

5. OVERLAY ZONING DISTRICTS

(A) GENERAL

(1) General Purpose of Overlay Zoning Districts

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts (and perhaps Planned Development overlay districts or other overlay districts) with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning districts.

(2) Classification of Overlay Zoning Districts

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 23-2-3(B), Map Amendment (Rezoning), and this section.

(B) AHO: ARCHITECTURAL/HISTORIC OVERLAY DISTRICT

(1) Purpose

In recognition that the historic heritage of Biloxi is one of the city's most valued and important assets, the Architectural/Historic Overlay (AHO) District is established and intended to safeguard that heritage by identifying, recognizing, preserving, maintaining, protecting, and enhancing old, historic, and architecturally valuable structures, properties, districts, or neighborhoods that serve as important elements and visible reminders of the social, cultural, economic, political, or architectural history of the city, county, state, or nation. The Architectural/Historic Overlay District is a flexible tool that may be applied to multiple areas and properties, and that may be tailored to apply different standards to different subdistricts, as appropriate to their various characters. In general, the Architectural/Historic Overlay District is intended to:

- a. Foster civic pride;
- b. Preserve the city's heritage;
- c. Preserve the character and desirable historic, architectural, and aesthetic features of the city;
- d. Stabilize and enhance the value of properties that are within historic districts or designated as historic landmarks or landmark sites, as well as the areas surrounding them;
- e. Protect and enhance the attractiveness of the city to residents, tourists, and visitors, thereby supporting and stimulating business and industry;
- f. Protect and enrich the quality of life for city residents;
- g. Foster wider public knowledge and appreciation of structures, properties, districts, or neighborhoods that provide a unique and valuable perspective on the social, cultural, economic traditions and ways of life of past generations;
- h. Foster architectural creativity by preserving physical examples of outstanding architectural designs and techniques of the past; and

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- i. Encourage new structures and developments that will be harmonious with and complement the character of existing structures, properties, and districts designated in accordance with this section.

(2) Procedures and Standards for AHO Zoning District Classification

Except as modified in accordance with this subsection, classification of land into the AHO zoning district shall occur in accordance with the procedures and requirements of Section 23-2-4(B), Map Amendment (Rezoning).

a. Procedure

I. Pre-Application Requirements

The following actions shall occur before the Map Amendment (Rezoning) application is submitted:

A. Nomination

A potential historic district, landmark, or landmark site may be nominated for AHO zoning district classification by the Architectural and Historical Review Commission, or an owner of the property containing the potential historic district, landmark, or landmark site, or an organization that has as one of its central purposes the promotion of historic preservation objectives. The nomination shall contain information as required by the Architectural and Historical Review Commission.

B. Investigation and Significance Report

The Architectural and Historical Review Commission shall make or cause to be made an investigation and report describing the historic, prehistorical, architectural, educational, or cultural significance of the buildings, structures, sites, areas, features, objects, or surroundings proposed to be included in the AHO zoning district. In the case of a proposal to apply the AHO zoning district classification to a potential historic district, the significance report shall include a description of the boundaries of the proposed historic district. In the case of a proposal to apply the AHO zoning district classification to a potential historic district or landmark, the report shall include justification for any deviation of such boundaries from the formal legal descriptions of tax parcels due to historical reasons or topographical conditions.

C. Referral of Proposal for Map Amendment Application

Within six months after the nomination of property for AHO zoning district classification, the Architectural and Historical Review Commission shall review the significance report and decide whether to refer the report (and any boundary description, in the case of a proposed historic district) to the Director of Community Development for filing of a Map Amendment (Rezoning) application.

2. Application Notice and Review Requirements

A. Application Submittal

On receiving a significance report on a potential historic district, landmark, or landmark site referred from the Architectural and Historical Review Commission, the Director of Community Development shall prepare and

submit an application for a Zoning Map Amendment (Rezoning), which shall include the significance report.

B. Notice to State Department of Archives and History

When providing notice of the public hearings on the Map Amendment (Rezoning) application, the Director of Community Development shall also notify the Mississippi Department of Archives and History, by certified letter, of the proposed AHO zoning district classification, of the City Council's public hearing on the application, and of the City Council meeting to which the public hearing may be continued, as necessary to receive comments from the Department of Archives and History.

3. City Council Review and Action

A. Additional Public Hearing by City Council Required

In addition to the standard public hearing held by the Planning Commission in accordance with Section 23-2-4(B), Map Amendment (Rezoning), the City Council shall also hold a standard public hearing on a Map Amendment (Rezoning) application proposing to classify land into the AHO zoning district, in accordance with Section 23-2-3(F), Scheduling, Public Notice, and Conduct of Public Hearing.

