



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

APPLICATION: SUBDIVISION DEVELOPMENT

—Specific Requirements Outlined in Chapter 2 of the Unified Development Code—

SUBDIVISION TYPE: Minor (*4 lots or less*) Major (*more than 4 lots*)

Phase of Development: Sketch Plat Preliminary Plat Final Plat

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

	<u>Minor S/D</u>	<u>Major S/D</u>
Sketch Plat	\$ 250 + \$1	\$ 300 + \$1
Preliminary Plat	\$ 250 + \$1 + \$ 50/lot	\$ 250 + \$1 + \$ 50/lot
Final Plat	\$ 250 + \$1 + \$ 50/lot	\$ 250 + \$1 + \$ 50/lot

\$1.00 fee per Ordinance 2022-17 following requirements of Section 25-60-5 MS Code Annotated.

Standard mail fee required for notification of property owners within 500' of applicant property. Exact fee to be determined by City, based on current postage rates.

Application Date: _____ (*Applications are due by the 7th of each month.*)

Name of Subdivision:	_____
Address of Original Parcel(s):	_____
Parcel ID(s):	_____

1. Applicant: _____ Phone _____
Address _____ Email _____
2. Local Agent: _____ Phone _____
Address _____ Email _____
3. Owner of Record: _____ Phone _____
Address _____ Email _____
4. Engineer: _____ Phone _____
Address _____ Email _____
5. Land Surveyor: _____ Phone _____
Address _____ Email _____
6. Attorney: _____ Phone _____
Address _____ Email _____

Attach Appropriate Checklist for Requested Phase of Review

Property Information

1. Tax Map Designation: Section _____ Township: _____ Range: _____
2. Proposed Subdivision Location: On the _____ side of _____
(street)
(distance in feet) _____ *(relative direction)* of _____
(street)
3. List all contiguous holdings in the same ownership:
Section _____ Lot(s) _____
4. Zoning of Parcel(s): _____
5. Total Acreage: _____
6. Smallest Lot Size: _____
7. Proposed # of Lots: _____
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) _____
11. Does the property include any wetlands? If so, include professional wetland delineation. _____
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? _____
13. Are there any easements or other legal restrictions on the property? If so, please explain. _____

14. Are there any existing structures on the property? If so, will they be kept or demolished? _____

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: PUBLIC or PRIVATE?
16. Are any commercial or multi-use activities proposed? Yes No
If so, please describe: _____
17. Are any variances being requested for the proposed subdivision? If so, please explain.

18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
 Yes No If yes, please explain and state the date(s) of approval: _____
19. Is any open space or common area included in this subdivision? (Include any bus stops.) Yes No
If yes, please describe: _____

20. Is the subdivision ingress/egress onto a “major” road, as classified by the City? Yes No
21. ***Complete where applicable:***
For Preliminary Plat: Date **SKETCH PLAT** was approved by Board of Aldermen: _____
For Final Plat: Date **PRELIMINARY PLAT** was approved by Board of Aldermen: _____
 - Were any changes made subsequent to preliminary plat approval? Yes No
If yes, please describe: _____
 - Does this final plat request include the entire area approved in the preliminary plat? Yes No

Notes and Next Steps for each phase are provided on the REQUIRED checklists.

Affidavit of Ownership

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

I, (print name) _____, hereby certify that:

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

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

Owner(s) Name: _____ Parcel ID(s): _____

Date Property Acquired Date: _____ Book and Page of Each Conveyance: _____

Owner's Signature _____ Date: _____

NOTE: If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.

STATE OF _____

COUNTY OF _____

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

Mailing Address _____

Subscribed and sworn before me this _____ day of _____, 20 ____.

My Commission expires: _____

Notary Signature: _____

Springs, upon receipt of an application, may review and approve an amendment to said development approval, provided that such amendment does not allow the use to be enlarged, expanded, increased in intensity, relocated, or continued beyond any limitation specified in the existing use development approval or established in this UDC.

2.18.9 Scope of Approval

Once a CUP is granted, such use may be enlarged, extended, increased in intensity, or relocated only in accordance with this section unless the City of Ocean Springs, in approving the initial development approval, has specifically established alternative procedures for consideration of future expansion or enlargement. The provisions of this UDC relative to expansion of nonconforming uses, do not supersede this requirement unless the conditionally permitted use for which the development approval was initially granted is no longer a use permitted as of right or as a conditional use in the zoning district in which it is located.

2.19 SUBDIVISION APPLICATIONS, GENERALLY

2.19.1 Subdivisions Subject to This Section

- A. The owner or proprietor of any tract of land who desires to subdivide land (i.e., to create a "subdivision") shall submit a plat of such subdivision to the Planning Director. No person shall subdivide land without making and recording a plat and complying fully with this chapter. No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the register of deeds, unless such subdivision was created prior to the adoption of this chapter. No development approval or certificate of occupancy shall be issued for any plat, map, or plan that was created prior to subdivision approval under the UDC, or for any parcel or plat of land that was created by subdivision after the effective date of the UDC, and no excavation of land or construction of any public or private improvements shall be commenced, except in conformity with the requirements of the UDC.
- B. A final subdivision plat shall be approved by the Planning Commission before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Commission in accordance with these regulations.
- C. The Planning Commission may review and approve, conditionally approve, or disapprove the development of lands subdivided prior to or following the effective date of these regulations where:
 1. The Applicant proposes to combine or to recombine previously subdivided and recorded lots, and the total number of lots will increase or does not meet the standards of the UDC; or

2. The original Applicant or their successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement guarantee entered into when the plat for the subdivided land was approved. This subsection applies whether the lots are owned by the original Applicant or an immediate or remote grantee from the original Applicant. This subsection does not apply if City of Ocean Springs has obtained possession of sufficient funds from security provided by the Applicant with which to complete construction of improvements in the subdivision.

