



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, October 10, 2023 @ 6:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. September 12, 2023

3. Old Business

- a. **DEFERRED: Date to be determined.** 100 Winchester Drive / PID# 61087028.000 – Marisol Buckley – Request for a residential short-term permit.

4. New Business

- a. 2207 & 2209 Government Street / PID# 61230003.000 & 61230004.000 – Joe Cloyd-Cloyd Investment, LLC – Request Approval of the Lot Split/Reconfiguration.
- b. **PUBLIC HEARING:** 613 Clark Avenue / PID# 601057023.000 – Robbie Chandler – Request for a residential short-term rental permit.
- c. **PUBLIC HEARING:** 706 Russell Avenue / PID# 60137082.000 – Eleanor Rice Henken (Victor Henken) – Request for a residential short-term permit.
- d. **PUBLIC HEARING:** 219 Washington Avenue / PID# 61360001.000 – Joanna & Greg Worch – Request for a residential Bed & Breakfast permit.
- e. **DEFERRED - Date to be determined. PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request to rezone from R-1A Special Apartment District to the R-6 Residential District
- f. **DEFERRED - Date to be determined. PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request Outline Plan approval of a Planned Unit Development (PUD) consisting of 31 detached dwelling units and common open space.

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, September 12, 2023

1. Call Meeting to Order

A meeting of the City of Ocean Springs Planning Commission was called to order by Chairman Andy Phelan at 6:00 p.m. on Tuesday, September 12, 2023. Members present were Matthew Hinton, Michael Davis, Joey Conwill, and Joseph McCormick. Also present were City Planner Wade Morgan, Planning & Grants Administrator Carolyn Martin, Planning & Grants Coordinator Camille Anderson, City Attorney Will Norman, Deputy City Clerk Vicky Hupe.

The Chairman called the meeting to order.

2. Approval of Minutes

a. August 8, 2023

A motion was made by J. McCormick seconded by M. Davis to approve the August 8, 2023 Planning Commission Meeting minutes. The motion was unanimously carried.

3. Old Business

a. 100 Winchester Drive / PID# 61087028.000 – Marisol Buckley – Request for a residential short-term permit - *Deferred from August 10, 2023 Agenda*

This item was deferred to the next meeting to allow legal review of the covenants received just prior to the meeting.

4. New Business

a. **PUBLIC HEARING:** 608 Azalea / PID# 61090012.010 – Chad Wade – Request for a residential short-term rental permit

A motion was made by M. Hinton seconded by J. McCormick to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin, noting that Short-Term Rentals have been split into the "density zone" and the "city zone", and she is keeping track of those caps separately. This application is in the city zone. A motion was made by M. Davis seconded by J. Conwill to close the public hearing. The motion was carried unanimously.

A motion was made by M. Hinton seconded by J. McCormick to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 608 Azalea Drive. The motion was unanimously carried.

b. **PUBLIC HEARING:** 206 Audrey Circle / PID# 61375055.000 – Patrick Toomey – Request for a residential short-term rental permit.

A motion was made by J. McCormick seconded by M. Davis to go into public hearing. The

motion was carried unanimously. The application was presented by C. Martin. A motion was made by M. Davis seconded by J. Conwill to close public hearing. The motion was carried unanimously.

A motion was made by M. Davis seconded by J. McCormick to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 206 Audrey Circle. The motion was unanimously carried.

- c. **PUBLIC HEARING:** 504 Dewey Avenue / PID# 60137338.000 – Bryan & Melissa Blaker – Request for a residential short-term permit.

A motion was made by M. Hinton seconded by M. Davis to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin. A motion was made by J. McCormick seconded by M. Hinton to close public hearing. The motion was carried unanimously.

A motion was made by J. McCormick seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 504 Dewey Avenue. The motion was unanimously carried.

- d. **PUBLIC HEARING:** 712 Forest Hill Drive / PID# 61095109.000 – Brett Orrell – Request for a residential short-term permit.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin. A motion was made by M. Davis seconded by J. Conwill to close public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 712 Forest Hill Drive. The motion was unanimously carried.

- e. **PUBLIC HEARING:** 1015 Lafontaine Ave. A / PID# 60137482.000 – Frederick Pattison Mannino – Request for a residential short-term permit.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin. A motion was made by M. Davis seconded by J. Conwill to close public hearing. The motion was carried unanimously.

A motion was made by J. McCormick seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 1015 Lafontaine Ave. A. The motion was unanimously carried.

- f. **PUBLIC HEARING:** 1015 Lafontaine Ave. B / PID# 60137482.000 – Frederick Pattison Mannino – Request for a residential short-term permit.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The

motion was carried unanimously. The application was presented by C. Martin. A motion was made by M. Hinton seconded by J. Conwill to close public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 1015 Lafontaine Ave. B. The motion was unanimously carried.

- g. **PUBLIC HEARING:** 103 Myrtle Avenue / PID# 61035043.000 – Stephen Johnston – Request for a residential short-term permit.

A motion was made by J. Conwill seconded by J. McCormick to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin. A motion was made by M. Hinton seconded by M. Davis to close public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 103 Myrtle Avenue. The motion was unanimously carried.

- h. **PUBLIC HEARING:** 1502 Porter Ave. / PID# 61011006.000 – Michelle Hodges – Request for a residential short-term permit.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin. Tricia Altman - 1505 Porter Avenue spoke in opposition saying it was inappropriate for the neighborhood. Applicant Michelle Hodges addressed concerns and offered contact info. A motion was made by J. Conwill seconded by J. McCormick to close public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 1502 Porter Avenue. The motion was unanimously carried.

- i. **PUBLIC HEARING:** 516 Shadowlawn Circle / PID# 61105403.000 - Aaron Goetsch – Request for a residential short-term permit.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The motion was carried unanimously. The application was presented by C. Martin. A motion was made by M. Davis seconded by J. McCormick to close public hearing. The motion was carried unanimously.

A motion was made by M. Davis seconded by J. McCormick to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 516 Shadowlawn Circle. The motion was unanimously carried.

- j. **PUBLIC HEARING:** 3072 Pabst Road / PID# 60127630.025 – Request approval of the Sketch Plat of a 4-lot subdivision.

A motion was made by M. Hinton seconded by J. Conwill to go into public hearing. The motion was carried unanimously.

W. Morgan presented the application. Ken Verling 120 Aaron Park Place - HOA President had concerns about drainage, asked if drawings are available to the public, and said he and some of his neighbors didn't receive the notice. Charles Taylor with the Foundation Group discussed the plan and their goal of preserving the environment: trees, marshland, etc. A motion was made by M. Davis seconded by M. Hinton to close public hearing. The motion was carried unanimously.

