

**Mayor & Board of Aldermen
SPECIAL CALL WORK SESSION MEETING**

Friday, January 16, 2026 @ 4:30 PM

Location: City Hall Boardroom - 1018 Porter Avenue - Ocean Springs, MS 39564

The object of the meeting will be any matters pertaining to:


1. At the January 6, 2026, Regular Meeting of the Board of Aldermen, Alderman Messenger, seconded by Alderman Tillis, made a motion to schedule a work session to discuss a potential amendment to the City's Floodway Ordinance to allow construction within floodways when supported by a FEMA issued certificate.

It was later agreed that the work session will be held on Friday, January 16, 2026, at 4:30 p.m.

This meeting will be a work session only, and no official action will be taken.



Mayor Cox



Deputy City Clerk V. Hupe

City of Ocean Springs

ORDINANCE NO. 2020-06

AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF OCEAN SPRINGS, MISSISSIPPI; TO ADOPT APPENDIX A TO REPLACE MULTIPLE CHAPTERS WITHIN THE UNIFIED DEVELOPMENT CODE RELATING TO FLOOD DAMAGE MANAGEMENT AND PREVENTION; AND FOR RELATED PURPOSES

WHEREAS, the Unified Development Code for the City of Ocean Springs provides laws to govern development within the City; and

WHEREAS, the City of Ocean Springs currently has a Unified Development Code chapter titled “Approval Criteria – Flood Hazards” located in Chapter 2.16.6; and

WHEREAS, the City of Ocean Springs currently has a Unified Development Code chapter titled “Floodplain Development Permit” located in Chapter 2.36; and

WHEREAS, the City of Ocean Springs currently has a Unified Development Code chapter titled “Flood Damage Prevention” located in Chapter 4.14; and

WHEREAS, the City of Ocean Springs currently has a Unified Development Code chapter titled “Rules of Construction and Definitions” located in Chapter 7.2 with various flood-related definitions outlined therein; and

WHEREAS, the Unified Development Code chapters outlined above relating to flood damage management and prevention are outdated and not fully compliant with the Federal Emergency Management Agency and Mississippi Emergency Management Agency’s guidelines; and

WHEREAS, the existing floodplain management and prevention chapters of the Unified Development Code, including Chapters 2.16.6, 2.36 and 4.14 should be deleted in their entirety and subsequently incorporated into the new Flood Damage Management and Prevention Ordinance to be inserted in the Ocean Springs Unified Development Code as outlined below; and

WHEREAS, the definitions in Chapter 7.2 of the Unified Development Code relating to flood plain management and prevention should be revised and/or deleted as outlined below in order to be fully compliant with FEMA guidelines; and

WHEREAS, the proposed Appendix A is a document which has been reviewed and approved by Mississippi Emergency Management Agency as fully compliant with the Federal Emergency Management Agency; and

WHEREAS, the proposed Appendix A fully embodies what is to be deleted and/or revised in the City’s Unified Development Code, and is attached hereto as Exhibit “A”; and

WHEREAS, the appropriate placement of the new Flood Damage Management and Prevention Ordinance is Appendix A; and

WHEREAS, the Appendix A shall be deemed “The City of Ocean Springs Flood Damage Prevention Ordinance”; and

WHEREAS, the Appendix A shall be revised and replaced in its entirety should FEMA and/or MEMA issue updated regulations in order for the City of Ocean Springs to remain fully compliant with said regulations; and

WHEREAS, it is the opinion of the Planning Department and the Building Department that the Unified Development Code revisions occur and that Appendix A be adopted as the City’s Flood Damage Prevention Ordinance; and

WHEREAS, it is in the best interest of the City of Ocean Springs to revise Chapters 2.16.6, 2.36, 4.14 and 7.2 and to adopt Appendix A to the Unified Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Board of Aldermen of the City of Ocean Springs as follows:

SECTION 1: The findings, conclusions and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein.

SECTION 2: Chapters 2.16.6 of the existing floodplain management and prevention Section of the Unified Development Code referenced is hereby deleted, as follows:

2.16.6 **Approval Criteria – Flood Hazards:** See Appendix A.

~~In passing upon such applications for development within a FEMA designated Flood Hazard Zone, the ZAB shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:~~

- ~~A. The danger that materials may be swept onto other lands to the injury of others;~~
- ~~B. The danger of life and property due to flooding or erosion damage;~~
- ~~C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~D. The importance of the services provided by the proposed facility to the community;~~
- ~~E. The necessity to the facility of a waterfront location, where applicable, provided it conforms to the Waterview Protection guidelines;~~

- ~~F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
- ~~G. The compatibility of the proposed use with existing and anticipated development;~~
- ~~H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
- ~~I. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~J. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site;~~
- ~~K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;~~
- ~~L. Upon consideration of factors listed above, and the purpose of this article, the Board of Aldermen may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article;~~
- ~~M. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;~~
- ~~N. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;~~
- ~~O. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;~~
- ~~P. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;~~
- ~~Q. Any Applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation; and~~

~~R. The Building Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or Mississippi Emergency Management Agency upon request.~~

SECTION 3: Chapters 2.36 of the existing floodplain management and prevention Section of the Unified Development Code referenced is hereby deleted, as follows:

2.36 FLOODPLAIN DEVELOPMENT PERMIT – See Appendix A.

~~2.36.1 Designation of Flood Damage Prevention Article Administrator~~

~~The Board of Aldermen of the City of Ocean Springs hereby appoint the Building Official as the Floodplain Administrator to administer and implement the provisions of this article.~~

~~2.36.2 Permit Procedures~~

~~Application for a development permit shall be made to the Building Official/Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:~~

~~A. Application stage~~

- ~~1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;~~
- ~~2. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;~~
- ~~3. Certificate from a registered professional engineer or architect that the nonresidential flood-proofed building will meet the floodproofing criteria establish in this UDC and~~
- ~~4. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.~~

~~B. Construction stage: Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Building Official a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.~~

~~C. — Any work undertaken prior to submission of the certification shall be at the permit holder's risk. (The Building Official shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.~~

~~2.36.3 Powers, Duties and Responsibilities of the Building Official~~

~~The Building Official and/or staff is hereby authorized and directed to enforce the provisions of this article. The Building Official is further authorized to render interpretations of this article, which are consistent with its spirit and purpose.~~

~~A. — Right of entry.~~

~~1. — Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or article violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty by this article.~~

~~2. — If such building or premises are occupied, the Building Official shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.~~

~~3. — If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.~~

~~4. — When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this article.~~

~~B. — Stop work orders. Upon notice from the Building Official, work on any building, structure or premises that is being done contrary to the provisions of this article shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.~~

~~C. — Revocation of permits.~~

- ~~1.—The Building Official may revoke a permit or approval, issued under the provisions of this article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.~~
- ~~2.—The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.~~

~~D.—Duties. Duties of the Building Official shall include, but not be limited to:~~

