Introduction
EPA’s primary responsibility at Superfund sites is to ensure the protection of human health and the environment. Consideration of a site’s potential future use is an important part of this responsibility under the National Contingency Plan (NCP). The Superfund Redevelopment Initiative (SRI) was created by EPA in 1999 to help communities and stakeholders in their efforts to return environmentally impaired sites to protective and productive use. Conducting a reuse assessment that engages site owners and other stakeholders in evaluating future use options for a site can support the remedial process, help facilitate site stewardship, and support the long-term effectiveness of remedy.

With funding from SRI, EPA Region 4 requested environmental consulting firm E² Inc.’s assistance with a preliminary situation assessment for the Sonford Products Superfund site (Site), located in Flowood, Mississippi. The purpose of the situation assessment is to gather preliminary information to determine:

- land use considerations that could inform the remedy selection process;
- whether more in-depth reuse planning is necessary at the Site; and
- potential long term stewardship considerations at the Site.

E² Inc. conducted a site visit on July 30, 2008 and met with representatives from EPA Region 4, the Mississippi Department of Environmental Quality (MDEQ), the City of Flowood and Lacey’s Digging Service (company currently leasing the property). Additional research included reviewing maps and aerial imagery of the site and surrounding areas and interviews with the following representatives:

- Keriema S. Newman – EPA Project Manager;
- Richard Ball – MDEQ Project Manager;
- Kevin McMillon – son of Ailene McMillon, current property owner;
- Jerry Lacey – McMillon property lessee;
- Mr. and Mrs. Strawders – one of several owners of the Wixson property;
This report summarizes the findings of preliminary information gathering including site background and status, current use and ownership, physical characteristics, zoning, community goals, and reuse considerations.

Site Background and Status:
The Site is located in Flowood, Mississippi, a rapidly growing suburb of Jackson. From 1972 to 1985, Sonford International and Sonford Products operated chemical processing operations at the site that included turning solid pentachlorophenol (PCP) into liquid formations. Operations at the Site ceased following an uncontrolled 2,000-gallon spill of PCP in April 1985. EPA and MDEQ conducted a Preliminary Assessment/Site Investigation in April 2003 and the Site was added to the National Priorities List in March 2007.

EPA Region 4’s Superfund Remedial and Site Evaluation Branch are currently conducting a Remedial Investigation and Feasibility Study at the Site. The affected media are surface soil, subsurface soil, surface water, sediment, and ground water. The contaminants of concern include PCP, dioxin, other pesticides, and metal contaminants. The Remedial Project Manager (RPM) anticipates that the Site will likely be separated into two operable units (OUs); one OU to address soils and non-aqueous phase liquid (NAPL) contamination in the source area and another OU to address ground water. It is anticipated that the RI/FS will be completed in fall 2008 or spring 2009.

Current Use and Ownership
According to an aerial map with approximate tax parcel boundaries provided by EPA (Figure 1), the soil contamination appears to be confined to two properties: a three-acre parcel currently owned by Ailene McMillon and an adjacent three-acre parcel owned by the Wixson estate.

The McMillon property is currently under a lease-purchase agreement to Jerry and William Lacey. The Laceys operate a septic system installation and service business from the property. According to the Laceys, they have substantially paid for the property, but are not willing to take title until the liability issues are clarified and resolved. The McMillons are eager to complete the sale of the property as well; Mr. Lacey has expressed an interest in growing and expanding his business at the Site. The property contains several sheds and garages, as well as one residential/office structure that Mr. Lacey would like to demolish and rebuild. In addition, he would like to build a silo on the property constructed on either footings that would require 24” of excavation or on a slab poured on grade. Although EPA

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1 The situation assessment was conducted following the information collection guidelines outlined in EPA’s 2001 Reuse Assessment Guidance (OSWER 9355.7-06P)
and MDEQ currently prohibit residential uses at the Site, there was past evidence of residents living in a trailer. The City of Flowood agreed to have their zoning enforcement officer investigate the allegations. E² Inc. spoke with Elizabeth Boone, the city attorney on November 6th who confirmed that the residents were evicted from the property in September.

**Figure 1. Aerial Map with Approximate Parcel Boundary Locations Provided by EPA**

The Wixson property is an undeveloped lot located between the McMillon property to the north and the Custom Products Corporation facility to the south. The Wixson property was left as part of an estate to multiple parties; Mrs. Strawders of Jonesboro, Georgia is the executor of that estate. Mrs. Strawders was not feeling well when contacted and referred us to Mr. Strawders. The Strawders would like to sell the property and have had discussions with representatives of Custom Products on the subject. Custom Products expressed an interest in using the property as a parking lot. Further negotiations are on hold until the Site’s remedy is selected.

**Physical Characteristics and Surrounding Land Use**
The McMillon parcel is relatively flat, clear of vegetation, and actively used for light industrial purposes. The Wixson parcel is heavily forested and is not currently in use. Vehicular access to the Site is located at Payne Drive and Custom Drive. The properties are surrounded primarily by forested wetlands and some light commercial and industrial uses. The northwest side of the property is bounded by an active rail line, and beyond the rail line lies an older neighborhood of homes and trailers in a mixed state of repair. There are no signs
of new residential development in the proximity of the Site. Public water and electricity are available at the Site, but the nearest public sewer line appears to be located on the other side of the railroad tracks. There appears to be an illicit wastewater discharge from the shed on site.

**Zoning**

The McMillion and Wixson properties are both currently zoned Land Conservation District (L-C) (Figure 2). According to the City of Flowood representatives, the L-C zoning is a transitional designation for areas of the City where the best future use has not yet been determined. According to the City’s Comprehensive Plan, these areas often do not have “current utilities or access to adequate public facilities.” The City intends to rezone these areas when public utility systems are expanded to adequately serve them and the demand for development increases. The L-C District that the Site is located within is primarily surrounded by industrially or commercially zoned land. The small neighborhood of older homes and trailers to the northwest of the Site is zoned R-2. R-2 provides for single family, two family, and up to four unit multifamily housing. Applicable portions of the zoning ordinance and a zoning map are located in Appendix B of this document for reference.

As L-C zoning prohibits residential use on parcels that are smaller than five acres, residential use on the Site’s two parcels is restricted. However, if the parcels were consolidated, residential use would be permitted under the current zoning (300.02-06). In addition, the City’s Comprehensive Zoning Regulations are based on a pyramidal structure which allows all the uses permitted in the more restrictive zones (i.e., single-family) in the less restrictive zones (i.e., multi-family). This cumulative use breaks between residential and commercial zones, so residential use is not permitted in commercial and industrial zones. However, the I-1 (light industrial) zone accumulates all of the permitted uses of the C-1 through C-3 zones which include uses such as child care facilities (306.02-10) that EPA and MDEQ may not find compatible with the remedy for this Site.

If the selected remedy prohibits residential uses, the current zoning designation is not an adequate institutional control. Given that the current L-C zoning designation is transitional, EPA and MDEQ could work with the landowners and the City of Flowood to rezone these parcels to an I-1 (light industrial) zoning. Additional institutional controls may be needed to restrict commercial uses at the Site. The City of Flowood representatives expressed a willingness to work with EPA on the Site’s zoning to insure that the Site remains protective of human health and the environment.

The Site is also located in a flood zone. Any future development would need to address requirements outlined in the City’s flood ordinance.2 Basic requirements include anchoring the building, protecting utilities from potential flood waters, and constructing raised floor

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2 An Ordinance to Provide for the Management of Permitted Development on Public and Private Lands within Floodplains located in the Corporate Limits of the City of Flowood, Mississippi.
elevations. More specific requirements are outlined on pages 12-16 in Appendix C – The City of Flowood’s Floodplain Ordinance.
Community Goals and Market Conditions:
Flowood appears to be a relatively prosperous community with significant new commercial and residential construction underway. The Site is located in an area of town that is not currently experiencing any new construction and is not likely to be targeted for growth in the foreseeable future. The City of Flowood representatives stated that light industrial uses were the most desirable and likely use of the property in the future. Local officials also expressed a willingness to work with EPA to expedite the clean up and support the implementation of institutional controls.

Summary of Reuse Considerations:
In summary, this section outlines reuse considerations based on the preliminary information gathered to date:

1. Reasonably Anticipated Future Land Use (RAFLU) Determination
   In considering the shared objectives of the current owners and operators, the community’s goals, and the character and surroundings of the Site, light industrial use
is likely the most reasonably anticipated future land use for the Site. While adjacent residential users were not interviewed, further reuse planning to establish future land uses is not recommended at this time.

2. **Parcel Boundary Clarification**
   Given potential inaccuracies in the aerial parcel boundary map, EPA may consider verifying the parcel boundaries via a survey to determine which parcels are impacted by soil contamination.

3. **Zoning Considerations**
   The Site’s current zoning designation is not likely to be an adequate institutional control. Rezoning these properties to an I-1 (light industrial) zoning would prevent future residential use. This light industrial designation would be consistent with the properties’ current uses, surrounding uses, and character, as well as with development patterns within the community. City representatives expressed a willingness to work with EPA to approve a rezoning and suggested that a rezone request submitted by the property owner would be the most efficient process. Rezoning has not yet been discussed with the property owner or lessee.

4. **Institutional Control Considerations**
   Several institutional controls considerations have been outlined below:

   In addition to rezoning, EPA may need to consider additional use restrictions on the properties to prohibit allowable commercial uses, such as day care centers, that may not be consistent with the remedy.

   An institutional control restricting ground water use consistent with the plume delineation off site might be necessary. The adjacent residential properties are served by public water and local representatives did not think any private wells were likely to exist in the area. Although the local government has no involvement in permitting well drilling, a permit from the state of Mississippi is required. EPA may consider coordinating with the State to restrict well drilling in the area impacted by contamination.

   Finally, a gas main adjacent to the Site (see photo in Appendix A) runs parallel to the railroad tracks. Depending on the nature of site soils and the flow of ground water, this main is a potential conduit for the transport of contaminants. EPA may consider notifying the gas company that caution should be used during maintenance of this line and suggesting the implementation of a notification system for maintenance employees and development contractors (such as incorporating into the “one-call” system.)

5. **Stewardship Considerations**
   A single owner and operator of the Site in the future could better support its long-term stewardship by providing EPA and the community a single point of contact to
implement institutional controls, inspection, and monitoring. EPA could consider supporting the ownership transition of the McMillon property to the Lacey's by explaining liability risk management options such as Bonafide Purchaser Protection (BFPP) or a “Comfort Letter.” EPA may need to consider how best to resolve the liability issues, given that the Lacey’s entered into the Lease-Purchase agreement prior to initiating the BFPP process. As a condition of assistance, EPA could request property owner cooperation in implementing institutional controls such as a rezone request or others as identified.

Appendices:

A. Photo Sheets of Site and Surroundings
B. City of Flowood Comprehensive Zoning Regulations as Amended March 2, 2004
C. City of Flowood Flood Ordinance
Appendix A – Photo Sheets of Site and Surrounding Area

McMillon property looking north

McMillon property looking south

A-1
Residential/office building near McMillion property line

Storage shed/garage on McMillon property
Wixson property entrance

Adjacent light industrial/commercial building
Railroad tracks adjacent to property

Gas main adjacent to property
Residential structure in neighborhood across railroad tracks

Residential structure in neighborhood across railroad tracks
COMPREHENSIVE ZONING REGULATIONS

AS AMENDED MARCH 2, 2004
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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF FLOWOOD, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the statutes of the State of Mississippi, Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, empower the City of Flowood to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Mayor and Board of Aldermen prepared a Comprehensive Plan to fulfill the requirements of Section 17-1-9 of the Mississippi Code of 1972, as amended, that “zoning regulations shall be made in accordance with a comprehensive plan…” and after a public hearing was held on said Comprehensive Plan, adopted said Comprehensive Plan on December 15, 1987; and

WHEREAS, the Mayor and Board of Aldermen have divided the town into districts and have prepared regulations pertaining to such districts designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Mayor and Board of Aldermen have given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of real properties and encouraging the most appropriate use of land and improvements within the City; and

WHEREAS, the Mayor and Board of Aldermen have given due public notice of a hearing relating to the adoption of this Ordinance and the establishment of the zoning districts, regulations, and restrictions contained herein, and have held such public hearing in accordance with the requirements of Sections 17-1-15 and 17-1-17 of the Mississippi Code of 1972, as amended,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI:
ARTICLE I

ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

100  Zoning Districts

100.01 In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density of population, the City of Flowood, Mississippi, is hereby divided into thirteen (13) zoning districts. Said districts are hereby designated as and shall be known as:

L-C  Land Conservation District  
R-E  Estate Residential District  
R-1  Single Family Residential District  
R-2  Limited Multifamily Residential District  
R-3  Multifamily Residential District  
R-4  Mobile Home Park Residential District  
C-1  Neighborhood Commercial District  
C-2  Restricted Commercial District  
C-3  General Commercial District  
I-1  Light Industrial District  
I-2  Heavy Industrial District  
P-1  Patio Home District  
PUD  Planned Use Development District

100.02 The permitted and conditional uses and area regulations shall be interpreted, applied, and enforced uniformly and consistently in each respective district and to each class, kind, or type of land, structure, or use.

101  Official Zoning Map

101.01 The boundaries of the thirteen (13) zoning districts are hereby established as shown on the Official Zoning Map of the City of Flowood, Mississippi. Said zoning map and all notations, references, designation lines, words, figures, designs, and other matters noted thereon shall be and are hereby made a part of this Ordinance by reference, the same as if fully copied herein in words, figures, and designs.

101.02 The notations, references, designation lines, words, figures, and designs denoting zoning district boundaries on the Official Zoning Map are an integral part of this Ordinance. Changes on said Official Zoning Map to effect changes in zoning district boundaries shall be accomplished by an amendment to this Ordinance as provided in Article V. Changes in zoning district boundaries shall be entered on the Official Zoning Map by the Zoning Administrator promptly after the passage of the Ordinance enacting such amendment.

101.03 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map filed and maintained by the City Clerk shall be the final authority as to the current zoning status of all real properties within the City of Flowood, unless an amendment or series of amendments to the Official Zone Map duly adopted by ordinance, entered in the Ordinance Book, and currently in effect shall clearly indicate otherwise.
101.04 In the event the Official Zoning Map becomes damaged, destroyed, lost, outdated, or difficult to interpret because of the number of changes or additions, the Mayor and Board of Aldermen may, by ordinance and following a public hearing thereon, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new map shall bear a statement certifying that it is the new Official Zoning Map of the City of Flowood, Mississippi, and that it supersedes and replaces the prior Official Zoning Map. A new Official Zoning Map may be adopted by ordinance by the Mayor and Board of Aldermen without re-adoption of this Ordinance, provided there is no change in the number of zoning regulations for each such district. Nothing in this section shall be construed to prohibit the Mayor and Board of Aldermen from acting on their own initiative and adopting by ordinance an amendment to the Official Zoning Map changing the location of the zoning district boundaries, provided such amendment is in conformance with the Town’s formally adopted Comprehensive Plan.

102 Annexation

102.01 Following annexation of additional area, the Mayor and Board of Aldermen shall, as soon as practicable, place the newly annexed area under the provisions of this Ordinance by amending the Official Zoning Map to include the area annexed; provided, however, that such action shall be taken only after notice has been published and a public hearing has been held in the manner required by law. The delineation of zoning district boundaries in the area annexed shall be in conformance with and shall implement the City’s formally adopted Comprehensive Plan.

102.02 Pending the amendment of the Official Zoning Map, the Zoning Administrator shall interpret, apply, and enforce the zoning regulations of Rankin County, if any, applicable to the annexed area.

103 Relationship to Comprehensive Plan

103.01 It is the intention of the Mayor and Board of Aldermen that this Ordinance implement the policies expressed in City’s formally adopted Comprehensive Plan, as such plan may from time to time be amended. In anticipation of further growth and development, the Mayor and Board of Aldermen do not regard the City’s formally adopted Comprehensive Plan as a fixed, static, or inflexible plan. The Comprehensive Plan contemplates a dynamic community and recognizes the inevitability of change.

103.02 The Mayor and Board of Aldermen do expressly find that this Ordinance and the Official Zoning Map are in conformance with the City’s formally adopted Comprehensive Plan.
ARTICLE II

GENERAL PROVISIONS

200  Required Conformance

200.01  Each parcel of land and each and every structure shall be used only for a purpose permitted in the zoning district in which it is located.

200.02  A structure shall not be erected, converted, enlarged, reconstructed (except immediately following a natural disaster), moved, materially altered, or used except in conformity with all the regulations specified in this Ordinance for the zoning district in which such structure is located.