A motion was made by J. Conwill seconded by J. McCormick to recommend approval of Sketch Plat of a 4-lot subdivision at 3072 Pabst Road. The motion was unanimously carried.

- k. **DEFERRED: PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request to rezone from R-1A Special Apartment District to the R-6 Residential District

This item was deferred to the next meeting at the applicant's request.

- l. **DEFERRED: PUBLIC HEARING:** PID# 61473000.000, Northwest Corner of Front Beach Dr. and Martin Ave., The Sands at Front Beach. Request Outline Plan approval of a Planned Unit Development (PUD) consisting of 31 detached dwelling units and common open space.

This item was deferred to the next meeting at the applicant's request.

5. General Public Comment

None.

6. Commissioner's Forum

None.

7. Adjourn

A motion was made by M. Davis seconded by M. Hinton to adjourn the meeting. The motion was unanimously carried.

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

PLANNING COMMISSION REPORT

PUBLIC MEETING DATE: October 10, 2023

APPLICANT(S): Cloyd Investments, LLC

CURRENT OWNER? ✓ Yes No

If No, - List Current Owner: NA

LOCATION: 2207-2209 Government St., PID# 61058021.000

REQUESTED ACTION: Approval of a Lot Split within the CMX-2 Community Commercial District

DATE OF APPLICATION: September 5, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: CMX-2 Community Commercial District – Cottages at Oak Park condominiums and a free-standing, single story retail building.

North and West: CMX-2 District, detached dwellings in the Cottages at Oak Park condominiums.

East: C-H, Regional Commercial District – office building.

South: across Government St., C-H District. Oak Park Elementary School.

Property Size: 0.09 ac.



DESCRIPTION OF REQUEST: the applicant requests approval of a lot split to create a separate lot for the building at 2209 Government St. The building was the former location of Maynard's Music. The building and its associated parking are on the same parcel as the Cottages at Oak Park condominiums. The proposed parcel will have 74.5 feet of frontage on Government St. A 20 foot-wide access easement is to be created on the east side of the parcel to provide access to parking spaces at the rear of some of the condos.

FINDINGS:

- The proposed parcel complies with the basic requirements of its CMX-2 zoning.

CITY DEPARTMENT REVIEW COMMENTS:

- **PUBLIC WORKS**

- **SEWER DEPT.:**

- 1. Clean the sewer line, perform a video inspection and provide that video to the Public Works Dept. Repair or replacement of the line may be necessary.

SUMMARY: The proposed lot meets the requirements for a lot split.

POTENTIAL MOTION:

To recommend _____ of a lot split at 2207-2209 Government St, subject to the City Department comments listed in the report above.



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

LOT/ PARCEL RECONFIGURATION/SPLIT APPLICATION

Indicate Request: SPLIT ☒ RECONFIGURATION ☐

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

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

Application Date: 09/05/2023 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot/Parcel(s): 2207 & 2209 Government St.

Parcel ID(s): Per submitted condo plat

1. Applicant:	<u>Cloyd Investment, LLC</u>	Phone	<u>601-624-1921</u>
Address	<u>433 E. Beach Dr. Ocean Springs</u>	Email	<u>joe@cloyd.ms</u>
2. Local Agent:		Phone	
Address		Email	
3. Owner of Record:	<u>Cottages at Oak Park, LLC/Cloyd Investment</u>	Phone	<u>228-224-0153</u>
Address	<u>9880 Briarcrest Ln. OS 39565</u>	Email	<u>adamdial@me.com</u>
4. Engineer:		Phone	
Address		Email	
5. Land Surveyor:	<u>Pete Williams</u>	Phone	<u>601-928-5981</u>
Address	<u>301 Central Ave. East Wiggins MS 39577</u>	Email	<u>pw@weng-ms.com</u>
6. Attorney:	<u>Erich Nichols</u>	Phone	<u>601-291-9588</u>
Address	<u>929 Washington Ave. OS 39564</u>	Email	<u>erich@nine29.co</u>

Property Information

1. Tax Map Designation: Section 20 Township: 7 Range: 8W
2. Is this lot/parcel located in a Platted Subdivision: Yes ☒ No ☐ Name of Subdivision: Cottages at Oa
3. Zoning of Lot(s): CMX 2
4. Current lot area (sq. ft.) 100,188

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

1

Reconfiguration Request

1. Describe lot split/reconfiguration request (existing/proposed size of lot(s), reason for request, etc.).
Request is to carve out the original commercial building formerly Maynards from the cond^o plot
2. Has Zoning and Adjustments Board granted any variance exceptions or special permits for this property?
☐ Yes ☒ No If so, please explain and state the date of approval: _____
3. Has any lot included in this request been previously split or reconfigured? _____
No
4. Are there any easements or existing structures that would interfere with this lot reconfiguration? _____
No
5. Are the proposed lots adjacent to public water and sewer lines? Yes

LOT SPLIT/ LOT RECONFIGURATION COMPLIANCE CHECKLIST

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

- ☒ Application complete and submitted.
- ☒ Application fees paid in full (\$251.00)
- ☒ Vicinity map submitted, identifying lot(s) relationship to nearby parcels, roadways, or other landmarks.
- ☒ Survey submitted, including all required information (see survey requirements, p. 3)
- ☒ Evidence of ownership submitted (tax statement, deed, etc.)
- ☒ If corporate ownership, attach a list of all directors, officers, stockholders of each corporation owning more than 5% of any class of stock.
- ☒ Affidavit of Ownership and notarized signature submitted (see attached)
- ☒ Adequate legal and physical access to all proposed lots is provided (no "land locked" parcels).
- ☒ All proposed lots in conformance with lot setback requirements of zoning ordinance.
- ☒ All proposed lots in conformance with lot width requirements of zoning ordinance.
- ☒ All proposed lots in conformance with lot area requirements of zoning ordinance.
- ☒ Neither non-conforming lots nor non-buildable lots are formed as result of proposed split/reconfiguration.
- ☒ Proposed split/reconfiguration does not impair existing access, easements, or public improvements.
- ☒ There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s). (also stated in Affidavit)
- ☒ The split/reconfiguration will not result in significant increases in service requirements (utilities, traffic control, streets, etc.), nor will it interfere with maintaining existing service level (i.e. no additional curb cuts, repaving, etc.)
- ☒ If not located in a platted subdivision, this lot has never been previously split.
- ☒ Lot reconfiguration will provide for development conformable with existing development and City's Comprehensive Plan.

