



**PLANNING COMMISSION MEETING AGENDA
CITY OF OCEAN SPRINGS
PLANNING COMMISSION
TUESDAY, OCTOBER 8, 2024 - 6:00 PM**

1. Call Meeting to Order

2. Approval of Minutes

- a. Approve Minutes September 10th, 2024

3. Old Business

- a. Public Hearing: UDC Amendments from Planning Commission September 10th, 2024.

4. New Business

- a. Lot Split PID# 60128650.000 - 1001 Ocean Springs Road - Zayed Realty LLC
- b. Lot Split PID# 05107199.000 – 5701 Peacock Street - Curtis Williams
- c. Public Hearing - Residential Short-Term Rental Permit PID# 60119106.000 - 808 Desoto Avenue #12 – David Boland
- d. Public Hearing - Residential Short Term Rental Permit PID# 61425007.000 - 612 Cleveland Avenue – Jeffrey Reed
- e. Public Hearing - Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ Properties from R-1A Apartment District to CH Regional Commercial – Donovan Scruggs Representing
- f. Public Hearing - UDC Text Amendments Multiple

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

**The Minutes of the City of Ocean Springs
Planning Commission
September 10th, 2024**

1 Call Meeting to Order

A meeting of the City of Ocean Springs Planning Commission (PC) was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday, September 10, 2024. The members present were Andy Phelan, Matthew Hinton, Joseph McCormick and Nicholas Geiser, Joey Conwill, Kevin O'Connell. Absent was Marshall Johnson. Also present were Community Development Director Carter Thompson, Planning Administrator Hannah Sullivan, City Clerk Patty Gaston and City Attorney Will Norman.

2 Approval of Minutes

- a. August 13, 2024 - A motion was made by Matthew Hinton, seconded by Joey Conwill to accept the minutes as submitted. The motion passed unanimously.

3 Old Business:

- a. No Old Business

4 New Business:

- a. Residential Short-Term Rental - 518 Magnolia Ave PID: 61095041.000 Laura Sloane

A motion was made by Matthew Hinton, seconded by Joey Conwill, to open the public hearing and passed unanimously. Carter Thompson presented the application. James McGinnis spoke in favor of the STR. A motion was made Matthew Hinton to close to the public hearing and seconded by Kevin O'Connell. A motion was made by Kevin O'Connell, seconded by Joey Conwill to recommend approval of the short-term rental. The motion passed unanimously.

- b. Residential Short-Term Rental - 108 Sunhaven Dr PID:61470016.000 Hillery Jenkins.

A motion was made by Kevin O'Connell, seconded by Joey Conwill, to open public hearing and passed unanimously. Carter Thompson presented the application. Ron Jenkins spoke in favor of the STR. A motion to close public hearing was made by Kevin O'Connell, seconded by Matthew Hinton, and passed unanimously. A motion was made by Matthew Hinton, seconded by Joey Conwill to recommend approval of the short-term rental. The motion passed unanimously.

- c. Lot Split 706 Porter Ave. PID:60137616.000 Versamax-Mike Hutto

A motion was made by Joey Conwill, seconded by Matthew Hinton, to open public

hearing and passed unanimously. Carter Thompson presented the application. A motion to close public hearing was made by Joseph McCormick, seconded by Nicholas Geiser, and passed unanimously. A motion was made by Kevin O'Connell, seconded by Matthew Hinton to recommend approval of the Lot Split. The motion passed unanimously.

d. UDC Updates-Multiple Sections

A motion was made by Joey Conwill, seconded by Matthew Hinton, to open the public hearing and the motion passed unanimously. Carter Thompson presented and suggested updates.

Kevin O'Connell made a motion, seconded by Joseph McCormick, to recommend approval of the proposed UDC changes as noted and as discussed. The motion passed unanimously.

5. General Public Comment

Ellen Hall made comments on the UDC Updates

Steve Tillis thanks the committee for their time and decorum

Mr. Lewis made comments on the UDC Updates

6. Commissioner's Forum

Planning Commissioners vote on officer positions.

7. Adjourn

A motion was made by Joseph McCormick, seconded by Joey Conwill to adjourn the meeting. The motion passed unanimously.

Chapter 1. Administration

ADMINISTRATION, GENERALLY

1.1 TITLE

This ordinance shall be known as the "Unified Development Code of Ocean Springs, Mississippi" ("UDC") and may be so cited.

1.2 AUTHORITY

The provisions of this ordinance are adopted pursuant to the authority set forth in Sections 17-1-37 and 17-1-5 et seq. of the Mississippi Code of 1972, as amended.

1.3 APPLICABILITY

The use of buildings and land within the City of Ocean Springs is subject to all other regulations as well as the UDC, whether or not such other provisions are specifically referenced in the UDC. References to other regulations or provisions of the UDC are for the convenience of the reader. The lack of a cross-reference does not exempt any land, building, structure, or use from other regulations. This UDC establishes many, but not all, of the standards and procedures for development. Other portions of the Municipal Code, as well as other standards, may apply to development, including, but not limited to, adopted building codes, fire codes, utility, street and drainage design and construction standards. The issuance of any development approval pursuant to this Code shall not relieve the recipient from the responsibility to comply with other municipal, county, state or federal laws, ordinances or regulations.

1.4 ENACTMENT, REPEAL OF EXISTING ZONING, SUBDIVISION, OTHER REGULATIONS

This UDC was passed, approved and adopted by the Board of Aldermen of the City of Ocean Springs as Ordinance **2019-01** on **February 25, 2019**. Upon the adoption of the UDC, the following are hereby repealed in their entirety:

Table 1.1: Ordinances Replaced by Unified Development Code (UDC)

Name	City Code Section and/or Ordinance Number
Zoning Ordinance	Appendix D: Zoning Ordinance, except Section 510 of Appendix D, Ordinance no. 2015-11 as amended; and Article XI Short-Term Rentals; (Ordinance no. 13-1976, as amended)
Subdivision Regulations	Appendix C: Subdivision Regulations (Ordinance no. 8-2003, as amended)
Design Review Ordinance	Chapter 7, Article I, Section 25 (Ordinance no's. 19-2006 & 20-2006, as amended)
Flood Damage Prevention Ordinance	Chapter 7, Article VII

Name	City Code Section and/or Ordinance Number
Junk Ordinance	Chapter 11, Article III (Ordinance 10-1987)
Historic Preservation	Chapter 17, Section 3 (Ordinance no. 4-1990, as amended)
Landscape Ordinance	Appendix C, Article III, Section 69 (Ordinance 1-1994, as amended by Ordinance 12-1995)
Sexually Oriented Businesses Ordinance	Chapter 4.5, Article II, Division 3
Stormwater Ordinance	Chapter 23, Article V (Ordinance no. 14-2000)
Tree Protection Ordinance	Chapter 22.75, Article II (Ordinance 16-1987)
Waterview Preservation Ordinance	Appendix D, Article V, Section 508 (Ordinance 16-2007)

All ordinances or parts of ordinances in conflict herewith are repealed, but nothing contained herein shall prevent the prosecution of any person or the bringing of a civil action to enjoin any person for the prior violation of any ordinance or part of any ordinance hereby repealed.

1.5 CONSISTENCY WITH COMPREHENSIVE PLAN

The UDC shall be consistent with the Comprehensive Plan, and with regard to development approvals, applicable area and overlay corridor plans or overlay districts. An amendment to the text or map of the UDC is consistent and in accordance with the Comprehensive Plan or ~~area or~~ corridor plan or overlay districts if it complies with the goals, objectives, policies, and strategies contained in the Comprehensive Plan or applicable plan. Any amendments to the UDC, including but not limited to development approvals, shall be consistent with the adopted Comprehensive Plan, as it may be amended from time to time, in effect at the time of the request for an amendment, an adopted area or corridor plan; or overlay districts. ~~and the CIP.~~

1.6 COORDINATION WITH OTHER REGULATIONS

1.6.1 UDC as Paramount Regulation

Where a regulation contained in the UDC imposes higher standards than those required under another statute, ordinance or regulation, the regulation adopted under the UDC controls. If the other statute, ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls so long as it is consistent with the purposes, findings and intent of the UDC and with the goals, objectives, policies and strategies of the Comprehensive Plan.

1.6.2 Development Under Prior Regulations

Development under prior regulations shall be allowed, provided a valid development approval has not expired. All new applications shall comply with the provisions of this UDC, except that a Final Plat may be approved if it is consistent with a valid Preliminary Plat. Any permit issued under prior

- E. Prepare and recommend to the Board of Aldermen rules controlling the subdivision of land;
- F. Make recommendations regarding the approval or disapproval of plats for land subdivision, lots splits zoning and conditional zoning permits;
- G. Recommend from time-to-time legislation which may be desirable to further the purpose of City planning; and
- H. In addition to all other powers and duties provided by the provisions of this chapter, the Planning Commission shall have such other powers and/or duties as may be provided by the Board of Aldermen.

1.21 ZONING AND ADJUSTMENT BOARD

1.21.1 Appointment and Composition

There is hereby created for Ocean Springs a Zoning and Adjustment Board ("ZAB") with the powers and duties as hereinafter set forth. The Ocean Springs ZAB shall consist of five (5) members appointed by the Board of Aldermen. The appointed members shall be named for three (3) year terms, in such manner that memberships shall expire on succeeding years. The Zoning and Adjustment Board shall elect a chairperson, vice- chairperson and secretary. Responsibilities of the secretary include keeping of minutes, providing correspondence and arranging meetings as required.

1.21.2 Responsibilities

- A. The ZAB is a recommending committee of the City of Ocean Springs. All recommendations of this committee will be forwarded to the mayor and board of aldermen for ratification and approval;
- B. Power to hear and recommend on administrative appeals from any decision of the Planning Director, Public Works Official or Building Official;
- C. If it is a matter of interpretation of the terms of this UDC or the municipal code, the ZAB shall render a recommendation through its minutes to the Board of Aldermen for ratification and final approval;
- D. Powers relative to Variances: Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property; ~~the~~
- E. **ZAB shall have the right by a majority vote to recommend to decrease any minimum requirement and to recommend to increase any maximum requirement;**

- F. ZAB does not possess powers to increase or decrease except for the required minimum lot area in residential-zoning districts.
- G. The Zoning and Adjustment Board cannot grant a variance unless a “hardship” has been proven and the variance request meets the criteria.

Hardship is an exceptional hardship that would result from a failure to grant the requested variance. The hardship shall be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship.

- H. Powers relative to Exceptions: Upon appeal, the ZAB is hereby empowered to permit the extension of a district not to exceed one hundred (100) feet where the boundary lines of a district divide a lot in single ownership as shown on record. To interpret the provisions of these regulations where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is attached to and made a part of these regulations; and
- I. In exercising the abovementioned powers, the ZAB may, in conformance with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal is taken.

1.22 BOARD OF ALDERMEN

1.22.1 Responsibilities

- A. Appoint members to the Planning Commission, Zoning and Adjustment Board, Historic Preservation Committee, Tree Protection Committee, Design Review Committee, Library Board, Park Advisory Board, and any other committee, Commission or board as the Board of Aldermen determine;
- B. Decide all requests for amendments to the Plan and Future Land Use Map upon receipt of recommendations from the Planning Commission;
- C. Decide all requests for amendments to the zoning map and the Code text upon receipt of recommendations from the Planning Commission;
- D. Decide all requests for major subdivisions, overlay district developments, conditional use permits, and special use permits upon recommendation of the Planning Commission;
- E. Review and decide on all subdivision Concept Plans, including multi-family;
- F. Approve rules and regulations for public improvements;
- G. Act upon recommendations of the Planning Commission except as provided for in this Code;
- H. Adopt fees and authorize waivers to fees;

2.4.3 Action to be Consistent with Notice

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application.

2.4.4 Minor Amendments Not Requiring Re-Notification

This section governs to the extent consistent with provisions relating to minor amendments for a specific type of application. The reviewing body may allow minor amendments to the application without re-submittal of the entire application. For purposes of this section, "minor amendments" are amendments that:

- A. Do not increase the number of dwelling units, floor area, height, impervious surface development, or any additional land-use disturbance;
- B. Do not introduce different land uses than that requested in the application;
- C. Do not request larger land area than indicated in the original application;
- D. Do not request greater variance than that requested in the application;
- E. Do not allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or
- F. Do not reduce or eliminate conditions attached to a legislative or quasi-judicial development order unless a new notice is provided.

Table 2.1:

Notice Requirements for Approvals Requiring a Public Hearing OR Public Comment Meeting

Development Application	Publication	Mail	Signage	Internet
✓ - Required, □ - Optional				
Comprehensive Plan / Plan Amendment	✓	□	□	✓
UDC Text Amendment	✓	□	□	✓
UDC Map Amendment	✓	✓	✓	✓
Major Variance	✓	✓	✓	✓
Appeal	✓	✓	✓	✓
Conditional Use Permit	✓	✓	✓	✓
Subdivision Sketch Plat	✓	✓	✓	✓
Subdivision Preliminary Plat	✓	✓	✓	✓
Subdivision Final Plat		□	✓	✓

Development Application	Publication	Mail	Signage	Internet
Subdivision Plat Amendment	✓	✗	✓	✓
Concept Plan	✓	✓	✓	✓
Site Plan	✓	✗	✓	✓
Tree Preservation Plan	✓	✗	✓	✓
Lot Split		✗	✗✓	✗✓
Landmark or Historic District Designation	✓	✗	✓	✓
Certificate of Appropriateness		✗	✓	✓
Demolition by Neglect	✓	✗	✓	✓
Conditions unless otherwise indicated in UDC:	Notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date affixed for the hearing. Notice shall be published in an official paper of record.	Notice shall be sent to each owner, as indicated by the most recently approved real property assessment tax roll, of real property within 500 feet of the property. Notice shall be sent to registered neighborhood associations within 500 feet of the project.	Post at least one (1) sign at least fifteen (15) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property. Sign shall measure at least 2 feet x 1.5 feet with letters at least 2 inches in height. The sign shall state: <i>Site of Proposed Development Approval. Required by the City of Ocean Springs Unified Development Code.</i> The sign shall refer to the Dept. of Community Development for information.	A copy of the notice must be posted on the City's website from the time of publication until the proceeding has been completed.

(Ord. No. 2020-17, § II, 10-20-20)

2.5 PUBLIC HEARINGS AND PUBLIC COMMENTS

2.5.1 Purpose

- A. PUBLIC HEARING: The purpose of a public hearing is to provide the public with an opportunity to be heard consistent with procedures provided by statute and State of Mississippi Open Meetings laws.
- B. PUBLIC COMMENT MEETING: The purpose of a public comment meeting is to provide the public with an opportunity to present facts and opinions to the appropriate recommending body and/or legislative body about a development application that is on that body's agenda, without the publication and process requirements associated with a Public Hearing.

(Ord. No. 2020-17, § III, 10-20-20)

Table 2.2: Development Review Process Overview

Development Application	Public Review Process	Recommendation	Final Decision	Appeal
Approvals Requiring a Public Hearing:				
Comprehensive Plan / Plan	Legislative Public Hearing	Planning Commission	Board of Aldermen	District Court
UDC Text Amendment	Legislative Public Hearing	Planning Commission	Board of Aldermen	District Court
UDC Map Amendment	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	District Court
Conditional Use Permit	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	District Court
Subdivision Sketch Plat	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	District Court
Subdivision Preliminary Plat	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	District Court
Subdivision Plat Amendment	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	District Court
Concept Plan	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	Board of Aldermen
Site Plan	Quasi-Judicial Hearing	Planning Commission	Board of Aldermen	District Court
Tree Preservation	Quasi-Judicial Hearing	Tree Protection Committee	Board of Aldermen	District Court
Landmark or Historic District Designation	Quasi-Judicial Hearing	Historic Preservation Committee	Board of Aldermen	District Court
Demolition by Neglect	Quasi-Judicial Hearing	Historic Preservation Committee	Board of Aldermen	District Court
Vacations of Streets, Easements, or Plats	---	Planning Director	Board of Aldermen	District Court
Approvals Requiring a Public Comment Meeting (not a Public Hearing)				
Major Variance	Public Comment Meeting	Zoning and Adjustment Board	Board of Aldermen	District Court
Appeal	Public Comment Meeting	Zoning and Adjustment Board	Board of Aldermen	District Court
Lot Split	Public Comment Meeting	Planning Commission	Board of Aldermen	District Court

Development Application	Public Review Process	Recommendation	Final Decision	Appeal
Certificate of Appropriateness	Public Comment Meeting	Historic Preservation Commission	Board of Aldermen	District Court
Subdivision Final Plat	Public Comment Meeting	Planning Commission	Board of Aldermen	District Court
Approvals NOT Requiring a Public Hearing:				
Minor Variance (Exception)	---	Planning Director	Planning Director	Board of Aldermen
Improvement Guarantee	---	Planning Director	City Attorney	Board of Aldermen
Construction Plan	---	Planning Director	Building Official	Board of Aldermen
Non-Residential and Multi-Family Design Review	---	Administrative Design Review Group	Planning Director	Board of Aldermen
Home Occupation Permit	---	---	Planning Director	Board of Aldermen
Parcel Consolidation	---	---	Planning Director	Board of Aldermen
Parcel Reconfiguration	---	---	Planning Director	Board of Aldermen
General Permits:				
Land Disturbance	---	Planning Director	Building Official	Board of Aldermen
Floodplain Development	---	Planning Director	Building Official	Board of Aldermen
Sign Permit	---	Planning Director	Building Official	Board of Aldermen
Driveway Permit / Access Permit	---	Planning Director	Planning Director	Board of Aldermen
Building Permit	---	Planning Director	Building Official	Board of Aldermen
Certificates of Occupancy	---	---	Building Official	Board of Aldermen
Temporary Use Permit	---	---	Building Official	Board of Aldermen

(Ord. No. 2020-17, § IV, 10-20-20); (Ord. No. 2021-02, § III, 1-19-21)

2.14 PLANS AND PLAN AMENDMENTS

This section establishes uniform procedures for the preparation or amendment of the comprehensive plan. Where the existing comprehensive plan does not provide sufficient densities, or where the goals and objectives do not support a proposed development, these procedures may be used to apply for an amendment to the comprehensive plan.

2.14.1 Applicability

- A. Generally. This section applies to any amendment to the comprehensive plan or to the preparation or amendment of a development ~~within a conservation overlay district~~ or other specific plans.
- B. Specific Plans. A specific plan accompanying the development of specific property or properties provides a bridge between the comprehensive, area, and neighborhood plan policies, and specific regulations, and which may be approved to permit mixed-use and development in overlay districts. A specific plan is considered an amendment to, and a part of, the comprehensive plan. A specific plan shall include text and a diagram or diagrams that specify all of the following in detail:
 - 1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the specific plan or any applicable area plan;
 - 2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the specific plan and needed to support the land uses described in the specific plan;
 - 3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 - 4. A program of implementation measures, including zoning, land development regulations, programs, public works projects, financing measures, conditions, covenants, and regulations necessary to carry out subsections (1), (2), and (3), above; and
 - 5. A statement of the relationship of the specific plan to the comprehensive plan.
- ~~C. Area Plans. An area plan is a plan that provides specific planning, design, and implementation, for a defined geographic area of the City of Ocean Springs to guide specific development applications, governmental facilities, official maps, utility and infrastructure plans, annexations, and creation of special districts.~~

2.14.2 Initiation

- A. A property owner or his/her designated representative may initiate a comprehensive, area or specific plan amendment. The Applicant may combine an application for an amendment to the comprehensive plan with an application for approval of a rezoning, and said applications may be processed concurrently;
- B. Before any application is made, the Applicant shall schedule a pre-application conference with the Planning Director to discuss, in general, the procedures and requirements for a comprehensive plan amendment request pursuant to these regulations;

- C. An application for a comprehensive, area or specific plan amendment shall be filed with the Planning Director and shall contain the specific plan or any applicable area plan; information pursuant to this UDC; and
- D. The Planning Commission, the City of Ocean Springs, the Planning Director, a property owner, a neighborhood association, or the owner of any business located in the City of Ocean Springs may initiate a request for an amendment to the future land use maps of the comprehensive plan. The application for amendment of the future land-use map may be accompanied by an application for a zoning district map amendment. By resolution, the City of Ocean Springs may establish a schedule prescribing when and how frequently comprehensive plan text amendments will be considered.

2.14.3 Decision

The Planning Commission shall hold a legislative public hearing and shall render its decision in accordance with the procedures set forth herein. The Board of Aldermen shall hold a public hearing and shall render its decision in accordance with the procedures set forth herein.

2.14.4 Criteria

In determining whether the proposed amendment shall be approved, the Planning Commission and City of Ocean Springs shall consider the factors set forth in Mississippi Code Title 17, Chapter 1 – Planning and Zoning and all other relevant statutory requirements. No specific plan will be approved unless it is consistent with the Comprehensive Plan.

2.14.5 Scope of Approval

The approval of an amendment to the comprehensive plan does not authorize the use, occupancy, or development of property. The approval of a plan amendment shall require the Applicant to apply for zoning changes and/or subdivision or site plan approval consistent with the goals, objectives, and policies of the comprehensive plan.

2.15 UDC AMENDMENTS

2.15.1 Applicability

The provisions of this section apply to any application to:

- A. Revise the text of the UDC (Text Amendment); or
- B. Reclassify a tract, parcel, or land area from one zoning district to another (Map Amendment).

2.15.2 Approval Process Summary

- vi. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - vii. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
 - viii. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
 - ix. Any fault, defect or condition in the building which renders the same structurally unsafe or not properly watertight.
- B. Notice. If the HPC makes a preliminary determination that a building or structure which is a landmark or is located within an historic district is being demolished by neglect, it shall request the Building Official to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the record owner or owners thirty (30) days from the date of mailing such notice or the posting thereof on the property whichever comes later, to commence work to correct the specific defects as determined by the HPC. Said notice shall be given as follows:
- 1. By certified mail, restricted delivery, mailed to the last known address of the record owner or owners as listed on the county or City tax rolls; or
 - 2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource involved and published in a local newspaper.
- C. Failure to Commence Work. If the owner or owners fail to commence work within the time allotted as evidenced by a building permit, the HPC shall notify the owner or owners in the manner provided above to appear at a public hearing before the HPC at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of ensuring lawful notice, a hearing may be continued to a new date and time. The HPC shall receive evidence on the issue of whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the HPC shall determine that the resource is being demolished by neglect, it may recommend to the board that misdemeanor charges be filed against the owner or owners if the necessary repairs are not completed within sixty (60) days of the determination by the HPC that the subject building or structure is being demolished by neglect.
- D. Demolition of Structures--Additional Provisions
- 1. Any building that has been previously nominated by the Ocean Springs Historic Preservation Commission or the Mississippi Department of Archives and History as an individual site, property or landmark is subject to review by the Ocean Springs Historic Preservation Commission prior to the issuance of any demolition permits.
 - 2. Prior to the approval of a demolition permit for any primary structure that is not included in the above statement, and is in excess of fifty (50) years in age the permit shall be reviewed by the Planning Director and the Building Official. Demolition Permits for principal structures 1) built prior to 1955, or 2) incorporating a significant number of the following characteristics as determined by the Planning Director and the Building Official, shall be forwarded to the Board of Aldermen for final decision: "Ishee" houses, "Mississippi/Katrina" cottages, deep front porch, elevated foundation.
- E. Public Safety Exclusion. None of the provisions of this article shall be construed to prevent any measure of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, other feature or part thereof, where such condition has been

declared unsafe or dangerous by the Building Official or the fire department and where the proposed measures have been declared necessary, by such authorities, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by act of God or by the public enemy, to such an extent that in the opinion of the aforesaid authorities it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

- F. Minimum Maintenance Requirements. In order to ensure the protective maintenance of landmarks, landmark sites and resources in the historic district, each building, whether a landmark or within the historic district shall be maintained to meet the requirements of the minimum housing, the building, electrical and plumbing codes.

(Ord. No. 2022-15, 11/01/2022)

2.30 LOT SPLITS

Lot Split Process
Purpose: Divide a lot or parcel into two parcels, without the technical requirements of a subdivision.
The lot split is intended to provide for a development that will be compatible with the existing platting and development in the general neighborhood of the proposed lot split.
The Planning Commission and the Mayor and Board of Aldermen reviews the proposed parcels with regards to the minimum requirements of the zoning district and any need for additional public infrastructure.

2.30.1 Standards

- A. Upon request of the property owner, a previously established or platted lot may be divided into only two parcels of land as a lot split by either metes and bounds description or by replat when, in the opinion of Planning Commission, such a lot split is in keeping with the intent of these rules and regulations, and when approval of the lot split will provide for a development, the character of which will be compatible with the existing platting and development in the general neighborhood of the proposed lot split.
- B. A property being considered for a lot split can only be divided one time, can have only one new dividing line, cannot involve more than one new lot division, and the property cannot have been involved in a previous lot split allowed by these provisions.
- C. If such a division of land is approved, such lot split need not comply with procedures set forth in these subdivision regulations. The division of a parcel of land that does not meet the provisions for a lot split shall be considered a new subdivision and shall be subject to all procedures set forth in this ordinance.
- D. In all cases, the lots proposed to be so produced by a lot split shall be reviewed by the Planning Director and shall only be approved by the Planning Commission and Board of Aldermen upon their

- i. Thirteen thousand five hundred (13,500) square feet for the first unit;
 - ii. Sixteen thousand (16,000) square feet for the first two (2) units;
 - iii. Eighteen thousand five hundred (18,500) square feet for the first three (3) units;
 - iv. Twenty-one thousand (21,000) square feet for the first four (4) units;
 - v. Plus an additional two thousand (2,000) square feet per unit for all units thereafter in a single building.
 - vi. A maximum of twelve (12) units shall be allowed in each structure. When an end unit of a structure does not side on a street, an open space or court at least twenty (20) feet in width shall be provided between it and the adjacent structure and this open space shall be divided between the two (2) immediately adjacent structures as to property or lot lines.
 - vii. Where apartment units are designed to face upon an open space or common access court rather than upon a street, this open court shall be a minimum of forty (40) feet in width and said court shall not include vehicular drives or parking areas.
 - viii. Every multifamily dwelling or apartment complex hereafter erected, reconstructed, altered or enlarged, having a total of twenty-four (24) family units or less, shall provide the required lot area in the above schedule.
 - ix. Every multifamily dwelling or apartment complex hereafter erected, reconstructed, altered or enlarged, having a total in excess of twenty-four (24) family units, shall provide minimum lot areas for each building in accordance with the minimum lot areas in the above schedule. In addition each apartment project shall provide a minimum of five (5) per cent open space. Private streets, drives, or parking areas will not count as this unobstructed open space requirement.
9. The maximum building height is measured from ~~design flood elevation (DFE)~~ **Base Flood Elevation BFE** ~~or grade plane~~, whichever is higher, to the midpoint of the gable.

(Ord. No. 2021-26) / (Ord. No. 2023-06)

Table 3.2B: Dimensional Standards for Mixed Use and Non-residential Zoning Districts

		ZONING DISTRICT						
		CMX-1	CMX-2	C-H	M-1	C-P	<u>PUB</u>	C-M
Min. Lot Area (ft ²)		NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)		25	25	25	100	NA	NA	NA
Min. Building Height		NA	NA	NA	NA	NA	NA	NA
Max. Building Height		2 stories	4 stories	75 ft. or 6 stories	Two stories, not to exceed 50 feet ¹	NA	NA	3 stories or 45 ft.
Max. Dwelling Unit Density (dwellings per acre)		21	42	42	NA	NA	NA	Principal building – 60% of lot area max.; Accessory building – max.10% of lot area
BUILDING SETBACK		DISTANCES						
FRONT	MIN (ft.)	5 ²	5 ²	5 ²	5 ^{2,5}	NA	NA	NA
	MAX(ft.)	NA	NA	NA	NA	NA	NA	NA
SIDE	MIN (ft.)	5	5	5	5 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA
STREET SIDE	MIN (ft.)	10	10	10	10 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA
REAR	MIN (ft.)	10 ³	10 ³	10 ⁴	10 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA

(Ord. No. 2020-04, § I, 2-04-20)

- 1 Mechanical services, including heating and cooling equipment, smokestacks and other services critical to the function of the building may exceed the height limit if they occupy less than 20% of the roof area. Applications for taller buildings and/ or where mechanical services occupy more than 20% of the roof area will be referred to the Zoning Adjustment Board for a variance.
- 2 *Deleted (Ord. No. 2024-02)*
- 3 In transitional zones, where single family, two-family (duplex), attached or townhouse dwellings are adjacent to the commercial district, the minimum rear setback shall be 20 feet.
- 4 In transitional zones, where single family, two-family (duplex), attached or townhouse dwellings are adjacent to the commercial district, the minimum rear setback shall be 25 feet.
5. In situations where abutting property is zoned or used for residential dwellings, the following building setback distances are required: front - 20 feet; side - 50 feet; street side - 50 feet; rear - 50 feet

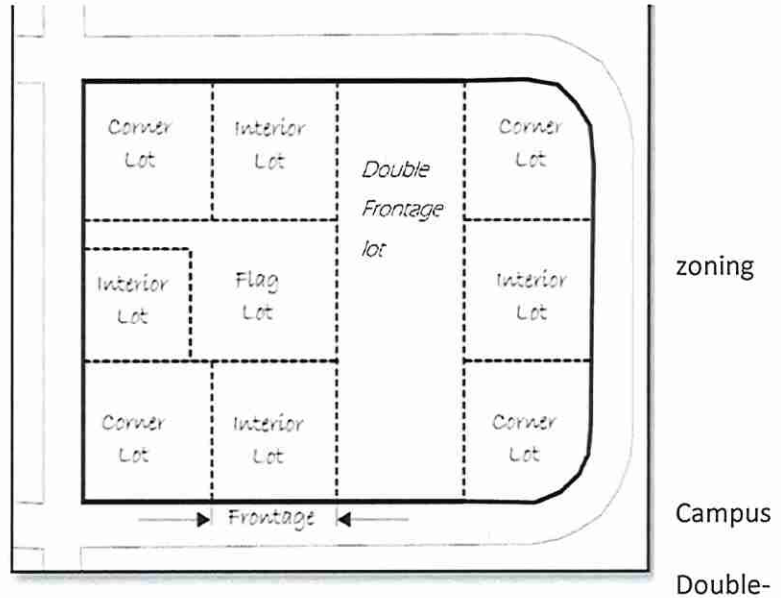
3.6.1 Lot Types

Figure 3.1 Lot Configurations

Lot types are illustrated in the **Lot Types** illustration.

- A. Double frontage lots are discouraged, except in the following situations:

1. Commercial or industrial districts
 2. When used for parks, shared midblock parking lots, pedestrian ways or other amenity;
 3. As part of an approved Development Pattern (see Appendix: Design Guidelines).
- frontage lots between parallel streets shall only be allowed in the case of one frontage being along an existing street. Where double-frontage lots are permitted, access to those lots shall be permitted from one street only.



- B. Flag Lots are discouraged, but can be approved subject to the following provisions:

1. Flag lots may be approved, allowing for the more efficient use of irregularly shaped parcels of land, sites with physical limitations, or where the integrated nature of multiple buildings on a site dictates the need for such lots. Flag lots are not permitted where they will increase the number of lots accessing major collector or arterial streets.
2. The minimum driveway width for a flag lot is 9 feet.
3. A flag lot shall abut no more than one other flag lot on the same street.
4. The minimum frontage at the right-of-way line for any flag lot shall be equal to the minimum required driveway width plus 4 feet. The flagpole portion of the lot shall not be considered in determining the area of the lot.

- C. Corner Lots - ~~Corner lots shall be sufficiently larger than interior lots so as to allow houses to conform to front yard building setback lines on both streets except where, in the opinion of the Planning Commission, a waiver should be granted.~~ Corner lots shall have one front setback along one street frontage, one rear setback, and two side setbacks. For corner lots, the side having the shortest street frontage is considered the front for setback purposes. The Planning Director may waive this requirement and determine the front yard to be on the street front that is in line with the prevailing pattern of front yards on the street in order to be consistent with the established pattern of the street.

3.6.2 Block Dimensions

- A. Blocks shall have a minimum length of 200 feet and a maximum length of 1,200 feet, except as otherwise specifically approved by the Planning Commission. Blocks shall be wide enough to allow two tiers of lots of appropriate depth.

3.7 ZONING DISTRICTS

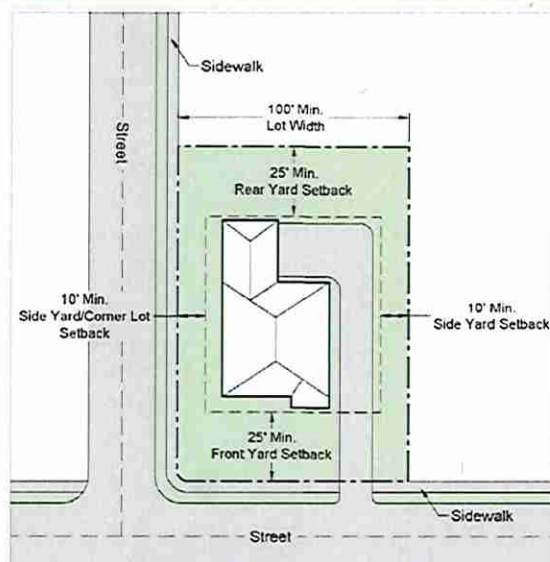
3.7.1 R-1 - Low Density Single Family Zoning District

R-1 ZONING DISTRICT PROFILE

Lowest density single-family detached dwelling district. Consistent with traditional suburban development patterns. The R-1 District is primarily mapped in established, built-out areas of Ocean Springs, and serves to protect the character of the areas as new development occurs. The district also permits accessory dwelling units and non-residential uses such as parks and places of worship.

Lot Dimensions

	Min.	Max.
Lot Size	13,500 sf	N/A
Lot Width	100 ft	N/A
Front Set-	25 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	25 ft	N/A
Building Height	N/A	35 ft



Typical dimensions are as follows:

1. 10' Sidewalk/Utility Easement
2. 4' Sidewalk
3. 5' Vegetative buffer strip



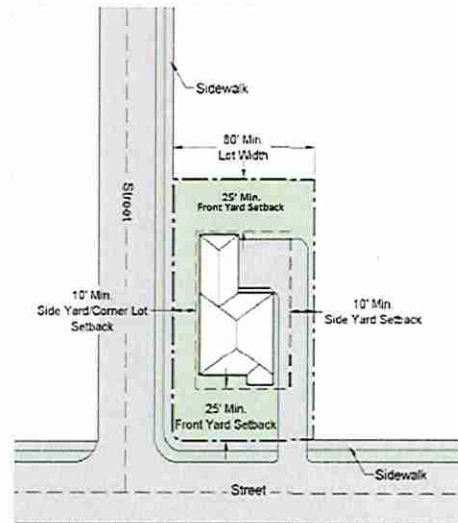
3.7.1 R-2 – Low - Medium Density Residential Zoning District

R-2 ZONING DISTRICT PROFILE

Low to medium density residential district with detached dwelling units. Consistent with traditional neighborhoods. Principal use of land is for single-family dwellings. The district also permits accessory dwelling units and non-residential uses such as parks and places of worship. Bed and Breakfasts, educational, and cultural uses may be allowed under a Conditional Use Permit.

Lot Dimensions

	Min.	Max.
Lot Size	11,250 sf	N/A
Lot Width	80 ft	N/A
Front Set-back	25 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	25 ft	N/A
Building Height	N/A	35 ft



Typical dimensions are as follows:
 1. 10' Sidewalk/Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip

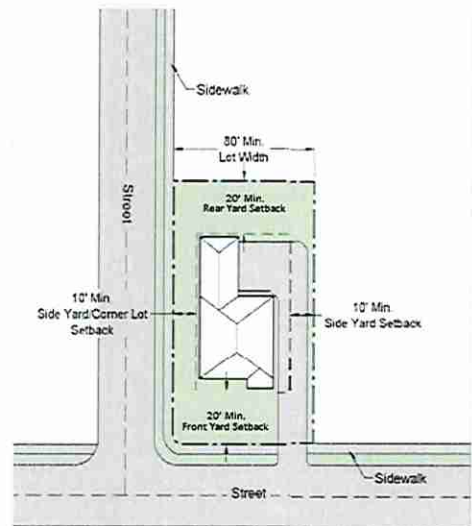


3.7.2 R-10 - Medium Density Single-family Zoning District

**R-10 ZONING DISTRICT
PROFILE**

Medium density single-family detached dwellings. Allows 3 -4 dwelling units per acre. Consistent with traditional suburban development patterns.

Lot Dimensions		
	Min.	Max.
Lot Size	10,000 sf	N/A
Lot Width	80 ft	N/A
Front Set-back	20 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	20 ft	N/A
Building Height	N/A	35 ft



Typical dimensions are as follows:
1. 10' Sidewalk/Utility Easement
2. 4' Sidewalk
3. 5' Vegetative buffer strip

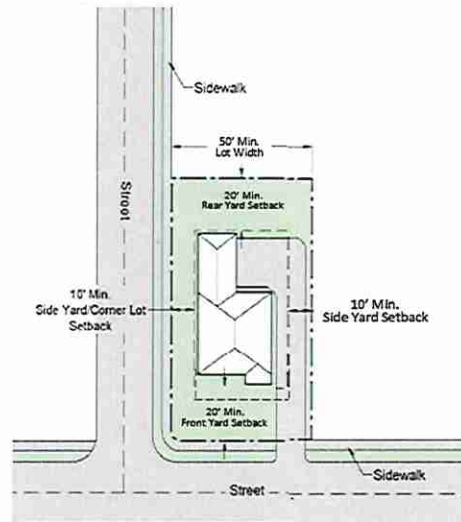


3.7.3 R-3 - Medium Density Single Family Zoning District

R-3 ZONING DISTRICT PROFILE

Medium density residential district. Consistent with existing development pattern. The principal use of this land is single-family homes.

Lot Dimensions		
	Min.	Max.
Lot Size	7,500 sf	N/A
Lot Width	50 ft	N/A
Front Set-back	20 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	20 ft	N/A
Building Height	N/A	35 ft



Typical dimensions are as follows:
 1. 10' Sidewalk / Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip



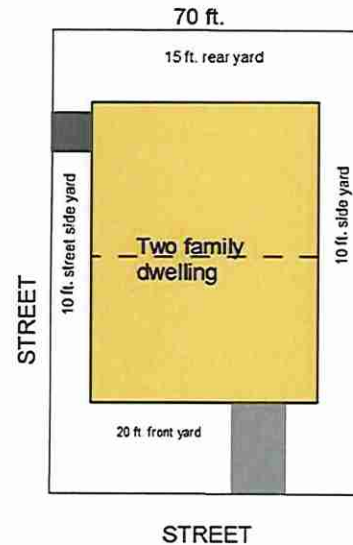
3.7.4 R-6 – Residential Zoning District– NO ILLUSTRATIONS AVAILABLE

3.7.5 R-D – Two-Family Family Residential District

R-D ZONING DISTRICT PROFILE

Medium density single family detached, single family attached, and two-family dwelling district. Allows for urban lot sizes and infill development for a net density of 6-10 dwelling units/acre.

Lot Dimensions		
	Min.	Max.
Lot Size	7,500 sf	N/A
Lot Width	70 ft	N/A
Front Set-back	20 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	15 ft	N/A
Building Height	N/A	35 ft



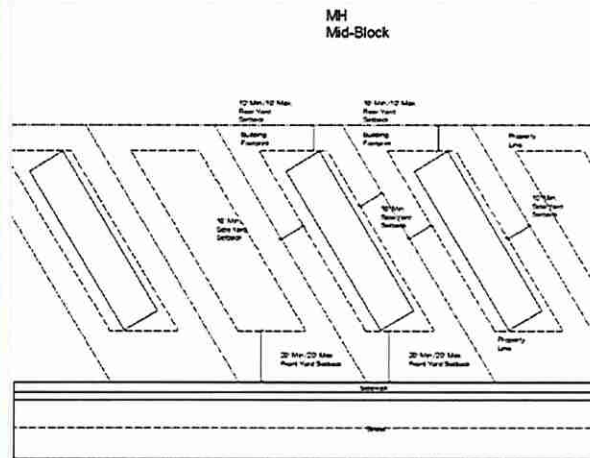
3.7.6 RMH – Mobile Home Park Zoning District

RMH ZONING DISTRICT PROFILE

Low density single-family detached district that provides location for mobile home and manufactured homes located in park settings.

Lot Dimensions

	Min.	Max.
Lot Size	4,000 sf	N/A
Lot Width	50 ft	N/A
Front Set-back	20 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	25 ft



Typical dimensions are as follows:
 1. 10' Sidewalk / Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip



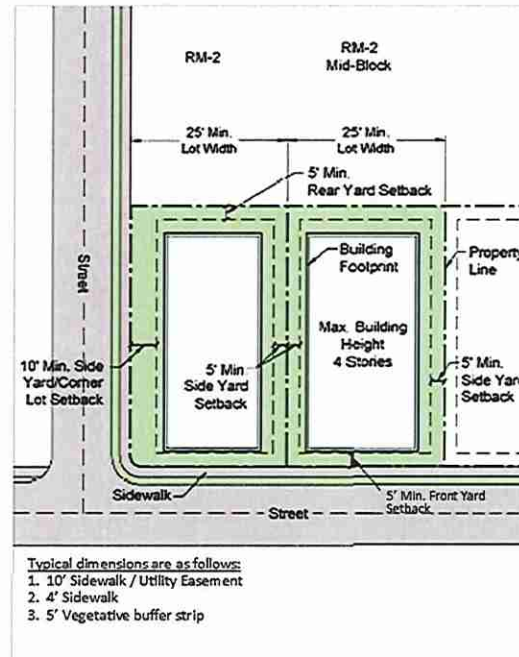
3.7.7 R1-A - Special Apartment Use Zoning District – NO ILLUSTRATIONS AVAILABLE

3.7.8 RM-2 – Neighborhood Commercial/ Mixed Use Zoning District

RM-2 ZONING DISTRICT PROFILE

High density residential district, allowing 12 or more dwelling units per acres. Includes a variety of attached housing types, townhomes, apartment buildings, and structures with integrated commercial use. Generally located in areas bordering higher intensity mixed uses.

Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	15 ft	N/A
Front Setback	5 ft ^{1, 2}	10 ft
Side Setback	5 ft [10 ft street side] ³	N/A
Rear Setback	5 ft	N/A
Building Height	N/A	4 stories

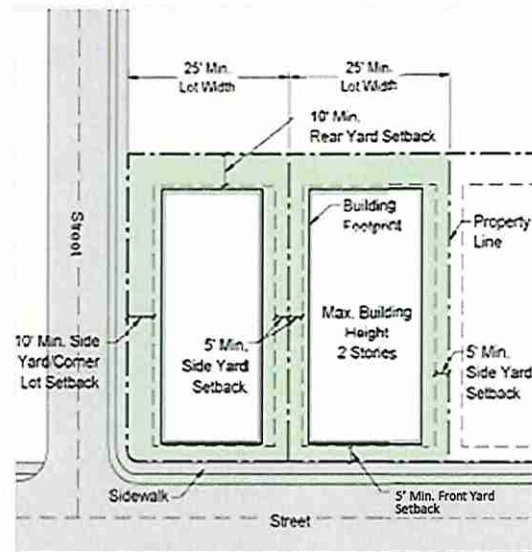


3.7.9 CMX-1 – Neighborhood Commercial/ Mixed Use Zoning District

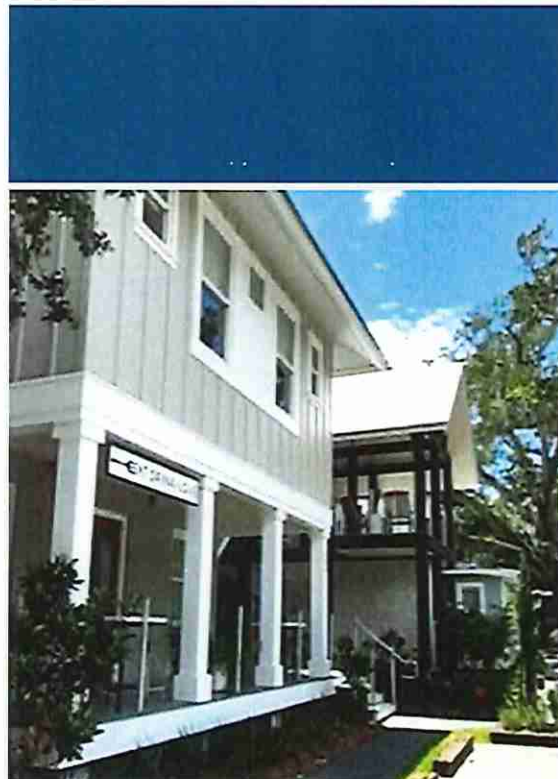
CMX-1 ZONING DISTRICT PROFILE

Least intense commercial mixed-use district. Maximum 2-story building height. Applies to neighborhood corridors with small scale commercial and a variety of surrounding residential uses. High traffic uses are not appropriate. Residential uses allowed include detached, attached, and live/work units when scale, form, and design requirements are met.

Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	25 ft	N/A
Front Setback	5 ft ^{1,2}	10 ft
Side Setback	5 ft / 10 ft ³	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	2 stories



Typical dimensions are as follows:
 1. 10' Sidewalk / Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip

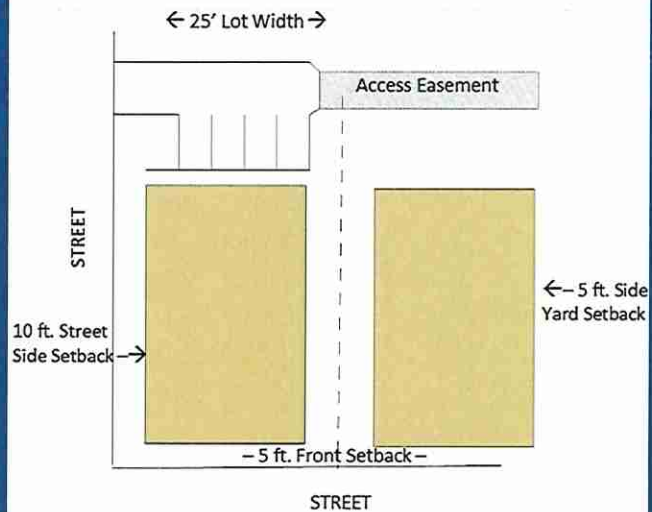


CMX-2 ZONING DISTRICT PROFILE

Medium density mixed-use district. Maximum 4-story building height. Creates a corridor of compatible mixed uses that link more intense activity centers. Attached residential and mixed-uses include live/work units as long as scale, form, and design requirements are met.

Lot Dimensions

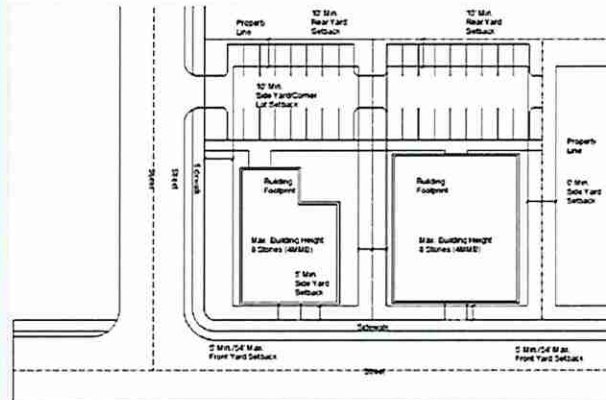
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	25 ft	N/A
Front Setback	5 ft ^{1,2}	10 ft
Side Setback	5 ft / 10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	4 stories



C-H ZONING DISTRICT PROFILE

Most intense commercial mixed-use district allowing up to 75' building height. Includes the most intense retail, office, and residential development patterns with high traffic generation rates that serve a regional population.

Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	25 ft	N/A
Front Setback	5 ft ^{1,2}	N/A
Side Setback	5 ft / 10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	75 ft or 6 stories



Typical dimensions are as follows:
 1. 10' Sidewalk / Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip

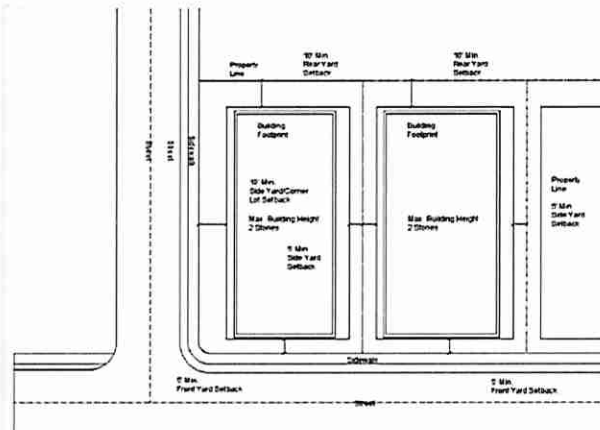


3.7.12 M1 – Manufacturing & Warehousing Zoning District

M-1 ZONING DISTRICT PROFILE

Light industrial uses that are incompatible with primary corridor activities and residential uses due to noise, traffic generation, outdoor storage requirements, or other performance or design standards.

Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	100 ft	N/A
Front Setback	5 ft ^{1,2}	N/A
Side Setback	5 ft / 10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	2 stories or 50 ft ³



Typical dimensions are as follows:
 1. 10' Sidewalk / Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip



C-P COMMERCIAL PUBLIC & CIVIC FACILITIES

The C-P District is intended for land and buildings owned by a government entity and used by the public, non-profits, or charitable entities to provide a community service. Should ownership of the property change from public to private, the property shall be removed from the C-P zoning district.

Permitted Uses:	
1) Art Gallery	7) Farmers' Market
2) Multi-media Arts Education	8) Community Center
3) Cultural Center	9) Public / Non-profit Childcare
4) Library	10) Culinary Education and Café
5) Museum	11) City Services
6) Theater	



DESIGN STANDARDS:

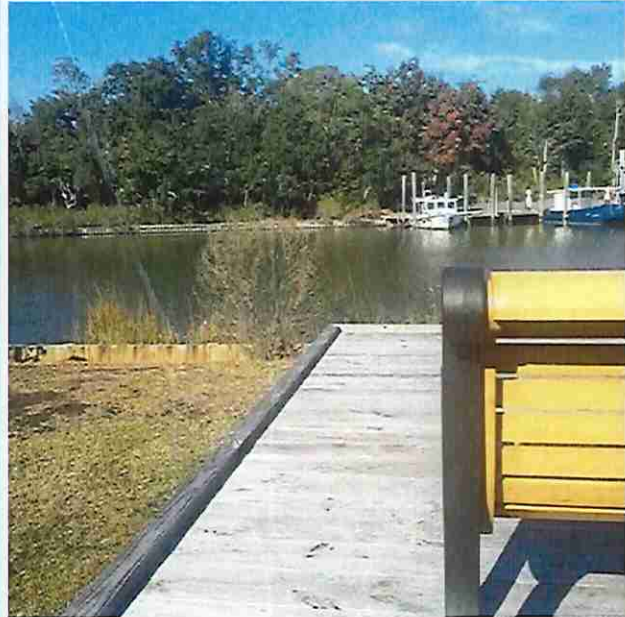
These special purpose districts are primarily concerned with permitted use. Commercial Design Review is required.



3.7.14 C-M - Commercial Marina Zoning District

C-M ZONING DISTRICT PROFILE

Yacht clubs, sale or service and supplies including beverages and food for boats and water craft using the small craft harbor. Specifically prohibited are: All types of commercial marine ways, repair shops or any type of industrial activity.



DESIGN STANDARDS:

These special purpose districts are primarily concerned with permitted use. Commercial Design Review is required.



- Y. Emergency Power generator may encroach a maximum of 5 feet into a required rear yard if it is completely enclosed by a sight-proof fence equal in height to the generator

(Ord.No. 2022-10, § 1, 10-04-22)

3.7.18 Height

The regulations of this section supplement the specific zoning district regulations regarding the height of structures, except with regard to flood hazard regulations.

- A. Chimneys, elevators, poles, tanks, towers, air conditioners, vents, flues, and other mechanical appurtenances not used for human occupancy may extend above the height of a building no more than ten (10) feet and, with the exception of chimneys, must be screened from public view.
- B. Decorative towers, bell towers, cupolas, widow walks, parapets, minarets, decorative decks and similar architectural embellishments that are non-habitable may extend above the permitted building height no more than 20% of the height of the structure on which the feature is located. Such structures shall not occupy more than 20% of the area of the building footprint.
- C. Applicable to R-1A District Only.
- (1) Roofs shall be consistent with the architectural style of the building.
 - (2) In multifamily, commercial, and industrial zoning districts, no flat roofs shall be permitted without a parapet. Mansard roofs are prohibited.
 - (3) Additional provisions will apply to structures located within the waterview preservation district as per Ordinance No. 3-1995.
 - (4) **(The area below the Base flood elevation should not be included in the measurements of height).**

(Ord. No. 8-2006, § 1, 1-12-06) / (Ord. No. 2021-26)

3.7.19 Accessory Buildings

- A. In districts R-1, R-2, R-10, R-3, R-D, and RM-2 an accessory building may occupy not more than forty (40) per cent of the required rear yard and shall be no greater than two stories (R-1A maximum is 1-½ stories).
- B. In districts R-1 and R-2 the combined floor area of all accessory buildings on a lot shall not exceed fifty (50) per cent of the ground floor area of the principal structure, exclusive of breezeways, porches and attached garages. However, this regulation shall not be so interpreted as to reduce the permitted combined area of all accessory buildings on one lot to less than six hundred (600) square feet. ~~The area of swimming pools shall not be subject to accessory building regulations.~~
- C. **Accessory structures should be located in the rear and side yard, except for a front-loading garage and carport. Accessory structures may be located in the front yard if approved through review by the Planning Commission and Board of Aldermen.**

3.8 LAND USE AND DEVELOPMENT PATTERNS

3.8.1 Generally

This section groups similar or compatible land uses and assigns them to the appropriate base zoning districts. Uses are identified as either permitted uses or uses authorized through the granting of a Conditional Use Permit (CUP). Uses that are not permitted or allowed by CUP are prohibited from the specified district. Uses permitted as accessory uses within each zoning district are listed in the use matrix. Abbreviations used in the use matrix are defined in the Use Matrix Terminology table.

3.8.2 Uses Not Mentioned

A use not specifically mentioned or described by category in the use matrix is prohibited. Evaluation of these uses shall be conducted in accordance with this UDC.

3.8.3 Uses Preempted by State Statute

Notwithstanding any provision of this section to the contrary, uses that are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the use matrix.

3.8.4 Interpretation—Materially Similar Uses

- A. The Planning Director shall determine if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. In the event that a particular use is not listed in the **Use Matrix**, is not listed as a prohibited use and is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar use exists in this section.
- B. If the Planning Director determines that a materially similar use does exist, the regulations governing that use shall apply to the use not listed. The Director shall prepare a written decision, which shall be filed with the City Clerk. Should it be determined that a materially similar use does not exist, the matter shall be referred to the Planning Commission for inclusion as an amendment to the Use Matrix of this UDC.
- C. Periodically, Planning Director interpretations may be codified by the Board of Aldermen upon recommendation by the Planning Commission in a manner consistent with UDC text amendments. If, when seeking periodic ratification of interpretations, the Planning Director's interpretation is reversed, then land uses established in reliance on the Planning Director's interpretation becomes legal nonconforming use

3.8.5 Rules of Construction

~~The Planning Director may determine that a use is materially similar if:~~

- ~~A. The use is listed within the same function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards (LBCS) of the~~

American Planning Association (APA). The use shall be considered materially similar if it falls within the same LBCS classification. The Planning Director shall refer to the following documents in making this determination. The LBCS is incorporated by reference and maintained on file in the office of the Planning Department.

- B. ~~If the use cannot be located within one of the APA's LBCS classifications pursuant to subsection (A), above, the Planning Director shall refer to the 1997 NAICS Manual. The use shall be considered materially similar if it falls within the same industry classification of the 1997 NAICS Manual.~~
- C. ~~In order to assist in interpretation of the use matrix, the LBCS numbers precede each use in the use matrix. In interpreting the use matrix, the following rules of construction apply:~~
 - 1. ~~If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS or NAICS code number. The numbers increase as the classifications get more specific.~~
- D. ~~Some uses are listed separately but fall within the same LBCS or NAICS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS or NAICS classification.~~

Table 3.5: Residential Use Matrix (to be used in conjunction with APA LBCS Manual)

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
S1110	Single Family Detached units	P	P	P	P	P	P	P	See Footnotes 12 and 13 – Below	P	P	C <u>P</u>	-	-	-	-	C
S1120	Single Family Attached units	-	-	-	-	-	P	P		P	P	C	C	-	-	-	C
S1121	Duplex structures	-	-	-	-	-	-	P		P	P	C <u>P</u>	C	-	-	-	-
S1130	Accessory <u>structures</u> units	P	P	P	P	P	P	P		P	C <u>P</u>	C <u>P</u>	C	-	-	-	C <u>P</u>
S1140	Townhouses	-	-	-	-	-	-	-		P	P	P <u>C</u>	C	-	-	-	-
	<u>Condominiums</u>	-	-	-	-	-	-	-		P	P	P	<u>C</u>	-	-	-	-
1160	Manufactured housing			-	P	-	P	-		C	C	C	-	-	-	-	-
S1200	Multifamily Dwelling Units/ Apartments	-	-	-	-	-	-	-		P	P	P	C	-	-	-	-
F1200	Housing services for the elderly									P	P	P	C				

Table 3.6: Land Use Matrix
* See Footnotes 12 and 13 below

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F-1300	Hotels, motels, or other accommodation services, not elsewhere classified	-	-	-	-	-	-	-		-	P	P	P	C	-	-	
F-1310	Bed and breakfast inn	C	C	C	C	C	P	C		C P	P	P	-	-	-	-	
F-1320	<u>Residential</u> Short-term rental	C	C	C	C	C	C	C		P C	-	-	-	-	-	-	
F-1320	<u>Commercial Short-Term Rental</u>	-	-	-	-	-	-	-		-	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>	-	
F-1330	Hotel, motel, or tourist court	-	-	-	-	-	-	-		-	P	P	P	C	-	-	
S-1300	Other specialized residential structures (dormitories, barracks and similar facilities)	C	C	C	C	-	C	C		C	C	C	-	-	-	-	
S-1350	Temporary structures, tents, etc. for shelter	C	C	C	C	C	C	C		C	C	-	-	-	-	-	-
S-1360	Other structurally converted buildings	-	-	-	-	-	-	C <u>P</u>		C <u>P</u>	C <u>P</u>	<u>P</u> -	-	-	-	-	-
S-2611	Loft building	-	-	-	-	-	-	C <u>P</u>		C <u>P</u>	C <u>P</u>	<u>P</u>	-	-	-	-	-
F-2100	Retail sales or service, not	-	-	-	-	-	C	-		C	P	P	P	C	C	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
	elsewhere listed																
F-2110	Automobile sales or service establishment	-	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F-2114	Boat and Marine sales or service establishment	-	-	-	-	-	-	-		-	-	-	P	P	-	-	-
	<u>Car Wash</u>	=	=	=	=	=	=	=		=	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-	=
F-2116	Fuel Sales or Fuel Pumps ⁽¹⁾	-	-	-	-	-	-	-		-	-	-	p ¹	p ¹	P	-	<u>P</u> <u>C</u>
F-2120	Heavy consumer goods sales or service	-	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F-2130	Durable consumer goods sales and service	-	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F-2143	Tobacco Store	-	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F-2152	Convenience store	-	-	-	-	-	C	-		C ¹	P	P	P	-	-	-	-
F-2155	Wine and liquor store	-	-	-	-	-	-	-		C ²	p ²	p ²	p ²	-	-	-	-
F-2200	Finance and Insurance	-	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F-2220	Pawn Shop	-	-	-	-	-	-	-		-	-	-	p ³	p ³	-	-	-
F-2300	Real estate, and rental and leasing	-	-	-	-	-	-	-		<u>C</u> <u>P</u>	P	P	P	-	-	-	-
F-2330	Rental and leasing	-	-	-	-	-	-	-		P	P	P	P	-	-	-	
S-2321	Mini-warehouse	-	-	-	-	-	-	-		-	-	C	P	P	-		

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F-2400	Business, professional, scientific, technical, services not listed elsewhere	-	-	-	-	-	-	-		<u>€</u> <u>P</u>	P	P	P	P	-	-	
F-2418	Veterinary Clinic	-	-	-	-	-	-	-		-	-	-	p ⁴	p ⁴	-	-	
F-2450	Services to buildings and dwellings	-	-	-	-	-	-	-		-	P	P	P	P	-	-	
F-2500	Food service, not listed elsewhere	-	-	-	-	-	-	-		<u>€</u> <u>P</u>	P	P	P	P	C	-	
F-2530	Non-alcoholic Coffee, Snack, Juice Bar	-	-	-	-	-	C	-		P	P	P	P	-	P	-	
F-2540	Bar or drinking place ⁶	-	-	-	-	-	-	-		-	p ⁶	p ⁶	p ⁶	p ⁶	-	-	
F-2550	Mobile food services	-	-	-	-	-	-	-		C	P	P	P	P	-	-	
F-2580	Vending machine operator	-	-	-	-	-	-	-		-	P	P	P	-	-	-	
S-2510	Neighborhood center (convenience with 1+ anchors)	-	-	-	-	-	-	-		-	P	P	P	-			
S-2550	Fashion/specialty center (higher end,	-	-	-	-	-	-	-		-	P	P	P	-	-	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
	fashion-oriented stores)																
S-2560	Power center (category-dominated anchors with few small tenants)	-	-	-		-	-	-		-	-	-	P	P	-	-	
S-2570	Theme or festival center (leisure, tourist-oriented, restaurants)	-	-	-		-	-	-		-	P	P	P	-	-	-	-
S-2580	Outlet or discount center (manufacturer outlet stores)	-	-	-		-	-	-		-	-	C	P	P	-	-	-
F-2600	Personal services	-	-	-	-	-	-	-		P	P	P	P	-	-	-	
NA	Tattoo Studio	-	-	-	-	-	-	-		-	-	p ⁷	p ⁷	p ⁷	-	-	
F-2700	Pet and animal sales or service (except veterinary)	-	-	-	-	-	-	-		€	p ⁵	p ⁵	P	-	-	-	
F-3100	Food, textiles and related products	-	-	-		-	-	-		-	-	C	C	P	-	-	-
F-3200	Wood, paper, printing products	-	-	-		-	-	-		-	-	-	-	P	-	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F-3300	Chemicals, metals, machinery, electronics manufacturing	-	-	-		-	-	-		-	-	-	-	P	-	-	-
F-3400	Miscellaneous manufacturing	-	-	-	-	-	-	-		-	-	-	C	P	-	-	-
F-3500	Wholesale trade establishment	-	-	-	-	-	-	-		-	-	C	P	P	-	-	-
F-3600	Warehouse and storage services	-	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F-4100	Transportation services	-	-	-	-	-	-	-		-	-	-	P	P			
F-4138	Vehicle Dismantling, Storage	-	-	-	-	-	-	-		-	-	-	p ⁸	p ⁸			
	<u>Parking Lot (Stand Alone)</u>	-	-	-	-	-	-	-		-	P	P	P	P	P	-	P
F-4153	Marina, Port, harbor operations	-	-	-	-	-	-	-		-	-	-	C	p ¹⁰	C		
F-4200	Communications and information	C	C	C	C	C	C	C		C	C	C	C	C	-	-	-
F-4300	Utilities and utility services	C	C	C	C	C	C	C		C	C	C	C	C	-	-	-
F-5100	Performing arts or supporting establishment	C	C	C	C	-	C	C		C	C	P	P	-	P	-	-
F-5200	Museums, other special purpose	C	C	C	C	-	C	C		C	C	P	P	-	C	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
	recreational institutions																
S-6320	Landfill facility	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
S-6340	Hazardous waste storage facility	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-5300	Amusement, sports, or recreation establishment	C	C	C	C	-	C	C		C	C	P	P	P	-	-	-
F-5360	Sand Beach	P	P	P	P	P	P	P		P	P	P	P	-	P	P	P
F-5400	Camps, camping, and related Establishments	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-5500	Natural, other recreational Parks	P	P	P	P	P	P	<u>C</u> <u>P</u>		<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	P	C	C	P	P
F-6100	Educational services, not listed elsewhere	C	C	C	C	-	C	C		C	C	P	P	-	P	-	-
F-6110	Nursery and preschool	C	C	C	C	-	-	C		P	P	P	P	-	P	-	-
F-6120	Grade schools	C	C	C	C	-	C	C		C	P	P	-	-	-	-	-
F-6130	Colleges and Universities	-	-	-	-	-	-	C		<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	P	<u>C</u> <u>P</u>	-	-
F-6140	Technical, trade, and other specialty schools	-	-	-	-	-	-	-		<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	<u>C</u> <u>P</u>	P	-	<u>C</u> <u>P</u>	-	-

FBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F-6200	Public administration	P	P	P	P	-	P	P		P	P	P	P	P	P	-	-
F-6300	Other government functions	P	P	P	P	P	P	P		P	P	P	P	P	P	-	-
F-6400	Public Safety	P	P	P	P	-	P	P		P	P	P	P	P	-	-	-
F-6500	Health and human services, not elsewhere listed	-	-	-	-	-	-	-		P	P	P	P	-	C	-	-
F-6510	Ambulatory and Outpatient Care	-	-	-	-	-	-	-		-	C	P	P	-	-	-	-
F-6511	Clinics	-	-	-	-	-	-	-		-	P	P	P	P	-	-	-
F-6520	Nursing and Rehabilitative Services	-	-	-	-	-	-	-		C P	P	P	P	-	-	-	-
F-6530	Hospitals	-	-	-	-	-	-	-		-	-	C	P	-	-	-	-
F-6560	Social Assistance, Welfare and Charitable Services	-	-	-	-	-	-	-		-	-	P	P	-	-	-	-
F-6561	Child and youth services	C	C	C	C	-	C	C		C	C	C	P	-	-	-	-
F-6562	Child day care	C	C	C	C	-	C	C		P	P	P	P	P			
F-6600	Religious institutions ¹¹	C	C	C	C	-	C	C		P	P	P	P	P	-	-	-
F-6700	Funeral homes, crematoriums ⁹	-	-	-	-	-	-	-		-	p ⁹	p ⁹	p ⁹	p ⁹	-	-	-
F-6800	Associations, nonprofit organizations, etc.	C	C	C	C	-	C	C		C	P	P	P	P	-	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F-7100	Building, developing, general contracting	-	-	-	-	-	-	-		-	-	P	P	P	-	-	-
F-7200	Machinery related	-	-	-	-	-	-	-		-	-	-	-	P	-	-	-
F-7300	Special trade contractor	-	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F-7400	Heavy construction	-	-	-	-	-	-	-		-	-	-	-	P	-	-	-
F-8100	Oil and natural gas	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-8200	Metals (iron, copper, etc.)	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-8300	Coal	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-8400	Nonmetallic mining	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-8500	Quarrying and stone cutting Establishment	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-9100	Crop production	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-9200	Support functions for agriculture	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-9300	Animal production including slaughter	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-9400	Forestry and Logging	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F-9500	Fishing, hunting and	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-

LBCS Code	Description	R-1	R-2	R-10	R-3	R-6	RMH	R-D	R-1A *	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
	trapping, game preserves																
F-9900	Non-conforming site, structure or use of land	C	C	C	C	C	C	C		C	C	C	C	C	C	,	C

(Ord. No. 2021-26) / (Ord. No. 2023-06)

3.8.6 Rules of Construction

[1] Fuel Sales or Fuel Pumps are permitted as accessory uses in the CMX-1, CMX-2 and C-H districts when:

- a. Not located within fifty (50) feet of the property line of a church, school, hospital, rest home, nursing home, playground or residential dwelling(s).
- b. Pump islands are no closer than fifteen (15) feet of any property line and canopies no closer than ten (10) feet from any property line.
- c. Provide a masonry or wooden fences at least four (4) feet high around the station site and also plant shrubs and trees around the site if the station wishes to locate closer than two hundred (200) feet to the uses listed in item a. above. Hours of operation may also be designated as part of the special use permit in situations of close proximity to these same uses.
- d. Provide access driveways no closer than thirty-five (35) feet from the point of intersection of the right-of-way lines of the adjoining street(s). Two (2) driveways on each street frontage may be permitted and shall be at least twenty-five (25) feet apart and no closer than five (5) feet to the side property line(s).

[2] Wine and Liquor stores are permitted uses in the CMX-1, CMX-2, C-H and M1 Districts when they are not located within ~~two hundred fifty (250)~~ **four hundred 400 feet** from a church, school, park/playground, daycare center or funeral home. Such distance shall be measured along a straight line between the nearest property line of the business and church, park/playground, daycare center or funeral home. If such facility is part and parcel of a strip mall, shopping center or other parcel with common parking facilities, sidewalks and grounds then said distance shall be measured in a straight line from the point that is closest to the liquor store and tobacco shop in question of the main structure of the church building, school, daycare or funeral home.

However, if the area is zoned commercial or industrial, the minimum distance is 100 feet from the church, school etc. If the church, school, kindergarten, or funeral home is in an area that is zoned residential and the permittee is in an area zoned commercial, then the distance is 400 feet.

A church or funeral home can waive the distance requirements; however, a school, kindergarten or day care cannot waive the distance requirement. The waiver must be in writing from the owner, governing body or appropriate officer of the church or funeral home.

[3] Pawn shops are permitted in the C-H and M1 districts subject to the following requirements:

- a. Not located within two hundred (200) feet of a school, playground or church.
- b. No exterior display.
- c. No exterior storage.

[4] Veterinary services, small animal clinics, kennels, pet grooming businesses and pet stores are permitted in the C-H and M1 districts when:

- a. The animals are confined primarily within the exterior walls of the building except for the use of runs for exercise.
- b. Not be located closer than two hundred (200) feet to existing residence, restaurant, apartment, hotel, library, museum, clinic or hospital for humans, church or theater, unless approved in writing by the affected property owner.
- c. Be soundproofed from all adjacent property and uses.

[5] Small animal clinics and pet grooming are permitted in CMX-1 and CMX-2 districts when:

- a. All animals are confined within the exterior walls of the building at all times.
 - b. Not located within one hundred (100) feet of a restaurant.
 - c. There is no overnight boarding of pets.
- [6] Bar, Drinking Place or Lounges, which are defined as established with more than fifty (50) per cent of total revenues generated from the sale of alcoholic beverages, are permitted in the CMX-1, CMX-2, C-H and M1 districts subject to the following:
- a. Not located on parcels that abut a single-family residential district.
 - b. Not located within ~~two hundred fifty (250)~~ **four hundred (400)** feet of a church, school, park/playground, daycare center, or funeral home. Such distances shall be measured along a straight line between the nearest property lines of the lounge and the church, school, park/playground, daycare center, or funeral home. If such facility is part and parcel of a strip mall, shopping center or other parcel with common parking facilities, sidewalks and grounds then said distance shall be measured in a straight line from the point that is closest to the lounge in question of the main structure of the church building, school, daycare or funeral home.
 - c. When located within two hundred fifty (250) feet of a single-family residential district, hours of operation may be limited and additional buffering and construction methods (sound proofing) may be required.
- However, if the area is zoned commercial or industrial, the minimum distance is 100 feet from the church, school etc. If the church, school, kindergarten, or funeral home is in an area that is zoned residential and the permittee is in an area zoned commercial, then the distance is 400 feet.**
- A church or funeral home can waive the distance requirements; however, a school, kindergarten or day care cannot waive the distance requirement. The waiver must be in writing from the owner, governing body or appropriate officer of the church or funeral home.**
- [7] Tattoo studios are permitted in CMX-2, and M1 districts subject to the following additional requirements:
- a. No seating is provided in front of the establishment, no customer or employee break areas provided in front of the establishment.
 - b. Hours of operation shall not be before 10:00 a.m. or after 10:00 p.m.
 - c. Outdoor break areas must be screened from the public street or adjacent properties.
 - d. Tattoo stations cannot be visible from the street.
 - e. Off-street parking must be available for employees.
 - f. Not located within four hundred (400) feet of a church, school, park/playground, daycare center, funeral home or within one thousand (1,000) feet of another tattoo studio, pawn shop, or quick check cashing facility. Such distances shall be measured along a straight line between the nearest property lines of the studio and the church, school, park/playground, daycare center, funeral home, tattoo studio, pawn studio or quick check cashing facility. If such facility is part and parcel of a strip mall, shopping center, or other parcel with common parking facilities, sidewalks and grounds, said distance shall be measured in a straight line from the point that is closest to the studio in question of the main structure of the church building, school, daycare, funeral home, tattoo studio, pawn shop or quick check cashing facility.
 - g. Only allowed on CMX-2 or C-H parcels located within the currently adopted commercial business district (CBD). For the purposes of this subsection, the central business district includes

1. A height increase for a maximum of ten (10) feet or one additional story may be permitted when waterview enhancement program projects are provided. Applicable waterview enhancement program projects are those that increase waterfront access to the public by providing publicly accessible amenities such as boardwalks and sidewalks located within the waterview area at a rate proportional to the mass of the structure that exceeds the height limit.
2. A request for Building Height Increase and a Waterview Enhancement Project shall be made prior to the submittal of a Building Permit application. The request shall describe in detail the location, nature and extent of the proposed enhancement. The Planning Director shall review the request for compliance with existing and proposed waterview projects and may approve, approve with conditions, or deny the request.
3. Proximity to previous project improvements will determine placement of the project.
4. Potential benefits of locating parking beneath a structure include a reduction of surface parking and run-off, and a more storm-resistant structure. Because of the benefits that may be provided by understory parking, a 25% reduction in the required number of parking spaces is permitted provided that such parking meets the following guidelines.
 - i. Parking must be screened by architectural treatment and landscaping. Landscaping must provide 50% opaqueness at the time of planting and provide full opaqueness within three (3) years.
 - ii. Parking is limited to one level or story in every location except Government Street
 - iii. The total number of on-site parking spaces may not exceed by more than 10% the required number of parking spaces as per the off-street parking requirements.
- D. Potential Waterview enhancements may include sidewalks and bike paths along primary corridors to the waterfronts, comfort stations, parking, and piers for public use; such projects will be implemented concurrent with construction.

(Ord. No. 2021-26)

3.9.4 Porter Avenue Corridor

- A. Purpose: Porter Avenue represents one of the most visible and underdeveloped areas within historic Ocean Springs, located south and extending east from Bienville Boulevard's (Highway 90) entry into Ocean Springs, one lot deep on both sides of Porter Avenue between Front Beach on the west and to Martin Avenue to the east as shown in the Porter Avenue Redevelopment District map.
- B. Porter Avenue's redevelopment potential stems from the avenue being a highly visible entryway to historic downtown, its significant inventory of vacant and underused lots, connection to the beach front and mix of residential and commercial uses. The Porter Avenue Corridor Overlay is designed to:
 1. Allow building types and design reminiscent of historic Ocean Springs;
 2. Promote a mix of small scale retail, office, lodging and residential uses;

3. Create a neighborhood streetscape that is pedestrian-friendly and interwoven into the neighboring residential areas; and
4. Provide sufficient off-street parking resources behind the primary street-oriented structures.

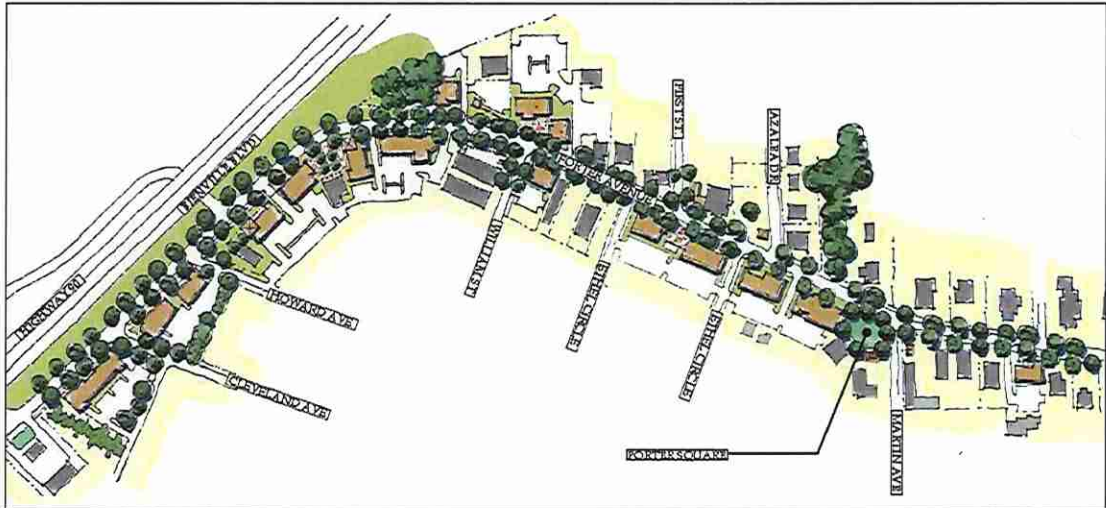


Figure 3. 3: Porter Avenue District

C. Guiding Principles. The district requirements implement the following guiding principles:

1. Vacant and underdeveloped sites represent opportunities for infill projects that will mend the neighborhood fabric and intensify economic and social activity.
2. New construction should be encouraged to respect and reinforce its urban location within the community, relating to the scale and character of the adjacent buildings and addressing the street with building fronts.
3. Small block size, street and sidewalk connectivity, and tree-lined streets are key physical factors in creating a vibrant and walkable downtown environment.
4. The historic human-scaled architecture and public spaces create an inviting environment.
5. Ground-floor, street facing retail, residential, office uses and on-street parking will help to nurture a lively public realm.
6. Public open spaces which are strategically located, properly sized and offer an appropriate set of amenities for commercial and mixed use neighborhoods contribute to the attractiveness and activity of the street.

D. Buildings

in height.

- R. A metal surface, excluding windows and trim, is prohibited as the sole exterior wall surface. Flat-faced concrete block or mirrored glass curtain wall are discouraged but may be allowed upon review. Metal as a minor exterior design element may be permitted upon review by the Planning Director.

S. Exterior Color

1. Building colors for multi-family residential and commercial uses should be subdued, with natural tones and neutral colors predominating.
2. Color of predominate exterior surface material should be: White, off-white, cream, dark subdued green, earth tones, pastels of earth tones, including rose and terra cotta; and/or Pastel colors of non-earth tone hues, such as blues, yellows, greens, and grayish greens.
3. Primary, secondary, and highly saturated, bright tertiary colors, metallic and primary colors are discouraged, but may be permitted upon review by the Planning Director.
4. All other colors not listed above are subject to review by the Planning Director.

4.5.3 Roofs

- T. Roofs shall be consistent with the architectural style of the building.
- U. In multifamily, commercial, and industrial zoning districts, no flat roofs shall be permitted without a parapet.
- V. Pitched Roofs. Where pitched roofs are utilized, the primary roof form should be on a slope of no less than 4/12. Porches should be on a slope of not less than 2/12. Pitched roofs should be shingled in accordance with the materials list contained under the "Optional Requirements" of this section.
- W. Material: Roofs that are visible to the public or adjacent properties should be composed of a single material.
- X. Color. Browns, earth tones, tin or copper metal, light grays and blues, dark subdued green, hunter green, and terra cotta; or Low intensity flat colors. The use of bright, high intensity colors is prohibited. All other colors not listed above are subject to review by the Planning Director.

4.5.4 Doors and Windows

Walls define the overall form of buildings, while openings give them a human scale and the appearance of being occupied. 100% of doors, windows, and glazed surfaces, with the exception of steel fire doors on the rear elevation of the building, should have one or more of the following:

- Y. Frames recessed a minimum of four (4) inches;
- Z. Encased with trim;

- AA. Divided lights (non-simulated); and
- BB. Exposed or otherwise decorative lintels.
- CC. More than 50%, but less than 100% of the doors, windows, and glazed surfaces, with the exception of steel fire doors on the rear elevation of the building, have one or more of the above-referenced elements.
 - 1. All glazing is clear, tinted neutral gray, leaded, frosted, or decorative glass;
 - 2. ~~More than 50%, but less than 100%, of windows have operable shutters; and~~
 - 3. ~~More than 25%, but less than 50%, of windows have operable shutters.~~
- DD. The treatment of doors and windows shall be compatible throughout the building design, with the exception of designated fire doors. The use of mirrored or solar glazing is discouraged, but may be permitted upon review by the Planning Director.

4.5.5 Screening

For new construction, mechanical units, communications, and service equipment, (including satellite dishes and vent pipes), shall be screened from view from adjacent properties and streets, and should be totally screened from public view by parapets or wall, or painted to visually match adjacent surfaces.

4.6 STREETScape STANDARDS

4.6.1 Vehicular Circulation and Streetscape Design

Streets should be designed to balance the circulation requirements of multiple users, facilitating the movement of automobile traffic, while promoting increased opportunities for pedestrians and bicyclists. To accomplish this objective, street design must move beyond the width of the roadway to focus on the use of the entire Right-of-Way to promote efficient drainage and safe circulation of non-motorized traffic. Where possible, the use of paved surfaces should be minimized as new streets are developed in order to minimize flooding.

The street design standards below apply to the construction of new residential streets in the City of Ocean Springs.

4.6.2 Residential Street Standards, Historic Ocean Springs Low-Density Neighborhoods

This Historic Street Type is designed to replicate the environment of the traditional Ocean Springs neighborhood. Historic street Rights of Way in Ocean Springs are often significantly narrower than this fifty (50) foot ROW model, any additional in this ordinance width provides for modern requirements for improved pedestrian circulation and stormwater drainage. Permitted Street Dimensions are outlined in Chapter 5, Table 5.1. This street design provision applies for use in low-density, low traffic environments in R-1, R-2, R-D, R-10 and Conservation Overlay Districts, and includes:

building and the street should preferably be one row, with a maximum of two rows of parking spaces, plus a two-way, 24-foot drive aisle;

- B. Parking areas shall be organized as a series of small parking bays containing a maximum of 15 contiguous parking spaces, with landscaped islands separating them;
- C. Parking shall be shared among adjacent or nearby properties to an extent that the minimum number of parking spaces as required by ordinance may be reduced by a maximum of 25% and shall be proportionate among the sites. A greater reduction may be allowed if uses can demonstrate off-peak hours of operation;
- D. Parking areas on adjacent property shall be connected by vehicular and/or pedestrian accesses; and
- E. Exterior parking lot light sources shall be properly shielded to mitigate light pollution.