B. Consideration of Comments from State Department of Archives and History

If no comments on the Map Amendment (Rezoning) application are received from the Mississippi Department of Archives and History at or before the meeting on which the City Council opens a public hearing on the application, the City Council shall continue the hearing to its next regular meeting to provide the Mississippi Department of Archives and History additional time to submit comments. After receiving comments from the Mississippi Department of Archives and History, or after not receiving such comments by the end of any continued public hearing, the City Council may proceed and decide the application.

C. Time Limit on Decision

The City Council shall decide a Map Amendment (Rezoning) application within sixty days after close of its public hearing on the application.

4. Notice of Decision

Within ten days after amendment of this Ordinance to apply the AHO zoning district classification to a new historic district, landmark, or landmark site, the Director of Community Development shall provide notice of the classification to other municipal agencies and any appropriate county and state agencies. Within one week after entering the approved classification on the Official Zoning Map, the Director of Community Development shall provide such agencies a copy of a map showing the classification.

b. Standards

In addition to the review standards in Section 23-2-4(B)(3), Map Amendment (Rezoning) Standards, the City Council shall adopt a Map Amendment (Rezoning) application to classify land into the AHO zoning district only after determining that the proposed historic district, landmark, or landmark site:

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1. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, or city; or
2. Is identified with historic personages or with important events in national, state, or local history; or
3. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship; or
4. Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who has influenced his or her age (in the case of a historic district or landmark); or
5. Has yielded or is likely to yield information important in prehistory or history (in the case of a landmark site); or
6. Is an abandoned cemetery certified by the Mississippi Department of Archives and History as having historical significance and deserving of repair, rehabilitation, or maintenance as a historical monument (in the case of a landmark site).

(3) Certificate of Appropriateness Required

After land is classified into the AHO zoning district, no erection, construction, exterior alteration, restoration, moving, relocation, or demolition of any building or other structure, street or sidewalk pavement, or landscaping, or the excavation, fill, or alteration of land may occur without approval and issuance of a Certificate of Appropriateness in accordance with Section 23-2-4(G), Certificate of Appropriateness.

(4) Design Guidelines

The Architectural and Historical Review Commission is authorized to and shall prepare and adopt AHRC Design Guidelines to serve as guidance for its review of Certificate of Appropriateness applications. Guidelines may be adopted for use in all AHO zoning districts, or may be tailored to individual historic districts, landmarks, or landmark sites where appropriate to preserving and protecting their particular character. Any adopted guidelines shall be incorporated by reference as part of this Ordinance

(5) Prevention of Demolition by Neglect

a. Responsibility to Maintain Property

The owner or other person having legal possession, custody, or control of a property classified as in the AHO zoning district shall maintain the exterior and structural features of the property and not allow the occurrence of conditions of neglect that constitute or substantially contribute to deterioration threatening the structural integrity of structures or architectural details important to the property's historic, prehistoric, architectural, or cultural character. Failure to meet this responsibility shall be a violation of this Ordinance. Conditions that, if substantial or serious enough, could constitute demolition by neglect include, but are not limited to, the following:

1. Defective or deteriorated exterior walls, foundations, or other vertical support that lean, sag, split, list, buckle, or otherwise indicate they are insufficient to safely carry imposed loads;

2. Defective or deteriorated flooring or floor supports, ceilings, roofs, roof supports, or other horizontal members that lean, sag, split, list, buckle, or otherwise indicate they are insufficient to safely carry imposed loads;
3. Defective or deteriorated foundations that lean, split, settle, list, bulge, buckle, or otherwise indicate they are insufficient to safely carry imposed loads;
4. Defective or deteriorated fireplaces or chimneys that lean, settle, list, bulge, buckle, or otherwise indicate they are insufficient to safely support themselves;
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, deteriorated or crumbling plasters or mortars, or weathering due to lack of paint or other protective covering;
7. Rotting, holes, and other forms of decay;
8. Deteriorated exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
9. Heaving, subsidence, or cracking of sidewalks, steps, or pathways;
10. Deteriorated fences, gates, and accessory structures;
11. Deterioration that has a detrimental effect upon the special character of a AHO district as a whole or the unique attributes and character of a historic landmark or landmark site; and
12. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

b. Enforcement

1. Enforcement of violations of the requirement to not allow conditions of neglect shall be in accordance with Article 23-9: Enforcement, except that the Architectural and Historical Review Commission is expressly authorized to determine if a property in an AHO district is in danger of being demolished by neglect and to file complaints about any properties so determined with the Director of Community Development, in accordance with Section 23-9-5(B), Complaints Regarding Violations.
2. If the owner or other person responsible for allowing a property in an AHO district to be demolished by neglect fails to correct the identified conditions of neglect by the specified time limit, the Director of Community Development shall notify the Architectural and Historical Review Commission, who may consider and recommend to the City Council that, in accordance with authority granted by the Mississippi Code, the city make repairs necessary to correct the conditions of neglect and place the cost of such repairs as a lien against the property.

