



**PLANNING COMMISSION MEETING AGENDA
CITY OF OCEAN SPRINGS
PLANNING COMMISSION
TUESDAY, SEPTEMBER 10, 2024 - 6:00 PM**

- 1. Call Meeting to Order**
- 2. Approval of Minutes**
 - a. August 13th Minutes
- 3. Old Business**
 - a. NONE
- 4. New Business**
 - a. Residential Short-Term Rental - 518 Magnolia Ave / PID: 61095041.000 - Laura Sloane
 - b. Residential Short-Term Rental 108 Sunhaven Dr / PID: 61470016.00 - Hillery Jenkins
 - c. Lot Split – 706 Porter Avenue/ 60137616.000 – Versamax- Mike Hutto
 - d. Adopt UDC Update Multiple Sections
- 5. General Public Comment**
- 6. Commissioner’s Forum**
- 7. Adjourn**

**The Minutes of the City of Ocean Springs
Planning Commission
August 13, 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, August 13, 2024. The members then present were Andy Phelan, Matthew Hinton, Joseph McCormick and Nicholaus Geiser. Commissioner Marshall Johnson also attended the meeting by telephone beginning at 6:10 p.m. Also present were Community Development Director Carter Thompson, Planner Jasmin Seferovic, and City Attorney Will Norman.

2. Approval of Minutes

- a. July 09, 2024 - A motion was made by Joseph McCormick, seconded by Matthew Hinton to accept the minutes as submitted. The motion passed unanimously.

3. Old Business:

- a. No Old Business

4. New Business:

- a. 413 Vancleave Ave / PID: 60137262.100 – Jason and Tiffany Lowery – Short Term Rental Permit.

A motion was made by Matthew Hinton, seconded by Joseph McCormick, to open the public hearing and passed unanimously. Jasmin presented the application. The Neighbor, Perry Guice, said that STR would be a good fit for their neighborhood. The Neighbor, Randy Hagan, said it is a real improvement for the neighborhood. Mark Garriga spoke in favor of the STR. A motion to close public hearing was made by Matthew Hinton, seconded by Joseph McCormick, and passed unanimously. A motion was made by Joseph McCormick, seconded by Nicholaus Geiser to recommend approval of the short-term rental. The motion passed unanimously.

At 6:10 p.m., Commissioner Marshall Johnson joined the meeting via telephone.

Commissioner Matthew Hinton recused himself from the meeting, exited the board room, and did not take part in the discussion and did not take part in the vote on items 4b and 4c.

- b. 221 Halstead Rd / PID# 60129440.000 – James and Betty Hinton – Short Term Rental Permit.

A motion was made by Joseph McCormick, seconded by Nicholaus Geiser, to open public hearing and passed unanimously. Jasmin presented the application. Mark Garriga spoke in favor of the STR. A motion to close public hearing was made by

Joseph McCormick, seconded by Nicholaus Geiser, and passed unanimously. A motion was made by Joseph McCormick, seconded by Nicholaus Geiser to recommend approval of the short-term rental. The motion passed unanimously.

- c. 507 Forest Hill Dr / PID: 61095063.000 – Matthew and Casey Hinton – Short Term Rental Permit.

A motion was made by Joseph McCormick, seconded by Nicholaus Geiser, to open public hearing and passed unanimously. Jasmin presented the application. Mark Garriga spoke in favor of the STR. A motion to close public hearing was made by Joseph McCormick, seconded by Nicholaus Geiser, and passed unanimously. A motion was made by Joseph McCormick, seconded by Nicholaus Geiser to recommend approval of the short-term rental. The motion passed unanimously.

Commissioner Matthew Hinton returned to the board room.

5. General Public Comment

None.

6. Commissioner's Forum

None.

7. Adjourn

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

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: Laura Sloane

LOCATION: 518 Magnolia Ave / PID: 61095041.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: May 10, 2024

ADJACENT ZONING/LAND USE:

Subject Property:	R-1, Single-Family Dwellings
North and West:	R-2, Two Family Dwellings, medium density
South and East:	R-1, Single-Family Dwellings, low density

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 consecutive days.
- Site Location: The property is located in the Density-Zone Area, on the south side of Forest Hill Dr and the east side of Magnolia Ave.



FINDINGS:

- **Local Property Manager:** The local property manager has an address on 805 Magnolia Bayou Blvd, Ocean Springs MS, 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:** The property is not located in a covenant-restricted subdivision.
- **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 35 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 7/23/24 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 3 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:

We received no comments for or against the application.

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.



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: 5/10/2024

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: 518 Magnolia Ave Ocean Springs MS 39564
- Parcel Identification Number: 6109504.000 Number of bedrooms: 2
- Proposed maximum # guests: 6 Number of existing off-street parking spaces: 3
- Is this property located in a covenant-restricted subdivision? Yes No ~ *If yes, a copy of the covenants must be included.*

PROPERTY OWNER – Name: Estate of Jeffrey Sloane (see attached Letter of Administration for Laura Sloane)
 Address: 2334-B Fairmount Ave, Philadelphia, PA 19130
 Phone No. 215-266-9348 Email: LSLoane929@gmail.com

OWNER SIGNATURE:

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

Name: Chris Dearman
 Address: 805 Magnolia Bayou Blvd, Ocean Springs, MS 39564
 Phone No. 847-307-1492 Email: ChristopherRDearman@gmail.com

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

Owner – initial by each ordinance to indicate receipt:

Copy of Ordinance 2015-11 Received: LS (initials) Copy of Ordinance 2019-19 Received: LS
Copy of Ordinance 2018-02 Received: LS (initials) Copy of Ordinance 2021-25 Received: LS
Copy of Ordinance 2023-07 Received: LS (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)

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Affirmation of Codes/Regulations

I, (print name) Laura Sloane, hereby certify that:

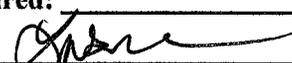
1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the parcel(s).
3. Per Section 2.C.5 of Ordinance No. 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: Laura Sloane

Parcel ID(s): 61095041.000, Book #1723, Page #586

Date Property Acquired: 8/29/2013

Owner’s Signature  Date 5-10-24

.....
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: _____

ADDRESS: 518 Magnolia iWorQ Permit#: 5631



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

Property Owner: Laura Sloane Phone #: 215-266-9348
Contact Name: Laura Sloane Phone #: 215-266-9348

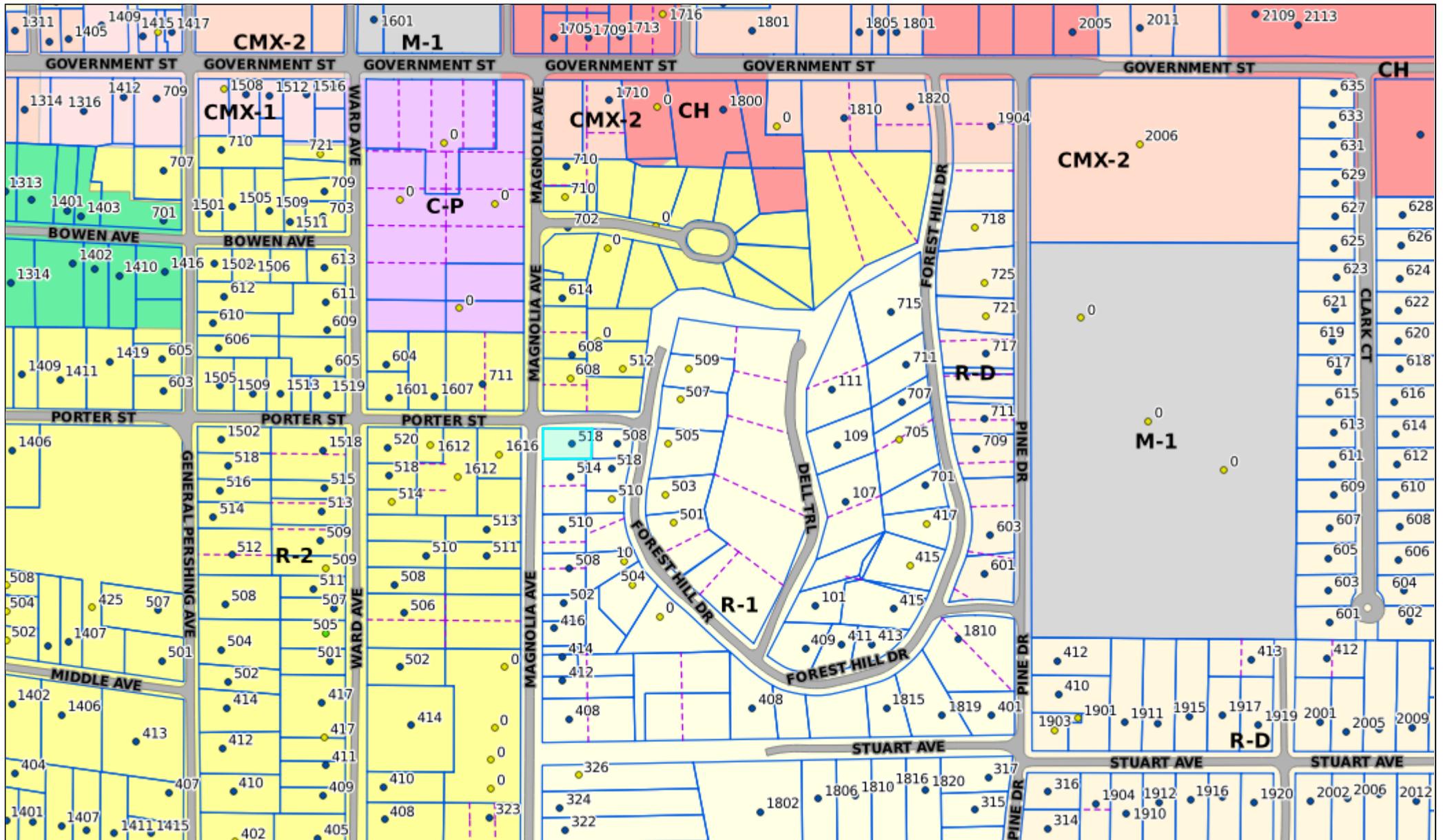
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Date of Inspection: 7-23-24

COMMENTS: _____

PASSED
Building Official: [Signature] Fire Marshall: [Signature]
Property Owner: [Signature]

MAP_ZONING_ResSTR_518 Magnolia_05-29-24

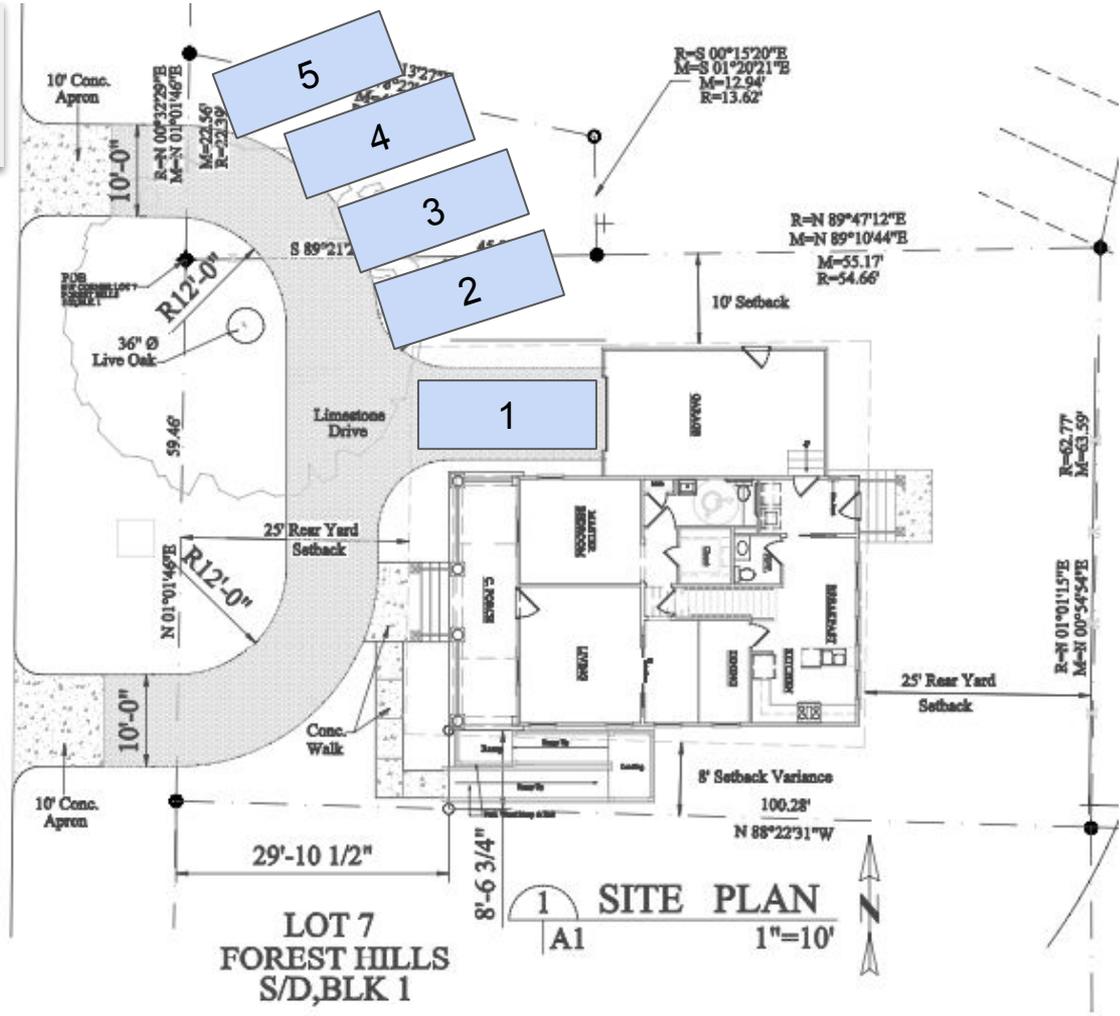


DISCLAIMER: Every reasonable effort has been made to assure the accuracy of the data presented. The City of Ocean Springs makes no warranties, express or implied, regarding the completeness, reliability or suitability of the site data and assumes no liability associated with the use or misuse of said data. The City retains the right to make changes and update data on this site at anytime, without notification. The parcel data on the base map is used to locate, identify and inventory parcels of land in the City of Ocean Springs for assessment purposes only and is not to be used or interpreted as a legal survey or legal document. Additional data layers not originating in the City's Offices are also presented for informational purposes only. Before proceeding in any legal matter, all data should be verified by contacting the appropriate county or municipal office.



Parking Map
 614 Magnolia Ave
 Ocean Springs, MS 39564

MAGNOLIA AVENUE
 (PAVED PUBLIC ROAD)



LOT 7
 FOREST HILLS
 S/D, BLK 1



Property Link

JACKSON COUNTY, MS

Current Date **5/29/2024**

Tax Year 2023
Records Last Updated **5/29/2024**

PROPERTY DETAIL	
OWNER	SLOANE JEFFREY 518 MAGNOLIA AVE OCEAN SPRINGS MS 39564
	ACRES : .26 LAND VALUE : 37840 IMPROVEMENTS : 102060 TOTAL VALUE: 139900 ASSESSED : 13990

PARCEL	61095041.000
ADDRESS	518 MAGNOLIA

TAX INFORMATION			
YEAR 2023	TAX DUE	PAID	BALANCE
COUNTY	554.54	554.54	0.00
CITY	404.59	404.59	0.00
SCHOOL	778.24	778.24	0.00
TOTAL	1737.37	1737.37	0.00

LAST PAYMENT DATE 12 / 21 / 2023

MISCELLANEOUS INFORMATION	
EXEMPT CODE	LEGAL ALL LOT 1 & W 25 FT LOT 9 BLK
HOMESTEAD CODE REG	2
TAX DISTRICT 4660	FOREST HILLS S/D DB 1723-586 (
PPIN 059895	86
SECTION 30	M MAP789.30-01)
TOWNSHIP 7	
RANGE 8	

Book	Page

[PURCHASE COUNTY TAX SALE FILES](#)

TAX SALES HISTORY, FOR UNPAID TAXES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
2022	MARIE C BURRELL	12/ 8/2023 TRUSTMARK NATIONAL BANK

[Back](#)



Permit #: 5631

Address: 518 MAGNOLIA AVE

City:

State:

Zip:

Owner: SLOANE JEFFREY (EST)

Owner Address: 518 MAGNOLIA AVE

Owner City: OCEAN SPRINGS

Owner State: MS

Owner Zip: 39564

Owner Phone: 215-266-9348

Owner Email: lsloane929@gmail.com

Applicant: Laura Sloane

Applicant Address: 2334-B Fairmont Ave.