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

2

Survey Requirements for Lot Split/Lot Reconfiguration

Information for Applicant, Items to be included in submittal:

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

Next Steps

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

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

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

3

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) Joe Cloyd, 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: Co Owners of Oak Park LLC & Cloyd Investments LLC
Parcel ID(s): Per a final survey
Date Property Acquired Date: 2008
Book and Page of Each Conveyance: See deed
Owner's Signature [Signature] Date 9/15/23

STATE OF Mississippi

COUNTY OF Jackson

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

Mailing Address 433 E. Beach Dr.
Ocean Springs MS 39564

Subscribed and sworn before me this 5th day of September, 2023

My commission expires 3-18-26

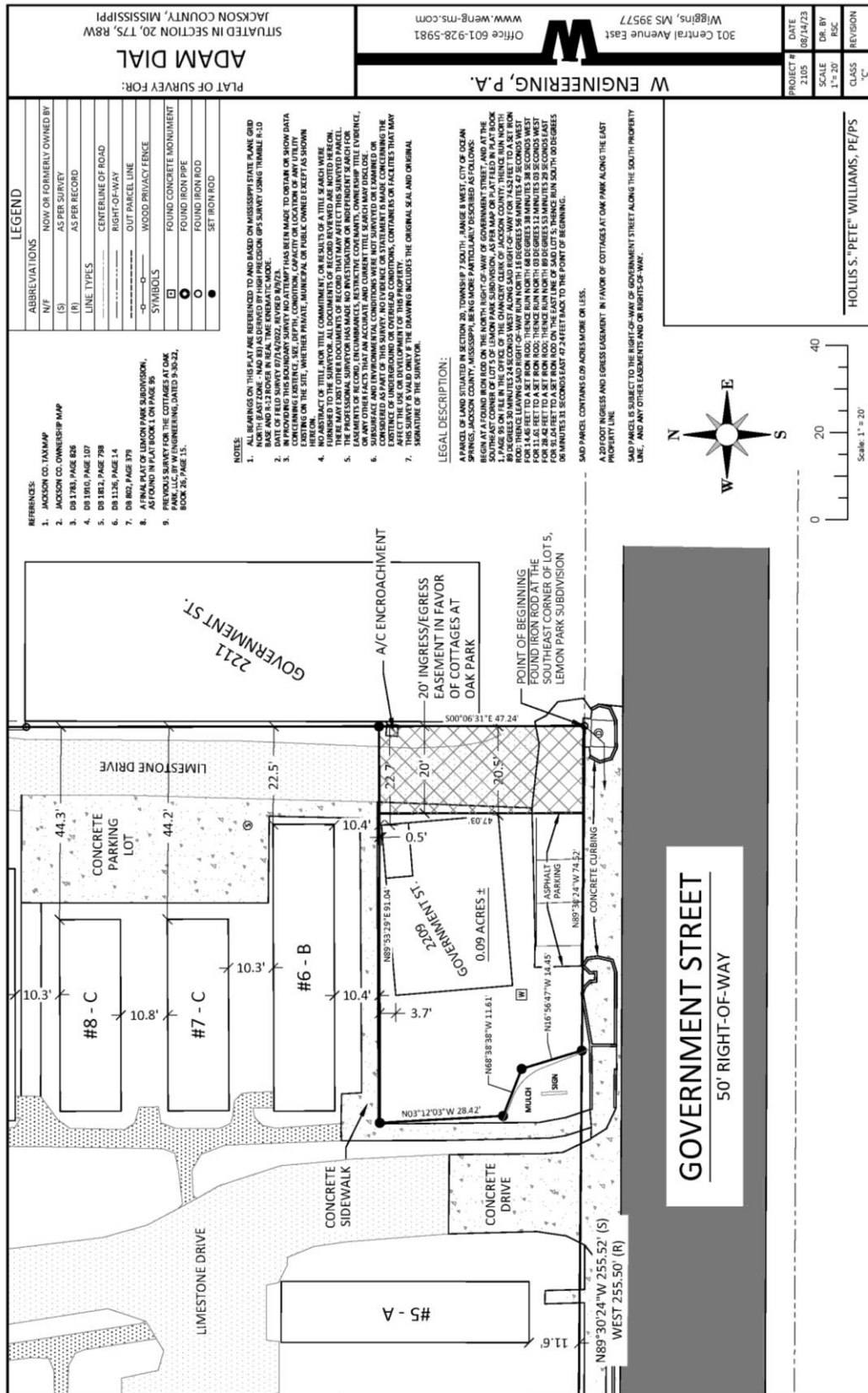


Regulations of the Unified Development Code:
Lot Split: 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

4



COTTAGES AT OAK PARK

2209 GOVERNMENT STREET, CITY OF OCEAN SPRINGS
LOCATED IN SEC. 20, T7S, R8W, JACKSON COUNTY, MISSISSIPPI



VICINITY MAP

OWNERS CERTIFICATE

WE, THE CITY OF OCEAN SPRINGS, MISSISSIPPI, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

SURVEYOR'S CERTIFICATE

I, _____, A PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

ACKNOWLEDGMENT

I, _____, DO HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

ACKNOWLEDGMENT

I, _____, DO HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

CERTIFICATE OF COMPARISON

I, _____, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

CERTIFICATE OF COMPARISON

I, _____, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

RECORDING CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

RECORDING CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

LEGAL DESCRIPTION

THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS THE SAME AS THAT DESCRIBED IN THE INSTRUMENT RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF JACKSON, MISSISSIPPI, BOOK _____, PAGE _____.

LEGAL DESCRIPTION

THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS THE SAME AS THAT DESCRIBED IN THE INSTRUMENT RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF JACKSON, MISSISSIPPI, BOOK _____, PAGE _____.