- ~~1.—Review all development permits to assure that the permit requirements of this article have been satisfied.~~
- ~~2.—Advise permittee that additional federal or state permits may be required. In all situations, the applicant is responsible for determining the appropriate permits.~~
- ~~3.—Notify adjacent communities, the state NFIP coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.~~
- ~~4.—Review certified plans and specifications for compliance.~~
- ~~5.—Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.~~
- ~~6.—When base flood elevation data or floodway data have not been provided, then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer these provisions.~~
- ~~7.—Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.~~
- ~~8.—Provide information, testimony, or other evidence, as needed during variance request hearings.~~
- ~~9.—When damage occurs to a building or buildings, the following actions shall be conducted:
 - ~~i.—Determine whether damaged structures are located within the special flood hazard area;~~
 - ~~ii.—Conduct damage assessments for those damaged structures located in the SFHA; and~~~~

- iii. ~~Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit/floodplain development permit prior to repair, rehabilitation, or reconstruction.~~

SECTION 4: Chapters 4.14 of the existing floodplain management and prevention Section of the Unified Development Code referenced is hereby deleted, as follows:

4.14 FLOOD DAMAGE PREVENTION – SEE APPENDIX A.

~~4.14.1 Statutory Authorization~~

~~The Legislature of the State of Mississippi has in Title 17, Chapter 1, Mississippi Code 1972 annotated, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Aldermen of the City of Ocean Springs do hereby adopt the following floodplain management regulations.~~

~~4.14.2 Findings of Fact~~

- ~~A. The flood hazard areas of the City of Ocean Springs are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~
- ~~B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.~~

~~4.14.3 Statement of Purpose~~

~~It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:~~

- ~~A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights velocities;~~
- ~~B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;~~

- ~~D.— Control filling, grading, dredging and other development which may increase erosion or flood damage; and~~
- ~~E.— Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.~~

4.14.4—Objectives

~~The objectives of this article are:~~

- ~~A.— To protect human life and health;~~
- ~~B.— To minimize expenditure of public money for costly flood control projects;~~
- ~~C.— To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~
- ~~D.— To minimize prolonged business interruptions;~~
- ~~E.— To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;~~
- ~~F.— To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and~~
- ~~G.— To ensure that potential homebuyers are notified that property is in a flood area.~~

4.14.5—Methods of Reducing Flood Losses

~~In order to accomplish its purposes, this article includes methods and provisions for:~~

- ~~A.— Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;~~
- ~~B.— Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~C.— Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;~~
- ~~D.— Controlling filling, grading, dredging, and other development which may increase flood damage; and~~
- ~~E.— Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.~~

4.14.6—Lands to Which This Article Apply

~~This article shall apply to all areas of special flood hazard and advisory flood hazard as determined by the Flood Plain Administrator or other delegated, designated, or qualified community official from available technical studies, historical information, and other~~

~~available and reliable sources within the jurisdiction of the City of Ocean Springs that may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Ocean Springs, Mississippi.~~

~~4.14.7—Basis for Establishing the Areas of Special Flood Hazard~~

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in the Jackson County Flood Insurance Study (FIS), dated March 16, 2009, with the accompanying Flood Insurance Rate Map numbers 2852590001D, 2852590002D, 2852590003D, 2852590004D, 2852590006D, 2852590007D, and 2852590008D all dated November 16, 2007, and other supporting data are adopted by reference and declared to be a part of this article. The flood insurance study and/or maps are on file at the building department, City of Ocean Springs.~~

~~(Ord. No. 4-2009, Art. 3, § B, 2-3-09)~~

~~4.14.8—Use of preliminary flood hazard data.~~

~~When preliminary flood insurance rate maps and/or flood insurance studies have been provided by FEMA:~~

- ~~A. —Prior to the issuance of a letter of final determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~
- ~~B. —Upon the issuance of a letter of final determination (LFD) by FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.~~

~~(Ord. No. 4-2009, Art. 3, § C, 2-3-09)~~

~~4.14.9—Establishment of Floodplain Development Permit~~

~~A development permit shall be required in conformance with the provision of this article prior to the commencement of any development activities in the areas of special flood hazard.~~

~~4.14.10—Compliance~~

~~No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.~~

~~4.14.11—Abrogation and Greater Restrictions~~

~~This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~4.14.12—Interpretation~~

~~In the interpretation and application of this article all provisions shall be:~~

- ~~A.—Considered as minimum requirements;~~
- ~~B.—Liberally construed in favor of the governing body; and~~
- ~~C.—Deemed neither to limit nor repeal any other powers granted under state statutes.~~

~~4.14.13—Warning and Disclaimer of Liability~~

~~The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions.~~

~~Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Ocean Springs or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.~~

~~4.14.14—Penalties; Violation~~

~~Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Flood Plain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.~~

~~4.14.15—General Standards~~

~~In all areas of special flood hazard the following provisions are required:~~

- ~~A.—New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~

- ~~B.—Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.~~
- ~~C.—New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- ~~D.—New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.~~
- ~~E.—Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of eighteen inches (18") above the base flood elevation or eighteen inches (18") above the advisory base flood elevations, whichever is greater.~~
- ~~F.—New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~
- ~~G.—New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.~~
- ~~H.—On-site waste disposal systems shall be located and constructed to avoid impairment or contamination from them during flooding.~~
- ~~I.—Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this article shall meet the requirements of "new construction" as contained in this article.~~
- ~~J.—Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this article, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.~~
- ~~K.—New construction and substantial improvement of any building shall have the lowest floor (including basement) located a minimum of one foot above the base flood elevation or one foot above the advisory base flood elevations, or at least one foot above the centerline of the designated street, unless the topography of the property does not allow for strict adherence as determined by the Flood Plain Administrator, whichever is greater.~~
- ~~L.—New construction and substantial improvements built on fill shall be constructed on the properly designed and compacted fill that extends beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour.~~

4.14.16—Specific Standards

~~In all areas of special flood hazard where base flood elevation data have been provided, as set forth in section 7-197, the following provisions are required:~~

~~A.—Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation or one foot above the advisory base flood elevations, whichever is greater; should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (3).~~

~~B.—Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation or one foot above the advisory base flood elevations, whichever is greater; buildings located in an A-Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the base flood elevation (plus any community free board) are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 7-206(4).~~

~~C.—Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations or one foot above the advisory base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~1.—Enclosed areas, including crawl spaces, that are below the design flood elevation shall:~~

~~i.—Be used solely for parking of vehicles, building access or storage;~~

~~ii.—Be provided with flood openings which shall meet the following criteria:~~

- ~~●—There shall be a minimum of two (2) openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.~~
- ~~●—The total net area of all openings shall be at least one square inch for each square foot (two hundred seventy five (275) millimeters for each square meter) of enclosed area.~~
- ~~●—The bottom of each opening shall be one foot (three hundred five (305) millimeters) or less above the adjacent ground level.~~
- ~~●—Openings shall be at least three (3) inches (seventy-six (76) millimeters) in diameter.~~
- ~~●—Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.~~

- ~~Openings installed in doors and windows are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.~~
- ~~Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);~~
- ~~The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;~~
- ~~Property owners shall be required to execute a floodplain venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will not violate the requirements of this subsection.~~