(Ord. No. 2024-02, 04-02-2024)

- F. **Compact spaces of 7.5 feet x 18 feet can make up 5 % of your parking field.**

4.7.3 Dimensional Standards of Automobile Parking and Storage Space

- A. Vehicle parking spaces and parking lot aisles shall comply with the dimensional standards established in the following table: *4.7.1, Dimensional Standards for Parking Spaces and Aisles.*

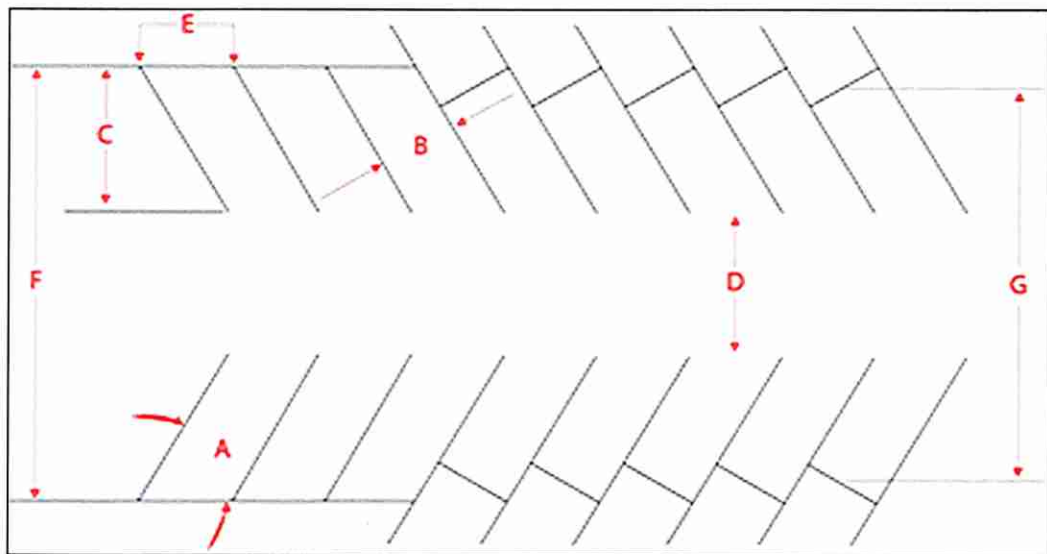
TABLE 4.7.1: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES ¹						
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT) ²	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW WIDTH CURB TO CURB (FT)	DOUBLE ROW WIDTH CENTER TO CENTER (FT)
A	B	C	D	E	F	G
0	9	9	24	23	42	42
	10	10			44	44
45	9	19.1	24	12.7	62.2	57.5
	10	19.8		14.2	63.6	56.6
60	9	21	24	10.4	66	61.5
	10	20.6		11.6	65.2	60.2

90	9	19	24	9	62	62
	10	18	24	10	60	60

NOTES:

1. Refer to Figure 4.7.1, below, for illustration of parking space and aisle dimensions in various configurations (A-G) are measured.
2. For two-way traffic. Aisles for one-way traffic shall be a minimum of eighteen (18) feet wide (for all parking angles).

FIGURE 4.7.1: PARKING SPACE AND AISLE DIMENSIONS



4.7.4 Off-street Parking Surfacing Requirements

- Drainage, maintenance, and containment:** All parking facilities and access for all residential, commercial and industrial uses shall be properly drained to prevent ponding; shall be maintained free of trash and rubbish; and the surfacing material must be contained and maintained so as not to deposit on public rights-of-way.
- Commercial and industrial parking and access:** Commercial and industrial parking facilities and access shall be asphalt, concrete, or brick/concrete pavers. Parking facilities and access may be of crushed limestone or similar material only upon approval of the Planning Commission or Historic Preservation Commission.
- Residential parking and access:** Except as required by subdivision regulations, subdivision plat approval or otherwise for newly platted subdivisions, residential parking and access shall be asphalt, concrete, or brick/concrete pavers. Single-family and Two-family Residential parking and access may be crushed limestone, gravel and road millings upon

approval of the Planning Director, provided that a hard surface material (asphalt, concrete, or brick/concrete pavers) a minimum of 3 (three) feet in width is provided between the street pavement and the crushed limestone/gravel so as to insure proper containment. Any deviation from the above requirement shall be submitted to the Planning Commission (or Historic Preservation Commission for properties within a historic district) for a recommendation and to the Board of Aldermen for approval.

(Ord No. 2022-11, 10/04/22)

4.7.5 Off-Street Automobile Parking and Storage

- A. Off-street automobile parking or storage space shall be provided on every lot on which any of the structures in this UDC are hereafter established ~~except that within the CMX-2 commercial district the minimum number of required spaces is one-half the designated spaces. Where space is not available on the lot, space shall be provided within three hundred (300) feet of such lot and such space shall have vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific structures.~~ All requirements are based on structure type, unless otherwise noted, exclusive of attics not accessible to the public. If attics are converted to usable space, that space must be added to the gross floor area and will require additional parking.

Table 4.7.2: Off-Street Parking Requirements

Use	Required Parking Spaces
Single family, two-family, townhouse and multi-family dwellings	2 parking spaces for each dwelling unit
Mobile home	2 parking spaces for each dwelling unit
Bed and breakfast inn	2 spaces plus 1 space for each guest room
<u>Car Wash or Auto Detailing</u>	<u>1 per employee on largest shift</u>
Childcare, day care center	1 space for each 5 children, plus adequate off-street loading and unloading space
Private clubs, lodges, fraternities, and sororities	1 space for each 50 square feet of total floor area in the main auditorium, assembly hall, dining room in such building plus 1 space per sleeping room
Churches	1 space for each 5 seats in the main auditorium
Funeral homes	1 space for each 2 seats in the chapel
Theaters, auditoriums, stadiums, gymnasiums, convention halls and other places of public assembly	1 space for each 4 seats in the building or structure, based on maximum seating capacity
Elementary schools	1½ spaces for each classroom or teaching station
Secondary schools	10 spaces for each classroom
Business colleges and trade schools	1 space for each 2 student seats at maximum enrollment
Hospitals	1 space for each patient bed, plus 1 space for each 300 square feet of gross floor area
Nursing homes, convalescent homes, etc.	1 space for each five (5) beds
Medical and dental clinics	1 parking space for each 250 square feet of office space
Retail sales with less than 5,000 sq. ft. of gross floor area (convenience	1 space for each 250 square feet of retail floor area exclusive of storage areas

Use	Required Parking Spaces
stores, clothing stores, drug stores, food stores, small appliance stores, etc.)	
Retail sales and service stores-with 5,000 sq. ft. of gross floor area or more (furniture store, large appliance store, swimming pools, etc.)	1 space for each 500 square feet of retail floor space not including storage areas
Health club or exercise club	1 space for each 250 square feet of gross floor area
Personal service establishments and repair shops (such as beauty and barber shops, shoe repair, day spa, dry cleaning and coin-operated cleaners, pet grooming, etc.)	1 space for each 250 square feet of gross floor area
Wholesale, warehouse industrial and manufacturing establishments	1 parking space for each 400 square feet of gross floor area plus 1 space for each vehicle to be stored or stopped simultaneously
Restaurants, eating establishments, taverns lounges, nightclubs	1 space for each 200 square feet of gross floor area, plus 3 queuing spaces for each drive-up window
Hotel, motel	1 space per guest room
Office, bank and similar buildings	1 space for each 300 square feet of office space
Museum, art gallery	1 space for each 500 square feet of gross floor area
Bus terminals	5 spaces for each loading and unloading bay
Vehicle service	Three (3) spaces plus 2 spaces for each service bay
Vehicle or boat sales	1 space per 300 sq. ft. of gross floor area plus 1 space per 5,000 sq. ft. of outdoor display area
Boat repair and service	1 space for each 250 square feet of gross floor area
Mini-warehouse and self-storage	4 spaces plus 1 space for each 300 square feet of office space

Use	Required Parking Spaces
Other uses	Parking requirements for uses other than those stated shall be determined by the planning director as part of design review
<u>CMX-1</u>	<u>CMX-1 commercial district the minimum number of required spaces is 25% of the required spaces, if current parking count regulations cannot be achieved.</u>
<u>CMX -2</u>	<u>CMX-2 commercial district the minimum number of required spaces is 50% the designated spaces if current parking count regulations cannot be achieved.</u>
<u>Offsite parking</u>	<u>Where space is not available on the lot, space shall be provided within three hundred (300) feet of such lot and such space shall have vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific structures,</u>
<u>Existing Commercial Buildings</u>	<u>Existing buildings that have been used as a commercial building are exempt from complying with the parking requirements of this article.</u>

- B. **Entrances and exits:** All uses shall control access along streets upon which the use abuts in accordance with the following requirements:
1. **Access barrier:** Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress and egress. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.
 2. **Number of access ways per lot:** A limit of one curb cut per street wherever feasible or one space for every one hundred (100) feet of the lot's street frontage. Access to parking facilities along arterial streets is from side streets that connect directly to arterials wherever possible to reduce the number of curb cuts along arterial streets. Arterials with speed limits of 50 mph or greater are limited to one driveway every two hundred (200) feet. Backing out onto arterials is prohibited.
 3. **Width of access ways:** The width of any curb cut shall not exceed thirty-three (33) feet nor be less than fifteen (15) feet with a minimum curb radius of five (5) feet for multi-family and commercial uses. The City Engineer may permit comparable cut-offs or chords in lieu of rounded corners.

Chapter 6. Supplemental Conditions for Specific Uses

6.1 PURPOSE AND FINDINGS

6.1.1 Generally

This chapter establishes additional standards, exceptions to standards, or alternative standards (e.g., screening, landscaping, and/or design standards) for particular uses. The purpose of this chapter is to:

- A. Provide supplemental standards for individual uses in order to protect surrounding property values and uses;
- B. Protect the public health, safety, and general welfare; and
- C. Implement the comprehensive plan.

6.1.2 Authorized

Accessory uses and structures are permitted in any zoning district, unless qualified as noted in this Chapter, but only in connection with, incidental to, and on the same lot with a principal use or structure which is permitted within such district.

6.1.3 Additional Standards and Regulations

This chapter provides supplemental regulations for certain uses, structures, and facilities. These regulations are in addition to the other applicable standards of this chapter. In some cases, the establishment of these standards streamlines the permitting process by permitting the use as of right in certain districts subject to the supplemental regulations rather than a case-by-case consideration for a conditional use permit. In other instances, the supplemental regulations do not streamline the process but address the unique development challenges of certain uses and structures whether permitted as of right or as a conditional use.

6.1.4 Compliance Mandatory

No supplemental use may be initiated, established, or maintained unless it complies with the standards set forth for such use in this chapter.

6.1.5 Regulations Supplement Other Code Regulations

The regulations of this chapter shall supplement the requirements of the base applicable and overlay zoning district regulations and the other applicable standards of this chapter. These standards are in addition to, and do not replace, the other standards for development set forth in this UDC unless otherwise provided. To the extent that there is a conflict between a standard in another chapter of the UDC and a standard in this chapter, the standard in this chapter governs unless otherwise indicated.

6.2 ACCESSORY USES AND STRUCTURES

6.2.1 Generally

- A. It is the intent of this section to regulate the installation, configuration and use of accessory structures and the conduct of accessory uses. Regulation is necessary in order to ensure that accessory uses and structures are compatible with the surrounding neighborhood and are consistent with the character and intent of the zoning district in which the accessory uses and structures are located.
- B. Accessory uses and structures are not permissible on lots or parcels that do not contain a principal use or structure.
- C. Accessory structures may be allowed in any zoning district, provided that they comply with the standards of the zoning district and that the following general standards are met, along with specific standards for the structure as provided in this UDC:
 - 1. All accessory structures shall be located on the same lot as the principal structure.
 - 2. All accessory structures shall be included in all calculations for parking space requirements, impervious surface ratio standards, stormwater runoff standards and lot coverage standards.
 - 3. All accessory structures, other than fences located in compliance with this UDC, shall comply with all site design requirements, with the exception of the side and rear yard setbacks. A single-story accessory building shall be located a minimum of five (5) feet from a side or rear yard line. An accessory building greater than one-story in height shall be located a minimum of ten (10) feet from a side or rear yard line.
 - 4. **Swimming pools shall be no closer to the reduced side and rear setbacks of 5 feet than from the edge of pavement of the pool surface or swimming deck.**
 - 5. Where an accessory structure or use is located on a corner lot, no variation from the applicable district's standard minimum side yard setback will be permitted on the street-facing side. No accessory buildings on a said corner lot shall project beyond the front yard line of the lot(s) abutting in the rear, nor shall an accessory building be erected, reconstructed, altered or enlarged less than ten (10) feet to the line of the abutting lot to the rear.
 - 6. Within a single family residential zoning districts, accessory buildings may occupy not more than forty (40) per cent of the total rear yard (excluding fences and walls). All other zoning districts may have any number of accessory structures, so long as such structures are located in compliance with the site design requirements of the zoning district and the applicable requirements of this section.
 - 7. There shall be no off-site signs pertaining to allowable accessory uses.
 - 8. The aggregate area of all permissible accessory structures and accessory use shall consist of no more than 40% of the size and area of the principal use.
 - 9. **Directly serve the principal use or structure**

10. Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
11. An accessory use can be attached or detached from the principal unit.

6.2.2 Use Limitations

- A. No accessory structure shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- B. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which located.
- ~~C. All uses and structures accessory to single family detached dwellings shall cover no more than 25% of the area of the minimum required rear yard.~~
- D. C. All accessory uses and structures shall comply with the maximum height regulations applicable in the zoning district in which they are located.
- E. D. For the purposes of determining height, the height of an accessory structure shall be measured from the highest point of the structure to the lowest point of finished ground level adjacent to the structure. In flood zones the height shall be measured by the Base Flood Elevation.

6.2.3 Permitted Accessory Uses

Accessory uses and structures shall include, but are not limited to, the following uses and structures; provided that such use or structure shall be in accordance with the definition of Accessory Use in this UDC.

- A. Antenna structures;
- B. Accessory Dwelling Unit;
- C. Boats, recreational vehicles and utility or travel trailers, provided they are located within side or rear yards.
- D. Canopies, Galleries, Covered Walkways or Awnings, subject to the following:
 1. Canopies, galleries, covered walkways or awnings may be allowed to extend over a public sidewalk provided that the owner of the building shall:
 - i. Provide for a sidewalk of at least eight (8) feet in width;
 - ii. Not establish any obstructions within the public right-of-way; and
 - iii. Maintain sidewalks and landscaping, including the protection and maintenance of street trees and the maintenance of a clean sidewalk.
- ~~E. Garages or carports (noncommercial)~~
- F. Child's playhouse and child's play equipment.

- G. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels.
- H. Dumpsters/Solid Waste Containers
 - I. Dumpsters, provided that they are screened as follows:
 - 1. All four (4) sides shall be screened.
 - 2. Screening may be in the form of evergreen trees and shrubs or a solid wooden or masonry fence. One (1) tree for each twenty-five (25) linear feet shall be required. Shrubs shall be planted in a double-staggered row to form a continuous hedge.
 - 3. Where screening is provided by landscaping, the access to the dumpster shall be a wooden or other opaque gate.
 - 4. Dumpsters shall be setback a minimum of thirty (30) feet from any property zoned or used for residential purposes.
 - 5. A dumpster located on properties on a designated Scenic Corridor shall be screened from view at ground level by pedestrian traffic and shall not be located on the side of the building abutting the scenic corridor.
 - 6. A dumpster for a business serving food shall be setback a minimum of fifty (50) feet from the any property zoned or used for residential purposes.
 - J. Fences and walls, subject to the following:
 - 1. ~~The maximum height for fences shall be six (6) feet, except as modified below.~~
 - 2. 1. Fences located along rear lot lines may be eight (8) feet.
 - 3. 2. The rear lot line fence or wall may be extended along or parallel to the side lot lines up to a line extended from the front face of a lawfully permitted principal building, parallel to the rear lot line and may cross the side yards and connect to the front face of the principal building.
 - 4. 3. Fences and Walls: A solid fence or wall may be built on any property line to a maximum height of ~~four (4)~~ **four and a half (4.50) feet** in the required front yard setback and eight (8) feet within the required side and rear yards. ~~Permission may be granted for a solid fence or wall to a maximum height of eight (8) feet within the required front and street side yard setback, provided the following conditions are met: (a) a notarized statement from the adjoining property owners (property across public easements or streets shall be considered adjoining) must be filed indicating no objections to this fence; and (b) the request along with the notarized statements must be referred to the Building Official and the City Planner for approval. In incidents where a rear yard abuts a front yard(s), a solid wall or fence no exceeding eight (8) feet may be constructed within the required rear yard setback except along the area where the rear yard directly abuts a front yard(s). In these incidents a solid wall or fence may not exceed four (4) feet in height unless conditions (a) and (b) are met as specified above.~~

5. 4. The front lot line fence may be extended along or parallel to the side lot lines up to a line extended from the front face of a lawfully permitted principal building, parallel to the front lot line and may cross the side yards and tie into the front face of the principal building.
6. 5. No fence otherwise permitted by this section may be constructed or situated so as to obstruct the field of view sight triangle at any intersection so as to create a danger for drivers or pedestrians.
7. 6. Fence and Wall Material:
 - i. Within Front Yard and Street Side Yard: Fences and walls shall be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble those materials. Chain link fencing is not allowed.
 - ii. Within Rear Yard and Interior Side Yard: Fences and walls may be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, chain link, brick, masonry materials, or products designed to resemble these materials.
 - iii. Chain link fences along rear yard, street side yard and interior side yard lot lines shall extend no closer to the front lot line than the front building line of the principal building on the nearest abutting lot or parcel.
8. 7. The finished side of the fence shall face outward.
9. 8. A permit is required prior to the construction of any fence.
10. 9. Fences must at all times be in good repair as defined by the following standards:
 - i. Fences must be in a vertical position;
 - i. Rotten boards must be replaced;
 - ii. Support posts or footers must be solidly attached to the ground;
 - iii. Fence stringers must be securely attached to the support posts and fence stringer;
 - iv. Each fence must be securely attached to the support posts and fence stringer;
 - v. Fence or wall surfaces must be painted, stained, treated or otherwise maintained so as to present a uniform appearance.
11. 10. Barbed wire fences are prohibited in all zoning districts except the M1 district. Barbed wire strands may be used to enclose storage areas or other similar industrial or commercial uses where the strands are restricted to the uppermost portion of the fence and do not extend lower than a height of six (6) feet from the nearest ground level.
12. 11. Electric current fences, other than those designed and installed for the containment of pet dogs and cats, are prohibited in all zoning districts except the M1 district.
- K. Garages private.
- L. Garage and yard sales, in R districts, shall be permitted not more than twice in any one calendar year and shall be limited to items not specifically purchased for resale.
- M. Gardening and composting.

- N. Home occupations
- O. Home child care facilities, except so far as consistent with State law:
 - 1. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation.
 - 2. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Chapter shall be allowed.
 - 3. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time.
 - 4. Hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- P. Inoperative motor vehicles, provided such vehicles are kept within a fully enclosed building or structure or are kept completely screened or shielded from view.
- Q. Motor vehicle fuel storage tanks when accessory to a use other than a dwelling.
- R. Parking and loading spaces, off-street.
- S. Parking of one (1) commercial vehicle per dwelling unit in a residential district subject to the following limitations:
 - 1. No solid waste collection vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement-mixer truck, wrecker with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be parked in any R district.
 - 2. Any commercial vehicle parked in an R district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
- T. Porches, gazebos, belvederes and similar structures.
- U. Recreation, storage and service structures in a mobile home park.
- V. Residence for a proprietor or storekeeper and his/her family located in the same building as his/her place of occupation and a residence for an employee and his/her family located within the same building as a funeral home or chapel.
- W. Retaining walls, provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. All retaining walls shall comply with the standards set forth in the Engineering Technical Manual.
- X. Statues, arbors, trellises, clotheslines, barbeque stoves, outdoor fireplaces, flagpoles, walls and hedges, Mailboxes, signs, gates and gateposts, basketball standards to include rim, net and backboard, and similar equipment.

- Y. Sheds, storage buildings and greenhouses, other than those located in a non-residential district, shall:
 - 1. Not be used for the storage of hazardous, incendiary or noxious materials;
 - 2. Not be located within any easement;
 - 3. Be located only in the rear yard or side yard behind the front line of the principal building;
 - 4. Not exceed fifteen (15) feet in height, measured to the peak of the Roof;
 - 5. Not exceed 30% of the area within the rear yard; and
 - 6. Be separated from any other building on the same Lot by a minimum of five (5) feet.
- Z. Solar collection systems, windmills, and other energy devices based on renewable resources.
- AA. Swimming pool, hot tub and bathhouse, private, subject to the following:
 - 1. Be located only in side or rear yards;
 - 2. Be completely surrounded with a wall or fence not less than four (4) feet in height and sufficient to prohibit unrestrained admittance to the pool area;
 - 3. Be located such that no overhead power lines will pass over the pool. As an alternative, the overhead power lines shall be enclosed in conduit and rigidly supported;
 - 4. Where a swimming pool is attached to the dwelling, the pool enclosure shall be considered a part of the principal structure and shall comply with all site design and building location requirements for the zoning district
 - 5. The nearest opening into unenclosed swimming pool shall be located no closer than five (5) feet from any side or rear lot line and
 - 6. Only swimming pools located in compliance with the setback requirements established for the principal building shall be eligible to be enclosed with a pool closure.
- BB. Tennis, basketball or volleyball court, and other similar private outdoor recreation uses.
- CC. Wireless telecommunications antennas or tower
- DD. Other telecommunications antennas or tower;
- EE. Any other building or use that is customarily incidental to the permitted principal use or principal building, as determined by the Planning Director;
- FF. Bike Racks
- GG. Car wash vacuums and other cleaning devices
- HH. Outdoor dining
- II. Docks private or public
- JJ. Marinas private or public

- KK. Drive thru windows at restaurants
- LL. Loading docks
- MM. ATM Machine
- NN. Holding tanks
- OO. Outdoor Storage
- PP. Charging Stations

(Ord. No. 2022-10, October 4, 2022)

6.3 ACCESSORY DWELLING UNITS

6.3.1 Purpose and Findings

- A. Affordable housing and neighborhood stability are important public objectives of the City of Ocean Springs. In recent years, accessory dwellings have become an important method to permit families to remain in their homes by securing rental income, while at the same time providing affordable housing for the elderly, single-person households, students, and other types of households. Accessory dwellings are also known as “carriage houses,” “granny flats,” or “ECHO homes” (“elder cottage housing opportunities”).
- B. This section allows accessory dwelling units to provide the opportunity to develop small dwellings designed, in particular, to meet the special housing needs of single persons and couples of modest income. ~~This section allows and encourages the more efficient use of the existing housing stock to preserve historic structures and to provide an incentive for their maintenance.~~ Design standards are established to ensure that accessory dwelling units are located, designed, constructed, landscaped, and decorated in such a manner that, to the maximum extent feasible, the appearance of the principal building remains as a single-family detached dwelling. It is also the intent of these regulations to assure that the single-family character of the property will be maintained and that the accessory dwelling unit remains subordinate to the primary living quarters.

6.3.2 Accessory Dwelling Units in Detached Buildings

- A. Applicability. This section applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.
- B. Number Permitted. Only one accessory dwelling unit is permitted per lot. An accessory dwelling unit shall not contain more than two bedrooms.

6.3.3 Location

~~Separate detached garages and separate accessory units are not permitted on the same lot.~~ Accessory units may be created as a second story within detached garages if the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot.

6.3.4 Scale

The GFA of an accessory dwelling unit shall not exceed 50% of the principal building's floor area. The building footprint of the accessory dwelling unit shall not exceed 40% of the building footprint of the principal residence. The "building footprint" shall include patios but shall not include porches.

6.3.5 Building Design

- A. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall have a roof pitch, siding, and window proportions as similar as practical to that of the principal dwelling.
- B. An accessory dwelling shall not exceed two stories or the height of the principal dwelling unit, whichever is less.
- C. No exterior stairway to the second floor is permitted at the front or side of the building.

6.3.6 Occupancy

- A. The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.
- ~~B. The property owner must occupy either the principal dwelling or the accessory dwelling as the permanent residence. The property owner shall not receive rent for the principal dwelling. For purposes of this section, "property owner" means the title holder and/or contract purchaser of the lot, and "owner occupancy" means that a property owner, as reflected in the title records, makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.~~
- ~~C. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory dwelling. The Applicant shall provide a covenant suitable for recording with the recorder of deeds providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section, and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.~~

6.3.7 Parking

Parking spaces shall be located in the rear yard and behind the principal building.

6.3.8 Utilities

The accessory dwelling shall be connected to the central water and sewer. ~~system of the principal dwelling.~~

6.3.9 Accessory Apartments

The GFA of the accessory apartment shall not exceed 35% of the total floor area of the principal dwelling unit. ~~Occupancy of the accessory apartment shall not exceed one person per 400 square feet of GFA.~~

6.4 CONSTRUCTION MATERIALS AND SUPPLIES; REPAIR SHOPS FOR LARGE APPLIANCES OR EQUIPMENT

- A. Construction materials and supplies, with or without lumber yards and repair shops for large appliances or large equipment are allowable in the CH and M1 zoning district, subject to the standards of this zoning district and the standards of this section. Outdoor storage of materials and supplies is allowable, subject to the following standards:
 - 1. Storage areas shall be fully enclosed by a masonry, wooden or solid fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.
 - 2. Storage areas shall not be used for retail sales.
 - 3. Properties abutting properties zoned or used for residential purposes shall provide ten (10) feet of buffer yard in addition to the buffer yard otherwise required.
 - 4. All outside areas used for display, storage or sale shall contain a dust-free surface.
 - 5. The buffer that is otherwise required shall be increased by 30%.

6.5 HOME OCCUPATIONS

6.5.1 Purpose and Findings

- A. Establishes criteria for operation of home occupations in dwelling units within residential districts;
- B. Permits and regulates the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- C. Ensures that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- D. Ensures that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- E. Allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions, and criteria;
- F. Enables the fair and consistent enforcement of these home occupation regulations; and
- G. Promotes and protects the public health, safety and general welfare.

AE Zone – SEE APPENDIX A.

Abandonment is the discontinuance of a nonconformity voluntarily for a period of 12 months with an intent to abandon, or the commission of an overt act of substantial discontinuance for a period of 12 months with or without voluntary intent.

Abut or Abutting means having property lines in common, or meeting at a point.

Access Corridor or Access Easement is a designated area on which an approved road or driveway may be constructed.

Accessory Use is a use incidental to and customarily associated with a specific principal use located on the same lot, tract or parcel. Permitted examples may include a detached garage, a dwelling unit attached to the main dwelling, a detached freestanding dwelling unit or unit that is located over a garage. An accessory use may be attached or detached from the main structure.

Accessory structure (appurtenant structure) means a structure, which is located on the same parcel of property as the ~~principle~~ principal structure and the use of which is incidental to the use of the ~~principle~~ principal structure. Accessory structures should constitute a minimal initial investment, ~~may not be used for human habitation,~~ be ancillary to the principal structure, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory Dwelling Unit means a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home such as an apartment over the garage a tiny house (on a foundation) in the backyard or an apartment that is attached to the principal structure.

Addition (to an existing building) means any walled and roofed expansion to the perimeter or height of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any addition shall be considered new construction. If the addition is more than 50% of the market value of the structure, then the addition and the existing structure and now new construction.

Additional use: A use permitted after public notice and hearing and recommended by the planning commission and approval by the mayor and board of aldermen.

Adjacent means two or more properties, lots, or parcels which abut or touch at a point, even if separated by a road or street, right-of-way, railroad line, trail, public lands, arroyo, stream, river, canal, lake, or other body of water.

ADT (Average Daily Traffic): The average number of vehicles per day (24 hours) that pass over a given point of a street. The ADT for a subdivision shall be calculated using the Trip Generation Manual published by the Institute of Transportation Engineers (ITE). Trip generation rates from other sources may be used if the applicant can show these sources better reflect the local conditions.

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines,

projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or adult video store means a commercial establishment which is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as a prevailing practice, and as one of its principal business purposes offers for sale or rental, for any form of consideration, any one or more of the following:

- (a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other substantial or significant business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store, so long as one of its substantial or significant business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment, so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (a) Persons who appear in a state of semi-nudity; or
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
- (d) Persons who engage in lewd, lascivious or erotic dancing or lewd, lascivious or erotic performances that are intended for the sexual interests or titillation of an audience or customers.

Adult motel means a hotel, motel or similar commercial establishment which:

- (a) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specific anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or
- (b) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, are regularly

shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adverse Impact or Effect is a negative change in the quality of the City, communities, affected areas or adjacent land, resulting from an adverse impact or effect originating from a use of land, buildings or structures upon the enjoyment of property, aesthetic values, environmentally sensitive lands, floodplains, floodways, streams, wetlands, hillsides and steep slopes, wildlife or vegetation habitats and habitat corridors,, air and water quality, public facilities and services, transportation capacity, health and safety, historical, architectural, archaeological, or cultural significance of a resource and effecting global warming, overutilization of nonrenewable energy and lack of sustainability.

Advertising sign or structure: Any sign, device, or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the premises. The area of an advertising structure or sign shall be determined as the area of the largest cross-section of such structure or sign.

Advisory Base Flood Elevation Maps (ABFE) means an official of a community on which FEMA has delineated the updated estimated one 1% elevations (ABFE). Also referred to as Advisory Flood Elevation (AFE).

Advisory Flood Hazard Area means that portion subject to inundation as shown on the ABFE maps as the ABFE inland limit.

AH zone is an area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding), base flood elevations are shown.

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

All weather surface: Any surface which will support the type of vehicular traffic intended for its use and properly drained to prevent ponding.

Antenna: Transmitting and/or receiving device used for personal wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas, and satellite earth stations.

Antenna support structure: A building or structure, other than a tower, greater than thirty (30) feet in height used for location of telecommunication facilities.

Antiquated Subdivision is a subdivision, partition or division of land into lots, parcels, or building sites including but not limited to premature subdivisions that were recorded prior to the adoption of land development regulations by the City requiring governmental planning and regulatory approval pursuant to the state enabling act, and that has two or more contiguous or non-contiguous vacant undeveloped

lots, parcels, or building sites, or lacks: adequate public facilities and services as defined in the UDC; adequate street right-of-way or street access; drainage easement right-of-way; adequate park, recreation or open space area; an overall grading and drainage plan; or lacks adequate subdivision grading both on or off the public right-of-way.

AO Zone is an area of 100-year shallow flooding where depths are between 1 and 3 feet (usually sheet flow on sloping terrain), flood depths are shown.

Apartment house or multiple family dwelling: Any single detached dwelling unit designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels. It is intended that apartment units be occupied as permanent dwelling units (minimum of thirty (30) days' duration) as opposed to hotel or motel facilities which are intended as temporary abiding place of transients.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance. SEE ALSO APPENDIX A.

Applicant is a person, including any governmental entity, seeking subdivision or development approval, a building permit, a refund, a waiver or a credit, whichever is applicable.

Appurtenance is an accessory or ancillary building, object, structure, fence, street furniture, fixture, vending machine, fountain, public artwork, bicycle rack or similar feature.

Architecturally Integrated means a facility, building or structure that is visually integrated into the landscape, support structure or existing vertical infrastructure by means of height, color, texturing, architecture, treatment, massing, placement, size, design, and/or shape.

Area of Shallow Flooding – SEE APPENDIX A.

Area of special flood hazard – SEE APPENDIX A.

Automobile junk area or graveyard: An open area other than a street or alley or place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

Automobile Repair: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

B and X zones (shaded) are areas of 500-year flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

Base Density is the total number of permitted dwelling units computed by dividing the minimum lot size by the gross acreage for conventional subdivisions, or the maximum density applied to gross acreage for cluster or conservation subdivisions.

Base Flood Elevation (BFE) – SEE APPENDIX A.

Base Flood – SEE APPENDIX A.

Bed and Breakfast: A private single-family residence authorized to rent one or more bedrooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast guests only, except that other food may be provided to guests in attendance of certain commercial activities such as guided tours, weddings, receptions, parties, and other large gatherings as may be authorized via issuance of special events permit, as provided by ordinance

Berm - An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Best Management Practices (BMPs) is an effective integration of stormwater, sewer and water , environmentally sensitive land preservation and mitigation systems, with appropriate combinations of landscape conservation, enhancement, structural controls, pervious and impervious cover, swales, storm and rainwater capture, filtration, treatment and reuse, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that provide an optimum way to convey, store, and release run-off, sewer and water ,and protect environmentally sensitive lands, in order to reduce peak discharge, remove pollutants, and enhance a sustainable environment.

Billboard: An outdoor advertising structure which advertises a use, product, or service not necessarily found on the premises.

Block: Block is a tract of land, frequently consisting of multiple lots, created by a subdivision, site plan, family transfer or parcel division, bounded by highways, streets, roads or by public parks, cemeteries, railroad rights-of-way, bicycle, equestrian and pedestrian trails, open space, walls, sewer, water, or irrigation ditches, pipes or culverts, streams, waterways, or the boundary lines of an adjacent City or other City.

Boat Manufacturing: A manufacturing facility devoted to the production of boats, marine engines, or marine equipment.

Boat Repair: A business that focuses on the repair or maintenance of boats, marine engines, or marine equipment.

Boat Sales: Premises on which new or used boats, marine engines, or marine equipment displayed for sale, lease, or rental.

Boat Storage: An enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

BOD (denoting biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Bond is a form of surety instrument in an amount and form satisfactory to the City Attorney. All bonds shall be approved by the City Attorney whenever security is required by the UDC.

Book or Media Store - A retail store that sells books and other media. This does not include the sale of sexually-oriented media.

Breakaway wall – SEE APPENDIX A.

Brewpub - A drinking establishment that produces and serves up to 5,000 barrels of fermented malt beverages annually for consumption on premises in hand-capped or sealed containers in quantities up to one-half barrel or 15½ gallons sold directly to the consumer. Wholesaling shall be permitted only where authorized by state law. This use type is subject to other limitations imposed in relevant state statutes.

Buffer area: An area which acts as a separation area between two (2) or more non-compatible districts.

Buffer, Riparian: An area of trees and other vegetation adjacent to a stream, river, or shoreline that is managed to maintain the integrity of the water body, to reduce pollution, and to provide food, habitat, and thermal protection for fish and wildlife Buffer Strips are roads, open spaces, landscaped areas, fences, walls, berms, railroad right-of-way, or any combination of thereof used to physically separate or screen one use of property from another, so as to visually shield, or block noise, vibration, odor, lights or other nuisances.

Buffer Yards are the open space area requiring installation of landscaping and screening materials between zoning districts and between buildings, structures or active uses. No construction or active land use is permitted within a buffer yard.

Buildable Area is the portion of land upon which buildings, structures or equipment may be placed, limited by floodplain, wetland area, slope or other terrain constraints requiring buffer zones and setbacks as set forth in the UDC.

Buildable width: Width of the building site left after the required yards have been provided.

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.

Building. Any building, structure, or any part thereof, built for shelter or enclosure of persons, animals, or chattels, including but not limited to churches, houses, hotels, fences, surfacing, and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. (The term "building" shall be construed as if followed by the words "or any part thereof.") As it relates to Floodplain Management, SEE APPENDIX A.

Building Line is a line on a plat between which line and a street no part of a principal building may be erected, except as specifically permitted by these regulations.

C and X (unshaded) zones: Are areas determined to be outside the 500-year floodplain.

Carport: An open-sided shelter for an automotive vehicle, usually formed by a roof projecting from the side of a building.

Car Wash or Auto Detailing: An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Automatic car wash establishments are further defined under the two following categories:

- 1. Full service:** An establishment featuring a conveyor system to move vehicles through the wash cycle. This type of car wash may include sales of gasoline, oil and other vehicle related merchandise. On-site attendants are required. Building size is limited by lot size, parking requirements, building and landscape setbacks or other site characteristics.
- 2. Self service:** An establishment featuring a car wash system where vehicles are manually driven through a wash cycle, or washed manually using a wand or other hose. Incidental interior cleaning and exterior drying are performed by vehicle operator. This type of car wash does not have an on-site attendant and there is no gasoline, oil or other merchandise for sale.

Cannabis Cultivation Facility is a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

Cannabis Disposal Entity means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis processing facility is a business entity that is licensed and registered by the Mississippi Department of Health that:

- (i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
- (ii) Possesses cannabis with the intent to manufacture a cannabis product;
- (iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
- (iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

Cannabis research facility is a research facility licensed and registered by the Mississippi Department of Health that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

Cannabis testing facility is an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

Cannabis transportation entity means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

Cemetery: A place for the burial of the human dead; usually a large park-like enclosure, laid out and kept for the purpose of interment.

Certificate of Appropriateness. A document evidencing the approval of the Historic Preservation Commission for work proposed by an applicant.

Certificate of Occupancy: A document issued by the Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

Child Care Facility: A facility that provides shelter and personal care for no more than 12½ hours during any part of a 24-hour day to six or more children under 13 years of age who are not related to the operator(s) of the facility. This includes day nurseries, day care centers, and other facilities that fall within the scope of this definition. Exempt from this use are childcare facilities that operate for no more than two days a week and whose primary purpose is to provide respite for the primary caregiver of the child or to provide temporary care during other scheduled or related activities and organized programs that operate for three or fewer weeks per year such as, but not limited to, vacation bible schools and scout day camps. Also exempt are membership organizations affiliated with a national organization that charge an annual membership fee, do not receive monthly, weekly, or daily payments for services, and are certified and in compliance with the national association's minimum standards for operation. Examples of such uses include, but are not limited to, the Boys and Girls Club of America and the YMCA. Child Day Care Facilities must be compliant with relevant Mississippi Statutes and Building Codes, including licensure requirements.

Cinema: A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances. This can also include an open lot or part of an open lot and auxiliary 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.

City. The City of Ocean Springs as represented by its local governing board. For all intents and purposes of this article, the terms "city" and "board" shall be interchangeable.

City Clerk: The City Clerk of the City of Ocean Springs.

Clear Vision Area is the triangular area adjacent to the intersection of any road within which no obstruction may be placed that blocks the sight lines for vehicular traffic.

Cluster Development is a development or subdivision that concentrates lots and structures on a portion of a parcel so as to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of environmentally sensitive areas. It is a form of development that allows a reduction in lot area or yards, where there may or not be an increase in the number of lots permitted from what would be permitted under conventional subdivision for the entire gross area of the development, where the dwelling units on a site are determined by density levels instead of minimum lot size, and where dwelling units are gathered together on smaller lot sizes than authorized by right in the zoning district to create open space, or a site for environmental mitigation.

Cluster is a group of cultural, historical, architectural, or archaeological resources with compatible buildings, objects, artifacts or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency, and association.

Coastal Barrier Resources System (CBRS) – SEE APPENDIX A.

Coastal high hazard area – SEE APPENDIX A.

College or University: A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different use type.

Combined sewer: A sewer receiving both surface runoff and sewage.

Common Area or Open Space: An open space area within or related to a development site that is designed and intended for the shared use or enjoyment of residents, occupants, and owners of the development.

Common Ownership is ownership by the same person, corporation, business, sole proprietorship, firm, trust, entity, partnership, or unincorporated association, or ownership by different persons, corporations, businesses, sole proprietorships, firms, trusts, partnerships, entities, or unincorporated associations, in which a person, stockholder, partner, associate, beneficiary, trustee, or a member of the family owns an interest in each corporation, business, sole proprietorship, firm, trust, partnership, entity, or unincorporated association that has an interest in the land, buildings or structures.

Compatible or Compatibility is determined by characteristics of different uses, activities, or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as;” rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development. The fact that development is not within the same zoning district or has different area and use characteristics does not make it incompatible.

Community flood hazard area (CFHA) – SEE APPENDIX A.

Community floodplain management map – SEE APPENDIX A.

Community rating system (CRS) – SEE APPENDIX A.

Comprehensive Plan: A statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body. The term refers to the most recently adopted Comprehensive Plan of the City of Ocean Springs.

Complete Application is an application for development approval that has been submitted to the Planning Director in the required format and includes all required submittals and initiates the time period for review.

Concealing fence: A fence, wall, live shrubbery, or other material approved by the planning commission which visually prevents, on a perpetually maintained basis, an area so enclosed from being viewed from without by a maximum of twenty (20) per cent visibility.

Conditional Use: A use that may be appropriate in a particular zoning district, but because of its nature, extent, and external effects, requires special use-specific standards and special consideration of its location, design, and methods of operation before it is allowed in the district.

Conditional Use Permit: A permit for development of a conditional use that is reviewed and decided by the City Council in accordance with Section 2.18-6 Conditional Use Permit approval criteria.

Conditions of Approval: Is a discretionary use permitted in a zoning district that must comply with all of the conditions, requirements and standards set forth in the particular zoning district and in the general requirements of the UDC before for approval is granted.

Condominium: A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the unit owners on a proportional basis.

Conference or Training Center: A facility used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Connectivity is the joining of local or connector streets through subdivisions and built up areas without dead ends or cul-de-sacs, forcing through traffic to utilize arterial streets, roads or highways.

Construction is the act of adding an addition to an existing building or structure; the erection of a new principal or accessory building or structure on a lot or property; the addition of walks, driveways, or parking lots; or the addition of appurtenances to a building or structure.

Contiguous lots, tracts or parcels are contiguous when at least one boundary line of one property touches a boundary line or lines of another property. Contiguity includes touching at a point.

Construction plans: The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units to be installed in conjunction with the development of the subdivision.

Country club or yacht club: A facility providing recreational and related services to members and their guests only, characterized by substantial land and improvement commitment to such facilities as golf courses, tennis courts, swimming pools, club-houses or the like.

Convenience Store: A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Gasoline is not offered for sale. Fast food may be offered, but only as a secondary activity of a convenience store. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.

Critical Exposure Zone: All land lying within one thousand (1,000) feet of the shoreline of the Mississippi Sound, as hereinafter defined, and all land north of the aforesaid area less than twelve and five-tenths (12.5) feet above mean sea level (MSL), and all lands, waters, and bottoms within jurisdictional limits lying south of and within one mile of the shoreline of the Mississippi Sound is hereby designated a Critical Exposure Zone. The shoreline referred to herein shall be the mean high tide line of the

Mississippi Sound, together with straight lines across the mouths of bays, estuaries and rivers flowing into or connecting with said Sound.

Cross Access: Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street.