200.03  A structure shall be erected, converted, enlarged, reconstructed (except immediately following a natural disaster), moved, materially altered, or used only in conformity with the use permitted in the zoning district in which such structure is located.

200.04  A structure shall be erected, converted, enlarged, reconstructed (except immediately following a natural disaster), moved, or materially altered or used only in conformity with the off-street parking space and sign regulations prescribed in this Ordinance.

200.05  The minimum lot area, required yards, street frontage, parking spaces, and open spaces, including lot area per housing unit, required by this Ordinance for every structure existing at the time of passage of this Ordinance, or for any structure hereafter erected or materially altered, shall not be encroached upon or be considered as part of the minimum area, required yards, street frontage, parking spaces, or open spaces required for any other structure.

200.06  A structure shall be erected, converted, enlarged, reconstructed, or materially altered only following the issuance of a building permit, and no building permit shall be issued, except in strict conformance with the provisions of this Ordinance.

201  Nonconforming Uses

201.01  Any lawful use existing at the time of the effective date of this Ordinance may be continued even though the use does not conform to the provisions of this Ordinance, as provided herein. The Mayor and Board of Aldermen may permit substitution of a new nonconforming use for an existing nonconforming use, provided the Mayor and Board of Aldermen determines by resolution that any change of use will be less detrimental to the neighborhood than the existing nonconforming use.

201.02  A nonconforming use of a structure or parcel of land which has been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exists:

201.02-01  When the use has been discontinued for three (3) months, except for reasons beyond the owner’s control.

201.02-02  When the use has been replaced by a nonconforming permitted use or has been changed to a Conditional Use authorized by the Mayor and Board of Aldermen.
201.03 A nonconforming use shall not be enlarged, extended, reconstructed, or structurally altered except as follows:

201.03-01 A nonconforming use shall not be enlarged, extended, reconstructed, or structurally altered except for repairs and maintenance work required to keep the land or structure in safe and sound condition.

201.03-02 A nonconforming use shall not be moved in whole or in part.

201.03-03 The reconstruction of a nonconforming structure damaged by fire, flood, tornado, explosion, or act of God shall not be allowed unless the fair market cost of the repairs is less than fifty (50%) per cent of the value of structure prior to the damage.

201.03-04 Any owner-occupied residential structure which is nonconforming due to its location in other than any residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided the structure meets the required yard and area requirements of the R-2 Limited Multifamily Residential District.

202 Accessory Buildings and Uses

202.01 Accessory buildings shall be subject to the following requirements:

202.01-01 An accessory building shall be erected only to the rear of the main structure to which it is appurtenant.

202.01-02 No accessory building shall be erected closer than five (5) feet to the lot boundary or another building.

202.02 Accessory uses commonly associated with and incidental or insubstantial to any permitted use shall be allowed, provided, in residential zoning districts, such uses do not involve any type of business, trade, manufacturing, or industry.

202.02-01 A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.

202.02-02 To be “commonly associated” with a principal use, it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

202.03 The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to principal residential uses:

202.03-01 Offices or studios within a structure and used by an occupant of a residence located on the same lot as such structure to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
202.03-02 Hobbies or recreational activities of a noncommercial nature.

202.03-03 The renting out of one or two rooms within a single-family dwelling (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.

202.03-04 Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period.

202.04 Quarters for security personnel, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to principal commercial and industrial uses.

202.05 The following activities shall not be regarded as accessory to a principal use and are prohibited:

202.05-01 Storage outside of any motor vehicle that is neither licensed nor operational.

202.05-02 In residential districts, habitual or overnight parking outside of more than four (4) automobiles, boats, trailers, vans, motor homes, campers, or other motor vehicles between the front building line of the principal structure and the street. Habitual overnight parking of large commercial vehicles and buses in residential districts is specifically prohibited.

203 Minimum Lot Requirements

203.01 All lots and building sites created after the effective date of this Ordinance shall have frontage on a public street or shall have frontage on a private street specifically found by the Mayor and Board of Aldermen, acting by resolution, to meet the City’s minimum requirements for right-of-way width, block length, roadway width, base and pavement thickness, and utility improvements as are required for public streets in the applicable zoning district.

203.02 All lots and building sites created after the effective date of this Ordinance shall have sufficient frontage on a public or private street to meet the minimum frontage requirements stated in Section 311.

203.03 All lots and building sites created after the effective date of this Ordinance shall have sufficient area to meet the minimum area requirements stated in Section 311.

203.04 All lots and building sites created after the effective date of this Ordinance shall have sufficient depth and width to permit a structure to be constructed thereon without encroachment of the front, side and rear yard requirements stated in Section 311.

203.05 All lots and building sites created after the effective date of this Ordinance and located at the intersection of two (2) streets, regardless of whether said streets are public or private, shall be required to have sufficient depth and width to permit two (2) required front yards. Any structure erected on a corner lot shall not encroach into the required front yard adjacent to any public or private street on which the lot abuts.

203.06 All vacant lots or record, which on the effective date of this Ordinance or an amendment to this Ordinance become nonconforming lots in regard to lot area or width, unless two (2) or more of such vacant existing lots are under single ownership and have continuous frontage with other lots under the same ownership, may be used for any permitted use in the
zoning district in which they are located. Prior to the use of a nonconforming lot, the owner of such a lot shall make every effort to comply with the zoning district regulations and shall apply to the Mayor and Board of Aldermen for a Variance from the zoning district regulations with which the lot fails to comply. A Variance from the zoning district regulations shall not allow any use of a lot other than a use permitted within that zoning district.

203.07 If two (2) or more of vacant lots of record are under single ownership and have continuous frontage with other lots under the same ownership, and such lots considered separately are nonconforming in regard to lot area and width, the lands within said nonconforming lots shall be considered to be an undivided parcel for the purposes of this diminishes compliance with lot width or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

203.08 Lots and building sites shown on a preliminary plan approved by the City prior to the effective date of this Ordinance, if constructed substantially in accordance with such approved preliminary plan, shall be permitted to be developed and improved in accordance with the minimum yard and setback requirements in effect at the time of such approval.

204 Omitted

205 Off-Street Parking and Access

205.01 In connection with every commercial, business, trade, institutional, recreational, residential, or other use, off-street parking requirements for parking and storage of vehicles shall be provided in accordance with the off-street parking regulations set forth hereinafter.

205.01-01 Dwelling units – two (2) spaces per lot, or two (2) spaces per single family dwelling unit, manufactured home, mobile home, or apartment unit.

205.01-02 Retail stores – one (1) space for each two hundred (200) square feet of retail floor area plus one (1) space for each two (2) employees.

205.01-03 Wholesale establishments – one (1) space for each two (2) employees.

205.01-04 Manufacturing, processing, or industrial establishments – one (1) space for each two (2) employees at the maximum shift.

205.01-05 Hotels, motels, and lodging houses – one (1) space for each guest room plus one (1) space for each two (2) employees.

205.01-06 Hospitals – one (1) space for each three (3) beds plus one (1) space for each two (2) employees at the maximum shift.

205.01-07 Restaurants and other eating establishments – one (1) space for each three (3) seats plus one (1) space for each two (2) employees at the maximum shift.

205.01-08 Churches, elementary schools, junior high schools, or other assembly structures or facilities – one (1) space for each four (4) people anticipated at the facility’s maximum capacity.
205.01-09  Senior high schools, vocational schools, and similar institutions – one (1) parking space for each classroom seat plus one (1) parking space for each full-time employee.

205.01-10  Business and professional offices – one (1) space for each three hundred (300) square feet of gross floor area.

205.01-11  Theaters – one (1) space for each two (2) seats.

205.01-12  For retail buildings, Malls, and other like developments where the building (s) square feet exceed 50,000 square feet, 4.5 parking spaces per 1000 square feet of building (s) total size.

205.02  In case of any use which is not specifically mentioned in Article III or is not mentioned above, the off-street parking space requirements for such use shall be the same as for a similar mentioned use, as determined by the Zoning Administrator.

205.03  In case of any use which is not specifically mentioned in Article III and which is not similar to a use which is so mentioned, the off-street parking requirements shall be those determined appropriate for the use from the recommended parking standards and requirements published by the Urban Land Institute Community Builders Handbook Series.

205.04  All parking spaces, loading docks, ramps, and related access facilities shall be located on a lot so that no portion of any vehicle using them will be within the right-of-way of any dedicated public road.

205.05  In connection with any place of public assembly, school, church, hospital or other similar facility, and recreational facility, any multi-family dwelling, any commercial structure, any industrial structure, or any complex of such structures, the owner of such structure shall be required to designate and provide adequate fire lanes between at least one public street and each structure on the lot. Such fire lanes shall be constructed and maintained in and of sufficient width, materials and location to permit emergency access at all times including during inclement weather to such structures by vehicles such as fire trucks, ambulances and police cars. Unless otherwise designated and marked, any primary access and/or service drive or lane of travel for motor vehicles located within a lot shall constitute a fire lane.

205.06  In addition to those fire lanes established by the preceding paragraph, the Fire Official shall have the authority to require the construction, maintenance and designation of such other fire lanes and of fire zones as shall be reasonably required to assure access to said structure for fire fighting and other emergency purposes or to otherwise assure the health, safety and general welfare of the occupants of said structures. The Fire Official shall also have the authority to require that fire lanes be marked on the surface thereof and/or be adequately marked by signs at the expense of the lot owner. The Fire Official shall also have the authority to require that fire zones be adequately marked by signs at the expense of the lot owner.

205.07  Designated fire zones shall be marked as follows. The owner and/or manager of any such structure shall mark and maintain upon the surface of each fire zone stripes of reflectorized white, traffic, and weather-proof paint (or adhesive material manufactured for such purpose) with each stripe to be four (4) inches in width and all stripes to be placed parallel and no greater than four (4) feet apart.
205.08 It shall be a violation of this Ordinance for any person to park any motor vehicle or trailer, whether attended or unattended, within any fire lane or fire zone, or to cause an obstruction of any kind or nature whatsoever to be placed or remain for any period of time within any fire lane or fire zone. Any unattended motor vehicle or trailer or obstruction found parked or placed in a fire lane or fire zone may be impounded and removed therefrom by a police officer, and the reasonable cost of any tow or service charges incurred may be assessed against the owner of such vehicle or trailer. The cost of removing any other type of obstruction may be assessed against the owner or manager of such structure.

206. Environmental Influences, Other Agencies, and Other Ordinances Affecting the Use of Real Property within the City of Flowood.

206.01 In addition to complying with the provisions of this Ordinance, all lands and structures located within areas of special flood hazard, as such areas are shown on the latest official maps of the City on which the Federal Insurance Administration has delineated such areas, shall comply with the provisions of that certain ordinance duly adopted by the Mayor and Board of Aldermen of the City entitled “An Ordinance to Provide for the Management of Permitted Development on Public and Private Lands within Floodplains located in the Corporate Limits of the City of Flowood, Mississippi”, and such other ordinances related to the use of lands subject to flooding.

206.02 In addition to complying with the provisions of this Ordinance, all activities on lands, which are inundated by waters of the United States are subject to the regulatory jurisdiction of the U. S. Army Corps of Engineers.

206.03 In addition to complying with the provisions of this Ordinance, all lands adjacent to and within the area affected by the Jackson Municipal Airport shall also be subject to the Airport Zoning Regulations of the joint-City of Jackson, Hinds County, Rankin County Airport Zoning Board dated May 1, 1959, as amended. Any and all development and use of lands adjacent to and within the territory affected by the Jackson Municipal Airport shall conform to any and all regulations promulgated by any agency of the State of Mississippi or the United States Government, having proper authority therefor, that relate to the use and development of property in proximity to said airport.

207 Prohibited Uses

207.01 Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials, including fireworks, is prohibited.

207.02 Stockyards, poultry houses, slaughterhouses, rendering plants, commercial feed lots, sanitary landfills, hazardous waste disposal facilities, and arsenals for storage of fireworks, explosives, gunpowder, fissionable materials, or nuclear wastes are prohibited.

207.03 Use of a travel trailer, camper, motor home, or bus as a permanent residence is prohibited.

207.04 Uses which may be hazardous, harmful, noxious, offensive, or a nuisance to the neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage and pollution, transportation and traffic, and aesthetic and psychological effects are prohibited.
207.05 Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted, is prohibited.

207.06 Mini-Storage Warehouses are prohibited in any commercial district of the City.

208 Temporary, Emergency, Construction, or Repair Residences

208.01 The Mayor and Board of Aldermen may issue permits by resolution for temporary, emergency, construction, or repair residences. Such residences shall be located within the required building setback lines and shall be connected to public utilities.

208.02 Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.

208.03 Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire one year after the date of issuance. After the expiration of such initial permit, the Mayor and Board of Aldermen may grant a variance to this Ordinance and renew such permit variance shall be considered and granted as provided in Sections 401–409 of this Ordinance.

208.04 The placement of a temporary mobile home or modular building upon commercial or industrial property may be allowed by the Mayor and Board of Aldermen for use as an Office or Storage Facility for a period not to exceed one (1) year upon a finding by the Board that unforeseen and reasonable circumstances required same or that undue hardship would result if the application were denied. The resolution for the placement of same, shall expire one (1) year from the date of issuance unless extended by the Board, in its discretion, for an additional one (1) year at the request of the landowner. No more than one (1) extension shall be allowed.

209 Surface Mining

209.01 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel shall be allowed only within zoning districts expressly permitting same, provided that the minimum lot area shall be four (4) acres.

209.02 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel shall be allowed only after a permit therefor has been issued pursuant to the Mississippi Surface Mining and Reclamation Law, Section 53-7-1 et seq. of the Mississippi Code of 1972, as amended. Failure to comply with the performance requirements of said Law or failure to implement or complete the reclamation plan provided for in said law shall constitute a violation of this Ordinance.

209.03 The construction of lakes, ponds and storm water retention basins approved by the Mayor and Board of Aldermen shall not be considered as surface mining and shall be permitted within any zoning district.
210  Additional General Provisions

210.01  The boundaries of all improved lots in commercial and industrial districts which abut lots in residential districts shall be fenced with a privacy fence at least six (6) feet in height and built of treated lumber or other approved materials.

210.02  All external illumination and sound originating from a lot shall be directed and controlled so that such shall not be a nuisance or a hazard.

211  Automobile and truck junk yards, crushing yards, used vehicle parts yards, salvage yards, wrecking yards and any other metal, automobile, truck salvage yards or other junk yards are specifically excluded as allowed uses in any Zoning District in the City of Flowood, Mississippi; further, that all such uses presently existing within the City and in operation prior to October 1, 1988, shall be allowed to remain as a nonconforming use, provided that said use shall not be expanded or enlarged without the approval of the Mayor and Board of Aldermen on application of the owner, which application shall be filed with the Zoning Administrator and acted on by the Mayor and Board of Aldermen without public hearing; provided, further, that all such uses shall only be allowed to remain if restrictively fenced from public view of any public highway, street, adjoining residence or commercial buildings by a fence at least six (6) feet in height, which fence shall be of uniform height, constructed with uniform materials and shall be constructed of wood and if not constructed of wood the construction materials desired to be used shall be approved by the Mayor and Board of Aldermen of the City of Flowood, prior to use. The Mayor and Board of Aldermen will consider any material, which will screen the property from public view and be of a uniform height and materials and which will adequately shield or screen the premises from public view. It is the intent of the Mayor and Board of Aldermen that the fence be six (6) feet in height or of such height over six (6) feet as is necessary to shield the contents of the premises from public view. If any such use is not fenced from public view, as provided herein, within six (6) months of the effective date of this Ordinance, then said use shall be considered a nonconforming use and must be removed from the City of Flowood within one (1) year of the expiration of the initial six (6) months period without exception. Time is of the essence in the compliance with this Ordinance. If this provision is not complied with, the owner of operators Privilege License will be revoked, or not renewed. In addition, the owner, operator or violator of this provision shall be subject to the other enforcement provisions of this Ordinance.

