

AMENDED ORDINANCE NO. 48

**(H) WF Waterfront district – WF-1 and WF-2**

(1) *Purpose of the district.* The purposed of the district is to create an environment attuned to preserving and protecting the waterfront and waterfront views along the Bay of Biloxi. It is the intent of this classification to locate uses which allow and actually encourage visual and physical accessibility to the water, promote pedestrian and limit vehicular activity, and accommodate a number of diverse uses inclusive of residential, commercial and amusement and gaming activities, as herein provided for, as permitted, accessory or conditional uses.

(2) *Permitted uses and accessory uses.* A building, structure or land shall be used only for the following purposes:

- (a) Dwellings-single, excluding mobile homes
- (b) Garages-private
- (c) Pavilions-open-air structures, only
- (d) Public buildings and facilities
- (e) Restaurants (fast food, delicatessen)
- (f) Offices-administrative and professional

(3) *Permitted conditional uses.* In order to provide for certain uses which, because of their unique characteristics, require special planning review and consideration to determine the compatibility of such uses with neighboring properties, the city council may (subject to the applicant providing an appropriate master plan inclusive of infrastructure improvements, as may be required) authorize the following conditional uses:

- (a) Gaming establishments
- (b) Hotels, motels and other lodging facilities
- (c) Marinas
- (d) Clubs, public and private, including yacht or boating clubs
- (e) Restaurants with lounges
- (f) Nightclubs
- (g) Theaters

- (h) Multi-family housing (condominiums)
- (i) Specialty retail uses and personal service shops
- (j) Seafood handling and processing facilities
- (k) Seafood industry support facilities and services, including ice plants and unloading docks
- (l) Sports fishing activities, including charter boats
- (m) Boat building and marine related repair, supplies and sales
- (n) Parking Lots and parking garages
- (o) Heliports and helipads
- (p) Cemeteries and mausoleums
- (q) Utility structures with appropriate screening from roadway and water
- (r) Schools- art, business, trade or industrial
- (s) Public water treatment plants

(4) *[Master plan.]* Prior to granting a permit for gaming establishments and ancillary uses, the D'Iberville Planning Commission shall require applicants to provide a master plan which, among other things, will assist the planning commission in determining what the developers propose, where they intend to construct same, and when it will be accomplished. Among other things, the master plan will assist the D'Iberville Planning Commission with:

- (a) Establishing the compatibility of the proposed development with its surroundings.
- (b) Analyzing traffic flow and traffic congestion considerations.
- (c) Availability and location of parking.
- (d) Determining the potential impact of the proposed operations on the city's infrastructure such as roads, water, and sanitary sewerage collection and disposal.
- (e) Determining the potential impact, which could result in an increased need for municipal services such as police and fire protection.

The planning commission may permit properly licensed gaming establishments to construct ancillary uses such as hotels, parking lots, restaurants, lounges, theaters, piers, gift shops in the WF zoning district if requirements of the zoning ordinance are properly addressed and fully complied with.

- (5) *Prerequisites:*
- (a) Applications must be accompanied by a detailed master plan which, among other things, defines the scope of the development for a first phase preliminary review.
  - (b) Minimum size area. Gaming operations shall be conducted on no less than five (5) contiguous acres, not including tidal wetlands, with access to a major thoroughfare, existing or to be constructed.
- (6) *Master plan requirements.* The master plan shall include the following elements (and other information as may be required by the D'Iberville Planning Commission) to insure that the purposes of the city's comprehensive plan, transportation plan and its zoning ordinance are met:
- (a) A site plan depicting the location of all facilities (i.e., location of gaming facilities, parking lots, hotels, etc.) and proposed consideration for historical structures, sites and cemeteries.
  - (b) Project development time table to indicate full and complete compliance with the comprehensive plan for the city at the time of final approval.
  - (c) Floor plans, showing proposed structural uses.
  - (d) Photographs, artists' renderings, or other visual documents that will assist the city in establishing compatibility.
  - (e) Information regarding the total number of employees contemplated; the number of visitors expected daily, monthly, yearly; peak traffic times and days; hours of operation.
  - (f) Number of parking spaces to be provided and the layout and location of the parking lots; if satellite lots will be employed, leases or contracts committing specific parking spaces to the gaming facilities coupled with an acceptable shuttle bus or other appropriate plan to transport guests to and from the gaming facilities must be included. Bona fide contracts attesting to all parking and shuttle arrangements must be provided.
  - (g) Expected access routes to and from the gaming operations, both on-site and off-site; width of road and expected traffic volumes.
  - (h) Road improvements, traffic control, and signalization necessary to properly service the gaming operations.
  - (i) Expected infrastructure improvements such as water, natural gas, electricity, drainage, and sanitary sewerage collection to include location of improvements, size of pipes, etc.
  - (j) Requirements for on-site security, fire protection, etc.