CONDOMINIUM PLAT FOR COTTAGES AT OAK PARK

2209 GOVERNMENT STREET, CITY OF OCEAN SPRINGS
LOCATED IN SEC. 20, T7S, R8W, JACKSON COUNTY, MISSISSIPPI



REFERENCE

1. JACKSON COUNTY, MISSISSIPPI, PUBLIC RECORDS, BOOK _____, PAGE _____.

2. JACKSON COUNTY, MISSISSIPPI, PUBLIC RECORDS, BOOK _____, PAGE _____.

3. JACKSON COUNTY, MISSISSIPPI, PUBLIC RECORDS, BOOK _____, PAGE _____.

4. JACKSON COUNTY, MISSISSIPPI, PUBLIC RECORDS, BOOK _____, PAGE _____.

5. JACKSON COUNTY, MISSISSIPPI, PUBLIC RECORDS, BOOK _____, PAGE _____.

6. JACKSON COUNTY, MISSISSIPPI, PUBLIC RECORDS, BOOK _____, PAGE _____.

ACKNOWLEDGMENT

I, _____, DO HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

ACKNOWLEDGMENT

I, _____, DO HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

CERTIFICATE OF COMPARISON

I, _____, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

CERTIFICATE OF COMPARISON

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WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

RECORDING CERTIFICATE

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WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

RECORDING CERTIFICATE

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WITNESSES MY SIGNATURE AND SEAL THIS _____ DAY OF _____, 2023.

NOTARY PUBLIC _____

LEGAL DESCRIPTION

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

**PLANNING COMMISSION REPORT
-- PUBLIC HEARING --**

PUBLIC HEARING DATE: Tuesday, October 10, 2023

APPLICANT: Robbie Chandler

LOCATION: 613 Clark Avenue / PID: 61057023.000

REQUESTED ACTION: Residential Short Term Rental Permit

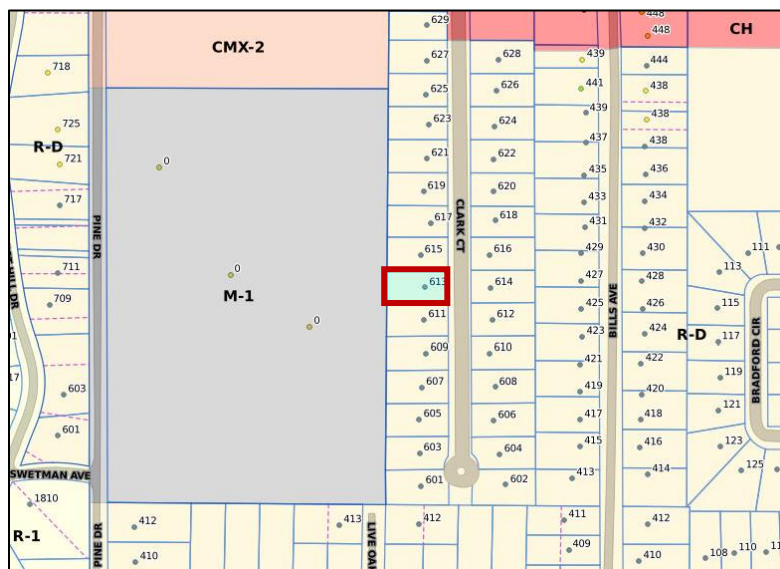
DATE OF APPLICATION: June 25, 2023

ADJACENT ZONING/LAND USE:

Subject Property:	RD, Two-Family Residential District
North, East, South:	RD, Two-Family Residential District
West:	M-1, Manufacturing, Warehousing & Service

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05, 2021-25, and 2023-07, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located in the CITY Zone Area, on the west side of Clark Avenue midway between Government Street and the cul-de-sac southern end.



FINDINGS:

- Local Property Manager: Memarie Graves will serve as the property manager. With an address on Washington Avenue, the requirement for residency within 2-miles of the city limit is satisfied.
- Application: Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- Homeowner's Association: On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA. A search of Jackson County Land Records did not discover filed covenants for this subdivision. The MS Secretary of State's Office does not have an active HOA listed on their website.
- Liability Insurance: The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements. There are no deed restrictions and taxes are current.
- Fee: The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- Notice via Standard Mail: The notice of public hearing was sent to 44 property owners within 500 feet of the subject property. The distribution included the name of the applicant, notice of the hearing date, time and location, and a summary of Frequently Asked Questions regarding short-term rentals.
- Publication: Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- Inspection: The property was inspected for all required elements on 9/05/23 and was approved. Inspection form is attached for review.
- Maximum Occupancy: The requested maximum occupancy of 6 was reduced to 4 by the Fire Marshall during the above referenced inspection.
- Maximum Number of Vehicles: The request for a maximum number of 2 vehicles was approved by the Building Official during the above referenced inspection.
- Guest Rules: The rules were posted and visible during the property inspection.
- Code Violation Complaints: No code violations or police reports were documented for this address in the past 12 months.

FEEDBACK:

None.

SUMMARY:

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

ATTACHMENTS as listed above:



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

RESIDENTIALLY ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 06/25/2023

REQUIRED ATTACHMENTS:

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

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

REQUIRED: RENTAL PROPRTY INFORMATION:

- **Address of Rental Property:** 613 Clark Ave Ocean Springs, MS 39564
- **Parcel Identification Number:** 61057023.000 **Number of bedrooms:** 2
- **Proposed maximum # guests:** 6 **Number of existing off-street parking spaces:** 2
- **Is this property located in a covenant-restricted subdivision?** ☐ Yes ☒ No ~ *If yes, a copy of the covenants must be included.*

PROPERTY OWNER – Name: Robbie & Johnny Chandler	
Address: 613 Clark Ave Ocean Springs MS. 39564	
Phone No. 936/661-3102	Email: chandlerpropertymanagement2019@gmail.com
OWNER SIGNATURE:  Digitally signed by R Chandler Date: 2023.07.02 19:05:22 -0500	
LOCAL PROPERTY MANAGER – [Must RESIDE within two (2) miles of the OS City Limits]	
Name: Memarie Graves	
Address: 613 Clark Ave. Ocean Springs, MS. 39564	
Phone No. 936/661-0934	Email: memariegraves@yahoo.com
Is the Property Manager OR the Owner the best contact for scheduling inspections? Owner	

Revised 06/16/2023

1 | Page

Owner – initial by each ordinance to indicate receipt:

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

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

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

Physical Inspection of Property:

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

.....
Affirmation of Codes/Regulations

I, (print name) Robbie Lea Chandler, hereby certify that:

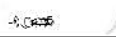
1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the parcel(s).
3. Per Section 2.C.5 of Ordinance No.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

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

Owner(s) Name: Robbie Lea Chandler

Parcel ID(s): 61057023.000

Date Property Acquired: 10/2022

Owner's Signature  Digitally signed by R Chandler
Date: 2023.07.02 10:05:56 -0500 Date 7-2-23

.....
Office Use Only

Date of Inspection: 9/05/23 Result of Occupancy Inspection: PASSED

Maximum Occupancy Determination: 4 (attached)

Maximum Parking Spaces: 2 Permit Renewal Date: _____

PC Public Hearing Date: 10/10/23 BOA Approval Date: _____

ADDRESS: 613 Clark Avenue iWorQ Permit#: 2922



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

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

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

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- ☒ Type 2A 10BC Fire Extinguishers (Maximum travel distance 75 ft.)
- ☒ Emergency Lighting with battery backup
- ☒ Address on Building
- ☒ Breaker Box needs to be labeled
- ☒ Outlet and switch plate covers need to be installed. (GFCI Circuits within 6 ft. of water source)
- ☒ No exposed wiring
- ☒ Adequate emergency egress
- ☒ Operable windows in sleeping areas
- ☒ Guest rules (noise, garbage, etc.) must be visibly posted.