2.19.2 Exemptions

A subdivision plat is not required for any of the following:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City of Ocean Springs
- B. The public acquisition by purchase of strips of land for the widening or opening of streets; and
- C. If a court orders the partition of land by dividing the same among the owners, provided that the City of Ocean Springs is made a party defendant to said action and gives its consent.

2.19.3 Recordation of Unapproved Plat Prohibited

The county clerk or register of deeds shall not file or record any subdivision plat required by the UDC until the plat is approved in accordance with the regulations set forth in this chapter.

2.19.4 Sale or Lease

No land described in this section shall be subdivided, sold, leased, transferred, or developed until each of the following conditions has occurred in accordance with these regulations:

- A. The Applicant or their agent has obtained approval of the preliminary plat (when required) and a final plat as provided in this chapter; and
- B. The Applicant or their agent files the approved plats with the county clerk or register of deeds.

2.19.5 Development Approval

No development approval, including land-use alteration, building permit, certificate of zoning compliance, or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision unless the approvals conform to a previously approved and lawful subdivision plat or site plan.

2.19.6 Subdivision Classification

Major and minor subdivisions are subject to the criteria for approval of subdivision plats, unless a specific provision indicates that it does not apply to minor subdivisions. Different time limits are prescribed for the review and processing of major and minor subdivisions in order to reflect the level of complexity involved in review of the applications. Subdivisions shall be classified as set forth, below, which summarizes the procedures for the plat classifications.

Table 2.7: Subdivision Procedures

Classification	Definition	Procedures Required		
		Sketch Plat	Preliminary Plat	Final Plat
Minor Subdivision	<p>Any subdivision:</p> <p>F. Involving four or fewer lots;</p> <p>G. Fronting on an existing improved street;</p> <p>H. Not involving the creation of a new street;</p> <p>I. Not involving the extension of municipal utilities;</p> <p>J. Not involving the creation of public improvements;</p> <p>K. Not adversely affecting the remainder of the parcel or adjoining the property; and</p> <p>L. Not in conflict with the comprehensive plan, official map, or zoning regulations. A series of related minor subdivisions or contiguous land cumulatively totaling five or more lots shall be construed to create a major subdivision.</p>	✓	---	✓
Major Subdivision	Any subdivision not exempted by the Unified Development Code or state law, other than a minor subdivision.	✓	✓	✓

O = optional process and ✓ = mandatory process.

2.19.7 Plat Procedures (Generally)

- A. For each stage of plat approval two copies of the subdivision application form shall be submitted with the proposed subdivision plat to the Planning Director. Application forms may be secured from the Planning Director.
- B. A plat of all subdivisions within the force and effect of these regulations shall be drawn and submitted to the Planning Commission and Board of Aldermen for their approval or disapproval as provided herein.
- C. Each plat submitted for sketch, preliminary, or final approval shall be placed on the agenda of the Planning Commission, through the Planning Director, upon submission of the appropriate application in accordance with the requirements of these regulations. The approval of the sketch or preliminary plat shall not be deemed final acceptance of, but rather an expression of approval of the layout as submitted on the sketch or preliminary plat; such approval shall be noted on the sketch or preliminary plat.
- D. One copy of the sketch and preliminary plats shall be retained by the Planning Director, one copy by the City Engineer, and one copy by the City Clerk.
- E. No plat or description of land subdivision shall be filed in the office of the Chancery Clerk of Jackson County, MS, until same shall have final review by the Planning Commission. Final approval by the Board of Aldermen as required by law.

2.19.8 Submittal

- A. All applications are due by 12:00 p.m. noon on the seventh day of the month or the following Monday if the seventh falls on a weekend.
- B. The previously described plat filing fees shall be paid to the City Clerk upon submission of the appropriate plat for City review and consideration for approval. Filing fees are non-refundable.
- C. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of remaining area may be submitted at any time within two years of the preliminary plat without payment of any additional plat filing fee by the Applicant, providing the final plat for the additional area conforms substantially with the approved preliminary plat. The developer will still be required to pay the appropriate fee for the construction surveillance and final engineering inspection.

2.19.9 Approval Process Summary

Table 2.8: Subdivision Approval Process Summary

Major Subdivision Process
Pre-application Conference (recommended)
Neighborhood Meeting (only if required by Planning Director)
Sketch Plat
Preliminary Plat
Construction Plan
Improvement Guarantees
Final Plat

A. Construction Observation and Final Engineering Inspection

1. The construction observation and final engineering inspection fee will be assessed at described in the Table of Fees and Rates, as approved by the Mayor and Board of Aldermen. This fee will be paid to the City Clerk after preliminary plat approval or when a construction contract is entered into, and must be paid before any previously described improvements are begun. Once all improvements are complete, the developer/owner will schedule the final engineering inspection with the City Engineer. If the subdivision fails to pass the final engineering inspection, the fee for each subsequent inspection necessary for final plat approval shall be paid by the developer/owner according to aforementioned Table of Fees and Rates.
2. Re-inspections that require less than one staff hour including travel time will not be charged additional fees as outlined herein.

3. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two years of the preliminary plat without payment of additional plat filing fees by the Applicant, providing the final plat for the additional area conforms substantially with the approved preliminary plat. The developer/owner will still be required to pay the appropriate fee for construction observation and final engineering inspection.

2.20 SKETCH PLAT

2.20.1 Purpose

The purpose of the Sketch Plat is to ensure that improvements are well coordinated within and among individually platted parcels, sections, or phases of a development prior to approval of a Preliminary Plat. Approval of a Sketch Plat shall constitute approval of the type(s) and intensity of development and approval of a project phasing plan. A Sketch Plat may be processed concurrently with a Preliminary Plat.

2.20.2 Applicability

A Sketch Plat shall be required when an applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. The Sketch Plat shall identify all contiguous land holdings of the applicant and establish a phasing plan for any subdivision involving multiple phases of development and any subdivision for which only a portion of the parent tract or a portion of contiguous holdings under common ownership are proposed to be platted. Where a Sketch Plat is required, no further development applications shall be approved until a Sketch Plat has been submitted and approved.

2.20.3 Approval Process Summary

Table 2.9: Subdivision Sketch Plat Approval Process

Subdivision Sketch Plat
Sketch Plat is required when a subdivision of less than the entire, contiguous land area held in common ownership is proposed
A neighborhood meeting is recommended
The sketch plat is reviewed for consistency with the comprehensive plan the UDC and other applicable documents
Sketch Plat establishes the type, density, and intensity of land use

2.20.4 Application

- A. Neighborhood Meeting Summary, including a copy of sign-in sheet, if a meeting was recommended.
- B. A Sketch Plat shall be printed on 24" x 36" paper or equivalent at a scale of 1 inch = 100 feet with all dimensions measured accurately to the nearest foot; provided, however, that a different scale may be used if approved in writing by the Director prior to submittal. The Sketch Plat shall contain or have attached thereto:
 1. Name and addresses of the developer, record owner, land planner, and engineer.

- 2. Proposed name of the subdivision, date revised and/or prepared, north indicator, scale.
- 3. Location map drawn at a scale of 2,000 feet per inch showing the area within a one-mile radius of the proposed subdivision. Use of the latest USGS 7.4-minute quadrangle map is recommended.
- 4. A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
- 5. Topographic contours based on USGS or NAVD Datum at two-foot (2') intervals based on USGS or NAVD Datum unless otherwise approved by the Director.
- 6. Proposed and existing arterial and collector streets to serve the general area.
- 7. Significant drainage features and structures including any 100-year floodplains.
- 8. Significant man-made features such as railroads, buildings, utilities and drainage structures.
- 9. Approximate boundaries and timing of proposed phases of development.
- 10. Identification of known exceptional topographical, cultural, historical, archaeological, hydrological or any other physical conditions of the property to be developed or within 100 feet on adjacent tracts.

C. The Planning Director shall review the Sketch Plat for consistency with City codes, policies and plans, and prepare a report analyzing the subdivision submittal as well as any comments received concerning the plan, and recommending the approval, conditional approval or disapproval of the plan.

2.20.5 Review Criteria

The Planning Commission shall approve the Sketch Plat if it finds that the following criteria are satisfied:

- A. The Sketch Plat conforms to all applicable provisions of this UDC;
- B. The Sketch Plat represents an overall development pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the City; and
- C. The proposed development is located in an area of the City that is appropriate for current and future development activity and which will not contribute to sprawl and leapfrog development patterns nor to the need for inefficient extensions and expansions of public facilities, utilities and services.

2.20.6 Effect of Approval and Validity

- A. Approval of a Sketch Plat constitutes acceptance of the type, density and intensity of land use indicated on the plan as being consistent with the Comprehensive Plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed.
- B. The approval of the Sketch Plat shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the

approved phasing plan, or a period of one-year elapses without approval of a Preliminary Plat, Sketch Plat approval shall expire. Upon receipt of a written request, the Zoning and Adjustment Board and Planning Commission may approve extensions upon finding that changing conditions in the City do not necessitate changes to the approved Sketch Plat.

- C. Sketch Plat approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet specific requirements of these regulations, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

2.20.7 Denial and Appeal

If the Planning Commission finds that the Sketch Plat fails to meet the criteria established in the section, it shall deny the Sketch Plat application. The applicant may appeal such denial to the Board of Aldermen. Applicants whose plans are conditionally approved or are disapproved by the Planning Commission may appeal the commission's action to the Board of Aldermen at a regular meeting of the board not more than 45 days after the date of the planning commission's action. The board of aldermen, after hearing all parties who desire to be heard, shall approve, approve with conditions, or disapprove the application by a written statement setting forth its reasons for its action.

2.21 PRELIMINARY PLAT

2.21.1 Purpose

- A. The preliminary plat serves as a guide to the density, intensity, land uses, pedestrian and bicycle ways, bus stops, trails, parks, open space, and future lot, street, and drainage patterns established for a site in the platting process. It is the intent of the preliminary plat requirement to ensure that a landowner investigates the broad effects that development of property will have on the site itself as well as on adjacent properties and public infrastructure systems. Approval of a preliminary plat shall constitute acceptance of the land-use mix, development intensity, general street patterns, drainage patterns, lot patterns, parks and open space lands, and the general layout of pedestrian and bicycle trails and school bus stops, provided that these may be modified in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during preliminary plat review.
- B. The purpose of the preliminary plat, together with the attendant items required herein, is to provide plans for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To this end, during preparation of the preliminary plat, the Applicant should consult with the Planning Commission's technical staff, with the City Engineer, and with other officials and agencies concerned with the subdivision and the improvements. The preliminary plat and construction plans shall be based upon the general design shown on the Concept Plan, together with the recommended changes.

