



The Hospitality City  
Building and Zoning Department  
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**On April 2<sup>nd</sup>, 2019 The Board of Alderman approved some Textual Amendments to the Zoning Ordinance (#349).**

The purposes of the changes where to;

- 1) Correct some wording and section changes.**
- 2) To add certain subsections that where included in previous ordinances or resolutions but not included in the current printed and on-line version of the Zoning Ordinance.**
- 3) Add a fee for a Conditional Use Application.**

The **Bolded and Underlined sections** of changes are the amendments

If you have any questions please call Dave Draz, Zoning Official (228) 466-2549 [ddrzjr@gmail.com](mailto:ddrzjr@gmail.com)

**RESOLUTION TO RECOMMEND TO THE CITY OF WAVELAND BOARD OF MAYOR AND ALDERMAN AMENDING ORDINANCE 349 (ZONING ORDINANCE) TO MAKE TEXTUAL AMENDMENTS TO SECTIONS; 409 TO ALLOW THE TEMPORARY CONDITIONAL USE OF RECREATIONAL VEHICLES DURING AN ACTIVE RESIDENTIAL BUILDING PERMIT; SECTION 906.3 – CONDITIONAL USES; AND SECTION 811 – PENALTIES FOR VIOLATION**

WHEREAS, the Planning and Zoning Commission of the City of Waveland, Mississippi (the "City") took up for consideration the matter of Textual Amendments to Ordinance 349 (Zoning Ordinance).

RESOLUTION FINDING AND DETERMINING THAT TEXTUAL AMENDMENTS TO ORDINANCE 349, AMENDING; SECTIONS; 409 TO ALLOW THE TEMPORARY CONDITIONAL USE OF RECREATIONAL VEHICLES DURING AN ACTIVE RESIDENTIAL BUILDING PERMIT; SECTION 906.3 – CONDITIONAL USES; AND SECTION 811 – PENALTIES FOR VIOLATION.

WHEREAS, the Planning and Zoning Commission does hereby find, determine, adjudicate and declare as follows:

1. Ordinance 349 of the City of Waveland contains the provisions regarding; Section 409 – Temporary Conditional Use of Recreational Vehicles during active residential construction; Section 906.3 – Conditional Uses; and Section 811 – Penalties for Violation.
2. Currently Ordinance 349 requires textual amendments to; Section 409 – Temporary Conditional Use of Recreational Vehicles during active residential construction, for the purposes of; 1) addressing a numerical scrivener's error for correcting a reference number, changing the section number from 309.5 to 409.5 2) and; 2) to incorporate all the wording adopted by Resolution of the Mayor and Board of Alderman on May 5<sup>th</sup>, 2015 and labeled as "Exhibit G" but not incorporated into the text of the Zoning Ordinance.

3. Section 906.3 – Conditional Uses for the purpose of replacing Section 906.3 in its entirety to add some necessary requirements to the application process including the property notification process and to establish a fee of seventy five (\$75) dollars to help defray the expense of publication and processing;
4. Section 811 – Penalties for Violation for the sole purpose of adding subsection 811.2 to incorporate the penalty amount for any person violating Section 408.1 – Preservation of Live Oak and Magnolia Trees. Established by Ordinance #355 but not currently in the text of the Zoning Ordinance.
5. Pursuant to Miss. Code Ann. 21-13-1 *et seq*, a municipality is authorized to pass all ordinances and enforce the same.
6. It is the desire of the majority of the Planning and Zoning Commission of the City of Waveland that Ordinance 349 be amended to make textual amendments to Section 409 – Temporary Conditional Use of Recreational Vehicles during active residential construction; Section 906.3 – Conditional Uses; and Section 811 – Penalties for Violation.
7. The textual amendments to Ordinance 349, will be forwarded to the Mayor and Board of Aldermen.
8. As required by Ordinance 349, a notice of public hearing was published setting the time, place, and content regarding the Textual Amendments to Ordinance Number 349, in a newspaper of general circulation in Hancock County, Mississippi 15 (fifteen) days prior to the public hearing at the March 25<sup>th</sup>, 2019 Planning and Zoning Commission Meeting.
9. At said Planning and Zoning Meeting interested agencies and citizens were given an opportunity to be heard. No public objections were made by the public.
10. The Planning and Zoning Commission forwards this Resolution to the Mayor and Board of Aldermen for consideration.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WAVELAND THAT ORDINANCE 349, SECTION 409 TO ALLOW THE TEMPORARY CONDITIONAL USE OF RECREATIONAL VEHICLES DURING AN ACTIVE RESIDENTIAL BUILDING PERMIT READ AS FOLLOWS:**

**409.5 A Temporary Conditional Use for a Recreational Vehicle may be applied for only in connection with the erection of a permanent residential dwelling when the following listed conditions have been met. Said conditional use may be permitted by the Board and Mayor of Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX.**

**A. without a permit, it shall be unlawful for any person, firm, or corporation to dwell in a Recreational Vehicle as contemplated by Section 409.5 within the City of Waveland. The violation of any of the provisions of Section 409.5 shall be deemed a misdemeanor, with each day of the violation being considered a separate offense. A fine of up to one hundred (\$100) dollars for each day may apply for each violation.**

**B. Approval of the Temporary Conditional Use permit shall be for a period of time not to exceed 180 days. Before the expiration of the initial 180 day period, the applicant may make application to the Planning and Zoning Commission, for approval by the Mayor and Board of Aldermen, requesting an additional 180 days.**

**C. Upon completion of the structure, use of the Recreational Vehicle must be in compliance with the regulations of the Zoning Ordinance and other applicable local, State, and Federal regulations.**