Cul-de-sac: A short, local street having one end open to traffic and being permanently terminated at the other end by a circular bulb that allows vehicles to turn around without having to stop and back up.

Cumulative Impact is the impact of a series of development projects taken together to measure the joint and several impacts on the level of service and capacity of a public facility, or environmental impact.

Day Care Center is a place where six (6) or more children are left for care a part of the twenty-four (24) hours of the day, for which remuneration is received.

Demolition. The complete or constructive removal of a building on any site.

Demolition by neglect. Neglectful maintenance of any historic building or building structure which results in deterioration of a historic landmark or building which is within an historic district.

Density is an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

Density, Gross is the number of dwelling units divided by the total land area subject to an application for development approval, stated as dwelling units per acre.

Density, Net is the number of dwelling units divided by the net developable area. The "net developable area" means the land area of the site after deducting unbuildable areas, including road rights-of-way, buffers, open space, and environmentally sensitive areas, stated as dwelling units per net acre.

Design Enhancements are uniquely crafted and decorative artwork in a variety of media that are an integral part of eligible capital improvement projects, and are produced by professional craftspeople, or craftspeople in collaboration with an architect, landscape architect, or professional engineer. Art work shall be permanent, whether functional, or nonfunctional.

Design Guidelines: A document prepared by the Architectural and Historic Review Commission that sets out guidelines the Commission uses to assess the conformity of proposed development associated with historic districts, historic landmarks, and historic landmark sites to the city's historic preservation policies and standards.

Designated Landscape Areas are areas on a lot or parcel in which plants shall be preserved or installed to meet the landscape, buffering, or re-vegetation requirements of the Code, including but not limited to, roadway or parking lot buffers, re-vegetation and buffering of cuts, fills, retaining walls and structures on steep terrain and ridgetops. Areas dedicated to recreational playfields or to the production of food crops such as vegetable gardens or orchards are not included.

Developable Area is gross land area available for development within a lot, parcel or tract, net of all rights-of-way, easements, dedications, mitigation and open space reservations.

Development Approval means written authorization, such as approval of a subdivision application or issuance of a building permit, or other forms of official action required in order to initiate development.

Development Permit is any development order granting development approval of an application approved by the City under the UDC.

Development Review Committee: A committee of city staff made of representatives from city department commonly involved with various elements of development, and that is responsible for review and making recommendations or decisions on certain development applications.

Discretionary Approval is the approval of a development application in which an official or official body of the City exercises legislative, administrative, or quasi-judicial authority involving the exercise of discretion and which is subject to a public hearing.

Drainage System is all streets, gutters, inlets, swales, storm sewers, channels, streams, or other pathways, either naturally occurring or man-made, which carry and convey storm water during rainfall events.

Driveway is a private roadway providing access to a road or highway from a building, structure, or a shared driveway.

Dwelling, single-family: A building designed to be exclusively occupied by one family.

Dwelling, single-family attached is two dwelling units within a single structure, each owned in fee simple and located on individual lots that are joined along a single lot line.

Dwelling, Two-family is a building that consists of two separate family units, sometimes referred to as a *Duplex dwelling*. There are two allowable configurations, one-story structures with one dwelling unit next to the other or two stacked dwelling units, one on top of the other. Both units face and are entered from the street.

Dwelling or Dwelling Unit is an approved structure or portion of a structure that is designed, occupied or intended to be occupied, or has been previously used, as living quarters for a family and includes facilities for cooking, sleeping and sanitation; but not including recreational vehicles, travel trailers, hotels, motels, boardinghouses. Dwelling or dwelling unit includes single-family, two-family, townhouse, and multi-family dwelling; manufactured home and mobile home.

Dwelling, multi-family: A building designed for occupancy for three (3) or more families living independently of each other.

Dwelling, Townhouse is a one-family dwelling, in a row of at least three but not more than six such units, in which each unit fulfills the following requirements: 1) has its own front and rear access to the outside, 2) no unit is located over another, 3) each unit is located or capable of being located on a separate lot, and 4) each unit is attached but separated from any other unit by one or more vertical, common party wall(s), as described in the adopted building code.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Aldermen require that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazardous Materials is any hazardous chemical or extremely hazardous substance as defined and listed in the Federal Emergency and Community Right to Know Act, 40 CFR Part 300, vol. 51 No. 221, and Title 29 CFR, as periodically amended. Hazardous materials include but are not limited to the following hazardous substances and wastes: explosives; blasting agents; solid waste; compressed gases; flammable and combustible gases, liquids and solids; organic peroxides; oxidizers; pyrophoric materials; water reactive solids and liquids; unstable reactive materials; cryogenic fluids; highly toxic and toxic materials; radioactive materials; corrosives; carcinogens; irritants; sensitizers and other health hazards.

Height, Building is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof. In no case shall the highest part of a gable, gambrel, hip, shed, or similarly pitched roof extend more than five (5) feet above the specified maximum building height. **However, if a structure is located within an area of special flood hazard subject to regulations in the City's Flood Damage Prevention Ordinance, the height of the structure shall be measured from the base flood elevation (BFE) applicable at the structure's location.**

Highest adjacent grade: means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic district. An area designated and approved by the city through an ordinance which contains a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events, or aesthetically by plan, or physical development, and which meets at least one of the following criteria:

1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county 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 influenced his or her age.

Historic resources. As recognized by the National Register of Historic Places, historic resources consist of separate and aggregate buildings, districts, structures, sites, and objects.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structures. Example: Battlefields, Indian mounds.

Historic structure: means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation is an occupation which is customarily incident to the main use of the premises as a dwelling place, and is conducted by a member of a family residing in the dwelling, and in connection with which there is kept no stock in trade nor commodity to be sold upon the premises, provided that no person is employed other than a member of the immediate family residing on the premises; providing, further that no mechanical equipment shall be used which will be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, fumes and/or excessive traffic. None of the materials required in the home occupation shall be permitted to be stored outside the home or garage. The operation of beauty culture schools, beauty parlors, or barbershops shall not be considered home occupations.

Homeowners' Association is a corporation organized and existing under the Laws of the State of Mississippi that owns and maintains in perpetuity the physical facilities, structures, signs, roads, systems, areas or grounds held in common and other improvements within a Subdivision.

Hotel or Motel: Hotel, motel, and condotels are to be considered synonymous uses. They are a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a boarding/rooming house. Such uses may include kitchenettes, microwaves and refrigerators for each guest unit. Shall have common amenities for guests such as pool, work out room, lobby and a staffed maid service.

Hydrologic and/or Hydraulic Engineering Analysis – SEE APPENDIX A.

Immediate Family is a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by natural birth or adoption.

Impervious Cover are roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface, including, but not limited to, all streets and pavement within the subdivision. "Percent impervious cover" is calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed divided by the total area within the perimeter of such lot, tract, parcel, or development. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, and public sidewalks shall not be calculated as impervious cover.

Improvements: This term refers to street pavement, sidewalk pavement, landscaping, pedestrian way pavement, green spaces, water mains, storm drains, sanitary sewers, utility lines, signs, monuments, streetlights, and other similar items.

Improvement Guarantee is a security instrument, including, but not limited to, a payment or performance bond, a letter of credit, deposit of cash or a cashier's check into an escrow fund or other sufficient surety, accepted by the City to ensure that all public and nonpublic improvements required as a condition of approval of a development project will be completed in compliance with the plans and specifications of the development as approved in the development order.

Infrastructure, private: Any water, sewer, and/or drainage structure, roadway, parkway, sidewalk, off-street parking area, or other facility for which a non-governmental entity will assume responsibility for maintenance and operation.

Infrastructure, public: Any water, sewer, and/or drainage structure, roadway, parkway, sidewalk, off-street parking area, or other facility for which the city will assume the responsibility for maintenance and operation, or which will affect an improvement for which local government responsibility is established.

Junk: The term is defined to mean and shall include scrap, iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals 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, inoperable vehicles 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 junk.

Liquor Store: A store selling alcoholic drink for consumption elsewhere.

Landmark. An improved parcel of ground with a building, structure and/or object, designated by the commission and approved by the city through an ordinance, which possesses particular historic, architectural, or cultural significance by meeting at least one of the following criteria:

1. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, 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, artist or architect whose individual ability has been recognized or who influenced his age.

Landmark Site. An unimproved or improved parcel of ground, designated by the Historic Preservation Commission and approved by the city through an ordinance, in which the physical location possesses particular historic, architectural, or archaeological significance by meeting at least one of the criteria associated with a *landmark* (see above) or the additional criteria below:

- A. Has yielded, or may be likely to yield, information important in prehistory or history.

Live/Work Building is a dwelling unit that contains, to a limited extent, a retail or office component. A

Manufactured Home (44 CFR 59.1 definition / FEMA) means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a “recreational vehicle.”

Manufactured housing (24 CFR 3280.3 and 3285.5 definitions / HUD) means “...a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.”

Map Panel Number – SEE APPENDIX A.

Mass is the size, height, symmetry, and overall proportion of a structure in relation to the original style and/or to surrounding structures.

Medical cannabis dispensary is an entity licensed and registered with the Mississippi Department of Revenue that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mixed-Use Building is a structure with a vertical mixture of uses. The upper floors may be used for office, residential, lodging, storage, or parking; the ground floor (lot frontage at the street level) may be used for retail or office.

Monopole tower: A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

National Flood Insurance Program (NFIP) – SEE APPENDIX A.

National Geodetic Vertical Datum (NGVD) – SEE APPENDIX A.

Native Vegetation is plant species with a geographic distribution indigenous to the applicable life zone in Ocean Springs. Plant species which have been introduced by humans are not native vegetation.

Nonconforming Lot or Parcel is a lot or parcel (subdivided or un-subdivided) that was lawfully established or commenced prior to the adoption or amendment of the City’s land development regulations and that fails to meet the current requirements for area, height, yards, setback, or use generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action.

Nonconforming Site is a lot, parcel, or development site that was lawfully established but that does not comply with the area, height, yards, setback, or other bulk standards of the SUDC.

Parking space: A space located on private or public property sufficient in size to store one standard size automobile.

Pawn Shop: A pawnbroker's shop, especially one where unredeemed items are sold to the public.

Perennial Plant is a plant whose root remains alive more than 2 years.

Personal Services: A business establishment such a barbershop, beauty parlor, tanning salon, nail care store or similar personal service shop, but not including a massage therapy establishment, tattoo or body piercing parlor.

Planting Area is any area designed for landscaped material installation in accordance with this ordinance.

Plat, final: The final map of all or a portion of a subdivision that shows all boundaries of lots, rights-of-way, easements, and open space parcels, and that is reviewed and decided by the Board of Alderman.

Plat, Preliminary: A map of a Major Subdivision that shows the general layout and design of lots, streets, stormwater management, utilities, open space, and other subdivision elements, and that is reviewed and decided by the Board of Alderman.

Police Power is the inherent, delegated, or authorized legislative City power for purposes of regulation to secure health, safety, and general welfare and to prevent public nuisances.

Pre-FIRM Construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Principal Structure: Principal use means the primary purpose or purposes for which a building or lot is used.

PROFESSIONAL SERVICES

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, and similar professions.

Real Estate Office: A business that arranges the sale, renting, or management of homes, land, and buildings for their owners.

Recreational Vehicle means a vehicle that is:

- A. Licensed and titled as an RV or park model (not a permanent residence);
- B. Built on a single chassis;
- C. Has 400 square feet or less when measured at the largest horizontal projection;
- D. Has no attached deck, porch, or shed;
- E. Has quick-disconnect sewage, water, and electrical connectors;

- F. Designed to be self-propelled or permanently towable by a light duty truck, and:
- G. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment means:

- A. The demolition or removal of the principal structure or more than 50% of the impervious surface of a site;
- B. Whenever any change in the current number of parking spaces exceeds 50%, provided that the change increase or decreases the number parking spaces by 5 or more spaces;
- C. When additions or renovation costs total a minimum percentage of 50% of the cost of the original structure; or
- D. When the increased gross floor area to the original structure exceeds a minimum of 25% of the original structure.

Repair means the reconstruction or renewal of any part of an existing building. For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences. As it relates to Floodplain Management, SEE APPENDIX A. The term does not apply to:

- A. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Building Official and which are solely necessary to assure safe living conditions, or:
- B. Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”, or:
- C. Any improvement to a building.

Repetitive Loss – SEE APPENDIX A.

Residence: Is the place where an individual makes their home for their convenience and normal living where that individual can be traced, located, identified for all legal and contractual obligations, whether or not it is owned by him/her or he/she is permanently dwelling there.

Restrictive Covenant: Is a real covenant creating restrictions applicable to development within a subdivision.

Retail Sales: Retail sales tracks consumer demand for finished goods by measuring the purchases of durable and non-durable goods over a defined period of time.

Right-of-Way: Is the property that is publicly owned or upon which a governmental entity has an express or implied property interest (e.g., fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, a highway, a street, sidewalks, drainage facilities, a crosswalk, a railroad, a road, an electric transmission line, an oil or gas pipeline, a water main, a sanitary or storm sewer main, shade trees, trails, parks, recreation areas, scenic vistas or for any other special use. The usage of the term “right-of-way” for subdivision platting or site plan purposes means that every right-of- way established and shown on a final plat or site plan is separate and distinct from the lots

Sight Triangle: A triangular area at each corner of intersecting roadways, or at the intersection of a roadway and driveway, within which the structures and vegetation are regulated to ensure safe sight distance for drivers of vehicles approaching the intersection. A sight triangle is measured from the point where the extended curb or edge-of-pavement line of a roadway meets the extended curb or edge-of-pavement line of the intersecting roadway or the edge of the driveway, to a point a certain distance along the initial roadway curb or edge-of-pavement line, and then diagonally to a point a certain distance along the curb or edge-of-pavement line of the other roadway or the edge of the driveway.

Slug: Any discharge of water, sewage, or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operations.

Small Commercial Building is a single-use, one-story structure with either office or retail use.

Special Flood Hazard Area (SFHA) – SEE APPENDIX A.

Spot Zoning is rezoning of a parcel of land to benefit the owner for a use that is incompatible with surrounding land and inconsistent with the goals, objectives, land uses, policies and strategies of the Ocean Springs Comprehensive Plan, or other applicable area, specific or community plan, and does not further the comprehensive zoning plan, intent, purposes and findings of the UDC.

Sprawl is low density development, poorly designed, constructed in a leap frog manner in areas with inadequate public facilities and services, often on environmentally sensitive, farm or ranch lands, automobile dependent, consisting of isolated single family residential lots or neighborhoods requiring excessive transportation trip lengths, contributing to air pollution and global warming, and creating negative fiscal impact on City revenues and costs.

Stabilization is the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, or structure while maintaining the essential form as it exists at present.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. As it relates to Floodplain Management, SEE APPENDIX A.

Story is that part of a building included between the surface of one floor and the surface of the floor next above, or, if there be no floor above, that part of the building which is above the surface of the

benefits and low utility costs, using federal, state and City tax credits, tax deductions, Loan And Grant Incentives And City Regulation.

Substantial Improvement means any combination of reconstruction, rehabilitation, alteration, or other improvement of a structure taking place during ten-year period in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the structure. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The costs for determining substantial improvement include the costs of additions. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed.

This term does not apply to:

- a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, provided that said code deficiencies were not caused by neglect or lack of maintenance on the part of the current or previous owners, or;
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Taking is an economic burden imposed upon an owner which prevents a realization of all or substantially all reasonable use and value of the property taken as an entirety, including all land in common ownership.

Telecommunication facilities: Any commercial equipment associated with the transmission/reception of wireless telecommunications.

Telecommunication tower: A guyed, monopole or self-support/lattice tower, constructed as a freestanding or guyed structure, containing one or more antennas used in the provision of commercial wireless service.

Text Amendment: An amendment to the language of this Ordinance or any ordinance that is reviewed and decided by the Board of Alderman in accordance Section 2.15.1.

Townhouse: A one-family dwelling, in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is attached, but separated from any other unit by one or more vertical, common fire-resistant walls that extend through the roof line so as to create separate roofs for each townhouse.

Tidal marsh: Any area which is under water or so saturated with moisture that normal activity is prohibited for at least six (6) months out of every year. In these areas the soil material is composed principally of brown, partly decomposed marsh grass over mineral soil material.

Trade or Vocational School: A public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a

vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Traditional Neighborhood Development is an approach to land use planning and urban design that promotes the building of pedestrian friendly neighborhoods with a mix of uses, housing types and costs, lot sizes, density, architectural variety, a central meeting place such as a town square, a network of narrow streets and alleys, interconnected streets and defined development edges.

Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- (a) The sale, lease, or sublease of the business;
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Trip Generation is the origin, destination and number of trips for the entire day and the AM and PM peak periods, including the rates and units used to calculate the number of trips based on most current published ITE standards or equivalent methodology.

Unreasonable Hardship is an economic burden imposed upon an owner which prevents a realization of all or substantially all reasonable use and value of the property taken as an entirety, including all land in common ownership.

V Zone means the portion of the SFHA that extends from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high-velocity wave action from storms or seismic sources.

VE Zone – SEE APPENDIX A.

Vacation: Is the act of rescinding all or part of: a recorded subdivision plat; street; right-of-way or land including revocation of legal fee simple dedications and grants of easements.

Variance: A permit authoring a deviation from this Ordinance's dimensional standards and certain development standards where strict application of the standard creates a hardship due to circumstances particular to a parcel, and that is reviewed and decided by the Board of Zoning Adjustment.

Vehicle Repair: Means the repair, rebuilding, and reconditioning of motor vehicles, including collision service, painting, and leaning of vehicle

Vehicular Use Area: Is any ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage or display, such as, but not limited to, new and used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores; and other vehicular uses.

Veterinary Clinic: A facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.

Violation: Means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Visually Compatible: Is the harmonious relationship between the scale and design of buildings as defined in the appropriate Chapters of this document. The design, arrangement and location of buildings or other created or natural elements of the urban and rural environment that are sufficiently consistent in scale, character and siting with other buildings or created or natural elements in the area or neighborhood to avoid abrupt or severe differences.

Warehouse: A facility characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and others, but not involved in manufacturing or production.

Water Surface Elevation – SEE APPENDIX A.

Watercourse – SEE APPENDIX A.

Wetland: Is land that has a predominance of hydric soil; is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances supports a prevalence of that vegetation.

X zone (shaded) – SEE APPENDIX A.

X zone (unshaded) – SEE APPENDIX A.

Yard: Means an open space area on a lot, between a lot line and the nearest principal building or structure, required by the UDC to be unoccupied and unobstructed either on, above or below ground level, except as specifically permitted by these regulations.

Yard, front: Is a space across the full width of a lot extending from the front line of the main building to the front street line of the lot. The front yard of an irregularly shaped lot shall be determined when the initial Building Permit is issued.

Yard, rear: Is a space extending across the rear of a lot measured between inner side yard lines and being the distance between the rear lot line and the rear line of the principal building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side: Is a space between the building and the side line of the lot unoccupied and unobstructed by any portion of a structure from the ground upward, except as specifically permitted by these

- C. The building official shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant for the sign meets the requirements of this ordinance and any other applicable ordinance of the city, and when all required fees have been paid. If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefor.
- D. The work under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.
- E. The building official may, in writing, revoke a sign permit if it was issued on the basis of a misrepresentation of fact, fraud, or for failure to comply with the terms of the permit, or for a violation of this ordinance. If a sign permit is denied or revoked by the building official, he shall give written notice thereof to the applicant or permittee, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the building official, he shall give written notice thereof to the applicant or permittee, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the building official which may be appealed as other decisions.
- F. All billboards and freestanding, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a final inspection to ensure that they comply with the sign permit and this ordinance. If the building official determines that the sign as erected does not comply with the terms of the permit and this ordinance, he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.
- ~~G. The fee for a sign permit, in addition to any required electrical permit fee, shall be fifty dollars (\$50.00). The fee calculation on a billboard, a freestanding on-site sign, a projecting sign, a roof sign, or any other sign having more than one face shall be based on only one face of the sign, which shall be the largest.~~
- H. G. When a sign is erected before issuance of a permit as required by this ordinance, the fee specified herein shall be multiplied by five (5).

8.4 STANDARDS OF SIGN CONSTRUCTION

Any sign constructed under a sign permit issued under this ordinance shall be constructed in accordance with the provisions of the currently adopted building code in effect at the time such sign permit is issued. If there is a conflict between the provisions of this ordinance and said currently adopted building code, the provisions of the more restrictive shall apply.

8.5 MAINTENANCE, REPAIR, AND REMOVAL

- A. Every sign, including exempt and nonconforming signs, shall be maintained in a safe, presentable, and good condition at all times, including, if needed, replacement of defective parts, painting, repainting, cleaning, and any other action required for the maintenance of said sign.
- B. The building official shall cause the abatement or removal of unsafe, unlawful, or abandoned signs in accordance with the remedial and enforcement provisions of this ordinance. If the

building official has to remove any sign, the owner thereof shall bear the cost of removal. The cost shall be billed to the owner and upon a failure to pay within a reasonable time suit may be brought to recover the sum due.

8.6 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

In all residential districts all exempt signs are permitted subject to the conditions of the exemption applicable to residential districts.

8.7 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

- A. The following signs are permitted in all commercial and industrial districts, subject to the conditions and limitations herein:
- B. Billboards (freestanding, off-site signs)—Allowed in industrial districts only.
- C. Freestanding, on-site signs.
- D. Wall signs.
- E. Canopy signs.
- F. Under-canopy signs.
- G. Roof signs.
- H. Projecting signs.
- I. Exempt signs.
- J. Special sale promotion signs.
- K. Electronic message centers, with specific requirements outlined below, may be permitted as part of a freestanding or wall sign in commercial and industrial districts for parcels abutting Highway 90, with the exception of historic districts, where they are prohibited.
 - 1. One electronic message center per parcel may be permitted to be incorporated into the body of the allowable freestanding or wall sign.
 - 2. An electronic message center shall not comprise more than twenty (20) per cent of the overall allowable freestanding signage area or fifty (50) per cent of the allowable wall signage area, measured along the perimeter of the electronic message center.
 - 3. If a freestanding or wall sign of maximum allowed size is already present, the electronic message center must replace part of the existing sign. This addition of an electronic message center does not permit an increase in the maximum allowable signage area.
 - 4. The electronic message center shall have auto-dimming capabilities and shall adjust to no more than 0.3 footcandles above ambient light conditions. Additional light intensity requirements may be necessary, based on site-specific sign location and orientation, at the discretion of the building official.

5. Only text is permitted on the electronic message center; no images or animation is permitted. No videos, images, sound, or appearance of movement or animation is permitted, including sequential messaging, scrolling, flashing, fading, expanding/contracting, or scintillating use of lighting. No sign shall imitate traffic safety signs.
 6. Electronic message center signage lighting colors shall be limited to white, gray, black and amber.
 7. Copy shall be static and not change at intervals less than sixty (60) minutes.
 8. If an electronic message center is erected, all A-frame signs on the parcel shall be removed.
 9. Property owners with electronic signage that does not comply with this section in regard to color of text, use of pictures or sound, and movement shall have ninety (90) days to comply with these regulations.
 10. For purposes of prosecution of violations of this section, each day that any violation occurs related to color, use of pictures or sound, or movement is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding two hundred fifty dollars (\$250.00) for the first offense, not exceeding five hundred dollars (\$500.00) for the second offense within a calendar year, and not exceeding more than one thousand dollars (\$1,000.00) for other offenses within a calendar year, plus all court costs.
- L. On parcels having frontage on Highway 90 or Highway 57:
1. Major shopping centers with linear Highway 90 or Highway 57 frontage equal to or greater than five hundred (500) feet:
 - Two (2) freestanding, on-site signs shall be permitted, provided both signs are located on Highway 90 or Highway 57 frontage.
 - Each sign shall not exceed twenty (20) feet in height.
 - Total sign square footage shall not exceed two hundred fifty (250) square feet.
 - The subject signs shall be separated by a minimum of one hundred fifty (150) linear feet.
 2. Each store, office, or other place of business within the major shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsections **N (1) {3}** and **(2) {6}** below.
 3. Shopping centers with linear Highway 90 or Highway 57 frontage greater than three hundred (300) feet and less than five-hundred (500) feet:
 - One freestanding, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 - Sign shall not exceed ten (10) feet in height.
 - Sign square footage shall not exceed two hundred (200) square feet.
 - Each store, office, or other place of business within the shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsections **N (1) {3}** and **(2) {6}** below.

4. Shopping centers with linear Highway 90 or Highway 57 frontage of three hundred (300) feet or less:
 - One freestanding, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 - Sign shall not exceed ten (10) feet in height.
 - Sign square footage shall not exceed one hundred fifty (150) square feet.
 - Each store, office, or other place of business within the shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsections **(N) (1) (3)** and **(2) (6)** below.
5. Commercial and industrial parcels with linear Highway 90 or Highway 57 frontage equal to or greater than one hundred fifty (150) feet:
 - One freestanding, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 - Sign shall not exceed ten (10) feet in height.
 - Sign square footage shall not exceed sixty (60) square feet.
6. Commercial and industrial parcels with linear Highway 90 or Highway 57 frontage less than one hundred fifty (150) feet:
 - One freestanding, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 - Sign shall not exceed ten (10) feet in height.
 - Sign square footage shall not exceed fifty (50) square feet.
7. Big box retailer (no minimum linear Highway 90 or Highway 57 frontage requirement provided the big box retailer is addressed on of Highway 90 or Highway 57):
 - One freestanding, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.
 - Freestanding signage shall not exceed twenty (20) feet in height.
 - Freestanding signage area shall not exceed one hundred twenty-five (125) square feet.
 - One main wall sign shall be permitted for an area not to exceed two hundred (200) square feet.
 - Secondary/directional wall signage shall be permitted for an area not to exceed fifty (50) square feet per piece, not to exceed ten (10) individual pieces.
 - Total big box retailer wall signage, including main signage and secondary/directional wall signage shall be permitted for an area not to exceed three hundred (300) square feet.
8. A hospital campus or multiple parcels consisting of a hospital and associated medical buildings, or multiple buildings containing medical-related establishments such as clinics, pharmacy, diagnostic center, or surgical center, with shared parking and common vehicular access, and having a minimum of three (3) acres of contiguous property:
 - One freestanding, on-site sign shall be permitted, provided the sign is located on the Bienville Blvd. (Highway 90) or Highway 57 frontage.

**CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415**

**PLANNING COMMISSION REPORT
— PUBLIC HEARING —**

PUBLIC HEARING DATE: 10-08-2024

APPLICANT(S): Hussein Zayed/PID# 60128650.000

CURRENT OWNER Hussein Zayed/Zayed Realty LLC

LOCATION: 1001 Ocean Springs Road

REQUESTED ACTION: Lot Split

DATE OF APPLICATION: 9-28-2024

DESCRIPTION OF REQUEST:

The applicant is requesting that the property be split into two parcels. The property is zoned industrial.

ADJACENT ZONING AND LAND USE:

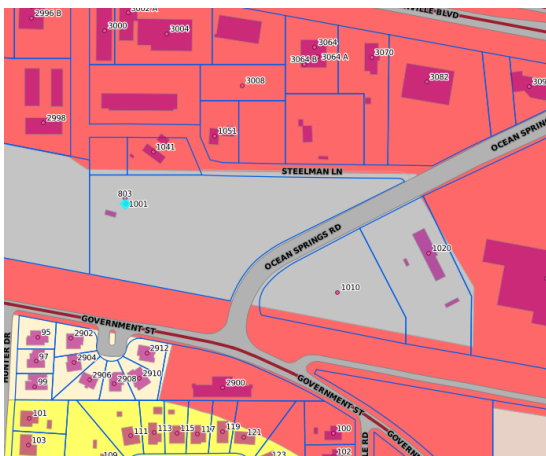
Subject Property: M-1- Industrial

North: CH - Regional Commercial

South: CH - Regional Commercial

East: M-1 - Industrial

West: M-1 - Industrial





Shot from my iPhone

CURRENT CONDITIONS:

Minimum Lot Size: Required N/A – Proposed 1.57 acres.

Lot Width: Required 100 feet – Proposed 665.10 feet.

The proposed lot is in compliance with the lot width and minimum lot size.

Table 3.2B: Dimensional Standards for Mixed Use and Non-residential Zoning Districts

		ZONING DISTRICT						
		CMX-1	CMX-2	C-H	M-1	C-P	P	C-M
Min. Lot Area (ft ²)		NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)		25	25	25	100	NA	NA	NA
Min. Building Height		NA	NA	NA	NA	NA	NA	NA
Max. Building Height		2 stories	4 stories	75 ft. or 6 stories	Two stories, not to exceed 50 feet ¹	NA	NA	3 stories or 45 ft.
Max. Dwelling Unit Density (dwellings per acre)		21	42	42	NA	NA	NA	Principal building – 60% of lot area max.; Accessory building – max.10% of lot area
BUILDING SETBACK		DISTANCES						
FRONT	MIN (ft.)	5 ²	5 ²	5 ²	5 ^{2,5}	NA	NA	NA
	MAX(ft.)	NA	NA	NA	NA	NA	NA	NA
SIDE	MIN (ft.)	5	5	5	5 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA
STREET SIDE	MIN (ft.)	10	10	10	10 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA
REAR	MIN (ft.)	10 ³	10 ³	10 ⁴	10 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA

(Ord. No. 2020-04, § 1, 2-04-20)

FINDINGS:

1. The proposed plat does meet the development requirements of the M-1 District.
2. Access can be provided Ocean Springs Road or Stelman.
3. Notification was sent to adjacent property owners with a 500-foot radius.
4. These are the requirements for a lot split.
5. Yard signs were posted for the Planning Commission meeting.

Development Application	Publication	Mail	Signage	Internet
Concept Plan	✓	✓	✓	✓
Site Plan	✓	✗	✓	✓
Tree Preservation Plan	✓	✗	✓	✓
Lot Split		✗	✓	✓

POTENTIAL MOTIONS:

To recommend **approval** of the lot split at 1001 Ocean Springs Road/60128650.000.

– OR –

To recommend **denial** of the lot split at 1001 Ocean Springs Road/60128650.00.

City of Ocean Springs Community Development and Planning
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs PLANNING COMMISSION will hold a public hearing located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

TUESDAY, OCTOBER 8TH, 2024 @ 6:00 p.m.

Residential Short-Term Rental Permit PID# 60119106.000 - 808 Desoto Avenue #12
Residential Short Term Rental Permit PID# 61425007.000 - 612 Cleveland Avenue
Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ
Properties to from R1A to CH Regional Commercial – Donovan Scruggs
Unified Development Code Text Amendment Multiple Sections

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing osplanning@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson,
City of Ocean Springs
Community Development Director



permit # 6457

City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

LOT/ PARCEL RECONFIGURATION/SPLIT APPLICATION

Indicate Request:

SPLIT



RECONFIGURATION



Effective June 11, 2006, the following application fees apply:

Lot/Parcel Reconfiguration/Split \$200

Additional Fee \$1 (Per Ordinance 2022-17 following the requirements of Section 25-60-5 MS Code Annotated)

Application Date: 8/28/24 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot/Parcel(s): 1001 Ocean Springs Rd

Parcel ID(s): 60128650.000

- | | | | |
|---------------------|------------------------------------|-------|-------------------------------------|
| 1. Applicant: | <u>Zayed Realty LLC</u> | Phone | <u>228-327-5827</u> |
| Address | <u>3704 Brienne Blvd</u> | Email | <u>HZAYED87@yahoo.com</u> |
| 2. Local Agent: | <u>Hussein Zayed</u> | Phone | |
| Address | | Email | |
| 3. Owner of Record: | | Phone | |
| Address | | Email | |
| 4. Engineer: | | Phone | |
| Address | | Email | |
| 5. Land Surveyor: | <u>Patrick Martino</u> | Phone | |
| Address | <u>13010 Kayleigh Cove, Biloxi</u> | Email | <u>Patrick@martinosurveying.com</u> |
| 6. Attorney: | | Phone | |
| Address | | Email | |

Property Information

1. Tax Map Designation: Section 28 Township: 7 Range: 8
2. Is this lot/parcel located in a Platted Subdivision: Yes ☐ No ☒ Name of Subdivision: _____
3. Zoning of Lot(s): Industrial
4. Current lot area (sq. ft.) 3.57 acres

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

Reconfiguration Request

1. Describe lot split/reconfiguration request (existing/proposed size of lot(s), reason for request, etc.).

2. Has Zoning and Adjustments Board granted any variance exceptions or special permits for this property?
 Yes No If so, please explain and state the date of approval:

3. Has any lot included in this request been previously split or reconfigured? NO

4. Are there any easements or existing structures that would interfere with this lot reconfiguration? NO

5. Are the proposed lots adjacent to public water and sewer lines? Not to my knowledge

LOT SPLIT/ LOT RECONFIGURATION COMPLIANCE CHECKLIST

This checklist to be completed by applicant and verified by City Planning Department.

- ☐ Application complete and submitted.
- ☐ Application fees paid in full (\$ 201.00)
- ☐ Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways, or other landmarks.
- ☐ Survey submitted, including all required information (see survey requirements, p. 3)
- ☐ Evidence of ownership submitted (tax statement, deed, etc.)
- ☐ If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.
- ☐ Affidavit of Ownership and notarized signature submitted (see attached)
- ☐ Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels).
- ☐ All proposed lots in conformance with lot setback requirements of zoning ordinance.
- ☐ All proposed lots in conformance with lot width requirements of zoning ordinance.
- ☐ All proposed lots in conformance with lot area requirements of zoning ordinance.
- ☐ Neither non-conforming lots nor non-buildable lots are formed as result of proposed split/reconfiguration.
- ☐ Proposed split/reconfiguration does not impair existing access, easements, or public improvements.
- ☐ There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s). (also stated in Affidavit)
- ☐ The split/reconfiguration will not result in significant increases in service requirements (utilities, traffic control, streets, etc.), nor will it interfere with maintaining existing service level (i.e. no additional curb cuts, repaving, etc.)
- ☐ If not located in a platted subdivision, this lot has never been previously split.
- ☐ Lot reconfiguration will provide for development conformable with existing development and City's Comprehensive Plan.

Survey Requirements for Lot Split/Lot Reconfiguration

Information for Applicant, Items to be included in submittal:

- ☐ Date, north arrow and scale
- ☐ Parcel ID number(s)
- ☐ Existing and proposed lot lines, lot widths, lot areas, and any other lot dimensions
- ☐ Existing driveway(s), roads and road easements/rights-of-way
- ☐ Existing utilities, including any septic tanks or other private utilities
- ☐ All existing structures
- ☐ Setbacks from existing structures to existing and proposed property lines
- ☐ Location of any existing structures on the lots, with nature, location and dimensions
- ☐ Any existing and proposed utility or road easements

Next Steps

Once the application is received (with all attachments) and fee is paid, the City will review the package and schedule the request on the next month's Planning Commission agenda. The Planning Commission will make a recommendation to the Board of Alderman, which will approve or reject the request. Applicants are encouraged to attend both the Planning Commission and Board of Aldermen meetings to respond to questions. The Planning Commission meets the 2nd Tuesday of each month at 6:00 pm and the Board of Aldermen meets the 1st and 3rd Tuesday of each month at 6:00 pm. Applicants will be notified when their request will be considered. All meetings occur in the City Hall Board room at 1018 Porter Avenue.

When the approved lot split or lot reconfiguration results in a new deed, the property owner or agent shall record lot split/reconfiguration survey and deed in the Land Records Office (Chancery Clerk) of Jackson County, MS.



Permit #: 6457

Permit Date: 08/30/24

Permit Type: Lot Split

Floodzone:

BFE:

Building Permit Sub-Type:

Electrical Permit Sub-Type:

Mechanical Permit Sub-Type:

Plumbing Permit Sub-Type:

Golf Cart Permit Sub-Type:

Tree Permit Sub-Type:

Sign Permit Sub-Type:

Applicant Name: Zayed Realty

Applicant Address: 3704 Bienville

Applicant City, State, Zip: OS

Applicant Phone: 228-327-5827

Applicant Email: wzayed87@yahoo.com

Owner Name:

Job Address: 1001 Ocean Springs

Job City: Ocean Springs

Owner Phone: 228-327-5827

Owner Email: wzayed87@yahoo.com

Square Feet: 0

Project Cost: 0

Job Description:

HPC District:

Status: Pending

Assigned To:

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
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Linked Properties

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
60128650.000	1001 OCEAN SPRINGS	BEG SWC OF RD STEELMAN LANE & 11' W OF	ZAYED REALTY LLC		

VANCLEAVE RD
SWLY 661.74' W
234.8' M/L N 251' E
TO POB LESS PT
TO STEELMAN LN
DB 1650-610 (2 2
MAP788.28-01)
'PER SURVEY'

Fees

Fee	Description	Notes	Amount
Lot Split			\$200.00
Administrative Fee			\$1.00
		Total	\$201.00

Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
08/30/2024	Zayed Realty LLC	Lot Split Ck#2718		Carter Thompson	\$201.00
				Outstanding Balance	\$0.00

Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) Hussein Zayed, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: Zayed Realty LLC

Parcel ID(s): 001 28650.000

Date Property Acquired Date: 08/16/2011

Book and Page of Each Conveyance: 1650-610

Owner's Signature [Signature] Date 8/28/2024

STATE OF MS

COUNTY OF JACKSON

I Rhonda Boney, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 8021 Pine Cliff Cove
Biloxi MS 39532

Subscribed and sworn before me this 29th day of August

My commission expires 01/26/2027 [Signature]



**CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415**

**PLANNING COMMISSION REPORT
— PUBLIC HEARING —**

PUBLIC HEARING DATE: 10-08-2024

APPLICANT(S): Curtis Williams/CR Reynolds LLC

CURRENT OWNER Curtis Williams/ CR Reynolds LLC

LOCATION: 5701 Peacock Street/05107199.000

REQUESTED ACTION: Lot Split

DATE OF APPLICATION: 9-5-2024

DESCRIPTION OF REQUEST:

The applicant is requesting that the property be split into two parcels.

ADJACENT ZONING AND LAND USE:

Subject Property: R-4- High-Density
Residential District

North: R-4 - High-Density
Residential District

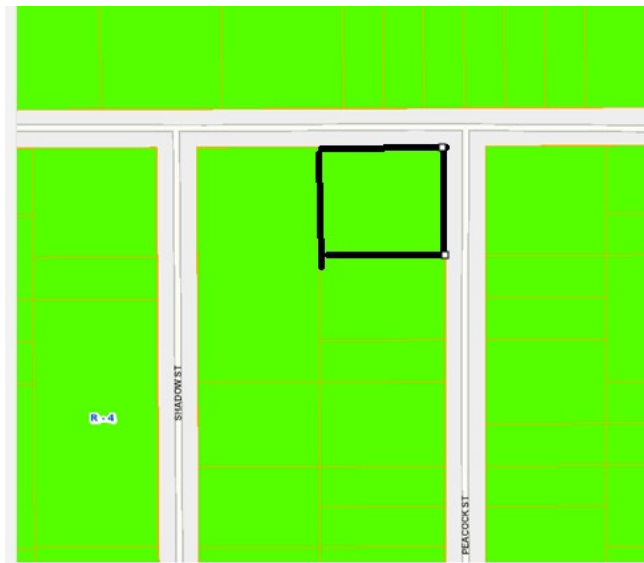
South: R-4- High-Density
Residential District

East: R-4 - High-Density
Residential District

West: R-4-High-Density
Residential District

CURRENT CONDITIONS:

This property is located in the annexed area and will remain under the County zoning until the City rezones the property. The County zoning is R-4 High Density Residential.



Minimum lot Size: Required: 5,000 SF. Proposed: 9,746 SF and 9,749 SF.

Minimum Lot Width: Required: 50 feet Proposed: 65 feet.

District	Maximum			Minimum				
	Density-Dwelling Units	Lot Coverage	Building Height ¹	Lot Area	Lot Width ²	Setbacks		
						Front Yard	Side Yard ³	Rear Yard ⁴
Residential								
A-1	1.0/ac	30%	35'	43,560 S.F.	100'	50'	20'	25'
A-2	2.2/ac	30%	35'	20,000 S.F.	100'	35'	20'	25'
A-3	2.9/ac	30%	35'	14,800 S.F.	100'	30'	10'	25'
R-1	4.5/ac	30%	35'	9,600 S.F.	80'	35'	10'	25'
R-1A	6.2/ac	30%	35'	7,000 S.F.	70'	25'	10'	25'
R-1B	4.5/ac	30%	35'	9,600 S.F.	80'	35'	10'	25'
R-2	5.4/ac	30%	35'	8,000 S.F.	70'	25'	10'	25'
R-3	8/ac	N.A.	35'	7,000 S.F.	70'	25'	7'	25'
R-4	8.7/ac	N.A.	35'	5,000 S.F.	50'	25'	7'	10'
R-5	1.0/ac	30%	35'	43,560 S.F.	100'	35'	20'	25'

FINDINGS:

1. The proposed plat does meet the development requirements of the R-4 District.
2. Access will be provided from Peacock
3. Notification was sent to adjacent property owners with a 500-foot radius.
4. These are the requirements for a lot split.

Development Application	Publication	Mail	Signage	Internet
Concept Plan	✓	✓	✓	✓
Site Plan	✓	✗	✓	✓
Tree Preservation Plan	✓	✗	✓	✓
Lot Split		✗	✓	✓

POTENTIAL MOTIONS:

To recommend **approval** of the lot split at 5701 Peacock Street/05107199.000.

– OR –

To recommend **denial** of the lot split at 5701 Peacock Street/05107199.000.



City of Ocean Springs Community Development and Planning
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

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TUESDAY, OCTOBER 8TH, 2024 @ 6:00 p.m.