2.21.2 Applicability

Approval of a preliminary plat is required for any site where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a preliminary plat for the property has been approved, unless the application is for a minor subdivision.

2.21.3 Initiation

A preliminary plat shall be filed with the Planning Director and shall contain the information required herein.

2.21.4 Approval Process Summary

Table 2.10: Subdivision Preliminary Plat Approval Process

Subdivision Preliminary Plat
Purpose is to provide plans for the construction of the subdivision and its improvements plus a draft of the final plat of the subdivision
Planning Commission reviews the plat for conformance to standards of the UDC, the comprehensive plan, transportation and infrastructure plans, and other plans;
The planning commission may require modifications and impose conditions as necessary to insure compliance
Amendments are approved in same manner as the original plat

2.21.5 Submittal

- A. Three (3) full size blueline copies of the preliminary plat and two (2) blueline copies of the complete construction plans and specifications, two (2) copies of the developer's engineers basis of design and complete design calculations, and two (2) copies of the preliminary plat application forms as adopted by the Planning Commission shall be submitted to the Planning Commission office no later than the seventh day of the preceding month prior to the regular monthly meeting of the Planning Commission at which the preliminary plat is to be considered.
- B. The proposed plat shall be at a scale that is legible and functional on sheets of 24 by 36 inches in size. The proposed preliminary plat shall give the following information:
 1. The name of the subdivision; the name and address of the owner; and the name of the professionally qualified engineer, land surveyor or planner registered to practice in the State of Mississippi.
 2. The names and addresses of owners of all properties abutting the property being subdivided as they appear on the tax records.
 3. The scale, north point and date.
 4. Proposed street names, type of street system (public or private), location, right-of-way widths, pavement widths, approximate grades and vertical curves of proposed streets, alleys, easements, parkways, and other open spaces, reservations, lot lines and dimensions, setback lines, lot numbers and block numbers.

5. The locations of proposed property lines and existing property lines, date of survey, natural watercourses, railroads, sewers, bridges, culverts (indicate size), drain pipes, streets, alleys or other easements on the proposed plat and on adjoining land.
6. The plat shall have a grid on even 500-foot intervals of the state plane coordinates (transverse Mercator projection) as well as any township section, and range boundaries for the area which the plat encompasses.
7. A legal description and a boundary survey, class B surveying accuracy (minimum closure error, 1: 5,000), with bearings and distances referenced to section or fractional section corners or other base lines shown on the plat and readily reproducible.
8. Calculations sheet containing the following data: the length and radii of all curbed street and lot lines and the bearings and the length of all straight street lot lines and the area in square feet of each lot; bearings and distances referenced to sectional or fractional section lines or other base lines shown on the plat and readily reproducible on the ground; street centerline bearing and distance with centerline curve data (deflection angle, radii, degree of curvature, chord distance and bearing and length of curve); profiles of all proposed streets showing the natural and finished grades drawn to a scale of not less than one inch equals 100 feet horizontal and one inch equals 20 feet vertical. Also, to be included are design calculations for pavements, utilities and any other improvements to be dedicated to the City.
9. Sites to be reserved or dedicated for public or private parks, playgrounds or other open spaces and the purpose, condition and/or limitations of such dedications.
10. Proposed sites (if any) for shopping centers, churches, industry, group housing units or other nonpublic use exclusive of single-family, duplex or four-plex dwellings.
11. Street pavements adjacent to the proposed plat, right-of-way width and location.
12. The location of the proposed utility lines (sewer, gas, water, telephone, cable television and electric) indicating the size of pipes, location of manholes, valves, hydrants, transformers, junction boxes, streetlights and proposed connections to the existing utility system.
13. The exact location of any part of the proposed subdivision which is subject to inundation by storm drains, ponding or local surface water, clearly indicated. Areas subject to ponding or inundation as well as flood zones as currently determined by the appropriate federal authorities must be indicated on the proposed plat. Inasmuch as state and federal laws, regulations, and procedures allow provisions must be made to eliminate the ponding before the Planning Commission will approve the plat.
14. The dimensions in feet and decimals of lot area and lot frontage along any public street.
15. Neither the subdivision developer, the homeowner, contractor, nor anyone else shall have the authority to place numerical street address designation upon any house or lot in any subdivision; but same shall be designated by the 911 Commission prior to final plat approval.
16. Preliminary approval of the proposed water and sewer systems in the subdivision must be given by the appropriate authorities.