Applicant City, State, Zip: Philadelphia, PA 19130

Receipt #: 5233

Date: 05/22/2024

Paid By: L. Jean Sloane

Description: ResSTR Permit - 518 Magnolia

Payment Type: Check

Payment Type Description: Ck# 3263

Accepted By:

Fees Paid

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



Permit #: 5631

Address: 518 MAGNOLIA AVE

City:

State:

Zip:

Owner: SLOANE JEFFREY (EST)

Owner Address: 518 MAGNOLIA AVE

Owner City: OCEAN SPRINGS

Owner State: MS

Owner Zip: 39564

Owner Phone: 215-266-9348

Owner Email: lsloane929@gmail.com

Applicant: Laura Sloane

Applicant Address: 2334-B Fairmont Ave.

Applicant City, State, Zip: Philadelphia, PA 19130

Receipt #: 5234

Date: 05/22/2024

Paid By: L. Jean Sloane

Description: ResSTR - 518 Magnolia

Payment Type: Cash

Payment Type Description: Cash

Accepted By: Carolyn Martin

Fees Paid

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Administrative Fee		0.00	1.00	1.00
			Total:	\$1.00

House Rules

518 Magnolia Ave Ocean Springs, MS 39564

- No smoking
- Pet friendly with a fee (plus taxes, max. 35 lbs)
- No events, parties or gatherings over 15 people.
- The Ocean Springs noise ordinance will be enforced at all times.
 - All outside noise must cease at 11pm on weekdays and 12am (midnight) on weekends.
- Must be at least 25 years old to rent.
- Additional taxes and fees may apply.
- Photo ID required on check in.
- Maximum occupancy for rental – 8 people.
- Maximum number of vehicles is 5. No street parking. Parking is on the circular driveway only.
- Trash is to be placed only in provided receptacles and placed at the curb Tuesday night for pickup.

Proposed Rental Agreement
614 Magnolia Ave, Ocean Springs, MS 39564

I. Acknowledgements. This short-term rental agreement was made and executed on _____, 20__

between Louis Montague, LLC | LouisMontagueLLC@gmail.com | 228.217.4188 (Landlord)

and

_____ (Name)

_____ (Address)

_____ (Phone)

_____ (E-mail), Renter.

The address of the rental property is 614 Magnolia Ave, Ocean Springs, MS. 29564.

II. Term/Period. The Term of the rental period will commence on Date/Date/11:00 AM, and terminate on Day/Date/11:00 AM. If the Renter wishes to extend the Term a new agreement will be created.

III. Payment.

- The Rental Rate is \$_____ per day
- Payments will be made through the rental agency or by check
- Pet friendly with a fee (plus taxes, max. 35 lbs)
- All fees are subject to applicable city fees and taxes

IV. Security Deposit

The Renter agrees to pay a security deposit of \$250. This fee will be used to cover damage beyond normal wear and tear on the property, and will be refunded when the Renter leaves the property or the agreement is terminated, whichever occurs later.

V. Occupancy

- The maximum occupancy of the property is 8.
- Maximum number of vehicles is 5. Park in the circular driveway area. No street parking.
- The property will be occupied only by friends and family of the Renter.
- No subletting of the property is allowed.
- No events, parties or large gatherings.

VI. Utilities and Furniture

- Electricity, water, and an internet connection will be provided by the Landlord.
- The Renter is responsible for taking good care of the furniture and appliances during the Term. The Renter will pay for any repair or replacement if the equipment was damaged during their stay.

VII. Maintenance, Peace and Order, Others

- The tenant should follow and maintain the standard of cleanliness during their stay in the property
- The tenants should keep the property in good condition and notify the landlord of any deficiencies
- Smoking is not allowed inside the house or attached structures
- The tenants agree not to use the property in such a way as to destroy the peace in the surroundings. All outside noise must cease at 11pm on weekdays and 12am (midnight) on weekends. The Ocean Springs noise ordinance will be enforced at all times.
- The tenants personal property is not covered in the insurance purchased by the landlord to cover the property or contents against theft, fire or other casualty loss
- The tenants are to place all trash in receptacles provided by the landlord and place them at the curb Tuesday night for pickup.

VIII. Indemnification

- The tenant agrees to indemnify the Landlord and the property free and harmless against any liabilities including accidents, loss of property, injuries, or death of any person

IX. Amendment and Severability

- Changes to this agreement can only be made in writing and upon execution by both the Landlord and Renter.
- To the extent that any individual provision of this agreement is held to be unenforceable, the remainder of the agreement will remain in force.

X. Governing Law

- This agreement shall be governed under the laws of the State of Mississippi.

The undersigned hereby agree that both parties have read, understand and acknowledge the terms of this agreement.

Signed

Signed

Louis Montague, LLC, Landlord

Printed Name

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: Hillery Jenkins

LOCATION: 108 Sunhaven Dr / PID: 61470016.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: January 03, 2024

ADJACENT ZONING/LAND USE:

Subject Property:	R-D, Two-Family Residential
North, West, South and East:	R-D, Two-Family Residential

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 consecutive days.
- **Site Location:** The property is located in the City Wide Zone Area, on the north side of Westbrook St and the west side of Bechtel Blvd.



FINDINGS:

- **Local Property Manager:** The local property manager has an address on 3302 Government St, Ocean Springs MS, 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:** There is an existing HOA for the applicant property's development. An approval letter from the Sun-Haven HOA is attached for reference.
- **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 45 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 08/21/24 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 3 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:

We received no comments for or against the application.

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.



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: 01/03/2024

Submittal Requirements:

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
- 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 INFORMATION:

- Address of Rental Property: 108 Sunhaven Drive
- Parcel Identification Number: 61470016.000 Number of bedrooms: 3
- Proposed maximum # guests: 8 Number of existing off-street parking spaces: 3
- Is this property located in a covenant-restricted subdivision? Yes No ~ *If yes, a copy of the covenants must be included.*

Name of Property Owner H. Jenkins Holdings, LLC

Address of Property Owner 3302 Government Street Ocean Springs, MS 39564

Phone No. 2282093955 drronjenkins@aol.com

Name of Local Property Manager Hillery Jenkins

[Must RESIDE within two (2) miles of the OS City Limits] Address 3302 Government Street Ocean Springs, MS 39564

Phone No. 2282093955 Signature: [Handwritten Signature]

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)

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Affirmation of Codes/Regulations

I, (print name) Hillery Jenkins, 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: Hillery Jenkins

Parcel ID(s): 61470016.000

Date Property Acquired: 9/15/2023

Owner’s Signature H Jenkins Date 01/03/2024

.....

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: _____

PROTECTIVE COVENANTS

SUN-HAVEN SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS that I, C. M. Plummer, being the owner of that certain property situated in Section 29, Township 7 South, Range 8 West in Jackson County, Mississippi known as SUN-HAVEN SUBDIVISION, as shown by a map or plat thereof which has been filed with the Chancery Clerk of Jackson County, Mississippi and recorded in Plat Book 6 at Page 27 thereof do hereby agree and covenant with the purchasers and future owners of all lots in said SUN-HAVEN SUBDIVISION, according to said map or plat, reference to which is hereby made, that the following protective covenants shall apply to property in said subdivision, to-wit:

1. All lots in said subdivision shall be known and described as residential lots. No structure shall be erected, altered, placed or permitted to remain on any of said lots other than one residential building constructed for the purpose of housing not to exceed one family, not to exceed two stories in height, and private garage for not more than two cars and other out-buildings incidental to residential use of the plot, including servants quarters separated or in connection with the garage.
2. No building shall be erected on any residential plot nearer than 25 feet from the front street line, nor nearer than five feet from any interior side lot line except that garages and servants quarters located 15 feet, or more, in the rear of residential buildings may be located less than five feet but not less than two feet from the interior lot line.
3. No dwelling shall be erected or placed on any lot having a width of less than 50 feet nor shall a dwelling be placed on any lot having an area of less than 8600 square feet.
4. No residential building shall be erected on any lot costing less than \$10,000.00 and having a ground floor area, exclusive of open porches, terraces, and garages of less than 1,000 square feet for a one story structure nor less than 900 square feet for a two story structure.
5. No fences in yards will go beyond front corner of house and no hedge shall exceed 3 feet in height in front yard.
6. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
7. These covenants are to run with the land and shall be binding on all the parties and all persons claiming under them until January 1, 1982, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part.
8. If the parties hereto, or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation insofar as the law provides.

9. invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

10. Witness the signature of C. M. Plummer on this, the 8 day of Dec, 1962.

C. M. Plummer
C. M. PLUMMER

STATE OF MISSISSIPPI
COUNTY OF HARRISON

ACKNOWLEDGEMENT

Personally appeared before the undersigned authority in and for the said County and State, and C.M. Plummer, who acknowledged that he signed and delivered the foregoing instrument of writing on the day and year therein mentioned.

Witness my hand and seal of office on this the 8 day of Dec, 1962.

George C. Amitt
Notary Public

My Commission expires: Dec 16, 1963



ADDRESS: 108 Sunhaven iWorQ Permit#: 4429



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.)
- Emergency Lighting with battery backup
- Address on Building
- Breaker Box needs to be labeled
- Outlet and switch plate covers need to be installed. (GFCI Circuits within 6 ft. of water source)
- No exposed wiring
- Adequate emergency egress
- Operable windows in sleeping areas
- Guest rules (noise, garbage, etc.) must be visibly posted.
- Adequate garbage receptacles
- Smoke detectors in all bedrooms and hallways.
- Carbon monoxide detectors if there is gas service.
- Identified # of Bedrooms: 3
- Proposed # of Guests: 8
- Approved # of Guests per OSFD: *6 6
- Proposed # of vehicles: 3
- Approved # of vehicles per OSFD: 3

Property Owner: Ron Jenkins Phone #: 228-282-9637
Contact Name: Hillery Jenkins Phone #: 228-209-3955



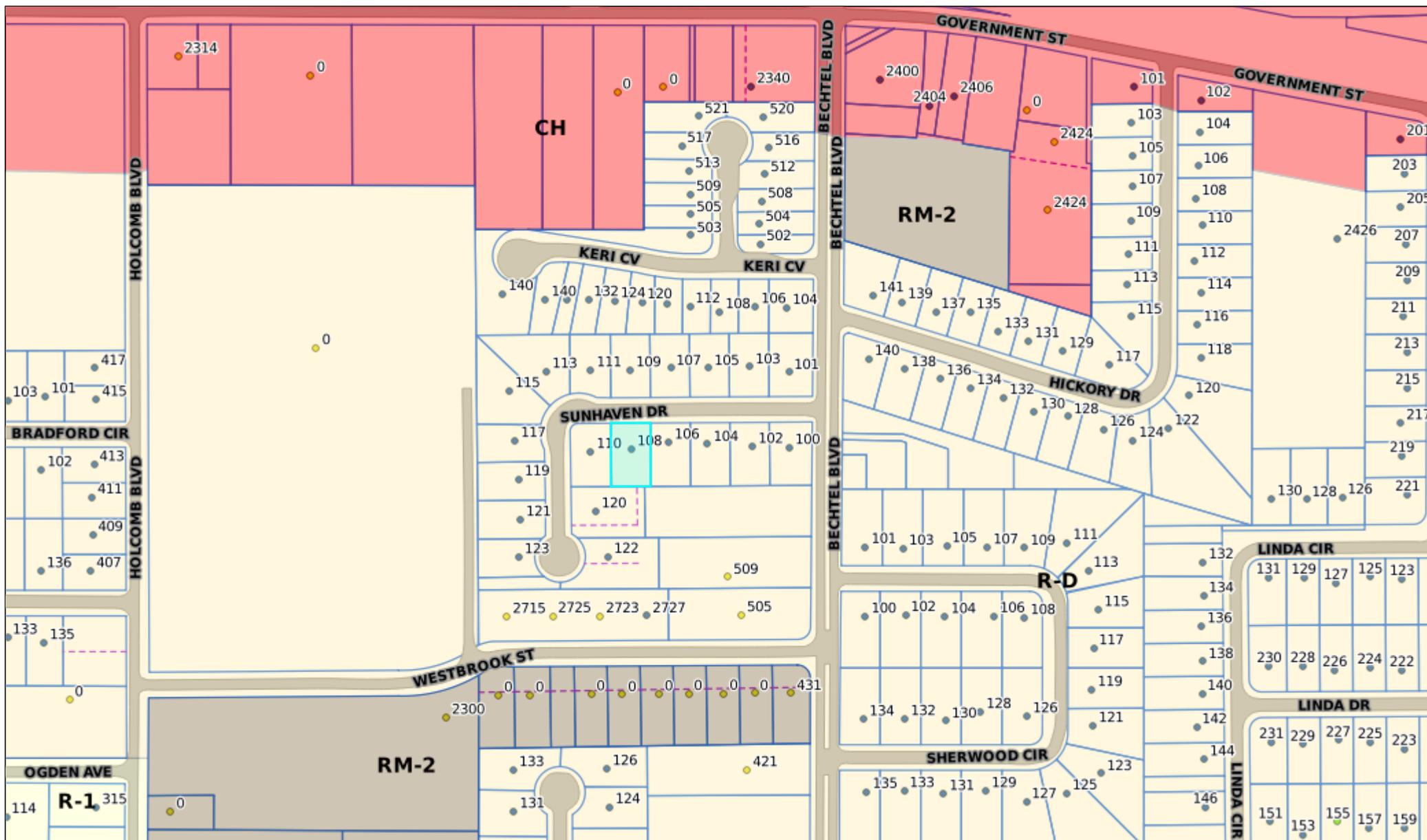
Date of Inspection: 21-AUG-2024

COMMENTS: _____

PASSED

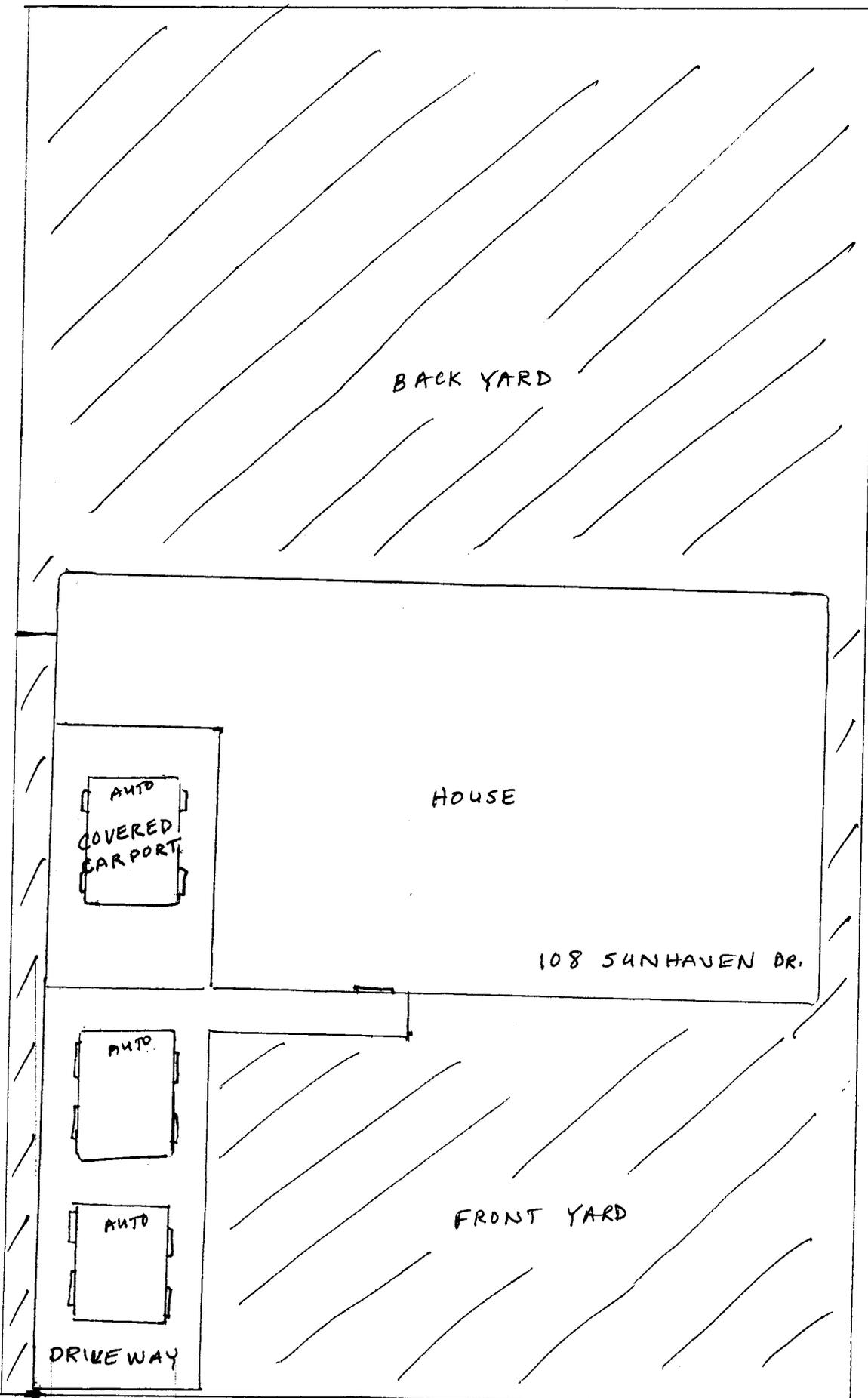
Building Official: [Signature] Fire Marshall: [Signature]

Property Owner: [Signature]



DISCLAIMER: Every reasonable effort has been made to assure the accuracy of the data presented. The City of Ocean Springs makes no warranties, express or implied, regarding the completeness, reliability or suitability of the site data and assumes no liability associated with the use or misuse of said data. The City retains the right to make changes and update data on this site at anytime, without notification. The parcel data on the base map is used to locate, identify and inventory parcels of land in the City of Ocean Springs for assessment purposes only and is not to be used or interpreted as a legal survey or legal document. Additional data layers not originating in the City's Offices are also presented for informational purposes only. Before proceeding in any legal matter, all data should be verified by contacting the appropriate county or municipal office.