Residential Short-Term Rental Permit PID# 60119106.000 - 808 Desoto Avenue #12
Residential Short Term Rental Permit PID# 61425007.000 - 612 Cleveland Avenue
Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ
Properties to from R1A to CH Regional Commercial – Donovan Scruggs
Unified Development Code Text Amendment Multiple Sections

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing osplanning@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson,
City of Ocean Springs
Community Development Director



Permit #: 6519

Address:

City:

State:

Zip:

Owner:

Owner Address:

Owner City:

Owner State:

Owner Zip:

Owner Phone:

Owner Email:

Applicant: Curtis Williams

Applicant Address: 1636 Pops Ferry Rd # 228

Applicant City, State, Zip: Biloxi, MS 39532

Receipt #: 6051

Date: 09/06/2024

Paid By: Curtis Williams

Description:

Payment Type: Check

Payment Type Description: Check #592

Accepted By: Hannah Sullivan

Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Administrative Fee		0.00	1.00	1.00
Lot Split		0.00	200.00	200.00
			Total:	\$201.00



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

LOT/ PARCEL RECONFIGURATION/SPLIT APPLICATION

Indicate Request: SPLIT ☒ RECONFIGURATION ☐

Effective June 11, 2006, the following application fees apply:

Lot/Parcel Reconfiguration/Split \$200
Additional Fee \$1 (Per Ordinance 2022-17 following the requirements of Section 25-60-5 MS Code Annotated)

Application Date: 9/5/2024 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot/Parcel(s): 199-201
Parcel ID(s): 05107199.000

1. Applicant: Curtis Williams Phone 228-369-9145
Address 6821 biddix Evans Rd Ocean Springs, MS Email CurtisWilliams731@gmail.com
2. Local Agent: _____ Phone _____
Address _____ Email _____
3. Owner of Record: Curtis Williams Phone _____
Address _____ Email _____
4. Engineer: _____ Phone _____
Address _____ Email _____
5. Land Surveyor: Gary A Durbin Phone 228-365-3636 / 228-282-9693
Address 1636 Poppo Ferry RD Suite 228 Email _____
Biloxi MS 39532
6. Attorney: _____ Phone _____
Address _____ Email _____

Property Information

1. Tax Map Designation: Section _____ Township: _____ Range: _____
2. Is this lot/parcel located in a Platted Subdivision: Yes ☒ No ☐ Name of Subdivision: _____
3. Zoning of Lot(s): R 4
4. Current lot area (sq. ft.) 130 x 150

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

1

Reconfiguration Request

1. Describe lot split/reconfiguration request (existing/proposed size of lot(s), reason for request, etc.).

the lots will be 65 X 150. I would like to build on lots

2. Has Zoning and Adjustments Board granted any variance exceptions or special permits for this property?

☐ Yes ☒ No If so, please explain and state the date of approval: _____

3. Has any lot included in this request been previously split or reconfigured? Yes

4. Are there any easements or existing structures that would interfere with this lot reconfiguration? NO

5. Are the proposed lots adjacent to public water and sewer lines? Yes

LOT SPLIT/ LOT RECONFIGURATION COMPLIANCE CHECKLIST

This checklist **to be completed by applicant** and verified by City Planning Department.

- ☐ Application complete and submitted.
- ☐ Application fees paid in full (\$201.00)
- ☐ Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways, or other landmarks.
- ☐ Survey submitted, including all required information (see survey requirements, p. 3)
- ☐ Evidence of ownership submitted (tax statement, deed, etc.)
- ☐ If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.
- ☐ Affidavit of Ownership and notarized signature submitted (see attached)
- ☐ Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels).
- ☐ All proposed lots in conformance with lot setback requirements of zoning ordinance.
- ☐ All proposed lots in conformance with lot width requirements of zoning ordinance.
- ☐ All proposed lots in conformance with lot area requirements of zoning ordinance.
- ☐ Neither non-conforming lots nor non-buildable lots are formed as result of proposed split/reconfiguration.
- ☐ Proposed split/reconfiguration does not impair existing access, easements, or public improvements.
- ☐ There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s). (also stated in Affidavit)
- ☐ The split/reconfiguration will not result in significant increases in service requirements (utilities, traffic control, streets, etc.), nor will it interfere with maintaining existing service level (i.e. no additional curb cuts, repaving, etc.)
- ☐ If not located in a platted subdivision, this lot has never been previously split.
- ☐ Lot reconfiguration will provide for development conformable with existing development and City's Comprehensive Plan.

Survey Requirements for Lot Split/Lot Reconfiguration

Information for Applicant, Items to be included in submittal:

- ☐ Date, north arrow and scale
- ☐ Parcel ID number(s)
- ☐ Existing and proposed lot lines, lot widths, lot areas, and any other lot dimensions
- ☐ Existing driveway(s), roads and road easements/rights-of-way
- ☐ Existing utilities, including any septic tanks or other private utilities
- ☐ All existing structures
- ☐ Setbacks from existing structures to existing and proposed property lines
- ☐ Location of any existing structures on the lots, with nature, location and dimensions
- ☐ Any existing and proposed utility or road easements

Next Steps

Once the application is received (with all attachments) and fee is paid, the City will review the package and schedule the request on the next month's Planning Commission agenda. The Planning Commission will make a recommendation to the Board of Alderman, which will approve or reject the request. Applicants are encouraged to attend both the Planning Commission and Board of Aldermen meetings to respond to questions. The Planning Commission meets the 2nd Tuesday of each month at 6:00 pm and the Board of Aldermen meets the 1st and 3rd Tuesday of each month at 6:00 pm. Applicants will be notified when their request will be considered. All meetings occur in the City Hall Board room at 1018 Porter Avenue.

When the approved lot split or lot reconfiguration results in a new deed, the property owner or agent shall record lot split/reconfiguration survey and deed in the Land Records Office (Chancery Clerk) of Jackson County, MS.

Table 5-1: Dimensional Standards

District	Maximum			Minimum				
	Density-Dwelling Units	Lot Coverage	Building Height ¹	Lot Area	Lot Width ²	Setbacks		
						Front Yard	Side Yard ³	Rear Yard ⁴
Residential								
A-1	1.0/ac	30%	35'	43,560 S.F.	100'	50'	20'	25'
A-2	2.2/ac	30%	35'	20,000 S.F.	100'	35'	20'	25'
A-3	2.9/ac	30%	35'	14,800 S.F.	100'	30'	10'	25'
R-1	4.5/ac	30%	35'	9,600 S.F.	80'	35'	10'	25'
R-1A	6.2/ac	30%	35'	7,000 S.F.	70'	25'	10'	25'
R-1B	4.5/ac	30%	35'	9,600 S.F.	80'	35'	10'	25'
R-2	5.4/ac	30%	35'	8,000 S.F.	70'	25'	10'	25'
R-3	8/ac	N.A.	35'	7,000 S.F.	70'	25'	7'	25'
R-4	8.7/ac	N.A.	35'	5,000 S.F.	50'	25'	7'	10'
R-5	1.0/ac	30%	35'	43,560 S.F.	100'	35'	20'	25'
Commercial/Office								
C-1	N.A.	2,400 S.F. per use	35'	N.A.	100'	40'	15'	25'
C-2	N.A.	75%	35'	N.A.	100'	40'	15'	0'
C-3	N.A.	75%	35'	N.A.	100'	40'	15'	0'
C-4	N.A.	75%	35'	N.A.	100'	10'Min 80'Max	20'	0'
OP	N.A	70%	TBD	5 acres for park, None for bldgs.	150'	50'	50'	50'
Industrial								
I-1	N.A.	-	-	-	-	-	-	-
I-2	N.A.	-	45'	N.A.	0	40'	0	0
I-3	N.A.	75%	60'	N.A.	0	40'	0	0
Special Purpose								
F	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
PL	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
GUDA	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
OSUDA	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Planned Unit Development	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Notes: ¹ This rate applies to measurements from the Base Flood Elevation not from ground elevation. ² Areas on public dedicated streets have reduced restrictions. ³ Separate setbacks apply for corner lots. ⁴ Unattached accessory structures have a reduced setback requirement.

N.A.: Not Applicable

TBD: To Be Determined

Property Link

JACKSON COUNTY, MS

Current Date 9/ 6/2024

Tax Year 2023

Records Last Updated 9/ 6/2024

PROPERTY DETAIL

OWNER GRAGG HELEN J TRUSTEE
GRAGG FAMILY TRUST
303 HALSTEAD RD
OCEAN SPRINGS MS 39564

ACRES : .49
LAND VALUE : 6753
IMPROVEMENTS : **NA**
TOTAL VALUE: 6753
ASSESSED : 1013

PARCEL 05107199.000
ADDRESS 5701 PEACOCK

TAX INFORMATION

YEAR 2023	TAX DUE	PAID	BALANCE
COUNTY	62.84	62.84	0.00
CITY	0.00	0.00	0.00
SCHOOL	67.21	67.21	0.00
TOTAL	130.05	130.05	0.00

A Print Fee May Apply, Contact County For Total.**LAST PAYMENT DATE** 1 / 29 / 2024**MISCELLANEOUS INFORMATION**

EXEMPT CODE	LEGAL	LOTS 199;200;201 COLONIAL EST
HOMESTEAD CODE	None	S/
TAX DISTRICT	5060	D DB 1137-386 DB 1139-338 DB 1
PPIN	021800	69
SECTION	24	1-242 DB 1749-285 (58M MAP786.
TOWNSHIP	7	24
RANGE	8	-01)

Book **Page**

[PURCHASE COUNTY TAX SALE FILES](#)**TAX SALES HISTORY, FOR UNPAID TAXES**

Year Sold To Redeemed Date/By

NO TAX SALES FOUND

[Back](#)

OFFICIAL RECORDS JACKSON COUNTY, MS
Josh Eldridge, Chancery Clerk
Electronically Recorded
RECORDING FEE: \$ 26.00
MINERAL TAX: \$0.00
202408200
BK: 2165 PG: 24 - 26
05/10/2024 03:42:47 PM 3 PG(S)
Receipt # 10101

Prepared by and Return to:
Island Winds Title Company, LLC
906 Convent Avenue
Pascagoula, MS 39567
Telephone: (228)762-5110
Michael L. Fondren, Attorney at Law, Bar # 8941
James C. Fondren, Attorney at Law, Bar # 106478
Kaleigh Clark Nelson, Attorney at Law, Bar #106205
Our File # 24-337
Indexing: Lots 199, 200 & 201, Colonia Estate S/D

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, We/I

Helen J. Gragg, Trustee of the Gragg Family Trust dated May 24, 2012,
As per the Certificate of Trust on file and of record in Deed Book 1749, Page 285-291.
303 Halstead Road, Ocean Springs, MS 39564, (228) 875-4050

does hereby sell, convey and warrant unto

CR Rentals, LLC
A Mississippi Limited Liability Company
6821 Biddix-Evans Road Central, Ocean Springs, MS 39564, (228) 369-9145

that certain parcel of land situated in Jackson County, Mississippi, being more particularly described as follows, to-wit:

LOTS 199, 200 and 201, COLONIAL ESTATES SUBDIVISION, PART 3, as per map or plat thereof recorded in Plat Book 12, Page 11, on file in the office of the Chancery Clerk of Jackson County, Mississippi.

Parcel #05107199.000

This conveyance is made subject to any and all covenants, easements, restrictions and reservations of record in the office of the Chancery Clerk of Jackson County, Mississippi.

This conveyance is made subject to the reservation of all oil, gas and minerals of record in the office of the Chancery Clerk of Jackson County, Mississippi.

It is agreed and acknowledged that the ad valorem taxes for the current year are prorated as of the date of this conveyance upon an estimated basis and are assumed by the Grantee(s) herein. When said taxes are actually determined, the Grantor(s) agree to pay the amount of any deficit due and the Grantee(s) agree to pay the Grantor(s) the amount of any excess paid, based on actual prorations.

WITNESS MY/OUR SIGNATURE, this the 9th day of May, 2024.

Gragg Family Trust dated May 24, 2012

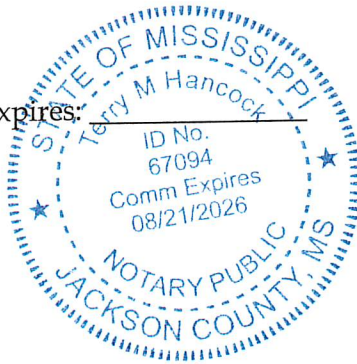
 Helen Gragg
By: Helen J. Gragg, Trustee

STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the county and state, on this 9th day of May, 2024, within my jurisdiction, the within named, **Helen J. Gragg**, who acknowledged that she is the Trustee for the **Gragg Family Trust dated May 24, 2012**, and in said representative capacity she executed the above and foregoing instrument, after first having been duly authorized so to do.

GIVEN under my hand and official seal, this the 9th day of May, 2024.

My Commission Expires:
File #24-337



Terry M Hancock
Notary Public

NOTE:
Land Surveys do not transfer title or ownership.
No part of this map should be interpreted as an instrument conveying ownership or any other rights between parties. Further more this map does not create an easement. Easements shown do not exist unless or until recordation of a properly prepared instrument.

PARCEL "A"
Lots 199 and the North 35.00 feet of Lot 200, Colonial Estates Subdivision, Jackson County, Mississippi, as recorded in Plat Book 6, Page 47 of the records of the Chancery Clerk of Jackson County. Said parcel contains 9749 square feet or 0.22 acres.

PARCEL "B"
Lots 201 and the South 15.00 feet of Lot
200, Colonial Estates Subdivision, Jackson
County, Mississippi, as recorded in Plat Book
6, Page 47 of the records of the Chancery
Clerk of Jackson County. Said parcel
contains 9746 square feet or 0.22 acres.

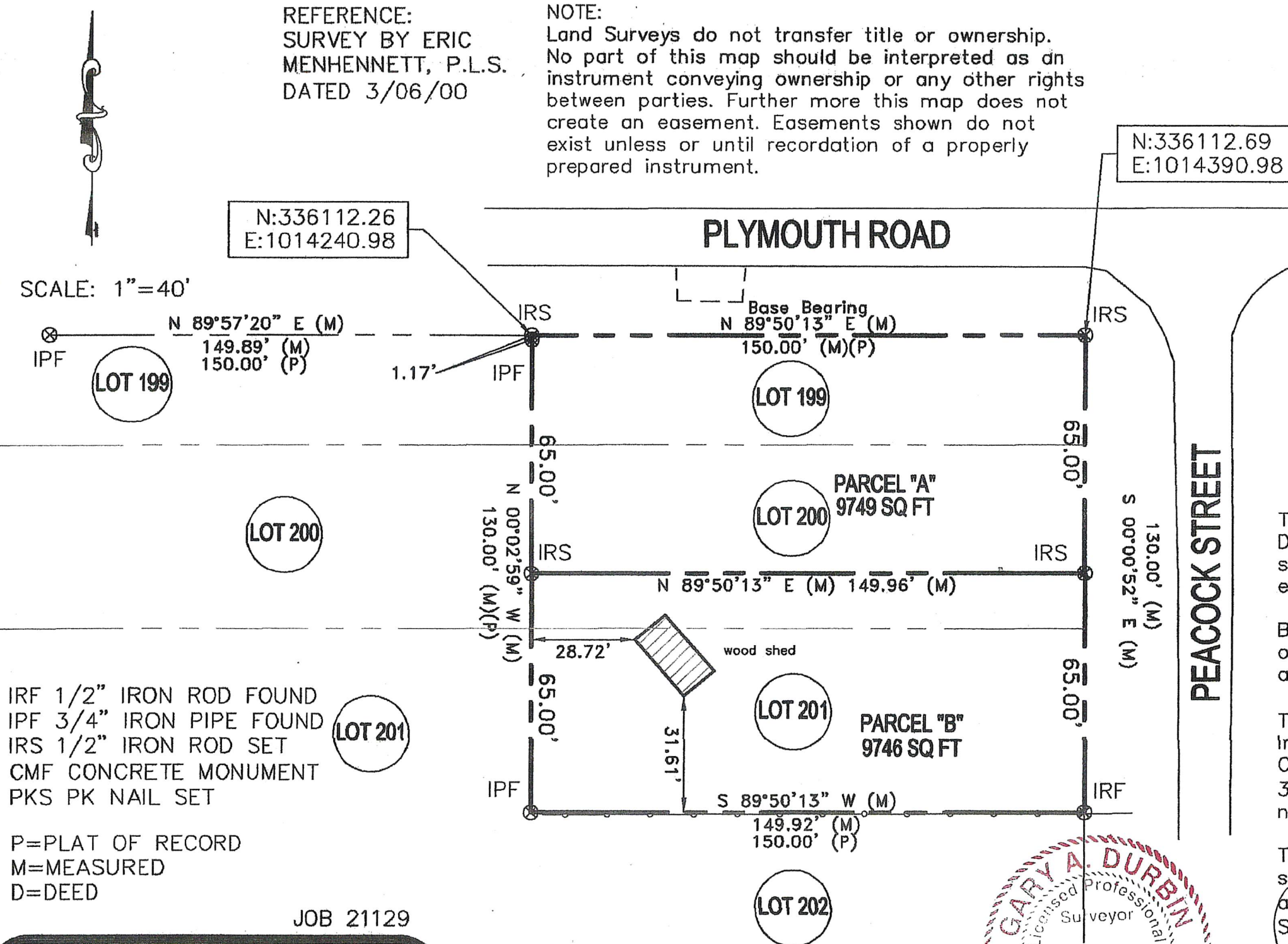
This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such. This survey therefore does not depict all easements and encumbrances that could affect this property.

Bearings based on GPS Observation of the south margin of Plymouth Road, NAD 83, MS East Zone, convergence angle -0.130449 , scale factor 0.999960 .

This property is situated in Zone "X" per FEMA Flood Insurance Rate Map, Jackson County, Mississippi, Community Panel Number 28059C-0311-G, Revised: 3/16/09. This does not warranty that this property will not or could not flood

This is to CERTIFY that this plat or map and the survey on which it is based were made in accordance with "The Standards of Practice for Land Surveying in the State of Mississippi".

Gary A. Purbin, P.L.S. 2401
Class "B" Survey
June 6, 2024



IRF 1/2" IRON ROD FOUND
IPF 3/4" IRON PIPE FOUND
IRS 1/2" IRON ROD SET
CMF CONCRETE MONUMENT
PKS PK NAIL SET

P=PLAT OF RECORD
M=MEASURED
D=DEED

JOB 21129

GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR

13048 RIVERWALK CIRCLE, DIBERVILLE, MS. 39540
PH. (228) 365-3632 Teelokgd@aol.com

A circular professional seal for Gary A. Durbin, a Licensed Professional Surveyor in the State of Mississippi. The seal features a rope-like border. The text "GARY A. DURBIN" is at the top, "Licensed Professional Surveyor" is in the middle, "STATE OF MISSISSIPPI" is at the bottom, and "PS-2401" is at the bottom center.

CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415

**PLANNING COMMISSION REPORT
— PUBLIC HEARING —**

PUBLIC HEARING DATE: Tuesday, September 10, 2024

APPLICANT: David Boland

LOCATION: 808 Desoto #12 / PID: 60119106.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: July 23, 2024

ADJACENT ZONING/LAND USE:

Subject Property:	RM-2, Multi-family Dwellings
North, East:	CMX-1, Neighborhood Commercial / Mixed Use
South:	RM-2, Multi-family Dwellings
West:	R-2, Single-Family Residential District

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2019-19, 2021-25 and 2023-07, the application is for a short-term rental permit to allow rental usage for less than 30 days.
- Site Location: The property located in the DENSITY Zone Area, on the south side of DeSoto Street at Rayburn Avenue.



FINDINGS:

- **Local Property Manager:** The local property manager has an address on Desoto Ave #4, satisfying the requirement to be located within 2 miles of the city limit.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant verified that while this is a covenant-restricted complex, the covenants provided allow for short-term rentals as documented in the amendment to the covenants filed 9/22/21.
- **Liability Insurance:** The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements. There are no deed restrictions and taxes are current.
- **Fee:** The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- **Notice via Standard Mail:** The notice of public hearing was sent to **46** property owners within 500 feet of the subject property. The distribution included the name of the applicant, notice of the hearing date, time and location, and a summary of Frequently Asked Questions regarding short-term rentals.
- **Publication:** Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- **Inspection:** The property was inspected for all required elements on **8/26/24** and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested maximum occupancy of **6** was approved by the Fire Marshall during the above referenced inspection.
- **Maximum Number of Vehicles:** The request for a maximum number of **2** vehicles was approved by the Building Official during the above referenced inspection.
- **Guest Rules:** The rules were posted and visible during the property inspection.
- **Code Violation Complaints:** No code violations or police reports were **documented** for this address in the past 12 months.

FEEDBACK:

None.

SUMMARY:

The application for this property is complete and compliant with the adopted ordinance and the physical inspection. The recommendation is for approval of a Residential Short-Term Rental permit, subject to annual renewal.

PUBLIC HEARING NOTICE

Residential Short-Term Rental



THIS INFORMATION IS BEING SENT TO YOU AS PART OF THE PERMITTING PROCESS FOR A NEARBY PROPERTY.

Per adopted Code for the City of Ocean Springs, notice has been advertised in the MS Press Newspaper and copies are sent via Standard mail at the cost of the applicant.

PUBLIC NOTICE is hereby given that the City of Ocean Springs **PLANNING COMMISSION** will hold a **public hearing** on the date listed below to consider an application for a Short-Term Rental Permit per Ordinance governing the provision of Short Term Rentals of dwellings in residential zones after application, hearing, and approval.

Application for the address listed below will be considered in the regular meeting place of the Board of Aldermen at the City Hall located at 1018 Porter Avenue Ocean Springs, MS 39564.

Short-Term Rental Applied for: 808 Desoto # 12

Public Hearing Date/Time: Tuesday, October 8th, 2024 - 6:00pm

Applicant David Boland

Local Contact Kaitlen McLaughlin

The Residential Short-Term Rental Ordinance (2015-11) was approved on July 7, 2015. The ordinance was researched, modified, and re-approved on February 20, 2018, December 17, 2019, December 7, 2021, and May 16, 2023. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

Short-Term Rentals: Considered as less than 30 days. Conditions for permitting include an approval process, occupancy/vehicle requirements, guest registry, noise/garbage management, posting of rules, local management, and a process for complaints, basis for denial or revocation, and violations.

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager **MUST** reside or have their business physically located within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional "bed tax" required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$500 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

has been inspected to ensure that all life safety elements are in place and a maximum occupancy/vehicle allowance has been set.

- 6) ***What physical modifications were required for the home?*** Required life safety improvements include, but are not limited to, hard-wired smoke detectors (carbon monoxide if served by gas), emergency lighting for exits during power outages, properly functioning exits, current fire extinguishers, labeled fuse box, etc.
- 7) ***How will the maximum occupancy and number of vehicles be established?*** During the physical inspection, the Building Official and Fire Inspector assess the availability of space including sleeping areas and space for off-street parking. These maximums will be established prior to the public hearing and can be enforced during operation of the rental.
- 8) ***Where can I report code violations, disturbances, etc.?*** Just as you would with any residential occupant, if there are problems with noise, excessive vehicles, trash, or other intrusive behavior, the proper city officials should be notified. For life-threatening emergencies, dial 9-1-1 as you would with any type of residential occupancy. Documented complaints will be considered during the renewal process. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.

Complaint Contact Information:

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at **228-875-4415** or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
- 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
- 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
- 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
- 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable or if the covenants do not allow short-term rental.
- 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
- 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

Questions and/or written comments can be sent to the Planning Department up to the day of the hearing and will be provided to the Planning Commission for consideration. Comments can be sent to:

1018 Porter Avenue, Ocean Springs, MS 39564.

Email Address: osplanning@oceansprings-ms.gov

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement.
You will also receive an email confirmation.

ORDER DETAILS**Order Number:****IPL0194379****Order Status:**

Submitted

Classification:

Legals & Public Notices

Package:

BLX - Legal Ads

Final Cost:

\$54.40

Payment Type:

Account Billed

User ID:

IPL0019816

PREVIEW FOR AD NUMBER IPL01943790**ACCOUNT INFORMATION**

CITY OF OCEAN SPRINGS IP

1018 PORTER AVENUE

OCEAN SPRINGS, MS 39564

228-249-4109

kriff@oceansprings-ms.gov

CITY OF OCEAN SPRINGS

TRANSACTION REPORT**Date**

September 13, 2024 5:45:58 PM EDT

Amount:

\$54.40

SCHEDULE FOR AD NUMBER IPL01943790

September 22, 2024

SunHerald (Biloxi) Print Publication

**City of Ocean Springs
Community Development
and Planning
P. O. Box 1800
Ocean Springs, MS
39566-1800
228-875-4415
PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the City of Ocean Springs PLANNING COMMISSION will hold a public hearing located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on TUESDAY, OCTOBER 8TH, 2024 @ 6:00 p.m.

Residential Short-Term Rental Permit
PID# 60119106.000 - 808 Desoto Avenue #12

Residential Short Term Rental Permit
PID# 61425007.000 - 612 Cleveland Avenue

Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ Properties to from R1A to CH Regional Commercial – Donovan Scruggs

Unified Development Code Text Amendment Multiple Sections

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing osplanning@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson.

City of Ocean Springs
Community Development Director
IPL0194379
Sep 22 2024

[<< Click here to print a printer friendly version](#)

[>>](#)





City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564 / (228) 875-4415

RESIDENTIALLY ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 07/23/2024

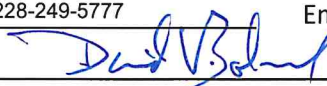
REQUIRED ATTACHMENTS:

FEES: \$501 ~ Application Fee Effective 4/4/23 – \$500 must be paid at the time application is submitted [includes occupancy inspection fee]. ~ Administrative Fee: \$1.00 (per Ordinance 2022-17 following the requirements of Section 25-60-5 MS code Annotated)

- ☒ Completed Application
 - ☒ Copy of Proposed Rental Agreement
 - ☒ Proposed Parking Plan – Sketch
 - ☒ Copy of rules, including trash management and reference of the city's noise ordinance (available upon request), to be posted inside unit
 - ☒ Affirmation of Code Compliance – Ord.2015-11 (Section 401.3(10)) – Attached.
 - ☐ ~Standard mailout fee will be calculated during the review process and must be paid prior to scheduling of the public hearing~
- Properties will be reviewed and inspected prior to scheduling the public hearing date and sending the required notices.
- PERMITS MUST BE RENEWED ANNUALLY (\$500 renewal fee) AND ARE NOT TRANSFERRABLE.

REQUIRED: RENTAL PROPERTY INFORMATION:

- Address of Rental Property: 808 Desoto Ave Unit 122
- Parcel Identification Number: 60119106.000 Number of bedrooms:
- Proposed maximum # guests: 6 Number of existing off-street parking spaces: 2
- Is this property located in a covenant-restricted subdivision? ☐ Yes ☐ No ~ If yes, a copy of the covenants must be included.

PROPERTY OWNER – Name: Desoto Downtown LLC
Address: PO BOX 612, PASCAGOULA ms 39568
Phone No. 228-249-5777 **Email:** davidboland@pavcoind.com
OWNER SIGNATURE: 

LOCAL PROPERTY MANAGER – [Must RESIDE within two (2) miles of the OS City Limits]

Name: Kaitlen McLaughlin or Michelle McQueen
Address: 808 Desoto unit 4
Phone No. 228-348-1473 **Email:** pmtrentals211@gmail.com or K8McLaughlin@aol.com

Is the Property Manager OR the Owner the best contact for scheduling inspections? Choose One...

Owner – initial by each ordinance to indicate receipt:

Copy of Ordinance 2015-11 Received: _____(initials) Copy of Ordinance 2019-19 Received: _____

Copy of Ordinance 2018-02 Received: _____(initials) Copy of Ordinance 2021-25 Received: _____

Copy of Ordinance 2023-07 Received: _____(initials)

Physical Inspection of Property:

- All applicable fire and health codes as would apply to a commercially zoned structure must be compliant.
- As part of the review process, an inspection will be scheduled to determine that all physical requirements are met per the ordinance
- Inspection will also include but are not limited to: adequate parking, proposed occupancy, number of vehicles allowed, location of garbage storage, posting of rules, etc. (per *most current* Inspection Checklist dated: 2/08/18)

.....
Affirmation of Codes/Regulations

I, (print name) David Boland, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the parcel(s).
3. Per Section 2.C.5 of Ordinance No. 2015-11, I will obtain a Mississippi State Sales Tax License through the MS Dept. of Revenue to pay all city, county, and state taxes required by law.
4. The property included in this application is in compliance with all applicable building codes, zoning requirements, and deed restrictions and/or covenants.
5. The Homeowner's liability insurance does not exclude short term rentals from coverage.
6. Any existing mortgage or deed does NOT prohibit use of property as a short term rental.
7. Proper documentation of covenants that may restrict use of the property as a short rental and/or a letter of support from the HOA has been provided.

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: Desoto Downtown LLC David Boland Manager

Parcel ID(s): 60119106.000

Date Property Acquired: 2007

Owner's Signature  Date 07/23/2024

.....
Office Use Only

Date of Inspection: _____ Result of Occupancy Inspection: _____

Maximum Occupancy Determination: _____ (attached)

Maximum Parking Spaces: _____ Permit Renewal Date: _____

PC Public Hearing Date: _____ BOA Approval Date: _____



ENHANCED LIFE SAFETY FOR OCCUPANCY EGRESS

(RESIDENTIAL & COMMERCIAL ZONED SHORT-TERM RENTALS & BED & BREAKFASTS)

The following items must be complete and pass inspection prior to approval of any Short-Term related enterprise. ***Additional Code requirements may apply from other Departments.***

Before an occupancy inspection is scheduled, please make sure the following items have been completed. *Someone must be present at the time of inspection.*

All Occupancy Inspections are scheduled Monday – Thursday at 10am

- Type 2A 10BC fire extinguishers – placed in a location visible to occupants and *mounted to the wall.*
NOTE: maximum travel distance to a fire extinguisher is 75 feet – additional fire extinguishers may be required on each floor.
- Emergency lighting – *hardwired with battery backup* (not “exit” lighting) in locations that will allow adequate illumination in case of emergency or power outage.
- Address clearly displayed on the outside of the building. This must be visible from the street. In locations not visible from the street, a pilaster or signage must be placed at the street – not to exceed 1 square foot.
- All Main and Distribution panel boxes must have all circuits labeled properly.
- Smoke detectors must be installed in all sleeping areas and corridors leading to sleeping areas. SMOKE DETECTORS MUST BE INTERLOCKED EITHER BY HARD-WIRED OR WI-FI SYSTEM. *If a residence has gas service, all locations must also include Carbon Monoxide Detectors (outside bedrooms). If there is an attached garage, a carbon monoxide detector must be installed in that location separately.*
- Adequate garbage receptacles and storage locations.
- Stove must have a no-tip device installed.
- Adequate emergency egress from all rooms within the residence. Sleeping areas must have two (2) means of egress. *If there it is a two-story structure, or has windows over 78”, it is required to have an emergency escape ladder.)*
- No exposed wiring.
- All outlets within 6 feet of any water source must be on a GFCI circuit or have that type of outlet installed.
- Adequate off-street parking for guests. No designated parking will be allowed on grassy surfaces or on streets.
- Extension cords shall not be substituted for permanent wiring in any case. Multi-plug electrical adaptors are prohibited unless they are overcurrent protected (surge protected).

ADDRESS: 808 Desoto Ave #12 iWorQ Permit#: 6123



PLANNING DEPARTMENT
P.O. Box 1800 / Ocean Springs, MS. 39566
Phone 228-875-4415 Fax 228-872-5427

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

Before requesting an occupancy inspection from the Building Official and the Fire Marshall, please make sure the following items have been completed. Someone must be present at the time of inspection.

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- | | |
|---|---|
| ☒ Type 2A 10BC Fire Extinguishers
(Maximum travel distance 75 ft.) | ☒ Adequate garbage receptacles |
| ☒ Emergency Lighting with battery backup | ☒ Smoke detectors in all bedrooms
and hallways. |
| ☒ Address on Building | ☒ Carbon monoxide detectors if there
is gas service. |
| ☒ Breaker Box needs to be labeled | ☒ Identified # of Bedrooms: <u>2</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☒ Proposed # of Guests: <u>6</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>4</u> |
| ☒ Adequate emergency egress | |
| ☒ Operable windows in sleeping areas | ☒ Proposed # of vehicles: <u>2</u> |
| ☒ Guest rules (noise, garbage, etc.) must be
visibly posted. | Approved # of vehicles per OSFD: <u>2</u> |

Property Owner: David Boland Phone #: 228-249-5777
Contact Name: Kaitlen McLaughlin Phone #: 228-348-1473

.....
Date of Inspection: 26-AUG-2024

COMMENTS: _____

☐ **PASSED**

Building Official: [Signature] Fire Marshall: [Signature]

Property Owner: [Signature]



Kenny Holloway
Bobby Cox
Jennifer Burgess
Rickey Authement

Mayor
Alderman at Large
Alderman Ward 1
Alderman Ward 2

Kevin Wade	Alderman Ward 3;
Ken Papania	Alderman Ward 4;
Robert Blackman	Alderman Ward 5;
Michael Impey, II	Alderman Ward 6;

www.oceansprings-ms.gov



Short-Term Rentals (STR's) FAQ's

1. There are two different types of permits for short-term rental, **Residential Short-Term Rental** permit and **Commercial Short-Term Rental** permit.
2. There is a City GIS map that you can look up what short term rental zone you are located in
<https://atlas.geoportalmaps.com/os>
3. There are three zones for the city-wide zone, Short-Term Rental Density zone and the Downtown Overlay District zone.
4. There is a cap on all residential short-term rental permits of **115**. There is no cap on commercial short-term rentals.
5. The permits are renewed annually. **PLEASE NOTE:** Your permit must be renewed **BEFORE** its expiration date, or you may have your short-term rental permit revoked.
6. You can be placed on a waiting list, but Staff cannot predict when a spot will come up.
7. The permit **MUST** be displayed in the unit to be compliant with the current ordinance.
8. If this is a new permit: The permit must be taken to the Tax Counter to request a privilege license.
9. If the permit is a renewal or a new permit, you will be required to secure or renew your privilege or business license. The privilege license should be displayed on site. The Tax Department can be contacted at 228-875-4236.
10. Sales Tax, 1 of 2 scenarios:
 - a. One of the common platforms to rent is AIRBNB and VRBO.
 - b. Other renting methods will require registration with the State Department of Revenue to receive a Tax License.
 - c. The applications for both the commercial and residential permit are located
11. Please do not call for an inspection if you are not ready for an inspection. If you fail, your inspection you will be charged a reinspection fee.
12. Please turn in your application and fee of \$501.00 per permit, with the following attachments. All inspections are scheduled for M-F at 10:00AM.
13. Residential new short term rental permits require Planning Commission and Board of Alderman approval, renewals do not require a public hearing.
14. Your property will be posted with a sign from the Planning Commission and notices will be sent out to the adjacent neighbors. Please do not remove the sign, or you will be charged. You will be charged .65 per letter for the mailout.
15. Someone will need to be at the Planning Commission and Board of Alderman to answer any questions. The application is not approved until the Board of Alderman has voted on it.

- **Sec. 15-13. - Unreasonable noise or vibration.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

(1)

Generally prohibited.

(a)

It shall be unlawful for any person to make, cause, or, on premises under his or her legal control, permit to be made any unreasonable noise or vibration audible or perceptible within the corporate limits or police jurisdiction of the city, including the waters lying within such areas.

(b)

For purposes of this section, "unreasonable noise or vibration" is defined to mean any unreasonably loud, raucous, or jarring sound or vibration which is not constitutionally protected speech in form and scope of audibility and which, under the circumstances of time, place, and manner in which it is produced and audible or perceptible, annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities within the area of the audibility or perceptibility of the noise or vibration without the consent of such person.

(2)

Unreasonable use of sound reproduction devices in public areas.

(a)

It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used or operated any radio, tape recorder, cassette player, or other machine or devices for reproducing sound (i) if the machine or device is located in or on any public property, including any public street, highway, building, beach, parking lot, building, sidewalk, park, or thoroughfare or located in or on any motor vehicle or watercraft on a public street, highway, or public space, including but not limited to the water lying within the city limits and (ii) if the sound generated by such machine or device is audible at a distance of one hundred (100) feet from the machine or device producing the sound.

(b)

This section shall not be construed to regulate the initial production or amplification of sound, and the direct amplification of the human voice or music through the use of bullhorns or amplifiers is not regulated under this section. Note: This is to account for live music or demonstrations.

(3)

Penalties for violations. Any person violating any provision of subsection (1) or (2) of this section shall be guilty of an offense against the city and shall upon conviction be subject to punishment for each such offense as a misdemeanor subject to up to a five hundred dollar (\$500.00) fine or up to ninety (90) days imprisonment, or both. Where discrete conduct by a person separately and simultaneously violates both subsections (1) and (2), the conduct may be charged as a violation in the alternative under both sections, but such conduct shall be punishable only as an offense under subsection (1) or (2) and not as an offense under both sections simultaneously.

(Ord. No. 14-2007, § 1(15-13.1—15-13.3), 5-1-07)

Prepared by and return to:
MICHAEL L. FONDREN
ATTORNEY AT LAW
ISLAND WINDS TITLE CO., LLC
906 CONVENT AVENUE
PASCAGOULA, MS 39567
228-762-5110

INDEXING INSTRUCTIONS: 129.78' X 299.41' X 130.24' X 302.93' in Sec. 19, T7S, R8W
& Claim Sec. 37, T7S, R8W, also described as Units 1-14, Desoto Downtown Condominiums,
Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

**DESOTO DOWNTOWN CONDOMINIUMS
AMENDMENT TO DECLARATION OF CONDOMINIUM COVENANTS**

COMES NOW, the Developer, Owner, and Manager of the DESOTO DOWNTOWN
CONDOMINIUMS, and files this his AMENDMENT TO DECLARATION OF
CONDOMINIUM COVENANTS, and hereby makes the following amendments:

- 1) **LEGAL DESCRIPTION:** This document shall apply to the piece or parcel of property
located in Jackson County, Mississippi, City of Ocean Springs, and more particularly
described in Exhibit "A", page 1 (legal description) and page 2 (survey). This
document shall apply to all of the condominium units in the DESOTO DOWNTOWN
complex, which are units one (1) through fourteen (14).
- 2) **AUTHORITY TO AMEND:** Section XII in the original DESOTO DOWNTOWN
CONDOMINIUM DECLARATIONS recorded in the land deed records of Jackson

County, Mississippi at Deed Book 1586, Page 268 recorded on August 24, 2009, provides, in pertinent part, that the Developer has the authority to make amendments until all units are sold. At this time all units have not been sold.

3) SHORT-TERM RENTALS: Section V, Paragraph seven (7) shall heretofore be amended to allow short-term rentals. The following rules shall apply to all short-term rentals:

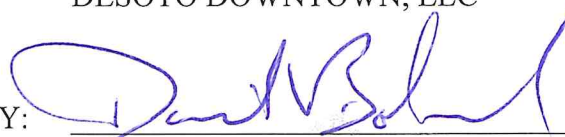
- A. Any Owner who wishes to rent their condominium unit short-term must notify the Board of Governors in writing that they elected to do so.
- B. Any Owner renting their unit short-term must provide current proof of liability coverage to the Board of Governors. Said coverage must have policy limits of at least \$1,000,000.00, and must list the DESOTO DOWNTOWN CONDOMINIUM ASSOCIATION, INC., its Board of Governors, and DESOTO DOWNTOWN CONDOMINIUMS, LLC, the Developer, and David Boland, individually, as an additional insured. The liability limits may be amended pursuant to the Board of Governors or the Developer as the case may be.
- C. The Owner agrees to indemnify and hold harmless the DESOTO DOWNTOWN CONDOMINIUMS ASSOCIATION, its Board of Governors, David Boland, and the Developer, Desoto Downtown, LLC, as to any claim and/or lawsuit that arises on account of any short-term rental that the Owner chooses to enter into with a Unit.
- D. Each Owner shall be solely responsible for the conduct of the short-term renter and/or any damages caused by said renter or a guest of the renter.

4) The Declarations aforementioned shall be amended as set forth above.

IN WITNESS WHEREOF, THE DEVELOPER HAS EXECUTED THE AMENDMENT TO THE DECLARATION OF CONDOMINIUM COVENANTS, ON THIS THE 21 DAY OF September, 2021.

DESOTO DOWNTOWN, LLC

BY:



DAVID BOLAND, MANAGING MEMBER

ACKNOWLEDGMENT

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said aforesaid state and county, within my jurisdiction, the within named DAVID BOLAND, who acknowledged that he is the MANAGING MEMBER of DESOTO DOWNTOWN, LLC, a Mississippi Limited Liability Corporation, and that for and on behalf of said limited liability corporation, and as its act and deed, he signed, executed and delivered, the above and forgoing instrument for the purposes mentioned therein on the day and year therein mentioned, after first having been duly authorized by said limited liability corporation so to do.

This, the 21 day of September, 2021.