~~D. *Detached accessory buildings.* Detached storage buildings, sheds, garages or other like accessory improvements, shall be elevated no lower than one foot above base flood elevation or the advisory flood elevation, whichever is greater. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or floodproofed. Openings to preclude hydrostatic loading and allow ventilation as provided in this subsection shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.~~

~~E. *Anchoring.* Accessory improvements and other apparent structures shall be firmly anchored to prevent flotation that may result in damage to other structures.~~

~~F. *Non-conversion agreement.* Property owners shall be required to execute a non-conversion agreement declaring that the area below the lowest floor or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area at any time.~~

~~G. *Standards for manufactured homes and recreational vehicles.*~~

- ~~1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in existing manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring. Manufactured homes must be:~~

- ~~i. Elevated on a permanent foundation;~~
 - ~~ii. Have its lowest floor elevated no lower than one foot above the level of the base flood elevation, or one foot above the advisory base flood elevation, whichever is greater; and~~
 - ~~iii. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.~~
- ~~2. All recreational vehicles placed on sites must either:
 - ~~i. Be on site for fewer than one hundred eighty (180) consecutive days;~~
 - ~~ii. Be fully licensed and ready for highway use; or~~
 - ~~iii. Must meet all the requirements for new construction, including anchoring and elevation.~~~~
- ~~3. A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Mississippi motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. All recreational vehicles, which are not self-propelled, must comply with FEMA Technical Bulletin "Guidelines for the Placement of Temporary Structures in Special Flood Hazard Areas."~~
- ~~4. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.~~
- ~~5. *Floodways.* Located within areas of special flood hazard established in Section 4.14.7 above, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - ~~i. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;~~
 - ~~ii. The placement of manufactured homes (mobile homes) is prohibited;~~
 - ~~iii. Development or land disturbing activity shall not be permitted within the boundaries of the regulatory floodway unless the potential effect of such on flood heights is fully offset by accompanying improvements which have been approved by appropriate federal, state, and local authorities; and~~~~

~~iv.—Permissible uses within the floodway may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require certification (with supporting technical data) by a registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The uses in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.~~

~~4.14.17—Standards for Streams without Established Base Flood Elevation and/or Floodways~~

~~Located within the areas of special flood hazard established in Section 4.14.7, where flood sources exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:~~

~~A.—When base flood elevation data or floodway data have not been provided in accordance with Section 4.14.7, then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of division 3. If data is not available from outside sources, then the following provisions shall apply.~~

~~1.—In special flood hazard areas with base flood elevations (Zones A, AE) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.~~

~~2.—No encroachments, including fill material or structures, shall be located within a distance of twenty-five (25) feet from each side from the top of the bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

3. ~~When base flood elevation data or floodway data are not available, new construction or substantial improvements of structures shall be elevated or floodproofed to elevations established and adopted by the community. The Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this article. The reference for this action is to be FEMA-265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation", dated July 1995.~~

4.14.18 ~~Standards for Shallow Flooding (AO/AH Zones)~~

~~Located within the areas of special flood hazard established in section 7-197, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three (3) feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:~~

~~A. All new construction and substantial improvements of residential structures shall:~~

1. ~~Have the lowest floor, including basement, elevated to or above either the base flood elevation plus eighteen inches (18") of freeboard or elevated eighteen inches (18") above the advisory base flood elevation, whichever is the greater~~
2. ~~In Zone AO/AH, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet plus at least eighteen inches (18") of freeboard above the highest adjacent grade.~~

~~B. All new construction and substantial improvements of nonresidential structures shall:~~

1. ~~Have the lowest floor, including basement, elevated to or above either the base flood elevation plus eighteen inches (18") of freeboard or elevated eighteen inches (18") above the advisory base flood elevation, whichever is the greater. In Zone AO/AH, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet plus at least eighteen inches (18") of freeboard above the highest adjacent grade; or~~
2. ~~Together with attendant utility and sanitary facilities the structure must be completely floodproofed either to the base flood elevation plus eighteen inches (18") of freeboard or elevated eighteen inches (18") above the advisory base flood elevation, whichever is the greater. In AO/AH zones, to or above the specified flood depth so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section 4.14.16.~~

~~4.14.19 Standards for Subdivision Proposals~~

- ~~A. All subdivision proposals shall be consistent with the need to minimize flood damage~~
- ~~B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;~~
- ~~C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and~~
- ~~D. Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than six (6) lots or five (5) acres, whichever is the lesser.~~

~~4.14.20 Coastal High Hazard Areas~~

~~Located within areas of special flood hazard, or advisory flood hazard, established in section 7-197 are coastal high hazard areas, designated as zones V1-V30, VE and/or V, adjacent A1-30 zones, any adjacent B zones and coastal A zones as identified on flood insurance study dated August 18, 1992. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this article, the following provisions shall also apply:~~

- ~~A. All new construction and substantial improvements in coastal high hazard areas shall be elevated on pilings and columns so that:
 - ~~1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated eighteen inches (18") or more above the base flood level or eighteen inches (18") or more above the advisory base flood elevation, whichever is greater; and~~
 - ~~2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a 1% chance of being equaled or exceeded in a given year (one hundred year mean recurrence interval).~~~~
- ~~B. A registered professional engineer shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions and provide a V zone certificate. All plans, structural designs, specifications, and methods of construction must be signed and sealed.~~

- ~~C.—Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures coastal high hazard areas. The Floodplain Administrator shall maintain a record of all such information.~~
- ~~D.—All new construction shall be located landward of the reach of mean high tide.~~
- ~~E.—Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Solid breakaway wall enclosures will not exceed two hundred ninety nine (299) square feet. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer certifies that the designs proposed meet the following conditions:~~
- ~~1.—Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and~~
 - ~~2.—The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a 1% chance of being equaled or exceeded in any given year.~~
- ~~F.—Enclosures below elevated building shall be used solely for parking or vehicles, building access, or storage. Such space shall not be used for human habitation.~~
- ~~G.—Prohibit the use of fill for structural support of buildings. Fill may be used on coastal building sites for landscaping and site grading as long as the fill does not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms such that will cause additional damage to buildings on the site or to any adjacent buildings.~~
- ~~H.—Prohibit manmade alteration of sand dunes that would increase potential flood damage. An example of unacceptable placement of fill would be construction of a small beam or retaining wall that is backfilled and used for landscaping purposes when it has been determined that ramping or deflection of floodwaters will adversely affect adjacent buildings and thereby create additional flood damage potential.~~
- ~~I.—The placement of manufactured homes (mobile homes) is prohibited.~~
- ~~J.—Recreational vehicles placed on sites within coastal high hazard areas must either:~~
- ~~1.—Be on the site for fewer than one hundred eighty (180) consecutive days;~~

- 2.— ~~Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
- 3.— ~~Meet the requirements of Section 2.36.2 and Section 4.14.15.~~

4.14.21—Critical Facilities

~~Construction of new or substantially improved critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one-hundred-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet (approximate five-hundred-year floodplain) or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.~~

SECTION 5: The definitions in Chapter 7.2 of the Unified Development Code relating to flood plain management and prevention should be revised and/or deleted, as follows:

7.2 DEFINITIONS

The following are definitions of specialized terms and phrases used in the UDC:

100-year Floodplain is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year, and the area designated as a Federal Emergency Management Agency Zone A, AE or AH on the Flood Insurance Rate Maps. See area of special flood hazard, flood or flooding, and floodplain.