BACK YARD

AUTO
COVERED
CARPORT

HOUSE

108 SUNHAVEN DR.

AUTO

AUTO

DRIVEWAY

FRONT YARD

SUNHAVEN DRIVE

Dispatch Agency: OCEAN SPRINGS POLICE DEPT Call Number: 2023014146

Agency Involved: OCEAN SPRINGS POLICE DEPT Agency Call Number: 2023014146

	Date	Time	Location Address Information
Received	8/27/23	8:26:51	108 SUNHAVEN
Dispatched	8/27/23	8:28:37	OCEAN SPRINGS
Enroute	8/27/23	8:28:38	
Arrived	8/27/23	8:32:50	Call Reported From: Telephone: (228) 238-0931
Under Control			108 SUNHAVEN
Completed	8/27/23	8:48:20	NOBLE TROY Third Party:
Signal	67		THEFT
Reference Signal	67		THEFT
Actual Signal	67		THEFT

Extra Phone 1:		Extra Phone 2:		
Citations Issued	<input type="checkbox"/>	Weapon How Received:P	License No:	Created: New

DISPOSITIONS/NOTIFIEDS

DISPOSITION: OSPD REPORT NOTIFIED: NONE SELECTED

Notes:

Parties Involved:

Name:	Eqp. No.:	ID Number	Party	Dispatched	Enroute	Arrived	Completed
SAVAGE, ELI	551	OF301	R				
SAVAGE, ELI	551	OF301	D				
MORRIS, HEATH	103	2020020463	A	8:28:37	8:28:38	8:32:50	

OCEAN SPRINGS POLICE DEPT

ORI #: MS0300200					
INCIDENT #:	2023014146	DATE OF INCIDENT:	8/27/23	TIME OF INCIDENT:	8:26
INCIDENT TYPE (SIGNAL): 67 THEFT					
REPORT TYPE: Initial	OFFICER: MORRIS, H	BADGE #: 103			
COMPLAINANT:(Last, First, Middle) NOBLE, TROY ROBERT				HOME PHONE: (228)238-0931	
ADDRESS: 108 SUNHAVEN DR OCEAN SPRINGS MS 395640000				BUSINESS PHONE:	
LOCATION OF INCIDENT: 108 SUNHAVEN OCEAN SPRINGS X Coordinate: Y Coordinate:					
RECEIVED:	08/27/2023 08:26	DISPATCHED:	08/27/2023 08:28	ENROUTE:	
ARRIVED:	08/27/2023 08:32	UNDER CONTROL:		COMPLETED: 08/27/2023 08:48	
STATUS DATE/TIME:	STATUS:	CLEARED EXCEPTIONAL DATE/REASON (if applicable)			
08/31/2023 08:21	IBR REPORT				
08/27/2023 08:28	PENDING				
OFFENSE ATTEMPTED: NO					
SEQ. NUM 1	OFFENSE LARCENY/PETIT 885			RSA# 97-17-43(1)	
OFFENSE LOCATION TYPE		(FOR BURGLARY ONLY)		METHOD OF ENTRY	
20 HOME / RESIDENCE		NBR OF PREMISES ENTERED:			
CRIMINAL ACTIVITY TYPE		TYPE WEAPON/FORCE INVOLVED			
UCR Code: 23H					
Bias Motivation 1:		NONE			
Offense Connected to Offender Sequence Number:		1	UNKNOWN, PERSONS		
Offense Connected to Victim Sequence Number:		1	NOBLE, TROY ROBERT		
ASSIGNED OFFICER					
NAME: MORRIS, HEATH					
ADDRESS: 3810 BIENVILLE OCEAN SPRINGS MS 0000					
PHONE: (HOME) (228)		(BUSINESS) (228)		(OTHER) (228)	
SEX: U	RACE: U	ETHNICITY: U	DOB:	AGE: 222 +/- 00	SSN:
HEIGHT: 0-0	WEIGHT: 0	EYES:	HAIR:	RESIDENT STATUS: U	
DISPATCHER					
NAME: SAVAGE, ELI					
ADDRESS: 3810 BIENVILLE BLVD OCEAN SPRINGS MS 00000000					
PHONE: (HOME)		(BUSINESS)		(OTHER)	
SEX: U	RACE: U	ETHNICITY: U	DOB:	AGE: 222 +/- 00	SSN:
HEIGHT: 0-0	WEIGHT: 0	EYES:	HAIR:	RESIDENT STATUS: U	
OFFENDER					
OFFENDER #: 1	NAME: UNKNOWN, PERSONS				
HATE/BIAS MOTIVATED:			CLOTHING:		

OCEAN SPRINGS POLICE DEPT

ORI #: MS0300200					
INCIDENT #: 2023014146		DATE OF INCIDENT: 8/27/23		TIME OF INCIDENT: 8:26	
INCIDENT TYPE (SIGNAL): 67 THEFT					
ADDRESS: MS 000000000					
PHONE: (HOME) (228)		(BUSINESS)		(OTHER)	
SEX: U	RACE: U	ETHNICITY: U	DOB:	AGE: 0 +/- 00	SSN:
HEIGHT: 0- 0	WEIGHT: 0	EYES: UNKN	HAIR: UNKN	RESIDENT STATUS: U	
OFFENDER USED: NOT APPLICABLE					
RECEIVED BY					
NAME: SAVAGE, ELI					
ADDRESS: 3810 BIENVILLE BLVD OCEAN SPRINGS MS 00000000					
PHONE: (HOME)		(BUSINESS)		(OTHER)	
SEX: U	RACE: U	ETHNICITY: U	DOB:	AGE: 222 +/- 00	SSN:
HEIGHT: 0- 0	WEIGHT: 0	EYES:	HAIR:	RESIDENT STATUS: U	
VICTIM			TYPE OF COMPLAINANT: I		Victim Also Complainant: Y
VIC #:	NAME: NOBLE, TROY ROBERT				
ADDRESS: 108 SUNHAVEN DR OCEAN SPRINGS MS 395640000					
PHONE: (HOME) (228) 238-0931		(BUSINESS)		(OTHER)	
SEX: M	RACE: W	ETHNICITY: N	DOB: 10/06/1972	AGE: 50 +/- 00	SSN:
HEIGHT: 6- 5	WEIGHT: 275	EYES: BLUE	HAIR: BROWN	RESIDENT STATUS: R	
AGGRAVATED ASSAULT/HOMICIDE CIRCUMSTANCES: N/A					
NEGLIGENT MANSLAUGHTER: N/A					
JUSTIFIABLE HOMICIDE: N/A					
ADDITIONAL JUSTIFIABLE HOMICIDE CIRCUMSTANCES: N/A					
INJURY TYPE(S): NONE					
Offender #: 1 Relationship: RU RELATIONSHIP UNKNOWN					

OCEAN SPRINGS POLICE DEPT

ORI #: MS0300200	
INCIDENT #: 2023014146	DATE OF INCIDENT: 8/27/23
TIME OF INCIDENT: 8:26	
INCIDENT TYPE (SIGNAL): 67 THEFT	
PROPERTY	
PIN: 2023001027	TYPE: 16 HOUSEHOLD GOODS
CONNECTED WITH (PARTY, OFFENSE): 1 LARCENY/PETIT	
SERIAL/VIN:	YEAR: MAKE:UNK MODEL: COLOR:
STYLE: LICENSE: STATE: EXP.:	VALUE: 50.00 <input type="checkbox"/> Locked <input type="checkbox"/> Keys
INSURANCE:	LIEN: TOWED BY:
OWNER: OWNER ID#:99535	CALIBER: <input type="checkbox"/> Registered
REPORTED STOLEN ID#:	RETURNED/SOLD DATE: AMOUNT: 0.00
PROPERTY ACREAGE: 0	

DESCRIPTION: LSU ROCKING CHAIR

STATUS: 7	STOLEN	AGENCY: OSPD	VALUE: 50.00	QUANTITY: 1.00
STATUS DATE/TIME:8/27/2023 11:34		LOCATION:108 SUNHAVEN		

COMMENTS:

PIN: 2023001028	
TYPE: 16 HOUSEHOLD GOODS	
CONNECTED WITH (PARTY, OFFENSE): 1 LARCENY/PETIT	
SERIAL/VIN:	YEAR: MAKE:UNK MODEL: COLOR:
STYLE: LICENSE: STATE: EXP.:	VALUE: 560.00 <input type="checkbox"/> Locked <input type="checkbox"/> Keys
INSURANCE:	LIEN: TOWED BY:
OWNER: OWNER ID#:99535	CALIBER: <input type="checkbox"/> Registered
REPORTED STOLEN ID#:	RETURNED/SOLD DATE: AMOUNT: 0.00
PROPERTY ACREAGE: 0	

DESCRIPTION: SEVERAL BOILING POTS AND BURNERS

STATUS: 7	STOLEN	AGENCY: OSPD	VALUE: 560.00	QUANTITY: 1.00
STATUS DATE/TIME:8/27/2023 11:36		LOCATION:108 SUNHAVEN		

COMMENTS:

OCEAN SPRINGS POLICE DEPT

ORI #: MS0300200			
INCIDENT #: 2023014146		DATE OF INCIDENT: 8/27/23	TIME OF INCIDENT: 8:26
INCIDENT TYPE (SIGNAL): 67 THEFT			
Agency: OSPD	Incident No: 2023014146	Date Entered: 8/27/2023	Sequence: 1
Author: MORRIS, HEATH		Title: 108 SUNHAVEN DR.	

On 08/27/2023, around 0830 hours, I, Officer Heath Morris, arrived at 108 Sunhaven Dr. in reference to a theft at the property. I spoke to Troy Robert Noble, who stated someone stole a LSU rocking chair from his porch, and several boiling pots and burners from the carport. Mr. Noble stated a resident of the house may have seen a person and a vehicle that may be involved with the theft. I spoke with Jennifer Hebert, who stated, she saw a white female with grey hair walk down the drive way and drive off in a Grey minivan. Ms. Hebert was unsure of what day it was she saw this happen.

Dispatch Agency: OCEAN SPRINGS POLICE DEPT Call Number: 2023010206

Agency Involved: OCEAN SPRINGS POLICE DEPT Agency Call Number: 2023010206

	Date	Time	Location Address Information
Received	6/22/23	8:17:59	108 SUNHAVEN
Dispatched	6/22/23	8:18:21	OCEAN SPRINGS
Enroute			
Arrived	6/22/23	8:18:22	Call Reported From: Telephone: (228) 000-0000 108 SUNHAVEN
Under Control			
Completed	6/22/23	8:22:44	Third Party:
Signal	95		F/U INVESTIGATIONS
Reference Signal	95		F/U INVESTIGATIONS
Actual Signal	95		F/U INVESTIGATIONS
Extra Phone 1:		Extra Phone 2:	
Citations Issued	<input type="checkbox"/>	Weapon How Received: O	License No: Created: New

DISPOSITIONS/NOTIFIEDS

DISPOSITION: OSPD NO REPORT NOTIFIED: NONE SELECTED

Notes:

OF301 06/22/2023 8:22:42: NEGATIVE CONTACT
NOTE LEFT

Parties Involved:

Name:	Eqp. No.:	ID Number	Party	Dispatched	Enroute	Arrived	Completed
SAVAGE, ELI	551	OF301	R				
SAVAGE, ELI	551	OF301	D				
WILSON, ADAM	548	2014010055	A	8:18:21		8:18:22	

Dispatch Agency: OCEAN SPRINGS POLICE DEPT Call Number: 2023014127

Agency Involved: OCEAN SPRINGS POLICE DEPT Agency Call Number: 2023014127

	Date	Time	Location Address Information
Received	8/27/23	1:38:35	108 SUNHAVEN DR
Dispatched	8/27/23	1:40:54	OCEAN SPRINGS
Enroute	8/27/23	1:41:06	
Arrived	8/27/23	1:43:29	Call Reported From: Telephone: (228) 000-0000
Under Control			108 SUNHAVEN DR
Completed	8/27/23	2:02:23	Third Party:
Signal	66		SUSPICIOUS PERSON/VE
Reference Signal	66		SUSPICIOUS PERSON/VE
Actual Signal	66		SUSPICIOUS PERSON/VE
Extra Phone 1:		Extra Phone 2:	
Citations Issued	<input type="checkbox"/>	Weapon How Received:P	License No: Created: New

DISPOSITIONS/NOTIFIEDS

DISPOSITION: OSPD NO REPORT NOTIFIED: NONE SELECTED

Notes:

9256 08/27/2023 1:40:39: PERSON SAID HE NEEDED AN OFFICER RIGHT AWAY AND THEN THE LINE WENT DEAD THERE WAS NO ANSWER ON CALL BACK

9256 08/27/2023 1:45:40: 43 AT THIS TIME

2021100119 08/27/2023 1:49:46: soc
587311844

2021100119 08/27/2023 1:51:20: 801365435

9256 08/27/2023 2:02:21: HBO

Parties Involved:

Name:	Eqp. No.:	ID Number	Party	Dispatched	Enroute	Arrived	Completed
BERNARD, AARON	D6	9256	R				
BERNARD, AARON	D6	9256	D				
HARTY, BRANDON	49	2023060135	A	1:40:54	1:41:06	1:43:29	
WALLACE, ARCHIE	17	2019050048	B	1:41:04	1:41:08	1:44:08	
WILSON, KAYLA	D5	2021100119	Z				

From: [Rick Hutcherson](#)
To: [Carolyn Martin](#)
Subject: Re: Residential STR Code Check - 108 Sunhaven
Date: Tuesday, April 2, 2024 2:59:58 PM

Nothing in the last 12 months.

Rick Hutcherson

Code Enforcement Officer
City of Ocean Springs

From: Carolyn Martin <cmartin@oceansprings-ms.gov>
Sent: Tuesday, April 2, 2024 14:35
To: Rick Hutcherson <RHutcherson@oceansprings-ms.gov>
Subject: Residential STR Code Check - 108 Sunhaven

Rick,

Can you please send me a report of any code enforcement violations, complaints, etc. for **108 Sunhaven** for the last 12 months?

Thanks,
Carolyn

Carolyn A. Martin
Grants Administrator



City of Ocean Springs

1018 Porter Avenue / Ocean Springs, MS 39564
Ph: 228-230-1969

This electronic mail message, including all files or attachments, is intended exclusively for the individual or entity to which it is addressed and may contain legally privileged and confidential information. The authorized recipient of this information is prohibited from disclosing this information to any other party unless permitted or required by law or regulation. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you are not the intended recipient, please contact the sender by reply e-mail and delete the original email from your system.