- ☒ Adequate garbage receptacles
- ☒ Smoke detectors in all bedrooms and hallways.
- ☒ Carbon monoxide detectors if there is gas service.
- ☒ Identified # of Bedrooms: 2
- ☒ Proposed # of Guests: 6

Approved # of Guests per OSFD: 4

☒ Proposed # of vehicles: 2

Approved # of vehicles per OSFD: 2

Property Owner: Robbie Chandler
Contact Name: Robbie Chandler

Phone #: 936-661-3102
Phone #: 936-661-3102

.....
Date of Inspection: 9-5-23

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature]
Property Owner: [Signature]

Fire Marshall: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



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

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

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

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

Short-Term Rental Applied for: 613 Clark Avenue

Public Hearing Date/Time: October 10, 2023 at 6:00 p.m.

Applicant Robbie Chandler

Local Contact Memarie Graves

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

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

Frequently Asked Questions regarding Residential Short-Term Rental permits:

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

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

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
- b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
- c. Any other complaints can be forwarded to the Planning Department at 228-875-4415 or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564

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

Email Address: planningadmin@oceansprings-ms.gov

State of _____

Rev. 133EF54

VACATION RENTAL SHORT TERM LEASE AGREEMENT

This Vacation Rental Short Term Lease Agreement (this "Agreement") is made by and between _____ ("Owner") and _____ ("Guest") as of the date last written on the signature page of this Agreement. Owner and Guest may be referred to individually as "Party" and collectively as "Parties." For good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

1. Property. The property is described as a _____ with _____ bedrooms and _____ bathrooms located at _____, _____, _____ (the "Property"). The Property is owned by Owner. The Property is fully furnished by Owner and equipped for light housekeeping. The following amenities are included in the Property:

A starter supply of household cleaning and hygiene products may be available in the Property for use. Guest is responsible for purchasing any additional supplies and all food and beverages.

2. Rental Party. All persons in the rental party will be bound by the terms of this Agreement. Only persons listed on this Agreement may stay in the Property. "Rental Party" means Guest plus the following persons:

First Name & Last Name	Relationship to Guest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The total number of adults in the Rental Party will be _____. The total number of children in the Rental Party will be _____.

3. Maximum Occupancy. The maximum number of persons allowed to stay in the Property is limited to _____, unless the Owner gives its prior written consent. A charge of _____ per person per night will be assessed for each person who stays in the Property in addition to the Rental Party. Guest will be charged without notice for additional persons staying in the Property and not disclosed to Owner.

4. Visitors. A visitor is an occupant of the Property who is not staying overnight. The total number of persons permitted in the Property at any given time, including visitors, is _____. Any visitor staying overnight is subject to additional charges. No visitor will be allowed to use the common facilities, including any pools or tennis courts, when Guest is not on the Property.

5. Rental Period & Check-In. The term of this lease will be from _____ ("Arrival Date") to _____ ("Departure Date"). The Property will be ready for Guest's occupancy beginning at _____ on the Arrival Date and the Property must be vacated by _____ on the Departure

**Vacation Rental Short Term Rental
Agreement (Rev. 133EF54)**

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Date, unless otherwise agreed by Owner. If Guest or any member of the Rental Party remains on the Property beyond the Departure Date, Guest will be responsible to pay the rental rate prescribed in Section 8 below for the period of time between Departure Date and the actual date Guest and all members of the Rental Party vacate the Property. The Property requires a _____ night minimum stay.

6. Keys & Access Codes. Owner will provide Guest with _____ key(s), which will unlock the front door to the Property and _____. Guest is not allowed to make duplicate keys. A fee of _____ will be charged to Guest for failure to return a key. Any attempt to access a locked area is just cause for immediate termination of this Agreement, forfeiture of all rent paid, and Guest will be liable for any missing items or damage. Owner will provide Guest with access codes to the _____.

7. Rental Rules & Restrictions. Guest agrees to abide by the following restrictions by Owner:

If any person in the Rental Party fails to follow any of the Rules, the Rental Party may be asked to vacate the Property and Guest will forfeit all rent paid.

8. Reservation Deposit and Payment. Guest agrees to pay the rent and fees described below (the "Total Amount Due"). A deposit in the amount of _____ (the "Reservation Deposit") is due and payable upon return of this signed Agreement in order to secure Guest's reservation. The Reservation Deposit is non-refundable and will be applied toward the rental rate. Payment in full of the following fees, less the Reservation Deposit, will be due within _____ days before the Arrival Date.

Rental rate of _____ x _____ days	_____
Cleaning service fee	_____
State and local sales/rental taxes (_____)	_____
Total Amount Due	_____
(Less reservation deposit due immediately) (_____)	_____
Total Balance Due	_____

Acceptable payment methods are:

9. Security Deposit. Owner reserves the right, at its discretion, to charge a security deposit at the time of reservation in the amount of _____. This deposit will be refunded after Guest's departure and an inspection of the Property by Owner, less any deductions for damage to the Property or furnishings, excessive mess requiring additional cleaning or other costs incurred outside the normal course due to Guest's stay.

10. Cancellation. If Guest cancels the reservation less than _____ days before the Arrival Date, the Total Amount Due will be forfeited.

11. Cleaning. A cleaning fee of _____ will be charged to the Guest. Daily housekeeping services are not included in the rental rate. Throughout the rental period, Guest will be responsible for keeping the Property clean and in good condition. Any unsafe or dangerous condition must be reported to Owner immediately. Guest acknowledges that on the Arrival Date, the Property is in good condition, except for any defect Guest may report to Owner by the end of the first day following the Arrival Date. The Property should be left in the same condition as it was found by Guest on the Arrival Date. Guest promises to leave the Property in good repair.