212  Any business located within Zoning District C-1, C-2, or C-3 must operate within an enclosed structure without any merchandise, inventory, equipment or other items located outside the enclosed structure. Excluded from this provision are businesses, which customarily display inventory outdoors, such as automobile, truck and machinery or equipment sales and lawn, patio and landscaping businesses, and any other like business.
ARTICLE III

ZONING DISTRICT REGULATIONS

300 L-C Land Conservation District

300.01 The L-C Land Conservation District is hereby created in order to preserve for future development and use in a manner consistent with the City’s formally adopted Comprehensive Plan tracts of presently vacant land located in areas without an established urban land use character or without adequate public street access and utility service. This zoning district is intended to function as a holding zone. Lands in this zoning district will be reclassified for urban utilization when the need for uses permitted in other urban zoning districts is warranted and provision is made for the extension of necessary streets and public utility services. Implementation of this zoning district is intended to encourage utilization of lands already served by adequate streets and utility services before those lands, which are not so served. Implementation of this zoning district is to provide for flexible, orderly transition between undeveloped areas and developed areas of the City. The regulations of this zoning district will permit traditional non-urban uses to continue until an urban land use character for a particular area is justified, until streets and utility services adequate for such urban land uses are available or assured, and until a change in zoning district classification is ordained. An applicant seeking reclassification of lands from an L-C Land Conservation District shall show how the proposed reclassification is in conformance with the City’s formally adopted Comprehensive Plan. Assurance of the provision for extension of streets and utilities to lands in the L-C Land Conservation District shall constitute an indication of change in the character of the area and community need for such zoning.

300.02 Uses permitted in an L-C Land Conservation District include agriculture, forestry, conservation, and low-density outdoor recreation activities which do not or will not change the natural character of the land, attract large numbers of people, or result in a level of inhabitancy that exceeds one (1) family per five (5) acres of land. Included within these permitted uses are the following:

300.02-01 Cultivation of field crops, truck crops, gardens, vineyards, and orchards.

300.02-02 Forestry, timberland, and wood lot operations.

300.02-03 Wholesale greenhouse operations; tree, shrub or flower nurseries, and landscape gardening.

300.02-04 Raising of livestock on tracts containing at least ten (10) acres of pastureland.

300.02-05 Stables, barns, silos, sheds, and other structures directly related to permitted uses.

300.02-06 Single family detached residences, excluding manufactured homes and mobile homes, provided that the minimum lot area shall be five (5) acres.

300.02-07 Outdoor recreational facilities such as camps, lodges, and riding arenas under private or commercial operation, provided that the minimum lot or parcel area shall be twenty (20) acres and provided further that any structures located thereon shall be at least two hundred (200) feet from any property boundary or from any street right-of-way line.
300.02-08 Churches and other places of worship not including Funeral Homes or Mortuary Chapels provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any property boundary or from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

300.02-09 Public parks, playgrounds, recreation, and community facilities of a non-commercial nature and similar facilities of social, civic, or neighborhood associations, provided that the minimum lot area shall be five (5) acres, and provided further that any principal structure located thereon shall be at least fifty (50) feet from any property boundary or from any street right-of-way, and provided further that adequate off-street parking space is provided on the lot.

300.03 The following conditional uses may be authorized in the L-C Land Conservation District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

300.03-01 Private, non-commercial recreational structures and facilities such as lodges, clubhouses, swimming pools, and tennis courts.

300.03-02 Structures and installations, which are necessary public facilities or utilities and require location in an L-C Land Conservation District.

300.03-03 Customary home occupations.

300.03-04 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

300.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

300.05 Omitted

300.06 Off-street parking space shall be provided as prescribed in Section 205.

300.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

300.08 The following structures, uses, and activities are strictly prohibited in an L-C Land Conservation District.

300.08-01 Structures of any type other than those associated with permitted uses.

300.08-02 Activities which anticipate the outdoor assembly of over fifty (50) persons.

300.08-03 Race tracks for animals or vehicles.

300.08-04 Trials for off the road motor vehicles.

300.08-05 Outside storage of any kind, except that incidental to a permitted use.
301 R-E Estate Residential District

301.01 The R-E Estate Residential District is hereby created in order to provide areas within the City reserved for low-density single-family residential purposes. The regulations for this zoning district and the delineation of district boundaries on the Official Zoning Map have been written and drawn for the purposes of guiding new residential development and protecting existing low density areas. When developed according to the regulations, these areas should constitute sound residential development and enhance the quality and stability of the City’s housing environment. It is the intent of this Ordinance that new residential development in this district be regulated according to sound, reasonable, and desirable regulations. The reasons for creating and implementing this zoning district and the R-1 Single Family Residential District as two distinct zoning districts for identical permitted uses are to provide flexibility in the size of lots for single family subdivisions and to provide density-compatible alternatives for the construction of streets, storm drainage, and utility systems in new single family residential neighborhoods. The regulations governing this zoning district and the R-1 Single Family Residential District shall be identical except for minimum area, yard, and other requirements set forth in Section 311.

301.02 The following uses are permitted in the R-E Estate Residential District:

301.02-01 Single family detached dwellings but specifically excluding mobile homes and manufactured homes.

301.02-02 Churches and other places of worship, not including funeral homes or mortuary chapels, provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any property boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

301.02-03 Public parks, playgrounds, recreation, and community facilities of a non-commercial nature and similar facilities of social, civic, or neighborhood associations, provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

301.02-04 Schools and institutions for pre-school and elementary child care and education, provided that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

301.03 The following conditional uses may be authorized in the R-E Estate Residential District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

301.03-01 Structures and installations which are necessary public facilities or utilities and require location in an R-E Estate Residential District.
301.03-02 Customary home occupations.

301.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

301.05 Omitted

301.06 Off-street parking space shall be provided as prescribed in Section 205.

301.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

302 R-1 Single Family Residential District

302.01 The R-1 Single Family Residential District is hereby created in order to provide areas within the City for single-family residential purposes in typical urban subdivisions. The regulations of this zoning district and the delineation of district boundaries on the Official Zoning Map have been written and drawn for the purposes of guiding new residential developments. When developed according to the regulations, these areas should constitute sound residential development and enhance the quality and stability of the City’s housing environment. It is the intent of this Ordinance that new residential development in this district be regulated according to sound, reasonable, and desirable regulations. The purposes of creating and implementing this zoning district and the R-E Estate Residential District as two distinct zoning districts for identical permitted uses are to provide flexibility in the size of lots for single family dwellings and to provide density-compatible alternatives for the construction of streets, storm drainage, and utility systems in new single family residential neighborhoods. The regulations governing this zoning district and the R-E Estate Residential District shall be identical except for minimum area, yard, and other requirements set forth in Section 311.

302.02 The following uses are permitted in the R-1 Single Family Residential District:

302.02-01 Single family detached dwellings, and excluding manufactured homes and mobile homes.

302.02-02 Churches and other places of worship, not including funeral homes or mortuary chapels, provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

302.02-03 Public parks, playgrounds, recreation, and community structures and facilities of a non-commercial nature, and similar facilities of social, civic, or neighborhood associations, and provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

302.02-04 Schools and institutions for pre-school and elementary child care and education, provided that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.
302.03 The following conditional uses may be authorized in the R-1 Single Family Residential District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

302.03-01 Structures and installations which are necessary public facilities or utilities and require location in the district.

302.03-02 Customary home occupations.

302.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

302.05 Omitted

302.06 Off-street parking space shall be provided as prescribed in Section 205.

302.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

303 R-2 Limited Multifamily Residential District

303.01 The R-2 Residential District is hereby created in order that certain areas within the City of Flowood be allowed to be developed with single family and two family houses on smaller lots and with multifamily dwellings continuing four (4) or fewer units per structure; or that older structures may be converted to multifamily uses, boarding houses, lodging houses, or group dwellings.

303.02 The following uses are permitted in the R-2 Limited Multifamily Residential District:

303.02-01 Any use or structure permitted in the R-1 Single Family Residential District.

303.02-02 Omitted

303.02-03 Omitted

303.03 The following conditional uses may be authorized in the R-2 Limited Multifamily Residential District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

303.03-01 Any conditional use allowed in the R-1 Single Family Residential District.

303.03-02 Residential buildings and complexes of residential buildings containing up to four (4) units per structure.

303.03-03 Boarding houses, lodging houses, and group dwellings such as elderly service centers.

303.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.
303.05 The only signs permitted in this district shall be those on-premises signs deemed incidental to a permitted principal use and which meet the requirements of Section 204.

303.06 Off-street parking space shall be provided as prescribed in Section 205.

303.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

304 **R-3 Multifamily Residential District**

304.01 The R-3 Multifamily Residential District is hereby created to provide certain areas within the City in which there may be developed high density residential uses, including rental apartment complexes, apartment hotels, and condominium housing complexes.

304.02 The following uses are permitted in the R-3 Multifamily Residential District:

304.02-01 Any use or structure permitted in the R-2 Limited Multifamily Residential District.

304.02-02 Rental apartment complexes.

304.02-03 Apartment hotels.

304.02-04 Condominium housing complexes.

304.03 Any conditional use allowed in the R-2 Limited Multifamily District may be authorized by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

304.04 Accessory uses and structures customary and incidental to any aforesaid permitted uses shall be allowed, including ancillary convenience commercial, retail, and service establishments catering exclusively to the residents of the property within which they are located. In no instance shall any ancillary convenience commercial use occupy more than ten (10) percent of the gross area of the structure in which it is located and intended to serve. Accessory uses and structures shall not include any type of business designed to serve off-site customers or any trade, manufacturing, or industry.

304.05 Omitted

304.06 Off-street parking space shall be provided as prescribed in Section 205.

304.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

305 **R-4 Mobile Home Park Residential District**

305.01 The R-4 Mobile Home Park Residential District is hereby created in order to provide areas within the City for use and development as mobile home parks and mobile home subdivisions.
305.02 Mobile home parks and mobile home subdivisions shall be permitted in the R-4 Mobile Home Park Residential District provided that such parks and subdivisions shall not have a density exceeding eight (8) mobile homes per gross acre, provided further that the minimum park or subdivision area shall be five (5) areas, provided further that each mobile home located within the park or subdivision shall be connected to adequate water, electrical, telephone, sewage, and drainage systems, and provided further that each mobile home or accessory structure shall be located no closer than fifteen (15) feet to any other mobile home or accessory structure.

305.03 Mobile home subdivisions shall be subdivided by an officially recorded plat and shall conform to all applicable standards of the City's Subdivision Ordinance.

305.04 Accessory uses or structures customary and incidental to mobile home parks and mobile home subdivisions shall be allowed, including ancillary convenience commercial, retail, and service establishments catering exclusively to the residents of the property within which they are located. In no instance shall ancillary convenience commercial uses occupy more than ten (10) percent of the gross area of the park or subdivision. Laundry facilities shall be provided in a service building with a minimum of one washing machine for each thirty mobile home spaces or lots. A community drying yard shall be provided with an area of not less than thirty (30) square feet for each mobile home space or lot, and said drying yard shall be enclosed with a six (6) foot screening fence. Accessory uses and structures shall not include any type of business designed to serve off-site customers, nor shall they include any trade, manufacturing, or industry.

305.05 Omitted

305.06 Off-street parking space shall be provided as prescribed in Section 205. In addition, one (1) parking space shall be provided for every five (5) mobile home spaces or lots. All streets, driveways, and parking spaces shall be paved with asphalt or concrete. The minimum requirements for such pavement shall be four (4) inches of concrete or six (6) inches of compacted clay gravel with two (2) inches of asphalt surface. Pavements must be placed on firm sub-grade. All streets shall have a minimum paved width of twenty (20) feet.

305.07 Minimum area, yard, and other requirements for each mobile home space or lot in a mobile home park or mobile home subdivision shall be as prescribed in Section 311.

305.08 Mobile home parks shall be developed, utilized, and operated according to a plan approved by the Mayor and Board of Aldermen, which approval shall not unreasonably be withheld or denied.

306 C-1 Neighborhood Commercial District

306.01 The C-1 Neighborhood Commercial District is hereby created to provide for commercial areas within the City which are compatible with proximate residential areas. The permitted structures are intended to be low density in character. The permitted uses are intended to be compatible with the character of stable residential neighborhoods.

306.02 The following uses are permitted in the C-1 Neighborhood Commercial District.
306.02-01 Any type of commercial or institutional enterprise commonly known and accepted by the general public as an office type professional business or occupation, including all forms of business and professional offices, and planned complexes of such uses containing less than fifty thousand (50,000) square feet of tenable space in the enclosed structure(s).

306.02-02 Any small retail commercial enterprise in which there is kept no stock in trade or merchandise for sale outside of an enclosed structure within public view.

306.02-03 Any small service commercial enterprise in which no work is performed outside of an enclosed structure within public view.

306.02-04 Photographer’s and artist’s studios, music and dance studios, and establishments providing instruction related to the arts.

306.02-05 Any public, quasi-public, or utility facility not detrimental, in the judgement of the Mayor and Board of Aldermen, to the character of adjacent residential neighborhoods.

306.02-06 Drugstores, art or antique shops, self-service laundries, dry cleaning pick-up stations, barber and beauty shops, hardware stores, paint stores, and similar general and specialty retail store and service establishments in which no stock in trade or merchandise is kept outside of an enclosed structure within public view, and planned complexes of such uses containing less than fifty thousand (50,000) square feet of tenable space in the enclosed structure(s).

306.02-07 Grocery stores, restaurants, delicatessens, specialty prepared food shops, convenience stores including gasoline/grocery stores, fast food restaurants and carry-out food establishments, and planned complexes or such uses, containing less than fifty thousand (50,000) square feet of tenable space in the enclosed structure(s), provided no stock in trade or merchandise is kept outside of an enclosed structure within public view.

306.02-08 Any type of telecommunications or broadcasting facility.

306.02-09 Churches and other places of worship, not including funeral homes or mortuary chapels, provided that adequate off-street parking is provided on the lot.

306.02-10 Child care facilities.

306.03 Any use or structure which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use in the C-1 Neighborhood Commercial District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

306.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed, provided no work is performed or services provided outside the enclosed structure within public view, and provided further no stock in trade or merchandise is kept outside of an enclosed structure within public view.

306.05 Omitted
306.06 Off-street parking space shall be provided as prescribed in Section 205, provided that no parking space or driveway shall be constructed or utilized within required yards adjacent to boundaries abutting residential zoning districts.

306.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

306.08 All improved lots, uses, and structures shall be subject to the following additional limitations and restrictions:

306.08-01 All structures and improvements shall be developed, utilized, and operated according to plans approved by the Mayor and Board of Aldermen, which approval shall not unreasonably be withheld or denied. In approving the site plan, the Mayor and Board of Aldermen shall determine that the lot and all streets, utilities, and improvements are adequate for the proposed use at the proposed location.

306.08-02 All exterior areas shall be lighted and controlled during darkness to a level of illumination deemed appropriate by the Chief of Police for the security of the lot and structure during non-business hours.

306.08-03 All non-paved areas outside the enclosed structure shall be landscaped.

307 C-2 Restricted Commercial District

307.01 The C-2 Restricted Commercial District is hereby created to provide areas within the City for commercial uses. This zoning district is intended to preserve and encourage development of the City’s principal office and service business centers. It is the intent of this Ordinance that the C-2 Restricted Commercial District not be encroached upon by other commercial or industrial uses that are incompatible with the existing and future office and service businesses located within these commercial zoning districts. Uses in the C-2 Restricted Commercial District shall be limited to those in which only intermittently there is work performed, services provided, or items stored outside the enclosed structure within public view, provided that no stock in trade or merchandise is kept outside of an enclosed structure within public view.

307.02 The following uses are permitted in the C-2 Restricted Commercial District:

307.02-01 Any use permitted in the C-1 Neighborhood Commercial District without limitations as to the amount of tenable space, except as hereinafter provided.

307.02-02 Business, institutional, and governmental headquarters.

307.02-03 Neighborhood, specialty, and strip-type shopping centers containing less than one hundred fifty thousand (150,000) square feet of tenable space within the largest enclosed structure.

307.02-04 Planned suburban-type, mixed use developments in which the largest enclosed structure contains less than one hundred fifty thousand (150,000) square feet of tenable space and which developments may include office, retail and recreational uses, apartment residences, and institutional and service facilities.
307.02-05 Omitted.

307.03 Any use or structure which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

307.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

307.05 Omitted

307.06 Off-street parking space shall be provided as prescribed in Section 205.

307.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

308 C-3 General Commercial District

308.01 The C-3 General Commercial District is hereby created to provide areas within the City for large business and general commercial enterprises. It is the intent of this Ordinance that the C-3 General Commercial District designate areas adjacent to major transportation routes for those uses which normally require larger commercial sites and direct access to and visibility from major thoroughfares.

308.02 The following uses are permitted in the C-3 General Commercial District.

308.02-01 Any use permitted in the C-2 Restricted Commercial District, without limitation as to the amount of tenable space, and without restriction as to the location and duration of work performed, services provided, items stored, or stock in trade or merchandise kept for sale.

308.02-02 Large, regional freestanding department and grocery stores and warehouses, dry goods and apparel stores, yard and garden stores, home improvement centers, and similar retail and service establishments.

308.02-03 Convenience retailers of all types.

308.02-04 Commercial printing establishments, newspaper publishing, blueprinting establishments, and specialty printing concerns, provided the enterprise does not require outside storage of materials or products.