Property Link JACKSON COUNTY, MS

Current Date 4/ 2/2024

Tax Year 2023

Records Last Updated 4/ 2/2024

PROPERTY DETAIL	
OWNER	NOBLE TROY R ACRES : .22
	NOBLE ANDREA LAND VALUE : 18200
	P O BOX 12 IMPROVEMENTS : 61670
	OCEAN SPRINGS MS 39566 TOTAL VALUE: 79870
	ASSESSED : 7987

PARCEL 61470016.000

ADDRESS 108 SUNHAVEN

TAX INFORMATION			
YEAR 2023	TAX DUE	PAID	BALANCE
COUNTY	252.23	252.23	0.00
CITY	230.98	230.98	0.00
SCHOOL	379.94	379.94	0.00
TOTAL	863.15	863.15	0.00

LAST PAYMENT DATE 2 / 3 / 2024

MISCELLANEOUS INFORMATION	
EXEMPT CODE	LEGAL LOT 16 SUNHAVEN S/D PB 6-27 DB
HOMESTEAD CODE REG	1
TAX DISTRICT	4660 863-237 (421 MAP789.29-01)
PPIN	063505
SECTION	29
TOWNSHIP	7
RANGE	8

Book **Page**

[PURCHASE COUNTY TAX SALE FILES](#)

TAX SALES HISTORY, FOR UNPAID TAXES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
NO TAX SALES FOUND		

[Back](#)



Permit #: 4429
Address: 108 SUNHAVEN DR
City:
State:
Zip:
Owner: NOBLE TROY R & ANDREA K

Owner Address: P O BOX 12
Owner City: OCEAN SPRINGS MS
Owner State:
Owner Zip: 39566
Owner Phone:
Owner Email:

Applicant: Hillery Jenkins
Applicant Address: 3302 Government Street
Applicant City, State, Zip: Ocean Springs, MS 39564

Receipt #: 4114
Date: 01/03/2024

Paid By: H Jenkins Holdings LLC

Description:

Payment Type: Check

Payment Type Description: 1031

Accepted By: Camille Anderson

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

H. Jenkins Holdings, LLC

Welcome to your vacation!

228-282-9637/228-209-3955 gulfcoastphysicalmedicine@gmail.com

- Please make sure to Read and Understand this form, especially the **CANCELLATION/REFUND POLICY**.
- You are agreeing to allow your card to be charged automatically for the final payment **30 DAYS PRIOR TO YOUR ARRIVAL**.
- If damages are caused as a result of your stay, you are agreeing to **PAY FOR THEM**.

Once we have received and processed this form your reservation will be confirmed. Please read the FAQ at the bottom of this form.

PLEASE MAKE SURE YOU ARE CHECKED OUT BY 11:00am FOR CLEANING! Late checkouts will result in additional charges.

Reservations - The attached confirmation contains the agreed upon dates and total fees for this reservation. Reservations are encouraged and will be accepted up to one year in advance at our discretion. When you book your reservation the exact unit you rented will be assigned and blocked for your dates. No unit is completely guaranteed indefinitely as H. Jenkins Holdings, LLC does reserve the right to change unit assignments under extreme or otherwise warranted circumstances, such as, but not limited to, hurricane or other extreme weather and other damage as to make the unit uninhabitable or an owner of a property cancelling their unit's participation in the rental program. These are extremely rare but must be considered and we will do our best to provide a similar unit or give you a refund without penalty if the unit you rented becomes unavailable.

Keys - Items such as wristbands or key cards required at some properties for restricted entry will be treated as keys and must be returned at check-out. If any of the items are lost or not returned, a **fee of \$25.00-\$200.00 per missing item will apply depending on unit and type of item lost**.

Advance Rental Payment - A payment of 30% of the total reservation is required to secure your reservation dates and must be received immediately if you are booking online. If you have booked online and we do not receive payment within 24 hours, your reservation may be cancelled. Advance rental payments will be applied to your rental balance. We do not hold reservations and all rentals are rented on a first come, first served basis as it relates to payments.

Rates - Rates are based on location, features, and seasons, and are subject to change without notice. The rates you agree to at the time of booking, including any specials, are the fees you will be charged. If rates go up or down in the future your reservation will not be changed. Future specials cannot be applied to you agreed upon rental once you secure a unit and it is blocked from being rented by other people at agreed upon terms. Cleaning fees which vary by property, sales tax and a one-time administration fee will be added to all reservations. You may add nights and insurance products to your reservation after you book based on prevailing costs and availability at the time you choose to add those items.

Rental Payment - The rental payment is due in full 30 days before the day of check in. Reservations made less than 30 days before arrival must be paid in full immediately to be secured and are not refundable. Visa/Master Card/Discover or American Express will be accepted as payment. **Your final payment will be charged automatically 30 days before your reservation date. If you want a card charged Other than the CARD ON FILE for your *final balance*, you must notify us via email or phone before the balance is due.**

Cancellation of Reservation - If you cancel your reservation for any reason, you will forfeit the 30% advanced payment. Should you cancel your reservation less than 30 days prior to your arrival, you will lose the total amount paid. **No Exceptions.** Once you have booked your dates, they will be locked in. We cannot for changes in length of stay. All cancellations must be made in writing stating that you understand you will be forfeiting your payment.

WE HIGHLY RECOMMEND YOU PURCHASE TRAVEL INSURANCE TO COVER ANY UNFORESEEN DIFFICULTIES OR EVENTS. However, even with purchased insurance, H. Jenkins Holdings, LLC. will not offer any refunds. If insurance is purchased, all claims must be filed with the respective insurance company and all reimbursement is subject to said company and the policy purchased.

Right to Change Rental Accommodation - We reserve the right to substitute comparable accommodations without prior notice or liability in the event of a sale of the rental property, or if the property becomes unavailable due to maintenance or other problems. We cannot guarantee a specific rental property in the event of unforeseen circumstances, like a hurricane, which could render the property to be unsafe or uninhabitable. We will make every effort to contact you should this happen. When comparable accommodations are not available, guests will have the option of selecting from available properties at the comparable published rate. Again, we strongly recommend you secure trip insurance. This can be purchased from a third party of your choosing. If trip insurance is secured, refunds will be made according to the purchased insurance policy, by the policy holder.

Damages - We require a valid credit card to be on file to cover any losses or damages that may occur during your stay. Your credit card may be charged without your prior notification if we find damages that weren't present when you arrived and you didn't report before you departed, although we will make every effort to contact you prior to charging your card. If extra cleaning or repairs are required as a result of your stay, we reserve the right to apply the full amount of those costs to your credit card, plus all applicable taxes and fees and any costs as quoted and attested to by a certified contractor in addition to the total rental amount plus taxes/fees that you originally paid to offset the additional incurred expenses as a result of your stay.

All reservations must have a valid credit or debit card placed on file.

CREDIT CARD AUTHORIZATION: I understand and consent to the use of the credit card provided without original signature on the charge slip, that an email of this agreement will serve as an original, and that this Credit Card Authorization cannot be revoked and will not terminate until 90 days after the rental is vacated. Additional charges may include: satellite TV charges; excessive cleaning fees; damages beyond normal wear and tear and unreturned keys. If the listed card is declined, expired, or otherwise I agree to allow H. Jenkins Holdings, LLC. to charge a card that was used to make any rental payment for my reservation. **When your final payment is due, 30 days before your reservation, your credit card will be charged automatically for the balance due.**

Acknowledgement & Disclaimer; Limitation of Liability - Acknowledgment & Disclaimer. You acknowledge the Property may have features, amenities, and conditions that are unfamiliar to you and other occupants you invite to the Property. You further acknowledge that your use of the Property and its amenities may carry inherent risk, including risk of bodily injury, illness or disease, disability, or death. For example, some Properties include natural habitats for wildlife, insects, and pests that may expose you to injury or disease; or stairways, porches, ledges, amenities, and conditions that carry inherent risk. **You agree that, by using the Property or its amenities, you voluntarily and willfully assume those risks and assume full responsibility for the choices you make before, during and after your use of the Property and its amenities.** You also acknowledge and agree that you and any other adult Occupants are solely responsible for closely supervising and protecting the health and safety of any and all Occupants that are minors, throughout the duration of your stay.

Limitation of Liability. TO THE MAXIMUM EXTENT PERMITTED BY LAW, IN NO CASE SHALL THE OWNER OF THE PROPERTY OR DA HAMMER HOLDINGS, LLC, NOR THEIR AFFILIATES, NOR THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, OR OWNERS, BE LIABLE FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR EXEMPLARY DAMAGES, OR FOR ANY DAMAGES FOR PERSONAL OR BODILY INJURY, ILLNESS OR DISEASE, EMOTIONAL DISTRESS, OR DAMAGE TO PROPERTY, ARISING OUT OF OR IN CONNECTION WITH YOUR STAY AT THE PROPERTY. THIS LIMITATION APPLIES TO ALL CLAIMS FOR DAMAGES WHETHER BASED ON A THEORY OF WARRANTY, CONTRACT, TORT (INCLUDING ORDINARY NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, EVEN IF DA HAMMER HOLDINGS, LLC HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE AND EVEN IF THE LIMITED REMEDY SET FORTH HEREIN IS FOUND TO HAVE FAILED OF ITS ESSENTIAL PURPOSE.

Check In/Check Out - Check-In is 3:00 P.M. CST or later. Due to our high standard of cleanliness, there is a possibility that your vacation rental may not be ready at 3:00 P.M. especially during peak seasons. Please do not enter the unit prior to the 4pm check in time unless approved by H. Jenkins Holdings, LLC Management. Failure to do so may result in a fee (unless early check in is prearranged and/or purchased, when possible). Check-Out time is promptly by 11:00 A.M. To avoid an extra cleaning charge; please wash the dishes, take out the trash (place in outside bin), and leave the property in a neat and orderly condition.

Late Night Arrivals - Please be considerate of your neighbors if making a late -night arrival.

Please ensure you have all necessary directions, door codes, and/or security gate combinations. If you have trouble with the codes, call **228-209-3955** or **228-282-9637** and leave message for on-call manager

Housekeeping - You will be responsible for the cleaning of your unit during your stay and for leaving the unit in good condition at checkout. A separate housekeeping/cleaning charge will be included when you book. This is a one-time linen/towel set up and cleaning service ONLY at the time of departure. We request that you remember you are staying in someone's home during your vacation; please treat it with the care as you would your own. If unit is left unusually messy (extra unusual cleaning, unwashed dishes, food, or garbage left in unit) or left damaged (damages/stains on carpet or furniture or to walls and floors), we reserve the right to apply credit card charges as part of our damage deposit policy for these expenses.

Additional Housekeeping- H. Jenkins Holdings, LLC takes great pride in the maintenance of our homes. If any garbage is found on the lawn or around the exterior of one of our homes (**this includes cigarette butts and bottle caps**), the guest will be held responsible for additional charges to cover the cost of H. Jenkins Holdings, LLC hiring a maintenance crew for cleanup. This will also apply to balconies or the exteriors of properties.

Linens/Towels/Supplies - Units are fully equipped. Although linens are provided, please bring your own beach towels, beach blankets and your own personal toiletries. An initial set up of trash liners, bathroom paper and facial soap is provided upon arrival. Extra supplies needed (including cleaning supplies) are the responsibility of the guest. Upon departure, please place all soiled linens in the tub for house cleaning, place all dirty dishes in dishwasher and run machine. If you leave unit in unusually messy condition, you will be charged an extra cleaning fee outside the normal prepaid cleaning. Moving any items or furnishings from one unit to another is not permitted.

Smoking & Pets - **ALL units are NON-SMOKING** units and absolutely **NO PETS NO EXCEPTIONS!!!** Guests found in violation of this agreement will be asked to leave and full stay rent charge will be due including deposit amount without refund. Smoking in the units will also result in a \$250 charge for ozone cleaning of the unit. Pets in the unit will also result in a **MINIMUM** fine of \$250.

Family Rental Only - No units will be rented to anyone under the age of 25 unaccompanied by a responsible parent or guardian in the unit for the entire stay. Any reservation made under false pretense may be subject to forfeiture of advance rental payment/rental payments or security deposit.

Good Neighbor Policy - Many of our rentals are in neighborhoods

that include short- and long-term guests and year-round residents. No parties or events are permitted without prior approval. All guest and owners are subject to conform to the rules and regulations of the properties. Guest(s) causing excessive noise or disturbances will be asked to check out immediately and full stay rent charge will be due including deposit amount with NO REFUNDS. Parking will only be for two vehicles unless stated. If you are bringing a boat/watercraft or RV, you must verify that there is appropriate parking on site before arriving.

Guest acknowledges - THIS GUEST RENTAL AGREEMENT IN FULL AND ACCEPTS ALL TERMS BY GUEST SIGNATURE BELOW UPON RECEIPT OF THIS AGREEMENT AS OF RESERVATION OR

CHECK-IN. Guest also acknowledges that H. Jenkins Holdings, LLC is the agent of the property owner and will be paid by the owner. The use of the owner's Wi-Fi is provided as a convenience to guests. Under no circumstances, however, is a guest to use the Wi-Fi to engage in any act that violates the Copyright Act of 1976 (including but not limited to using file sharing sites to share or download copyrighted content) or to access any content or engage in any act that violated any applicable law. Guests agree to indemnify and hold harmless owner and agent for any such conduct.

Agent will not be held responsible for the acts of theft, vandalism or other damages to the guest's personal property or items left in unit. All reservations are not completely guaranteed, and prices are subject to change without notice.

In Case of Emergency - Please call 228-282-9637 or 228-209-3955. Your call will be returned as soon as possible. PLEASE NOTE: In the event you are locked out of your unit after business hours, follow emergency procedures after calling number listed above. An agent will return your call and meet you at the main office or at the unit.

Parking - Please **do NOT bring a trailer**, unless our management allows you to do so, some of the properties cannot accommodate them. You will be subject to all parking rules, regulations and fines that are in place at the location you are renting. We can accommodate parking for a maximum of three vehicles (unless otherwise specified in the marketing on our website).

Thank you for choosing accommodations managed by H. Jenkins Holdings, LLC! We greatly appreciate your business. We hope you enjoy your visit in our beautiful paradise and have a great vacation making wonderful memories for years to come.

Guest Signature:

Printed Name: t

Date:

Warm Regards,

H. Jenkins Holdings, LCC

guflcoastphysicalmedicine@gmail.com

(228) 282-9637

Frequently Asked Questions:

Do I need to bring sheets and towels? No, you only need to bring your beach towels. We provide standard linens to accommodate the units bed set up.

Are there dishes/pot & pans in the kitchen? Yes, our kitchens are stocked with all basic kitchen utensils and cookware.

Will my vacation rental have soap/toilet paper, etc.? We provide "starters" of paper towels, toilet paper, dish soap, laundry soap, dishwasher soap and bar soap, but it likely will not be enough to last you throughout your stay.

Do I need to bring beach chairs/umbrellas? We recommend you bring your own beach chairs, beach service is not offered at all rentals.

Do I have to go to your office to check in? No, once your reservation is paid in full you can expect to receive your welcome package and check in instructions containing remote check in and electronic door codes. Unless otherwise noted.

Do I need to check in during a specific time frame? What if I arrive late? We prefer that you check in between 3pm and 6pm to ensure that someone is on hand to help if you need something when you arrive. You are welcome to come late if you choose, but please understand you will only have access to our emergency service phone line and there may be delays in response, or your requests could be answered the next day if they are non-emergency. Door code issues and access problems are considered emergencies and will be addressed immediately.

When is check in? Check in time is 3pm on the day of your arrival.

Can I get an early check in? Early check ins are rare but could be considered per request. Guests who are found checking in early will immediately have their card charged \$300 as an early check in fee. This is necessary to avoid interrupting guests checking out that day, and to make absolutely certain that your unit is clean and maintained before you stay. **When is check out?** Check out time is 11am on the day of your departure.

Can I check out late? Late check outs can be considered per request, but additional fees could apply. Guests who are found in the unit past 11am will be charged a \$200 late check out fee. This is to make absolutely certain that our inspection, cleaning, and maintenance crews have full access and can get their jobs done in each unit in a timely manner.

What is your cancellation policy? If you cancel your reservation, you will lose all monies paid to date- no exceptions. Please ask about purchasing trip insurance to protect yourself and your traveling party from last minute complications that would cause you to miss your trip.

House Rules

- Check out time is at 11AM
- Please take trash to the outside bin prior to check out
- Strictly NO parties are allowed.
- Quiet time per City's Ordinance is:
 - Weekdays- 10PM-8AM
- Parking for 3 vehicles in the driveway
- No more than 8 occupants at a time.