100-year Frequency Rainstorm is the rainstorm having an average statistical frequency of occurrence in the order of once in 100 years, although the rainstorm may actually occur in any year.

~~A Zone means portions of the SFHA (Special Flood Hazard Area) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. Areas of 100-year flood, base flood elevations and flood hazard factors not determined. See Appendix A.~~

~~AE zone is the Special Flood Hazard Area (SFHA) inundated by the 100-year flood for which base flood elevations (BFE) has been determined. 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 structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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 walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction. 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 are 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* means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. See Appendix A.~~

~~*Area of special flood hazard* is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. 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.

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) ~~is the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A and VE that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year. See Appendix A.~~

Base Flood ~~means the flood having a 1% chance of being equaled or exceeded in any given year (also called the “100-year flood”). See Appendix A.~~

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 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.

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 ~~means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. This is associated with V-zone construction. See Appendix A.~~

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

Buffer Strips are roads, open spaces, landscaped areas, fences, walls, berms, railroad right-of-way, or any combination of thereof used to physically separate or screen one use of property from another, so as to visually shield, or block noise, vibration, odor, lights or other nuisances.

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

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

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

Building, alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building or movement of a building from one location to another.

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

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

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

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.

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.

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 A Zone* means the portion of the SFHA landward of a V zone or landward of an open coast without mapped V zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches, not riverine sources. Coastal A zones may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces, and are treated as V zones.~~

~~*Coastal Barrier Resources Act of 1982 (CBRA) and the Coastal Barrier Improvement Act of 1990 and are shown on appropriate FIRM panels.*~~

~~*Coastal Barrier Resources System (CBRS) is found in undeveloped communities, coastal barriers, and other protected areas designated as subject to certain flood coverage restrictions. These areas were identified by the Coastal high hazard area means an area of special flood hazard extending 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. See Appendix A.*~~

~~*Coastal high hazard area is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along the open coast and any other area subject to high velocity wave action from storms or seismic sources. These areas are designated on the FIRM as zone V1-V130, VE or V. See Appendix A.*~~

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

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) is an area that has been determined by the floodplain administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information and other available and reliable source, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams. See Appendix A.~~

~~Community floodplain management map means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source. See Appendix A.~~

~~Community rating system (CRS) is a program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding. See Appendix A.~~

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.

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 unit that portion of a condominium project or subdivision that is designed and intended for separate ownership.

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.

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.

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.

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.

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

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

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

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

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

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

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

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

Earthworks. Any subsurface remains of historical, archaeological, or architectural importance or any unusual ground formations of archaeological significance.

Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Elevated building means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, posts, piers, pilings, or columns.

Elevation Certificate is a certified statement that verifies a building's elevation information as related to the National Flood Insurance Program (NFIP).

Employee: means a person who works or performs, or provides services in connection with a commercial establishment, irrespective of whether said person is paid by a salary or wages, or is an independent contractor, provided such person has a substantial or consistent relationship with the business of, or entertainment/services provided by, the commercial establishment. "Employee" includes, but is not limited to, performs, managers and assistant managers, stock persons, tellers, sales representatives, demonstrators and operators.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Establishment means and includes any of the following: (a) The opening or commencement of any sexually oriented business as a new business; (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; (c) The addition of any sexually oriented business to any other existing sexually oriented business; or (d) The relocation of any sexually oriented business.

Executive Order 11988 (Floodplain Management) issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified Special Flood Hazard Areas, unless there is no practicable alternative.

Existing Construction any structure for which the "start of construction" began before September 11, 1970.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed

before the effective date of the floodplain management regulations adopted by a community before September 11, 1970.

Exterior features. The architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures and natural features such as live trees.

- (1) Signs are controlled by the UDC of the City of Ocean Springs as now existing or hereinafter amended.
- (2) Trees are controlled by Tree Ordinance of the UDC as now existing or hereinafter amended regarding trees.

Family is one or more persons occupying a dwelling and living together as a separate housekeeping unit in one or more rooms with complete living facilities, including kitchen facilities or equipment for cooking or provisions for same, and including a room or rooms for living, sleeping, bathing, and eating. Only for the purposes of defining "single-family," "two-family," and "multi-family" residences in this UDC, the term "family" may also mean a household of not more than four (4) persons, excluding domestic help, who need not be related by blood, marriage, or adoption, living together in a single housekeeping unit. Individuals not related by blood, marriage, or adoption occupying a group home for the handicapped, boarding house, lodging house, hotel, club, fraternity or sorority house, or other similar business type establishments requiring membership dues, transfer payments, rent, or other compensation, in exchange for lodging, do not constitute a household for purposes of this UDC.

Financial Guarantee is a guarantee of performance, in cash, letter of credit or surety bond that is required to be deposited pursuant to the UDC.

~~*Five-Hundred Year Flood* has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the 500 year flood have a moderate to low risk of flooding, displayed on the FIRMs as an X Zone. See Appendix A.~~

~~*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~(a) The overflow of inland or tidal waters;~~
- ~~(b) The unusual and rapid accumulation or runoff surface waters from any source;~~
- ~~(c) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding. See Appendix A.~~

~~*Flood Insurance Rate Map (FIRM)* means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. See Appendix A.~~

~~*Flood Insurance Study (FIS)* the official hydraulic & hydrologic report provided by FEMA, which contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.~~

~~*Flood or Flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source. [See Appendix A.](#)~~

~~*Floodplain Management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. [See Appendix A.](#)~~

~~*Floodplain Management Regulations* means this and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. [See Appendix A.](#)~~

~~*Floodplain* means any land area susceptible to being inundated by flood waters from any source. [See Appendix A.](#)~~

~~*Flood-proofing Certificate* is a form used to certify compliance for non-residential structures as an alternative to elevating buildings to or above the BFE. [See Appendix A.](#)~~

~~*Floodway Fringe* means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis. [See Appendix A.](#)~~

~~*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [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* means a factor of safety, usually expressed in feet above the BFE, which is applied to the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. 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* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities. 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.

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.

Hydrologic and/or Hydraulic Engineering Analysis ~~means an analysis performed by a professional engineer, registered in the State of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries. 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.

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 or Mobile Home* is a dwelling unit transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and constitutes a structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development and Mississippi state code requirements. It is further defined as, when in the traveling mode, is eight body feet or more in width or 32 feet or more in length, or, 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, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g). 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* is the four digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. 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.

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) ~~is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry. See Appendix A.~~

National Geodetic Vertical Datum (NGVD) ~~as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain. 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.

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.

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

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

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.

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 ~~means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event equals or exceeds 25% of the market value of the structure before the damage occurred. Any building that has been damaged from any source is categorized as repetitive loss. Substantially improved existing manufactured home parks or subdivisions where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced also count as repetitive loss properties. 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.

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.