308.02-05 Automobile, truck, bus, boat, motor vehicle and recreational vehicle sales and service enterprises, and mechanical garages, specifically excluding used vehicle parts and salvage yards.

308.02-06 Farm and construction equipment sales and service enterprises.

308.02-07 Hotels, motels, and similar facilities.
308.02-08 Health clubs, miniature golf, tennis facilities, practice ranges, cart tracks, water slides, and all other forms of enclosed and open-air type commercial recreation facilities.

308.02-09 Shopping centers of all types.

308.02-10 Small animal hospitals and kennels.

308.02-11 Office warehouse and office showroom complexes, provided that there is no open storage area.

308.02-12 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

308.03 Any retail business or service establishment which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

308.04 Accessory structures and uses customary and incidental to a permitted principal use shall be allowed.

308.05 Omitted

308.05-01 Omitted

308.05-02 Omitted

308.06 Off-street parking space shall be provided as prescribed in Section 205.

308.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

308.07 For retail buildings, Malls, power centers and other like developments where the building(s) are developed in accordance with a comprehensive plan approved by the City, the front, side and rear yard setbacks shall be as follows:

(a) Front setback - 25 feet
(b) Side setback - 5 feet
(c) Rear setback - 10 feet
(d) In determining whether the setbacks are met, the buildings within the development which are owned by different persons shall not be considered as violating the setback requirements provided that the setbacks are met from the property liens of the overall development as proposed in the comprehensive development plan.

(e) The comprehensive plan shall be submitted for approval to the Architectural Review Board of the City.

309 I-1 Light Industrial District
The I-1 Light Industrial District is hereby created to provide areas within the Town reserved for general commercial and light industrial uses including small factories, large wholesale firms, processing and fabrication plants, warehousing and storage facilities, wholesale distribution facilities, transportation facilities, utility installations, and related operations, which are compatible with uses and structures permitted in the C-3 General Commercial District.

The following uses are permitted in the I-1 Light Industrial District:

Any use or structure permitted in the C-3 General Commercial District.

Any industrial, manufacturing, or processing enterprise, provided that no manufacturing or processing is performed outside of an enclosed structure.

Any wholesale trade business.

Any type of warehousing or storage facility, including outdoor storage areas for materials and equipment, provided that no outdoor storage area is within the front yard of the lot, and provided further that all outdoor storage areas are restrictively fenced.

Any type of transportation or distribution facility or terminal.

Any type of public utility facility.

Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

Any commercial business, service establishment, or enterprise which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

Omitted

Omitted

Omitted

Off-street space parking shall be provided as prescribed in Section 205.

Minimum area and yard requirements shall be as prescribed in Section 311.

I-2 Heavy Industrial District

The I-2 Heavy Industrial District is hereby created to provide areas within the Town reserved exclusively for larger industries including factories, heavy manufacturing and processing facilities, large wholesale firms, distribution centers, warehousing and storage
facilities, major transportation terminals, major utility installations, and similar structures and facilities which are incompatible with uses and structures permitted in the residential and commercial zoning districts.

310.02 The following uses are permitted in the I-2 Heavy Industrial District:

310.02-01 Any industrial, manufacturing, or processing establishment or mini-storage warehouses.

310.02-02 Any wholesale trade business.

310.02-03 Any type of distribution center, warehouse, or storage facility, including outdoor storage facilities provided that all outdoor storage areas are restrictively fenced.

310.02-04 Any type of transportation or distribution facility or terminal.

310.02-05 Any type of public utility facility.

310.02-06 Junkyards, used vehicle parts yards, and salvage yards, provided that all such yards are restrictively fenced.

310.02-07 Surface mining of sand, gravel, soil, clay, sand-clay or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

310.03 Any commercial business, service establishment, or enterprise which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

310.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

310.05 Omitted

310.05-01 Omitted

310.05-02 Omitted

310.06 Off-street parking space shall be provided as prescribed in Section 205.

310.07 Minimum area and yard requirements shall be as prescribed in Section 311.

311. **Minimum area, Yard (setback), and Other Requirements**

See attached Schedule.
### 311 Minimum Area, Yard (Setback), and Other Requirements

**NOTE:** IN ADDITION TO THE BELOW STATED REQUIREMENTS, REFER TO THE TEXT GOVERNING EACH ZONING DISTRICT FOR ADDITION REGULATION.

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Area Per Dwelling Unit</th>
<th>Max Gross Density Units Per Acre</th>
<th>Lot Width @ Front Building setback Line</th>
<th>Minimum Front Yard Setback</th>
<th>Minimum Side Yard</th>
<th>Minimum Rear Yard</th>
<th>Maximum Building Height</th>
<th>Maximum Site Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>L-C Land Conservation</td>
<td>None</td>
<td>5.0 Acres(2)</td>
<td>0.2</td>
<td>none</td>
<td>100 ft (3) (4) (5)</td>
<td>50 ft (3) (4) (5)</td>
<td>100 ft (3) (4) (5)</td>
<td>2 1/2 stories or 35 ft</td>
<td>5.00%</td>
</tr>
<tr>
<td>(See Section 300)</td>
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<tr>
<td>R-E Estate Residential</td>
<td>1 acre</td>
<td>1 acre (6)</td>
<td>1</td>
<td>120 ft</td>
<td>35 ft (4) (5) (7)</td>
<td>15 ft (4) (5) (7)</td>
<td>30 ft (4) (5) (7)</td>
<td>1 1/2 stories or 35 ft</td>
<td>25.00%</td>
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<tr>
<td>(See Section 301)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>R-1 Single Family Residential</td>
<td>9,600 sq ft</td>
<td>9,600 sq ft (6)</td>
<td>4.5</td>
<td>80 ft</td>
<td>25 ft (4)</td>
<td>20 ft total min(4) 25 ft (4)</td>
<td>7.5 ft on 1 side</td>
<td>2 1/2 stories or 40 ft</td>
<td>40.00%</td>
</tr>
<tr>
<td>(See Section 302)</td>
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<td></td>
</tr>
<tr>
<td>R-2 Limited Multifamily</td>
<td>7,500 sq ft</td>
<td>7,500 sq ft + 2,500 sq ft ea Add'l unit over two</td>
<td>5.8 for 1 or 2 family dwelling 8.0 otherwise</td>
<td>60 ft</td>
<td>25 ft</td>
<td>10 ft total 5 ft on 1 side</td>
<td>20 ft</td>
<td>2 1/2 stories or 40 ft</td>
<td>40.00%</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
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<tr>
<td>(See Section 303)</td>
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<td></td>
</tr>
<tr>
<td>R-3 Multifamily Residential</td>
<td>7,500 sq ft</td>
<td>7,500 sq ft + 2,500 sq ft ea</td>
<td>10</td>
<td>100 ft</td>
<td>25 ft</td>
<td>20 ft total 7.5 ft on 1 side</td>
<td>20 ft</td>
<td>3 1/2 stories or 45 ft</td>
<td>50.00%</td>
</tr>
<tr>
<td>(See Section 304)</td>
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<td></td>
</tr>
<tr>
<td>R-4 Mobile Home Park Residential</td>
<td>5.0 acres</td>
<td>5,000 sq ft</td>
<td>8.7</td>
<td>250 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>25 ft</td>
<td>2 1/2 stories or 25 ft</td>
<td>25.00%</td>
</tr>
<tr>
<td>(See Section 305)</td>
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<td></td>
</tr>
<tr>
<td>C-1 Neighborhood Commercial</td>
<td>5,000 sq ft</td>
<td>N/A</td>
<td>N/A</td>
<td>50 ft</td>
<td>25 ft</td>
<td>10 ft (1)</td>
<td>25 ft</td>
<td>2 1/2 stories or 35 ft</td>
<td>25.00%</td>
</tr>
<tr>
<td>(See Section 306)</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>C-2 Restricted Commercial</td>
<td>10,000 sq ft</td>
<td>N/A</td>
<td>N/A</td>
<td>75 ft</td>
<td>25 ft</td>
<td>5 ft (1)</td>
<td>10 ft</td>
<td>6 stories or 90 ft</td>
<td>50.00%</td>
</tr>
<tr>
<td>(See Section 307)</td>
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</tbody>
</table>

Continued Next Page
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<th>Minimum Rear Yard</th>
<th>Maximum Building Height</th>
<th>Maximum Site Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-3 General Commercial (See Section 308)</td>
<td>10,000 sq ft</td>
<td>N/A</td>
<td>N/A</td>
<td>75 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>10 ft</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
<tr>
<td>I-1 Light Industrial (See Section 309)</td>
<td>10,000 sq ft</td>
<td>N/A</td>
<td>N/A</td>
<td>50 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>25 ft</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
<tr>
<td>I-2 Heavy Industrial (See Section 310)</td>
<td>10,000 sq ft</td>
<td>N/A</td>
<td>N/A</td>
<td>50 ft</td>
<td>25 ft</td>
<td>5 ft</td>
<td>25 ft</td>
<td>Unlimited</td>
<td>Unlimited</td>
</tr>
<tr>
<td>PH-1 Patio Home District (See Section 312)</td>
<td>6,000 sq ft</td>
<td>6,000 sq ft</td>
<td>7.2</td>
<td>60 ft</td>
<td>20 ft</td>
<td>5 ft (1)</td>
<td>20 ft</td>
<td>35 feet</td>
<td>50.00%</td>
</tr>
<tr>
<td>PUD Planned Unit Development (See Section 313)</td>
<td>10 acres</td>
<td></td>
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</tr>
</tbody>
</table>

AS APPROVED ON THE OUTLINE PLAN AND GOVERNING TEXT

N/A – Not applicable
(1) Minimum distance between dwellings on adjoining lots of ten (10) feet. If a utility or drainage easement lies between two residences, the side yard shall be measured from the easement width, so that at least 20 feet is between dwellings, including the easement width.
(2) Outdoor Recreational 20 acres
(3) Outdoor Recreational 200 feet
(4) Churches 50 feet
(5) Public Parks 50 feet
(6) Churches 5 acres
(7) Schools 50 feet
(8) If Single Family detached dwellings are built in an R-3 District.
312 Patio Home District (PH-1)

312.01 The purpose of this district is to provide areas for the development of single-family detached houses on small lots which site use efficiency is achieved by relaxing one side yard requirements. Through design and planning controls, higher densities can be accommodated without sacrificing usable open space, privacy or environmental quality.

312.02 Following are land uses permitted in PH-1 districts.

312.02-1 Single-family detached dwelling with only one principal dwelling per lot

312.02-2 Accessory uses and structures associated with the use of the land for residential purposes.

312.02-3 Horticultural uses not involving the sale of produce on the premises.

312.02-4 The keeping of animals in compliance with the City of Flowood's Animal Control Ordinance.

312.02-5 Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities. Lakes deeded to a homeowner's association or dedicated (public) to the City of Flowood shall comply with the Flowood Subdivision Regulations.

312.02-6 Conditional uses allowed in R-1 Single Family Residential District.

312.03 Dimensional Requirements/Garage

312-03-01 Maximum Building Height – 35 feet

312-03-02 Minimum Size of Tract to be Subdivided for Patio Homes – Five (5) acres

312-03-03 Minimum Lot Area – 6,000 square feet

312-03-04 Minimum Floor Area – 1,600 square feet of heated area

312-03-05 Minimum Lot Width – 60 feet

312-03-06 Minimum Yards:

(a) Front Yard: Twenty (20) feet from the right-of-way line to the building setback line.

(b) Side Yards: Five (5) feet, but with the minimum distance between dwellings on adjoining lots of ten (10) feet. However, if a utility or drainage easement is located between two residences, the side yard shall be measured from the easement width, so that at least 20 feet is between dwellings, including the easement width.

(c) Rear yards: Twenty (20) feet.
Every home constructed within this district shall have an enclosed garage attached to the dwelling.

Required Reservation or Dedication of Open Space for Patio Home Subdivisions

Where a developer proposes a patio home subdivision, the developer shall provide common open space amounting to ten percentage (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the City shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer’s specific proposed use of the steep slope land. The Mayor or Board shall determine whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen a part of the preliminary subdivision plat review process. All open space improvements shall be shown on the subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

Staged Development of a Patio Home Subdivision: If a patio home subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for patio homes and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part – even though 10% of 5 acres is only one-half acre. If the second part consists of 15 acres, in addition to the one acre reserved for the first phase, thus, the total open space reserved for the 20 acre tract developed in two phase would be 2.5 acres.

Performance Bond: Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure
the completion of all proposed open space improvements (where applicable). The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

312-04-06 Maintenance/Liability in the operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Flowood: Authority granted by the City of Flowood for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Flowood either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the patio home subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability, insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the patio home subdivision. In order to insure the integrity of the open space so that the open space restrictions are permanent, not just for a period of years.

312-06 Required Off-Street Parking in R-4 Districts:

See Section 205

312-07 Signs

See Sign Ordinance of the City of Flowood, Mississippi

The same sign provisions applicable to R-1 Residential Zoning District shall apply to this zoning district.

312-08 General

312-08-01 That ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, Section 100, Zoning Districts is hereby amended to include PH-1, patio Home District, as a Zoning District of the City.

312-08-02 That the provisions of the Zoning Ordinance relating to R-1, Residential Zoning District, to the extent not in conflict herewith shall apply in this zoning district.

312-08-03 Any person desiring to have their property rezoned to PH-1 shall file an Application to Rezone their property with the Zoning Administrator.

313 PUD Planned Unit Development District

313-01 The purpose of the planned unit development district is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial or office uses designed to serve the inhabitants of the districts consistent with the comprehensive plan.
313-02 It is also purpose of the planned unit development district to afford property owners or developers the opportunity to utilize innovative and unique design elements in creating a planned total community. The City of Flowood recognizes that certain properties, due to locational criteria and adjacent existing development, may not be utilized to its highest and best use through the application of traditional zoning classification (s).

313-03 For purposes of this title, any proposed planned unit development shall consist of at least ten (10) acres in area unless otherwise authorized by the governing authority. A planned unit development should be planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

313-04 Initially Created PUD Districts: Any property classified as PUD through the adoption of zoning amendments by the City of Flowood shall be governed by the provisions of the R-1 Single Family Residential District until such time as the owner or developer of said property complies with the provisions of Section 313.05 et seq.

313-05 District Established. Plan Approval Required: The PUD district shall be established only upon application, after public hearing as specified in the amendatory procedures of Article V, and shall required approval of an outline plan which, when zoning is granted, will govern the development of the land and all development plans thereof. The application fee for establishing a PUD shall be the same fee as for any other zoning amendment request.

313-06 Minimum district area: The minimum area for a PUD district shall be ten (10) acres.

313-07 Permitted uses: A list of permitted uses within each planned unit development must be submitted with the application for establishment of the district and the outline plan and must be approved by the governing authority upon application by the owner of the property.

313-08 Application required: An application for rezoning to PUD district shall be accompanied by:

a. An outline plan drawn to a scale of not less than one inch equals one hundred feet (1” = 100’) or a larger scale suitable to the size of development if approved by the Zoning Administrator. The Outline plan shall include, at a minimum, the following information:

1. Boundary description, including area, bearings and dimensions of all property lines;

2. The locations of existing roads with both the existing and proposed rights-of-way from centerline, and the location of proposed points of ingress to and egress from the site;
3. Existing topography, with a contour intervals of no greater than two (2) feet when the slope is less than four (4) percent, and no greater than five (5) feet when the slope is greater than four (4) percent, referenced to a United States Geological Survey or a Coast and Geodetic Survey bench mark or monument, or benchmark approved by the City Engineer or Public Works Director, unless specifically waived by the Zoning Administrator.

4. The location of all mature tree growth. Mature tree growth shall be defined as trees 5 inches or greater in diameter at 4 1/2 feet above the ground;

5. Grading and drainage information, including preliminary proposals for onsite detention of storm water, if necessary, in accordance with city storm water drainage policy set forth in the city's Subdivision regulations;

6. Vicinity map, North arrow and scale (graphically and numerically);

7. Tie in dimension from property corner to nearest to existing street(s) and to section corner;

8. Locations and types of existing easements, including instrument references, and proposed utilities and easements;

9. The title block, including the unduplicated name of planned unit development, outline plan, Engineer's and Developer's names, total acreage, date of draft/revision;

10. Individual parcel numbers/letters, the amount of acreage on each (and designated use, if applicable);

11. Proposed landscape buffers (shown on the plan graphically and in cross section);

12. Names of abutting property owners or subdivisions.

b. Text presenting the following information:

1. Proposed land uses and residential densities, along with the proposed dimensional requirements for each such land use;

2. Proposed primary circulation pattern;

3. Proposed parks and playgrounds or other public use facilities;

4. Delineation of the units or phases to be constructed, together with a proposed timetable;

5. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
6. Relation to the comprehensive plan and to land uses in the surrounding area;

7. Estimates of traffic volumes generated by the completed project;

8. Any other governing restriction or allowance necessary for the development of a genuine, unique community. In the event the governing text is silent on an issue otherwise regulated by City ordinance, then the City’s ordinance shall govern.