**D. Only one Recreational Vehicle, serial number to be provided, is allowed on the location for which a building permit is issued. Said Recreational Vehicle may not be rented and may only be occupied by the owner(s) of the property.**

**E. The applicant must provide sufficient evidence of the following conditions, in addition to the provisions listed in Section 906.3, with the submission of the Temporary Conditional Use application:**

**1. Issuance of a valid and current building permit for a residential structure;**

**2. Verification of a completed and inspected foundation on the property;**

**3. Submittal of an Evacuation Plan for the Recreational Vehicle in the instance that a named storm enters the Gulf of Mexico and/or a voluntary or mandatory evacuation is ordered for the area;**

**4. A copy of the title and proof of insurance on the Recreational Vehicle;**

**5. Proof that the Recreational Vehicle is able to be transported over the streets and highways and has the appropriate state and local licenses;**

**6. Proof of quick disconnect to City utilities;**

**7. There must not be any structural additions to the Recreational Vehicle;**

**8. Recreational Vehicles and the subject properties must be in compliance with and are restricted by the requirements and standards of the Flood Damage Prevention Ordinance.**

**F. The above stipulations and conditions are not intended to be all inclusive, and each application may have additional stipulations and conditions as the health, safety, and welfare of the City require.**

**G. At any time the Planning or Zoning Officer or Building Official deems that the conditions and stipulations attached to the Temporary Conditional Use permit are not met, the Temporary Conditional Use permit will be deemed withdrawn without further action and appropriate enforcement measures will be taken.**

**H. A final permit fee for the placement of a temporary construction recreational vehicle of One Hundred dollars is required.**

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WAVELAND THAT ORDINANCE 349, SECTION 906.3 READ AS FOLLOWS:**

906.3 Conditional Uses: Subject to the provisions of Sections 901 and 902 of this Article, the Planning and Zoning Commission shall set a hearing and make a recommendation to the Board of Mayor and Aldermen to grant a conditional use for the uses enumerated as conditional uses in any district as herein qualified and may impose appropriate conditions and safeguards including a specified period of time for the use to protect property and property values in the neighborhood.

Applying for a Conditional Use: To apply for a conditional use, the applicant must submit the following:

1. Letter stating what conditional use is being requested, what type of development is proposed and a description of any appropriate details describing the requested conditional use including but not limited to addressing the items listed below in Item #4.

2. Two (2) copies of plot plan detailing existing structure, proposed development and encroachment, dimensions of property, location of all streets bordering property, and the names and mailing addresses of all property owners adjacent to side of property affected.
3. **A fee of Seventy-five (\$75.00) Dollars, payable in advance to help defray the expense of advertising and processing.**
4. These items must be submitted to the City of Waveland Zoning Official in time for the conditional use request to be advertised in the legal section of the local newspaper specifying the time and place for said hearing, a minimum of fifteen (15) days prior to the next regular meetings of the Planning and Zoning Commission. A letter must be mailed by the Zoning Official to all property owners lying adjacent to the property line for which said conditional use is being requested. The Planning and Zoning Commission will hear testimony from any concerned citizen of Waveland at the designated public hearing and will make a recommendation on the conditional use request to the Board of Mayor and Aldermen based on testimony heard at the public hearing.
  - A. The Planning and Zoning Commission will investigate all aspects of the application giving particular regard to whether such use will:
    1. Substantially increase traffic hazards or congestion.
    2. Substantially increase fire hazards.
    3. Adversely affect the character of the neighborhood.
    4. Adversely affect the general welfare of the city.
    5. Overtax public utilities or community facilities.
    6. Be in conflict with the Comprehensive Plan.

If the findings by the Planning and Zoning Commission relative to the above subjects are that the City would benefit from the proposed use and the surrounding area would not be adversely affected, then the Commission may recommend the project for approval to the Board of Mayor and Aldermen.

- B. Any proposed conditional use shall otherwise comply with all regulations set forth in this Zoning Ordinance for the district in which such use is located.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WAVELAND THAT ORDINANCE 349, SECTION 906.3 READ AS FOLLOWS:**

Section 811. Penalties for Violation

811.1 Except as otherwise provided in Subsections 811.2 and 812.4, any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and, upon conviction shall be punished for each offense by paying a fine not to exceed One Hundred (\$100.00) dollars and/or imprisonment not to exceed the limits according to the State Statutes of Mississippi. Each day such violation continues shall be deemed a separate offense.

**811.2 Any person violating Section 408 (cutting down a protected tree without a permit) of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by paying a fine not to exceed One Thousand (\$1,000) dollars \$1,000.00 dollars and/or imprisonment not to exceed the limits according to the State Statutes of Mississippi.**

811.3 The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains any violation of this ordinance may each be found guilty in a separate offense and suffer the penalties herein provided.

811.4 Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, or remedy any violation."

THE ABOVE AND FOREGOING RESOLUTION AND ORDINANCE AMENDMENT Recommendation, having first been reduced to writing, was submitted to the Mayor and Board of Aldermen, and having been adopted by the following vote:

Commissioner Watson made the motion to adopt the foregoing Resolution

Commissioner Boudoin seconded the motion and

Ordinance Amendment, and the question being put to a roll call vote, the result was as follows:

Commissioner Adams \_\_\_\_\_ (Not Present)

Commissioner Harris voted Yes

Commissioner Boudoin voted Yes

Commissioner Watson voted Yes

***Approved by the Board of Alderman on April 2<sup>nd</sup>, 2019.***