12. Furnishings. The following furnishings will be provided with the Property:

Furnishings are subject to change without notice. Furniture, bedding, kitchen equipment, utensils, and any other personal property supplied with the Property must not be removed from the Property. Loss of any items within the Property or damage to the Property or furnishings in excess of normal wear and tear will be charged to Guest. The Property will be inspected by Owner after Guest's departure. All contents of the Property are the property of Owner. If an item should break, Guest must notify Owner immediately. Guest is not permitted to alter the wiring of any television, computer, or gaming equipment.

13. Parking. Parking is limited to _____ spaces. Guest may only park in designated parking area. Any illegally parked cars may be subject to towing and/or fines.

14. Mechanical Failures. Owner attempts to properly maintain the Property. While all electrical and mechanical equipment within the Property are in good working order, Owner cannot guarantee against mechanical failure of electrical service, stopped plumbing, water supply, heating, air conditioning, audio visual equipment, internet access, cable service, or appliances. Guest agrees to report any inoperative equipment or other maintenance problem to Owner immediately. Owner will make every reasonable effort to have repairs done quickly and efficiently. Guest will allow Owner or a person permitted by Owner access to the Property for purposes of repair and inspection. Owner is not responsible for any inconvenience that may occur and no refunds or rent reductions will be made due to failure of such items.

15. Acts of God. If there is a storm or severe weather and a mandatory evacuation order is issued by state or local authorities, Guest shall be entitled to a prorated refund for each night Guest is unable to occupy the Property. Owner will not be liable or deemed in default under this Agreement for any failure to perform or delay in performing any of its obligations due to or arising out of any act not within its control, including, without limitation, acts of God.

16. Limitation on Liability. Owner is not responsible for any accidents, injuries or illness that occur to any member of the Rental Party or Guest's visitors while in the Property or on the Property. Owner is not responsible for loss of personal belongings or valuables belonging to any member of the Rental Party or any of Guest's visitors. Guest agrees to assume the risk of any harm arising from use of the Property. UNDER NO CIRCUMSTANCES AND UNDER NO LEGAL THEORY, TORT, CONTRACT, STRICT LIABILITY, OR OTHERWISE, SHALL OWNER BE LIABLE TO GUEST OR ANY OTHER PERSON FOR ANY DAMAGES OF ANY NATURE WHATSOEVER INCLUDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR GUEST'S RENTAL OF THE PROPERTY OR USE OF THE PROPERTY. IN NO

EVENT WILL OWNER BE LIABLE FOR ANY DAMAGES IN CONNECTION WITH THIS AGREEMENT, EVEN IF OWNER SHALL HAVE BEEN INFORMED OF THE POSSIBILITY OF SUCH DAMAGE.

17. Indemnification. Guest acknowledges that the use of the Property by the Rental Party and Guest's visitors is entirely at their own risk. Guest will indemnify and hold harmless Owner from any and all expenses, costs, damages, suits, actions, or liabilities whatsoever arising from or related to any and all loss of or damage to personal property, injury or death resulting from the use or occupancy of the Property or the failure of any member of Rental Party or Guest's visitors to observe the Rules and restrictions set forth in Paragraph 7.

18. Violation of Agreement. If Guest or any member of the Rental Party violates any of the terms of this Agreement, including but not limited to maximum occupancy, visitors and rental rules and restrictions, Owner may evict Guest and the Rental Party from the Property and Guest will forfeit all rent and security deposit paid.

19. Governing Law. This Agreement and all transactions contemplated by this Agreement will be governed by, and constructed and enforced in accordance with the laws of the State of _____ (not including its conflicts of laws provisions). Any dispute arising from this Agreement shall be resolved through mediation. If the dispute cannot be resolved through mediation, then the dispute will be resolved through binding arbitration conducted in accordance with the rules of the American Arbitration Association.

20. Amendments. This Agreement may be amended or modified only by a written agreement signed by both Owner and Guest.

21. No Waiver. Neither Owner nor Guest shall be deemed to have waived any provision of this Agreement or the exercise of any rights held under this Agreement unless such waiver is made expressly and in writing.

22. Severability. If any provision of this Agreement is held to be invalid or unenforceable in whole or in part, the remaining provisions shall not be affected and shall continue to be valid and enforceable as though the invalid or unenforceable parts had not been included in this Agreement.

23. Notices. Any notice or communication under this Agreement must be in writing and sent via one of the following options:

24. Successors and Assigns. This Agreement will inure to the benefit of and be binding upon Owner, its successors and assigns, and upon Guest and its permitted successors and assigns.

25. Entire Agreement. This Agreement represents the entire understanding and agreement between the Parties with respect to the subject matter of this Agreement and supersedes all other negotiations, understandings and representations (if any) made by and between the Parties.

**Vacation Rental Short Term Rental
Agreement (Rev. 133EF54)**

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SIGNATURES

Owner Signature

Guest Signature

Owner Name

Guest Name

Date

Date

Clark Cottage

Lodging Policies

Clark Cottage is an exclusive property where every guest reservation is both important and special to us. If your travel plans change and you must cancel your reservation, Please contact us at least thirty days prior to your arrival date to receive a full refund. A 50% refund will be given if cancellation is made at least two weeks prior. If canceling less than two weeks, we will try to re-book the dates for you, and if so, will offer you a credit for whatever amount we get for a future stay.

Check-in begins at 4:00 PM. Check-out 11:00 AM. Unfortunately, due the need of getting the home ready for the next guest, we cannot offer early check-ins or late check-outs. All use of Clark Cottage amenities are at the guests own risk. Please be responsible and act safely. All disposable items in the home are for guest use, but please clean any dishes & appliances if used. Please make sure dishwasher is emptied, and that the microwave, refrigerator, and oven are left clean and empty for next guest use as well.

Occupancy: There is to be a maximum of six (6) guests allowed to stay overnight on property.

Trash: Please use the garbage bins outside on the side of the house for your trash upon leaving. The property manager or housekeeping will bring them to the curb on Tuesdays, for Wednesday morning pickups.

Smoking: Absolutely no smoking is allowed inside the home, but feel free to smoke on the back porch or anywhere outdoors. Please dispose of your butts safely and in an environmentally sensitive manner.

Parking: Up to two cars can park on the driveway in front of the home. There is no on-street parking in Ocean Springs unless explicitly stated.

Quiet Hours: We ask that out guests observe quiet hours beginning at 10pm and continuing through 9am. No loud noises or music is permitted during quiet hours. Please be considerate to our neighbors at all times.