Raven N. Gettig
NOTARY PUBLIC

MY COMMISSION EXPIRES:



Beginning at an old fence that is 720.0 feet East and 50.0 Feet S-of the Northwest (NW) corner of private claim section 37, Township 7 South, Range 8 West, Jackson County, Mississippi, which point is the Southwest (SW) corner of Lot 7 of the Fournier Tract according to a map or plat of survey drawn by George A. Cox on February 27, 1872 which is superimposed upon the Ancient Culmseig Map of the City of Ocean Springs, Mississippi, reference to which is hereby made, and from said POINT OF BEGINNING, running thence N-01 degrees 35' 8" - E along an old fence set on the West line of Lots 7 and 6 of said Fournier tract, a distance of 129.78 feet to a point on the South margin of Desoto Avenue as extended West of Cox Avenue (Both public avenues of the City of Ocean Springs, Mississippi, as now laid out, established, maintained and used); running thence N-87 degrees 35' 7" - E along the South margin of Desoto Avenue a distance of 299.41 feet to the West margin of Cox Avenue; running thence S-00 degrees 01' 12" - West a distance of 130.24 feet along an old fence set on the Southeast corner of said Lot 7 of the Fournier Tract; running thence S-87 degrees 42' 36" - W along said old fence a distance of 302.93 feet, more or less, to the POINT OF BEGINNING. Being the South 50 feet of Lot 6 and all of Lot 7 of Block 53 of the Fournier Tract, and being the same property as that confirmed by Jackson County Chancery Clerk Cause No. 21,371, Reference to which is hereby made in aid of this Description.

Also, being the same property in the survey by Ercil E. Godwin, dated May 21, 2009 and attached as Exhibit "A" and incorporated herein by reference.

page 2.

Exhibit "A", page 1 of 2.

- (20 ft)
1 inch = 20 ft



Exhibit "A", page 2 of 2.

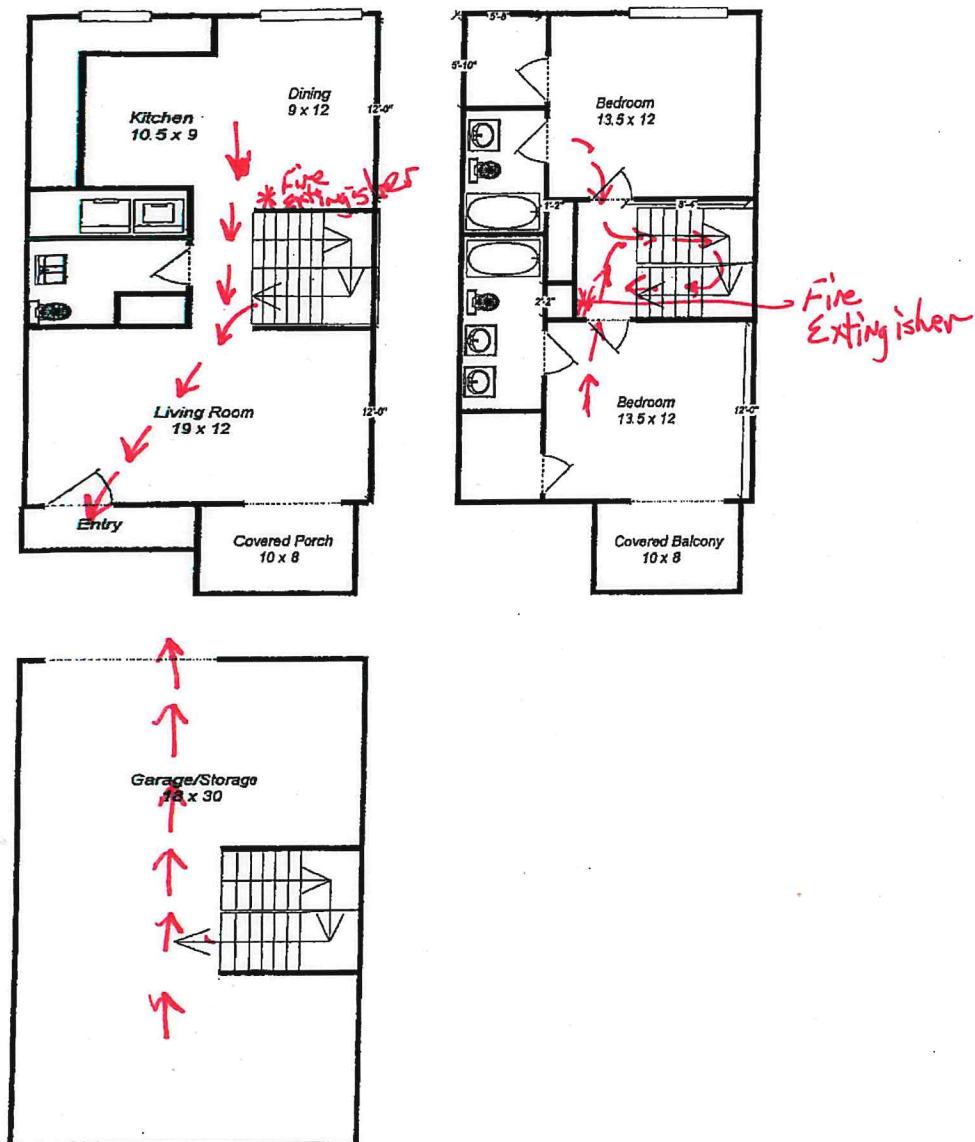
[illegible]

Fire Exit

Desoto Downtown

Desoto Downtown Units 11-14
(reversed)

Total approximate square
footage under roof = 2,090
(buyer to verify)



For sales information contact David Boland, 228-249-5777

Parking layout

Common
Parking
area

Garage
Parking

Over-flow parking

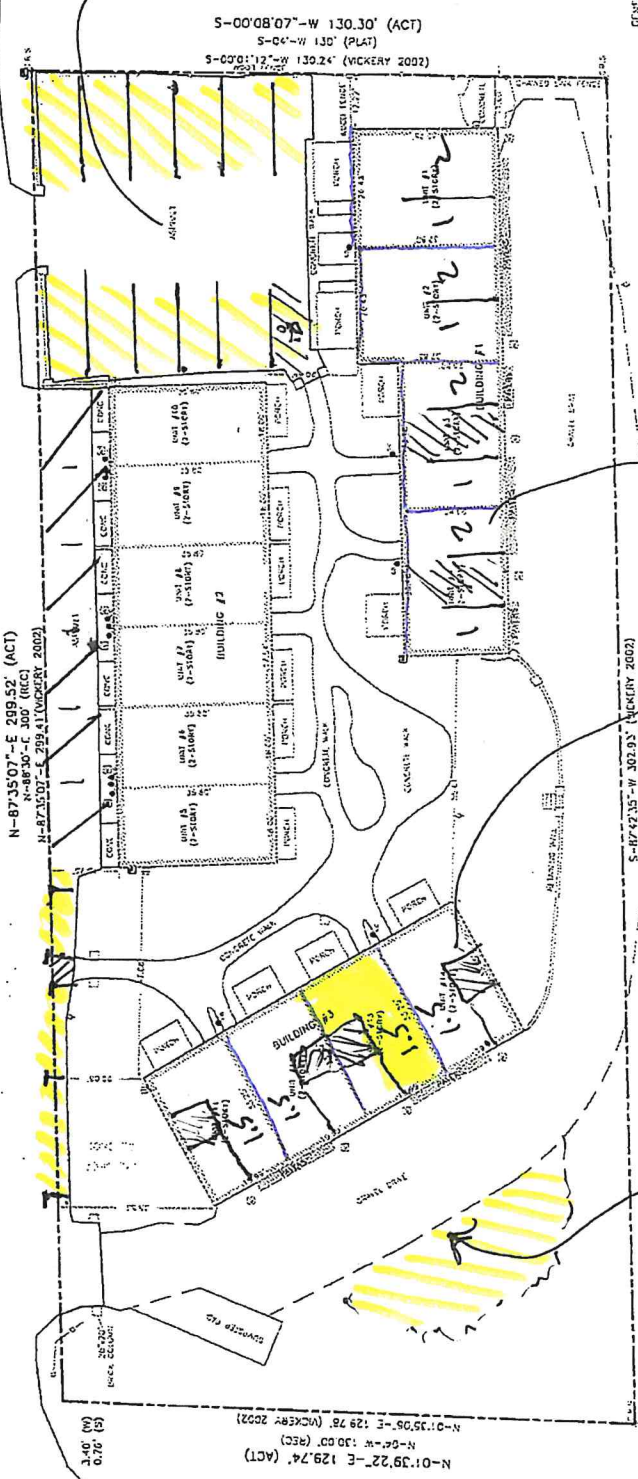


Figure 1

- SOURCES OF INFORMATION USED TO FACILITATE THE SEARCH AND INFORMATION FURNISHED BY CLINT. NO THLE SURVEY, I HAVE CONSULTED THE FEDERAL RESERVE ADMINISTRATION, THE NATIONAL FLOOD INSURANCE FUND, THE NATIONAL FLOOD INSURANCE RECORD, UNRECORDED NOTES, EVIDENCE, AND OTHER SOURCES OF THIS PROPERTY THAT WERE NOT ILLUSTRATED BY THE RECORDS OF THE NATIONAL FLOOD INSURANCE FUND. ALL RECORDS ARE BASED ON THE NORTH LINE AS BEING A Q. 03232, DATED 8-26-2002
- I HAVE CONSULTED THE FEDERAL RESERVE ADMINISTRATION, THE NATIONAL FLOOD INSURANCE FUND, THE NATIONAL FLOOD INSURANCE RECORD, AND I HAVE FOUND THAT THE DESCRIBED PROPERTY IS LOCATED IN THE NORTH LINE OF THE NATIONAL FLOOD INSURANCE FUND. THE NATIONAL FLOOD INSURANCE FUND HAS NOT DETERMINED AND I HAVE NOT DETERMINED THAT THE DESCRIBED PROPERTY IS LOCATED IN THE NORTH LINE OF THE NATIONAL FLOOD INSURANCE FUND.
- FIELD WORK FOR THIS SURVEY WAS COMPLETED APRIL 2009
- ANY FLOOD ZONING GIVEN OR SURVEY ON THE FACE OF THIS SURVEY FLOOD ZONING GIVEN OR SURVEY MAPS (SCALED EXACT).

Vacation Rental Agreement

THIS VACATION RENTAL AGREEMENT hereinafter referred to as “Lease”, made and entered into this _____ day of _____, 20__ by and between _____, hereinafter referred to as “Owner” and _____ hereinafter referred to as “Renter,” hereby rents from Owner and grants to Renter pursuant to all state laws of Mississippi, the vacation residence described below in its present condition, under the terms herein stated.

Property:

Name _____

Address _____

Description _____

Lease Period: Start date and time: _____

End date and time: _____

Owner: Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____	Renter: Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____
---	--

Rental Amount: \$ _____

1. Renter agrees to pay the following sums of money to Owner in consideration of this lease:

Deposit:

\$ _____ Deposit due upon the signing of this agreement. Due on or before _____.

Balance Due:

Balance of rental payment plus security deposit of \$200 is due to Owner 30 days prior to check-in. \$ _____ Balance is due on or before _____.

Payments:

Payments may be made by credit card, money order or cashiers check. Upon receipt of deposit, Owner agrees to ensure that the vacation time is reserved in the name of the Renter.

2. Renter shall not sublet this lease without Owner's express written consent.
3. Occupancy shall be no more than ____ persons. (# of adults ____, # of children ____) If guests exceed the number of occupants specified, renters will be asked to vacate the premises immediately and the total rental charge will be forfeited.
4. Renter must be 21 years of age. (Some exceptions do apply)
5. Renter agrees to abide by policies set by the complex management; refrain from loud noise, use no fireworks, host no parties nor engage in public displays of drunkenness.
6. Renter agrees to leave unit in clean sanitary rent able condition or pay costs of same. Renter is responsible for any damages by any and all occupants during the rental term.
7. Renter agrees that no pets shall be allowed in vacation property.
8. Renter agrees that at no time will there be smoking anywhere in the unit, including porch and balcony.
9. Renter agrees to report promptly to owner any mechanical, electrical, plumbing, or other problems on premises.
10. **Personal Property and Liability:** The Renter agrees that the Owner of said premises is not liable for any damage or injury to Renter, or guests or for damage to their personal property incurred during their stay. Renter and guests bear the risk of any and all injury.

Cancellation policy:

Owner is not able to cancel this agreement without reimbursing Renter all out of pocket expenses for arranging this vacation.

If Renter must cancel reservation on or before _____, Renter will be refunded entire deposit minus a \$100 cancellation fee. If cancellation is made between the dates of _____ and _____, The Owner will return to Renter _____ or 1/4 of original deposit.

Any cancellation made after _____ will result in forfeiture of all monies paid by Renter. Renter understands that this includes cancellations or vacation interruptions due to illness, or inclement weather, including hurricane evacuation.

This lease shall be governed pursuant to the laws of Mississippi; and invalidation of any part of this lease shall not invalidate the remainder.

This document contains the entire agreement between the parties, and any changes, amendments, or modifications hereof shall be void unless the same are in writing and signed by both parties.

The parties below agree to the terms stated above and have read, understand, and agree to the terms of the agreement.

_____	_____	_____
Renter Signature	Print full name	Date

_____	_____	_____
Owner Signature	Print full name	Date

Desoto Downtown Rules

Thank-you for choosing Desoto Downtown for your Vacation or Short-term visit to the Beautiful Mississippi Gulf Coast town of Ocean Springs.

808 Desoto is a quite cluster of 3 buildings and only 14 Townhouse units that are within a short walk of the Restaurant and Bar district of Ocean Springs. We have a resident mix of Owner Occupied, Long-term Renters and Short-term Renters. With this being said; we want everyone to enjoy the time that they spend in our small community. To help make that happen, we have created a few rules for everyone to follow. Please help us make this a great place and enjoy your stay!!!!

TRASH: DO NOT leave trash or trash bags outside unit or in the common areas. The Developments trash dumpster is located at the east entrance. You are responsible to place your trash in that large receptible.

NOISE: This is a residential community with adjoining walls and a small/confined common courtyard area. Many residents live here year-round and have work in the morning. Please be aware of your noise leave and be respectful of others. (the City of Ocean Spring also has a fairly restrictive noise ordinance and this can be provided upon request).

SMOKING: There is NO SMOKING in the units or in the Courtyard Areas. Smoking of Medical Marijuana is limited to the Grass area on the far eastern portion of the property. 50+ feet away from building.

DOGS: NO dogs over 65lbs or aggressive behavior. NO! Rottweilers, Pit Bulls, Dobermans, German Shepherds or Wolf Mixes.

Check-in: 3:00pm

Check-out: 11:00am

If you have a Problem or Question, please contact David Boland at 228-249-5777.

**CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415**

**PLANNING COMMISSION REPORT
— PUBLIC HEARING —**

PUBLIC HEARING DATE: Tuesday, September 12, 2023

APPLICANT: Jeffrey Reed

LOCATION: 612 Cleveland Avenue / PID: 61425007.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: June 4th, 2024

ADJACENT ZONING/LAND USE:

Subject Property: R1, Low Density Residential

North, East, West, South: R1, Two-Family Residential District

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05, 2021-25, and 2023-07, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: The property is located in the STR City Density Zone which also for a cap of 65 units.



FINDINGS:

- Local Property Manager: Mr. Reed will be his own property manager.
- Application: Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.

Homeowner's Association:

- Liability Insurance: The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements.
- Fee: The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- Notice via Standard Mail: The notice of public hearing was sent to **70** property owners within 500 feet radius of the subject property.
- Publication: Notice of the public hearing was advertised at least **15 days** prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- Inspection: The property was inspected for all required elements on **September 3rd, 2024** and was approved. The inspection form is attached to your Staff report.
- Maximum Occupancy: The requested maximum occupancy of **2** was approved by the Fire Marshall during the above referenced inspection.
- Maximum Number of Vehicles: The request for a maximum number of **3** vehicles was approved by the Fire Marshall Official during the above referenced inspection.
- Guest Rules: The rules were posted and visible during the property inspection.
- Code Violation Complaints: No code violations or police reports were documented for this address in the past 12 months.

FEEDBACK:

None.

SUMMARY:

The application for this property is complete and compliant with the adopted code, and the physical inspection passed. The recommendation is for approval of a Residential Short-Term Rental permit, subject to annual renewal.

PUBLIC HEARING NOTICE

Residential Short-Term Rental



THIS INFORMATION IS BEING SENT TO YOU AS PART OF THE PERMITTING PROCESS FOR A NEARBY PROPERTY.

Per adopted Code for the City of Ocean Springs, notice has been advertised in the MS Press Newspaper and copies are sent via Standard mail at the cost of the applicant.

PUBLIC NOTICE is hereby given that the City of Ocean Springs **PLANNING COMMISSION** will hold a **public hearing** on the date listed below to consider an application for a Short-Term Rental Permit per Ordinance governing the provision of Short Term Rentals of dwellings in residential zones after application, hearing, and approval.

Application for the address listed below will be considered in the regular meeting place of the Board of Aldermen at the City Hall located at 1018 Porter Avenue Ocean Springs, MS 39564.

Short-Term Rental Applied for: 612 Cleveland Avenue

Public Hearing Date/Time: Tuesday, October 8th, 2024 - 6:00pm

Applicant Jeffrey Reed

Local Contact Jeffrey Reed

The Residential Short-Term Rental Ordinance (2015-11) was approved on July 7, 2015. The ordinance was researched, modified, and re-approved on February 20, 2018, December 17, 2019, December 7, 2021, and May 16, 2023. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

Short-Term Rentals: Considered as less than 30 days. Conditions for permitting include an approval process, occupancy/vehicle requirements, guest registry, noise/garbage management, posting of rules, local management, and a process for complaints, basis for denial or revocation, and violations.

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager **MUST** reside or have their business physically located within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional "bed tax" required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$500 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

has been inspected to ensure that all life safety elements are in place and a maximum occupancy/vehicle allowance has been set.

- 6) ***What physical modifications were required for the home?*** Required life safety improvements include, but are not limited to, hard-wired smoke detectors (carbon monoxide if served by gas), emergency lighting for exits during power outages, properly functioning exits, current fire extinguishers, labeled fuse box, etc.
- 7) ***How will the maximum occupancy and number of vehicles be established?*** During the physical inspection, the Building Official and Fire Inspector assess the availability of space including sleeping areas and space for off-street parking. These maximums will be established prior to the public hearing and can be enforced during operation of the rental.
- 8) ***Where can I report code violations, disturbances, etc.?*** Just as you would with any residential occupant, if there are problems with noise, excessive vehicles, trash, or other intrusive behavior, the proper city officials should be notified. For life-threatening emergencies, dial 9-1-1 as you would with any type of residential occupancy. Documented complaints will be considered during the renewal process. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.

Complaint Contact Information:

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at **228-875-4415** or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
 - 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
 - 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
 - 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
 - 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable or if the covenants do not allow short-term rental.
 - 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
 - 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

Questions and/or written comments can be sent to the Planning Department up to the day of the hearing and will be provided to the Planning Commission for consideration. Comments can be sent to:

1018 Porter Avenue, Ocean Springs, MS 39564.

Email Address: osplanning@oceansprings-ms.gov

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement.
You will also receive an email confirmation.

ORDER DETAILS

Order Number:
IPL0194379

Order Status:
Submitted

Classification:
Legals & Public Notices

Package:
BLX - Legal Ads

Final Cost:
\$54.40

Payment Type:
Account Billed

User ID:
IPL0019816

ACCOUNT INFORMATION

CITY OF OCEAN SPRINGS IP
1018 PORTER AVENUE
OCEAN SPRINGS, MS 39564
228-249-4109
kriff@oceansprings-ms.gov
CITY OF OCEAN SPRINGS

TRANSACTION REPORT

Date
September 13, 2024 5:45:58 PM EDT

Amount:
\$54.40

SCHEDULE FOR AD NUMBER IPL01943790

September 22, 2024
SunHerald (Biloxi) Print Publication

PREVIEW FOR AD NUMBER IPL01943790

**City of Ocean Springs
Community Development
and Planning
P. O. Box 1800
Ocean Springs, MS
39566-1800
228-875-4415
PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the City of Ocean Springs PLANNING COMMISSION will hold a public hearing located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on TUESDAY, OCTOBER 8TH, 2024 @ 6:00 p.m.

Residential Short-Term Rental Permit
PID# 60119106.000 - 808 Desoto Avenue #12

Residential Short Term Rental Permit
PID# 61425007.000 - 612 Cleveland Avenue

Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ Properties to from R1A to CH Regional Commercial – Donovan Scruggs

Unified Development Code Text Amendment Multiple Sections

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing osplanning@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson.

City of Ocean Springs
Community Development Director
IPL0194379
Sep 22 2024

[<< Click here to print a printer friendly version](#)

[>>](#)





City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564 / (228) 875-4415

RESIDENTIALLY ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 06/04/2024

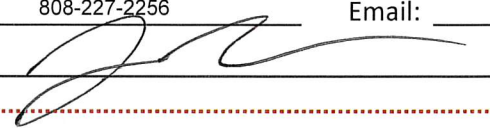
REQUIRED ATTACHMENTS:

FEES: \$501 ~ **Application Fee** Effective 4/4/23 – \$500 must be paid at the time application is submitted [includes occupancy inspection fee]. ~ **Administrative Fee:** \$1.00 (per Ordinance 2022-17 following the requirements of Section 25-60-5 MS code Annotated)

- ☐ Completed Application
- ☐ Copy of Proposed Rental Agreement
- ☐ Proposed Parking Plan – Sketch
- ☐ Copy of rules, including trash management and reference of the city's noise ordinance (available upon request), to be posted inside unit
- ☐ Affirmation of Code Compliance – Ord.2015-11 (Section 401.3(10)) – Attached.
- ☐ ~~Standard mailout fee will be calculated during the review process and must be paid prior to scheduling of the public hearing~~
- Properties will be reviewed and inspected prior to scheduling the public hearing date and sending the required notices.
- PERMITS MUST BE RENEWED ANNUALLY (\$500 renewal fee) AND ARE NOT TRANSFERRABLE.

REQUIRED: RENTAL PROPRTY INFORMATION:

- Address of Rental Property: 612 Cleveland Ave. Ocean Springs, MS 39564
- Parcel Identification Number: _____ Number of bedrooms: 4
- Proposed maximum # guests: 7 Number of existing off-street parking spaces: 6
- Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ *If yes, a copy of the covenants must be included.*

PROPERTY OWNER – Name: <u>Jeffrey Reed</u>	
Address: <u>612 Cleveland Ave. Ocean Springs, MS 39564</u>	
Phone No. <u>808-227-2256</u>	Email: <u>JCREED227@GMAIL.COM</u>
OWNER SIGNATURE: 	
LOCAL PROPERTY MANAGER – [Must RESIDE within two (2) miles of the OS City Limits]	
Name: <u>Jeffrey Reed</u>	
Address: <u>612 Cleveland Ave. Ocean Springs, MS 39564</u>	
Phone No. <u>808-227-2256</u>	Email: <u>JCREED227@GMAIL.COM</u>
Is the Property Manager OR the Owner the best contact for scheduling Inspections? Choose One...	

Owner – initial by each ordinance to indicate receipt:

Copy of Ordinance 2015-11 Received: J.R. (initials) Copy of Ordinance 2019-19 Received: J.R.
Copy of Ordinance 2018-02 Received: J.R. (initials) Copy of Ordinance 2021-25 Received: J.R.
Copy of Ordinance 2023-07 Received: J.P. (initials)

Physical Inspection of Property:

- All applicable fire and health codes as would apply to a commercially zoned structure must be compliant.
- As part of the review process, an inspection will be scheduled to determine that all physical requirements are met per the ordinance
- Inspection will also include but are not limited to: adequate parking, proposed occupancy, number of vehicles allowed, location of garbage storage, posting of rules, etc. (per *most current* Inspection Checklist dated: 2/08/18)

Affirmation of Codes/Regulations

I, (print name) Jeffrey Reed, hereby certify that:

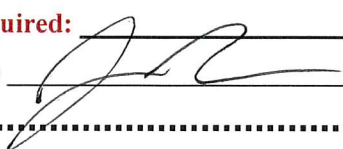
1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the parcel(s).
3. Per Section 2.C.5 of Ordinance No. 2015-11, I will obtain a Mississippi State Sales Tax License through the MS Dept. of Revenue to pay all city, county, and state taxes required by law.
4. The property included in this application is in compliance with all applicable building codes, zoning requirements, and deed restrictions and/or covenants.
5. The Homeowner's liability insurance does not exclude short term rentals from coverage.
6. Any existing mortgage or deed does NOT prohibit use of property as a short term rental.
7. Proper documentation of covenants that may restrict use of the property as a short rental and/or a letter of support from the HOA has been provided.

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: Jeffrey Reed

Parcel ID(s): 61425007.000

Date Property Acquired: 06/04/2024

Owner's Signature  **Date** 06/04/2024

Office Use Only

Date of Inspection: _____ Result of Occupancy Inspection: _____

Maximum Occupancy Determination: _____ (attached)

Maximum Parking Spaces: _____ Permit Renewal Date: _____

PC Public Hearing Date: _____ BOA Approval Date: _____



ENHANCED LIFE SAFETY FOR OCCUPANCY EGRESS

(RESIDENTIAL & COMMERCIAL ZONED SHORT-TERM RENTALS & BED & BREAKFASTS)

The following items must be complete and pass inspection prior to approval of any Short-Term related enterprise. ***Additional Code requirements may apply from other Departments.***

Before an occupancy inspection is scheduled, please make sure the following items have been completed. *Someone must be present at the time of inspection.*

All Occupancy Inspections are scheduled Monday – Thursday at 10am

- Type 2A 10BC fire extinguishers – placed in a location visible to occupants and *mounted to the wall.*

NOTE: maximum travel distance to a fire extinguisher is 75 feet – additional fire extinguishers may be required on each floor.

- Emergency lighting – *hardwired with battery backup* (not “exit” lighting) in locations that will allow adequate illumination in case of emergency or power outage.
- Address clearly displayed on the outside of the building. This must be visible from the street. In locations not visible from the street, a pilaster or signage must be placed at the street – not to exceed 1 square foot.
- All Main and Distribution panel boxes must have all circuits labeled properly.
- Smoke detectors must be installed in all sleeping areas and corridors leading to sleeping areas. SMOKE DETECTORS MUST BE INTERLOCKED EITHER BY HARD-WIRED OR WI-FI SYSTEM. *If a residence has gas service, all locations must also include Carbon Monoxide Detectors* (outside bedrooms). If there is an attached garage, a carbon monoxide detector must be installed in that location separately.
- Adequate garbage receptacles and storage locations.
- Stove must have a no-tip device installed.
- Adequate emergency egress from all rooms within the residence. Sleeping areas must have two (2) means of egress. *If there it is a two-story structure, or has windows over 78”, it is required to have an emergency escape ladder.)*
- No exposed wiring.
- All outlets within 6 feet of any water source must be on a GFCI circuit or have that type of outlet installed.
- Adequate off-street parking for guests. No designated parking will be allowed on grassy surfaces or on streets.
- Extension cords shall not be substituted for permanent wiring in any case. Multi-plug electrical adaptors are prohibited unless they are overcurrent protected (surge protected).



Permit #: 6383

Address: 612 CLEVELAND AVE

City:

State:

Zip:

Owner: BAILEY DAVID J BAILEY KELLY

Owner Address: 612 CLEVELAND AVE

Owner City: OCEAN SPRINGS MS

Owner State:

Owner Zip: 39564

Owner Phone:

Owner Email:

Applicant: Jeffrey Reed

Applicant Address: 612 Cleveland Ave

Applicant City, State, Zip: Ocean Springs, Ms 39564

Receipt #: 5942

Date: 08/23/2024

Paid By: Jeffrey Reed

Description: STR, Residential, 612 Cleveland Ave

Payment Type: Card - Online

Payment Type Description: Visa 6133

Accepted By: Jazz Seferovic

Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Administrative Fee		0.00	1.00	1.00
Short Term Rental - Residential	New	0.00	500.00	500.00
			Total:	\$501.00

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE \$26.00
#202411048 BK:2170 PG:461-462
06/20/2024 09:59:17 AM 2 PGS
VHARRELL,DC Rept#13252



202411048 2 PGS

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd.
Ocean Springs, MS 39564
(228) 215-0011

Grantors:
David J. Bailey
Kelly E. Bailey
12008 158th St. NW
Gig Harbor, WA 98329
(228) 284-4832

Return To:
Pilger Title Co.
1406 Bienville Blvd.
Ocean Springs, MS 39564
(228) 215-0011

Grantee:
Jeffrey C. Reed
612 Cleveland Ave.
Ocean Springs, MS 39564
(808) 227-2256

File No. Z243491N

INDEXING INSTRUCTIONS: Lot 7, Ruskin Oak S/D, Jackson County, MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, we, **David J. Bailey and Kelly E. Bailey**, do hereby sell, convey and warrant unto **Jeffrey C. Reed**, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Lot 7, Ruskin Oak Subdivision, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Jackson County, Mississippi, in Plat Book 2, at Page 61.

This being the same property as that conveyed to David J. Bailey and Kelly E. Bailey, by Warranty Deed recorded in Book 1906, at Page 44, Land Deed Records of Jackson County, Mississippi.

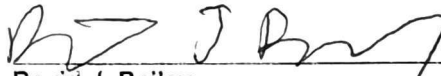
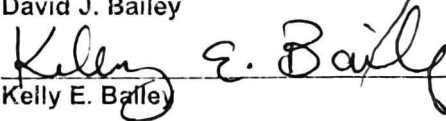
If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

Grantor(s) quitclaim any and all oil, gas, and other minerals owned, if any, to Grantee(s). No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk of Jackson County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

WITNESS OUR SIGNATURES, on this the 2 day of June, 2024.


David J. Bailey

Kelly E. Bailey

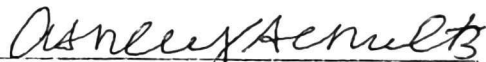
STATE OF Washington
COUNTY OF Pierce

ACKNOWLEDGMENT

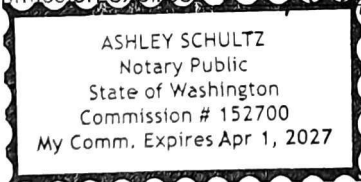
PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **David J. Bailey and Kelly E. Bailey**, who acknowledged before me that they signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 2 day of June, 2024.

(AFFIX SEAL)


NOTARY PUBLIC

My commission expires: 04/01/2027



ALTA OWNER'S POLICY OF TITLE INSURANCE



Policy Number **OY08291576**

Issued by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

This policy, when issued by the Company with a Policy Number and the Date of Policy, is valid even if this policy or any endorsement to this policy is issued electronically or lacks any signature.

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Condition 17.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, Old Republic National Title Insurance Company, a Florida corporation (the "Company"), insures as of the Date of Policy and, to the extent stated in Covered Risks 9 and 10, after the Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. The Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. Covered Risk 2 includes, but is not limited to, insurance against loss from:
 - a. a defect in the Title caused by:
 - i. forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - ii. the failure of a person or Entity to have authorized a transfer or conveyance;
 - iii. a document affecting the Title not properly authorized, created, executed, witnessed, sealed, acknowledged, notarized (including by remote online notarization), or delivered;
 - iv. a failure to perform those acts necessary to create a document by electronic means authorized by law;
 - v. a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - vi. a document not properly filed, recorded, or indexed in the Public Records, including the failure to have performed those acts by electronic means authorized by law;
 - vii. a defective judicial or administrative proceeding; or
 - viii. the repudiation of an electronic signature by a person that executed a document because the electronic signature on the document was not valid under applicable electronic transactions law.
 - b. the lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - c. the effect on the Title of an encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment (including an encroachment of an improvement across the boundary lines of the Land), but only if the encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment would have been disclosed by an accurate and complete land title survey of the Land.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607
(612) 371-1111 www.oldrepublictitle.com

By

President

Attest

Secretary

Authorized Officer or Agent

ADDRESS: 612 Cleveland Ave iWorQ Permit#: 6383



PLANNING DEPARTMENT
P.O. Box 1800 / Ocean Springs, MS. 39566
Phone 228-875-4415 Fax 228-872-5427

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

Before requesting an occupancy inspection from the Building Official and the Fire Marshall, please make sure the following items have been completed. Someone must be present at the time of inspection.

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- | | |
|---|---|
| ☒ Type 2A 10BC Fire Extinguishers
(Maximum travel distance 75 ft.) | ☒ Adequate garbage receptacles |
| ☒ Emergency Lighting with battery backup | ☒ Smoke detectors in all bedrooms
and hallways. |
| ☒ Address on Building | ☒ Carbon monoxide detectors if there
is gas service. |
| ☒ Breaker Box needs to be labeled | ☒ Identified # of Bedrooms: <u>1</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☐ Proposed # of Guests: <u>7</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>2</u> |
| ☒ Adequate emergency egress | ☐ Proposed # of vehicles: <u>6</u> |
| ☒ Operable windows in sleeping areas | Approved # of vehicles per OSFD: <u>3</u> |
| ☐ Guest rules (noise, garbage, etc.) must be
visibly posted. | |

Property Owner: Jeffrey Reed Phone #: 808-227-2256
Contact Name: Same Phone #: jcreed227@gmail.com

.....
Date of Inspection: _____

COMMENTS: 612B ON BUILDING

☒ **PASSED**

Building Official: [Signature]

Fire Marshall: [Signature]

Property Owner: [Signature]



House rules

Treat the home like your own

- **Cleanliness:** Guests should not leave the home in a state that requires excessive or deep cleaning (moldy dishes, soiled carpets, stains from pets, etc.). Cleaning fees set by Hosts are only meant to cover the cost of standard cleaning between reservations (laundry, vacuuming, etc.).
- **Litter:** Guests should put their trash in designated trash receptacles(right side of main house) and be mindful of excessive amounts of trash.
- **Damage:** Where guests cause damage that is beyond normal wear and tear, we expect guests to inform Hosts of the damage as soon as possible and work with the Host to find a reasonable solution. Guests are expected to pay reasonable requests for reimbursement if they're responsible for damage, missing items, or unexpected cleaning costs.
- **Approved guests:** Guests should respect the approved number of guests and should ask the Host if they're unsure about the rules for visitors. Disruptive gatherings are always prohibited.
- **Check-in time:** 3:00PM-9:00PM and guests should not check in before or after the designated window without prior approval from the Host.
- **Checkout time:** By 11:00AM Guests should complete checkout, including key return, by the designated checkout time indicated on the Airbnb reservation, and should not leave belongings at the listing past the designated checkout time for storage or later pickup without prior approval from the Host.
- **Smoking:** No Smoking on property
- **Approvals for pets:** Guests should not bring any pets inside the home without asking for approval
- **Noise:** Guests should respect community noise ordinance and should not disturb the surrounding community with a disruptive level of noise (loud music, shouting, slamming doors, etc.).
- **Commercial film and photography:** Guests should not participate in film or photography that is intended for commercial use or profit, without documented permission from the Host.

Communicate promptly with the Host if issues come up

In addition to the above house rules, good communication between Hosts and guests is important for successful stays. When guests are able to (not out of cell phone range, etc.), host encourages guests to be responsive when a Host reaches out to resolve an issue.



Kenny Holloway | Mayor
Bobby Cox | Alderman at Large
Jennifer Burgess | Alderman Ward 1
Rickey Authement | Alderman Ward 2

Kevin Wade | Alderman Ward 3
Ken Papania | Alderman Ward 4
Robert Blackman | Alderman Ward 5
Michael Impey, II | Alderman Ward 6



228.875.4236 | www.oceansprings-ms.gov

MEMORANDUM

To: Planning Commission

From:

Re: Public Hearing - Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ Properties from R-1A Apartment District to CH Regional Commercial – Donovan Scruggs Representing

Section: New Business

Meeting Date: October 8, 2024

Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ Properties from R-1A Apartment District to CH Regional Commercial – Donovan Scruggs representing

**CITY OF OCEAN SPRINGS
COMMUNITY DEVELOPMENT AND PLANNING
POST OFFICE BOX 1800
OCEAN SPRINGS, MS 39566-1800
228-875-4415**

**PLANNING COMMISSION REPORT
— PUBLIC HEARING —**

PUBLIC HEARING DATE: October 8th, 2024

APPLICANT(S): Donovan Scruggs

CURRENT OWNER WJ PROPERTIES OF OCEAN SPRINGS MS LLC

LOCATION: Ocean Spring Road and Pabst Road - Parcel# 60128042.000

REQUESTED ACTION: Zoning change request from the R1-A Apartment District to the CH Regional Commercial

DATE OF APPLICATION: September 7th, 2024

ADJACENT ZONING AND LAND USE:

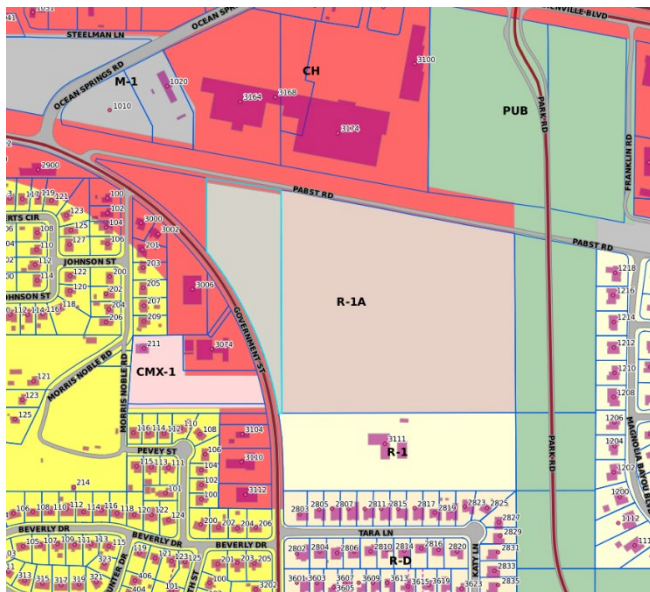
Subject Property: R1-A - Special Apartment Use District

North: CH - Regional Commercial

South: R1- A Special Apartment Use District and CH Regional Commercial

East: R1- A Special Apartment Use District

West: CH - Regional Commercial



DESCRIPTION OF REQUEST:

The applicant is requesting a zoning change from R1-A Special Apartment Use District to CH-Regional Commercial.

CURRENT CONDITIONS:

- The property is located on Pabst Road and Government Street.
- The property is zoned R1-A Apartment District.

- The property is 4.11 acres.

CH Regional Commercial

Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	25 ft	N/A
Front Setback	5 ft ^{1, 2}	N/A
Side Setback	5 ft / 10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	75 ft or 6 stories

R1-A

8. R-1A: Area, Height, and Setback Regulations:

In the R-1-A special apartment use district, the height of buildings, the minimum dimension of lots and yards, and the minimum lot area per family shall be as follows:

Front yard: Same as R-1.

Side yard: Same as R-1; however, any multifamily building above thirty-five (35) feet in height shall have a minimum side yard on each side equal to fifty (50) per cent of the building height.

Rear yard: Same as R-1.

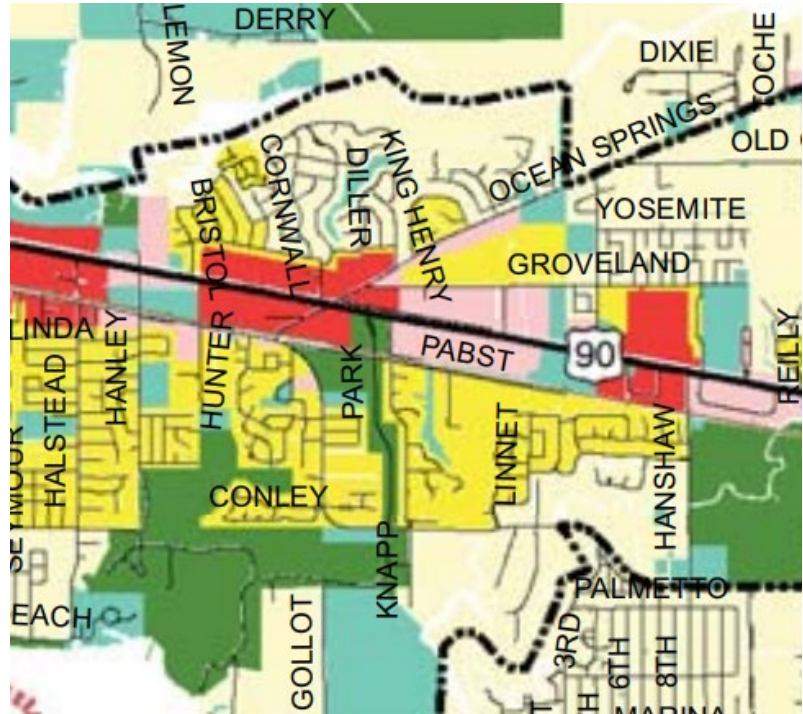
Height: No building hereafter erected, reconstructed, altered or enlarged shall exceed four (4) stories nor shall it exceed fifty (50) feet with the exception of buildings located in a floodplain whereas such buildings may be measured from the elevation requirements of the adopted floodplain management maps. Additional provisions are located in Section 3.7.18 – Height.

Width of lot: The minimum width of a lot at the building line shall be one hundred (100) feet, provided that where a lot of record and in separate ownership at the time of the passage of this ordinance has less width than herein required, this regulation shall not prohibit the erection of a single-family dwelling. Lots fronting on cul-de-sac shall be at least thirty-five (35) feet in width at street frontage and shall have a width of at least fifty (50) feet at the front building line. There shall not be more than six (6) lots facing on one cul-de-sac.

COMPREHENSIVE PLAN:

Section 1.5 CONSISTENCY WITH COMPREHENSIVE PLAN states that the UDC shall be consistent with the Comprehensive Plan, and with regard to development approvals, applicable area and corridor plans. An amendment to the text or map of the UDC is consistent and in accordance with the Comprehensive Plan or area or corridor plan if it complies with the goals, objectives, policies, and strategies contained in the Comprehensive Plan or applicable plan. Any amendments to the UDC, including but not limited to development approvals, shall be consistent with the adopted Comprehensive Plan, as it may be amended from time to time, in effect at the time of the request for amendment; an adopted area or corridor plan; and the CIP.