Supporting Date: The Zoning Administrator may require the applicant to provide additional data in support of the PUD proposal if such material is deemed reasonable and essential to the consideration of the project. Such material may include but not be limited to studies of traffic generation, drainage, sewers and public utilities, marketing and economic feasibility analysis or other issues, which may be pertinent to the site and surrounding area.

Scope of review: The Zoning Administrator shall review and confer with other City Department Heads on the requested development plan. Such review may consider, but not be limited to the following factors:

a. Whether or not the proposed outline plan is designed so as to be genuinely unique, an that the post-development land uses and spatial development patterns will be unlike those achieved through the use of traditional zoning districts;

b. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourse, flood plains, soils, air quality, scenic views and historic sites;

c. The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community.

d. The provision of sufficient open space to meet the needs of the proposed development;

e. The provision of adequate drainage facilities and on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community;

f. The compatibility of the overall development plan with the existing land use in the surrounding area;

g. The existence and/or provision of adequate community facilities to serve the proposed development (i.e., water, sewer and other utilities, streets, fire hydrants, site lighting, gas, electricity, telephone service and similar information);

h. Conformance of the site development plan with the comprehensive plan, any other applicable requirements of the zoning ordinance, subdivision regulations, or any other land use control regulations of the City of Flowood.

29
313-11 Review and approval:

a. The Zoning Administrator, along with other appropriate city Department Heads, shall study the outline plan, text and supporting data, make suggestions for changes and adjustments, and recommend conditions for the approval of the plan as necessary. After the Zoning Administrator reviews the outline plan and text, he shall recommend approval, disapproval or approval with conditions of the outline plan to the governing authority. The amendatory procedures set out in Article V of this Ordinance shall govern the processing of an application for PUD.

b. Within sixty (60) days after the final action by the governing authority, the applicant shall submit a revised outline plan an text to the Zoning Administrator, and said revised outline plan and text shall incorporate any and all conditions imposed upon the proposed development for approval. If no revised plan has been submitted within the required 60 day period the application shall be deemed withdrawn. If the outline plan and text was approved by the governing authority with no conditions or revisions, then no revised outline plan or text shall be required.

c. If an application for an amendment to classify property in the PUD District is denied by the governing authority, a reapplication pertaining to the same property and requesting the same PUD amendment may not be filed within 18 months of the date final action was taken on the previous application.

d. No building permit shall be issued until a final plan of the proposed development, or phase thereof, is approved, filed and recorded.

313-12 Amendments to an outline plan: An application for an amendment to an outline plan shall be filed with the Zoning Administrator, which application shall be accompanied by the fee established in Article V, Section 507 of this Ordinance. The procedure for amending the outline plan shall be the same as that required for the initial establishment of the PUD.

313-13 Final Plan procedure: The Final Plan shall consist of a two-stage review process that may occur concurrently. The first stage of review shall be that of a detailed site plan review and the second stage shall be that of a final plat review. The detailed site plan review must precede the final plat review. The specific requirements for these final plan documents are set out in Sections 313.15 and 313.16.

The final plan procedure may be initiated at any time after approval of the outline plan by the governing authority. The final plan documents shall be reviewed by the Zoning Administrator in order to establish that it substantially meets the conditions of the outline plan. After the Zoning Administrator reviews the final plan documents, he shall recommend approval, disapproval or approval with conditions of the same to the governing authority. It shall only be necessary for the governing authority to act upon the final plat. Review of the detailed site plan shall be an administrative matter conducted by the Zoning Administrator and other appropriate city officials.
Design Requirements: The detailed site plan must provide for and conform entirely to the following standards and requirements:

a. Off-street parking and loading shall be provided as prescribed in Article II, Section 205 of this Ordinance. Reductions or variations in the required parking may be recommended by the Zoning Administrator and approved by the governing authority if suitable alternatives are presented.

b. Street widths and improvements must conform to the requirements established by the Subdivision Regulations and the Comprehensive Plan; however, alternative design cross sections of minor roadways may be presented for consideration and approval at the time of outline plan review.

c. Provisions for water supply, and sanitary sewer connections shall be made to the satisfaction and requirements of the governing authority and the appropriate state authority.

d. Drainage provisions: A means of on-site drainage retention shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer and the governing authority.

e. Landscape screening to provide a buffer between differing land uses must be provided. Required screening shall not be considered as part of the rear yard setback requirement.

f. A minimum total area of ten (10) percent of the gross residential area shall be set back as parks and playgrounds. Of this ten (10) percent a maximum of one-half may be covered with water. A maximum of five (5) percent of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use, but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

g. The Zoning Administrator may require other special improvements, if they are deemed reasonable and essential.

Detailed Site Plan Requirements: A site plan with supporting data shall be prepared and submitted to the Zoning Administrator, drawn to a scale of not less than one hundred (100) feet to the inch and shall include the following information:

a. Boundary description, including area, bearings and dimensions of all property lines;

b. Tie in dimension from property corner to nearest existing streets(s) and to section corner;

c. Locations and types of existing and proposed utilities and easements;
d. Existing topography, with a contour intervals of no greater than two 92) feet when the slope is less than four (4) percent, and no greater than five (5) feet when the slope is greater than four (4) percent, referenced to a United States Geological Survey or a Coast and Geodetic Survey bench mark or monument, or benchmark approved by the City Engineer or Public Works Director*;

e. The location of points of ingress to and ingress from the site;

f. The location of all mature tree growth. Mature tree growth shall be defined as trees 5 inches or greater in diameter at 4 ½ feet above the ground*;

g. A grading and drainage plan including proposals for on-site retention of storm drainage as well as general details of all surfaced areas*;

h. Existing tree masses to remain, streams, floodplain and other natural features;

i. Vicinity map

j. Estimates of traffic volume generation from the completed project along the boundary streets*;

k. Title block, including name of development, phase number, developer/owner, engineer, section, township and range, acreage, zoning;

l. Location/footprint of proposed buildings, including height in stories and feet, floor area ratio, total floor area, and total square feet of ground area coverage. It shall not be necessary to show building footprints for single family residential units unless deemed necessary by the Zoning Administrator;

m. Provisions for landscape screening and buffering shall be represented graphically in plan view and elevation view on the site plan. Other landscaping required by the City of Flowood Landscaping Ordinance shall be shown on the plan;

n. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space*;

o. The location, arrangement and dimensions of:
   1. Existing and proposed streets and driveways;
   2. Adjacent streets;
   3. Sidewalks;
   4. Parking areas, including the number of off-street parking spaces;
   5. Points of ingress an egress;
   6. Off-street loading areas;
   7. Other vehicular, bicycle or pedestrian rights-of-way;

p. Drainage provisions: On-site drainage retention shall be provided to control storm water run-offs so that surface waters will be properly disposed of without
adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer*.

*Requirement may be waived by the Zoning Administrator, if deemed appropriate.

313-16 Final Plat Requirements: Requirements for the final plat for recording for a PUD shall be as follows:

a. The final plat for recording shall conform to the requirements of Sections 202, 203 and 204 of the Subdivision Regulations for the City of Flowood;

b. A statement or otherwise appropriate representation of any conditions imposed by the Governing Authority or Zoning Administrator;

c. Delineation of building setback lines, limits of buffer areas or landscape screening, and open space areas in accordance with the approved outline plan;

d. Any other notations or markings necessary to memorialize and illustrate features of the proposed PUD, as determined by the Zoning Administrator or governing authority.

313-17 Scope of Review: The zoning Administrator and governing authority shall consider, but not be limited to, the following factors in review of the final plan documents:

a. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views and historic sites;

b. The provision and location of appropriate access to provide for the safety and efficiency of vehicular and pedestrian traffic both within the development and along adjacent streets;

c. The provision of sufficient open space, landscaping and buffering to meet the requirements of the outline plan;

d. The provision of adequate drainage facilities an on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community;

e. The conformance of the site design (location of buildings, parking lots, screening, landscaping) with the approved outline plan and governing text;

f. The existence and/or provision of adequate community facilities to service the proposed development (i.e., water, sewer gas, electricity, streets, fire hydrants, and site lighting);

g. Conformance of the final development plan with the approved outline plan and governing text, and any other applicable requirements of the zoning ordinance,
subdivision regulations, or any other land use development regulation adopted by the City of Flowood.

313-18 Upon approval of the final plat by the governing authority, the Zoning Administrator shall cause to be recorded the final plat in the office of the Chancery Clerk of Rankin County, Mississippi, after the required signatures for recordation have been secured. The procedure for recording the final plat for the PUD shall be the same as though it were a typical subdivision plat. No building permit shall be used until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. After approval, filing and recording of the plan, a building permit may be issued in accordance with the approved plan.

313-19 Special Uses: The following uses may be allowed as special uses in zoning district L-C, C-1, C-2, C-3, I-1 and I-2; (a) Funeral Homes, (b) Cemeteries, (c) any other use which is not an itemized allowed use in said districts and which the Mayor and Board desire to treat as a Special Use.

313-20 Application: Any person desiring a special use permit shall make application for same and provide the information specified in Article IV of this Ordinance.

313-21 Public Hearing: A public hearing will be held by the Mayor and Board prior to granting or denying the special use permit in accordance with the public hearing provision so this Ordinance.

313-22 Judgment: The Mayor and Board of Aldermen when considering the application shall consider the highest and best use of the property, location, public need, adverse effects on surrounding properties, if any, and any other factor determined by the Mayor and Board to be of importance.

313-23 Grant of Request: In granting the request the Mayor and Board of Aldermen may place such conditions, restrictions and time constraints as determined desirable.

314 Administration: The Zoning Administrator shall develop the necessary forms and applications to properly administer the provisions of this section, and the Zoning Administrator may from time to time amend said forms and applications as needed to effectively and efficiently carryout these provisions.
Smart Growth District (adopted by Mayor and Board of Aldermen October 18, 2005).

(insert Smart Code Section 315 here)
ARTICLE IV

CONDITIONAL USES, TEMPORARY USES, AND VARIANCES

400 Conditional Uses and Temporary Uses

400.01 The policy of the Mayor and Board of Aldermen is to establish and maintain sound and desirable development and uses of lands and structures within the City. The Mayor and Board of Aldermen acknowledge that there will be situations when an otherwise non-permitted use, under certain conditions and/or for limited periods of time, should be permitted. Therefore, under certain conditions and/or for limited periods of time, on specific parcels of land, where the Mayor and Board of Aldermen determine that an otherwise non-permitted use will not adversely affect the neighborhood and will not be contrary to the public interest and general welfare, Conditional Uses and Temporary Uses may be permitted. Any person or party holding the controlling ownership interest in the subject property is sought may file a request therefor in conformance with provisions of this Ordinance. A Conditional Use and a Temporary Use shall only be authorized by the Mayor and Board of Aldermen acting by passage of an order and only after notice has been given and a public hearing held on the request.

400.02 In considering an application for a Conditional Use or a Temporary Use, the Board shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed use. Upon authorizing a Conditional Use or a Temporary Use, the Mayor and Board of Aldermen may impose such conditions, restrictions, and requirements with respect to location, construction, signs, fencing, landscaping, maintenance, and operation, in addition to those conditions, restrictions, and requirements expressly stipulated in this Ordinance, as they may deem necessary for the protection of adjacent properties and for the preservation of the public interest and general welfare. A Temporary Use shall not be authorized for a period exceeding one (1) year.

400.03 The Mayor and Board of Aldermen shall not authorize a Conditional Use unless and until they make a finding that the Conditional Use is not contrary to the City’s formally adopted Comprehensive Plan and that the Conditional Use will not adversely affect the neighborhood or the public interest and general welfare. The order authorizing a Conditional Use shall state all conditions, restrictions, and requirements deemed appropriate therefor by the Mayor and Board of Aldermen.

400.04 The Mayor and Board of Aldermen shall not authorize a Temporary Use unless and until they make a finding that the Temporary Use is not contrary to the Town’s formally adopted Comprehensive Plan and that the Temporary Use will not adversely affect the neighborhood or the public interest and general welfare. The order authorizing a Temporary Use shall state the date on which the authorized Temporary Use will cease and be removed and shall state all other conditions, restrictions, and requirements deemed appropriate therefor by the Mayor and Board of Aldermen.

401 Variances

401.01 The Mayor and Board of Aldermen shall have the power to grant Variances from the provisions or requirements of this Ordinance. A Variance shall only be granted by the Mayor
and Board of Aldermen acting by passage of an order and only after notice has been given and a public hearing held on the request. A Variance from the strict application of any provision of this Ordinance shall not be granted by the Mayor and Board of Aldermen unless they find that all of the following facts and conditions exist.

401.01-01 Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures within the same district.

401.01-02 Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this Ordinance.

401.01-03 Granting the Variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise structure or use is to be located.

401.02 In no case shall the Mayor and Board of Aldermen grant a Variance for a use, which is not a permitted use in the zoning district in which the proposed structure or use is to be located.

402 Initial Procedure

402.01 An applicant seeking a Conditional Use, a Temporary Use, or a Variance shall file a request therefor in the form of an application with the Zoning Administrator. The application shall contain the information and certifications listed in Section 403 and whatever other documentation for record the applicant desires to submit.

402.02 The application shall be reviewed for sufficiency by the Zoning Administrator. When the application is found sufficient, the Zoning Administrator shall determine the date for a public hearing on the request before the Mayor and Board of Aldermen, which date shall be a regularly scheduled meeting of the Mayor and Board of Aldermen, and shall set the request for public hearing on the agenda for that meeting. In determining the date of the regularly scheduled meeting of the Mayor and Board of Aldermen at which the public hearing is to be held, the Zoning Administrator shall take into consideration the time necessary for the provision of all notices required prior to said hearing, the dates acceptable to the applicant, and the substance and duration of other matters set for hearing and debate at such regularly scheduled meetings. Provided, unless the applicant consents in writing, the public hearing shall be held at a regularly scheduled meeting of the Mayor and Board of Aldermen to be held within ninety (90) days of the date the application is determined by the Zoning Administrator to be sufficient.

402.03 The Zoning Administrator shall notify the applicant of the date, time, and location of the regularly scheduled meeting of the Mayor and Board of Aldermen during which the hearing shall be held.

403 Information Required for a Sufficient Application for a Conditional Use, Temporary Use, or Variance. An application considered sufficient for a Conditional Use, Temporary Use, or Variance shall include the following:
403.01 The name, mailing address, and telephone number of each person, corporation, partnership, trust, or other party which holds an ownership interest in subject property. The person or party holding the controlling ownership interest shall be so indicated.

403.02 A map or plat and legal description of the subject property. The map or plat shall show the location and conditions of all existing structures and uses.

403.03 A drawing showing the location of all property boundaries and parts and parcels of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property, together with the names and mailing addresses of the owners of said parts and parcels, which shall be written on the drawing within the part or parcel, or otherwise recorded on the face of the drawing, or attached thereto with sufficient clarity to denote the owners of the proximate properties to whom notice of the public hearing before the Mayor and Board of Aldermen shall be mailed. The drawing shall be certified by an attorney, attesting to the relative location of property boundaries and to the accuracy of the names of all proximate owners as of a date within thirty days of the date of the application and according to information of record in the office of the Chancery Clerk of Rankin County.

403.04 A vicinity map showing the subject property and the neighborhood. The map shall show the locations of all zoning district boundaries, floodway and flood hazard area boundaries, and streets and other public and private rights-of-way in the neighborhood.

403.05 The name, mailing address, and telephone number of the application or officer, agent, or attorney of the application to whom all correspondence regarding the application is to be directed.

403.06 The designation of the current zoning district or districts in which the subject property is located.

403.07 A certified copy of all enforceable covenants or restrictions, declared either in separate instruments or in valid deeds of record, which restrict or prohibit on the subject property uses or structures otherwise permitted by this Ordinance if the proposed Conditional Use, Temporary Use, or Variance were authorized by the Mayor and Board of Aldermen. If there are none then the certificate of an attorney to that effect.

403.08 All other pertinent information that might be relevant to the proposed Conditional Use, Temporary Use, or Variance or relevant to the subject property.

403.09 A draft of the proposed notice of the required public hearing for publication.

403.10 A draft of the proposed order authorizing the requested Conditional Use or Temporary Use or granting the Variance.

