09 Cemeteries
- 500.02-03.10 Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communication centers, natural gas pumping facilities and similar significant uses.
- 500.02-04 Airport District- To include such compatible and related activities air fields, air strips, and other related uses, provided however, that any and all uses, improvements to facilities and buildings shall be erected and constructed in accordance with current regulations of the Federal Aviation Administration of the United States Government.
- 500.02-05 Waterfront District- This district is intended to provide for limited and controlled private and public uses associated with waterfront property and waterfront views along the Mississippi Sound and adjoining waters. To provide for and promote visual and physical accessibility to the water and support a number of uses, including commercial, gaming and amusement, along with their accessory uses.
- 500.02-05.01 Marinas
- 500.02-05.02 Marine sales, service and supplies

500.02-05.03 Restaurants, including drive-through

500.02-05.04 Lounges and night clubs

500.02-05.05 Game rooms (non-gambling)

500.02-05.06 Water-related equipment (jet-ski, boats, sail boats, etc.)

500.02-05.07 Hotels and motels

500.02-05.08 Gaming establishments (dockside), requires review and approval from The Planning Commission (see Article VIII, Section 807).

All accessory uses associated with above (such as parking storage and utility structures)

500.02-06 Planned Unit Development (PUD) - A development constructed on a tract of at least 25 acres under single ownership planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district (see Article VIII, Section 809).

500.03 Permitted Land Uses- Each use proposed to be located in each Special Use District shall be directly related to the specific intent of the respective Special Use District and may be permitted, provided no conflict exists between existing land use patterns and the proposed uses.

500.04 Site Plan Submittal- When submitting an application for a Special Use District, a site plan shall be submitted. This site plan shall be referred to the Planning Commission which shall review said plan to determine that such plan does or does not comply with the intent of this zoning district. If the plan does not comply, it shall be the duty of the Planning Commission in cooperation with the Zoning Officer and County Engineer to require such changes as

will bring the site plan into conformance before submitting application to the Commission.

500.05 Prior to granting a special district the planning commission shall require applicants to provide a Master Plan, which will assist the planning commission in determining what the developers propose, where they intend to construct same and when it will be accomplished. The Master Plan will assist the planning commission with:

500.05-01 Establishing the compatibility of the proposed development with its surroundings.

500.05-02 Analyzing traffic flow and traffic congestion considerations.

500.05-03 Availability and location of parking.

500.05-04 Determining the potential impact of the proposed operations on the County's infrastructure such as roads, water, and sewerage, collection and disposal.

500.05-05 Determining the potential impact, which could result in, an increased need for county services such as fire and police.

500.05-06 Other requirements as may be deemed necessary, appropriate and in the interest of the public health, safety and welfare.

500.06 Dimensional Requirements.

500.06-01 Minimum Size of District - five (5) acres.

500.07 Land Use Compatibility- All uses within a Special Use District shall be compatible with the adjacent land uses; otherwise, adequate screening or buffer zones shall be required to preserve the integrity of adjacent properties.

500.08 Time Requirement- Major uses proposed for a Special Use District shall be under construction within one (1) year after approval of the final plan. If construction has not been initiated within one (1) year, or a renewal of the plan has not been obtained, all land areas rezoned shall revert back to their previous zoning.

- 500.09 Designation to be Binding- Enactment of Special Use District zoning shall be binding upon the applicant or applicants, their successors and assignees and will limit the extent of the development to the conditions and limitations spelled out in the approved development plan for the specific area.
- 500.10 Undeveloped District- Any Special Use District designated on the zoning map at the time of adoption of this ordinance that has no existing development for that designation shall exist for one year from the date of adoption. If no development has been granted approval by the Planning Commission to utilize said district during the one (1) year period, the Special Use District shall change to an A-I Agricultural District.

**Article VI**  
**Non-conforming Buildings, Structures, Lots and Uses of Land**

Section 600 General Regulations Affecting Non-Conformities

Within the districts established by this Ordinance or by amendments that may later be adopted, where there exist lots, premises, structures, and uses of land which were lawful before this Ordinance was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Ordinance or future amendment, such uses shall be declared to be non-conforming.

The following regulations apply to all non-conformities:

600.01 It is the intent of this Ordinance to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Ordinance to be incompatible with the permitted structures and uses of land and structures in districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded, or extended, except as provided for herein, nor to be used as grounds for adding other structures or uses prohibited elsewhere in the district.

600.02 When a non-conforming use of land, premises, structure or combination is discontinued or abandoned for one (1) year (except when government action impedes access to the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located. However, in cases of hardship the Board of Supervisors shall at its discretion have the authority to extend said one year limitations for additional period of time upon application of the owner or leaseholder.

Section 601 Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Planning Commission.

Section 602 Non-conforming Uses of Land

Where a lawful use of land exists on the effective date of this ordinance or of amendment thereto, which use would not be permitted by the regulations imposed by this ordinance or by amendment thereto, and where such use involves no individual structure with a replacement cost exceeding one thousand (\$1,000) dollars, the use may be continued so long as it remains otherwise lawful.

602.01 No such non-conforming 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 of amendment thereto. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

602.02 No such non-conforming use shall be extended or moved to any portion of the premises or parcel of land other than that occupied by such use on the effective date of this ordinance or of amendment thereto.

602.03 No such non-conforming use of land shall be changed to any other non-conforming use.

602.04 If any such non-conforming use of land ceases for any reasons for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 603 Non-conforming Structures

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations and standards of this Ordinance as adopted or amended, by reasons of restrictions on lot area, lot coverage, heights, yards, and other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains lawful subject to the following provisions:

603.01 No such structures may be enlarged or altered in a way which increases its non conformity.

603.02 Should such structure be destroyed by any means (other than natural causes) to an extent of more than 60 percent of its replacement cost at the time of destruction, it shall not

be reconstructed except in conformity with the provisions of this Ordinance.

603.03 Should any structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located, after it is moved.

603.04 If any of the above enlargement's, alteration's, or movement's are the result of local, state or federal action(s) and such actions are not caused by the property owner, the structure is exempt from the requirements of this subsection

#### Section 604 Non-Conforming Uses of Structures

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a structure, as a premise, exists that is no longer permitted under the regulations and standards of this Ordinance as adopted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

604.01 No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a non conforming use, work may be done in any period of twelve (12) consecutive months for ordinary repairs, or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed sixty (60) percent of the then current replacement value of the structure, provided that the value of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Ordinance shall not be increased.

604.02 Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this ordinance, but no such use shall be extended to occupy land outside of such building or structure.

604.03 If no structural alterations are made, any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making

findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such changes the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance. Final approval of such changes shall be made by the Planning Commission.

## Article VII

### Off street Parking and Off-street Truck Loading

#### Section 700 Off-street Parking

- 700.01 Provision of Off-Street Parking Required: The off-street parking facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth; provided, however, that off-street parking facilities in excess of the amounts heretofore required by law, need be neither provided nor maintained for land actually used or for structures actually existing (whether occupied or vacant) on the effective date of this Ordinance unless, after the effective date of this Ordinance, such land, structures or uses are enlarged, expanded or changed; in which event, the land, structures, and uses hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such land, structures, and uses, and maintained as herein required, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate Land, structure, or use. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements conform to the requirements established by this Ordinance.
- 700.02 Location: Each off-street parking space, shall be at least of the dimensions shown on Table 1, exclusive of access or maneuvering area, ramps, and other appurtenances and shall be located off the street right-of-way and, except for one- and two-family dwellings, facilities shall be so planned that vehicles do not back into the roadway.
- 700.02-01 Entrances and Exits to parking facilities shall be so located as to minimize traffic congestion.
- 700.02-02 Prohibition of Other Uses. Parking spaces shall not be used for the sale, repair, dismantling, or storage of any vehicles, equipment, materials, or supplies.
- 700.02-03 On-Street Parking. In R-1, R-1A, R-2, R-2A and R-3 Districts, on street parking shall be used only by vehicles up to 7,000 pounds gross vehicle weight (manufacturer's

capacity rating) and having wheels not to exceed seventeen (17) inches in diameter.