————— *Enjoy!* —————

**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: 9-10-2024

APPLICANT(S): Versamax: Mike Hutto

CURRENT OWNER Yes No

LOCATION: 706 Porter Avenue/60137616.000

REQUESTED ACTION: Lot Split

DATE OF APPLICATION:

ADJACENT ZONING AND LAND USE:

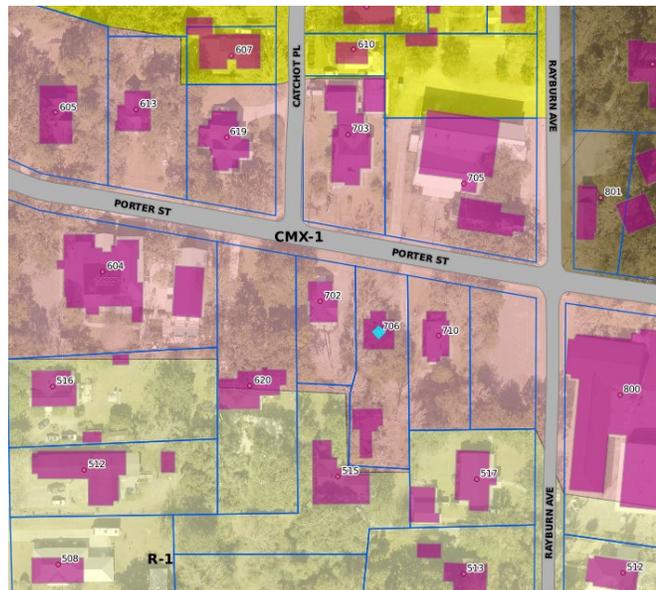
Subject Property: CMX-1 - Neighborhood Commercial District

North: CMX-1, Neighborhood Commercial District

South: R-1, Single-Family Residential District

East: CMX-1, Neighborhood Commercial District

West: CMX-1, Neighborhood Commercial District



CURRENT CONDITIONS:

Min Lot Size: None
Lot Width: 25 feet.
Front Setback: 5 feet
Side Setback: 5 feet
Rear Setback: 10 feet

DESCRIPTION OF REQUEST:

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

FINDINGS:

1. The proposed plat does meet the development requirements of the CMX-1 District have been met.
2. Access will be properly demonstrated when the Access Easement Agreement is approved.
3. The house is an existing historic structure.
4. The rear setback shows 48 feet off of the back of the property for the current structure.
5. When the addition is built, the applicant will need to submit a site plan showing that the addition is adhering to the setbacks.
6. Notification was sent to adjacent property owners with a 500-foot radius.
7. 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 706 Porter Ave/60137616.000, with the stipulation that the access easement agreement will need to be approved by the City Attorney before final approval.

– OR –

To recommend **denial** of the lot split at 706 Porter Ave/60137616.000, with the stipulation that the access easement agreement will need to be approved by the City Attorney before final approval.



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

Permit # 6328

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: 8/6/2024 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot/Parcel(s): 706 Porter Avenue, Ocean Springs, MS.
Parcel ID(s): 60137616.000

- 1. Applicant: Cathy Reed Phone (228) 326-7151
Address 1516 Government St. O.S., MS. Email reedenterpriseinfo@gmail.com
- 2. Local Agent: _____ Phone _____
Address _____ Email _____
- 3. Owner of Record: Cathy Reed Phone (228) 326-7151
Address 1516 Government St. O.S., MS> Email reedenterprisesinfo@gmail.com
- 4. Engineer: _____ Phone _____
Address _____ Email _____
- 5. Land Surveyor: Patrick Martino Phone (228)396-2283
Address 13010 Kayleigh Cove, Biloxi, MS. Email Patrick@martinosurveying.com
- 6. Attorney: _____ Phone _____
Address _____ Email _____

Property Information

- 1. Tax Map Designation: Section 30 Township: 7 Range: 8
- 2. Is this lot/parcel located in a Platted Subdivision: Yes No Name of Subdivision: _____
- 3. Zoning of Lot(s): CMX-1
- 4. Current lot area (sq. ft.) 15,024

Reconfiguration Request

1. Describe lot split/reconfiguration request (existing/proposed size of lot(s), reason for request, etc.).
To sperate the business (short term rental) from the residence.
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? 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 (\$251.00)
- 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.

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) Cathy 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 original parcel(s).

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

Owner(s) Name: Cathy Reed

Parcel ID(s): 60137616.000

Date Property Acquired Date: 09-13-2022

Book and Page of Each Conveyance: 2090 552-555

Owner's Signature Reed Luck LLC Date 7/9/2024

Cathy Reed - member

STATE OF MS

COUNTY OF Jackson

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

Mailing Address 1516 Government St
Ocean Springs, MS 39564

Subscribed and sworn before me this 9 day of July, 2024.

My commission expires 1-22-2027

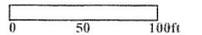


Sheree L. Ranson

Geoportal Map



CLAIMER: Every reasonable effort has been made to assure the accuracy of the data presented. The City of Ocean Springs makes no warranties, express or implied, regarding the completeness, reliability or suitability of the site data and assumes no liability associated with use or misuse of said data. The City retains the right to make changes and update data on this site at anytime, without notification. The parcel data on the base map is used to locate, identify and inventory parcels of land in the City of Ocean Springs for assessment purposes and is not to be used or interpreted as a legal survey or legal document. Additional data layers not originating in the City's Offices are also presented for informational purposes only. Before proceeding in any legal matter, all data should be verified by contacting the appropriate city or municipal office.





Permit #: 6328

Address: 706 PORTER ST

City:

State:

Zip:

Owner: REED CATHY

Owner Address: 1516 GOVERNMENT ST

Owner City: OCEAN SPRINGS

Owner State: MS

Owner Zip: 39564

Owner Phone: 228-326-7151

Owner Email: cathy.d.reed@gmail.com

Applicant: Cathy Reed

Applicant Address: 1516 Government Street

Applicant City, State, Zip: OS

Receipt #: 5887

Date: 08/15/2024

Paid By: Reed Luck LLC

Description: Lot split

Payment Type: Check

Payment Type Description: ch#1039

Accepted By: Carter Thompson**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

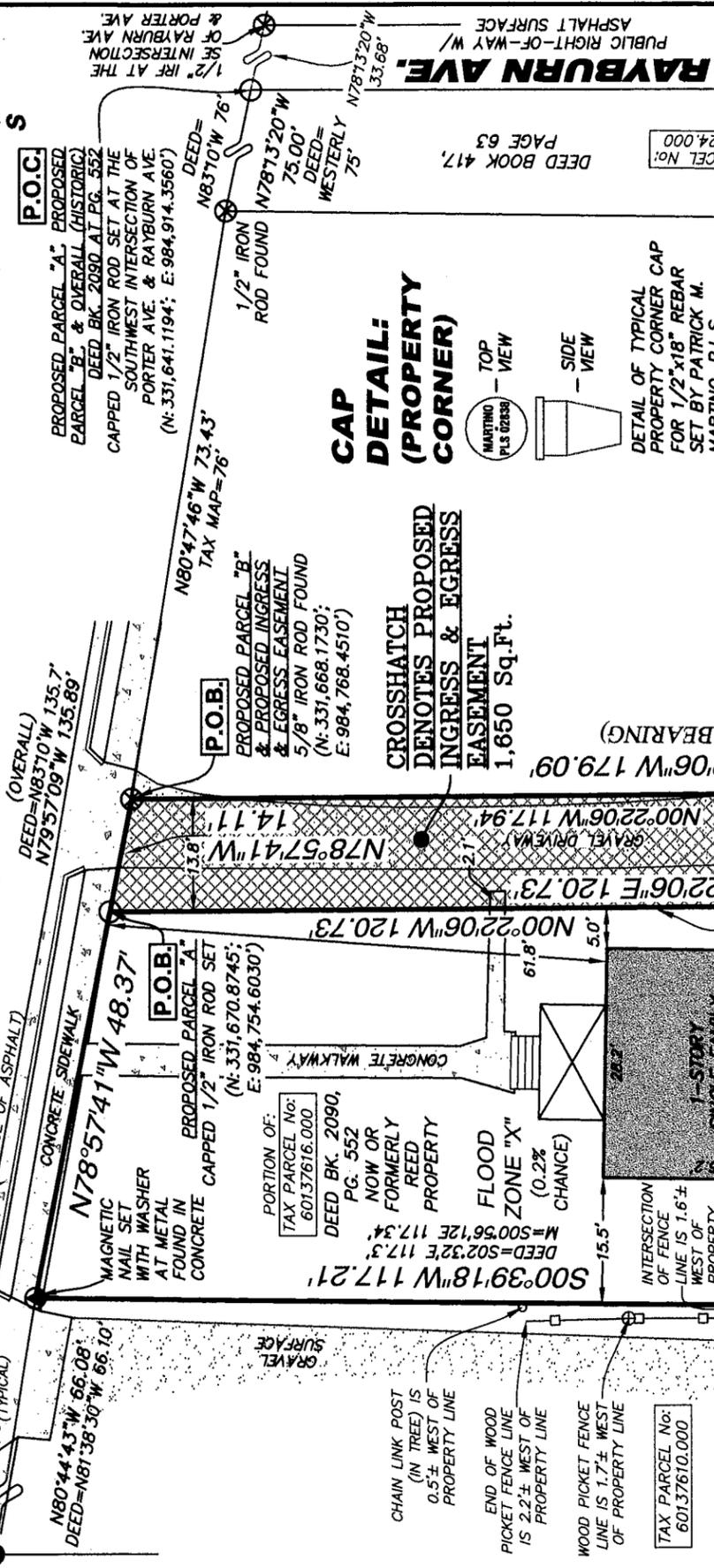


**BEARING REFERENCE: GRID
NAD_83(2011)
(EPOCH:2010.0000)**

SCALE: 1" = 20'

PORTER AVENUE

CONCRETE CURB & GUTTER
PUBLIC RIGHT-OF-WAY W/
ASPHALT SURFACE
(EDGE OF ASPHALT)
CONCRETE SIDEWALK
(OVERALL)
DEED=N83°10'W 135.7'
N79°57'09"W 135.89'



P.O.C.
PROPOSED PARCEL "A", PROPOSED
PARCEL "B", & OVERALL (HISTORIC)
DEED BK. 2090 AT PG. 552
CAPPED 1/2" IRON ROD SET AT THE
SOUTHWEST INTERSECTION OF
PORTER AVE. & RAYBURN AVE.
(N: 331,641.1194; E: 984,914.3560)

P.O.B.
PROPOSED PARCEL "B"
& PROPOSED INGRESS
& EGRESS EASEMENT
5/8" IRON ROD FOUND
(N: 331,668.1730;
E: 984,768.4510)

P.O.B.
PROPOSED PARCEL "A"
CAPPED 1/2" IRON ROD SET
(N: 331,670.8745;
E: 984,754.6030)

P.O.B.
PROPOSED PARCEL "B"
& PROPOSED INGRESS
& EGRESS EASEMENT
5/8" IRON ROD FOUND
(N: 331,668.1730;
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**DEED BOOK 1846,
PAGE 588
NOW OR FORMERLY
MYERS PROPERTY**

TAX PARCEL No:
60137616.000
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ST. PAUL UNITED
METHODIST PROPERTY**

**CAP
DETAIL:
(PROPERTY
CORNER)**

TOP VIEW
SIDE VIEW

DETAIL OF TYPICAL
PROPERTY CORNER CAP
FOR 1/2"x18" REBAR
SET BY PATRICK M.
MARTINO, P.L.S.

FENCE LEGEND:

- WIRE FENCE LINE
- WOOD PRIVACY/PICKET LATTICE FENCE LINE

LEGEND:

- (IRF) IRON ROD FOUND
- (IRS) IRON ROD SET (CAPPED)
- (IPF) IRON PIPE FOUND (MEASURED ON THE OUTSIDE)
- (FCP) CENTER OF FENCE POST
- CENTER OF CHAIN LINK POST (NO FENCE)

**ABBREVIATION
LEGEND:**

- DEED = DEED DIMENSION
- C/L = CENTERLINE
- P.O.L. = POINT ON LINE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- N90°00'00"E 435.00' = ACTUAL FIELD MEASUREMENT

**STATE PLANE
COORDINATE NOTE:**

DATE: JULY 22, 2024
TOPCON HYPER VR WAS
USED FOR GPS OBSERVATION

REF FRAME: NAD_83(2011)(EPOCH:2010.0000)
STATE PLANE COORDINATES
SPC (2301 MS E)
331,713.2900
984,746.1980
0°00'02.868634"
0.99995000
(1 METER = 3.280833333 U.S. SURVEY FEET)

**ZONING
INFORMATION:**

PARCEL OF LAND IS LOCATED IN A "CMX-1"
(NEIGHBORHOOD COMMERCIAL/MIXED USE)
DISTRICT ACCORDING TO THE CITY OF OCEAN
SPRINGS ZONING WEBSITE.



CLIENT: CATHY REED
PARCEL 706 PORTER AVENUE
ADDRESS: OCEAN SPRINGS, MS 39564
CLAIM SECTION 37-17S-R8W
TAX PARCEL NUMBER: 60137616.000
CREW CHIEF: P.M.M., RW
DATE: 8/13/2024
JOB# P241018



PREPARED BY:
PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR

(SHEET 1 OF 2)

DEED DESCRIPTION: OVERALL PROPERTY (BEING TAX PARCEL 60137616.000 & 60137618.000 COMBINED) AS PER DEED BK. 2090 AT PG. 552

COMMENCING AT THE INTERSECTION OF THE SOUTH MARGIN OF PORTER AVENUE AND THE WEST MARGIN OF RAYBURN AVENUE AND THEN RUN NORTH 83 DEGREES 10' WEST ALONG SAID SOUTH MARGIN A DISTANCE OF 76 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 83 DEGREES 10' WEST A DISTANCE OF 135.7 FEET; THENCE RUN SOUTH 2 DEGREES 32' EAST A DISTANCE OF 117.3 FEET; THENCE RUN SOUTH 14 DEGREES 54' WEST A DISTANCE OF 27.4 FEET; THENCE RUN SOUTH 4 DEGREES 17' EAST A DISTANCE OF 88.4 FEET; THENCE RUN NORTH 89 DEGREES 48' EAST A DISTANCE OF 69.7 FEET; THENCE RUN NORTH 10 DEGREES 48' WEST A DISTANCE OF 43.6 FEET; THENCE RUN NORTH 82 DEGREES 26' EAST A DISTANCE OF 69 FEET; THENCE RUN NORTH 0 DEGREES 04' WEST A DISTANCE OF 165.9 FEET TO SAID SOUTH MARGIN OF PORTER AVENUE AND THE POINT OF BEGINNING.