The current land use is Conservation Tier. The Conservation Tier includes public or private lands which are not suitable for urban development or use due to their location and environmental characteristics, such as wildlife habitat or agricultural use. Land in the Conservation Tier may include designated wetlands, floodways, or floodplains, or may contain soils which will not support urban development. Development is limited to temporary improvements, or buildings or structures that support passive recreation, conservation or agricultural uses.



Staff does not agree that the Conservation Tier Land designation. That designation is designed to prohibit any development. The lot in question is a lot of record and should be afforded all of the rights it is entitled to.

REZONE CRITERIA:

The UDC Section 2.15.5 provides the following criteria. In its review of an application, the Hearing Bodies shall consider the following criteria as applicable to the UDC text or Zoning Map amendment. No single factor is controlling; instead, each must be weighed in relation to the other standards.

A. Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan;

Response: The Public Tier is not compatible with the CH-Regional Commercial. Staff does not agree with the Land Use designation as it prohibits development of any kind.

B. Mississippi law requirements. There must have been either an error in the initial zoning or a change in the character of the neighborhood to such an extent as to justify reclassification of the property and some demonstrated compelling need before existing zoning may be changed;

Response: There was no error to the current zoning.

C. Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion and air pollution. Accordingly, rezonings may promote mixed uses subject to a high degree of design control;

Response: The proposed rezone is consistent with other zoning in the area. The plans for what it to be constructed have not been announced.

- D. Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the Comprehensive Plan, specification, or UDC;

Response: The property is zoned R1-A, which a zoning category that is active. The City did implement a moratorium of apartments of the City, which does impact the viability of the property until the moratorium is lifted.

- E. Health, Safety, and Welfare. The amendatory ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner of the tract will also benefit;

Response: The applicant has not provided adequate information to demonstrate a public need.

- F. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans;

Response: The applicant has not provided adequate information to demonstrate a need or policy.

- G. Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an amendatory ordinance;

Response: The property size is suitable as zoned.

- H. Other Factors. The Hearing Body must consider any other factors relevant to a rezoning application under state law; and

Response: No response.

- I. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.

Response: No response.

STAFF CONCLUSIONS AND RECOMMENDATION:

1. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.

2. Staff does not agree with the landscape design of Conservation as it prohibits development of any kind.
3. The applicant has not demonstrated that there is a public need, because the intended use has not been identified.
4. The application has not demonstrated that a need for more CH Regional Commercial has been demonstrated.
5. Staff will defer to the Commission members to determine if the character of the area has changed.

POTENTIAL MOTIONS:

To recommend **approval** of the rezoning of parcel 60128042.000 from R1-A Apartment District to CH-Regional Commercial.

– OR –

To recommend **denial** of the rezoning of parcel 60128042.000 from R1-A Apartment District to CH-Regional Commercial.

City of Ocean Springs Community Development and Planning

P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs **Planning Commission** will hold a public hearing in the regular meeting place of the Board of Aldermen located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

TUESDAY October 8, 2024 @ 6:00 p.m.

Donovan Scruggs -WJ Properties – PID# 60128042.000 - Request to rezone from R1-A (Special Apartment use District) to CH (Regional Commercial)

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson,
City of Ocean Springs
Community Development Director

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement.
You will also receive an email confirmation.

ORDER DETAILS

Order Number:
IPL0194379

Order Status:
Submitted

Classification:
Legals & Public Notices

Package:
BLX - Legal Ads

Final Cost:
\$54.40

Payment Type:
Account Billed

User ID:
IPL0019816

ACCOUNT INFORMATION

CITY OF OCEAN SPRINGS IP
1018 PORTER AVENUE
OCEAN SPRINGS, MS 39564
228-249-4109
kriff@oceansprings-ms.gov
CITY OF OCEAN SPRINGS

TRANSACTION REPORT

Date
September 13, 2024 5:45:58 PM EDT

Amount:
\$54.40

SCHEDULE FOR AD NUMBER IPL01943790

September 22, 2024
SunHerald (Biloxi) Print Publication

PREVIEW FOR AD NUMBER IPL01943790

**City of Ocean Springs
Community Development
and Planning
P. O. Box 1800
Ocean Springs, MS
39566-1800
228-875-4415
PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the City of Ocean Springs PLANNING COMMISSION will hold a public hearing located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on TUESDAY, OCTOBER 8TH, 2024 @ 6:00 p.m.

Residential Short-Term Rental Permit
PID# 60119106.000 - 808 Desoto Avenue #12

Residential Short Term Rental Permit
PID# 61425007.000 - 612 Cleveland Avenue

Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ Properties to from R1A to CH Regional Commercial – Donovan Scruggs

Unified Development Code Text Amendment Multiple Sections

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing osplanning@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

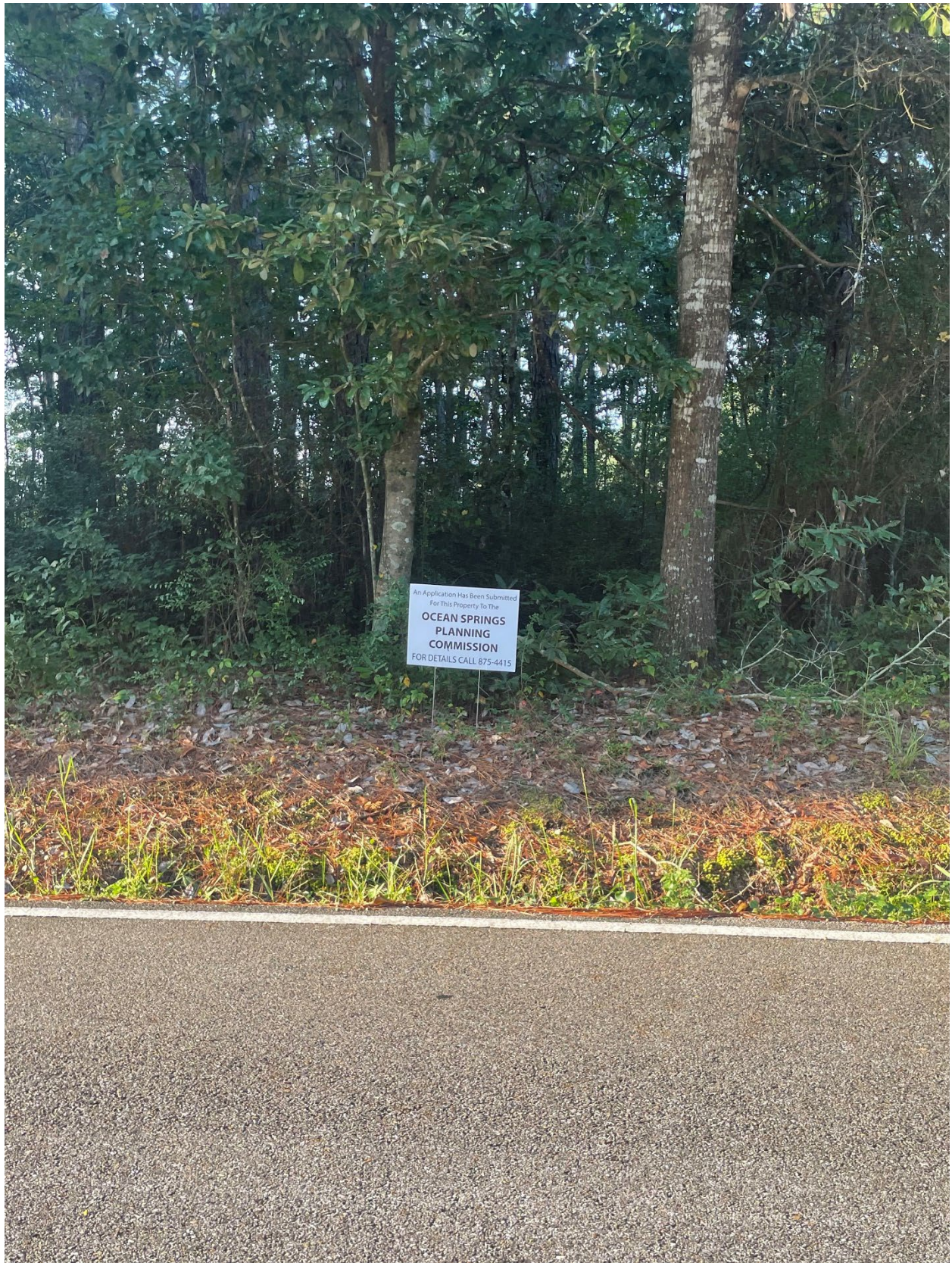
At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson.

City of Ocean Springs
Community Development Director
IPL0194379
Sep 22 2024

[<< Click here to print a printer friendly version](#)

[>>](#)



DRAFT REZONING ORDINANCE

**ORDINANCE NO. 2024-xx
AN AMENDMENT TO ORDINANCE NO. 13-1976
REZONING PROPERTY HEREIN DESCRIBED FROM R1-A APARTMENT
DISTRICT to CH REGIONAL COMMERCIAL**

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean springs, Mississippi, did on or about the 7th day of December, 2021, readopt an ordinance known as the Unified Development Code of Ocean Springs, Mississippi, and

WHEREAS, said ordinance provided therein for the adoption of an official zoning map; and

WHEREAS, said official zoning map as a part of the Unified Development Code of Ocean Springs, Mississippi, was adopted on the date aforesaid, zoning or rezoning the entire City of Ocean Springs, Mississippi; and

WHEREAS, said ordinance can be amended from time to time as necessary because of annexation, changing conditions, growth and other reasons; and

WHEREAS, application was made to the Ocean Springs Planning Commission that a certain parcel of property presently zoned R1-A, apartment District to be changed to CH Regional Commercial, said property being described as:

Parcel ID: **60128042.000**

WHEREAS, the Ocean Springs Planning Department, upon said application, did publish notice as required by law; and

WHEREAS, thereafter on 10-8-2024, a public hearing was held by the Ocean Springs Planning Commission; and

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, did, on _____, approve said rezoning noting its accord with the comprehensive plan and such changes in character of the surrounding area and the public need for the change in zoning.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, as follows, to-wit:

SECTION 1. That the following described property be rezoned from the classification of R1-A to a classification of CH Regional Commercial:

Parcel ID: **60128042.000**

SECTION 3. That the official zoning map of the Unified Development Code of Ocean

Springs, Mississippi, be amended to reflect this change.

SECTION 4. That any and all sections of the Unified Development Code and the official zoning map in conflict herewith are hereby repealed.

SECTION 5. That upon adoption, the City Clerk shall cause this Ordinance, being an Amendment to the Unified Development Code, in its final form, to be published in the manner prescribed by law and to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi, and cause the official zoning map to reflect this change.

The above Ordinance, being an Amendment to the Unified Development Code, having been first reduced to writing, the vote was as follows:

Alderman Burgess	_____
Alderman Authement	_____
Alderman Wade	_____
Alderman Papania	_____
Alderman Blackman	_____
Alderman Impey	_____
Alderman Cox	_____

BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, on this the _____ day of _____ **2024.**

Mayor

City Clerk

DRAFT REZONING ORDINANCE

**ORDINANCE NO. 2024-xx
AN AMENDMENT TO ORDINANCE NO. 13-1976
REZONING PROPERTY HEREIN DESCRIBED FROM R1-A APARTMENT
DISTRICT to CH REGIONAL COMMERCIAL**

WHEREAS, the Mayor and Board of Aldermen of the City of Ocean springs, Mississippi, did on or about the 7th day of December, 2021, readopt an ordinance known as the Unified Development Code of Ocean Springs, Mississippi, and

WHEREAS, said ordinance provided therein for the adoption of an official zoning map; and

WHEREAS, said official zoning map as a part of the Unified Development Code of Ocean Springs, Mississippi, was adopted on the date aforesaid, zoning or rezoning the entire City of Ocean Springs, Mississippi; and

WHEREAS, said ordinance can be amended from time to time as necessary because of annexation, changing conditions, growth and other reasons; and

WHEREAS, application was made to the Ocean Springs Planning Commission that a certain parcel of property presently zoned R1-A, apartment District to be changed to CH Regional Commercial, said property being described as:

Parcel ID: **60128042.000**

WHEREAS, the Ocean Springs Planning Department, upon said application, did publish notice as required by law; and

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WHEREAS, the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi, did, on _____, approve said rezoning noting its accord with the comprehensive plan and such changes in character of the surrounding area and the public need for the change in zoning.

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Alderman Burgess	_____
Alderman Authement	_____
Alderman Wade	_____
Alderman Papania	_____
Alderman Blackman	_____
Alderman Impey	_____
Alderman Cox	_____

BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, on this the _____ day of _____ **2024.**

Mayor

City Clerk

City of Ocean Springs Community Development and Planning
P. O. Box 1800
Ocean Springs, MS 39566-1800
228-875-4415

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the City of Ocean Springs PLANNING COMMISSION will hold a public hearing located in City Hall at 1018 Porter Avenue Ocean Springs, MS, 39564 on

TUESDAY, OCTOBER 8TH, 2024 @ 6:00 p.m.

Residential Short-Term Rental Permit PID# 60119106.000 - 808 Desoto Avenue #12
Residential Short Term Rental Permit PID# 61425007.000 - 612 Cleveland Avenue
Rezone Parcel# 60128042.000 NW Side of Government Street & Pabst Road - WJ
Properties to from R1A to CH Regional Commercial – Donovan Scruggs
Unified Development Code Text Amendment Multiple Sections

Questions regarding this agenda item can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing osplanning@oceansprings-ms.gov.

Written comments related to the above request will be accepted and may be mailed to the City of Ocean Springs Planning Department, Post Office Box 1800, Ocean Springs, MS 39566-1800 or emailed to osplanning@oceansprings-ms.gov.

At the aforementioned time and place, all parties of interest shall have an opportunity to be heard.

Carter Thompson,
City of Ocean Springs
Community Development Director



Permit #: 6537

Address: 0 GOVERNMENT ST

City:

State:

Zip:

Owner: GENERAL PERSHING PROPERTIES LLC

Owner Address: 407 GENERAL PERSHING

Owner City: OCEAN SPRINGS MS

Owner State:

Owner Zip: 39564

Owner Phone:

Owner Email:

Applicant: Donovan Scruggs

Applicant Address: 317 PNE DR

Applicant City, State, Zip: OS

Receipt #: 6066

Date: 09/09/2024

Paid By: Donovan Scruggs

Description:

Payment Type: Check

Payment Type Description: Check # 1057

Accepted By: Hannah Sullivan

Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Administrative Fee		0.00	1.00	1.00
Rezoning		0.00	250.00	250.00
			Total:	\$251.00



Affidavit of Ownership

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) James Green, WJ properties of Ocean Springs MS, LLC ^{James Green, WJ properties of Ocean Springs MS, LLC} JAMES Green WJ Properties of OCEAN SPRINGS, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: James Green, WJ properties of Ocean Springs MS, LLC

Parcel ID(s): 60128042.000

Date Property Acquired Date: March 26, 2024

Book and Page of Each Conveyance:
Book 2159 Pages 606-609

Owner's Signature [Signature]

Date 9/18/2024

STATE OF Mississippi

COUNTY OF Jackson

I JAMES GREEN, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

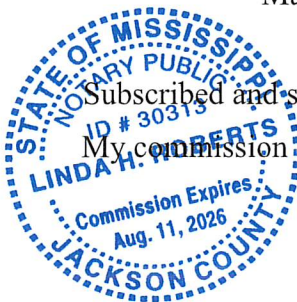
Mailing Address 6305 Olde Magnolia Dr Ocean Springs MS 39564

Subscribed and sworn before me this 18 day of September, 2024

My commission expires August 11, 2026

[Signature]

Notary Signature



September 3, 2024

Carter Thompson, Community Development Director
City of Ocean Springs
PO Box 1800
Ocean Springs, MS 39564

RE: Planning Commission
WJ Properties Request to Rezone on Government Street

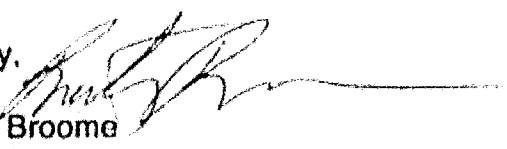
Dear Ms. Thompson:

My family's company, Broome Enterprises, Inc., is in support of the proposed rezoning for the WJ Properties of Ocean Springs. The proposed site is located across the street from our properties including Broome's No. 2. I am aware the moratorium for multifamily development that caused issues for our company.

The WJ Properties site has been vacant and undeveloped for years. With the City's position on multifamily development, it seems logical that an alternative use district would be preferred. The CH District, which is the district of our store and other properties owned by WJ Properties and along the corridor, is the appropriate district for the site.

We feel the change in zoning will be good for the area, and that it is needed to allow the property to develop.

Sincerely,


Brantley Broome
Broome Enterprises Inc

September 4, 2025

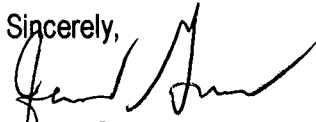
Ms. Carter Thompson, Director
Department of Community Development and Planning
City of Ocean Springs
1018 Porter Avenue
Ocean Springs, MS 39564

RE: Authorization to Represent for Land Use Applications

Dear Ms. Thompson:

Please accept this letter as authorization for Donovan Scruggs Town Planning and Consulting to represent my interests in property located along the northeast side of Government Street and south of Pabst Road (Parcel Identification No.: 60128042.000). Please accept applications, documents and other representations by his company, submitted and provided on my behalf, that relate to this property.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Green', with a stylized flourish at the end.

James Green
WJ Properties of Ocean Springs MS, LLC



City of Ocean Springs Planning Department
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564
(228) 875-4415

CHANGE IN ZONING / USE PERMIT APPLICATION

Effective June 11, 2006, the following application fees apply:

Application Fee Required*: **\$ 250.00 (NON REFUNDABLE)**

\$ 1.00 (Per Ordinance 2022-17 following the requirements of Section 25-60-5
MS Code Annotated)

* Does not include mail fee, to be determined by City.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.

Application Date: September 5, 2024

(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)

Indicate Request: Change In Zoning District ☒ Use Permit ☐ Conditional Use Permit ☐

Applicant Information

Address of Lot(s): Unaddressed Parcel of Land - NW side of Government, S of Pabst Rd.

Parcel ID(s): 60128042.000

1. Applicant:	<u>Donovan Scruggs, Agent</u>	Phone:	<u>228-348-1315</u>
Address:	<u>317 Pine Drive, OS, MS 39564</u>	Email:	<u>donovan@scruggsplanning.com</u>
	<u>WJ Properties of Ocean Springs, MS, LLC</u>		
2. Owner of Record:	<u>6305 Olde Magnolia Dr., OS, MS 39564</u>	Phone:	<u>228-219-2418</u>
Address:		Email:	

COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: R1A
New Zoning District Requested (if applicable): CH

2. Explain the present use of the property and condition of any existing structures:
Vacant and undeveloped. Not structures.

3. Describe the intended use of property:
Commercial. Property is currently zoned for apartment use.

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*

Change in neighborhood character is based on increased commercial development within the area to include Government Street and Ocean Spring Road. There has been no multi-family or apartments developed to support the current zoning designation.

Public Need is to support ongoing commercial growth within the area while reducing the potential over saturation of multifamily dwelling.

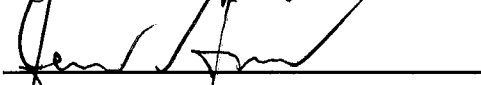
Additional details to support these positions are contained within the accompanying Land Use Report.

ATTACHMENTS REQUIRED:

- ☒ 1. Application Fee. Amount \$ 251.00
- ☒ 2. Map of the property and the surrounding neighborhood.
- ☐ 3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits.
- ☒ 4. Legal description; street address.
- ☐ 5. Copy of protective covenants or deed restrictions, if any.
- ☐ 6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc.

****** If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.***

Signature of Property Owner



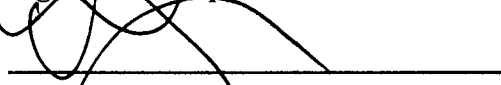
WJ Properties of OS, MS LLC

Print name

September 5, 2024

Date

Signature of Applicant



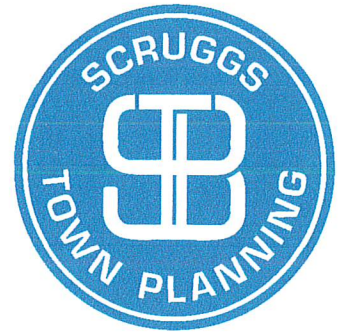
Donovan Scruggs

Print name

September 5, 2024

Date

September 18, 2024



Ms. Carter Thompson
Community Development Director
1018 Porter Avenue
Ocean Springs, MS 39564

RE: Future Land Use Map/Development Tiers Map
PPIN: 60128042.000

Dear Ms. Thompson:

I reviewed the Comprehensive Plan to determine the Land Use Category for the subject property located along Government Street and South of Pabst Road that is the subject of the proposed rezoning. The Development Tiers Map (Page 40) which functions as the City's Future Land Use Map identifies the property as "Natural Tier". The map indicates the area immediately north of the property is designated as "Commercial Center, High" and the areas to the south and west are a mix of "Commercial Center, Low" and "Residential, High Tier". Property immediately east of the site including the Gulf Island National Seashore are designated as "Natural Tier".

Within the Plan, the land use categories associated with the Development Tiers map are defined. While "Natural Tier" is identified on the Tiers Map, it is not a listed category within Section 5.3.1 *Development Tiers Map*. Page 37 of the Comprehensive Plan identifies the categories but does not include "Natural Tier". While it may be possible that the intent of the Plan is to identify the property as "Conservation Tier", this is not clear.

A detailed review of the "Natural Tier" demonstrates that this category is almost exclusively public or semi-public lands such as the Gulf Islands National Seashore, the Sand Hill Crane Refuge, Twelve Oaks, and Treasure Oaks Country Club. While the subject property is identified as "Natural Tier", this should be considered an error as it has always been intended for private development. While the property may include some wetlands, it has development potential and value for the private property owner.

The use of the Development Tiers Map is qualified within the Plan (Pages 37-38) as follows:

The Development Tiers Map is dynamic - as justified by changing conditions in the community, **the Development Tiers should change. While map amendments should not be made frequently, periodic adjustments to better achieve community goals will help the community achieve its planning goals.**

The map and text of the Land Use Element are to be used together - the text and maps in this element guide interpretation of the Development Tiers Map.

The map was created in 2009 with the adoption of the Plan. Despite changes in the community, the Plan has not been significantly updated. Additionally, as demonstrated in the report provided with the application, the proposed project is consistent with other portions of the Plan.

While the property is identified as the undefined "Natural Tier" or potentially placed within the "Conservation Tier", either designation could reflect an inappropriate 'taking' of the property if no use is permitted. With the recent Supreme Court ruling in *Sackett v. EPA*, the site may have no jurisdictional wetlands and be available for development with no mitigation required. Regardless, some level of development on the property should be permitted through a jurisdictional determination and mitigation efforts, if necessary.

Private property should not be categorized as "Natural" or "Conservation" without a the necessary processes of acquisition. Based on the Development Tiers Map, there are approximately two private properties that are within the "Natural Tier" category, and in both cases these areas are adjacent to large Federally owned properties, and the private properties were likely miscategorized. At minimum, the properties are miscategorized because there is no "Conservation Tier" on the Development Tier Map and no definition of "Natural Tier". According to the Comprehensive Plan:

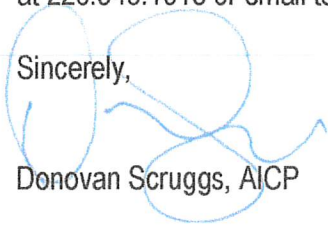
The Conservation Tier includes public or private lands which are not suitable for urban development or use due to their location and environmental characteristics, such as wildlife habitat or agricultural use. Land in the Conservation Tier may include designated wetlands, floodways, or floodplains, or may contain soils which will not support urban development. Development is limited to temporary improvements, or buildings or structures that support passive recreation, conservation or agricultural uses.

A straightforward reading of the description of the Conservation Tier clearly is over-reaching.

At present, it is not clear how the property will be used. The existing and proposed zoning designations are in conflict with the Development Tiers Map. The rezoning request is largely influenced by the zoning map and Development Tiers Map designation of adjacent properties owned by the applicant or others. Additionally, the on-going moratorium on multifamily uses is a major influence with the requested change. Changes with the treatment of wetlands have also played a factor in the potential development of the property. Federal and municipal regulations related to this property have changed significantly and should be considered in this rezoning request. The request is consistent with other portions of the Comprehensive Plan, and the Tier Map should not be the only consideration in rezoning requests.

I appreciate your assistance in this matter, and if there are any additional questions, please feel free to call at 228.348.1315 or email to donovan@scruggsplanning.com.

Sincerely,


Donovan Scruggs, AICP

**Land Use Report for a Zoning Amendment for
A Parcel of Land Located along Northeast Side of Government Street and South of Pabst Road
For WJ Properties of Ocean Springs MS, LLC**

Prepared by: S. Donovan Scruggs, AICP
Date: September 7, 2024

WJ Properties of Ocean Springs MS, LLC (WJ Properties) recently purchased a 3.62 acre tract of land located just east of Ocean Springs Road and on Government Street. The property is located south of Pabst Road and northeast of Government Street. The property is situated northeast and across the street from Broome's 2 and A & A Auto Repairs. The owner is requesting a zoning map amendment to change the zoning from R-1A (Special Apartment Use District) to CH (Regional Commercial). The basis of the request is a change in neighborhood character and a public need. The property has been zoned as R-1A since at least 1984. Since the original zoning, the area has changed significantly with more commercial development to the southwest and northwest. There has been no development within the area that is consistent with the standards of the R-1A district. The property is surrounded on three sides by properties designated as Regional Commercial District and the requested change will be consistent with the surrounding designations. The site is not adjacent to any residential use, and it is separated or buffered from existing residential uses by commercial and non-residential uses, and the adjacent parcel to the east is undeveloped (zoned R-1A). To the south, there is Woodhaven Baptist Church. The church property is approximately 7 1/2 acres in area and approximately 330 feet in width. Adjacent property owners, with the exception of CSX Railroad along the north side of the property, have signed letters in support of the rezoning.



The applicant is basing the rezoning request on a change in neighborhood character and a public need. The change in neighborhood character is most evident at the intersection of Government Street, Pabst Road, and Ocean Springs Road. The short corridor of Ocean Springs Road between Government Street and Highway 90 has slowly intensified over the years. A new private gym/fitness center was recently constructed. The improvements to Steelman Road and the efforts to relocate Public Works at a vacated concrete plant will further intensify the area. The construction of Woody's and Raisin' Canes restaurants along the west side of Ocean Springs Road and the expansion of the shopping center along the east side of the street have solidified the corridor with a commercial nature. In the early 2000s, the small office complex and the automotive repair center were constructed along the south side of Government Street and support the commercial character of the area.

The proposed zoning change is consistent with the adjacent properties that includes the CH designations. The site remains buffered from residential areas by the CH District along the west side of Government Street and Woodhaven Church to the south. To the east the property remains buffered by a large 19-acre tract of land that is undeveloped and designated as R-1A. Farther east is the entrance to Gulf Islands National Seashore (Park Road) which provides an additional buffer of 350 feet between the site and more residential areas to the east.

The request will address a public need or objective of the City. The property is currently zoned as a Special Apartment Use District but the City has had a moratorium for the construction of apartments for more than two years, and this moratorium was recently extended until the summer of 2025. This limits the development potential or conveyance of the property. The requested CH designation will provide the owner with more options to develop the property in a manner that is consistent with other

properties, and it will address the City's concern with the oversupply of apartments. At present, the only viable option for the property is low density, single-family residential with lot sizes of 13,500 square feet. This is not consistent with the nearby R-2 or PUD districts that have numerous lots that are much smaller than R-1 requirements.

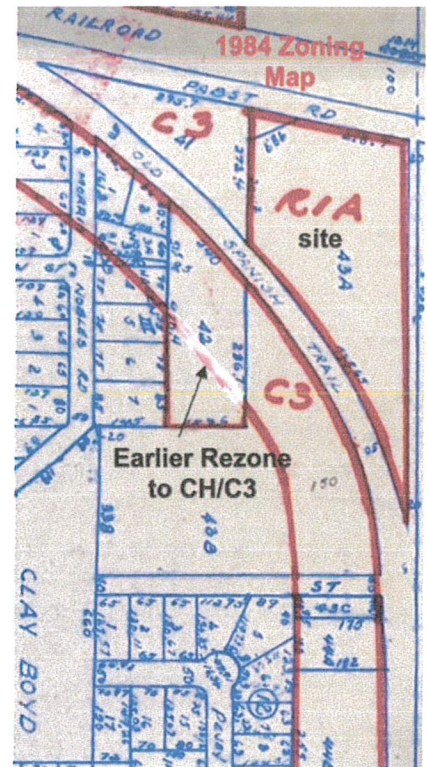
Change in Character

A review of Google Earth imagery shows the changes that have occurred within the area over the last 30 years. Despite two Comprehensive Plans and a new Unified Development Code (UDC), there has been no comprehensive rezoning or evaluation of the districts. Changes in zoning (map amendments) have been almost exclusively through land owner petitions for rezonings. The property has been designated as R-1A since at least 1984.

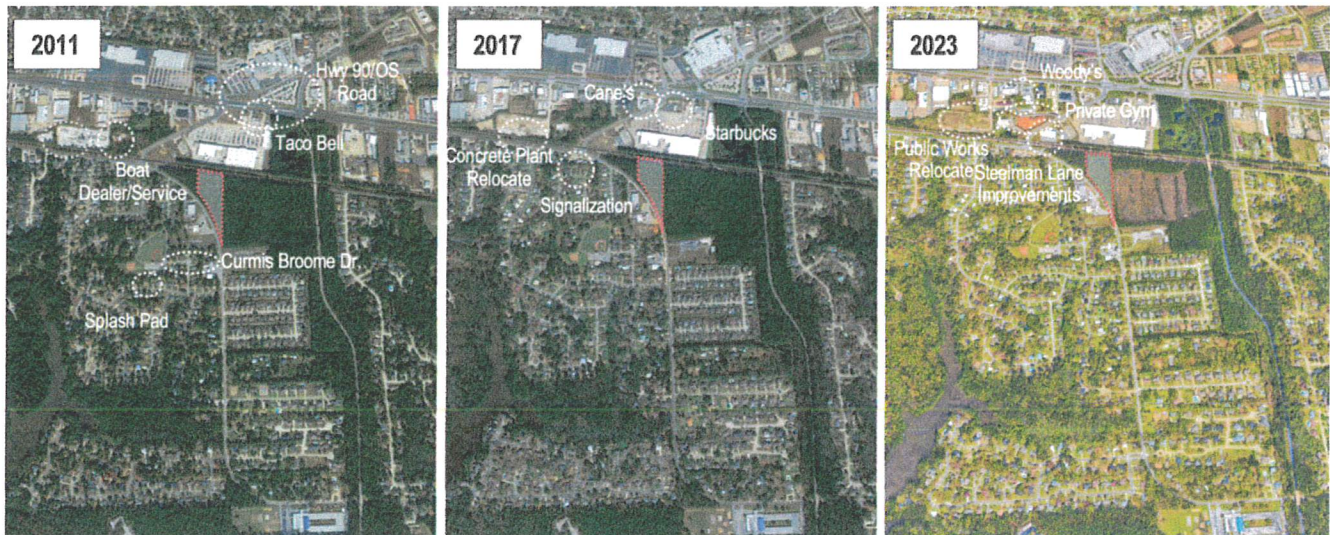
In 1992, Beverly Place, Promenade, and Whitney Oaks did not exist and the commercial uses within the area included Broome's 2 and the shopping center to the north (left side, image below). The initial phase of Magnolia Bayou can be seen in the images below, but the areas along the north or east side of Government Street were undeveloped or rurally developed.

By 2004, Beverly Place had been constructed (center image, below). This is a Planned Unit Development that does not 'fit' the R-1, R-1A, or R-2 zoning. Promenade and North Promenade were largely built-out, and Whitney Oaks was under construction. Magnolia Elementary was expanding to accommodate growth within the area. The construction of Rite-Aid (now Walgreens) near the intersection of Ocean Springs Road and Highway 90 and the office complex south of Government Street at the intersection with Ocean Springs Road adds more commercial to the area.

By 2007, the construction of an automotive repair facility was under construction to the south of the site. This required the rezoning of the rear portion of the property from R-2 to C-3 (upper image). Construction of commercial developments along Highway 90 during these years is evident. This is a reflection of the continued eastward growth of the City. The conversion of a vacant big-box retail (Wal-Mart) to an AT&T call center and expansion of Ocean Springs Hospital are evident. This growth strengthens the commercial node between Government Street and Highway 90 along Ocean Springs Road.

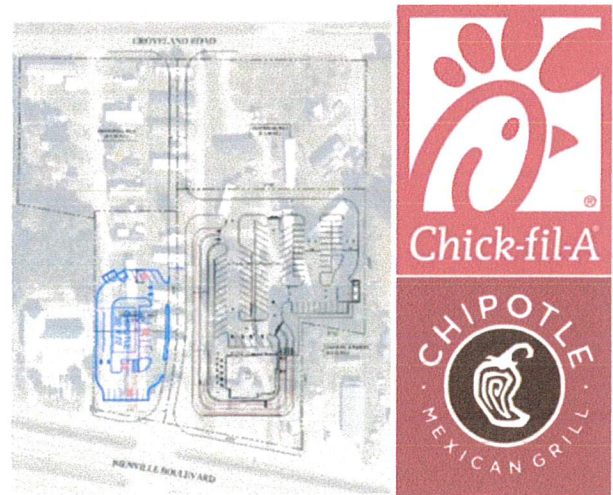


In more recent years, changes to the neighborhood have continued. A new Taco Bell was constructed at the shopping center and the intersection of Highway 90 and Ocean Springs Road was modified (upper image page 3). Over the next few years (2017) a Raisin' Canes restaurant and Starbucks were constructed. This added to the intensity of the Ocean Springs Road corridor. The Carpentier commercial area to the south of the site along the west side of Government and south of Broome's 2



was sold and the northern property was redevelopment or improved (PuroClean). By 2023, Woody's Restaurant was reconstructed, a new private gym was operating, and the redevelopment of Steelman Lane was complete. The City of Ocean Springs had purchased the old concrete plant to relocate Public Works to a new location away from downtown. These areas are immediately northwest of the proposed site. These commercial and public improvements have intensified the surrounding area and increased traffic along Government Street/Old Spanish Trail and Ocean Springs Road.

In 2024, it was announced that Chick-fil-A and Chipotle restaurants are planned for the area just east of the intersection of Ocean Springs Road and Highway 90. Typically and especially in Mississippi, these restaurants are very popular and generate a significant amount of traffic. While this site is removed from the immediate area of the requested rezone, it represents a centralizing of development within this area and will intensify the corridors of Highway 90 and Ocean Springs Road. Traffic along the portion of Ocean Springs Road north of Highway 90 has resulted in a significant amount of improvements that are currently underway to include roadway widening, turning lanes, deceleration lanes, roundabouts, and medians for traffic calming.



While this site is removed from the immediate area of the requested rezone, it represents a centralizing of development within this area and will intensify the corridors of Highway 90 and Ocean Springs Road. Traffic along the portion of Ocean Springs Road north of Highway 90 has resulted in a significant amount of improvements that are currently underway to include roadway widening, turning lanes, deceleration lanes, roundabouts, and medians for traffic calming.

The proposed rezoning is consistent with the classification of the roadways. Ocean Springs Road and Government Street are considered minor arterials and Highway 90 (Bienville Boulevard) is considered a major arterial. The intensification of development along the Ocean Springs Road corridor is visible on traffic counts within the area. Traffic counts of 2018 and earlier demonstrated traffic volumes of approximately 7,100 (2013) and 8,200 (2019). This volume increased tremendously in the year 2021 to 18,000 and in 2023, the volume is 21,000 average daily trips. Traffic along Government Street has increased but only modestly and maintains daily counts of 14,000 to the west of Ocean Springs Road and 9,800 to its east. This does show that the bulk of traffic is remains along the Ocean Springs Road corridor.

Surrounding Zoning and Uses.

As indicated on the image to below, the site is surrounded by a variety of zoning districts or uses. Along the south and west side of Government Street the parcels are primarily designated as CH from the intersection of Ocean Springs Road to north of Beverly Drive. There is a mixture of uses within the CH District to include some residential, but the lots 'fronting' Government Street primarily have commercial uses (one rental residential unit fronts Government Street). These uses include a convenience store with fuel pumps, an automotive repair business, and a small office complex. To the immediate north is a large shopping center that includes Rouse's Grocery, Subway, Starbucks, Taco Bell, and several other restaurant and retail uses. To the

northwest is a new private gym, a telecommunications tower, and a marine/boat sales and service dealership. With the continued growth and expansion of the Ocean Springs Hospital (a new building is under construction to the east of the Hospital), and the new restaurants mentioned above, the immediate area is becoming more intense. These uses are primarily considered regional commercial due to use or automobile-dependent characteristics (drive through service, building scale, etc.).

The subject property or site is owned by WJ Properties who also owns four adjacent parcels (the parcel immediately west of the site and 3 parcels south of Government Street. The proposed CH designation represents an extension of the CH District from the west to create a larger, more consistent zoning designation. So, not only is the proposed rezoning consistent with the zoning of other nearby properties, it is consistent with the zoning of other tracts in common ownership. The extension of the CH district from the western, triangular tract enhances the ability to develop both parcels.

Public Need.

The property is currently designated as R-1A Special Apartment Use District. According to the City's UDC:

This is the most restrictive apartment district to provide for luxury townhouse or apartment development in selected areas of Ocean Springs.

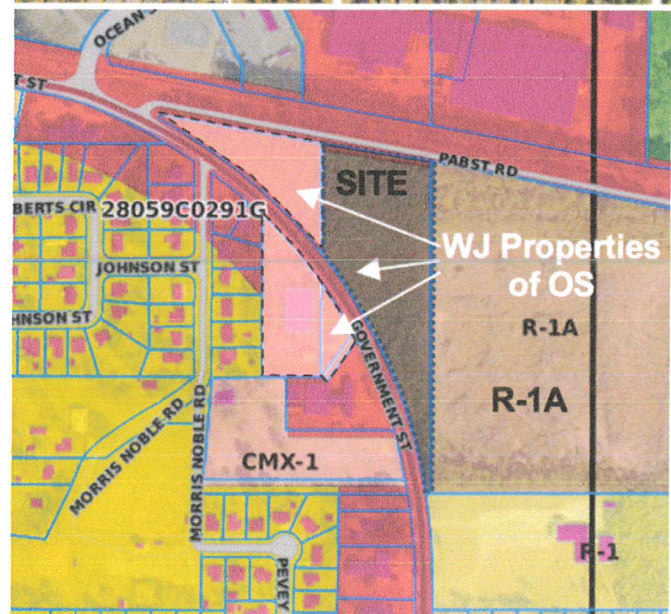
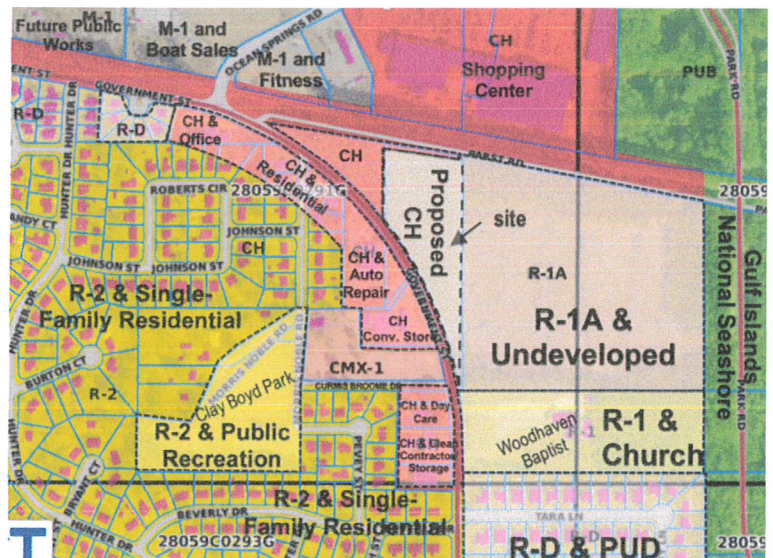
The uses permitted include the following:

R-1A: (Previously listed in Section 401.A.2)

(1) Any use allowed in R-1 but subject to the provisions thereof.

(2) Townhouse and/or apartment units.

On June 4, 2024, the City of Ocean Springs adopted a moratorium on the construction of multi-family dwellings within the City. This moratorium represents an extension of a moratorium that was originally adopted in July 2022 and extended in April 2023. If it ends as scheduled in June 2025, this will represent a three-year moratorium on apartments or multifamily units which is the primary use of the district (it is the Special Apartment Use District).



While it appears townhomes may be permitted, the R-1A requires that lots be a minimum of 100 feet. Typical lot widths for townhomes are between 14 and 32 feet (variations can occur). Interpretations of the R-1A District have been a problem with City and residents for years. A recent project was delayed for almost 10 years due to interpretation issues with the ordinance and subsequent lawsuits. A new zoning district had to be developed to allow a project to move forward and this led to a change in zoning for that property. No project has successfully been developed within an R-1A property for approximately 20 years.



As a result of the moratorium and potential problems with townhouses, the only practical or viable use within the R-1A District is single-family residential on R-1 lots (13,500 square feet). These limitations basically make the zoning of the site the most restrictive district in the City. The closest residential uses to the site are situated within R-2 and PUD. The Woodhaven area, despite the R-2 designation includes numerous lots of approximately 8,000 square feet. The PUD (Beverly Place) includes lots of less than 10,000 square feet. With the moratorium in place, the proposed site has a zoning designation that is more restrictive than other residential properties within the same area.