17. Contours at vertical intervals of one foot on plats containing five or more lots are required. Elevation shall be based on Ocean Springs' datum or United States Geographical Survey datum, whichever is required by the City Engineer or his designated authority.
18. Zoning ordinance lines and zones must be indicated.
19. The location of all planned landscaping and trees protected by the current City ordinances within the limits of proposed rights-of-way, easements, alleys or any other properties to be dedicated to the City.
20. The proposed subdivision and street names must be reviewed by the Planning Commission and approved by the Board of Aldermen in conjunction with preliminary plat approval. The proposed name of the subdivision and the names of the streets therein shall not duplicate or closely resemble phonetically or any other way the name of any other subdivision or street in the City of Ocean Springs, Mississippi.
21. Preliminary plat shall show compliance with the requirements of all applicable ordinances of the City of Ocean Springs.
22. A vicinity map drawn to a scale of one-inch equals 5,280 feet showing the location of streets, landmarks, waterways and other rights-of-way sufficient for the Planning Commission, Board of Aldermen, and City planner to determine the location of the proposed subdivision.
23. When a proposed subdivision includes temporary cul-de-sacs or unopened rights-of-way to adjacent property, the Applicant shall be required to provide a general layout of future development or phases of the adjacent property to assist in planning and providing desirable growth in compliance with the comprehensive plan.
24. A draft of the deed restrictions or protective covenants whereby the Applicant intends to regulate the land use other than through zoning ordinance in the subdivision, or otherwise protect the proposed development, shall be attached to the preliminary plat application.
25. Where one or more entrances or street structures or medians or other common areas such as monuments, pillars, fences, walls, plantings, statuary, or other decorative features are to be installed in a permanent fashion, the location, size and design shall be included with the preliminary plat submitted to the Planning Commission for review and approval by the Board of Aldermen. This submission shall also include a copy of the bylaws or other documentation of the association which will have a permanent responsibility for maintenance. Such bylaws or other documentation shall contain language which will, in the opinion of the City assure proper maintenance of such structures by such association.
26. When a proposed subdivision abuts a thoroughfare, or is bounded by a line that will, in the future, lie in a park, thoroughfare, a combination playground and elementary school site, a combination play field and junior high school site, or combination athletic field and senior high school site, as shown in the comprehensive City plan, then the owner of that subdivision shall dedicate, without charge, any land within such subdivision that is necessary to provide conformity with the comprehensive City plan or the standards of the subdivision regulations, such dedication to be shown on the preliminary and final plats.

C. Withdrawal of Application. Once filed with the hearing body, a plat may be withdrawn, provided that a written notice of withdrawal stating the reasons for the request is submitted to the Planning Director. The 60-day time limitation shall cease on the date that the notice is received by the Planning Director; however, the Planning Director shall present a withdrawal request to the Planning Commission for consideration.

2.21.6 Approval Criteria

A. Conformance. The Planning Commission shall not approve a plat unless it complies with the standards of the UDC. The decision-making entity shall not approve a plat if it fails to conform to:

1. The comprehensive plan and future streets, alleys, parks, playgrounds, and public utility facilities;
2. The transportation plan and major thoroughfare plan (or official map) for the extension of major thoroughfares, streets, and public highways, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

B. Any applicable watershed drainage plan adopted by the City. It is the intent of the UDC that land to be subdivided shall be of a character that can be used safely for building purposes without danger to health or peril from fire, flood, or other menace; furthers environmentally sensitive area protection and sustainability; and that land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewerage, and capital improvements, such as schools, parks, recreational facilities, transportation facilities, and improvements. Accordingly, the Planning Director or Planning Commission shall not approve a subdivision plat unless all of the following findings with respect to the proposed development are made:

1. The proposed land uses are in accord with the adopted comprehensive plan, specific plan, and the official zoning map, or that the means for reconciling any differences have been addressed. A preliminary plat may be processed concurrently with a rezoning request.
2. The proposed subdivision conforms to all relevant requirements of the UDC and variances have been granted to permit any nonconformance.
3. The proposed development, including its lot sizes, density, access, and circulation, is compatible with the existing and/or permissible future use of adjacent property.
4. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development, and to provide for the efficient and timely extension to serve future development.
5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties.
6. The soils, topography, and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.

7. Any land located within Zone A on the adopted flood boundary and floodway maps of the flood insurance study, is determined to be suitable for its intended use, and the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain-related risks to the health, safety, or welfare of the future residents of the proposed subdivision in a manner consistent with the UDC.

2.21.7 Subdivision Name

The proposed name of a subdivision shall not use a word that is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Ocean Springs except for the words "court," "addition," "place," "heights," "hills," and similar words, unless the land platted is contiguous to and platted by the same Applicant who platted the existing subdivision bearing the name, or the Applicant has obtained the written consent of the party who platted the subdivision bearing that name, or the Planning Director requires the use of the same name for purposes of clear identification.

2.21.8 Conditions on Approvals

In considering an application for a subdivision plat, the Planning Commission shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria herein.

2.21.9 Subsequent Applications

There is no restriction on reapplication for subdivision approval.

2.21.10 Amendments

Amendments to a subdivision plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein. Amendments to preliminary plats may be initiated by the owner of property within the preliminary plat area subject to the following:

- A. Minor amendments may be approved by the Planning Director without filing a new preliminary plat. Minor amendments include the following:
 1. Changes in the internal alignment of streets that do not affect external properties or the connectivity index;
 2. Changes in internal parcel boundaries that do not abut external property lines;
 3. Changes in setbacks along internal property lines;
 4. Changes in the routing of trails and pedestrian ways; or
 5. Changes in the orientation of buildings on internal parcels.
- B. No minor change authorized by this section may cause any of the following:
 1. Change in the permitted uses;
 2. Increased intensity of use as measured by the number of dwelling units or square feet of nonresidential building area;

3. Increased trip generation or demand for public utilities;
4. Decreased public or private open space area; or
5. Increased volume or velocity of stormwater runoff from the development.