LEGAL DESCRIPTION: PROPOSED PARCEL "A" (AS PER SURVEY DIMENSION)

A PARCEL OF LAND SITUATED IN CLAIM SECTION 37, TOWNSHIP 7 SOUTH, RANGE 8 WEST, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED AUGUST 2, 2024 (SURVEY BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM (EAST ZONE, NAD_83(2011)(EPOCH:2010.0000), GRID VALUES USING A SCALE FACTOR OF 0.99995000 AND A CONVERGENCE ANGLE OF 00'00'02.87" DETERMINED SPECIFICALLY FOR THIS PROJECT USING GRID BEARINGS DERIVED FROM GPS OBSERVATIONS FROM A BASE STATION LOCATED AT N:331,713.2900'; E:984,746.1980 OBTAINED BY USM RTK NETWORK, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,641.1194'; E:984,914.3560') LYING AT THE INTERSECTION OF THE WEST MARGIN OF RAYBURN AVENUE AND THE SOUTH MARGIN OF PORTER AVENUE; THENCE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°13'20"W 75.00 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N80°47'46"W 73.43 FEET TO A 5/8" IRON ROD FOUND (N:331,668.1730'; E:984,768.4510'); THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°57'41"W 14.11 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,670.8745'; E:984,754.6030') AT THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°57'41"W 48.37 FEET TO A SET MAGNETIC NAIL WITH WASHER STAMPED "MARTINO PLS 02838" AT THE NORTHEAST CORNER OF THE PROPERTY NOW OR FORMERLY OF MYERS, AS DESCRIBED IN DEED BOOK 1846 AT PAGE 588; THENCE ALONG THE EAST LINE OF SAID MYERS PROPERTY, S00°39'18"W 117.21 FEET TO A 3/8" IRON ROD FOUND; THENCE CONTINUE ALONG THE EAST LINE OF SAID MYERS PROPERTY, S16°40'01"W 13.71 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,549.8045'; E:984,701.8560'); THENCE LEAVING THE EAST LINE OF SAID MYERS PROPERTY, N89°37'54"E 53.52 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,550.1485'; E:984,755.3789'); THENCE N00°22'06"W 120.73 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 6,127 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION: PROPOSED PARCEL "B" (AS PER SURVEY DIMENSION)

A PARCEL OF LAND SITUATED IN CLAIM SECTION 37, TOWNSHIP 7 SOUTH, RANGE 8 WEST, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED AUGUST 2, 2024 (SURVEY BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM (EAST ZONE, NAD_83(2011)(EPOCH:2010.0000), GRID VALUES USING A SCALE FACTOR OF 0.99995000 AND A CONVERGENCE ANGLE OF 00'00'02.87" DETERMINED SPECIFICALLY FOR THIS PROJECT USING GRID BEARINGS DERIVED FROM GPS OBSERVATIONS FROM A BASE STATION LOCATED AT N:331,713.2900'; E:984,746.1980 OBTAINED BY USM RTK NETWORK, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,641.1194'; E:984,914.3560') LYING AT THE INTERSECTION OF THE WEST MARGIN OF RAYBURN AVENUE AND THE SOUTH MARGIN OF PORTER AVENUE; THENCE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°13'20"W 75.00 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N80°47'46"W 73.43 FEET TO A 5/8" IRON ROD FOUND (N:331,668.1730'; E:984,768.4510'); THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°57'41"W 14.11 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,670.8745'; E:984,754.6030'); THENCE LEAVING THE SOUTH MARGIN OF PORTER AVENUE, S00°22'06"E 120.73 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,549.8045'; E:984,701.8560') ON THE EAST LINE OF THE PROPERTY NOW OR FORMERLY OF MYERS, AS DESCRIBED IN DEED BOOK 1846 AT PAGE 588; THENCE ALONG THE EAST LINE OF SAID MYERS PROPERTY, S16°40'01"W 13.71 FEET TO A 3/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF THE PROPERTY NOW OR FORMERLY OF KLEIN, AS DESCRIBED IN DEED BOOK 2004 AT PAGE 151; THENCE ALONG THE EAST LINE OF SAID KLEIN PROPERTY, S01°21'11"E 88.51 FEET TO A 3/8" IRON ROD FOUND (N:331,448.1860'; E:984,700.0140'); THENCE CONTINUE ALONG THE PROPERTY LINE OF KLEIN, S87°17'48"E 68.02 FEET TO A 3/8" IRON ROD FOUND ON THE WEST LINE OF THE PROPERTY NOW OR FORMERLY OF ALVAREZ, AS DESCRIBED IN DEED BOOK 1314 AT PAGE 693; THENCE ALONG THE WEST LINE OF SAID ALVAREZ PROPERTY, N02°08'18"E 44.14 FEET TO A 3/8" IRON ROD FOUND (N:331,489.0900'; E:984,769.6020') AT THE NORTHWEST CORNER OF SAID ALVAREZ PROPERTY; THENCE LEAVING THE NORTHWEST CORNER OF SAID ALVAREZ PROPERTY, N00°22'06"W 179.09 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 8,897 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION:

PROPOSED INGRESS & EGRESS EASEMENT (AS PER SURVEY DIMENSION)

AN INGRESS & EGRESS EASEMENT SITUATED IN CLAIM SECTION 37, TOWNSHIP 7 SOUTH, RANGE 8 WEST, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI AS SHOWN ON THE PLAT OF SURVEY PREPARED BY PATRICK M. MARTINO PLS, INC. DATED AUGUST 2, 2024 (SURVEY BASED ON THE MISSISSIPPI STATE PLANE COORDINATE SYSTEM (EAST ZONE, NAD_83(2011)(EPOCH:2010.0000), GRID VALUES USING A SCALE FACTOR OF 0.99995000 AND A CONVERGENCE ANGLE OF 00'00'02.87" DETERMINED SPECIFICALLY FOR THIS PROJECT USING GRID BEARINGS DERIVED FROM GPS OBSERVATIONS FROM A BASE STATION LOCATED AT N:331,713.2900'; E:984,746.1980 OBTAINED BY USM RTK NETWORK, ALL LINES RELATIVE TO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,641.1194'; E:984,914.3560') LYING AT THE INTERSECTION OF THE WEST MARGIN OF RAYBURN AVENUE AND THE SOUTH MARGIN OF PORTER AVENUE; THENCE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°13'20"W 75.00 FEET TO A 1/2" IRON ROD FOUND; THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N80°47'46"W 73.43 FEET TO A 5/8" IRON ROD FOUND AT THE POINT OF BEGINNING (N:331,668.1730'; E:984,768.4510'); THENCE CONTINUE ALONG THE SOUTH MARGIN OF PORTER AVENUE, N78°57'41"W 14.11 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,670.8745'; E:984,754.6030'); THENCE LEAVING THE SOUTH MARGIN OF PORTER AVENUE, S00°22'06"E 120.73 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "MARTINO PLS 02838" (N:331,550.1485'; E:984,755.3789'); THENCE N89°37'54"E 13.83 FEET TO A SET 1/2" IRON ROD WITH CAP STAMPED "EASEMENT PLS 02838"; THENCE N00°22'06"W 117.94 FEET TO THE POINT OF BEGINNING; SAID EASEMENT CONTAINS 1,650 SQUARE FEET, MORE OR LESS.

REFERENCE MATERIALS:

- 1.) JACKSON COUNTY GIS WEBSITE AND TAX MAP, CURRENT EDITION.
- 2.) CITY OF OCEAN SPRINGS GIS WEBSITE AND ZONING MAP, CURRENT EDITION.
- 3.) INFORMATION PROVIDED BY CLIENT.
- 4.) WARRANTY DEED BOOK 2090 AT PAGE 552
- 5.) WARRANTY DEED BOOK 1219 AT PAGE 212
- 6.) WARRANTY DEED BOOK 1846 AT PAGE 588
- 7.) WARRANTY DEED BOOK 2004 AT PAGE 151
- 8.) WARRANTY DEED BOOK 1314 AT PAGE 693
- 9.) PRIOR SURVEY PERFORMED BY ERIC (RICK) MENHENNETT, P.L.S., DATED AUGUST 24, 2000.

BOUNDARY NOTE:

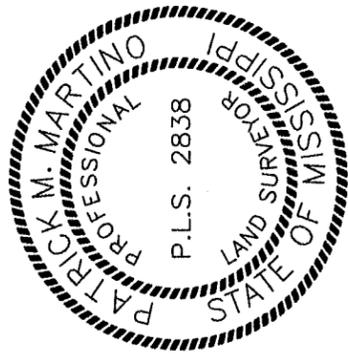
BOUNDARY SURVEYS ARE BASED UPON THE RECORDED SUBDIVISION PLAT IN CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS OF PROPERTIES NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON TITLE INFORMATION PROVIDED BY THE PARTY REQUESTING THE SURVEY. BOUNDARY SURVEY PLATS REFLECT INFORMATION DISCOVERED BY THE SURVEYOR IN THE NORMAL COURSE OF WORK AND DOES NOT NECESSARILY SHOW EVERY POSSIBLE CONDITION AFFECTING THE PROPERTY, EASEMENTS, SERVITUDES, BUILDING ORDINANCES, ZONING, AND OTHER LEGAL ENCUMBERMENTS MAY EXIST. CONSULT A TITLE ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL ENCUMBERMENTS ATTACHED TO ANY PROPERTY.

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Patrick M. Martino
PATRICK M. MARTINO, P.L.S.

7/22/2024
DATE OF FIELD SURVEY
8/13/2024
ADDED EASEMENT

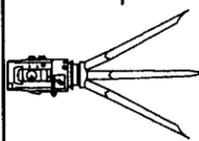
(SHEET 2 OF 2)



THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY. THIS PROPERTY IS LOCATED IN F.L.R.M. ZONE "X" (0.2% CHANCE) ACCORDING TO FEMA MAP NUMBER 28059C02876, DATED MARCH 16, 2008.

CLIENT: CATHY REED
SURVEY CLASS "B"
SCALE: 1"=20'

PARCEL 706 PORTER AVENUE
ADDRESS: OCEAN SPRINGS, MS 39564
CLAIM SECTION 37-17S-R8W
TAX PARCEL NUMBER: 60137616.000
CREW CHIEF: P.M.M., R.W.
DATE: 8/2/2024
REVISED: 8/13/2024



PATRICK M. MARTINO, PLS
13010 KAYLEIGH COVE
BILOXI, MISSISSIPPI 39532
PHONE: 228-396-2283
EMAIL: PATRICK@MARTINOSURVEYING.COM
PROFESSIONAL LAND SURVEYOR



This notice is being mailed to you as an adjacent property to the project described below. Copies are sent via standard mail at the cost of the applicant of this project.

City of Ocean Springs Community Development
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, September 10th @ 6:00 p.m.

The Planning Commission's will hear a request for a lot split to Mike Hutto/Versamax 706 Porter Ave. / PID# 60137616.000.

Questions or comments regarding this application can be directed to the Planning Department prior to the meeting by calling 228-875-4415 or by emailing cthompson@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 cthompson@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

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 decrease any minimum requirement and 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 Board of Adjustment shall grant a variance without a hardship by up to twenty-five percent (25%) (20%) and shall be allowed only for good and substantial reasons which shall be made part of the record.
- H. The Zoning Adjustment Board cannot grant a variance for over twenty percent 20% unless a "hardship" has been proven and the variance request meets the criteria.

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.
- I. 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
- J. 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;

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 Department Approval	Planning Commission Planning Department Approval	Board of Aldermen Administrative Approval	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 developments ~~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 Department 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

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	PUB	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

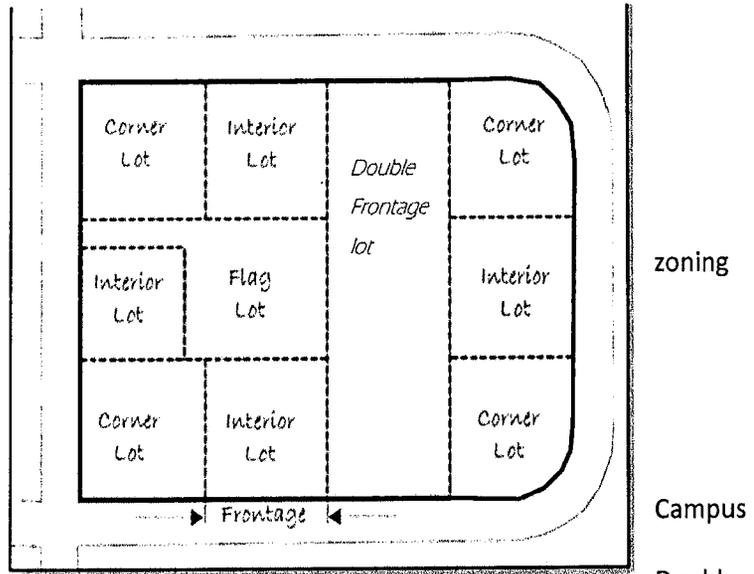
(Ord. No. 2020-04, § I, 2-04-20)

- 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.

- B. Pedestrian easements of not less than ten feet can be required in any block by the Planning Commission where it is deemed essential for circulation or access to schools, churches, playgrounds, shopping centers, transportation or other community facilities.

3.6.3 Lot Dimensions

- A. Newly created lots shall conform to the standards set forth in the Lot Size Requirements table and consider the following when being created by plat.
- B. Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, protected areas and the surrounding properties.
- C. Side lot lines shall be at right angles to the street line wherever practical.
- D. Lots shall not be platted in any area known to be subject to inundation, or in areas which, for other reasons, such as topography, are unsuitable for residential occupancy, nor for such other uses as may increase danger to health, life or property or flood hazard.
- E. Unique and fragile elements of the landscape, including, but not limited to, wetlands, significant stands of trees, and heritage trees, shall be preserved where practicable, with development reserved for environmentally stable areas

Table 3.3: Lot Size Requirements

District	Condition	Lot Width Along Primary Frontage
C-H	All structures	25' minimum
CMX-2	All structures	25' minimum
CMX-1	All structures	25' minimum
RM-2	New developments	15' minimum
R-1A	<i>See Section 3.3.2.A Above</i>	
RMH	New Developments	50' minimum
R-6	New Developments	20' minimum
R-3	New Developments	50' minimum
R-2	New developments	80' minimum
R-1	New developments	100' minimum
R-10	New Developments	80' minimum
R-D	New Developments	50' minimum

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

- F. Reduction of Lot Size by Governmental Action - Where the owner of a legally platted lot or successor in title has a lot reduced in size as a result of governmental action, and does not own sufficient land to enable the lot to conform to the dimensional requirements of this chapter, such lot may be used as a building site for a single-family residence or other nonresidential use permitted in the district in which the lot is located, provided that:
 - 1. Where the lot area or mean lot width is reduced by governmental action by less than 20% of the minimum specified in this chapter, the Planning Director shall issue a development approval or certificate of occupancy; and

1. Minimum of one per every 1,500 feet of pavement for developments containing more than four lots.
2. Exact benchmark location and information to be shown on all plats and construction plans.
3. The concrete monument benchmark shall be six inches by six inches square and four feet long with an iron rod encased in it and a flat-head survey marker cast in the top of the benchmark as a central point. The noncorrosive marker must have at least a two-inch shank and a head diameter of two inches or more.

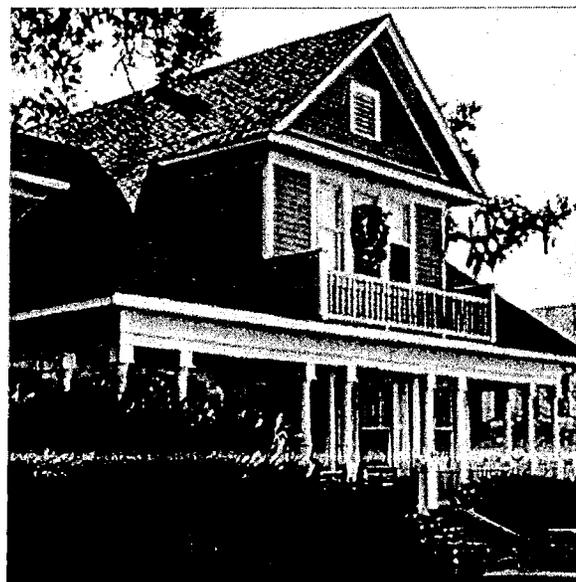
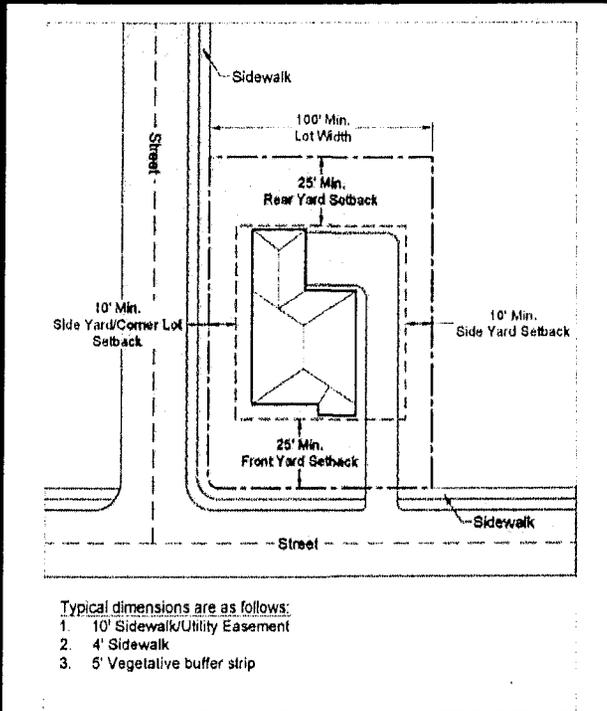
3.7 ZONING DISTRICTS