700.03 Number of Parking Spaces Required: The minimum number of off-street parking spaces' which shall be approved by use is shown on Table 1.

700.04 Combined Parking Spaces: The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

700.05 Off-Street Space Within 500 Feet of Principal Use: If, off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, such space may be provided on other off-street property provided such space lies within five hundred (500) feet of the main entrance to such principal use.



## Article VIII Supplemental Regulations

### Section 800 Condition of a More Restricted District

Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

### Section 801 Open Space

801.01 No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for any other building or structure.

801.01-01 No dwelling unit shall be erected on a lot which does not abut or have access to at least one street.

801.01-02 On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, shall obstruct sight lines at elevations over two feet, six inches (2'-6" above any portion of the crown of the adjacent roadways. A sight triangle shall be formed by measuring back twenty-five (25) feet from the point of intersection of the right-of-way lines and connecting the points so as to establish a sight triangle on the area of the lot adjacent to the street intersection.

801.01-03 The Planning Commission may establish greater setbacks from highways or thoroughfares than the front yard setback requirements of the zoning district in which the highway or thoroughfare is located.

### Section 802 Height

802.01 The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article IV.

802.01-01 Chimneys, elevators, poles, spires, tanks, towers and other projections, not used for human occupancy may extend above the height limit.

802.0 1-02 Churches, schools, hospitals, sanitariums and other public and semi public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed limit.

Section 803 Dwelling on small building site

Where a lot or lots located in a residence district contains less than the minimum building site area for the district and on the effective date of this ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for a one-family dwelling.

Section 804 Business or industry on small building site

Where a lot or lots located in a commercial or industrial district contains less than the minimum building site area for the district and on the effective date of this ordinance was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for a business or industry.

Section 805 Excess height

In any district, any main structure may be erected or altered to a height in excess of that specified for the district in which the structure is located provided that each dimension provided herein for required front, side and rear yard is increased one foot for each two (2) feet of such excess height: provided, further, that where no yard is required the part of the structure exceeding the height specified for the district shall be set back from the vertical plane of the adjacent building site line one foot for each two (2) feet of such excess height.

Section 806 Side yard exception for small lots

Where side yards are required and a lot of record is less than fifty (50) feet in width and on the effective date of this ordinance was lawfully existing and of record, each side yard shall have a width of not less than two-fifteenths (2/15) the width of the lot.

Section 807 Regulations of gaming establishments (dockside)

807.01 Prior to granting a special district for a Dockside Gaming Establishment and accessory uses, the planning commission shall require applicants to provide a Master Plan, which will assist the planning commission in determining what the developers propose, where they intend to construct same and when it will be accomplished. The Master Plan will assist the planning commission with:

807.01-01 Establishing the compatibility of the proposed development with its surroundings.

807.01-02 Analyzing traffic flow and traffic congestion considerations.

807.01-03 Availability and location of parking.

807.01-04 Determining the potential impact of the proposed operations on the County's infrastructure such as roads, water, and sewerage collection and disposal.

807.01-05 Determining the potential impact, which could result in, an increased need for county services such as fire and police.

807.02 The Master Plan shall include the following data to insure that the proposed development conforms to the zoning ordinance and other relative County ordinances.

807.02-01 A site plan depicting the location of all improvements and facilities (i.e. location of boats, barges, piers, buildings and parking, etc.).

807.02-02 Photographs, artists' renderings, or other visual documents that will assist the County in establishing compatibility.

- 807.02-03 Information relative to the number, length and width of boats, barges or vessels, total number of employees projected, number of visitors expected daily, monthly and yearly, peak traffic times and days, and hours of operation.
- 807.02-04 Number of parking spaces to be provided and the layout, location, lighting and landscaping of the parking lots; if off-premises parking will be used, leases or contracts committing specific parking spaces to the gaming establishment along with plan to show how visitors and employees will be shuttled to and from gaming location.
- 807.02-05 Expected access routes to and from the gaming operations, both on-site and off-site and expected traffic volume.
- 807.02-06 Road improvements and traffic controls necessary to accommodate dockside gaming establishments and related uses.
- 807.02-07 Expected infrastructure improvements such as water, natural gas, electricity, drainage and sewerage.
- 807.02-10 Proof of ownership or contractual lease of all properties involved with gaming establishment, to insure compliance of proposed development.
- 807.02-11 Landscaped buffer areas of sufficient length and width as necessary to protect adjoining uses from any adverse impact from noise, traffic, lights, etc.
- 807.02-12 Other requirements as may be deemed necessary, appropriate and in the interest of the public health, safety and welfare.
- 807.02-13 Completion of the improvements according to an approved Master Plan shall be a condition before a certificate of compliance shall be issued for any use and no boat,

vessel, building or facility will be occupied until said improvements are constructed and operational.

807.03 All signs used in conjunction with any gaming establishment and its related uses shall be approved by the planning commission for size, location and height.

Section 808 Townhouse and zero lot Line residential uses

808.01 The purpose of this use is to provide for the development of moderate to high-density residential uses and structures in moderately spacious surroundings but so designed as to protect the health, safety and welfare of the public. In fulfilling the purpose of this use, the townhouse or row house concept may be used which permits the construction of single-family dwellings immediately adjacent to one another without side yards between the individual units. The purpose of this use may also be fulfilled by the use of the zero lot line concept which permits the construction of detached single-family dwellings on lots without a side yard requirement on at least one side of the lot. This concept permits better use of the entire lot by compacting the usual front, rear and side yards. In order to allow any deviation from the following minimum requirements for these types of development, the developer must show evidence that such deviation is in the benefit of the public.

808.01-01 Minimum lot area: Townhouse: first two lots equal 3,800 sq. ft., each additional unit 1,200 sq. ft. Zero lot line: each dwelling unit 2,800 sq. ft.

808.01-02 Minimum lot width: Fourteen (14) feet for townhouses and twenty-eight (28) feet for zero lot Line houses, except that for corner lots the minimum shall be determined based on the minimum requirement for said district.

808.01-03 Minimum front yard: The same as required for each district, except where the development contains units located on both sides of a street constructed by developer to the county's specifications. In this case the minimum front yard setback shall be fifteen (15) feet.

808.01-04 Minimum side yard: None for townhouses except on corner lots. Also, the minimum side yard required for the townhouse unit located at the end of a row of town houses shall be eight (8) feet from the exterior lot line. In zero lot line developments there shall be no minimum side yard required on one side and fourteen (14) feet on the opposite side. However, for corner lots the minimum side yard required shall be fourteen (14) feet. Also, the minimum side yard required for the dwelling located adjacent to a lot that is not a part of the zero lot line development shall be fourteen (14) feet.

808.01-05 Minimum rear yard: Use district rear yard minimum.

- 808.01-06 Maximum height: The maximum height is thirty-five (35) feet.
- 808.01-07 Maximum lot coverage: Coverage is limited to seventy-five (75%) percent for all structures.
- 808.01-08 Maximum length of row: A row of townhouses shall not exceed two hundred twenty-five (225) feet. An open space of twenty (20) feet shall be provided between adjacent rows.
- 808.01-09 Townhouses shall be constructed up to side lot lines without side yards and no windows, doors or other opening shall face a side lot line except that the outside wall of end units may contain such openings.
- 808.01-10 Zero lot line dwelling shall be constructed against the lot line on one side of a lot and no windows, doors or other openings shall be permitted on this side. Where adjacent, zero lot line dwellings are not constructed against a common lot line, the building or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.
- 808.01-11 All townhouse and zero lot line developments shall be subject to review and approval by the planning commission.

Section 809 Planned unit development

- 809.01 In a planned unit development, the developer may make use of the land for any purpose authorized in this Section. The developer may use a combination of residential uses. (low, medium, and high density) with limited commercial support uses.

- 809.02 Within any PUD, not more than 35 percent of the total area may be developed for medium or high density (R-2 and R-3) residential purposes, not more than 10 percent of the total area may be developed for purposes that are permissible in a C-1 zoning district and not more than 5 percent of the total area may be developed for uses permissible in C-2 zoning district.
- 809.03 The plans for the proposed PUD shall indicate the particular portions of the site that the developer intends to develop for each type of residential and commercial use. For purposes of determining the substantive regulations that apply to the PUD, each portion of the site so designated shall then be treated as if it were a separate district. However, only one Certificate of Compliance shall be issued for the entire development. Each different use shall conform to the regulations for that use as stated in Article IV.
- 809.04 The nonresidential portions of any PUD may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided for by the planning commission to guarantee completion. The purpose and intent of this provision is to ensure that the PUD procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development.