403.11 (Optional) A draft of any proposed covenants, conditions, and restrictions for the subject property to which the applicant is willing to subject the property if the proposed Conditional Use, Temporary Use, or Variance were to be authorized or granted by the Mayor and Board of Aldermen.
Required Published Public Notices

404.01 The applicant for a Conditional Use, Temporary Use, or Variance shall give Public Notice of the date, time, and place for the required public hearing before the Mayor and Board of Aldermen by causing notice thereof to be published at least one (1) time in a newspaper having a general circulation in the City, which notice shall be published at least fifteen (15) days prior to the date of said public hearing. The notice shall be titled “PUBLIC NOTICE”, be signed by the applicant or the officer, agent, or attorney of the applicant, and shall read substantially as follows:

Notice is hereby given to any and all persons interested in or in any way affected thereby that (insert name of person or party holding the controlling ownership interest in the subject property) has filed an application with the Zoning Administrator of the City of Flowood requesting a (Conditional Use) (Temporary Use) (Variance) to allow the following described parcel of land to be used as (insert description of proposed use, duration, relief requested, etc.):

(Insert legal description of subject property)

A copy of said application is on file with the City Clerk and is available for review during normal business hours. Said application and request will come before the Mayor and Board of Aldermen for public hearing on (insert date of hearing) during their regularly scheduled meeting which begins at (insert time of meeting here) and which is to be held at City Hall, 2101 Airport Rd, Flowood, Mississippi. Any person desiring to express his or her views on the application and request may be present and do so at said hearing or may deliver his or her written statement to the City Clerk prior to said hearing. Written statements so delivered shall be part of the record of said hearing. All inquiries about the application and proposed amendment should be addressed to the undersigned at (insert the address and telephone number of the applicant or officer, agent, or attorney of the applicant).

Required Posted Public Notice

405.01 The applicant shall post at least one (1) sign at a conspicuous location along each public or private street on which the subject property abuts, or if the subject land does not abut a public or private street, then at a conspicuous location on the subject property. Each sign will be posted for at least fifteen (15) days during the three (3) weeks immediately preceding the public hearing.

405.02 On each sign, the title “PUBLIC NOTICE” shall be legible from the nearest street and all other words and letters shall be legible and at least two (2) inches high.

405.03 Each sign shall give notice to the public that the property is subject to a request for a Conditional Use, Temporary Use, or Variance and that the application requesting same is available for review at the City Hall.
406 Required Mailed Notices

406.01 The applicant shall serve notice by Certified Mail to each owner of a part or parcel of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property.

406.02 This required mailed notice shall read substantially the same as the required published public notice.

406.03 The required mail notice shall be mailed at least fifteen (15) days prior to the scheduled date of the required public hearing.

407 Application Fees

407.01 At the time of filing an application for a Conditional Use, Temporary Use, or Variance, there shall be paid to the City Clerk a fee of three hundred Dollars ($300.00) to cover incidental expenses of the City for the processing of said application. This fee shall not be refundable.

407.02 The applicant shall be responsible for performing, at his expense, all actions required by this Ordinance or by law for the request, if authorized or granted, to be effective, including the preparation of all applications, draft orders, notices, exhibits, affidavits, transcripts, and records; the publication of all notices required to be published; the posting of all notices required to be posted; the mailing of all notices required to be mailed; and the certification of all statements required to be certified.

408 Public Hearing Before the Mayor and Board of Aldermen

408.01 The application shall be required to present orally and in writing credible evidence that his request for a Conditional Use, Temporary Use, or Variance is in conformance with City’s formally adopted Comprehensive Plan. Such evidence may be in the form of a written report prepared by a professional who is knowledgeable of the comprehensive uses of lands and structures in the area and who is also familiar with the City’s formally adopted Comprehensive Plan.

408.02 The applicant for a Conditional Use or Temporary Use shall be required to present orally and in writing credible evidence that the proposed Conditional Use or Temporary Use will not adversely affect the neighborhood, public interest, and general welfare.

408.03 The applicant for a Variance shall be required to present orally and in writing credible evidence that the facts and circumstances described in Sections 401.01-01, 401.01-02, and 401.01-03 exists on the subject property.

408.04 The applicant’s attorney shall provide a certification that all the actions necessary to effect all required notices were performed. Such certification shall include the proof of publication of the notice in a newspaper of general circulation in the City and the U.S. Postal Service Receipts for Certified Mail sent to owners of all parts and parcels or property within one hundred sixty (160) square feet (excluding street rights-of-way).
408.05 The Mayor and Board of Aldermen may limit in any reasonable manner oral presentations by the applicant and any other person or persons present at the hearing and desiring to express his or her views on the application and request. Such limitations shall be uniformly applied.

408.06 At the direction of the Mayor and Board of Aldermen, the Zoning Administrator may preside at any public hearing.

409 Order Granting Request

409.01 The Zoning Administrator will prepare, with the assistance of the applicant, the order necessary to authorize the Conditional Use or Temporary Use or to grant the Variance as proposed in the application.

409.02 If the Mayor and Board of Aldermen pass the order according to the procedures required therefor by law and this Ordinance, the order shall be entered into the minutes of the meeting and shall be effective when the minutes are approved as provided by law.
ARTICLE V
AMENDMENTS

500 Declaration of Policy

500.01 The policy of the Mayor and Board of Aldermen is to establish and maintain sound, stable, and desirable development and uses of lands and structures within the City. To assist in the achievement of this policy, this Ordinance shall not be amended except to correct a mistake in this Ordinance or the Official Zoning Map, or to acknowledge conditions which have changed in a particular area or in the City generally and to meet an identifiable community need. Amendments shall be limited to those in conformance with the City’s adopted Comprehensive Plan. Subject to the above limitations, an amendment to this Ordinance and/or the Official Zoning Map may be initiated by the Mayor, any member of the Board of Aldermen, the Zoning Administrator, or any person or party holding the controlling property ownership interest in the parcel of land which will be affected by the amendment. Amendments to this Ordinance shall be in the form of an ordinance adopted in conformance with statutory requirements of the State of Mississippi and adopted only after a properly noticed public hearing has been held on the proposed amendment before the Mayor and Board of Aldermen.

500.02 An applicant seeking to amend this Ordinance and/or the Official Zoning Map shall have the burden of proving either (1) that there is a mistake in the existing ordinance and/or the Official Zoning Map, or (2) that there has been a change in the character of the neighborhood so as to justify the proposed amendment and that there is a public need for the proposed amendment.

500.03 No amendment to this Ordinance shall be adopted whereby the regulations and restrictions so established are not uniform for each zoning district having the same zoning classification and bearing the same symbol or designation on the Official Zoning Map.

501 Procedure

501.01 To initiate an amendment to the provisions of this Ordinance and/or to the Official Zoning Map, any person or party holding the controlling ownership interest in the subject property, or any officer, attorney, or agent therefor, shall file an application with the Zoning Administrator. The person or party filing such application is hereinafter referred to as the “applicant”. The application shall contain the information and certifications set forth in Section 502 and whatever other documentation for record the application desires to submit.

501.02 The application shall be reviewed for sufficiency by the Zoning Administrator. When the application is found sufficient, the Zoning Administrator shall determine the date of the public hearing required for the proposed amendment, which shall be the date of a regularly scheduled meeting of the Mayor and Board of Aldermen, and shall set the application for amendment for public hearing on the agenda for that meeting. In determining the date of the regularly scheduled meeting of the Mayor and Board of Aldermen at which the public hearing is to be held, the Zoning Administrator shall take into consideration the time necessary for the provision of all notices required prior to said hearing, the dates acceptable to the applicant, and the substance and scheduled meetings. Provided, unless the applicant consents in writing, the public hearing shall be held at a regularly scheduled meeting of the Mayor and Board of Aldermen to be held within ninety (90) days of the date the application is determined by the Zoning Administrator to be sufficient.
The Zoning Administrator shall notify the applicant of the date, time, and location of the regularly scheduled meeting of the Mayor and Board of Aldermen during which the public hearing will be held.

**502 Information Required for a Sufficient Application to Amend the Official Zoning Map.** An application considered sufficient to amend the Official Zoning Map shall include the following:

**502.01** The name, mailing address, and telephone number of each person, corporation, partnership, trust, or other party which holds an ownership interest in the subject property. The person or party holding the controlling ownership interest shall be so indicated.

**502.02** A map or plat and legal description of the subject property. The map or plat shall show the location and conditions of all existing structures and uses.

**502.03** A drawing showing the location of all property boundaries and parts and parcels of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property; together with the names and mailing addresses of the owners of said parts and parcels, which shall be written on the drawing within the part or parcel, or otherwise recorded on the face of the map or plat, or attached thereto with sufficient clarity to denote the owners of the proximate properties to whom notice of the public hearing before the Mayor and Board of Aldermen shall be mailed. The drawing shall be certified by an attorney attesting to the relative location of property boundaries and to the accuracy of the names of all proximate owners as of a date within thirty days of the date of the application and according to information of record in the office of the Chancery Clerk of Rankin County.

**502.04** A vicinity map showing the subject property and the neighborhood. The map shall show the locations of all existing and proposed zoning district boundaries, floodway and flood hazard area boundaries, and streets and other public and private rights-of-way in the neighborhood.

**502.05** The name, mailing address, and telephone number of the application or officer, agent, or attorney of the application to whom all correspondence regarding the application is to be directed.

**502.06** The designation of the current zoning district or districts in which the subject property is located.

**502.07** A certified copy of any enforceable covenants or restrictions, declared either in separate instruments or in valid deeds of record, which restrict or prohibit on the subject property uses or structures otherwise permitted by this Ordinance if the proposed amendment were adopted by the Mayor and Board of Aldermen. If there are none, then the certificate of any attorney to that effect.

**502.08** If applicable, the mistake in the Official Zoning Map that would be corrected by the proposed amendment.

**502.09** All other pertinent information that might be relevant to the proposed amendment or relevant to the subject property.
502.10 A draft of the proposed notice of the required public hearing for publication.

502.11 A draft of the proposed ordinance amending this Ordinance and/or the Official Zoning Map.

502.12 (Optional) A draft of any proposed covenants, conditions, and restrictions for the subject property to which the applicant is willing to subject the property if the amendment were to be adopted by the Mayor and Board of Aldermen.

503 Information Required for Sufficient Applications to Amend the Regulatory or Administrative Provisions of this Ordinance. Applications considered sufficient to amend the regulatory or administrative provisions or any other part of this Ordinance shall include the following:

503.01 The name, mailing address, and telephone number of each person, corporation, partnership, trust, or other party or parties which hold property ownership interests in ten (10), or if less than ten (10), all of the parcels of land which will be affected by the proposed amendment.

503.02 A map of the City showing the parcels of land, which will be affected by the proposed amendment.

503.03 The name, mailing address, and telephone number of the applicant or officer, agent, or attorney of the applicant to whom all correspondence regarding the application is to be directed.

503.04 The name and mailing address of the person whom will be responsible for the affirmative presentation at the public hearing on the proposed amendment to be held before the Mayor and Board of Aldermen.

503.05 The proposed specific and entire text of each article, section, or table to be added, deleted, amended, or substituted in this Ordinance.

503.06 The anticipated effects of the proposed amendment.

503.07 If applicable, the mistake in this Ordinance that would be corrected by the proposed amendment.

504 Required Published Public Notices

504.01 For amendments to this Ordinance and/or to Official Zoning Map, the applicant shall give Public Notice of the date, time, and place for the required public hearing before the Mayor and Board of Aldermen by causing notice thereof to be published at least one (1) time in a newspaper having a general circulation in the City, which notice shall be published at least fifteen (15) days prior to the date of said public hearing. The notice shall be titled "PUBLIC NOTICE", shall be signed by the applicant or the officer, agent, or attorney of the applicant, and shall read substantially as follows:
Notice is hereby given to any and all persons interested in or in any way affected thereby that (insert name of person or party holding the controlling ownership interest in the subject property) has filed an application with the Zoning Administrator of the City of Flowood to amend the Official Zoning Map to cause the following described parcel of land to be changed from and (insert current zoning district designation and description) to (insert proposed zoning district designation and description):

(Insert legal description of subject property)

A copy of said application is on file with the City Clerk and is available for review during normal business hours. Said application and proposed amendment will come before the Mayor and Board of Aldermen for public hearing on (insert date of hearing) during their regularly scheduled meeting which begins at (insert time of meeting here) and which is to be held at City Hall, 2101 Airport Rd, Flowood, Mississippi. Any person desiring to express his or her views on the proposed amendment may be present and do so at said hearing or may deliver his or her written statement to the City Clerk prior to said hearing. Written statements so delivered shall be part of the record of said hearing. All inquiries about the application and proposed amendment should be addressed to the undersigned at (insert the address and telephone number of the applicant or officer, agent, or attorney of the applicant).

505 Required Posted Public Notices

505.01 For amendments to the Official Zoning Map, an applicant shall post at least one (1) sign at a conspicuous location along each public or private street on which the subject property abuts, or if the subject land does not abut a public or private street, then at a conspicuous location to the subject property. Each sign will be posted for at least fifteen (15) days during the three (3) weeks immediately preceding the public hearing.

505.02 On each sign, the title “PUBLIC NOTICE” shall be legible from the nearest street and all other words and letters shall be legible and at least two (2) inches high.

505.03 Each sign shall give notice to the public that the property is subject to a proposed amendment to the Official Zoning Map of the City of Flowood and that the application for same is available for review at the City Hall.

506 Required Mailed Notices

506.01 The applicant shall serve notice by Certified Mail to each owner of a part or parcel of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property.

506.02 This required mailed notice shall read substantially the same as the required published public notice.

506.03 The required mail notice shall be mailed at least fifteen (15) days prior to the scheduled date of the required public hearing.
Application Fees

At the time of filing an application for an amendment to the Official Zoning Map, there shall be paid to the City Clerk a fee of Three Hundred Dollars ($300.00) to cover incidental expenses of the City for the processing of said application. This fee shall not be refundable.

The applicant shall be responsible for performing, at his expense, all actions required by this Ordinance or by statute for the amendment, if adopted, to be effective, including the preparation of all applications, draft amending ordinances, draft orders, notices, exhibits, affidavits, transcripts, and records; the publication of all notices required to be published; the posting of all notices required to be posted; the mailing of all notices required to be mailed; the certification of all statements required to be certified; and if adopted, the publication of the ordinance amending this Ordinance.

Public Hearings Before the Mayor and Board of Aldermen

The applicant shall be required to present orally and in writing credible evidence that the proposed amendment is in conformance with the City's formally adopted Comprehensive Plan. Such evidence may be in the form of a written report submitted by a professional who is knowledgeable of the comprehensive uses of lands and structures in the area and who is also familiar with the City's formally adopted Comprehensive Plan.

For amendments to the Official Zoning Map, other than to correct a mistake, the applicant shall be required to present orally and in writing information substantiating that there has been a change in the character of the neighborhood so as to justify the proposed amendment and that there is a public need for the proposed amendment.

For amendments to the Official Zoning Map, the applicant or his attorney shall provide a certification that all the actions necessary to effect all required notices were performed. Such certification shall include the proof of publication of the notice in a newspaper of general circulation in the City and the U.S. Postal Service Receipts for Certified Mail sent to owners of all parts and parcels of property within one hundred sixty (160) feet (excluding street rights-of-way).

The Mayor and Board of Aldermen may limit in any reasonable manner oral presentations by the applicant and any other person or persons present at the hearing and desiring to express his or her views on the application and proposed amendment. Such limitations shall be uniformly applied.

At the direction of the Mayor and Board of Aldermen, the Zoning Administrator may preside at any public hearing.

Effective Adoption of Amendments

If prior to voting on an ordinance amending the Official Zoning Map, the Mayor and Board of Aldermen receive a written protest against the proposed amendment signed by the owners of twenty (20) percent or more of the acreage in the parts and parcels of land and property situated within one hundred sixty (160) feet (excluding street rights-of-way) of the parcel of land subject to the proposed amendment, such amendment shall not become effective except after the favorable vote of two-thirds of the Aldermen.
The Zoning Administrator will prepare, with the assistance of the applicant, the ordinance necessary to amend this Ordinance and/or the Official Zoning Map as proposed in the application. If the Mayor and Board of Aldermen adopt the ordinance according to the procedures required therefor by statute and this Ordinance, the ordinance shall be published by the applicant in a newspaper published in Rankin County having general circulation within the City, which publication shall follow the required authentication activities of the officials of the City. The applicant shall furnish the City Clerk with a copy of the Proof of Publication of said ordinance.
ARTICLE VI
DEFINITIONS

600 General Certain words and phrases used in this Ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future, the singular number includes the plural, and the plural includes the singular; “person” includes a corporation as well as an individual; “lot” includes “plot”; “structure” includes “building”; “occupied” includes “designed” or “intended to be occupied”; “used” includes “arranged,” “designed,” or “intended to be used”; “shall” is mandatory and not directory; “may” is permissive. Wherever the term “Ordinance” appears or shall appear it shall be interpreted to mean and to refer to this Ordinance, inclusive of all amendments, which may have been or may be added thereto.