(k) A draft of a legally binding agreement from the applicant for preliminary review that:

(i) All permanent improvements to be constructed shall be to the standards of the latest editions of the building and related codes adopted by the City of D'Iberville.

(ii) Water system improvements necessitated by any gaming operations and ancillary facilities shall be designed and constructed in accordance with the standards and requirements of the City of D'Iberville and at the sole expense of the developer and at no cost to the City of D'Iberville.

(iii) Sanitary sewer system improvements necessitated by the gaming operation and ancillary facilities shall be designed and constructed in accordance with the standards and requirements of the City of D'Iberville and at the sole expense of the developer and at no cost to the City of D'Iberville.

(iv) A fire suppression system, including an overhead sprinkler system, shall be installed in all community establishments in compliance with the adopted fire codes of the City of D'Iberville, and in accordance with requirements of the D'Iberville Fire Department and the Mississippi Rating Bureau.

(v) New access roads (or alternatively improving, upgrading/widening of existing roads) shall be designed and constructed in accordance with the standards and requirements of the City of D'Iberville and at the sole expense of the developers and at no cost to the City of D'Iberville.

(vi) The developers shall dispose of garbage, trash and other solid waste in a manner consistent with applicable federal, state and local laws.

(vii) Other requirements as may be deemed necessary, appropriate and in the interest of the public health, safety and welfare. Completion of the improvements set forth in the agreement shall be a condition before a certificate of occupancy shall be issued for any use and no vessel, building or facility will be occupied until such improvements are constructed and operational.

(7) Nothing contained herein shall be construed to restrict the authority of the City of D'Iberville to enter into agreements to promote economic development within the City, including agreements respecting the issuance of tax increment financing bonds, development agreements, and other appropriate agreements.

(8) *Additional conditional use requirements.* The City of D'Iberville will require additional information prior to granting a final second phase conditional use permit for the establishment of gaming establishments, as follows:

(a) The applicant shall present a valid license or a completed application for the intention of obtaining a license from the Mississippi Gaming Commission before a building permit

can be issued: completion of the application process may be suspended pending the outcome of the state gaming commissions investigation.

- (b) Evidence of site control for all lands necessary for the full and complete implementation of the master plan.
  - (c) Landscaped buffer areas of sufficient length and width as necessary to protect adjoining uses from any adverse impact from noise, traffic, lights, etc., from a gaming operation, or to protect any adjoining use of right, including for fire safety, or maintenance operations.
  - (d) A final signed binding agreement of all listed items in section (k) between applicant and the City of D'Iberville.
- (9) *Special sign regulations:*
- (a) *Generally.* The following regulations shall apply to all signs within the WF-1 and WF-2 Waterfront district:
    - (1) No sign shall be placed or maintained within the waterfront district except as herein provided.
    - (2) No sign, except an unlighted sign for lease, sale or rent of property and not exceeding twelve (12) square feet in area; and announcement of profession sign not exceeding two (2) square feet in area; traffic and other regulatory signs; legal notices and the like shall not be placed or erected without the prior approval of the building official.
    - (3) No signs which extends above the building or structure; signs employing flashing, rotating or blinking lights.
  - (b) *Types of signs prohibited.* The following types of signs are specifically prohibited:
    - (1) A sign or structure which directs attention to a business, commodity, service, activity or entertainment not conducted or principally sold or offered upon the premises on which the sign is located.
    - (2) Revolving signs or beacons, streamers, pennants and/or whirling devices.
    - (3) Portable signs of any type.
    - (4) The overall length and height of signage attached to or painted on the wall of a building or structure exceeding twenty-five (25) percent of the total square footage of the building or structure.
  - (c) *Informational and regulatory signs.* The following types of signs displayed for the

direction, safety, convenience or information for the public are permitted:

- (1) Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices and other signs required to be maintained or posted by law or other regulations.
  - (2) Utility signs not over four (4) square feet in area identifying parking area entrances and exits, off street loading areas and the like.
  - (3) Memorial plaques, cornerstones, historical marker and the like.
  - (4) Temporary announcement signs including contractors' signs on construction site, not to exceed thirty-two (32) square feet in area, indicating the names of persons associated with or events conducted upon the premises.
- (d) *Business signs.* The total area of all business signs on build, structure or lot shall not exceed one hundred fifty (150) square feet or the sum of three (3) feet for each linear foot of lot frontage, whichever is greater. NO single business sign surface may exceed three hundred (300) square feet in area, nor shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of three hundred (300) square feet.
- (e) *Sale or rent signs.* Signs advertising that the premises are for lease, sale or rent are permitted; provided that each real estate firm shall be limited to one such sign not to exceed sixteen (16) square feet in area on each lot or parcel of property for which such firm has a bona fide listing, and that such sign shall be removed from the premises within ten (1) days subsequent to the leasing, sale or rent of such premises.
- (f) *Development signs.* One company sign not to exceed sixty-four (64) square feet in area may be affixed to each lot or parcel of property to designate that such property is to be occupied at a future date by the business or us designated.
- (10) *Height requirements.* No structure of any kind, except signs as otherwise provided, shall exceed one hundred ten (110) feet in height, or as otherwise required by FAA.
- (11) *Yard and area requirements:*
- (a) *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet measured from the right-of-way of any major street as defined by the city thoroughfare plan; provided, however, identification or business signs shall have a minimum front yard setback of ten (10) feet. Except for location of signs, the front-most fifteen (15) feet of the front yard setback shall remain open to the sky.
  - (b) *Side yard.* There will be a minimum setback of ten (10) feet for landscape buffering, unless otherwise approved with the development plan.
  - (c) *Rear yard.* There will be a minimum setback of twenty-five (25) feet for landscape