Section 810 Site Plan Review

810.01 Purpose

The purpose and the intent of site plan review is to protect the public health, safety and general welfare; to promote orderly growth and development; to ensure new development is harmonious with existing development and the environment; and to encourage the objectives of the comprehensive plan.

810.02 Applicability and Exceptions

- 810.02-01 Site plan review shall be required for all commercial and multifamily (more than 4 units) construction, reconstruction or alteration within the unincorporated areas of Hancock County, Mississippi.
- 810.02-02 No development permit nor certification of compliance shall be issued for any construction, reconstruction or alteration for which these provisions are applicable until final site plan approval shall have been obtained from the Hancock County Planning Commission.
- 810.02-03 The Planning Commission may grant such exceptions from the requirements as may be reasonable and within the general purpose and intent of these provisions, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of particular site conditions.
- 810.02-04 All applications for site plan approval must comply with applicable provisions of the Hancock County Zoning Ordinance.

810.03 Definition

The Following term shall have the meaning herein indicated:

Site Plan: An accurately scaled plan for the development of a parcel that illustrates the existing and proposed conditions including lot lines, streets, building sites open spaces, major landscapes features, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, screening devices, parking and any other information that reasonably may be required in order that an informed decision can be made by the Hancock County Planning Commission.

810.04 Procedure and Application Requirements

810.04-01 Application for Site Plan Approval

810.04-01.01 Two (2) copies of the application for site plan approval shall be filed with the Zoning Enforcement Officer accompanied by the information specified below.

810.04-01.02 Unless otherwise determined by the Hancock County Planning Commission the site plan application shall include the information specified below:

(a) Legal Data

1. The name and address of the applicant, and other planners, engineers, architects, surveyors and/or other professionals engaged by the applicant in preparing the site plan application.
2. Legal description of the property.
3. Building setback lines as required by this ordinance. Reservations, easements and areas dedicated for public use.

(b) General Site Description

1. Map indicating the applicant's entire property and the adjacent properties and streets, at a convenient scale, including the approximate location and dimensions of all existing and proposed structures.
2. All existing and proposed paved areas.
3. Existing topography.

4. Areas to be left undisturbed by earth moving equipment.
5. Existing pedestrian and vehicular circulation.

(c) Development Data

1. Title of development, date, north arrow and scale.
2. Means of vehicular access and egress to and from the site into public streets.
3. Location, elevations and sections of proposed structures and roads.
4. The Location and layout of off-street parking and loading areas; proposed water lines, valves and hydrants; sewer lines; and direction and timing of outdoor lighting.
5. Proposed grading and landscaping, extent and amount of cut and fill for all disturbed areas, including before and after profiles of typical development areas, parking lots and roads.
6. Proposed storm water drainage.
7. Location, size, color and illumination of proposed signs.
8. Location of existing and proposed site improvements, including drains, culverts, retaining walls and fences. Location of outdoor storage, including fencing and screening.
9. Breakdown of all proposed floor space by type of use.

810.04-01.03 Where due to special conditions peculiar to a site, or the size, nature, or complexity of the proposed use or development of land or buildings, the Hancock County Planning Commission may request additional information in order to make an informed decision.

810.04-01.04 For minor site plans, or in other appropriate circumstances, the Hancock County Planning Commission may waive the provision of any items of information.

810.04-01.05 The Hancock County Planning Commission may refer the application to other federal, state, county or local agencies having jurisdiction, as well as any technical consultants that the Hancock County Planning Commission, in its discretion, deems necessary or appropriate for a thorough review of the application.

#### 810.05 Public Hearing

810.05-01 A public hearing on a site plan application may be scheduled and conducted by the Planning Commission at its discretion or at the request of the applicant. Such public hearing shall be held pursuant to the rules and regulations for holding such hearings as set forth in Section 905.01-01 of the Zoning Ordinance.

#### 810.06 Action by the Hancock County Planning Commission

810.06-01 Within forty-five (45) days of receiving an application for site plan review, the Hancock County Planning Commission shall act to approve, disapprove, or approve with conditions the site plan application.

- 810.06-02 In the case of approval with conditions, the Hancock County Planning Commission shall specify what conditions are necessary.
- 810.06-03 Disapproval by the Hancock County Planning Commission shall include written findings.
- 810.06-04 Approval of amendments to an approved site plan shall be acted upon in the same manner as an application for the approval of the original site plan.
- 810.06-05 Failure of the Hancock County Planning Commission to act within the time frames prescribed in this article shall be deemed to constitute approval, unless the time frames are extended by agreement with the applicant.

810.07 Filing of Approved Site Plan

The approved site plan shall be revised by the applicant to include all conditions imposed by the Hancock County Planning Commission. It may then be signed and dated by the Zoning Enforcement Officer.

810.08 Fees

A fee of \$100.00 to help defray the cost of processing the site plan application shall accompany every application for site plan approval. In addition, should the Hancock County Planning Commission deem it necessary to incur advertising expenses or to hire professional assistance in the technical review to bear the expense not to exceed the total cost to Hancock County.

810.09 General Criteria and Standards

The following criteria and standards shall be used by the Hancock County Planning Commission in reviewing applications for site plan approval. They are intended to provide a framework within which the applicant may exercise creativity, invention and innovation.

810.10-01 Traffic Access, Circulation and Parking

810.10-01.01 Proposed traffic access points and streets shall be adequate but not excessive in number, adequate in width, paving, grading, alignment and visibility; and located away from street corners or points of public assembly.

810.10-01.02 Necessary traffic signalization, signs, dividers and other safety controls, devices and facilities shall be given proper consideration and duly provided wherever appropriate or warranted.

810.10-01.03 Off-street parking and loading spaces shall be arranged with consideration given to their location, sufficiency and appearance and to prevent parking in public streets. Interior circulation systems shall provide safe accessibility to, from and within all required off-street parking areas.

810.10-02 Pedestrian Safety and Access

Safe, adequate and convenient pedestrian access and circulation shall be provided both within the site and to adjacent streets with particular attention to all intersections with vehicular traffic.

810.10-03 Screening and Landscaping

All structures, recreation areas, parking, loading, public and other service areas shall be reasonably landscaped and/or screened to provide visual and noise buffers to neighboring lands and streets.

The scale and quality of the landscaping and screening on site shall be harmonious with the character of, and serve to enhance, the neighborhood.

810.10-04

Natural Features and Environmental Quality

Reasonable efforts shall be undertaken to preserve and protect bodies of water, wetlands, steep slopes, hilltops, ridgelines, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological or historical value; soil erosion shall be prevented; flood hazard shall be minimized; air quality shall be maintained; and disruptive elements of site preparation shall be undertaken in a manner which reduces adverse impacts.

810.10-05

Emergency Protection

Proposed structures, service areas, fire lanes, hydrants, equipment and material shall be adequate and readily accessible for the protection of the proposed uses from emergency conditions such as fire or storm.

810.10-06

Drainage

A storm drainage system shall be provided where appropriate to accommodate expected loads with suitable disposal.

810.10-07

Refuse and Sewage Disposal

The public and/or private disposal system shall be sufficient to safely and adequately handle the type and volume of refuse and sewage which can reasonably be anticipated to be generated by the land uses on site.

810.10-08

Water Supply

The delivery systems for bringing portable water to each of the uses on site shall be shown to be sufficient.

810.10-09 Utilities

Electric, telephone and other wire served connections shall be underground insofar as feasible and subject to state public utilities regulations. Remaining above ground utilities shall have a harmonious relation to neighboring properties and to the site.

810.10-10 Location and Dimension of Buildings; Relationship to the Environment

The location, arrangement, size and design of buildings, lighting and signs shall be compatible to each other and with the site as a whole.