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) ~~means that portion of the floodplain subject to inundation by the base flood and/or flood related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, AH, V, or VE. 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 during any ten-year period in which the cumulative percentage of damage would equal or exceed 50% of the current market value of the building whereby the cost of restoring the structure to its 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 to a building, of a structure taking place during any ten-year period, in which the cumulative percentage of improvement equals or exceeds 50% percent of the current market value of the building structure before the “start of construction” of the improvement. 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 done 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.

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.

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 ~~is that portion of the SFHA inundated by the 100-year flood, coastal floods with velocity hazards (wave action), and base flood elevations are determined.~~ 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.

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.

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.

Water Surface Elevation ~~means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. See Appendix A.~~

Watercourse ~~means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. 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 ~~means the area where the flood hazard is less than that in the SFHA. Shaded X-zones shown on recent FIRMs (B-zones or older FIRMs) designate areas subject to inundation by the flood with a 0.2 per cent annual probability of being equaled or exceeded (the 500-year flood). Unshaded X-zones (C-zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 per cent (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.

SECTION 6: Appendix A of the City of Ocean Springs' Unified Development Code is hereby adopted in substantially the same form as the attached Exhibit "A."

SECTION 7: Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 8: It is hereby declared to be the intention of the Board of Aldermen that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections, paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be declared unconstitutional or otherwise invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

SECTION 9: This ordinance shall take effect immediately, upon unanimous approval, considering the above outlined revisions are needed for the immediate preservation of public peace and/or health and safety of the citizens of the Ocean Springs.


SECTION 10: That, upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi

SECTION 11: The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City of Ocean Springs, Mississippi, as an addition or amendment thereto, and appropriately renumbered to conform with the unified numbering system of the Code.

The above Ordinance having been first reduced to writing, the vote was as follows:

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>
Alderman Cox	<u>Aye</u>

BY THE ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of
Ocean Springs, Mississippi, on this the 18th day of February, 2020.



MAYOR



CITY CLERK

MISSISSIPPI



Mississippi Emergency Management Agency Floodplain Management Bureau



Appendix A

The City of Ocean Springs

Flood Damage Prevention Ordinance

Adoption Date 2/18/20

CITY OF OCEAN SPRINGS

FLOOD DAMAGE PREVENTION ORDINANCE

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FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the state of Mississippi has in Title 17, Chapter 1, Mississippi Code of 1972 Annotated delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Aldermen of the City of Ocean Springs does hereby adopt the following floodplain management regulations.

SECTION B. FINDINGS OF FACT.

- (1) The City of Ocean Springs is subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a floodprone area.

SECTION E. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage, and;
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

A Zone is the Area of Special Flood Hazard without base flood elevations determined.

AE Zone is the Area of Special Flood Hazard with base flood elevations determined.

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

Addition (to an existing building) means any walled and roofed expansion to the perimeter or height of a building. 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 are now new construction.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AR/AE, AR/AH, AR/AO, and AR/A Zones are SFHAs that result from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

A99 Zone is that part of the SFHA inundated by the one percent chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area is also referred to as the Special Flood Hazard Area (SFHA).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "one percent chance flood").

Base Flood Elevation (BFE) is the elevation shown in the Flood Insurance Study (FIS) for Zones AE, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, and VE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement means any portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. This is associated with VE Zone construction.

Building see **Structure**.

Coastal AE Zone means the portion of the Special Flood Hazard Area (SFHA) to be landward of a Velocity (V) Zone or landward of an open coast or back-bay area without mapped V-Zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches or tsunamis; not riverine sources. Coastal AE Zones may be subject to wave effects, velocity flows, erosion, scour or combinations of these forces. All community-identified or designated portions of the Special Flood Hazard Area (SFHA) between the landward limit of moderate wave action (the LiMWA or 1.5-foot breaking wave) and the landward limit of the V Zone boundary shall be regulated as VE Zones. Where no VE Zone is mapped in back-bay areas, the Coastal AE Zone is the portion between the high tide line and the landward limit of the 1.5-foot breaking wave.

Coastal Barrier Resources System (CBRS) is a system of protected coastal areas which also includes otherwise protected areas; subject to certain flood coverage restrictions. These areas were identified by the Coastal Barrier Resources Act of 1982 (CBRA) and the Coastal Barrier Improvement Act of 1990 and are shown on appropriate FIRM panels.

Coastal high hazard area is an area of special flood hazard, extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as VE Zone.

Community is a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Floodplain Management Map means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

Community Rating System (CRS) is a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Community Flood Hazard Area (CFHA) is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Critical facility (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

D Zone is an area in which the flood hazard is undetermined.

Dam is any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Dry Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches of freeboard (more is recommended) in relation to the base flood elevation. Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Coastal AE Zone.

Elevated building means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, pilings, columns, or piers.

Elevation Certificate is a FEMA form used as a certified statement that verifies a building's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance coverage for all insurable buildings in that community before the effective date of the initial FIRM.

Enclosure below the Lowest Floor see "Lowest Floor."

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Executive Order 11988 (Floodplain Management) this order requires that no federally assisted activities be conducted in or have the potential to affect identified Special Flood Hazard Areas, unless there is no practicable alternative.

Executive Order 11990 (Wetlands Protection) this order requires the avoidance of adverse impacts associated with the destruction or modification of wetlands.

Existing Construction means structures for which the "start of construction" commenced before the date of the September 11, 1970. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision includes the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill means a deposit of earthen materials placed by artificial means.

Five-Hundred Year Flood means the flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 0.2 percent chance flood have a moderate risk of flooding.

Flood or flooding means:

A.) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1.) The overflow of inland or tidal waters.
- 2.) The unusual and rapid accumulation or runoff of surface waters from any source.
- 3.) Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B.) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A)(1) of this definition.

Flood (insurance definition) means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or of two or more properties (e.g. a building and a public street) from (1) overflow of inland or tidal waters (2) unusual and rapid accumulation or runoff of surface waters (3) mudflows caused by flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the document which provides an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide and/or flood-related erosion hazards.

Floodplain means any land area susceptible to being inundated by flood waters from any source.

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including

but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing Certificate is an official FEMA form used to certify compliance for non-residential structures in non Coastal High Hazard Areas as an alternative to elevating buildings to or above the base flood elevation.

Floodway See *Regulatory Floodway*.

Floodway fringe means that area of the special flood hazard area on either side of the regulatory floodway.

Flood Protection Elevation is the base flood elevation plus the community freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities and seafood offloading facilities. The term does not include long-term storage, manufacture, processing functions, sales, administrative functions, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional difficulty that would result from a failure to grant the requested variance. The Board of Aldermen requires 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.

Hazard potential means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or mis-operation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way on the current condition of a dam and its appurtenant structures (e.g. safety, structural integrity, and flood routing capacity).

High hazard dam means a class of dam in which failure may cause loss of life, serious damage to residential, industrial, or commercial buildings; or damage to, or disruption of, important public utilities or transportation facilities such as major highways or railroads. Dams which meet the statutory thresholds for regulation that are proposed for construction in established or proposed residential, commercial, or industrial areas will be assigned this classification, unless the applicant provides convincing evidence to the contrary. A development permit is required for a structure and any associated fill downstream from a dam at any location where flooding can be reasonably anticipated from principal or emergency spillway discharges, or from overtopping and failure of the dam.