The moratorium adopted by the City indicates a concern with multifamily dwellings. The moratorium was adopted, "...due to the potential over-saturation of apartments and other multifamily dwelling units" and "... instituting the moratorium ... will improve compatibility among uses and will ensure efficient development within the City, will result in a logical and orderly development pattern, and is necessitated by a demonstrated community need to achieve the objectives and policies stated herein."

With the adoption of the moratorium and the related extensions, it is clear that the City of Ocean Springs has concerns with the construction of apartments and multifamily dwellings. The moratorium addressed the on-going process related to the adoption of a Comprehensive Plan and that the "... future growth of multifamily dwellings be uniform and consistent with the comprehensive master plan." This demonstrates that textual amendments to the zoning ordinance will follow the adoption of the Comprehensive Plan since it has no enforcement or regulatory use.

The places a great deal of uncertainty on the potential use of the property. Further, the ongoing moratorium represents a temporary zoning change for the property. The permitted uses associated with the property have been limited as a result of the moratorium.

Consistency with the Comprehensive Plan.

The Comprehensive Plan identifies a number of Goals and Policies to guide its implementation. The project is consistent with the Comprehensive Plan, and this consistency is important when considering a rezoning. A review of Policies and Goals are listed below (with comments addressing consistency in *italics*).

Policy 1.1: Provide for a diverse, yet complementary mix of residential and non-residential uses to meet the needs of the City's businesses and residences. *With the concerns of the oversaturation of multifamily and apartment units, the proposed change will address land use needs of the city. Currently, the subject site is surrounded on three sides by the requested CH district and the adjacent district to the east is R-1A. The proposed CH District will provide a complementary zoning designation.*

Policy 1.5: Encourage compatible infill development that is designed and constructed to be consistent with the character of the existing neighborhood. *The subject property has never been developed and is one of the few undeveloped parcels within the area. It is adjacent to three roadways and will not require the extension of water or sewer services. The property is surrounded by commercial and institutional uses and vacant property. The requested rezoning will transition between the variety uses for a more cohesive mix of uses. The rezoning will allow a compatible development of the site that is along an intensifying corridor. More importantly, the location is considered infill and will not be viewed as 'sprawl'.*

Policy 1.7 Promote appropriate interconnectivity between adjacent land uses, including connections between non-residential development and adjacent neighborhoods. Lot patterns should be designed to provide safe and direct connections between residential and non-residential uses for pedestrians as well as automobiles. *The proposed rezoning is surrounded by commercial and multifamily zoning designations and will provide for potential connectivity and transitional development between adjacent properties. With complementary designations, this could encourage an integrated development with commercial areas along Government Street and more mixed use areas along Pabst Road.*

Policy 4.10: Maintain compatible transitions between different land use and housing types through effective land use and site design regulations. This policy is intended to allow for development of a compatible mix of unit types and neighborhood scale services. *The site is already surrounded by CH and multifamily uses that will permit and encourage a compatible transition between land uses. It is also important to note that to the east, the property is buffered by a church and the Gulf Island National Seashore to the east. This will enhance the transition of the district for the more residential areas to the south and east.*

Policy 4.11: Protect stable single-family neighborhoods from the intrusion of incompatible residential and non-residential land uses. This policy is intended to protect neighborhoods from blighting influences; it is not intended to preclude development of different types of residences, neighborhood commercial centers or community services within neighborhoods if they can be designed and maintained in a manner that enhances neighborhood stability. *The proposed rezoning is located at a primary node or intersection. Traffic and the related patterns have increased to warrant a traffic control signal. The zoning can encourage commercial activities to accommodate the needs of the surrounding neighborhood but the intermediate areas between the site and single-family residential areas will deter blighting influences.*

Goal 5: Maintain and enhance a sustainable local economy that provides employment opportunities and supports a high quality of life. *While residential growth is advantageous, commercial growth is equally important. Employment opportunities within the City limits will encourage more spending within the City to enhance revenues and commercial property values. Employment opportunities will also encourage residents from unincorporated areas or other municipalities to work in the City. This will allow the capturing of additional tax revenues.*

Policy 5.2: Pursue a higher ratio of employment to housing, seeking a greater proportion of professional services jobs. *Ocean Springs is well established as a 'bedroom community'. While this provides a great environment, it also means that the City must rely heavily on residential ad valorem taxes. By increasing more employment opportunities, specifically professional jobs, new business centers to accommodate these jobs will be required. These centers will generate higher ad valorem taxes (no homestead exemption) and provide workers to contribute to the local economy by shopping and dining in areas close to the work location. Businesses often concentrate in various locations and the locations of this property within close proximity to existing restaurants, a grocery, and other commercial establishes will likely enhance the city's revenues.*

Policy 5.11: Maximize sales tax revenues as a major funding source for City services. *Sales tax revenues are captured from commercial activities and primarily retail and restaurants. The proposed rezoning provides a great location for additional commercial growth within close proximity to Highway 90 and Ocean Springs Road. The location along Government Street will also be easily accessed from surrounding neighborhoods. The rezoning can assist the City in adding additional commercial revenues.*

Policy 5.12: Enhance the City's role as a retail, restaurant and entertainment center for the region. *The zoning will provide an excellent location for increased commercial activity. At present, the multifamily zoning cannot provide a new commercial activity because of the limitations of the district.*

Zoning Criteria

Section 2.15.5 Outlines criteria that the Planning Commission and Board of Aldermen shall follow in consideration of text and map amendments. These criteria (italics) and the relationship to the project are addressed below:

A. Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan. *The project is consistent with the Comprehensive Plan of the City. Policies of the Plan indicate that the City should "provide a diverse, yet complementary mix of residential and non-residential uses".*

Policy 5.2 states "Pursue a higher ratio of employment to housing, seeking a greater proportion of professional service jobs." This extremely relevant to the proposed amendment. The current zoning would allow approximately 50 residential units to be constructed on the 3.6 acres. This would continue to increase housing and not economic growth. However, with the moratorium in place, the property is essentially undevelopable. [More detailed consistency with the plan is provided in the preceding section above].

B. Mississippi law requirements. There must have been either an error in the initial zoning or a change in the character of the neighborhood to such an extent as to justify reclassification of the property and some demonstrated compelling need before existing zoning may be changed. *As indicated in this report, there has been a substantial change in the character of the neighborhood. The property has been 'zoned' R-1A for more than 40 years, and no apartment have been developed within the area to support this designation. During the period of time, there has been substantial commercial growth within the immediate area to include automotive repair, restaurants, a fitness gym, a telecommunication tower, office space, and other commercial uses. Several homes along the south side of Government Street and west of Ocean Springs Road have converted to commercial uses. The moratorium for multifamily development represents a temporary change in zoning to the site which is designated as a "special apartment district." Because of the moratorium, a primary use associated with this site is no longer applicable, and the site has been temporarily downzoned.*

The applicant is not asserting that there is an error or mistake in zoning.

C. Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion and air pollution. Accordingly, rezonings may promote mixed uses subject to a high degree of design control. *The site will have no adverse impact on neighboring lands. The properties adjacent to the north, west, and southwest are commercially zoned and include commercial uses or are vacant. The property to the southeast includes a church that is an institutional use that is permitted in residential and commercial districts. The property to the east is currently vacant and designated as R-1A which permits multifamily dwellings or apartments. It is undeveloped and has the same barriers to develop with the moratorium. With the exception of the property to the east, the site is surrounded by commercial uses or districts that are consistent with the proposed designation.*

D. Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the Comprehensive Plan, specification, or UDC. *The existing zoning designation represents a significant hurdle or barrier for the use of the site. The property is specifically zoned for "apartments" but the moratorium prohibits this form of development. Large lot, single-family residential would not be a compatible use based on the proximity of adjacent regional commercial uses, and the use of the site for apartments is not possible with the current moratorium. It is not clear when the moratorium will end and what changes to the zoning ordinance will be implemented prior to it being lifted. At present and with the current zoning, the site has been basically barred from development. In general, the R-1A District has been modified over the years, and development within the district is much more difficult. The rezoning will encourage the development of the property in a manner that is consistent with surrounding designations.*

E. Health, Safety, and Welfare. The amendatory ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner of the tract will also benefit. *According to the moratorium, there are concerns of the City with the 'oversaturation' of multifamily uses. The proposed rezoning appears to be consistent with the City's policy to limit or restrict more multifamily dwellings by providing a greater variety of uses of the site with a CH zoning.*

F. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with

neighborhood, area, or specific plans. *The City's adoption of the moratorium to suspend the development of multifamily uses has a direct impact on the subject property which is zoned as "Special Apartment Use" District. By providing an alternative designation to an apartment or multifamily district, the rezoning is consistent with public policy that caused a moratorium "...due to the potential over-saturation of apartments and other multifamily dwelling units" and "... instituting the moratorium ... will improve compatibility among uses and will ensure efficient development within the City, will result in a logical and orderly development."*

G. Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify an amendatory ordinance. *The site is adjacent to the requested district on three sides. This represents the extension of a larger CH District, and the size of the tract has no bearing on this request. Adjacent property owners to the east and south have signed letters to support the proposed rezoning. This should not be considered a "spot zoning."*

H. Other Factors. The Hearing Body must consider any other factors relevant to a rezoning application under state law. *No other factors related state law are present that should prevent the rezoning of the site.*

I. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large. *The requested zoning is consistent with surrounding and adjacent properties.*

Summary.

The owner/applicant is requesting a rezoning from Special Apartment Use District (R-1A) to Regional Commercial District (CH). The applicant also owns the property immediately to the west and south of the site so a primary plan is to have consistent zoning throughout his holdings or properties. Currently, properties to the north, west and south of the site are designated as CH.

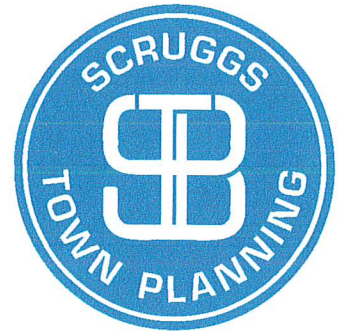
A primary concern with the current zoning is an apartment moratorium that has been in place for more than two years and is not scheduled to expire until July 2024. This moratorium could be extended at that time or it could expire. The City has linked the moratorium to a new Comprehensive Plan that is underway. The final draft has not been provided and the adoption process will take several months. It is possible that the new Comprehensive Plan will address multifamily dwellings and apartments, but the regulating process is with the zoning ordinance. This would mean that amendments to the zoning ordinance will be necessary for apartments and this will likely be beyond the expiration of the moratorium and another extension may be necessary. To date, there have been no indication of how the proposed Comprehensive Plan or zoning changes will affect properties that are currently zoned for apartments. However, the wording of the moratorium outlines concerns of oversaturation and compatibility that could have a negative impact on the property, as currently zoned. The moratorium has temporarily rezoned the property and limited its development.

The proposed rezoning is based on a change in neighborhood character and a public need. The public need is evidenced by the City's position or policy toward multifamily development and the potential 'over saturation' of multifamily dwelling units. By rezoning the property to commercial, uses other than multifamily are permitted. As currently zoned, the primary available use is single-family residential with lots of 13,500 square feet which is less dense than surrounding or nearby neighborhoods.

The change in character continues to be evidenced by the increased commercial and non-residential construction within the area. With established commercial areas along the southwest side of Government Street and the continued growth along Ocean Springs Road, the subject property is within an area that is trending towards a strong commercial corridor. With the proposed Chick-fil-A and Chipotle, the trend will likely accelerate.

There has been no development within the area that supports the existing multifamily designation. As a result, the owner is hoping that the City of Ocean Springs will support the proposed rezoning of the site from R-1A to CH.

September 18, 2024



Ms. Carter Thompson
Community Development Director
1018 Porter Avenue
Ocean Springs, MS 39564

RE: Future Land Use Map/Development Tiers Map
PPIN: 60128042.000

Dear Ms. Thompson:

I reviewed the Comprehensive Plan to determine the Land Use Category for the subject property located along Government Street and South of Pabst Road that is the subject of the proposed rezoning. The Development Tiers Map (Page 40) which functions as the City's Future Land Use Map identifies the property as "Natural Tier". The map indicates the area immediately north of the property is designated as "Commercial Center, High" and the areas to the south and west are a mix of "Commercial Center, Low" and "Residential, High Tier". Property immediately east of the site including the Gulf Island National Seashore are designated as "Natural Tier".

Within the Plan, the land use categories associated with the Development Tiers map are defined. While "Natural Tier" is identified on the Tiers Map, it is not a listed category within Section 5.3.1 *Development Tiers Map*. Page 37 of the Comprehensive Plan identifies the categories but does not include "Natural Tier". While it may be possible that the intent of the Plan is to identify the property as "Conservation Tier", this is not clear.

A detailed review of the "Natural Tier" demonstrates that this category is almost exclusively public or semi-public lands such as the Gulf Islands National Seashore, the Sand Hill Crane Refuge, Twelve Oaks, and Treasure Oaks Country Club. While the subject property is identified as "Natural Tier", this should be considered an error as it has always been intended for private development. While the property may include some wetlands, it has development potential and value for the private property owner.

The use of the Development Tiers Map is qualified within the Plan (Pages 37-38) as follows:

The Development Tiers Map is dynamic - as justified by changing conditions in the community, **the Development Tiers should change. While map amendments should not be made frequently, periodic adjustments to better achieve community goals will help the community achieve its planning goals.**

The map and text of the Land Use Element are to be used together - the text and maps in this element guide interpretation of the Development Tiers Map.

The map was created in 2009 with the adoption of the Plan. Despite changes in the community, the Plan has not been significantly updated. Additionally, as demonstrated in the report provided with the application, the proposed project is consistent with other portions of the Plan.

While the property is identified as the undefined "Natural Tier" or potentially placed within the "Conservation Tier", either designation could reflect an inappropriate 'taking' of the property if no use is permitted. With the recent Supreme Court ruling in *Sackett v. EPA*, the site may have no jurisdictional wetlands and be available for development with no mitigation required. Regardless, some level of development on the property should be permitted through a jurisdictional determination and mitigation efforts, if necessary.

Private property should not be categorized as "Natural" or "Conservation" without a the necessary processes of acquisition. Based on the Development Tiers Map, there are approximately two private properties that are within the "Natural Tier" category, and in both cases these areas are adjacent to large Federally owned properties, and the private properties were likely miscategorized. At minimum, the properties are miscategorized because there is no "Conservation Tier" on the Development Tier Map and no definition of "Natural Tier". According to the Comprehensive Plan:

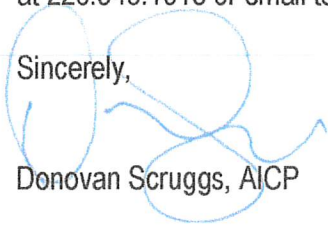
The Conservation Tier includes public or private lands which are not suitable for urban development or use due to their location and environmental characteristics, such as wildlife habitat or agricultural use. Land in the Conservation Tier may include designated wetlands, floodways, or floodplains, or may contain soils which will not support urban development. Development is limited to temporary improvements, or buildings or structures that support passive recreation, conservation or agricultural uses.

A straightforward reading of the description of the Conservation Tier clearly is over-reaching.

At present, it is not clear how the property will be used. The existing and proposed zoning designations are in conflict with the Development Tiers Map. The rezoning request is largely influenced by the zoning map and Development Tiers Map designation of adjacent properties owned by the applicant or others. Additionally, the on-going moratorium on multifamily uses is a major influence with the requested change. Changes with the treatment of wetlands have also played a factor in the potential development of the property. Federal and municipal regulations related to this property have changed significantly and should be considered in this rezoning request. The request is consistent with other portions of the Comprehensive Plan, and the Tier Map should not be the only consideration in rezoning requests.

I appreciate your assistance in this matter, and if there are any additional questions, please feel free to call at 228.348.1315 or email to donovan@scruggsplanning.com.

Sincerely,


Donovan Scruggs, AICP

2.10 RIGHT OF ENTRY

Solely in performance of its official duties and only at reasonable times, the Commission, or its duly authorized agents, is authorized to enter upon private land for examination or survey thereof with the express written consent of the owner of record or occupant thereof.

2.11 NEIGHBORHOOD PARTICIPATION

It is the policy of the City of Ocean Springs to encourage Applicants to meet with surrounding neighborhood residents prior to filing an application for a development approval requiring a public hearing.

2.11.1 Purpose

- A. Encourage Applicants to pursue early and effective communication with the affected public in conjunction with applications, giving the Applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed project on the adjoining community and to educate and inform the public; and
- B. Provide citizens and property owners of affected areas with an opportunity to learn about applications and to work with Applicants to resolve concerns at an early stage of the process; and
- C. Facilitate ongoing communication between the Applicants, interested citizens, property owners, City of Ocean Springs staff, Boards and Commissions, and elected officials throughout the application review process.
- D. Registration
A neighborhood registry may be maintained by the Planning Director.
- E. In order to be included within the neighborhood registry, the neighborhood association shall provide the following information:
 - 1. A map or written description of the neighborhood boundaries;
 - 2. A list of representatives or officers in the association, including their addresses and phone numbers;
 - 3. The date the association was founded;
 - 4. The approximate population and number of housing units in the neighborhood; and
 - 5. The identification of and, approximate square footage and number of employees in the neighborhood.
- F. The neighborhood association shall contact the Planning Director in the event of a change in the above- referenced information. An Applicant shall be entitled to rely on the above-referenced information for purposes of preparing any notices or otherwise contacting neighborhood associations where required by this chapter.
- G. Upon a neighborhood association registration as provided herein, the Planning Director shall notify the neighborhood association of any application for rezoning or master site plan approval filed within the boundaries of a registered neighborhood association.

- C. Denial of Rezoning. No application for rezoning to the same zoning district shall be received or filed with the Planning Commission within one year after the Board of Aldermen has denied an application for rezoning of the same property.

2.16 VARIANCE

2.16.1 Applicability

The Zoning and Adjustment Board shall have the power to vary these regulations when it can be shown by the Applicant that extraordinary hardships or identifiable concerns are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided that such variations will not have the effect of reducing or nullifying the intent and purpose of the UDC comprehensive City plan. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts, shall be considered as grounds for issuance of a variance permitting similar uses.

2.16.2 Approval Process Summary

Table 2.4: Variance Approval Process

Variances
Purpose: to vary the UDC regulations in cases where extraordinary hardships exist
Applicant files application and provides information on the existing conditions and how compliance with the UDC would affect the reasonable use of land or buildings
ZAB evaluates the application against criteria on general conditions, flood hazards and historic structures

2.16.3 Initiation

A variance application shall be filed with the Planning Director. The application shall state fully the special conditions and circumstances applying to the building or other structure or land for which such variance is sought. The application shall demonstrate that the existing conditions and circumstances are such that the strict application of the provisions of the UDC provisions would deprive the Applicant of reasonable use of said land, building, or structure, equivalent to the use made of lands, buildings, or structures in the same district and permitted under the terms of this provision and that the peculiar conditions and circumstances are not the result of the actions of the Applicant.

2.16.4 Decision

The Planning Director shall submit a report to the Zoning and Adjustment Board (ZAB) who shall evaluate the application based on the criteria required by this section. The ZAB shall submit a recommendation to deny, approve, or approve with conditions the variance after considering the evidence presented at this hearing or agreed on by the parties. Any approved variance must be entered into the minutes of the ZAB along with the reasons and justifications set forth.

2.16.5 Approval Criteria – General Conditions

A. Variances shall only be issued when there is:

1. A showing of good and sufficient cause; and
2. A determination that failure to grant the variance would result in exceptional hardship;
3. **The applicant must demonstrate a hardship.**
4. **Hardship the exceptional hardship that would result from a failure to grant the requested variance. The variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship.**

2.16.6 Approval Criteria – Flood Hazards: See Appendix A.

(Ord. No. 2020-06, § II, 2-18-20)

2.16.7 Approval Criteria - Historic Structures

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance deviates from the historic standard the minimum necessary so as to preserve the historic character and design of the structure.

2.17 ADMINISTRATIVE APPEALS

2.17.1 Applicability

Should anyone be aggrieved by the decision of the Planning Director, they shall have the right to appeal such decision within ten (10) days thereafter to the Zoning and Adjustment Board upon fifteen (15) days' notice of such written grievance directed to the Zoning and Adjustment Board with appropriate copies to the employee, department or Planning Commission, as the case may be.

Should any person be aggrieved by any decision of the Board of Aldermen, they shall have the right to appeal same to the Circuit Court of Jackson County, Mississippi, in the manner prescribed by law.

2.17.2 Initiation

- A. Appeal may be made from any decision of the building inspector or City planner by presenting the case to the secretary of the Zoning and Adjustment Board.
- B. Any decision of the zoning board may be appealed to the Board of Aldermen at the next scheduled Board of Alderman meeting by giving written notice to the secretary.

2.45.2 Initiation

The property owner shall apply to the planning department and provide substantial documentation of the following:

- A. A site plan illustrating how a new dwelling will either meet existing front and side yard setbacks established for the current zoning district or that such setbacks are quantifiably consistent with buildings on both sides of the property; or, in the situation of a demolished dwelling, that the proposed setbacks and building height of the new dwelling are quantifiably and reasonably the same as those of the demolished dwelling; acceptable documents include a survey of the former dwelling, photos of the former dwelling or a survey of the slab, foundation or similar evidence;
- B. That sufficient off-street parking can be provided within the property boundaries; and
- C. That there is adequate lot frontage on a public right-of-way or private street for ingress and egress.

2.46 RELOCATION OR PLACEMENT OF A STRUCTURE

- A. Buildings cannot be moved, relocated or placed in a location on a lot without final development plan approval.
- B. Relocation of a structure requires a Preliminary Development Plan including all the requirements of Section 2.25.3.
- C. Movement of a structure through any public streets requires a detailed plan of the route and how the structure will not damage any City owned property or utilities. This includes the height of the structure once located on the trailer.
- D. Any City staff assistance will need to be identified in the route plan prior to the move.
- E. Moving the structure will be limited times and dates that the City Staff is in full operation.
- F. The owner will be required to follow all the State regulations that govern movement of a structure.
- G. Any damage to City owner property or utilities will be the responsibility of the owner to repair and restore to its original condition.

boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (A) through (F) above, the Planning Director shall interpret the district boundaries with appeal to the Zoning and Adjustment Board.
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Zoning and Adjustment Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed one hundred (100) feet beyond the district line into the remaining portion of the lot.
- I. Whenever any street, alley, or other public way not subject to zoning regulations is vacated by official action of the City of Ocean Springs, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the center of such vacation, and all areas so involved shall then be subject to all regulations of the extended districts.

3.4.2 Maintenance

As amendments to the official zoning map are approved by ordinance, the Planning Director will attach a copy of the amendment and a reference to the amendment in writing on to the Official Zoning Map, which is on file in the Planning Director and City Clerk's offices. In addition, all amendments to the official zoning map shall be listed in the order adopted in a separate register maintained and kept current by the Planning Director and available for public review.

3.5 NEWLY ANNEXED TERRITORY

All annexation of land to the City shall be the zoning of the County or City that it was annexed from in an ~~R-1 residential zone~~, unless otherwise classified by the Board of Aldermen, for a period of time not to exceed one year from the effective date of the ordinance annexing said property. Within this one-year period of time, the Board of Aldermen shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexed area to promote the general welfare. Upon receipt of such recommendations the Board of Aldermen shall establish the district classification of said property; provided, however, that this shall not be construed as preventing said Board from establishing the district classification at the time of annexation.

3.6 LOTS AND BLOCKS

This section establishes base zoning district regulations relating to the definition, location, dimension and utility of lots and blocks and serves as the basic design for the subdivision of real estate. Lot dimensions are calibrated to achieve the desired intensity of development for each zoning district.

3.7.15 Buildings to Be on a Lot

Every building shall be located on a lot, except as permitted for utility or public service buildings. No more than one principal building is permitted on a lot, unless otherwise provided in the applicable zoning district regulations.

3.7.16 Front and Side Setbacks

- A. Designation
- B. A property owner may impose more restrictive setbacks through restrictive covenants. The City of Ocean Springs shall only enforce the setbacks required by Chapter 3.
- C. Side Yard Building Line
- D. The building line for an existing residence having a side yard of 3 or more feet may be maintained on any addition to the residence, but in no instance shall the side yard be less than 3 feet. **Discuss this**
- E. Yards Adjacent to Rights-of-Way and Easements
- F. On lots that abut a public alley, railroad right-of-way, or a utility/drainage right-of-way or easement that is not part of a platted lot, the setback required is measured from the centerline of the ROW or easement. However, in no case shall a primary structure be located less than 10' from the rear property line.
- G. Rear Yards on Irregular Lots.
- H. For lots fronting on cul-de-sacs and other irregularly shaped lots, a rear yard of 15 feet is permitted based on the mean horizontal distance of the principal structure from the rear lot line, provided that no part of the structure is closer than 10 feet to the lot line. The mean horizontal distance shall be calculated by adding the products of the width of each segment of the principal structure multiplied by its average distance from the property line and then dividing this sum by the total width of the structure.
- I. Dwelling on Small Lot. A platted lot within a residential district that contains less than the minimum area for the district may be used for a single-family dwelling, provided that the lot was of record and in separate ownership from an adjoining lot as of January 1, 1985; the lot is held in separate and different ownership from any immediately abutting lot; has a minimum area of 2,500 square feet; and has a minimum street frontage of 20 feet.

3.7.17 Setback Encroachments

The following features may encroach into any required yard:

- A. Arbor, pergola, trellis or similar decorative garden and landscape appurtenances;
- B. Basketball goal, provided that a minimum setback of 3 feet on a side yard, 10 feet on a front yard and 10 feet on a rear yard be maintained;
- C. Berms;

- D. Bird houses;
- E. Clothes line with no more than two support poles, located within a rear or side yard only;
- F. ~~Un~~Covered decks or covered patios, provided that a minimum setback of 3 feet on a side yard (including roof overhang), and 10 feet on a rear yard be maintained;
- G. Driveways;
- H. Equipment, ancillary (in nonresidential districts);
Deleted [ORD 2022-10]
- I. Fire escapes, fire towers, storm enclosures, or handicap ramps where required by the building code;
- J. Garages, attached or detached and loaded from an alley, provided that a minimum setback of ~~3-5~~ feet on a side yard, and 10 feet on a rear yard be maintained; **DISCUSS THIS**
- K. Gates;
- L. Heating and cooling units;
- M. Light pole;
- N. Low-voltage patio lights and 110-volt lights;
- O. Mailboxes installed in conformance with U.S. postal regulations, if not permitted on the residential structure by the U.S. Postal Service;
- P. Open pools, screened or enclosed pools, spas, and uncovered decks or patios (except in waterfront yards) no closer than 15 feet to a dwelling unit on an abutting lot;
- Q. Overhanging roofs, eaves, bay windows, balconies, gutters, cornices, buttresses, piers, awnings, steps, stoops, windowsills, chimneys, structural overhangs, or similar architectural features and awnings, up to a maximum encroachment of 42 inches;
- R. Parking areas;
Porch (unenclosed), up to a 10-foot encroachment into the required front yard;
- S. Porch steps, landings, and similar structures necessary to provide access to a dwelling located within a flood hazard zone, when due to finished floor elevation requirements;
- T. Projecting overhangs on the ground floor not listed above;
- U. Ramps for citizens with impairments;
- V. Retaining walls;
- W. Sidewalks;
Signs
- X. Stormwater detention

Table 3.4: Use Matrix Terminology

The letter	Has the following meaning ...
<u>LBCS</u> <u>Codes</u>	
P	Permitted uses: The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this chapter.
C	Conditional uses: The letter "C" indicates that the listed use is permitted within the respective zoning district only after review and approval of a conditional use permit, in accordance with this UDC.
A	Accessory uses: The letter "A" indicates that the listed use is permitted only where it is accessory to another use that is permitted in the district on the same lot.
S	Special Conditions / Permits: The letter "S" indicates that the listed use may be subject to special conditions or have a separate permitting process that is required. These activities are indicated by a number in the table and described in § 3.8.6 below.
—	Prohibited uses: A dash indicates that the use is not permitted in the district.

- (a) For R-1A Zoning Districts only – No part of a multifamily structure located in the waterview preservation district shall be built nor modified to exceed fifty (50) feet in height as measured from "grade plane" to the midpoint of the gable if roof is pitched.
3. ~~Design flood elevation (DFE)~~ **Base flood elevation (BFE)** constitutes the beginning level of habitable space. The DFE is determined by the most recently approved National Flood Insurance Premium (NFIP) maps adopted by the Board of Aldermen plus any additional feet of freeboard as approved by the Board of Aldermen.
4. "Grade plane" is defined as a reference plane representing the average of the finished ground level adjoining the building at all exterior walls, exclusive of fill dirt. This is the definition from which to measure height from the building footprint; it replaces the term "grade."
5. If the roof is flat (zero slope) or nearly flat on a commercial or multifamily structure, a parapet is required to conceal mechanical equipment. Parapets and other decorative elements that do not take up more than twenty-five (25) per cent of the perimeter of the roof are allowed, but height must be contained within the fifty (50) [feet] from grade plane, with the exception of chimneys, antennae and church steeples. Decorative elements shall include decorative towers, bell towers, cupolas, widow walks, parapets, minarets, decorative decks and similar architectural embellishments. Elevators, poles, tanks, towers, air conditioners, vents, flues, and other mechanical appurtenances not used for human occupancy shall be screened from view, with the exception of chimneys.
6. Multi-level automobile or vehicle parking shall be only be permitted in the "WP" Waterview Preservation district in lots located on Government Street.
 - (a) For R-1A Zoning Districts only – No multilevel automobile nor vehicle parking nor storage facility shall be permitted within the waterview preservation district.
7. No storage facility shall be permitted in the "WP" Waterview Preservation district.
8. Houseboat and marine occupancy
 - Non-transient residence aboard watercraft shall be limited to the boat slips within the Ocean Springs Small Craft Harbor.
 - No merchandise may be sold, nor commercial services provided, from watercraft within the "WP" Waterview Preservation district, except for the sales of unprepared seafood and services incident to rental of watercraft for marine purposes.
 - No painting or working on boats that are in the water.
 - No permit nor certificate shall be issued allowing electricity, water, sewer services nor other utilities to be provided from the shore to watercraft, except that conventional utilities and services may be provided at residential piers, the boat slips of the Ocean Springs Small Craft Harbor, yacht clubs of defined memberships or licensed marinas.
- C. Waterview enhancement program

1. **Building Types.** In order to reinforce the definition of the public realm through building mass and orientation towards the street, the following building-types are allowed: Single-Family Detached; Duplex; Townhouse; Live-work; Mixed Use; and Small Commercial. More details on these building types are provided in Definitions.
 2. **Orientation.** The front building façade and primary entrance must face Porter Avenue.
 3. ~~**Porches.** All primary buildings shall have at least one elevated porch, awning, enlarged building overhang or similar treatment to the front façade. The porch or porches should be elevated at least 18 inches.~~
 4. A least 50% of the front façade length shall be covered by a porch. The porch or porches must be elevated at least 18 inches.
 5. **Garages.** Garage doors shall not be visible from Porter Avenue.
- E. **Uses.** To provide greater flexibility in the use of existing and future buildings, uses allowed in the Porter Avenue district, listed in Table 3.6, may be permitted in addition to the use regulations described in Table 3.5 in Chapter 3. Any structure may house the uses in the **Porter Avenue Allowable Uses** table, subject to additional standards as noted.

Table 3.6: Porter Avenue Allowable Uses

Land Use	1 st Floor	2 nd Floor
Residence	X	X
Professional Services	Under Residential	X
Tourism/Specialty Retail	X	X
Lodging	X	X

1. **Use Mix.** Any combination of the allowable uses may occupy a structure
 2. **Hotels.** May be located within the district and up to eight rooms.
- F. **Design Standards**
1. **Setback Modifications.** When the lot is adjacent to existing or proposed streets in the Downtown District, the following range of setbacks shall be observed, as shown in the **Setbacks Adjacent to Existing and Proposed Streets** table.

- D. Granting density bonuses should be focused on community benefits, including but not limited to housing affordability, seniors housing, resilience to natural hazards, preservation of historic resources and cultural vitality and diversity.

3.11.3 Applicability

- A. This subsection applies to density of use on the parcel subject to an application for development approval. Density bonuses will be granted as of right subject to compliance with Bonus Criteria in this Chapter.
- B. In order to receive the concessions and/or incentives described in this Section, the Applicant must submit to the City a Density Bonus Application which will be treated as part of the development application. Director will request from applicant additional information reasonably necessary to clarify and supplement the application or determining the consistency of the proposed DBA with the requirements of this Article. The DBA should include, but not be limited to, the following:
 - 1. A description of the Residential Development Project including the proposed total number of Affordable Housing Units, Senior Housing Units;
 - 2. The zoning ~~general plan~~ designations and assessor's parcel number(s) of the project site;
 - 3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.
 - 4. A description of the concessions or incentives requested.
 - 5. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is necessary to provide the Affordable Housing Units or to take measures related to natural hazard mitigation.
 - 6. Granting an incentive shall not require a Plan Amendment, zoning change, or other discretionary approval.
- C. The decision process for a development requesting an incentive shall be the same decision process that would be required if the incentive were not a part of the development proposal.

3.11.4 Types of Incentives or Regulatory Concessions

- A. For the purposes of this Article, concession or incentive may mean:
 - i. A reduction in lot coverage, setback and square footage requirements; or
 - ii. A reduction in the ratio of vehicular parking spaces and/or configurations as set forth in this UDC;
 - iii. Reduced minimum building separation requirements;
 - iv. Reduced street standards, such as reduced minimum street widths; or
 - v. Approval of a mixed-use development plan in conjunction with the residential development project if commercial, office, industrial, or other land uses will reduce the development cost of the residential development project and if the commercial, office, industrial, or other land

- D. The organization shall provide a proposed operations budget and plan for long-term capital repair and replacement; and
- E. A maintenance agreement is entered into by the developer and the organization.

4.4 SITE DESIGN

- A. Buildings and improvements shall be located so as to minimize changes to the existing topography and the loss of existing, mature landscaping.
- B. Areas of natural vegetation shall be preserved along property lines, including fence rows and drainage ways, and should be incorporated into the site's overall landscape concept. The Development Plan for the project shall identify "no-grade" zones for this purpose.
- C. All required parking spaces shall be provided on the subject site or within ~~four~~ three hundred (4300) feet of the site evidenced by multi year lease. On street parking may be permitted in areas of existing or planned on street parking.
- D. Parking requirements are to increase in proportion to the size of any addition.
- E. No development shall be built on a lot which does not abut or have direct access to a public street.

4.5 ARCHITECTURAL STANDARDS

4.5.1 Architectural Features

- A. Multi-family, commercial, and office buildings in R-1A, RM-2, CMX-1, CMX-2 and C-H districts shall be designed to be compatible with the character of the neighborhood. The compatibility of the multi-family, commercial, or office building shall be determined by comparing the consistency of the design elements, colors, materials, and landscaping of the proposed buildings with the design of adjoining structures.
- B. Entrances and Circulation - Building facades of an individual structure on a single lot should generally be oriented parallel to the streets they face, such that their main entrances are visible as a means of creating continuous streetscapes. Within office or commercial complexes, buildings should be clustered so as to create plaza or pedestrian mall areas. Where the clustering of buildings cannot be achieved due to the size or shape of the lot, link the building pads together with pedestrian walkways that are defined by separate paving textures and accented by landscape areas.
- C. Parapet Facades – Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. Canopies are permissible provided they are an integrated part of the overall building design and are not used as a location or support for wall-mounted signage.
- D. Building Façade – The wall of any commercial building over 100 feet in length shall be interrupted through the use of projections or recesses, portals, courtyards, plazas, pilasters, columns or other appropriate architectural feature. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet. Multi-story buildings with over twenty thousand

4.6.3 Residential Street Standards – Medium Density Districts

This Street Type provides additional width in the ROW to be used for improved pedestrian circulation and drainage as well as more on-street parking for higher density residential districts. Permitted Street Dimensions are outlined in *Chapter 5, Table 5.1*. This street type is for use in moderate-density, moderate traffic residential environments in R-2, R-3, R-1A, RM-2 and ~~Conservation Overlay Districts~~, and includes:

- E. Two (2) ten to eleven-foot travel lanes;
- F. Two nine-foot lanes of on-street parking;
- G. Two 6' curbs + planters for street trees and stormwater drainage; and
- H. Two 5' sidewalks for pedestrian circulation in residential areas.

(Ord. No. 2021-26)

4.6.4 Pedestrian Circulation

- I. Pedestrian circulation should be designed in a manner to promote pedestrian activity and other aspects of good urban design that is sensitive to adjacent properties in placement of parking, scale, mass, and design.
- J. At least one sidewalk with a landscaping strip or street trees along entire length of parcel should be provided, consistent with the requirements in this UDC.
- K. Brick pavers, tile, stamped and/or stained concrete or stone should be used for sidewalk connecting from building to frontage road sidewalk and/or other private walkways. Asphalt, cinders, crushed limestone are strictly prohibited.
- L. Projects are encouraged to feature a functional urban park, public art, outdoor furniture or outdoor seating or dining areas visible from right-of-way or sidewalks.
- M. Bicycle racks are encouraged to be conveniently located near building entrance and not interfere with pedestrian accessibility.

4.7 PARKING STANDARDS

4.7.1 General Intent and Application

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land within the jurisdiction of this ordinance. These requirements shall be applied in all districts.

4.7.2 Parking Area Location

- A. The majority of parking spaces should be located to the rear or side of the principal building. Variations from this configuration are subject to Planning Commission and Board Approval. All employee parking shall be located in the rear or side area. Parking areas between the

residential use or any expansion or addition to a commercial use building shall not be exempt from the parking requirements set out in this UDC.

Parking lots shall be designed to avoid glare from vehicle lights onto property zoned for residential, public or conservation purposes as vehicles enter or exit the parking lot and individual spaces. Wherever a parking space faces such property, a fence or wall of solid construction extending from the parking surface to a height of not less than forty-two (42) inches shall be provided.

4.8 FENCES AND SCREENING WALLS

4.8.1 Parking Areas

Where parking areas adjoin public streets, an opaque barrier, a minimum of three (3) feet above the elevation of the adjacent parking area shall be provided between the parking area and the street right-of-way line, for the length of the parking area, to obscure parked vehicles within these areas from public view, and to prevent the lights from parked vehicles encroaching upon the public street. The opaque barrier shall meet the following standards:

- A. Within front yard setback areas, walls and fences shall not exceed ~~four (4)~~ five (5) feet in height;
- B. Walls and fences shall not impede or divert the flow of storm water;
- C. Walls and fences shall not block access to any above ground, pad mounted transformer, and shall provide a minimum clear access to the transformer doors, as required by the utility company; and
- ~~D.~~ Solid walls and fences shall not create a stockade appearance. This can be accomplished by undulating the fence plan. Fences over eighty (80) feet long shall have no more than 50% of their length on a continuous line. ~~The remaining length shall be setback a minimum of six (6) feet.~~

4.8.2 Sight Triangles

- A. Except as otherwise allowed, no fence, wall, hedge, sign, or other structure or planting more than three (3) feet in height above the crown of the street pavement shall be placed or permitted on any corner lot within the triangular areas formed by two legs extending thirty (30) feet from the projected intersection of the curb lines or edge of pavement lines and a hypotenuse connecting the ends of the legs as shown in the Sight Triangles illustration. This provision also applies to non-residential and multi-family driveways.

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- Freestanding signage shall not exceed twenty (20) feet in height.
- Freestanding signage area shall not exceed one hundred twenty-five (125) square feet.
- Freestanding wayfinding/directional/building identification signs with a maximum height of six feet and a maximum sign area of 20 square feet each are permitted as necessary.
- One main wall sign is permitted for a maximum sign area of two hundred (200) square feet.
- Secondary/directional wall signs identifying specific building functions are permitted with a sign area not to exceed fifty (50) square feet per sign.
- Total wall signage, including main signage and secondary/directional wall signage shall be permitted for an area not to exceed three hundred (300) square feet.

M. Parcels that do not abut Highway 90 or Highway 57:

1. Major, minor, and shopping centers:

- One freestanding, on-site sign shall be permitted.
- Sign shall not exceed eight (8) feet in height.
- Sign square footage shall not exceed one hundred (100) square feet. Each store, office, or other place of business within the major, minor, shopping center shall be permitted one under canopy sign and one wall sign or one canopy sign subject to the area limitation of subsections **(N) (1) {3}** and **(2) {6}** below.

2. Commercial and industrial parcels:

- i. One freestanding, on-site sign shall be permitted.
- ii. Sign shall not exceed eight (8) feet in height.
- iii. Sign square footage shall not exceed twenty (20) square feet.

N. Wall Signs: One wall sign shall be permitted for each occupancy within a developed site. If such occupancy is on a street corner, one wall sign is permitted for each frontage.

1. Wall signs are permitted for a total area not exceeding the maximum area allowed for a freestanding sign for the lot as specified above. In developed sites with multiple occupancies, the permitted area for a wall sign shall not exceed sixty (60) square feet for developments having frontage on Highway 57 or Highway 90, and shall not exceed forty (40) square feet for lots that do not abut Highway 57 or Highway 90.
2. Occupancies located within a shopping center shall be allowed a wall sign with a maximum area that does not exceed sixty (60) square feet. Major anchor tenants are permitted one wall sign with a maximum area not exceeding one hundred twenty (120) square feet. Minor anchor tenants are allowed one wall sign with a maximum area not exceeding seventy-five (75) square feet.

O. Roof Signs: One roof sign is permitted per building, except in shopping centers. A roof sign shall not exceed the area limitations described above for freestanding signs. A roof sign may exist instead of, but not in addition to, a freestanding, on-site sign or a permitted projection sign. The maximum overall height above said roof shall not exceed five (5) feet.