810.10-11 Impact on Adjacent Land Uses

Adjacent and neighboring properties shall be protected against noise, glare and visual intrusion. Where a proposed use would abut a residential use or residential areas, special consideration shall be given to minimizing the impact of the proposed use on the residential properties.

810.11 Expiration

Site plan approval shall be void if construction is not initiated within one (1) year, and substantially completed within three (3) years of the date of filing of the approved site plan, except that site plan approval may be renewed by the Hancock County Planning Commission at its discretion.

## **OUTDOOR ADVERTISING/SIGNS – New definition under Interpretations and Definitions:**

Any fabrication, erection, use, maintenance of outdoor advertising/signs, symbols, markings or other advertising devices along or visible from highways or roadways within Hancock County, this includes off-premises and/or outdoor advertising/signs, banners, billboards, and other advertising, portable, non-portable, or temporary.

### **Section 811. Outdoor Advertising/Signs**

The purpose and intent of this section is to establish standards and limitations for the fabrication, erection, use, maintenance of outdoor advertising/signs, symbols, markings or other advertising devices along or visible from highways or roadways within Hancock County. These regulations are designed to eliminate the proliferation of an unlimited number of signs in private, residential, commercial, industrial and public areas of Hancock County to safeguard and enhance property values, to protect public and private investments in buildings, open spaces and property, eliminate visual blight and clutter, to preserve and enhance the attractiveness of the County, maintain the natural beauty of the landscape, avoid safety and traffic hazard to motorists, pedestrians, and children.

No off premise advertising will be allowed except Billboards. All outdoor advertising/signs must be located on the same premises as the business it advertises and shall comply with all requirements of section 811.

### **Section 811.01 GENERAL PROVISIONS**

While recognizing the need for adequate business and noncommercial identification, advertising, and communication, the Ordinance required that Outdoor Advertising/signs:

- 811.01.01 Be compatible with the surrounding and in compliance with all zoning regulations;
- 811.01.02 Be designed, installed, and maintained to meet the needs of outdoor advertising/sign users while promoting the environmental desired by the general public;
- 811.01.03 Be designed, constructed, installed, and maintained in a manner that will not endanger the public safety or create traffic hazards;
- 811.01.04 Be legible and readable in the circumstances in which they are utilized;
- 811.01.05 Be respectful of the reasonable rights of other advertisers whose messages are displayed.
- 811.01.06 This Ordinance does not regulate the use of material such as noncommercial holiday signs and decorations, product containers or dispensers, public information and safety signs, or any signs required by local State or Federal law.

- 811.01.07 All signs that are illuminated shall be permanently wired. Special care shall be given to ground fault connections, underground wire, and/or conduit with proper circuit breakers. Connecting wire from sign to permanent outlet shall not exceed four (4) feet.
- 811.01.08 Any sign which by reason of size, shape, content, coloring, location or manner of illumination interface with driver visibility of any traffic control device or sign ; or any sign which resembles any traffic control or emergency device sign which any traffic hazard is not allowed.
- 811.01.09 All signs exceeding a total height of fifteen (15) feet must have a plot plan along with certification from a registered engineer stating that the sign will meet a sustained wind load of one hundred thirty-five (135) mph and must accompany all applications and made to the Hancock County Planning & Zoning office.
- 811.01.10 No outdoor advertising/sign, temporary or permanent may be installed by nailing to a tree, utility pole, or other publicly owned pole or building. All outdoor advertising/signs placed on any property, public or private, must have the approval and authorization of the property owner, Zoning Official/Building Official, or Planning and Zoning Board as required, and may not be placed on any property without proof of authorization.

## **Section 811.02 BILLBOARDS**

Billboards will be differentiated from other outdoor advertising/signs in the following manner:

- 811.02.01 Billboards will be known as any outdoor advertising/signs with a combined square footage of 300 feet and/or over.
- 811.02.02 Other advertising will be known as any outdoor advertising/signs with a combined square footage of less than 300 feet.
- 811.02.03 No billboard shall be erected or constructed within a one thousand five hundred (1,500) foot radius of an existing billboard. No billboard shall be erected within five hundred (500) feet if an adjoining agricultural or residential district. Billboards shall be limited to a maximum combined size of six hundred (600) square feet and a maximum height of thirty-five (35) feet and shall have a minimum setback from any property line of fifty (50) feet. For safety reasons, the fall zone for all billboards shall be set back enough so as to avoid touching any public roadway or highway or adjacent property. Plot plans along with certification from a

registered engineer stating that the billboard will meet a sustained wind load of one hundred thirty-five (135) mph and must accompany all applications and be made to Hancock County Planning & Zoning office.

811.02.04 In the interest of Public Safety, the setbacks for Billboards shall be one (1) foot from adjacent right-of-ways and property lines for everyone (1) of total billboard height.

811.02.05 MDOT approval be required for any and all applications for a billboard and/or other outdoor advertising/sign which is to be located near or seen from a state road, state aid road, or highway within any MDOT jurisdiction.

### **811.03 OUTDOOR ADVERTISING (Excluding Billboard)**

#### **811.03.01 A. Ground Signs**

1. Number- A maximum of one ground sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) ground sign shall be allowed for each section of the property's frontage which is separate ownership by a distance of at least 100 feet.

2. Separation- Each ground sign shall be located a minimum of 100 feet from other ground signs on the same side of the street; the Zoning Enforcement Officer may grant a minor conditional use for a ground sign to be located less than 100 feet from another ground sign upon a written finding that a proposed sign cannot physically meet this requirement solely due to the location of existing signs on separate but adjoining lots, provided that all other requirements of this Ordinance are met and the proposed sign is located as remotely from adjacent signs as practical. No such conditional use shall be granted when the existing sign is located on the same lot as the proposed sign. In this case, a directory sign is recommended. However, the Zoning Enforcement Officer may grant a minor conditional use approval for a ground sign to be located not closer than 75 feet to another sign where a directory sign is not feasible or would be greater than 75 feet from the business seeking the Sign Permit.

3. Setbacks- All ground signs shall be a minimum of 15 feet from the edge of any curb or street upon which

they are located. No ground sign shall be placed within, or project over, the right-of-way of any street. No ground sign shall be placed within the required right-of-way of a major thoroughfare which is scheduled to be widened by the city. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining property that would meet the 100 foot separation requirements in subsection (2) above. Setback requirements of this section are subject to minor conditional use adjustments.

4. Size and height restrictions of ground signs:

<u>Districts</u>	<u>Maximum Size</u>	<u>Maximum Height</u>
E-1/R-3	Not Allowed	Not Allowed
C-1		Twenty (20) feet
C-2	375 sq. ft	Thirty (30) feet
I-1/I-2	375 sq. ft	Thirty (30) feet

5. Other Restrictions- For ground signs with more than two (2) faces, the maximum size of the largest face shall not exceed seventy-five percent (75%) of the maximum sign size of the district specified in subsection (4) above. A minimum of twenty-five (25) square feet of landscape area shall be located at the base of each ground sign in the C-1, C-2, I-1 and I-2 districts.

**B. Attached Signs**

1. Size- The total surface area of an attached sign shall not exceed, in square feet, 1½ times the linear feet that is the horizontal length of the wall to which the sign is to be attached. The surface area of an attached sign shall be measured by finding the area of the minimum imaginary rectangle which is fully enclosed all words, copy, symbols, or messages on the sign. In the case of signs formed by individual, separate letters, the surface shall be measured by finding the area of the minimum rectangle which fully encloses each letter and then by totaling the area of each letter in the sign. An additional one square foot of surface area shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front requirements specified by this Ordinance. Notwithstanding these

provisions, a maximum of 3 square feet for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area, as specified above, shall be distributed among the businesses therein according to the linear feet frontage occupied by each business.

2. Location- An attached sign shall be no higher than the highest point of the building's roof line. Signs which hang from and under awnings, canopies, marquees or other structures shall extend no closer than 8 feet to the ground. Projection signs shall not project from any structure a greater distance than 10 feet, shall not project into any street right-of-way, nor within 3 feet of any street, public or private, and shall be at least 8 feet above ground level.

### **C. Miscellaneous Sign**

Miscellaneous signs as listed below are allowed in additions to ground and attached signs permitted by Sections (a) and (b) above. Permits are not required for miscellaneous sign.