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

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 the State of Mississippi inventory of historic structures, or;
- d.) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior.

Hydrologic and hydraulic engineering analyses means the analyses performed by a professional engineer, registered in the state of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and /or floodway boundaries.

Increased Cost of Compliance (ICC) coverage means under the standard flood insurance policy the cost to repair a substantially flood damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are floodproofing (nonresidential), relocation, elevation, demolition, or any combination thereof. All renewal and new policies with effective dates on or after June 1, 1997, include ICC coverage.

Letter of Map Change (LOMC) is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies.

Letter of Map Amendment (LOMA)

An amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Levee means a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met. All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised). All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

Limit of Moderate Wave Action (LiMWA) is the limit of the AE Zone category area exposed to wave attack from waves greater than 1.5 feet during the base (one percent chance) flood on open coastal and inland areas exposed to erosion and wave propagation.

Low hazard dam means a class of dam in which failure would at the most result in damage to agricultural land, farm buildings (excluding residences), or minor roads.

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 placed 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.

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.

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."

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.

Map Amendment means a change to an effective NFIP map that results in the exclusion from the SFHA or an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map Panel Number means the four-digit number followed by a letter suffix assigned by FEMA on a FIRM. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised.

Market value means the property value (as agreed between a willing buyer and seller), excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value); or adjusted assessed values.

Mean Sea Level means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) means a vertical control, corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

New Construction means a structure or an addition to an existing structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and any subsequent improvements to such structure or the addition.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by a community.

Non-Residential means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), poolhouses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 6 months duration.

North American Vertical Datum (NAVD) of 1988 means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

Obstruction means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One Percent Flood (aka 100-Year Flood) is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

Participating Community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Post-FIRM Construction means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

Pre-FIRM Construction means new construction and substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of FEMA formally notifying participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance means anything which is injurious to the 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.

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.) 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.

Regular Program means the second phase of the community's participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a risk study for the community.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Repair means the reconstruction or renewal of any part of an existing building for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and all such regulations effective at the time of permitting must be met.

Repetitive Loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Repetitive Loss Property is any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

Section 1316 means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

1. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

Significant hazard dam means a dam assigned the significant hazard potential classification where failure may cause damage to main roads, minor railroads, or cause interruption of use, or service of relatively important public utilities.

Special flood hazard area (SFHA) means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, A99, or VE.

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 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 excavation or placement of a manufactured home on a foundation. Permanent construction does not include land 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.

Structure (for floodplain management purposes), means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure (for insurance purposes), means a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; a manufactured home built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. The term does not include a recreational vehicle or a park trailer or other similar vehicle, except as described in the last part of this definition, or a gas, or a liquid storage tank.

Subrogation means an action brought by FEMA when flood damages have occurred, a flood insurance claim has been paid, and all or part of the damage can be attributed to acts or omissions by a community or other third party.

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

Substantial Improvement means any combination of reconstruction, rehabilitation, or other improvement of a structure taking place during a 10-year period in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the structure before the "start of construction" of the improvement. 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.

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 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."

Substantially improved existing manufactured home parks or subdivisions means manufactured home parks or subdivisions where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Suspension means the removal, with or without probation, of a participating community from the NFIP because the community failed to adopt and enforce the compliant floodplain management regulations required for participation in the NFIP.

VE Zone see *Coastal High Hazard Area*.

Variance is a grant of relief from the requirements of this ordinance.

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.

Watercourse means any flowing body of water including a river, creek, stream, or a branch.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wet floodproofing means a method of construction which allows water to enter a structure in such a way that will minimize damage to the structure and its contents. Wet floodproofing is appropriate for functionally dependent use and uses that facilitate open space use by variance only, structures utilized for parking or limited storage, or when all other techniques are not technically feasible. Wet floodproofing shall not be utilized as a method to satisfy the requirements of this ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

X Zones (shaded) are areas of 0.2 percent chance flood that are outside of the SFHA subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile, and areas protected by certified levees from the base flood.

X Zones (unshaded) are areas determined to be outside the 0.2 percent chance floodplain.

Zone means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard (SFHA) areas within the jurisdiction of the Board of Aldermen of the City of Ocean Springs.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Jackson County, Mississippi and Incorporated Areas", dated December 21, 2017 with the accompanying Flood Insurance Rate Maps (FIRM) (multiple panel) Index No. 28059CIND0B and other supporting data, along with Digital Flood Insurance Rate Maps (DFIRM) are adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and maps are on file at the City of Ocean Springs Building Department.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A development permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in identified areas of special flood hazard and community flood hazard areas within the community.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body, and;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard and community flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Board of Aldermen of the City of Ocean Springs or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. ENFORCEMENT, PENALTIES, AND VIOLATIONS.

Civil penalties. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR.

The Board of Aldermen of the City of Ocean Springs hereby appoints the Building Official to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator and/or the administrator.

SECTION B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage:

- a.) Elevation in relation to mean sea level of the proposed lowest horizontal structural member of all buildings in all VE Zones, which will be submitted on a FEMA Form 81-31 (Elevation Certificate) by a state of Mississippi registered engineer or surveyor.
- b.) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings in all A and AE Zones, which will be submitted on a FEMA Form 81-31 (Elevation Certificate).
- c.) Elevation in relation to mean sea level to which any non-residential building in an A Zone will be floodproofed;
- d.) Certificate from a state of Mississippi registered professional engineer or architect that the non-residential flood-proofed building will meet the floodproofing criteria in Article 4, Section B (2), Article 5, Section B (2) and Section D (2);
- e.) Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

(2) Construction Stage:

Upon placement of the lowest horizontal structural member or lowest floor (whichever is applicable per the flood zone), or flood-proofing by pre-approved construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certificate of the NAVD elevation as built in relation to mean sea level. Said certification shall be prepared by a state of Mississippi registered engineer or surveyor. When floodproofing is utilized for a particular building, said certification shall be prepared by a state of Mississippi registered engineer or surveyor. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest horizontal structural member or lowest floor (whichever is applicable per the flood zone) and floodproofing elevation certificate data submitted. The permit holder, immediately and prior to further progressive work being permitted to proceed, shall correct deficiencies detected by such review. Failure to submit the certificate or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Finished Construction:

Upon completion of construction, a FEMA elevation certificate which depicts all finished construction elevations is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.

SECTION C. POWERS, DUTIES, AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

(1) Right of Entry

- a.) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all

reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.

- b.) If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
- c.) If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
- d.) When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.

(2) Stop Work Orders

- a.) Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(3) Revocation of Permits

- a.) The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b.) The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(4) Duties of the Administrator

Duties of the administrator shall include, but not be limited to:

- a.) Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- b.) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Additionally, require the permittee to obtain and submit copies of any required federal or state permits and maintain them on file with the development permit.
- c.) Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first inspection upon the establishment of the Base Flood Elevation reference mark at the development site; the second upon the establishment of the structure's footprint prior to pouring the slab or the establishment of the lowest floor in an elevated foundation system; and the final inspection upon completion and submission of the required finished construction elevation certificate.
- d.) Verify any required setback distances.