601 Specific Definitions

601.01 Accessory Building or Structure: A structure or a portion of the main structure subordinate to that main structure which is located on the same lot as the main structure or an adjacent lot, the uses of which are clearly incidental to the use of the main structure.

601.02 Accessory Use: A use of structure subordinate to the principal use of a structure or use on the same lot or an adjacent lot and serving a purpose customary and incidental to the use of the principal structure or use. A sign is an accessory use.

601.03 Alley: A public space or thoroughfare less than twenty (20) feet, but not less than ten (10) feet in width, which has been dedicated or conveyed to the public for public use.

601.04 Alterations, Structural: A change in the supporting members of a structure, such as walls, floors, columns, beams, or girders.

601.05 Apartment: A room or two (2) or more rooms designed for, arranged for, intended for, or occupied as a residence by one (1) household.

601.06 Apartment Complex: A group of two or more structures, regardless of ownership, divided into apartments located on a site of unified design which provides common vehicular access, parking accessory structures and/or uses, and related amenities mutually beneficial to residents of the apartments thereon.

601.07 Apartment Hotel: An apartment building which maintains a lobby through which all tenants must pass to gain access to the apartments and which may furnish dining service for the tenants.

601.08 Area: The word “area” shall mean the territory affected by this Ordinance.

601.09 Basement: A story, the floor of which is two (2) feet or more below grade but with not more than one-half (1/2) of its height below grade.

601.10 Billboard: An outdoor advertising sign structure which advertise activities, businesses, goods, products, or services, usually owned by a person, corporation, or other entity that engages in the provision of outdoor displays or display space on a lease or rental basis.

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601.11 Boarding House: A structure or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation for five (5) or more persons, and where no cooking or dining facilities are provided in individual rooms.

601.12 Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property, and when divided by an unpierced wall from the ground to the roof, each portion of such structure shall be considered a separate building.

601.13 Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the ridge for gable, hip, or gambrel roofs.

601.14 Building Permit: A permit issued by the Building Administrator for the construction or alteration of any building or structure.

601.15 Carport: A canopy attached to the main building, providing a sheltered place for parking a vehicle and for entering and alighting from said vehicle. The portion used for parking space shall not extend into the required front yard. Any portion extending into a required side yard shall be open on all sides except that the wall of the main building may be adjacent to one side.

601.16 Clinic: An establishment where persons are given medical, dental, or surgical treatment by one (1) but not more than eight (8) physicians or dentists and with no accommodations for lodging patients overnight.

601.17 Cellar: A story having more than one-half (1/2) of the height below grade. A cellar is not included in computing the number of stories for the purpose of height unless it is designed and used for dwelling purposes.

601.17-1 Child care Facility: Any establishment providing care of children during the day but not overnight, including facilities for children of working mothers, kindergartens and nursery schools for children under the age for admission to public schools, co-operative nursery schools, play groups for pre-school children or after-school care of school children, and other establishments of a similar nature.

601.18 Club, Private: Structures and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

601.19 Club, Country: A club with recreation facilities for members, their families, and invited guests, having premises with an area of not less than twenty-five (25) acres.

601.20 Conditional Use: A use not otherwise not permitted in a particular zoning district but authorized by the Mayor and Board of Aldermen in accordance with the provisions of Article IV of this Ordinance.

601.21 Court: An open, unobstructed space on the same lot as the structure.
601.22 Dwelling: Any structure or portion thereof designed or used as in the conventional manner as the residence of one (1) or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, tree house, or a room in a hotel or motel.

601.23 Dwelling, Multifamily: A structure or portion thereof designed for or used by three (3) or more families or housekeeping units.

601.24 Dwelling, Single Family: A structure designed for or used for residence purposes exclusively by one (1) family or housekeeping unit, but not to include manufactured or mobile homes as defined herein.

601.25 Dwelling, Two Family: A structure designed for or used exclusively by two (2) families or housekeeping units.

601.26 Dwelling Unit: One (1) room or suite of two (2) or more rooms designed for or used by one (1) family or housekeeping unit for living and sleeping purposes and having only one (1) kitchen or kitchenette and at least one (1) separate bathroom.

601.27 Family: One (1) or more persons living as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel, hotel, or group quarters.

601.27-1 Fire Lane: Any primary access and/or service drive or lane of travel for motor vehicles located within a lot.

601.27-2 Fire Official: The Chief of the Flowood Fire Department, or his authorized representative.

601.27-3 Fire Zone: Any area located adjacent to a structure and situated between the structure and a fire lane, which area has been designated by the Fire Official as the location of emergency access to the structure for fire fighting and other similar purposes.

601.28 Flood-Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary sewerage facilities, and structures and contents of building.

601.29 Garage, Mechanical: Any premises, except those described as a private or storage garage where automotive vehicles are serviced, equipped, mechanically repaired, rebuilt, hired, or sold.

601.30 Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

601.31 Garage, Storage: Any building used for the storage of automobiles for remuneration.

601.32 Grade: The elevation of the land on which a structure is to be erected, taken at the center of the main entrance.
601.33 Hotel: A structure containing twelve (12) or more rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by guests.

601.34 Home Occupation: An occupation conducted in a dwelling unit, provided that no person other than members of the family residing on the premises shall be engaged in such occupation; that the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; and that there shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign.

601.35 Hospital, Small Animal: An establishment where veterinary treatment and care are provided inside a structure for dogs, cats, and other small domestic pets.

601.36 Junkyard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed structure, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvage materials incidental to manufacturing operations.

601.37 Kennel: A place where four (4) or more cats or dogs or any combination of four (4) such animals are kept, whether by the owners of the animals or by other persons, with or without compensation.

601.38 Laundromat: An establishment providing home-type washing, drying, or ironing machines for hire, to be used by customers on the premises and not by employees.

601.39 Laundry: An establishment where clothing and similar articles are washed and ironed by employees on the premises.

601.40 Laundry Pick-up Station: An establishment where clothing and similar articles are received, to be washed or dry-cleaned elsewhere, and where the articles so processed may be held for return to the customer.

601.41 Lodging House or Dormitory: A structure other than a hotel, apartment hotel, or motel where lodging for five (5) or more persons is furnished by the day, week, or month for compensation but no meal service is available.

601.42 Lot: A piece, parcel, or tract of land occupied or intended to be occupied by a principal structure or a group of such structures and accessory structures or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance.

601.43 Lot, Area: The computed area contained within the lot lines.

601.44 Lot Depth: The mean horizontal distance between the front and the rear lot lines.

601.45 Lot boundaries or Lines: The property lines bounding the perimeter of a lot.

601.46 Lot line, Front: The property line separating the lot from a street right-of-way.
Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot of Record: A lot which is part of a subdivision, the plat of which is filed for record with the Chancery Clerk of Rankin County, Mississippi, or a parcel of land, the deed of which was recorded in the Office of the Chancery Clerk of Rankin County, Mississippi.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Width: The width of the lot measured at the front building setback line.

Manufactured Home: A single family residential structure substantially constructed in sections off site in accordance with the standards promulgated by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U. S. C. Section 5401 et seq., which sections are transported to and joined together on the site, built on a permanent chassis, set on a permanent foundation, skirted with a curtain wall, and containing more than one thousand two hundred (1,200) square feet of heated and cooled living space.

Mobile Home: A single-family residential structure constructed off site in accordance with the standards promulgated by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401 et seq., which includes kitchen and bathroom facilities, but not including campers or travel trailers, designed for transportation after fabrication on streets, highways, land, air, or water, and arriving at the site where it is to be occupied as a dwelling unit.

Mobile Home Park: an area where two (2) or more mobile homes can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two (2) or more families. Typically mobile home spaces with a mobile home park are rented or leased to their occupants.

Mobile Home Space: A plot of ground within a mobile home park, designed to accommodate one (1) mobile home, and which has water, sewer, and electricity available at the space.

Motel: A structure or group of structures comprising individual temporary sleeping or living units for the accommodation of transient guests and not containing individual cooking or kitchen facilities.

Nonconforming Use: A building, structure, or premises legally existing or used at the time of adoption of this Ordinance which does not conform with the use or other regulations prescribed by this Ordinance for the district in which it is located.

Omitted

Nursing Home: A structure in which lodging and meals, with nursing, dietary, and other personal services are provided for invalids, convalescents, and aged persons, but in which are kept no persons suffering from mental or nervous disorders, drug addiction, alcohol addiction, or any contagious disease, in which no surgery, obstetrical, or acute medical treatment is provided.
Parking Area: An open, unoccupied space used or set aside to be used for the parking of automobiles and in which no other business is conducted.

Parking Space: The area required for parking one (1) automobile, not less than nine (9) feet wide and twenty (20) feet long, either within a structure or in the open, exclusive of driveways or access drives.

Person: The word "person" shall include individuals, corporations and organizations and firms of every kind and character.

Rooming House: A residential building, other than a hotel, apartment hotel, or motel, in which lodging for more than two (2) but not more than twenty (20) persons is provided for compensation for periods of one week or more but not to transients by the day.

School: The term "school" includes public, parochial, and private institutions of academic or vocational learning.

Setback Line: The closest point at which a building may be constructed in relation to the lot boundary. The limit opposite property boundaries of the required yards.

Sign: Any sufficiently visible device designed to inform or attract the attention of persons not on the premises on which it is located, provided however that the following shall not be included in the application of the regulations herein;

1 Signs not exceeding three (3) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or identification of premises not having commercial connotations;

2 Flags and insignia of any government except when displayed in connection with a commercial promotion;

3 Legal notices, identification, informational, or directional signs erected or required by governmental authorities or agencies;

4 Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

5 Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such a sandwich sign, is also a freestanding sign. A freestanding sign must be located within the area of a lot on which a structure can be erected or placed.

Sign, Internally Illuminated: Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Neon tube signs are internally illuminated.
601.68 Sign, Number: For the purpose of determining the number of signs permitted, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without an organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a separate sign.

601.69 Sign, Surface Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms composing all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area.

601.70 Sign, On Premises: A sign relating in its subject matter to the principal use of the lot on which it is located, or to products, accommodations, services, or activities on the lot. On premises signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

601.71 Sign, Off Premises: Any sign other than an on premises sign.

601.72 Sign, Roof: A sign erected upon or above a roof or parapet of a building.

601.73 Sign, Temporary: An unlighted sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a relatively short or definite period of time after erection of such sign; or a sign that is intended to remain on one location for a period of not over 15 days. If a sign display area is permanent but the message displayed is subject to periodic change, that sign shall not be regarded as temporary.

601.74 Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

601.75 Street: Any thoroughfare other than an alley.

601.76 Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

601.77 Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred.

601.78 Temporary Emergency, Construction, or Repair Residence: A residence which may be a mobile home that is (1) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (2) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence.
when the work is completed, or (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

601.79 Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

601.80 City: City of Flowood, Mississippi.

601.81 Trailer: Any portable structure or vehicle designed for highway travel.

601.82 Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the subject property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of lot, yards, and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

601.83 Yard: An open space at grade between the edges of a structure and the adjoining lot boundaries, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

601.84 Yard, Front: An open space extending the full width of the lot between the front edge of a structure and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

601.85 Yard, Rear: An open space extending the full width of the lot between the rear edge of a structure and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

601.86 Yard, Side: An open space extending from the front yard to the rear yard between the side edge of a structure and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

601.87 Zero Lot Line Dwelling: A residence located on a lot in such a manner that one of the principal building's sides rests directly on or within six (6) inches of a side lot line. Two such buildings may be joined along a lot line by a common party wall.
ARTICLE VII

ENFORCEMENT AND ADMINISTRATION

700 Interpretation and Conflict

700.01 The position of the Zoning Administrator is hereby established. The Zoning Administrator is hereby granted the authority to interpret this Ordinance, which interpretation is subject to appeal to the Mayor and Board of Aldermen.

700.02 In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements necessary for the promotion of the health, safety, convenience, comfort, prosperity, and general welfare of the public.

700.03 Except where clearly referenced and noted otherwise on the Official Zoning Map by notation or dimension, the boundaries of zoning districts shall be interpreted to be along current boundaries of lots or other parcels of land described in instruments of record or along centerlines of existing streets, easements, alleys, streams, utilities, railroads, or other physical features. The Zoning Administrator shall interpret the boundary lines on the Official Zoning Map.

700.04 When two (2) or more specific provisions of this Ordinance conflict or when a provision of this Ordinance conflicts with any other ordinance or municipal regulation, the most restrictive shall apply.

701 Enforcement by Zoning Administrator

701.01 It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with the provisions thereof. No building permit shall be issued without the express written approval of the Zoning Administrator for the proposed use and site plan for the structure for which the building permit is requested. All employees of the City of Flowood vested with duty or authority to issue other permits or licenses shall conform to the provisions of this Ordinance and shall not issue a permit for any use, structure, or purpose in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

701.02 Before any person or party shall commence the construction, erection, conversion, enlargement, reconstruction, material alteration, or repair of a structure on any parcel of land within the City, or before any person or party shall park or place a manufactured or mobile home on any parcel of land within the City, that person or party shall first obtain a permit from the City Clerk. The issuance of such permit shall be withheld until the Clerk is provided sufficient documentation approved by the Zoning Administrator that the proposed use, location and characteristics of the structure and its appurtenant accessory uses and structures, signs, parking space, and other improvements will conform to the provisions of this Ordinance in all applicable respects. Such permit shall be displayed in a conspicuous place at the site at all times during construction.
701.03 Before any structure is moved within the City, the person or party moving the structure shall first obtain a permit from the City Clerk. The issuance of such permit shall be withheld until the Clerk is provided sufficient documentation approved by the Zoning Administrator that the proposed use, location, and characteristics of the structure and its appurtenant accessory uses and structures, signs, parking space, and other improvements will conform to the provisions of this Ordinance in all applicable respects. Such permit shall be attached to the structure and displayed in a conspicuous place on the structure at all times. The person or party moving the structure shall have the approval of the Chief of Police and shall be held responsible and liable for replacing any and all road signs, mail boxes, overhead wires, signals, and lights damaged, destroyed, marred, or removed prior to and while the structure is being moved.

701.04 If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person believed to be responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct the violations. The Zoning Administrator shall order discontinuance of any illegal, non-permitted, or unauthorized uses; removal of any illegal, non-permitted, or unauthorized structures, appurtenance accessory uses and structures, signs, parking space, and other improvements; and discontinuance of any illegal, non-permitted, or unauthorized work being performed and services being provided. The Zoning Administrator shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Any action by the Zoning Administrator to enforce, ensure compliance, or prevent violation of this Ordinance is subject to appeal to the Mayor and Board of Aldermen.

701.05 The Chief of Police will assist the Zoning Administrator in the enforcement of this Ordinance.

702 Certificate of Use

702.01 Subsequent to the effective date of this Ordinance, no change in the use or occupancy of any structure or land or any change in the use or occupancy of an existing building other than for single family dwelling purposes shall be made, nor shall any new structure be used or occupied, until a certificate of use has been issued by the Zoning Administrator. Every certificate of use shall state that the new occupant complies with all provisions of this Ordinance or has been properly granted a conditional use, temporary use, or variance in regard thereto. No structure or premises shall be occupied until such certificate is issued. A record of all certificates of use shall be kept on file in the office of the City Clerk. Copies shall be furnished on request to any person having a proprietary of tenancy interest in the land or structure covered by such certificate of use.

702.02 If the properly approved and permitted construction, erection, conversion, enlargement, reconstruction, material alteration, or repair of a structure has not begun within six (6) months from the date of issuance thereof, said approval shall expire and be subject to renewal or cancellation by the Zoning Administrator.

703 Miscellaneous

703.01 Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section, clause, or provision declared to be invalid
703.02 Any person, firm, or corporation who knowingly violates, neglects, or refuses to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than Twenty Dollars ($20.00) or more than One Hundred Dollars ($100.00) for each offense. Each calendar day that a violation exists shall constitute a separate offense.
ARTICLE VIII

ADULT ENTERTAINMENT

800 Adult Entertainment Provisions

801 Title This shall be known and may be cited as the Flowood Adult Entertainment Provisions of the Zoning Ordinance

802 Purpose: It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the secondary effects which said businesses cause such as increased crime, decreased property values and economic decline for the City, which the Mayor and Board have determined to exist by reviewing studies from other cities prior to the adoption of this Ordinance. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize the distribution of obscene material.