Check-Out: Please lock the door upon leaving. Have safe travels, and please leave us a favorable review if you enjoyed your stay.

Thank you for staying at Clark Cottage! We would love to have you return for years to come, so please contact me directly for any future visits. If things have gone smoothly for both parties during your initial stay, we most likely can offer you a discounted rate for your, friends & family on future visits.

Sincerely,
Memarie Graves
Property Manager

Booking Confirmation

Thank you for choosing Clark Cottage for your vacation! We hope that you have a pleasant stay.

Our home is located at:

613 Clark Ave.
Ocean Springs, MS 39564

Rental Rules*

CHECK-IN TIME is AFTER 4 P.M. CST AND CHECKOUT is 11:00 A.M. CST. NO Early Check-in or late checkout.

This is a NON SMOKING unit.

PETS

-

PETS are permitted in rental units only with prior approval. \$100 per pet fee applies.

All pets must be leashed at all times. Pet owners are responsible for cleaning up any/all pet refuse. Pets are not allowed on furniture at any time. Any evidence of pets on furniture may incur extra cleaning fees. All pets must be up-to-date on rabies vaccinations and all other vaccinations. Heartworm prevention is highly recommended. All pets are to be treated with Advantage or similar topical flea and tick repellent three (3) days prior to arrival. Fleas and ticks are very rampant in this area and can cause harmful/fatal illness to humans and pets. All items above are the sole responsibility of the pet owner. The cabin owners assume no responsibility for illness or injury that humans or pets may incur while on the premises.

CANCELLATIONS - A thirty (30) day notice is required for cancellation.

Cancellations that are made more than thirty (30) days prior to the arrival date will incur no penalty.

MAXIMUM OCCUPANCY – The maximum number of guests is limited to six (6) persons.

MINIMUM STAY – Minimum stays may be required during holidays or festival weekends.

INCLUSIVE FEES – Rates include a one-time linen & towel setup. Amenity fees are included in the rental rate.

NO DAILY HOUSEKEEPING SERVICE –

While linens and bath towels are included in the unit, daily maid service is not included in the rental rate.

We suggest you bring beach towels. We do not permit towels or linens to be taken from the units.

RATE CHANGES – Rates subject to change without notice.

FALSIFIED RESERVATIONS – Any reservation obtained under false pretense will be subject to forfeiture of advance payment, deposit and/or rental money, and the party will not be permitted to check in.

WRITTEN EXCEPTIONS – Any exceptions to the above mentioned policies must be approved in writing in advance.

PARKING – Parking is limited to two (2) vehicles. Vehicles are to be parked in designated parking areas only. Parking on the road is not permitted. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.

HURRICANE OR STORM POLICY – No refunds will be given unless:

The state or local authorities order mandatory evacuations in a Tropical Storm/Hurricane Warning area and/or

A mandatory evacuation order has been given for the Tropical Storm/Hurricane Warning area of residence of a vacationing guest.

The day that the authorities order a mandatory evacuation order in a Tropical Storm/Hurricane Warning area, we will refund:

Any unused portion of rent from a guest currently registered.

Any unused portion of rent from a guest that is scheduled to arrive, and wants to shorten the stay, to come in after the Hurricane Warning is lifted; and

Any advance rents collected or deposited for a reservation that is scheduled to arrive during the Hurricane period.

The owners are not responsible for any accidents, injuries or illness that occurs while on the premises or its facilities. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise.

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

**PLANNING COMMISSION REPORT
-- PUBLIC HEARING --**

PUBLIC HEARING DATE: Tuesday, October 10, 2023

APPLICANT: Eleanor Rice Henken (Victor Henken)

LOCATION: 706 Russell Avenue / PID: 60137082.000

REQUESTED ACTION: Residential Short Term Rental Permit

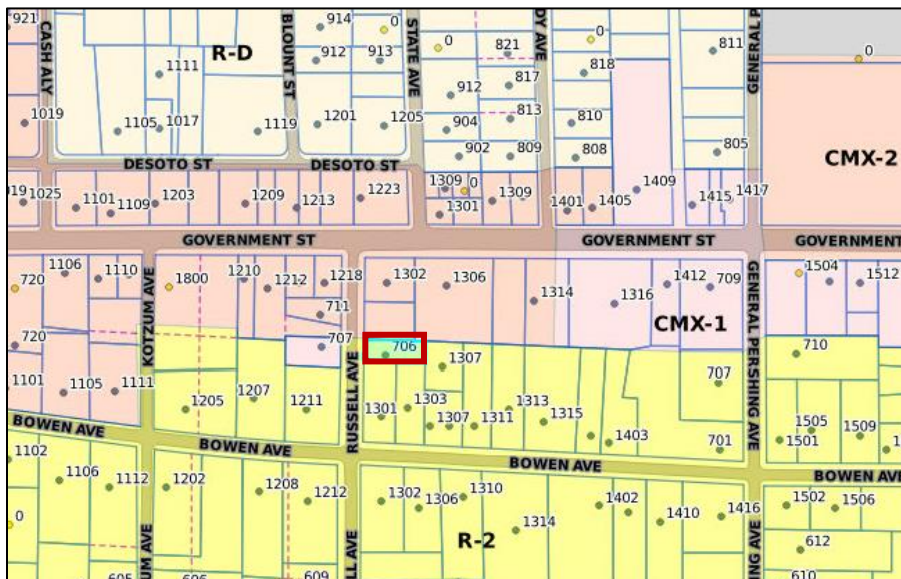
DATE OF APPLICATION: July 7, 2023

ADJACENT ZONING/LAND USE:

Subject Property:	R2, Single-Family Residential District
North:	CMX-2, Community Commercial/ Mixed Use
West:	CMX-1, Neighborhood Commercial/ Mixed Use
East, South:	R2, Single-Family Residential District

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05, 2021-25, and 2023-07, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located in the STR Density Zone Area, on the east side of Russell Avenue midway between Government Street and Bowen Avenue.