- e.) Verify that all placement of fill or grading is according to certified plans. Assure that any fill being used as part of the structure's foundation system (not allowed in a CHHA) is both clean material and properly compacted and placed. A professional certification that any structure built on fill is reasonably safe from flooding can be requested of the builder/developer.
- f.) Verify adequate placement and size of any required flood vents in regard to the number of openings, their location, size, and height above ground level.
- g.) Ensure that a crawlspace has adequate vents or openings and that the interior grade is at or above the exterior grade.
- h.) Verify that the structure's utilities, duct work, and HVAC systems are at or above the base flood elevation.
- i.) Notify adjacent communities, the NFIP State Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
- j.) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- k.) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction and substantially improved buildings, in accordance with Article 4, Section B (3). Information must be recorded on the FEMA Elevation Certificate Form 81-31.
- l.) Verify and record the actual elevation (in relation to mean sea level) to which the new construction and substantially improved buildings have been floodproofed, in accordance with Article 4, Section B (3). Information must be recorded on the FEMA Elevation Certificate Form 81-31.
- m.) Review certified plans and specifications for compliance.
- n.) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- o.) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, in order to administer the provisions of Article 5.
- p.) Provide information, testimony, or other evidence, as needed during variance request hearings.
- q.) Conduct the following actions when damage occurs to a building or buildings:
 - (i) Determine whether damaged structures are located within the Special Flood Hazard Area;
 - (ii) Conduct damage assessments for those damaged structures located in the SFHA, and;
 - (iii) Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.

- r.) Perform such other inspections as may be required to insure compliance with the other provisions of this ordinance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS FOR ALL ZONES.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not to be used as an anchor/elevation method. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum eighteen (18) inches above the Base Flood Elevation.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity shall meet the requirements of "new construction" as contained in this ordinance.
- (11) All gas and liquid storage tanks (both above and below ground) shall be adequately anchored to prevent floatation, lateral movement resulting from hydrodynamic forces, and the effects of buoyancy.
- (12) When new construction and substantial improvements are located in multiple flood zones or in a flood zone with multiple base flood elevations, they shall meet the requirement for the more stringent flood zone and the highest base flood elevation.

- (13) New construction and substantial improvement of any building shall have the lowest floor (including basement) at least eighteen (18) inches above the centerline of the designated street, unless the topography of the property does not allow for strict adherence as determined by the Floodplain Administrator.
- (14) New construction and substantial improvements of structures built on fill (only allowed outside of the VE Zone) shall be constructed on properly designed and compacted fill that extends 10 feet to 15 feet beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour as follows:
 - a.) Fill sites, upon which structures will be constructed or placed, must be compacted to 95 percent of the maximum density obtainable with the Standard Proctor Test method or an acceptable equivalent method.
 - b.) Fill slopes shall be no steeper than one foot vertical to two feet horizontal.
 - c.) Adequate protection against erosion is must be provided for fill slopes. When expected velocities during the occurrence of the base flood are greater than five feet per second, armoring with stone or rock protection or material that will provide equivalent resistance will be provided. When expected velocities during the base flood are five feet per second or appropriate protection shall be provided by covering them with vegetative cover at a minimum.
 - d.) Fill shall be composed of clean granular or earthen material.

SECTION B. SPECIFIC STANDARDS FOR RIVERINE ZONES.

In all areas of special flood hazard designated on the community’s FIRM, where base flood elevation data have been provided (excluding CHHA), as set forth in Article 3, Section B, the following provisions, in addition to the standards of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than eighteen (18) inches above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding, shall be provided in accordance with standards of Article 5, Section B (4).
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured building) shall have the lowest floor, including basement, elevated eighteen (18) inches above the base flood elevation. Buildings located in all A Zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated provided that all areas of the building below the base flood elevation plus a minimum of eighteen (18) inches of freeboard are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.
- (3) In special flood hazard areas with base flood elevations (AE Zones) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.

- (4) Enclosures. New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Enclosed areas, including crawl spaces, shall be used solely for parking of vehicles, building access, and storage.
- a.) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following criteria:
- (i) Provide a minimum of two openings, on different sides of each enclosed area; if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls;
 - (ii) The total net area of all openings shall be at least one square inch for each square foot of enclosed area, or the openings shall be designed and the construction documents shall include a statement that the design and installation will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters;
 - (iii) The bottom of all openings shall be no higher than one foot above interior grade (which must be equal to in elevation or higher than the exterior grade);
 - (iv) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions and automatically equalize hydrostatic flood loads on exterior walls, and;
- b.) Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
- c.) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- d.) Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, Section B. Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
- (5) Detached storage buildings, sheds, or other like accessory improvements, excluding detached garages, carports, and boat houses, shall solely be used for parking of vehicles and unfinished, non-partitioned and enclosed storage space. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant or breakaway materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or floodproofed. Flood openings in accordance with the standards of Article 5 Section B (4) shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Accessory improvements and other appurtenant structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
- (6) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor of the structure or the detached accessory building

shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area.

(7) Standards for Manufactured Homes and Recreational Vehicles.

- a.) All manufactured homes placed, or substantially improved, on individual lots or parcels, in existing manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring and the flood openings requirements of Article 5, Section B (4). Manufactured homes must be:
 - (i) Elevated on a permanent foundation to have its lowest floor elevated to no lower than eighteen (18) inches above the base flood elevation, and;
 - (ii) Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (iii) Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed within the Special Flood Hazard Area.
- b.) All recreational vehicles placed on sites must either:
 - (i) Be on site for fewer than 180 consecutive days and;
 - (ii) Be fully licensed and ready for highway use, or;
 - (iii) Must meet all the requirements for new construction, including anchoring and elevation requirements of this Article 5, Section B (8) (a) or Article 5, Section B (8) (b) (i) above.

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state of Mississippi motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(8) Floodways. Located within areas of special flood hazard adopted by reference in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- a.) Encroachments, including fill, new construction, placement of manufactured homes, substantial improvements, and other development, are prohibited.
- b.) Permissible uses within the floodway may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses. Also lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require certification (with supporting technical data) by a registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The uses in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.

SECTION C. STANDARDS FOR STREAMS WITHOUT BASE FLOOD ELEVATIONS AND FLOODWAYS.

When base flood elevation data and floodway data are not available in accordance with Article 3, Section A, in Special Flood Hazard Areas and Community Flood Hazard Areas without base flood elevation data, new construction and substantial improvements shall be elevated or floodproofed to elevations established by the community. The following provisions in addition to the standards of Article 5 Section A and the enclosure standards of Article 5 Section B (4) shall apply:

- (1) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) that are a single lot or five acres, whichever is lesser, include within such proposals base flood elevation data;
- (2) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5. When such data are available, standards of Article 5, Section B, shall apply. If data is not available from Article 5 Section C (1) or outside sources, then the following provisions shall apply.
- (3) No encroachments, including fill material or other development, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. The enclosure standards of Article 5, Section B (4) shall apply.
- (4) The Floodplain Administrator shall require that a single lot applicant develop the base flood elevation for the development site, utilizing accepted engineering practices and procedures. Upon review of the submitted data, the Administrator may accept or reject the proposed base flood elevation. When such data is accepted, standards of Article 5, Section B, shall apply.
- (5) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (6) Require that all manufactured homes be placed or installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Dry stacked blocks (stacked without the use of mortar or cement to bond them together) are not allowed within the Special Flood Hazard Area.