803 Definitions: With respect to this article the following definitions shall apply:

803-01 Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

803-02 Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale 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, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or

B. Instruments, devices or paraphernalia, which are designed for use in connection with "specified sexual activities".

803-03 Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
803-04 Adult entertainment Establishment: An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of “specified anatomical areas”, or where any employee, operator or owner exposes his/her “specified anatomical area” for viewing by patrons.

803-05 Adult Motel: A motel or similar establishment which includes the work “adult” in any name it uses or otherwise advertise the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.

803-06 Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.

803-07 Church: A facility regularly used to hold religious services, meetings, an similar activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The term “church” does not apply to auxiliary uses, such as schools, residences, coffee houses, day care centers, bingo parlors, and fellowship halls.

803-08 Park: Any developed public land or area open to the general public and reserved for recreational purposes.

803-09 Playground: Any developed area which is used for and has facilities for recreation, primarily for use by children. For purposes of this Ordinance, the term “playground” shall apply to the principal use of land and not an accessory use.

803-10 School: A facility, whether public or private, that provides a curriculum of elementary, secondary, an post secondary academic instruction, including kindergartens, day care centers, elementary schools, junior high schools, high schools, and accredited four-year degree granting institutions of higher learning. For purposes of this Ordinance, the term “school” shall not include business, trade vocational schools or beauty colleges.

803-11 Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state even if completely an opaquely covered.

803-12 Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.
804 General Provisions

804-01 Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motels and adult motion picture theaters shall be an allowed use in zoning districts I-1 Light Industrial District and L-C Land Conservation District located south of the ICG Railway located north of Kleen Steel Crushing Plant.

804-02 No adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater, as defined in this Ordinance, shall not be located within 250 feet of another such establishment nor located within five hundred (500) feet of any residentially zoned property, church, school, park, City Building or playground.

804-03 If any provisions, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

804-04 No alcohol, beer, wine or other like drinks may be allowed on or inside the premises of any adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater.

804-05 All other existing ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

804-06 This Ordinance shall become effective on the 1st day of October, 1988.

The above and foregoing Ordinance was first reduced to writing and offered by Alderman Graham, who moved its adoption, which motion was seconded by Alderman Bell. Said Ordinance was considered and adopted as a whole and the vote on the final passage thereof was as follows:

Alderman Ainsworth voted yea
Alderman Bell voted yea
Alderman DeWitt voted yea
Alderman Graham voted yea
Alderman Moore voted yea
WHEREUPON, the Mayor declared this Ordinance passed, ordained and duly adopted on the 16th day of August, 1988.

ATTEST:

Velma Wilson, Clerk

Chastaine Flynt, Mayor

(SEAL)

THEREFORE BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of Flowood, Mississippi, that this amendment to said Ordinance shall become effective on the 1st day of July, 1989.

The above and foregoing Ordinance was first reduce to writing and offered by Alderman W. K. Bell, who moved its adoption, which motion was seconded by Alderman Bobby G. Moore. Said Ordinance was considered and adopted as a whole and the vote on the final passage thereof was as follows:

Alderman Ainsworth voted yea
Alderman Bell voted yea
Alderman DeWitt voted absent
Alderman Graham voted yea
Alderman Moore voted yea

WHEREUPON, the Mayor declared this Ordinance passed, ordained and duly adopted on the 16th day of May, 1989.

ATTEST:

Velma Wilson, Clerk

Chastaine Flynt, Mayor

(SEAL)
CERTIFICATE

I, Velma Wilson, the duly appointed, qualified and acting City Clerk of the City of Flowood and lawful custodian of the minutes and seal of said City, do hereby certify that the foregoing is a true and exact copy of an Ordinance passed, ordained and adopted by the Mayor and Board of Aldermen of the City of Flowood, Mississippi, at its regular public meeting and which ordinance is placed of record in the minutes of said meeting in Minute Book 27 at Page 88 - 89.

Witness my signature and official seal of office, this the 16th day of May, 1989.

Velma Wilson, Clerk
City of Flowood, Mississippi

(SEAL)

CERTIFICATE

I, Velma Wilson, the duly appointed, qualified and acting City Clerk of the City of Flowood and lawful custodian of the minutes and seal of said City, do hereby certify that the foregoing is a true and exact copy of an Ordinance passed, ordained and adopted by the Mayor and Board of Aldermen of the City of Flowood, Mississippi, at its regular public meeting August 16, 1988, and which Ordinance is placed of record in the minutes of said meeting Minute Book 25-A at Pages 151 - 208.

Witness my signature and official seal of office, this the 16th day of August, 1988.

Velma Wilson, Clerk
City of Flowood, Mississippi

(SEAL)
FLOODPLAIN
ORDINANCE
ORDINANCE TO PROVIDE FOR THE MANAGEMENT OF
PERMITTED DEVELOPMENT ON PUBLIC AND
PRIVATE LANDS WITHIN FLOODPLAINS LOCATED IN
THE CORPORATE LIMITS OF THE CITY OF FLOWOOD,
MISSISSIPPI AND REPEAL ORDINANCES IN CONFLICT
THEREWITH
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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 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 Mayor and Board of Aldermen of the City of Flowood do hereby adopt the following floodplain management regulations.

SECTION B. FINDINGS OF FACT.

(1) The flood hazard areas of the City of Flowood 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.

(2) 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, flood-proofed, 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 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 water;

(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, street 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 flood 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 water;

(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 its most reasonable application.

A Zone means portions of the SFHA 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.

A1 – A30 and AE zone is the Special Flood Hazard Area inundated by the 100-year flood, base flood elevations are determined.

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 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.

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.

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.

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/AI – A30, AR/AE, AR/AH, AR/AO, and AR/A zones are SFHAs that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 00-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

*Area of shallow flooding* means a designated AO or AH Z 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 characterized by ponding or sheet flow.

**B and X zones** (shaded) are areas of 500-year flood, areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

**Base Flood Elevation (BFE)** is the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-30, AR/AH, AR/O, Ve-V30, and Ve that indicates the water surface elevation resulting from a flood that has a –percent or greater chance of being equaled or exceeded in any given year.

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

**Building** see Structure.

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

**Community** is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**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** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Dams** means any artificial barrier, including appurtenant works, with the ability to impound water, wastewater, or liquid borne materials and which (a) is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation; or (b) has an impounding capacity at maximum water storage elevation of 50 acre-feet or more.

(a) This definition does not apply to any such barrier which is not in excess of 6-feet in height regardless of storage capacity or which has a storage capacity at maximum water storage elevation not greater than 15-acre feet regardless of height, unless such a barrier, due to its location or other physical characteristics, is classified as a high hazard potential dam.
(b) No obstruction in a canal used to raise or lower water shall be considered a dam; and

c) A fill or structure for highway or railroad use for any other purpose, which may impound water, may be subject to review by the Mississippi Department of Environmental Quality and shall be considered a dam if the criteria of this definition are found applicable and is classified as a high hazard potential 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.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Elevation Certificate is 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 at subsidized rates on 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, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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” commenced before December 15, 1982.

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 December 15, 1982.

Fill means a deposit of earth material 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 500-year flood have a moderate to low risk of flooding.

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 water;

b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FABM) means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FABM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone 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.

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

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

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

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 prevention and reducing flood loss and damage.

Floodproofing Certificate is a form used to certify compliance for non-residential structures as an alternative to elevating buildings to or above the BFE.

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.

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.

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

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Mayor and 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 miss-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, flood routing capacity).
High hazard potential dam means a dam assigned the high hazard potential classification where failure or misoperation will probably cause loss of human life.

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 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.

Hydrologic and 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.

Increased Cost of Compliance (ICC) means the cost to repair a substantially 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 elevation, relocation, demolition, or any combination thereof. All renewal and new business policies with effective dates on or after June 1, 1997 will include ICC coverage.

Letter of Map Change (LOMA) 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. LOMC's are broken down into the following categories:

Letter of Map Amendment (LOMA)
A revision based on technical data showing that a property was incorrectly included in a designated SFHA. 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, show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LORM, 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. CLOMR does not amend or 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.

Low hazard potential dam means a dam assigned the low hazard potential classification where failure or miss-operation results in no probable loss of human life and low economic and/or environmental losses. Losses are limited to the owner’s property.

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.

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 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 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 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. (The letter “A” is not use by FEMA, the letter “B” is the first revision.)

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 alternations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Market value means the building value, excluding the land (as agreed between a willing buyer and seller), 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 the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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.
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) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction means any structure for which the “start of construction” commenced on or after November 11, 1982. This term also includes any subsequent improvements to such a structure.

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), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, 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-Hundred Year Flood (100-Year Flood) is the flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26 percent chance of experiencing such a flood with 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 construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

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.

Probation a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, 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.

Recreational vehicle means a vehicle that is:

a) Built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck; and,

d) 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 phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

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 construction or renewal of any part of an existing 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 twenty-five percent of the market value of the structure before the damage occurred.

Reservoir means any basin, which contains or will contain impounded water, wastewater, or liquid-borne materials by virtue of its having been impounded by a dam.

Section 1316 is 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 the Administrator 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.

Significant hazard potential dam means a dam assigned the significant hazard potential classification where failure or mis-operation results in no probable loss of human life but can cause major economic loss, environmental damage, disruption of critical facilities, or impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but could be located in areas with population and significant infrastructure.

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, A1 – A30, AH, AO, AR, V, VE, or V1 – V30.

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 manufactured home on a foundation. Permanent construction does not include land preparations, 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 means all walled and roofed buildings, including gas or liquid storage tanks and manufactured homes that are principally above ground.

Subdivision means any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two (2) or more lots or parcels.
Subrogation means an action brought by FEMA when flood damages have occurred, flood insurance 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 repair to a building for which the cost of repairs equals or exceeds fifty percent of the market value of the building prior to the damage occurring. It also 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% of the market value of the structure before the damage occurred.

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.

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; 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.

Substantial Improvement means any combination of reconstruction, alteration, or improvement to a building, taking place during a 3-year period, which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. 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. This term includes structures, which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work done.

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, 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 building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities 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 of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of 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 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.
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.

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 on older FIRMs) designate areas subject to inundation by the flood with a 0.2-percent 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 percent.

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) within the jurisdiction of the Mayor and Board of Aldermen of the City of Flowood.

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 Flood Insurance Rate Map, dated November 5, 2003, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this ordinance.

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 the areas of special flood hazard.

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 or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Mayor and Board of Aldermen of the City of Flowood or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

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 $100.00 or imprisoned for not more then 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 is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR.

The Mayor and Board of Aldermen of the City of Flowood 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, locations, 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 floor (including basement) of all buildings;
   b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
   c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5, Section B (2) and Section D (2);
   d) Description of the extent to which any watercourse will be altered or relocated as result of proposed development, and:

2. Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or flood-proofed 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 flood proofing 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.
Any work undertaken prior to submission of the certification shall be at the permit holder’s risk. (The
Floodplain Administrator shall review the lowest floor & flood-proofing 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.

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

The Floodplain Administrator and/or 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.

Right of Entry

(1) 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 or premises at all reasonable times to inspect the same
or perform any duty imposed upon the administrator by this ordinance.

(2) If such building or premises are occupied, he 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 request entry.

(3) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

(4) 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 herein by the administrator for the purpose of inspection and examination pursuant
to this ordinance.

Stop Work Orders

(1) Upon notice from the administrator, work on any building, structure or premises that is being done 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 agent, or to the person doing the work, and shall state the
conditions under which work may be resumed.

Revocation of Permits

(1) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case
here 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 administrator may revoke a permit upon determination by the administrator 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.
Duties of the administrator shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(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) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4, Section B (2).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4, Section B (2).

(7) Review certified plans and specifications for compliance.

(8) 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 Floodplain Administrator 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.

(9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, 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 Article 5.

(10) Provide information, testimony, or other evidence, as needed during variance request hearings.

(11) When damage occurs to buildings within Special Flood Hazard Areas, the following actions shall be conducted. Conduct damage assessments to determine whether existing structures, damaged from any source and in Special Flood Hazard Areas must meet the development standards of these regulations. Damages to structures may result from a variety of causes. After such a damage event, the Floodplain Administrator shall:

   a) Determine whether damaged structures are located within the Special Flood Hazard Area;

   b) Conduct damage assessments for those damaged structures located in the SFHA, and;

   c) 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.

Liability

(1) Any officer or employee, or member of the administrator’s staff, charged with the enforcement of this ordinance, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the
enforcement of any provision of this ordinance shall be defended by the department of law until the final termination of the proceedings.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS

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 or lateral movement of the structure;

(2) 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;

(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 of (1) foot above the Base Flood Elevation;

(6) New and replacement water supply systems shall be designed to minimum 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; and,

(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 is not furthered, extended, or replaced.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, the following provisions are required:

(1) 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 (1) foot above the base flood elevation. 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 Article 5, Section B (3).
(2) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than (1) foot above the level of the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the BFE (plus any community free board) elevation 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 Article 4, Section C (9).

(3) **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 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.

a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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 partitioned or finished into separate rooms.

(4) **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.

Manufactured homes must be:

(i) Elevated on a permanent foundation, and

(ii) Have its lowest floor elevated no lower than (1) foot above the level of the base flood elevation, and

(iii) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
b) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(i) The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and

(ii) The lowest floor of the manufactured home is elevated no lower than 1-foot above the level of the base flood elevations, or

(iii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

c) All recreational vehicles placed on sites must either:

(i) Be on site for fewer than 180 consecutive days, or

(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 Article 5, Section B (4) (a) or (b) (I) and (iii), 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. 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”.

d) 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 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) 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;

b) If Article 5, Section B (d) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) and the encroachment standards of Article 5, Section B (5) (a), are met.
SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, 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:

(1) When base flood elevation data or floodway data have not been provided in Accordance with Article 3, Section B, then the local 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. If data is not available from outside sources, then the following provisions (2, 3 and 4) shall apply.

(2) In special flood hazard areas with base flood elevations (zones AE and A1-30) 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.

(3) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to 3 times the width of the stream at the top of the bank or 20 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.

(4) When base flood elevation data or floodway data are not available in accordance with Article 4, Section C (9), in Special Flood Hazard Areas without Base Flood Elevation Data, new construction or substantial improvements of structures shall be elevated or flood-proofed to elevations adopted / established 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 Article 5 of this ordinance. 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. ***

Note: *** It is important to develop default values with technically justifiable analysis. In all cases where defaults are utilized, it is recommended that the community attorney be consulted regarding culpability and liability for utilizing technically unsupported default values for unknown hazardous conditions.

SECTION D. STANDARDS FOR ACCESSORY BUILDINGS IN ALL ZONES BEGINNING WITH THE LETTER “A”.

For all accessory buildings in Special Flood Hazard Areas (SFHA) designated “A”; the following provisions shall apply:

(1) Building to be non-habitable;

(2) Must be anchored to resist flotation forces;

(3) Will require flood openings / vents no more than one-foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;

(4) Built of flood resistant materials;

(5) Must elevate utilities above the base flood elevation;
Can only be used for storage or parking;

Cannot be modified for a different use after permitting; and,

Must have its lowest floor elevation documented.

SECTION E. STANDARDS FOR SUBDIVISION PROPOSALS.

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), which is greater than fifty lots or five acres, whichever is the lesser.

SECTION F. 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) (100-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 feet (approximate 500-year floodplain) or more above the level of the base flood elevation at the site. Flood proofing 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.

ARTICLE 6. VARIANCE PROCEDURES.

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD

The Mayor and Board of Aldermen of the City of Flowood 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 Chancery Court of Rankin County, as provided in (statute).

SECTION C. VARIANCE PROCEDURES

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

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;
(5) The necessity to the facility of a waterfront locations, where applicable;

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) 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; and,

(11) 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.

(12) Upon consideration of factors listed above, and the purpose of this ordinance, the Mayor and Board of Aldermen may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.

(13) 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) 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.

(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. (See Article 6, Section E.)

(4) The Floodplain Administrator 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 (See Section E)

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.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community’s biennial report submission to the Federal Emergency Management Agency.

SECTION F. HISTORIC STRUCTURES

Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance 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 Mayor and Board of Aldermen 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 by a community 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 Mayor and Board of Aldermen, on May 18th, 2004, wherein the vote was as follows:

- Alderman Flynt, Aye
- Alderman Harmon, Aye
- Alderman Smith, Aye
- Alderman Shearer, Aye
- Alderman McDaniel, Aye

[Signature]
Mayor Gary Rhoads

[Signature]
Julia Williams, City Clerk

[Seal]