buffering, unless otherwise approved with the development plan.

- (d) *Floor area ratio.* The maximum floor area ration within the WF-1 and WF-2 waterfront district shall not exceed two-to-one (2:1)
  - (e) *Density Units/Acre.* The maximum coverage for all buildings shall be thirty (30) units per acre.
  - (f) *Building Site Coverage.* The maximum building site coverage for all buildings shall be fifty (50) percent.
- (12) Parking and loading regulations:
- (a) Off street parking and loading requirements provided in Article VI shall apply, except the construction of satellite parking lots/facilities (i.e, parking garages located outside of the WF-1 and WF-2 zoning district area, but within areas which permit such parking garages) may be utilized in lieu of providing on-site parking accommodations, if (an only if) such satellite lots/facilities are constructed in accordance with the parking requirements prescribed for the intended use for which it has been constructed and provided also that an appropriate and preapproved means of transportation to and from the satellite lot/facility is provided throughout the duration of the use for which this nonadjacent parking has been so arranged. Bona Fide contracts attesting to all parking and shuttle arrangements must be provided prior to any consideration of any satellite lot/facility parking permitted, and contracts must be consistently maintained at the minimum level available for city review at all times during the operation of the facility or the permitted use may be revoked by the city upon thirty (30) day notice.
  - (b) Gaming establishments and other uses ancillary to casino operations shall be required to provide off street parking in accordance with the provisions of Article VI, off-street parking and loading requirements.
  - (c) The collective provisions of required off-street parking spaces for two(2) or more uses located in the same of different buildings or structures shall be permitted subject to the following conditions:
    - (1) Except as provided, the total off-street parking spaces provided collectively shall not be less than the sum of the requirements of each uses if computed separately.
    - (2) The location requirements of this article.
  - (d) *Required parking spaces.* Gaming establishments. One parking space shall be required for each fifty (50) feet of casino floor area plus one and one-half (1.5) spaces for each employee at maximum employment on a single shift. (Note: Hotel, restaurant, lounge and individual parking space requirements are as established within Section VI (A) (1) of this ordinance)
    - (1) All parking rows must be anchored on either end with a curbed and planted

island/projection. Each island/projection must have one indigenous shade tree for single parking rows, and two (2) for double parking rows (minimum two-and-one-half- (2 ½) inch caliper)

- (2) No parking row may have over twenty-five (25) uninterrupted parking spaced with the introduction of a planted island/project (with shade tree)
- (3) The perimeter of all parking areas must have an unbroken hedge consisting of either indigenous evergreen shrubs or indigenous densely planted deciduous shrubs, to be a minimum height of twenty-four (24) inches at the time of planting. The perimeter screening must also include indigenous shade trees planted a minimum of thirty-five (35) feet on center, measured at two-and-one-half (2 ½) caliper thickness, at a height of five (5) feet at the time of planting. (This provision insures that the negative visual impacts of parking are minimized, as viewed from within the parking lot and from neighboring properties)
- (e) When it is determined by the D'Iberville Planning Commission that it is not possible to provide the required off-street parking on site or within one hundred fifty (150) feet from the gaming establishment, it is the intent of this ordinance to allow off-street parking lots and/or garages for a gaming facility to located in any commercial or industrial zoning district which allows same as permitted or conditional use and that can properly accommodate the number of spaces intended and where it can be determined that such off-street parking shall not be detrimental to the area in which it will be located by reason of noise, traffic, lights, smoke or for other reasons harmful to the community.

(13) *Fences generally:*

- (a) No chain link fences shall be permitted within the WF-a and WF-2 waterfront district on commercial property, except for security purposes when approved by the Planning Commission.
- (b) All fences shall maintain as a minimum a thirty-five (35) percent transparency unless permitted as an exception by the Planning Commission.
- (c) Fences shall not exceed four (4) feet in height unless utilized for security or screening purposes, in which case such fence may not exceed seven (7) feet in height within the buildable area of the lot.

(Ordinance No. 40 and 48)