2.21.11 Major Amendments

All other changes to an approved preliminary plat require the filing and approval of a new preliminary plat.

2.21.12 Scope of Approval

- A. The preliminary plat governs the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this chapter.
- B. The approval is valid so long as the Applicant receives and maintains a valid subsequent development approval or initiates construction within two years of the preliminary plat approval. If development has not been initiated within two years of preliminary plat approval, any changes in development standards shall apply to the development proposed by the preliminary plat.
- C. If a final plat is not submitted within 24 months after approval of the preliminary plat, or within such extended period as may be allowed, the preliminary plat approval shall be void. The Planning Commission may approve a phasing plan extending the effective period of the preliminary plat approval up to five years where it is the intent of the landowners to proceed to final plats covering only a portion of the site at any one time. Beyond two years or, in the case of phased development, five years, the Applicant shall resubmit a preliminary plat to the Planning Director for review by staff and the referral agencies to ensure that the application is still in compliance with the UDC and any requirements of other agencies.
- D. After the expiration of two years following approval of a preliminary plat, changes to the final plat may be required where a change in the comprehensive plan or the UDC has occurred that affects compliance of the application with the ordinance. The Applicant may make the necessary changes and then proceed to a final plat, or they may choose to resubmit the preliminary plat for review through the normal development approval review process.
- E. If the proposed land to be subdivided does not lie within the force and effect of the existing zoning ordinance of the City of Ocean Springs, Mississippi, the Planning Commission shall transmit the plat to the City Engineer, water board, sanitary department, or any other interested City or county department for review and recommendation in relation to specific service.
- F. Recommendation for approval of the preliminary plat by the Planning Commission shall not be deemed final approval of the overall plan. This recommendation for preliminary approval shall not be noted on the preliminary plat. One copy of this preliminary plat shall be retained in the files of the Planning Commission.

2.21.13 Denial and Appeal

If the Planning Commission finds that the Preliminary Plat fails to meet the criteria established in the section, it shall deny the Preliminary Plat application. The applicant may appeal such denial to the Board of

Aldermen. Applicants whose plans are conditionally approved or are disapproved by the Planning Commission may appeal the commission's action to the Mayor and Board of Aldermen at a regular meeting of the board not more than 45 days after the date of the commission's action. The Mayor and Board of Aldermen, after hearing all parties who desire to be heard, shall approve, approve with conditions, or disapprove the application.

2.22 FINAL PLAT

2.22.1 Applicability

There shall be a final plat for each subdivision that received preliminary plat approval. No final subdivision plat shall be recorded until a final plat has been approved as provided in this section.

2.22.2 Initiation

The materials required herein shall be submitted to the Planning Director for a determination as to whether it complies with the approved preliminary plat. The Applicant may submit final plat copies for only that portion of the approved preliminary plat that they propose to record and develop at that time, if such portion conforms to all requirements of this chapter. The final plat shall conform to the approved preliminary plat. Any deviation from the approved preliminary plat that does not constitute a minor amendment requires additional review and approval by the Planning Commission.

2.22.3 Approval Process Summary

Table 2.11: Final Subdivision Plat Approval Process

Final Subdivision Plat
Purpose is to verify that all improvements comply with the preliminary plat and the construction plans
Required prior to recording the final plat
Registered engineer/surveyor submits for staff review drawings of all improvements shown on the construction plans and preliminary plat;
Final engineering inspection scheduled min. of 15 days prior to PC meeting. Must be completed min. of 7 days before meeting;
Developer warrants all public improvements for 3 years or 85% of lots have dwellings;
PC gives the Subdivision final approval if it has passed final engineering inspection and water and sewage systems have approval from the State;
As built (contractor record drawing) copy of plans submitted to the City
Board of Aldermen gives final approval to the subdivision
Developer has 12 months after final approval to file the plat with the Jackson County land records office.

2.22.4 Performance

- A. Upon completion of the improvements in the subdivision and before scheduling the final engineering inspection, the developer will have a registered engineer or surveyor check the final as-built elevations and locations of all improvements shown on the originally approved

construction plans and preliminary plat; and this information will be recorded on an as built (contractor record drawing) copy of the plans which will be provided to the City. Any variations from the original plans will be reviewed by the City. Should the City reject such variation, the developer shall immediately take the necessary corrective measures to ensure the subdivision complies with the original plans. Both the lot numbers and the numerical address designation will be shown on the site layout plans of the as-built (contractor record) consultation drawings. Lot numbers shall be clearly indicated (painted, stamped, cut, etc.) onto the curb or edge of pavement abutting the lot prior to scheduling the final engineering inspection. The location of water and sewer services shall be indicated with a "w" and "s" respectively, and shall be permanently stamped, cut or otherwise indicated into the curb abutting each lot or other location approved by City Engineer.