1. Direction and Instructional Signs- Signs, which provide directions and instructions for the general public, including entrance and exit signs, provided such signs do not exceed 8 square feet in size or 5 feet in height.
2. Menu Signs- Signs at drive-through windows of restaurant or other food service establishments, provided that such signs shall not exceed 30 square feet in size and shall not be located in any front yard.
3. Name and Address Signs; Nameplates- Name address signs not exceeding 3 square feet in size.
4. Interior Signs- Signs completely within premises of any building, provided such signs are not attached to or painted on any windows or exterior doors of the structure.

5. Window Signs- Window signs, whether painted on or attached to windows of a structure, provided the total area of any such signs does not exceed 30% of the window area in any single window. Window signs are allowed only in commercial districts.
6. Incidental Signs- Signs such as credit card, restroom, public telephone, and other such signs displayed primarily for the convenience or information of the general public, provided such signs are securely attached to a building or other permanent structure and do not exceed 4 square feet in size.
7. Public Notice Bulletin Boards- Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community as a whole, provided such signs do not exceed 20 square feet in size.
8. No Trespassing/Dumping Signs- Signs posting private property against trespassing or dumping, or for other lawful reason, provided such signs shall not exceed 20 square feet in size.
9. Home Business Signs- Signs which identify home businesses as approved in accordance with this Ordinance. However, such signs are restricted to 3 square feet in area and 3 feet in height with one only permitted for each home business.
10. Gasoline Price Signs- Signs advertising the price of gasoline, provided such signs shall not exceed 15 square feet in size per gas or service station.
11. Flag Signs- Each business within a C-3 district shall be allowed up to fifty (50) square feet of flag signs per 100 feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty-five (25) feet in height. For signs attached to buildings, the height shall not exceed ten (10) feet above the highest point of the wall or roof to which they are attached. All flag signs which become faded or torn shall be removed or replaced immediately. Before any such flag signs are erected, all non-conforming streamers and banners must be removed.

12. Setbacks- No miscellaneous signs shall extend within or over any street right-of-way, or be located within 10 feet of any curb or street edge.

## **D. Directory Signs**

1. Basic Provisions- Directory signs are encouraged individually or as part of a Uniform Sign Plan. Directory signs are allowed as on or of premises ground signs with minimum two (2) interchangeable panels of a uniform size as described below. Each panel of a directory sign will feature and autonomous activity occupying a distinct property or part of a property. One panel is permitted for each such activity or category. This provision will apply even when multiple, distinct business entities occupy an undivided property, for example, independent jewelry and watch repair in a retail jewelry store, or an allied health specialist with an independent practice in the office of a physician. Alternatively, a panel may announce a distinct category of activity, for example, antiques or restaurants
2. Permit Required- A permit is required from the Zoning Enforcement Office for each directory sign, but the only action required upon interchanging of panels is to supply the Zoning Enforcement Officer with a drawing or photograph of the new arrangement. This will apply even when adding to the number of occupied panels as long as the sign overall remains within the limits tabulated below or set by individual action of the Planning and Zoning Commission in accordance with the provisions of this ordinance.
3. Information Shown- An identified activity may appear on more than one directory sign, but all such signs must apply to the same locale or a small locale completely within a larger one. Each permitted directory sign application must identify a particular locale, which may also be featured on the sign. The locale named will be proposed by the applicant(s), and is not restricted to official names. Up to three (3) directory signs identical in appearance may pertain to the same locale, but these must not be visible from one another. Directory signs may differentiate easily recognized portions of a locale

announced by a remote directory sign, but in no case may a given activity solely occupy a panel on more than three (3) directory signs.

4. Placements permitted- Directory signs may be placed on private property or on a public right of way in a commercial, industrial, or medical office district consistent with the requirements as to noninterference with traffic safety and public utilities as described in this section. An additional requirement in placement is of noninterference with other signs as set out on the section under Ground Signs: Separation. Directory Signs placed on private property constitute ground signs with respect to separation of signs on that property. In the case of directory signs placed on private property, no charge may be made for appearance of an activity on a panel of the sign, except reasonable costs traceable to the erection and upkeep of the sign.

## **811.04 Temporary Signs**

In addition to the permanent signs which are allowed in each district, the following temporary signs shall be allowed, in accordance with the standards set forth.

1. Signs not requiring permits- the following signs are allowable, without requiring permits, provided that stated restrictions are met:
  - A. Real Estate Signs- Real estate signs shall not exceed 4 square feet in size and 3 feet in height in residential zones and shall not exceed 32 square feet in size or 15 feet in height in all other zones. Real estate signs in residential zones may not be illuminated. All real estate signs shall be removed with 7 days after the closing of the sale, lease or rental or premises, or as determined by the Zoning Enforcement Officer for multiple leases or tenants in a single project. One real estate sign is permitted per street in which the property has frontage. Real Estate signs are permitted only in the premises concerned.
  - B. Construction and development signs- Construction and development signs shall not exceed 36 feet of total signage area per construction project or development (See also Section 3, A,4e). such signs shall be removed within one week of the substantial completion of the project or installation of any permanent sign.

- C. Carport and Yard Sale Sign- Signs advertising carport or yard sales should not exceed 4 square feet in size or 4 feet in height. Such signs shall be placed not more than one day in advance of the sale and shall be removed within one day of the completion of the sale.
  - D. Political Signs- Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than six months in advance of any election, referendum or similar issue or even and shall be removed within five days after the election. Such signs shall comply with size regulations pertinent on private, commercial or industrial property.
  - E. Public and Semi-Public Signs- Signs advertising public and semi-public affairs such as civic, school, church and similar affairs and events are allowable provided they do not exceed 36 square feet in size or 10 feet in height. Such signs shall be placed a maximum of four weeks in advance of the event advertised, and shall be removed within one week of the completion of the event advertised. Not more than one such sign shall be approved per parcel of land.
2. Setback requirements- No temporary sign shall be placed or erected within the right-of-way of any street.

**811.05 Prohibited Signs**

The following types of signs are prohibited:

- 1. Portable flashing signs and/or reader boards.
- 2. Flashing or other distracting illuminations.
  - A. No sign shall consist of, or display, in whole or in part, any flashing lights or other devices which change intensity, brightness or color, excepting electronic reader board signs, provided the message on such sign does not flash on and off.
  - B. The light for or from any illumination sign shall be so shaded, shielded, or directed so that the escaping light shall not be objectionable in surrounding areas and shall not cause undue glare to be directed toward traffic lanes.
- 3. Resemblance to Traffic Signs- No signs shall resemble or conflict with any traffic control device or sign or contain the words “stop”, “caution”, “go”, “slow”, “danger”, “warning”, or any similar words or phrases that may be construed or misdirected or confuse traffic flow.

4. Vehicle Signs- No sign shall be attached to, suspended from or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which in effect serves the purposes of a sign as defined in this Ordinance. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes, or to a single sign not exceeding 2 square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.
5. Prohibited Locations- No signs otherwise permitted by this Ordinance shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or other public right-of-way.
6. General Prohibited Locations- All other signs not specifically allowed by this Ordinance are prohibited, unless a major conditional use for their use is obtained in accordance with this Ordinance.
7. Any Sign transmitting other than diffused, indirect light into a residential district.
8. Any sign producing a sound as part of the presentation of the sign.
9. Signs off of the premises of the activity, except as provided for outdoor advertising signs, directory signs and political signs in this part.

## **811.06 PERMIT REQUIREMENTS**

811.06.01 No outdoor advertising /sign shall be erected, placed, or displayed unless the Building Official/Zoning Officer has issued a permit pursuant to this section. Any sign placed in violation of this shall be classified as litter and also will be subject to penalties as such; No existing outdoor advertising/sign may be changed in any way unless the Building Official/Zoning Official has issued a permit pursuant to this section and such sign must be brought in compliance with the requirements of section 811 of the Hancock County Zoning Ordinance.