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

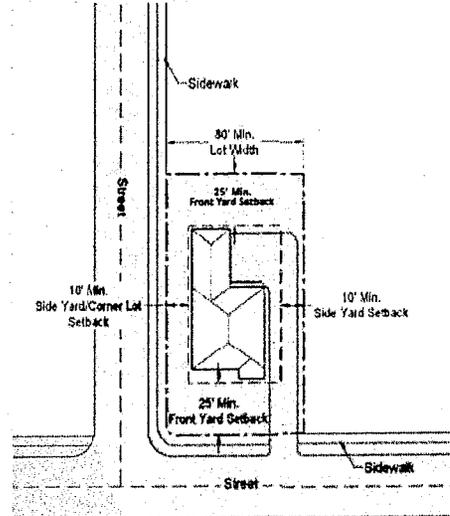


3.7.1 R-2 – Low - Medium Density Residential Zoning District

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

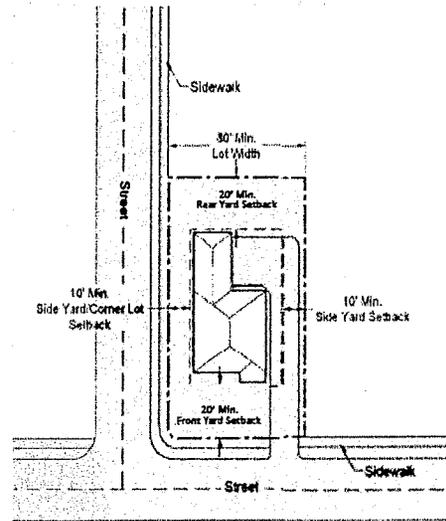


3.7.2 R-10 - Medium Density Single-family Zoning District (NEW)

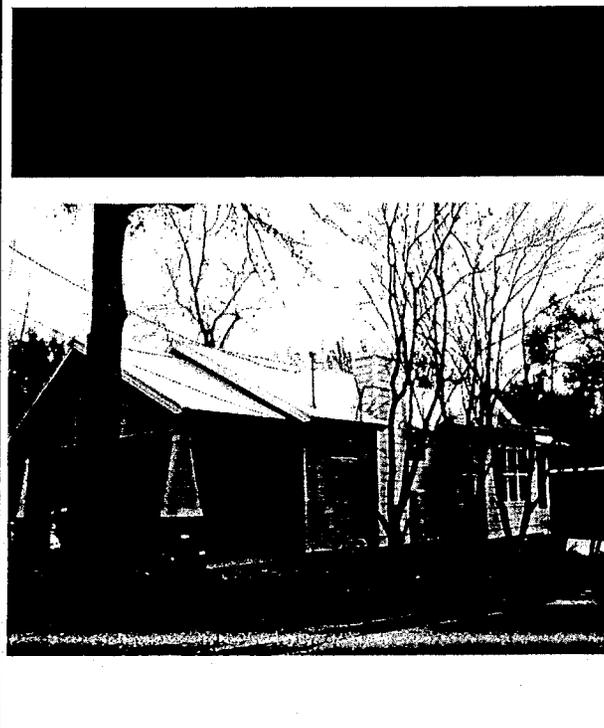
R-10 ZONING DISTRICT PROFILE

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 Setback	20 ft	N/A
Side Setback	10 ft	N/A
Rear Setback	20 ft	N/A
Building Height	N/A	35 ft



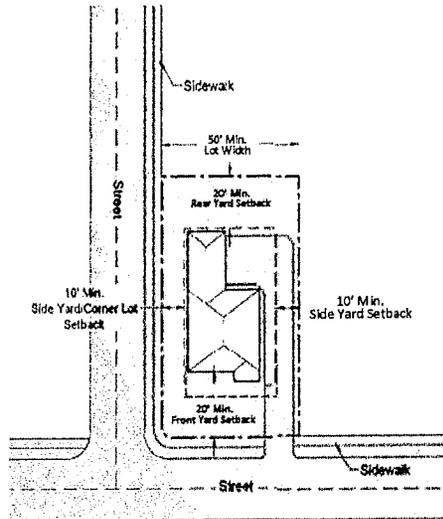
- Typical dimensions are as follows:
1. 10' Sidewalk/Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip



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



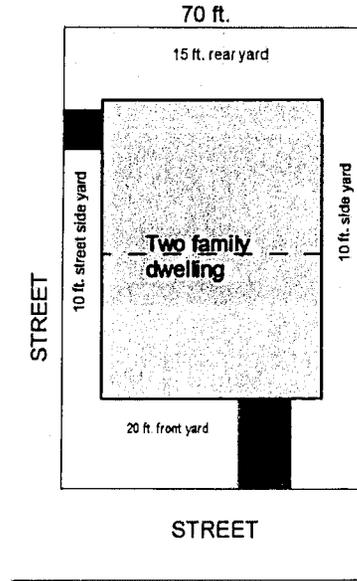
3.7.4 R-6 – Residential Zoning District (NEW) – NO ILLUSTRATIONS AVAILABLE

3.7.5 R-D – Two-Family Family Residential District (NEW)

**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

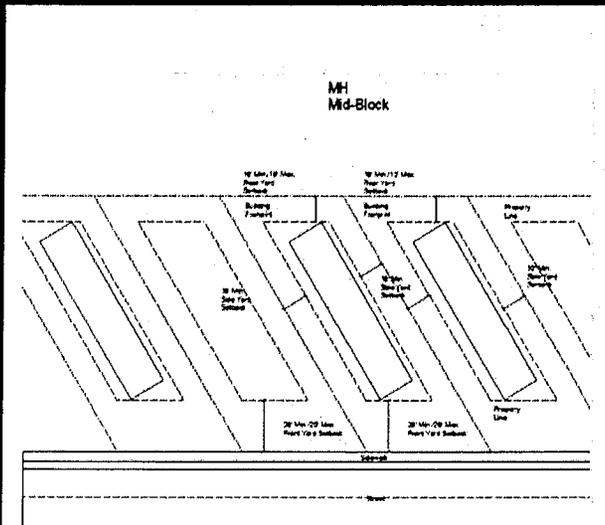


3.7.6 RMH – Mobile Home Park Zoning District

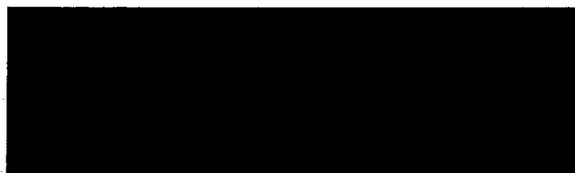
**RMH ZONING DISTRICT
PROFILE**

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



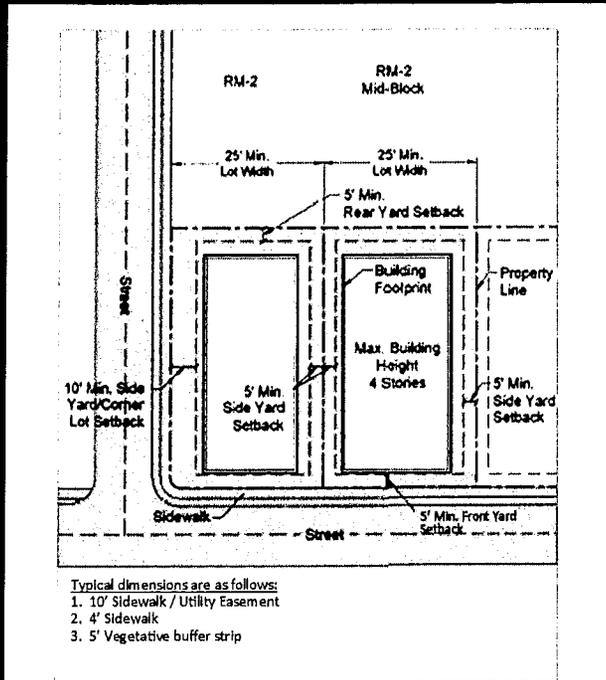
3.7.7 R1-A - Special Apartment Use Zoning District – NO ILLUSTRATIONS AVAILABLE

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.

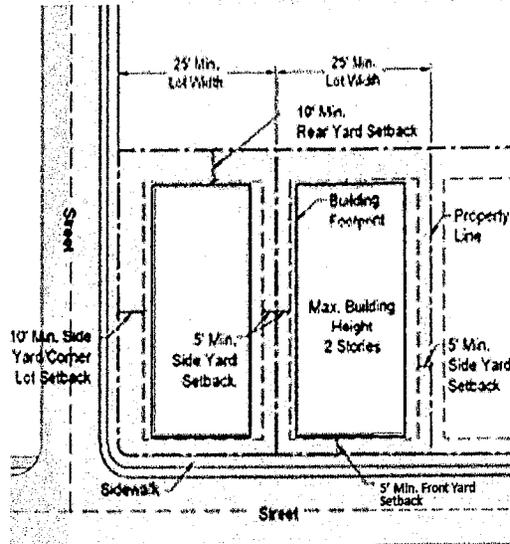
Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	15 ft	N/A
Front Setback	5 ft ^{1,2}	10 ft
Side Setback	5 ft [10 ft street side] ³	N/A
Rear Setback	5 ft	N/A
Building Height	N/A	4 stories



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



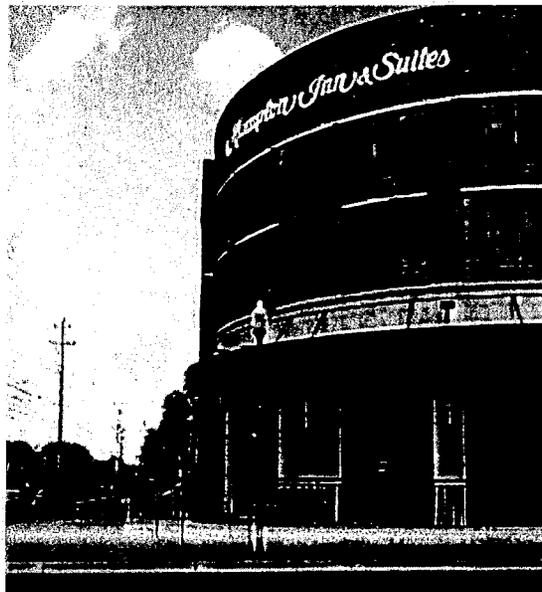
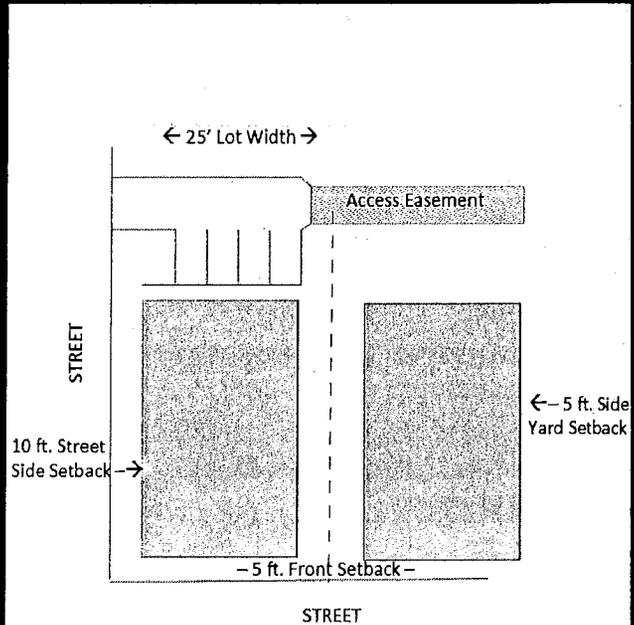
- Typical dimensions are as follows:
1. 10' Sidewalk / Utility Easement
 2. 4' Sidewalk
 3. 5' Vegetative buffer strip



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.

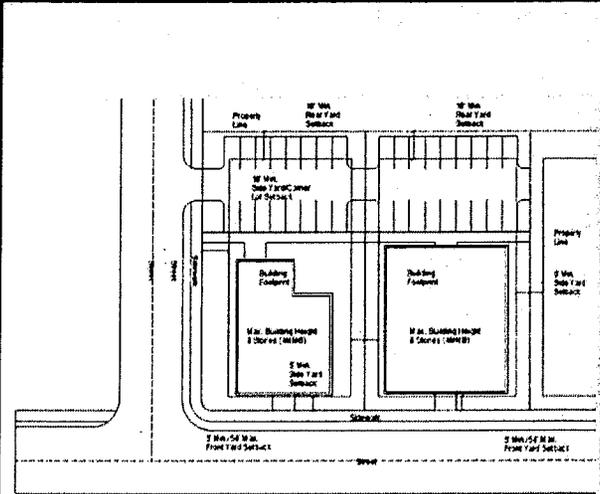
Lot Dimensions		
	Min.	Max.
Lot Size	N/A	N/A
Lot Width	25 ft	N/A
Front Setback	5 ft ^{1,2}	10 ft
Side Setback	5 ft / 10 ft	N/A
Rear Setback	10 ft	N/A
Building Height	N/A	4 stories



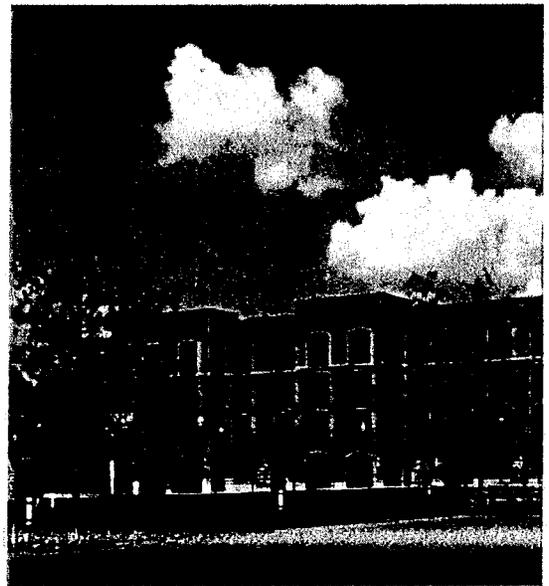
C-H ZONING DISTRICT PROFILE

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

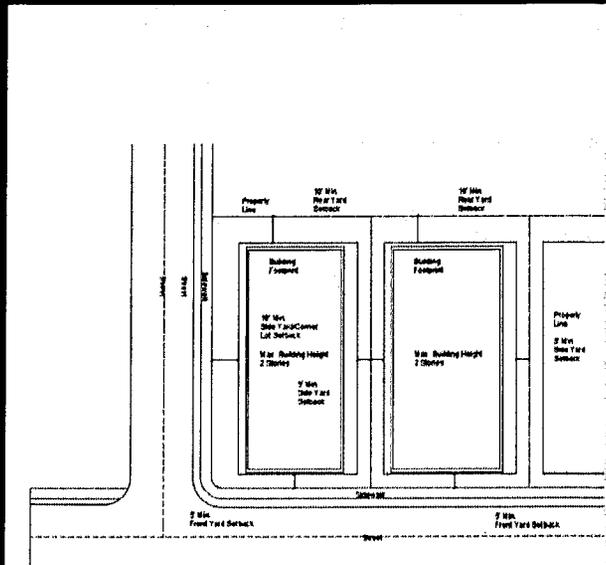


3.7.12 M1 – Manufacturing & Warehousing Zoning District

**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

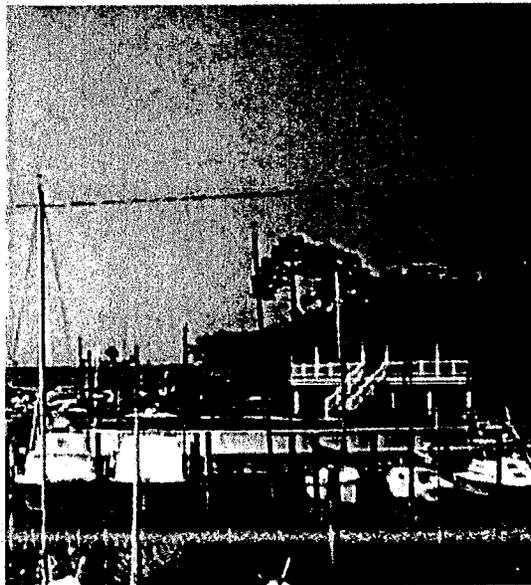
The C-P District is intended for land and buildings owned by a government entity and used by the public, non-profits, or charitable entities to provide a community service. Should ownership of the property change from public to private, the property shall be removed from the C-P zoning district.

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.



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 in 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 shall be located in the rear and side yard, except for a front-loading garage and carport.**

(Ord. No. 2021-26)

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 3.4: 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.