- B. The developer shall have all subdivision requirements completed and scheduled the final engineering inspection so that it will be accomplished at least 15 working days prior to the regular monthly meeting of the Planning Commission. All administrative and construction requirements identified by the final inspection will be complete and all submittals made to the City at least seven working days prior to the regular monthly meeting of the Planning Commission. Otherwise, the City Engineer will recommend that the plat not be given final approval by the Planning Commission. A subdivision may not be recommended for final plat approval if there are any contingent or outstanding requirements which are not met.
- C. Two working days prior to the scheduled final engineering inspection, submit to the City:
 1. One blueline copy of the construction drawings to include all items as they were constructed.
 2. One blueline print of the proposed plat to be recorded.
 3. Developer's warranty:
 - i. Developer shall warrant proper engineering, installation, materials and construction of all improvements on all property to be owned by the City for a period of three years or until such time that 85% of the number of lots in the subdivision have received a certificate of occupancy for the dwelling unit(s) constructed thereon. In no case may the warranty be for a period of time less than two years after the date of final plat approval. Excluded from this warranty shall be all misuse or improper use of property for the improvement thereon by any party except the developer, his agents, subcontractors or any party acting on his behalf, or otherwise for his behalf or direction.
 - ii. The developer will be required to post a security instrument per lot according to a fee schedule approved by the Board of Aldermen and administered by the Planning Department for a period of three years. Upon issuance of a certificate of occupancies for 85% of the number of lots, the security instrument may be released by the City.
 - iii. The developer shall have the option of:
 - Maintenance bond.
 - Irrevocable letter of credit from local financial institution; or
 - Certificate of deposit from local financial institution.

- D. The developer seeking plat approval shall, under any and all circumstances, be liable for any defects, malfunctions, deterioration, repairs, or any other expenditure occasioned by the failure of any improvements set forth herein to function in a reasonable manner and/or, in instance of required vegetation, for death or destruction of such vegetation and that the developer will be fully responsible for all such items, without limitation as to the amount of bond or security required.
- E. Prior to the consideration of final plat approval by the Planning Commission the subdivision must satisfactorily pass the final engineering inspection. The City Engineer will recommend approval of the final plat based upon all improvements which will be dedicated to the City conforming to these regulations, established engineering standards and the construction plans and specifications approved in conjunction with the preliminary plat.
- F. If determined necessary by the Planning Commission, the developer will have an engineering and traffic investigation report as required by current Mississippi State Code as a basis for establishment of the appropriate speed limits on each street or segment thereof in the subdivision. The developer must have deposited sufficient funds with the City to cover the costs of material, labor and equipment associated with the City's installation of all signs required in the subdivision, including street markers and stop signs at all street intersections as well as any other signs required by the current Manual of Uniform Traffic Control Devices.
- G. The subdivision's water and sewage systems must have final approval of the appropriate Mississippi state and regional authorities immediately after construction of these systems and before recommendation for final plat approval may be made.

2.22.5 Submittal

- A. The final plat shall be at a scale that is legible and functional and on sheets of 24 by 36 inches in size.
- B. From and after the effective date of the adoption of this Ordinance, all subdivisions developed in the City of Ocean Springs shall have the plats thereof certified by the developer's engineer for the subdivision, who is a registered, professional engineer in the State of Mississippi, which said certification will specify, without limitations or reservations that:

The plans of said subdivision and the construction of all improvements therein, which are or may become the property of the City of Ocean Springs, have been designed and constructed in accordance with the subdivision regulations of the City of Ocean Springs and all other laws, rules, ordinances, regulations, and that they meet or exceed all accepted engineering standards.
- C. Said engineer certificate shall be placed on the face of the final plat of said subdivision and properly certified to by said engineer at or prior to its submission to the Planning Commission for approval. The failure to place such certificate thereon shall cause said plat to be unacceptable to the City of Ocean Springs, Mississippi. In the event any such approval is granted by the City without said engineer's certificate, such approval shall be void.
- D. The final plat shall include all information required on the preliminary plat, plus it shall show or include the following:

1. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.
2. The names and lines of all proposed streets, alley lines, lot lines and building setback lines lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitation.
3. Tract boundary lines, right-of-way lines of streets, easements other rights-of-way and property lines of residential lots and other sites.
4. All dimensions shall be accurate to the nearest one-tenth of a foot and all angles accurate to the nearest minute.
5. Location, dimensions and purpose of any easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and limitations.
6. Accurate location, material and description of monuments and markers with a complete description of all benchmarks including location, type of mark, elevation, and state plan co-ordinates.
7. Finish floor elevations for each lot shall be indicated on the final plat.
8. The following certificates and/or dedications:
 - i. A certificate showing that the Applicant is the landowner and certification that all prior easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use. The person, utility or corporation shall retain whatever rights they would have as if located on a public street. Recording data for all prior easement shall be included. Those prior easements shall be included and not subordinated.
 - ii. The certificate of accuracy by the developer's engineer, registered to practice in the State of Mississippi, as required herein.
 - iii. A certificate of dedication of all public streets, highways, water sanitary sewer, stormwater sewer, any other public utilities, and other rights-of-way, easements or parcels for public parks or other public use to the City of Ocean Springs, Mississippi, executed by the owners and all other parties who have a mortgage or lien interest in the property.
 - iv. A certificate by a registered land surveyor of the State of Mississippi to the effect that the plat represents an accurate survey made by him or someone under his direct supervision and that all dimensional and other data are correct.
 - v. Certificates of approval by the Planning Commission and Board of Aldermen and a certificate of recording by the Chancery Clerk of Jackson County, Mississippi.
 - vi. Each private development shall contain the following wording:

The infrastructure and streets have not been dedicated to the public for public use nor have they been accepted by the City of Ocean Springs as public improvements, and the infrastructure and streets shall be maintained by the required property owners' association within the subdivision, and the streets shall always be open to emergency vehicles,

public and private utility maintenance and service personnel, the U.S. Postal Service and governmental employees in pursuit of their official duties.