811.06.02 GENERAL The following outdoor advertising/signs do not require a permit. Any other outdoor advertising/sign not specifically listed will require a permit from the Planning & Zoning Office:

811.06.02.01 Nameplates, signs that are a permanent architectural feature of the structure, one (1) sign to advertise the offering of the property for sale, rental, or lease, on each public way on which a property has frontage. In a residential area such signs will be limited to a total area of eight (8) square feet and are not to be illuminated. One (1) sign on a construction

site indicating parties involved in the construction such as contractors, financial interests, engineers, the new occupant, and the like is allowed without permit as long as construction is actively proceeding. If no construction is evident at a signed construction sight for a period of thirty (30) days or more it shall be considered in violation of this Ordinance and the provisions of Section 909, violations and penalties of the Hancock County Zoning Ordinance, shall apply. In residential districts, such signs, may be of an area up to sixteen (16) square feet and may not be illuminated. In commercial and industrial districts, such outdoor advertising/signs may be of an area up to thirty six (36) square feet.

811.06.02.02 Signs posting private property against trespassing or dumping, or for other lawful reason, are allowed provided such outdoor advertising/signs shall not exceed twenty (20) square feet in area.

811.06.02.03 Outdoor advertising/signs advertising carport or yard sales should not exceed four (4) square feet in size or four (4) feet in height. Such signs shall be placed not more than one day in advance of the sale and shall be removed within one day of the completion of the sale. Carport and yard sale outdoor advertising/signs are allowed only on the premises of the sale.

811.06.02.04 Banners do require a permit and are allowed for a total of one period of not more than fifteen (15) days in duration for each business location and are limited to one time per quarter. Each business location will require a separate application and permit. Banners shall not exceed twenty five (25) square feet in total area. A permit fee per banner will be required per application.

## **811.09 APPEALS**

Any and all appeals are to be made in accordance with Section 908 of the Hancock County Zoning Ordinance.

## **811.10 VARIANCES AND SPECIAL EXCEPTIONS**

Any and all applications for variance or special exception shall be handled in accordance with Sections 905-906 of the Hancock County Zoning Ordinance.

## 811.11

### ADMINISTRATION AND ENFORCEMENT

The Zoning Officer/Building Official shall administer and enforce the provisions of this Ordinance according to Article IX of the Hancock County Zoning Ordinance. In addition, when the Zoning Officer/Building Official determines that an outdoor advertising/sign or billboard is in such a state of despair that it could pose a threat to the health, safety, and welfare of the citizens of Hancock County, or such outdoor advertising is determined to be detrimental in appearance, he/she shall give the land owner and/or the sign owner notice by certified mail that in the event the outdoor advertising/sign is not either removed or brought into compliance with this Ordinance, including the sustained wind load of one hundred thirty five (135) mph, within thirty (30) days from the date of the receipt of the notice, he shall then be in violation of this Ordinance and the provisions of Section 909, violations and penalties of the Hancock County Zoning Ordinance, shall apply.

811.11.01 Affect on existing nonconforming outdoor advertising/signs; For any existing nonconforming outdoor advertising/signs, the effective date of application of Section 811 in its entirety to such nonconformity shall be extended by thirty (30) calendar days, after which this Ordinance shall be in full force and effect.

## Article IX Administration and Enforcement

### Section 900 Zoning Officer

The Zoning Officer shall administer and enforce the provisions of this Ordinance. The Zoning Officer shall be any person designated as such by the Board of Supervisors. Unless such designation is made, the Building Official shall act as the Zoning Officer.

### Section 901 Powers and Duties

The powers and duties of the Zoning Officer shall be as follows:

- 901.01 Issue all Certificates of Zoning Compliance and make and maintain records thereof.
- 901.02 Conduct inspections of structures and the use of land to determine compliance with the terms of this Ordinance.
- 901.03 Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance.
- 901.04 Maintain permanent and correct records of this Ordinance including, but not limited to, all maps, amendments, variances, appeals, and applications.
- 901.05 Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
- 901.06 Forward to the Planning Commission all applications for variances, special use exception, conditional use and amendments to this Ordinance.
- 901.07 Initiate, direct, review, from time to time, a study of the provisions of said Ordinance, and to make such reports available to the Planning Commission not less than once a year.

901.08

Right of Entry:

- 901.08-01 Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Zoning Officer has reasonable cause to believe that there exists in any building, structure or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous, hazardous or in nonconformance, the Zoning Officer may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Zoning Officer by this ordinance.
- 901.08-02 If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
- 901.08-03 If entry is refused, the Zoning Officer shall have recourse to every remedy provided by law to secure entry.
- 901.08-04 When the Zoning Officer shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Zoning Officer for the purpose of inspection and examination pursuant to this ordinance.

- 901.09 Stop Work Orders:
- 901.09-01 Upon notice from the Zoning Officer, any use of property or work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which use or work may resumed.
- 901.10 Revocation of Certificate of Compliance or Certificate of Occupancy
- 901.10-01 The Zoning Officer may revoke any certificate of compliance or certificate of occupancy issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the certificate or approval was based.
- 910.10-02 The Zoning Officer may revoke a certificate upon determination by the Zoning Officer that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the certificate was issued is in violation of, or not in conformity with, the provisions of this ordinance.
- 910.10.03 To insure compliance with this ordinance, the Zoning Officer shall have the authority to revoke any temporary power issued for a building, structure or premises. The owner, or his agent or any other person representing the premises agrees to this provision and by his acceptance of electrical power grants the County the right to terminate said power for any violation of this ordinance or any other ordinance.

- 901.11 Liability:
- 901.11-01 Any officer or employee, or member of the Zoning Officer's staff, charged with the enforcement of this ordinance, acting for the County in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer, employee or member of the planning commission because of such act performed by him in the enforcement of any provision of this ordinance shall be defended by the County, until the final termination of the proceedings.

Section 902 Certificate of Compliance

- 902.01 No building or other structure shall be erected, moved, added to, or structurally altered without a Certificate of Compliance issued by the Zoning Officer.
- 902.02 No Certificate of Compliance for alteration, repair or construction of any building shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Ordinance.
- 902.03 No existing use of a building, structure, or land may be changed to any other use without first obtaining a Certificate of Compliance from the Zoning Officer.
- 902.04 A temporary Certificate of Compliance may be issued by the Zoning Officer for a period not exceeding six (6) months during alteration or construction for partial occupancy of a building pending its completion, provided that such temporary permits shall require such conditions and safeguards as will protect the safety of the occupants and the public.
- 902.05 The failure to obtain the necessary Certificate of Compliance shall be punishable under Section 912 of this Ordinance.

902.06 A Certificate of Compliance issued on the basis of plans and specifications approved by the Zoning Officer shall authorize only the use, arrangement, or construction set forth in such approved plans and specifications. Any use, arrangement, or construction, which is at variance with that authorized, shall be deemed a violation of the Ordinance and shall be punishable as provided under Section 912 of this Ordinance. In addition, the Building Official shall have the authority to terminate temporary electrical power as provided in Section 901.

902.07 A fee as determined by the Board of Supervisors and posted for public knowledge shall be paid to the County for each Certificate of Compliance issued. This fee is to offset the cost of administering this ordinance.

902.08 Where the law requires a public hearing to be held before the Board of Supervisors on any matter in which the Planning Commission is authorized to make recommendation to the Board of Supervisors, such public hearing shall be held thereon before the Planning Commission after notice duly published in the manner and time required by law.

If there is no objection made at such public hearing to the recommendation made by the Planning Commission the public hearing held before the Planning Commission may be adopted by the Board of Supervisors as its decision without an additional public hearing before the Board. In the event there is an objection to any matter in which the Planning Commission is authorized to hold a public hearing and to make a recommendation to the Board of Supervisors both parties may agree that the record made before the Planning Commission shall constitute the record of the public hearing, and no additional public hearing shall be required.

All appeals to the Board of Supervisors from recommendations of the Planning Commission shall be upon the record made before the Planning Commission. For that purpose, the Planning Commission shall make a magnetic tape recording of all its hearings and proceedings. The appellant shall be entitled to such portion of the record pertaining to his application for the purpose of appeal, at a cost of \$1.50 per page.

Section 903 Application for Certificate of Compliance

Applications for Certificates of Compliance shall be accompanied by a duplicate set of plans or drawings, drawn to scale with the following information indicated in order to determine compliance with this Ordinance.