(6) Specific AHO-Zoned Districts, Landmarks, and Landmark Sites

The following historic districts, landmarks, and landmark sites are designated and zoned as Architectural/Historic Overlay (AHO) districts.

a. Historic Districts

Table 23-3-6(B)(6)a, Historic Districts, identifies by name, those areas designated historic districts and zoned as Architectural/Historic Overlay districts on the Official Zoning Map.

TABLE 23-3-6(B)(6)a: HISTORIC DISTRICTS	
HISTORIC DISTRICT NAME	
	Point Cadet
	East Central
	Downtown
	West Central
	West Beach
	Edgewater Park

b. Historic Landmarks

Table 23-3-6(B)(6)b, Historic Landmarks, identifies by address (and name in some cases), those properties designated historic landmarks and zoned as Architectural/Historic Overlay districts on the Official Zoning Map.

TABLE 23-3-6(B)(6)b: HISTORIC LANDMARKS	
STREET ADDRESS	LANDMARK NAME
147 Balmoral Avenue	
622 Bayview Avenue	Old Brick House
1061 Beach Boulevard	Biloxi Lighthouse
1096 Beach Boulevard	
1114 Beach Boulevard	
1120 Beach Boulevard	
1210 Beach Boulevard	O.G. Swetman House
1230 Beach Boulevard	White House Hotel
1332 Beach Boulevard	
1464 Beach Boulevard	
2244 Beach Boulevard	Beauvoir
126 Benachi Avenue	
127 Benachi Avenue	
135 Benachi Avenue	
142 Benachi Avenue	
146 Benachi Avenue	
158 Benachi Avenue	
162 Benachi Avenue	
122 Caldwell Avenue	
634 Copp Street	
769 Division Street	United Novelty Company
803 Division Street	Our Mother of Sorrows
970 Division Street	
971 Division Street	
132 Dukate Street	
112 Edgewater Drive	
306 Elmer Street	
1269 Father Ryan Avenue	
1326 Father Ryan Avenue	
1352 Father Ryan Avenue	Water Plant
1400 Father Ryan Avenue	Water Plant
131 Fayard Street	
177 Fayard Street	

TABLE 23-3-6(B)(6)b: HISTORIC LANDMARKS

STREET ADDRESS	LANDMARK NAME
177 First Street	St. Michael's Church
358 Forrest Avenue	
1596 Glenn Swetman St.	Glenn Swetman House
154 Hopkins Boulevard	
290 Hopkins Boulevard	
555 Howard Avenue	Bowen House
566 Howard Avenue	
567 Howard Avenue	
579 Howard Avenue	
632 Howard Avenue	Galloway's Funeral Home
638 Howard Avenue	
657 Howard Avenue	
675 Howard Avenue	
709 Howard Avenue	Masonic Temple
750 Howard Avenue	Old Peoples Bank
759 Howard Avenue	
781/783 Howard Avenue	Old Eddie's Drug Store
784 Howard Avenue	
796A&B Howard Avenue	
796C Howard Avenue	
814 Howard Avenue	Kress Building
870 Howard Avenue	Church of the Nativity
932 Howard Avenue	Bond-Grant House
953 Howard Avenue	
955 Howard Avenue	
979 Howard Avenue	Hengen House
988 Howard Avenue	
1046 Howard Avenue	West End Hose Co. #3
770 Jackson Street	Redding House
141 Jefferson Davis Avenue	
140 Keller Avenue	E. Barq Pop Factory
1295 Kensington Drive	
124 Lameuse Street	Old Biloxi Library
139 Lameuse Street	Creole Cottage
139 Lameuse Street	Biloxi Library
140 Lameuse Street	Biloxi City Hall
152 Lameuse Street	Peoples Bank
208 Lameuse Street	Barqs House
225 Lameuse Street	
234 Lameuse Street	
364 Lameuse Street	
378 Lameuse Street	
168 Lee Street	
1400 Leggett Drive	Van Hook Hall, Seashore Methodist Campground
210 Main Street	
127 Morrison Avenue	Labuzan-Stirling House
870 Nativity Drive	Sacred Heart High School
130 Porter Avenue	
170 Reynoir Street	Saenger Theater
330 Reynoir Street	
352 Reynoir Street	