- vii. *The following note - Any detention or retention pond, common area, landscaped area or erosion control measures shall not be owned nor maintained by the City of Ocean Springs but shall be owned and maintained by the homeowners' association or, if there is no homeowners' association, by the aggregate lot owners.*
- E. After satisfactorily passing the final engineering inspection, the developer shall provide the final construction contractor record as-built drawings to the City at least two working days prior to the regular monthly meeting of the Planning Commission at which final plat will be considered. The copies of the final contractor record as-built drawings shall be as follows: one Mylar diazo film and three sets of revised, if necessary, blueline copies.
- F. Upon approval of the final plat by the Board of Aldermen, five copies of the plat shall be submitted to the Planning Commission's office. The five copies of the plat will be exact duplicates of the original and shall be on the following media: two canvas linen prints or acceptable equal; two Mylar diazo films; and one computer disc which contains all of the graphical information of these drawings as well as the final plat itself in a format compatible with the City Engineer's computer system.
- G. Final plat shall show compliance with the requirements of all applicable ordinances of the City of Ocean Springs.

2.22.6 Subsequent Applications

There is no restriction on reapplication for subdivision approval.

2.22.7 Amendments

Amendments to a subdivision plat shall be approved in the same manner as the original plat, except as otherwise provided for amending plats or replats herein.

2.22.8 Scope of Approval

- A. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two years of the preliminary plat without payment of any additional filing fee by the Applicant providing the final plat for the additional areas conform substantially with the approved preliminary plat.
- B. The final plat shall be submitted for approval within the required two years. Applicants failing to complete construction and obtain final approval from the Board of Aldermen within the specified time may submit a request for an extension of six months. If an extension is granted, the final plat must be submitted within a total of 30 months from the original date of approval of the preliminary plat by the Board of Aldermen.
- C. If the final plat is not submitted within the required two years or within an approved extension period as prescribed above, the approval of the preliminary plat shall be rescinded. The developer will be required to resubmit the application for preliminary plat and be subject

to all fees related to the application. The preliminary plat shall comply with all current regulation in place at the time it is resubmitted.

- D. Upon approval of the final plat by the Board of Aldermen, the plat shall be submitted for recording within 60 days; otherwise final plat approval will be null and void.

2.22.9 Recording Procedures

Within 12 months after final plat approval, the Applicant shall file the plat with the Jackson County land records office as provided by law. The final plat approval shall expire within the above-referenced time period, unless the Board of Aldermen has granted an extension. Once all copies of the final plat show written approval of the Planning Commission and the Board of Aldermen, one canvas linen and one Mylar copy to be recorded will be returned to the developer. Once all copies have been recorded by the developer with Jackson County, and one canvas copy of the plat filed with the Chancery Clerk, the developer shall ensure the following: one Mylar copy filed with the City Engineer; one canvas (linen print) copy filed with the City Clerk. The City Engineer will then provide blueline copies to the public works department, the building department and the Planning Commission office.

2.22.10 Dedication (Acceptance)

The approval of a plat shall not be considered an acceptance of any proposed dedication and does not impose on the City of Ocean Springs any duty regarding the maintenance or improvement of any dedicated parts until the appropriate City of Ocean Springs authorities make an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat shall be considered a refusal by the City of Ocean Springs of the offered dedication indicated on the plat.

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

2.23 PLAT AMENDMENT

This section provides a streamlined and efficient process for the combination of parcels or the replat of parcels. The City of Ocean Springs does not require extensive platting for every division of land otherwise within the scope of the state subdivision enabling legislation.

2.23.1 Applicability

A plat may be amended, and the Planning Director may issue an amending plat, if the amending plat is signed by the Applicants only and is solely for one or more of the following purposes:

- A. To correct an error in a course or distance shown on the preceding plat;
- B. To add a course or distance that was omitted on the preceding plat;
- C. To correct an error in a real property description shown on the preceding plat;
- D. To indicate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments;
- E. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

- F. To correct any other type of clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- G. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - 1. Both lot owners join in the application for amending the plat;
 - 2. Neither lot is abolished;
 - 3. The amendment does not attempt to remove recorded covenants or restrictions; and
 - 4. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- H. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

2.23.2 Initiation

An Applicant wishing to amend an approved plat shall file with the Planning Director the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed. The Planning Director will determine the extent to which the amending plat will require review by the various departments and agencies of the City. If the plat being amended has been recorded, the additional recordation fee shall be deposited with the City of Ocean Springs at the time of plat filing.

2.23.3 Approval Process Summary

Table 2.12: Plat Amendment Approval Process

Plat Amendment
Purpose: to correct minor clerical errors on a plat and to relocate lot lines to eliminate inadvertent encroachments or similar issues
Administrative review by Planning Director and City staff required

2.23.4 Decision

Notice, a hearing, and the approval of all lot owners within the plat are required for the approval and issuance of an amended plat. The amending plat shall be processed by the Planning Director in the same manner as a minor plat. If the plat being amended has been recorded, the amending plat shall be clearly marked as follows:

Amending plat of (_____[PLAT NUMBER] and ____[NAME]). This plat amends the plat previously recorded in the plat and deed records of Jackson, Volume_____, Page_____. The amending plat shall then be recorded if all requirements have been met. If the plat being amended has not been recorded, the amending plat may be approved by the Planning Director. Upon approval by the Planning Director, the amending plat shall be annotated with the following statement: This plat includes amendments approved by the Planning Director.