- 903.01 The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted.
- 903.02 The location of the said lot with respect to adjacent right-of-way.
- 903.03 The shape, dimensions, and location of all buildings, existing and proposed, on the said lot.
- 903.04 The nature of the proposed use of the building or land including the extent and location of the use, on the said lot.
- 903.05 The location and dimensions of the off-street parking and means of ingress and egress to such space as required by this Ordinance.
- 903.06 Any other information which the Zoning Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.
- 903.07 If the Certificate of Compliance is denied on the basis of this Ordinance, the applicant may appeal the action of the Zoning Officer to the Planning Commission and subsequently to the Board of Supervisors.
- 903.08 No building or structure shall be erected, moved, added to, or structurally altered unless in compliance with the appropriate County regulations pertaining to subdivisions, development permits, wastewater regulations and any additional regulations of the Health Department.
- 903.09 The Zoning Officer shall act on all applications within seven (7) days after the applicant has fully complied with provisions of this ordinance. The Zoning Officer shall either issue a Certificate of Compliance or notify the applicant in writing the reasons for the refusal.

Section 904 Certificate of Occupancy

- 904.01 No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure or premises or portion thereof shall be made until the Zoning Officer has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this ordinance or of other ordinances of the County.
- 904.02 Changes in the character or use of an existing building, structure or premises shall not be made except in conformance with this ordinance.
- 904.03 After the Zoning Officer inspects a building, structure or premises and finds no violations of the provisions of this ordinance or other laws that are enforced by the Zoning Officer, the Zoning Officer shall issue a certificate of occupancy.
- 904.04 The Zoning Officer is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by this ordinance, provided that such portion or portions may be occupied safely. The Zoning Officer shall set a time period during which the temporary certificate of occupancy is valid.
- 904.05 The Zoning Officer is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this ordinance wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure or premises or portion thereof is in violation of any ordinance or regulation or any provision of this ordinance.
- 904.06 Service utilities
- 904.06-01 No person shall make permanent connections from a utility, source of energy, fuel or power until released by the Zoning Officer.

904.06-02 The Zoning Officer shall have the authority to authorize the temporary connection of electrical power to a building, structure or premises.

904.06-03 The Zoning Officer shall have the authority to authorize disconnection of electrical power to any building, structure or premises regulated by this ordinance for noncompliance. Prior to disconnecting the power, the Zoning Officer should follow the procedure set forth in Section 901.09

Section 905 Conditional Uses

905.01 The purpose of conditional uses provisions are to provide for certain uses which because of their unique characteristics, can not be classified properly in any particular district or districts without special consideration in each case of the impact of those uses upon the neighboring lands and of the public need for the particular location. Such uses are often essential and desirable for the general convenience and welfare because of their unique characteristics, however, each of these uses requires the exercising of sound planning judgment.

905.02 On application made before the Planning Commission, the Planning Commission shall have the authority to hear and determine whether a conditional use should be granted to the applicant. Recommendations for a conditional use shall be based upon:

905.02-01 That evidence has been heard by the Planning Commission where the applicant contends that he/she has shown:

905.02-01.01 Said use is necessary to promote the public interest at the locations and;

905.02-01.02 Use is designed, located and proposed to be operated in a manner that public safety, health and welfare are protected and;

905.02-01.03 Use will not cause substantial injury to other property in the neighborhood in which it is located and;

905.02-01.04 Use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

905.02-01.05 That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

905.03 The applicant shall be bound to any conditions which shall be deemed necessary by the Planning Commission upon making a recommendation to secure the general objectives of these ordinances. So as to not adversely affect other properties in the neighborhood such additional conditions shall be established where applicable as necessary to provide but not limited to:

905.03-01 Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster.

905.03-02 Off-street parking with particular attention to item (1) above and the economy of the county, and to noise or glare effects of the conditional use on adjoining properties generally in the district.

905.03-03 Refuse and service areas, with particular reference to item (1) and (2) above.

905.03-04 Utilities with reference to location availability and compatibility.

- 905.03-05 Screening and buffering with reference to type, dimensions, and character.
- 905.03-06 Control of any traffic safety, economic impact, and compatibility and harmony with properties in the district.
- 905.03-07 Required yards and open spaces.

The foregoing conditions shall not be subject to waivers or variances that could be granted under Article IX, Section 907.

905.04 The Planning Commission shall be further empowered to review and/or rescind an existing conditional use whenever:

- 905.04-01 An additional conditional use is being requested for the same property.
- 905.04-02 A conditional use has not been activated within six (6) months of its approval or the applicant has not applied for an extension of time.
- 905.04-03 A conditional use permit has been inactive and/or inoperative for more than six (6) months.

Section 906 Special Exceptions

906.01 On application made therefore, the Planning Commission shall have the authority to hear and determine whether special exception should be made to the provisions of this Ordinance. Recommendation for a special exception shall not be made unless and until:

- 906.01-01 The Planning Commission shall schedule a public hearing to be held within sixty (60) days of the application filing date. Public notice of the hearing shall be published in a newspaper of general circulation not less than fifteen (15) days before the hearing. Notice of the public hearing, stating the time, place, request and property description, shall be mailed or hand delivered to all adjacent property owners.

- 906.01-02 The Planning Commission determines:
- 906.01-02.01 That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located, and that literal interpretation of this ordinance would work an unnecessary hardship upon the applicant;
  - 906.01-02.02 That the requested exception will be in harmony with the purpose and the intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- 906.01-03 That the special circumstances are not the result of actions of the applicant; and
- 906.01-04 That the existence of a non-conforming use of the neighboring land, buildings, or structures in the same district or of a permitted or non-conforming use in other districts shall not constitute a reason for the required exception.
- 906.01-05 A fee as determined by the Board of Supervisors and posted for public knowledge shall be paid to Hancock County for each public hearing required. Said fee shall be used to cover the cost of advertising and administration.
- 906.02 The Planning Commission shall be empowered to review and/or rescind existing special exceptions whenever:
- 906.02-01 An additional special exception is being requested for the same property.
  - 906.02-02 A special exception has not been activated within six (6) months of its approval.

906.02-03 A special exception has been inactive and/or inoperable for more than one year.

906.02-04 Just cause is shown for needed review.

Section 907 VariANCES

Applicants for variances to this Ordinance shall be processed in the following manner:

907.01 An applicant for a variance from the terms of this Ordinance signed by the applicant shall be addressed to the Planning Commission.

907.02 A fee as determined by the Board of Supervisors and posted for public knowledge shall be paid to Hancock County for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.

907.03 The Planning Commission shall review the application and determine that sufficient data is contained to adequately describe the situation. If the data is not adequate, the Planning Commission shall return the application for additional information.

907.04 Procedure and Criteria  
The Planning Commission shall approve or deny variances in the following manner:

907.04-01 The Planning Commission shall schedule a public hearing to be held within sixty (60) days of the application filing date. Public notice of the hearing shall be published in a newspaper of general circulation not less than fifteen (15) days before the hearing. Notice of the public hearing, stating the time, place, request and property description, shall be mailed or hand delivered to all adjacent property owners.

907.04-02 The Planning Commission shall approve or deny the application for a variance after the public hearing. Before any variance is granted, the Planning Commission must find that all the following are met:

907.04-02.01 Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.

907.04-02.02 Strict application of the provisions of this Ordinance would deprive the applicant of reasonable uses of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district.

907.04-02.03 The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Ordinance.

907.04-02.04 Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

907.04-03 The following rules will be considered by the Planning Commission when approving or denying a variance:

907.04-03.01 Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.

907.04-03.02 The Planning Commission does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use or structure, accessory use or structure in the district involved.

907.04-03.03 In granting a variance, the Planning Commission may attach hereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Ordinance.

907.04-03.04 Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any further owner of the subject property, but cannot be transferred by the applicant to a different site.

907.04-03.05 A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one year after the date it was granted, the variance

shall be canceled by the Zoning Officer and written notices shall be given to the property owner.