SECTION D. COASTAL HIGH HAZARD AREAS.

Located within areas of special flood hazard areas established in Article 3, Section B are Coastal High Hazard Areas, designated as VE Zones. These areas have special flood hazards associated with high velocity waters from wave action due to hurricanes, tsunamis, or other seismic sources. The following provisions, in addition to the standards of Article 5, Sections A, B (except B (8)), and C, shall also apply:

- (1) All new construction and substantial improvements in VE Zones shall be elevated on pilings and columns so that:
 - a.) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated eighteen (18) inches above the base flood level, and;
 - b.) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those

associated with the base flood. Wind loading values used shall be those requirements by state or local building codes.

- (2) A state of Mississippi registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article 5, Section D (1).
- (3) In VE Zones, property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings in breakaway walls will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, Section B. Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance.
- (4) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor of the structure or the detached accessory building shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area.
- (5) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in VE Zones. The Floodplain Administrator shall maintain a record of all such information.
- (6) All new construction shall be located landward of the reach of mean high tide.
- (7) All new construction and substantial improvements in VE Zones shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a state of Mississippi registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a.) Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and;
 - b.) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those requirements by state or local building codes. The lowest horizontal structural member should be oriented perpendicular to the expected wave crest.
- (8) If breakaway walls are utilized, flood vents meeting the criteria in Article 5, Section B (4) will be required. Such enclosed space shall be useable solely for storage, parking of vehicles, or building access. Such space shall not be used for human habitation and finished or partitioned into separate rooms.
- (9) Enclosures below elevated buildings shall be useable solely for storage, parking of vehicles, or building access. Such space will not be used for human habitation and not finished or partitioned into separate rooms.
- (10) Prohibit the use of fill for structural support of buildings. Under the buildings or structures, no fill may be used except for minor site grading for drainage purposes. Nonstructural fill may be used on coastal

building sites for minor landscaping and site grading for drainage purposes as long as the fill does not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms such that will cause additional damage to buildings on the site or to any adjacent buildings. Certification by a professional engineer or architect shall be submitted along with design calculations demonstrating that no adverse impacts will result. (For guidance, see FEMA Technical Bulletin #5 Free of Obstruction Requirements).

- (11) Prohibit man-made alteration of sand dunes that would increase potential flood damage.
- (12) All manufactured homes to be placed or substantially improved within VE Zones on the community's FIRM on sites:
 - a.) Outside of a manufactured home park or subdivision,
 - b.) In a new manufactured home park or subdivision,
 - c.) In an expansion to an existing manufactured home park or subdivision, or
 - d.) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;shall meet the standards of this Article 5, Section D (1) through (8) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with VE Zones on the FIRM meet the requirements of Article 5, Section B (8) (a) and (b).
- (13) All new structures shall be located on the lot so as to minimize exposure to coastal hazards and shoreline erosion. Structures shall be located outside the Coastal High Hazard Area, to the greatest extent possible.
- (14) Recreational vehicles placed on sites within VE Zones on the community's FIRM either;
 - a.) Be on site for fewer than 180 consecutive days and;
 - b.) Be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or;
 - c.) Meet the requirements of Article 5, Section D (1) through (8).

SECTION E. STANDARDS FOR ACCESSORY BUILDINGS IN ALL VE ZONES.

For all accessory buildings in SFHA zone designated "VE" all requirements stated in Article 5, Section D will apply.

SECTION F. STANDARDS FOR SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENT.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), that are a single lot or five acres, whichever is the lesser.

- (5) All preliminary plans for platted subdivisions shall identify the flood hazard areas and elevations of the base flood.
- (6) All final subdivisions plats shall provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevation.

SECTION G. CRITICAL FACILITIES.

Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet six inches (3'6") above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater). Floodproofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters. Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible. Critical facilities must not only be protected to or above the 0.2 percent chance flood, but must remain operable during such an event. The community's flood response plan must list facilities considered critical in a flood, since loss of access can cause a critical situation. Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list. The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section. The list of the operators of the critical facilities affected by flooding must be updated at least annually, as part of the community critical facility planning procedures.

ARTICLE 6. VARIANCE PROCEDURES.

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Zoning and Adjustment Board of the City of Ocean Springs shall hear and decide appeals and requests for variances from requirements of this ordinance.

SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Jackson County Circuit Court, as provided in Mississippi Code Annotated, § 11-51-75 (1972).

SECTION C. VARIANCE PROCEDURES.

In passing upon such applications, the Zoning and Adjustment Board shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- (1) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners;
- (2) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The danger of life and property due to flooding or erosion damage;
- (5) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community;
- (6) The importance of the services provided by the proposed facility to the community;

- (7) The necessity of the facility to be at a waterfront location, where applicable;
- (8) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (9) The compatibility of the proposed use with existing and anticipated development;
- (10) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (11) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (12) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
- (13) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges and culverts.
- (14) Upon consideration of factors listed above, and the purpose of this ordinance, the Zoning and Adjustment Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (15) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

SECTION D. CONDITIONS FOR VARIANCES.

- (1) Variances shall only be issued when there is:
 - a.) A showing of good and sufficient cause;
 - b.) A determination that failure to grant the variance would result in exceptional hardship, and;
 - c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance, considering the flood hazard, to afford relief. In the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building. (See Article 6, Section F.)
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and Mississippi Emergency Management Agency upon request. (See Article 6 Section E.)
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the Zoning and Adjustment Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued “after the fact.”

SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and;
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances to the Federal Emergency Management Agency and the Mississippi Emergency Management Agency upon request.

SECTION F. HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of "historic structures" only upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

SECTION G. SPECIAL CONDITIONS.

Upon consideration of the factors listed in Article 6, and the purposes of this ordinance, the Zoning and Adjustment Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

SECTION H. FLOODWAY.

Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

ARTICLE 7. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

This ordinance having first been reduced to writing was adopted at a public meeting of the Board of Aldermen, of the City of Ocean Springs, on _____, 20__, wherein the vote was as follows and shall take effect Date.

Alderman Cox _____

Alderman Gill _____

Alderman Authement _____

Alderman Bellman _____

Alderman Papania _____

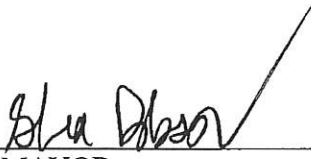
Alderman Blackman _____

Certifying seal or stamp

The above Ordinance having been first reduced to writing, the vote was as follows:

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>
Alderman Cox	<u>Aye</u>

BY THE ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, on this the 18th day of February, 2020.



MAYOR



CITY CLERK