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TABLE 23-3-6(B)(6)b: HISTORIC LANDMARKS	
STREET ADDRESS	LANDMARK NAME
398 Reynoir Street	
439 Reynoir Street	
116 Rue Magnolia	Brunet-Fourchey House
119 Rue Magnolia	Magnolia Hotel
125 Rue Magnolia	
129 Rue Magnolia	
131 Rue Magnolia	
134 Rue Magnolia	
136 Rue Magnolia	
149 Saint Charles Avenue	
150 Saint George Avenue	
124 Saint Paul Street	
168 Saint Paul Street	
122 Seal Avenue	
127 Seal Avenue	
129 Seal Avenue	
130 Seal Avenue	
143 Seal Avenue	
144 Seal Avenue	
149 Seal Avenue	
155 Seal Avenue	
159 Seal Avenue	
187 Seal Avenue	
212 Seal Avenue	
219 Seal Avenue	
220 Seal Avenue	
231 Seal Avenue	
235 Seal Avenue	
239 Seal Avenue	
245 Seal Avenue	
255 Seal Avenue	
266 Seal Avenue	
272 Seal Avenue	
281 Seal Avenue	
1012 Tullier Court	Suter House
764 Water Street	Clemens House
782 Water Street	Scherer House (Old Spanish House)
1490 Wilkes Avenue	
1496 Wilkes Avenue	

c. Historic Landmark Sites

Table 23-3-6(B)(6)c, Historic Landmark Sites, identifies by name and address those properties designated historic landmark sites and zoned as Architectural/Historic Overlay districts on the Official Zoning Map.

TABLE 23-3-6(B)(6)c: HISTORIC LANDMARK SITES	
HISTORIC LANDMARK SITE NAME	ADDRESS
Biloxi National Cemetery	Veteran's Administration Hospital
Biloxi Town Green	710 Beach Boulevard

TABLE 23-3-6(B)(6)c: HISTORIC LANDMARK SITES	
HISTORIC LANDMARK SITE NAME	ADDRESS
Brasher-Akin Cemetery	Brodie Road
Cedar Lake Methodist Church Cemetery	Cedar Lake Road
Church of the Redeemer	610 Water Street
Coalville Methodist Church Cemetery	Lorraine Road, Woolmarket
Confederate Veterans Cemetery	Beauvoir
Dantzer House	1042 Beach Boulevard
Hamilton Cemetery	Biloxi Commerce Park
Hollingsworth Family Cemetery	Near Brady Drive on West Beach
Lopez Elmer and Co.	Bayview Avenue at end of Reynoir Street
Old Biloxi Cemetery	1166 Beach Boulevard
Old Jewish Cemetery	Corner of Reynoir Street and Elder Street
Orphan's Cemetery	Grounds of Coast Coliseum
Sunkist Cemetery (a.k.a. Blackwell Cemetery)	Bluff West of Popp's Ferry Bridge near Beau Chene Drive
Tullis-Toledano Manor	360 Beach Boulevard

(C) CRO: CORRIDOR REDEVELOPMENT OVERLAY DISTRICT

(1) Purpose

The Corridor Redevelopment Overlay (CRO) District is established and intended to encourage the redevelopment and revitalization of major commercial or mixed-use corridors and ensure such redevelopment is consistent with the comprehensive plan and the historic character of development along the corridor. The Corridor Redevelopment Overlay District is a flexible tool that may be applied to multiple commercial and mixed-use corridors, each of which has its own unique architectural, natural, cultural, and historic character. In general, the Corridor Redevelopment Overlay District is intended to:

- a.** Encourage a mix of commercial and residential redevelopment and infill development;
- b.** Enhance the commercial status of the corridor;
- c.** Create a vibrant atmosphere that reflects a consolidated theme;
- d.** Encourage pedestrian-oriented development;
- e.** Increase property values by creating an active center that attracts residents and visitors; and
- f.** Ensure corridor development is compatible with neighboring development.

(2) Establishment of Individual Corridor Redevelopment Districts

The City Council may establish individual Corridor Redevelopment Overlay Districts in accordance with this section and Section 23-2-3(B), Map Amendment (Rezoning), after approving a plan for the corridor specifying the development context in the district. Each district shall comply with the standards in Section 23-3-6(C)(4), General Development Standards for All CRO Districts. In establishing a new CRO District, the City Council also may establish a unique set of development