Section 908 Expiration of Approvals and Certificate of Compliance

908.01 Zoning changes, special use exception, conditional use, variances and all Certificate of Compliance shall expire automatically if, within six (6) months after the issuance of such approval or Certificate of Compliance:

908.01-01 The use authorized by such approval or Certificate of Compliance has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition or similar work is necessary before commencement of such use, or

908.01-02 Less than 10 percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such approval or Certificate of Compliance has been completed on the site. With respect to phased development this requirement shall apply only to the first phase.

908.02 If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of ninety (90) days, then the approval or Certificate of Compliance authorizing such work shall immediately expire.

908.03 The Hancock County Planning Commission may extend for a period of up to one hundred eighty (180) days the date when an approval or Certificate of Compliance would otherwise expire pursuant to Subsection 907.01 or 907.02 if it concludes that (i) the approval or Certificate of Compliance has not yet expired, (ii) the Certificate of Compliance recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be

granted without resort to the formal processes and fees required for a new Certificate of Compliance.

908.04 For purposes of this section, the approval or Certificate of Compliance within the jurisdiction of the planning commission is issued when such commission votes to approve the application and issue the Certificate of Compliance. A Certificate of Compliance within the jurisdiction of the zoning officer is issued when the earlier of the following takes places:

908.04-01 A copy of the fully executed approval or Certificate of Compliance is delivered to the applicant and delivery is accomplished when the approval is hand delivered or the date mailed to the applicant; or

908.04-02 The zoning officer notifies the applicant that the application has been approved and that all that remains before a fully executed Certificate of Compliance can be delivered is for the applicant to take certain specified actions.

908.05 Notwithstanding any of the provisions of Article VI, nonconforming buildings, this section shall be applicable to approvals and Certificate of Compliance issued prior to the date this section becomes effective.

Section 909 Effect of Certificate of Compliance on Successors and Assigns

909.01 Zoning change, conditional use, variances, special uses, Certificate of Compliance and Certificate of Occupancy authorize the applicant to make use of land and structures in a particular way. Such approvals or certificates are transferable, unless otherwise noted. However, so long as the land or structures or any portion thereof covered under an approval or Certificate of Compliance continues to be used for the purposes for which the approval or Certificate of Compliance was granted, then:

909.01-01 No person (including successors or assigns of the person who obtained the certificate) may make use of the land or structures covered under such approval or Certificate of Compliance for the purposes authorized in the approval or Certificate of Compliance except in accordance with all the terms and requirements of that approval or Certificate of Compliance, and

909.01-02 The terms and requirements of the approval or Certificate of Compliance apply to and restrict the use of land or structures covered under the approval or Certificate of Compliance, not only with respect to all persons having any interest in the property at the time the approval or Certificate of Compliance was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the approval or Certificate of Compliance was originally issued, so long as the persons who subsequently obtained an interest in the property had actual or recorded notice of the existence of the approval or Certificate of Compliance at the time they acquired their interest.

909.02 Whenever a special exception use or conditional use approval is issued to authorize development (other than single-family or two family residential) on a tract of land in excess of one acre, nothing authorized by the approval may be done until the record owner of the property signs a written acknowledgment that any approval and with all conditions and stipulations has been issued so that the approval shall become a permanent record in the Hancock County permit office.

#### Section 910 Amendments and Changes

The Board of Supervisors may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance, amend district boundary lines, provide that in all amendments adopted under the authority of this section, due allowance

shall be made to existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendments.

910.01 Reason for amendment. This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable and desirable environment. It is recognized that casual amendment 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.

910.01-01 Error. There is a manifest error in the ordinance.

910.01-02 Change in condition. Changed or changing conditions in a particular area or in the county generally, make an amendment to the ordinance necessary and desirable.

910.01-03 Increase in need for sites. Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to reclassify an area or to extend the boundaries of an existing district.

910.01-04 Ordinance changes. Amendment of the ordinance not involving a change in classification of land is necessary.

910.01-05 Change in governmental property. It is necessary to reclassify property as a result of acquisition or disposition of such property by the United States of America, the State of Mississippi or Hancock County.

910.02 This Ordinance shall be amended in the following manner:

910.02-01 Amendments may be proposed by any citizen, organization or governmental body.

910.02-02 An application for an amendment to this Ordinance shall be signed by the applicant, addressed to the Board of Supervisors and

presented to the Planning Commission for its review and written recommendations.

910.02-03 A fee as determined by the Board of Supervisors and posted for public knowledge shall be paid to Hancock County, Mississippi, for each application for an amendment to cover the costs of advertising and other administrative expenses involved. The Board of Supervisors and the Planning Commission shall be exempt from this fee.

910.02-04 The Planning Commission shall schedule a public hearing on each application for an amendment within sixty (60) days after the application is filed with the Planning Commission. The time and place for the hearing shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such a way as the Board of Supervisors shall prescribe.

910.02-05 Notice of time and place of such hearings shall be published at least once in a newspaper of local distribution not less than fifteen (15) days before such hearing. Supplemental or additional notices may be published as the Board of Supervisors may prescribe. Notice of the public hearing, stating the time, place, request and property description, shall be mailed or hand delivered to all other property owners, as prescribed by Mississippi State law.

910.02-06 The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Board of Supervisors within thirty (30) days of hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

910.02-06.01 Relation of the proposed amendment to goals and objectives of the Comprehensive Plan of Hancock County, Mississippi.

910.02-06.02 Existing uses of property within the general area of the property in question.

910.02-06.03 The zoning classification of property within the general area of the property in question.

910.02-06.04 The suitability of the property in question to the uses permitted under the existing zoning classification.

910.02-06.05 The trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its zoning classification.

910.03 The Board of Supervisors shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendations from the Planning Commission and the public hearing has been held.

910.04 The Board of Supervisors shall approve or deny the proposed amendment. If an application for such an amendment is not acted upon by the Board of Supervisors within a ninety (90) day period following initial submission, the decision of the Planning Commission shall be deemed to have been approved.

Section 911 Appeals

Appeal taken from action by the Zoning Officer shall be taken in the following manner:

- 911.01 All appeals shall be taken within thirty (30) days of the date of the action which is appealed.
- 911.02 Appeals from the enforcement and interpretation of this Ordinance signed by the appellant shall be addressed to the Planning Commission and presented to the Zoning Officer. A fee as determined by the Board of Supervisors and posted for public knowledge shall be paid to Hancock County for each appeal to cover the costs of advertising and administrative costs. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.
- 911.03 The Zoning Officer shall transmit to the Planning Commission, the appeal and all papers constituting the record upon which the action appealed was taken. The Planning Commission shall schedule a hearing to be held within thirty (30) days from the filing of the appeal.
- 911.04 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Planning Commission that by reason of facts in the record a stay would, in his opinion, place imminent peril to life and property, in which case proceedings shall not be stayed other than by a Court Order.
- 911.05 Any person aggrieved at the finding of the Planning Commission shall have the right to appeal from the findings of said Planning Commission directly to the Board of Supervisors and then to the Circuit Court in a manner prescribed by Title 18, Chapter 1, Mississippi Code of 1982.

Section 912 Violations and Penalties

912.01 If the Zoning Enforcement Officer shall find that any of the provisions of this ordinance are violated, the person responsible for such violations shall be notified in writing, indicating the nature of the violation and ordering action necessary to correct it. Among those actions which he shall order is discontinuance of use of land, buildings or structures or of additions, alterations or structural changes thereto. In such case that the Zoning Enforcement Officer is left without any further recourse but to seek police assistance, he may call upon the Hancock County Sheriff to furnish him with the necessary police personnel to fulfill his duties.

912.02 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any person would be damaged by such violation, in addition to other remedies in the Zoning Ordinance may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land.

912.03 Penalties for violation of the Ordinance shall be as follows:

912.03-01 Violation 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, special exceptions or conditional approval) shall constitute a misdemeanor. Any person, firm or corporation who violates any provisions of this Ordinance or any lawful order of the Board of Supervisors, Planning Commission, or Zoning Officer pursuant thereto shall upon conviction thereof be punished as provided by law.

912.03-02 The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other persons who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.

912.03-03 Nothing herein contained shall prevent the County from taking such other lawful actions it deems necessary to prevent or remedy any violation.