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		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	
Code	Description																	
S1110	Single Family Detached units	P	P	P	P	P	P	P	See Footnotes 12 and 13 - Below	P	P	☒	-	-	-	-	C	
S1120	Single Family Attached units	-	-	-	-	-	☒	☒		☒	☒	☒	☒	-	-	-	-	☒
S1121	Duplex structures	-	-	-	-	-	-	P		P	P	☒	☒	-	-	-	-	-
S1130	Accessory structures units	P	P	P	P	P	P	P		☒	☒	☒	☒	-	-	-	-	☒
S1140	Townhouses	-	-	-	-	-	-	-		P	P	☒	☒	-	-	-	-	-
	<u>Condominiums</u>	-	-	-	-	-	-	-		☒	☒	☒	☒	-	-	-	-	-
1160	Manufactured housing			-	P	-	P	-		C	C	C	-	-	-	-	-	-
S1200	Multifamily Dwelling Units/ Apartments	-	-	-	-	-	-	-		P	P	P	☒	☒	-	-	-	-
F1200	Housing services for the elderly								P	P	P	☒	☒					

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	-	-	-	-	
F-1320	Residential Short-term rental	C	C	C	C	C	C	C		C	-	-	-	-	-	-	
F-1320	Commercial Short-Term Rental	-	-	-	-	-	-	-		-	P	P	P	-	P	-	
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		C	C	P	-	-	-	-	-
S-2611	Loft building	-	-	-	-	-	-	C		C	C	P	-	-	-	-	-
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	-	-	-
	Car Wash	=	=	=	=	=	=	=		=	C	C	P	P	-	-	=
F-2116	Fuel Sales or Fuel Pumps ⁽¹⁾	-	-	-	-	-	-	-		-	-	-	p ¹	p ¹	P	-	P
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	-	-	-	-	-	-	-		C	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	-	-	-	-	-	-	-	-	EP	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	-	-	-	-	-	-	-	-	EP	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	-	-	-
F4100	Transportation services	-	-	-	-	-	-	-		-	-	-	P	P			
F4138	Vehicle Dismantling, Storage	-	-	-	-	-	-	-		-	-	-	p ⁸	p ⁸			
	<u>Parking Lot (Stand Alone)</u>	-	-	-	-	-	-	-		-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>P</u>
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>E</u> <u>P</u>		<u>E</u> <u>P</u>	<u>E</u> <u>P</u>	<u>E</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>E</u> <u>P</u>	<u>E</u> <u>P</u>	<u>E</u> <u>P</u>	<u>E</u> <u>P</u>	P	<u>E</u> <u>P</u>	-	-
F-6140	Technical, trade, and other specialty schools	-	-	-	-	-	-	-		<u>E</u> <u>P</u>	<u>E</u> <u>P</u>	<u>E</u> <u>P</u>	P	-	<u>E</u> <u>P</u>	-	-

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-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	-	-	-	-	-	-	-		CP	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 P	C P	C P	C P	- P	C P	C P		C P	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 P		C P	C P	C P	C P	C P	C P	-	C P						

(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:
- Not located within fifty (50) feet of the property line of a church, school, hospital, rest home, nursing home, playground or residential dwelling(s).
 - 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.
 - 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.
 - 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:
- Not located within two hundred (200) feet of a school, playground or church.
 - No exterior display.
 - 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:
- The animals are confined primarily within the exterior walls of the building except for the use of runs for exercise.
 - 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.
 - 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 to Cleveland Ave Front Beach on the west and to Martin Avenue to the east and including properties that meet the following criteria: 1). Designated as zoning districts RM-2, 2) constructed prior to May 2024 and 3) adjacent to ethel circle. These properties are 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.

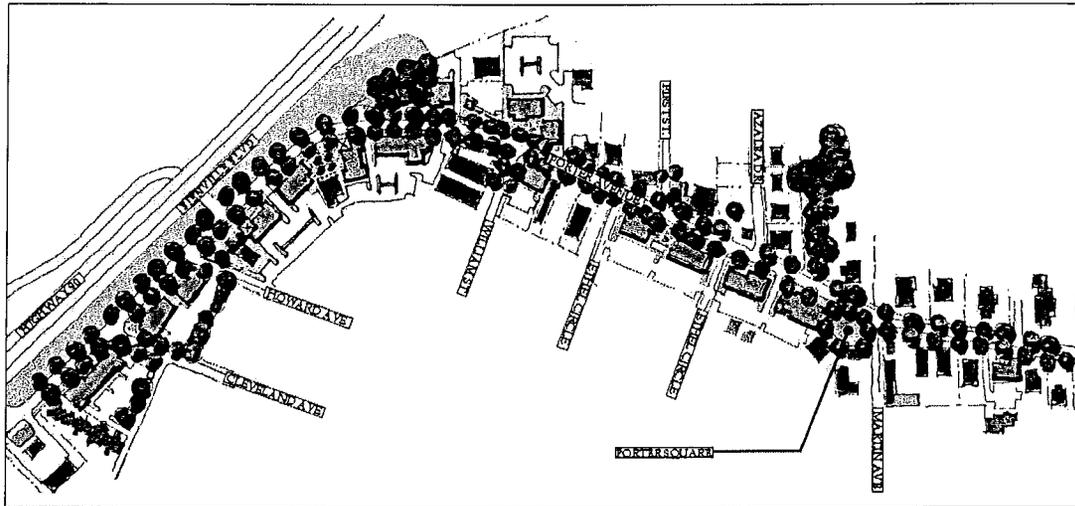


Figure 3. 3: Porter Avenue District

- 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*.

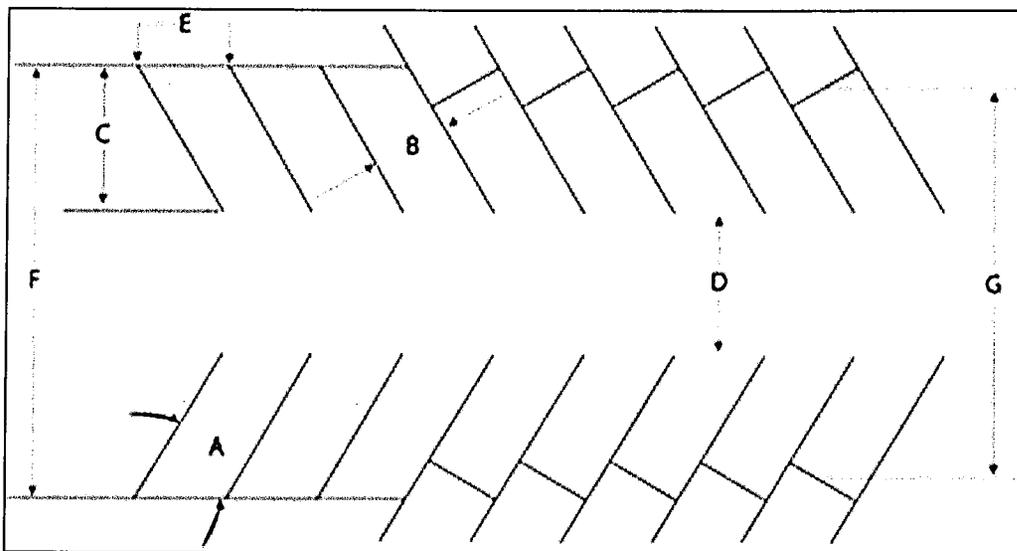
TABLE 4.7.1: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES ¹						
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT) ²	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW WIDTH CURB TO CURB (FT)	DOUBLE ROW WIDTH CENTER TO CENTER (FT)
A	B	C	D	E	F	G
0	9	9	24	23	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
CMX-1	CMX-1 commercial district the minimum number of required spaces is 25% of the required spaces, if current parking count regulations cannot be achieved.
CMX -2	CMX-2 commercial district the minimum number of required spaces is 50% the designated spaces if current parking count regulations cannot be achieved.
Shared parking	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,
Existing Commercial Buildings	Existing buildings that have been used as a commercial building are exempt from complying with the parking requirements of this article.

- 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. **Accessory structures shall be located in the side or rear yard when the lot size or configuration prohibit it.**

10. Directly serve the principal use or structure
11. Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
12. An accessory use can be attached or detached from the principal unit.
13. Accessory structures can be residential, commercial, or industrial in zoning.

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)~~ **five (4.5) 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

(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;

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 or 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 of historic significance 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.

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.

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

Bat 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.

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

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.

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. As used in this Chapter, 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. A condominium is considered a multifamily dwelling that is owner-occupied or rented for a minimum of 30 days or more.

Conference or Training Center: A facility designed to accommodate less than 500 persons and 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.

Flood Insurance Study (FIS) – SEE APPENDIX A.

Floodplain Management – SEE APPENDIX A.

Floodplain Management Regulations – SEE APPENDIX A.

Floodplain – SEE APPENDIX A.

Flood-proofing Certificate – SEE APPENDIX A.

Floodway Fringe – SEE APPENDIX A.

Floodway – SEE APPENDIX A.

Floor Area Ratio (FAR) is the ratio of the total building floor area in square feet to the total land area in square feet, based upon a 1:0 ratio, constituting a one-story building or structure occupying 100% of the underlying land.

Floor Area is the sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. Floor area includes the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

Food-handling establishment: A buffet, lunchroom, lunch counter, restaurant, café, dining room, hotel, bakery, soda fountain, soft drink stand, grocery store, meat market, packing house, poultry market, fish market, hamburger stand, ice cream wagon, lounge, bar, and every other public place where food is processed, served, prepared, sold, or given to the public for consumption, or where eating and drinking utensils are washed, cleaned or sterilized, or reused in any way or use by the public in said food-handling establishment.

Freeboard – SEE APPENDIX A.

Frontage: That edge of a lot bordering a street.

Frontage Street is a street to be constructed by the developer or any existing street where development shall take place on both sides.

Functionally dependent use – SEE APPENDIX A.

Garage apartment: A dwelling unit attached to a private garage.

Garage, private: An accessory building or a part of a main building used for storage purposes for one or more automobiles.

Garage, public: Any building other than a private garage, available to the public for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

Garage, storage: A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Group home for the handicapped: A dwelling shared by four (4) or more handicapped persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling them to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having:

1. A physical or mental impairment that may substantially limit one or more of such person's major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment. However, "handicapped" shall not include any person currently using, or involved in any program of recovery from, the use of or addiction to alcohol or a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Habitable Structure is a structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

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 live/work building is located on its own lot with the commercial component limited to the ground level.

Local Governing Board. (Abbreviated as "board.") The mayor and board of aldermen of the City of Ocean Springs. For all intents and purposes of this article, the terms "board" and "city" shall be interchangeable.

Lot: A plot of land of not less than the minimum dimensions established by this ordinance, occupied or capable of being occupied by a single building for any use as defined in this ordinance.

Lot area: The total area included within the front, side and rear lot lines.

Lot, corner: A plot of land located at the intersection of and abutting on two (2) or more streets.

Lot depth: The average horizontal distance between the front lot line and the rear lot line.

Lot, double-frontage: A lot, other than a corner lot, which has frontage on more than one street.

Lot frontage: That dimensions of a lot or portion of a lot abutting on a street.

Lot, interior: A lot other than a corner lot.

Lot lines: The lines bounding a lot as defined herein.

Lot of record: A lot, the plat of which has been recorded in the office of the chancery clerk of Jackson County.

Lot width: The width of a lot at the front building line.

Lowest adjacent grade means the elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system. As it relates to Floodplain Management, SEE APPENDIX A.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation provisions of this Code. As it relates to Floodplain Management, SEE APPENDIX A.

Maintenance Guarantee is a security instrument required by a City to ensure that public or nonpublic improvements will be operated, maintained, and repaired for a period of time following construction of the improvement as specified in a development order.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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.

Object. A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. Examples: statues and fountains.

Ocean Springs Floodplain Management Map means that map produced and adopted by the community utilizing any base flood elevation and floodway data available from a federal, state, or other sources.

Ordinary Repair and Maintenance is work, the purpose and effect of which is to correct any deterioration or decay of or damage to a building, object, or structure, and to restore it as nearly as practicable to its condition prior to the deterioration, decay, or damage.

Outdoor Storage is keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

Overhang: That portion of a roof or other structural appendage which projects out past the main building wall of the structure.

Owner of Record is the means the persons having legal and equitable title to the property as recorded in the real property records of Ocean Springs.

Owner of Record, Historic Resource. The owner of an historic resource reflected on the current county or city tax roll.

Parcel is an area of land not dedicated for public or common use capable of being described with such definiteness that its location and boundaries may be established and includes but is not limited to lots.

Parking Lot is an off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of an automobile dealership.

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.

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.

Nonconforming Structure is a building or structure that was lawfully erected prior to the adoption or amendment of the City's land development regulations but that no longer complies with all the regulations applicable to the zoning district in which the structure is located.

Nonconforming Use is the use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of the UDC.

Nonconformity is a nonconforming use, sign, lot, parcel, building, site, or structure.

Nudity or state of nudity means the appearance of a human bare buttock, anus, male genitals in a discernible turgid state, female genitals, even if completely and opaquely covered. It also means the exposure to view of bare female breasts or the employment of any device or covering intended to give the appearance of or simulate a female breast.

Nuisance is anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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 or parcels adjoining the right-of-way, and is not included within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency shall be dedicated to the appropriate public agency by the owner of the land on which the right-of-way is established.

Riparian is land that contains or abuts a swamp, bayou, spring, stream, river, natural wetlands, and natural animal habitats associated with water or natural wetlands, or tree and vegetation areas associated with water or natural wetlands.

Scale is the relationship of a building or structure to its surroundings with regard to its size, height, bulk, and/or intensity.

Security is a letter of credit, surety bond or cash escrow provided by the Applicant to secure conditions imposed in a development order.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. (Abbreviated as "Secretary's Standards.") A federal document delineating ten (10) standards and numerous guidelines for the sensitive rehabilitation and preservation of historic buildings. The

Secretary's Standards shall be used as the guideline for judging all applications for a certificate of appropriateness.

Setback, front is the distance between the front wall of a building, excluding roof overhangs of less than 42 inches, steps and stoops, and the street line nearest to the building. Establishes the minimum required yard and governs the placement of structures and uses on the lot.

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) Activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity or semi-nudity.

Sexually oriented business means an adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Short-term rental: Any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty (30) consecutive days. For the purposes of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, "short-term rental" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The term "short-term rental" does not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families.

Sidewalk is the portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines, which is improved and designed for or is ordinarily used for pedestrian travel.

Single Family Detached House is a dwelling unit on its own lot, detached from structures on adjoining 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 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 highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, or the average elevation of the finished grade along the front of the building, were it set back from the street.

Story, half is a space under a sloping roof that has the line of intersection of the roof and the exterior wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) per cent of the total floor area of the story directly beneath.

Street, arterial: A street with traffic signals at important intersections and stop signs on side streets, and which collects and distributes traffic to and from collector streets.

Street, collector: A street which carries traffic from minor streets to the major street system. These streets include the principal entrance streets of residential developments and the primary circulating streets within such developments. Total traffic volume should not exceed 3000 ADT.

Street, minor: A street of limited continuity, having primary function of providing service and access to abutting properties, and not designed or intended to carry large traffic volumes, but having sufficient width for occasional parking. Total traffic volume should not exceed 1500 ADT.

Street, private: A platted right-of-way that is privately owned and maintained which affords principal means of vehicular access to property abutting thereon and provided limited local traffic circulation among adjacent lots.

Street, stub: A portion of a street for which an extension has been proposed or approved.

Streetscape is the general appearance of a block or group of blocks with respect to the structures, setbacks from public rights-of-way, open space, and the number and proportion of trees and other vegetation.

Structure. Anything constructed or erected that requires location on the ground (excluding swimming pools, fences, and walls used as fences). As it relates to Floodplain Management, SEE APPENDIX A.

Substantial Alteration is an alteration where the work area exceeds 50% of the aggregate area of the building or structure.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Sustainable Design and Improvement Standards are standards requiring utilization of green construction and neighborhood development materials and techniques for residential and non-residential development equivalent to the minimum of either the BUILD GREEN NM Bronze Level ANSI Standard ICC 700 (2008) (for residential projects only), approved by the Build Green NM Advisory Board, or the LEED-NC, LEED-EB, LEED-CS, LEED-CI, LEED-H and LEED-ND at the Silver Standard or greater, to achieve sustainability, green development, renewable energy, reduction of greenhouse gases, environmental 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 regulations, and extending from the front line of the principal building to the rear line of the principal building.

(Ord. No. 2020-06, § V, 2-18-20) / (Ord. No. 2022-05, §3, 07-05-22) / (Ord. No. 2024-02, 04-02-24)

- 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.