FINDINGS:

- **Local Property Manager:** Audrey Ann Findeisen will serve as the property manager. With an address of 515 Ward Avenue, the requirement for residency within 2-miles of the city limit is satisfied.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA. A search of Jackson County Land Records did not discover filed covenants for this subdivision. The MS Secretary of State's Office does not have an active HOA listed on their website.
- **Liability Insurance:** The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements. There are no deed restrictions and taxes are current.
- **Fee:** The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- **Notice via Standard Mail:** The notice of public hearing was sent to 93 property owners within 500 feet of the subject property. The distribution included the name of the applicant, notice of the hearing date, time and location, and a summary of Frequently Asked Questions regarding short-term rentals.
- **Publication:** Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- **Inspection:** The property was inspected for all required elements on 9/12/23 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested maximum occupancy of 4 was approved by the Fire Marshall during the above referenced inspection.
- **Maximum Number of Vehicles:** The request for a maximum number of 2 vehicles was approved by the Building Official during the above referenced inspection.
- **Guest Rules:** The rules were posted and visible during the property inspection.
- **Code Violation Complaints:** No code violations or police reports were documented for this address in the past 12 months.

FEEDBACK:

None.

SUMMARY:

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

ATTACHMENTS as listed above:



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

RESIDENTIALLY ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 07/07/2023

REQUIRED ATTACHMENTS:

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

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

REQUIRED: RENTAL PROPERTY INFORMATION:

- Address of Rental Property: 706 Russell Ave.
- Parcel Identification Number: 2, 706 Russell Ave. Number of bedrooms: 1
- Proposed maximum # guests: 4 Number of existing off-street parking spaces: 2
- Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a copy of the covenants must be included.

PROPERTY OWNER – Name: <u>Eleanor Rice Henken</u>	
Address: <u>312 Crane Place, Fairhope Ala. 36532</u>	
Phone No. <u>201-918-0306</u>	Email: <u>mimiricehenken@yahoo.com</u>
OWNER SIGNATURE: <u>Mimi Rice Henken</u>	
LOCAL PROPERTY MANAGER – [Must RESIDE within two (2) miles of the OS City Limits]	
Name: <u>Audrey Ann Findeisen</u>	
Address: <u>515 Ward Ave.</u>	
Phone No. <u>228-297-7625</u>	Email: <u>annandlaki@gmail.com</u>
Is the Property Manager OR the Owner the best contact for scheduling Inspections? Choose One... <u>Owner</u>	

Revised 06/16/2023

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Owner – initial by each ordinance to indicate receipt:

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

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

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

Physical Inspection of Property:

compliant.

- As part of the review process, an inspection will be scheduled to determine that all physical requirements are met per the ordinance.
- Inspection will also include but are not limited to: adequate parking, proposed occupancy, number of vehicles allowed, location of garbage storage, posting of rules, etc. (per most current Inspection Checklist dated: 2/08/18)

.....
Affirmation of Codes/Regulations

I, (print name) Mimi Henken, hereby certify that:

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

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

Owner(s) Name: Mimi Henken

Parcel ID(s): 2, 706 Russell Ave.

Date Property Acquired: Feb. 22, 2021 (Date of mothers death)

Owner's Signature _____ Date _____

Office Use Only

Date of Inspection: 9/12/23

Result of Occupancy Inspection: PASSED
(attached)

Maximum Occupancy Determination: 4

Maximum Parking Spaces: 2

Permit Renewal Date: _____

PC Public Hearing Date: 10/10/23

BOA Approval Date: _____

Revised 06/16/2023

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ADDRESS: 706 Russell Avenue iWorQ Permit#: 2996



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

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

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

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- | | |
|---|---|
| ☒ Type 2A 10BC Fire Extinguishers
(Maximum travel distance 75 ft.) | ☒ Adequate garbage receptacles |
| ☒ Emergency Lighting with battery backup | ☒ Smoke detectors in all bedrooms
and hallways. |
| ☒ Address on Building | ☒ Carbon monoxide detectors if there
is gas service. |
| ☒ Breaker Box needs to be labeled | ☒ Identified # of Bedrooms: <u>1</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☒ Proposed # of Guests: <u>4</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>4</u> |
| ☒ Adequate emergency egress | |
| ☒ Operable windows in sleeping areas | ☒ Proposed # of vehicles: <u>2</u> |
| ☒ Guest rules (noise, garbage, etc.) must be
visibly posted. | Approved # of vehicles per OSFD: <u>2</u> |

Property Owner: Mimi Henken

Phone #: 201-918-0306

Contact Name: Audrey Ann-Findeisen

Phone #: 228-297-7625

.....
Date of Inspection: 9-12-23

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature]

Fire Marshall: [Signature]

Property Owner: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



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

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

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

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

Short-Term Rental Applied for: 706 Russell Avenue

Public Hearing Date/Time: October 10, 2023 at 6:00 p.m.

Applicant Eleanor Rice Henken (Victor Henken)

Local Contact Audrey Ann Findeisen

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

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

Frequently Asked Questions regarding Residential Short-Term Rental permits:

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

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

- 6) ***What physical modifications were required for the home?*** Required life safety improvements include, but are not limited to, hard-wired smoke detectors (carbon monoxide if served by gas), emergency lighting for exits during power outages, properly functioning exits, current fire extinguishers, labeled fuse box, etc.
 - 7) ***How will the maximum occupancy and number of vehicles be established?*** During the physical inspection, the Building Official and Fire Inspector assess the availability of space including sleeping areas and space for off-street parking. These maximums will be established prior to the public hearing and can be enforced during operation of the rental.
 - 8) ***Where can I report code violations, disturbances, etc.?*** Just as you would with any residential occupant, if there are problems with noise, excessive vehicles, trash, or other intrusive behavior, the proper city officials should be notified. For life-threatening emergencies, dial 9-1-1 as you would with any type of residential occupancy. Documented complaints will be considered during the renewal process. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
- Complaint Contact Information:**
- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at **228-875-4415** or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
 - 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
 - 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
 - 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
 - 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with an active Homeowner's Association (HOA) must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable.
 - 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
 - 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

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

1018 Porter Avenue, Ocean Springs, MS 39564.

Email Address: planningadmin@oceansprings-ms.gov

SHORT-TERM RENTAL AGREEMENT

I. The Parties

This Short-Term Rental Agreement ("Agreement") made on May 1 2023 is between the following:

Individual(s) known as _____ and _____ with a mailing address of _____ ("Tenant(s)")

AND

One (1) individual(s) known as Eleanor Henken with a mailing address of 312 Crane Place, Fairhope, Alabama, 36532 ("Landlord").

Landlord and Tenant(s) ("Parties") agree to the following terms and conditions:

II. The Property

The Tenant(s) agrees to rent the residential dwelling described as a(n) single-family home with a mailing address of 706 Russell Ave., Ocean Springs, Mississippi, 39564-4754 ("Property"). The Property consists of 1 bedroom(s) and has 2 bathroom(s).

III. Furnishings

The Property shall be furnished by the Landlord. Landlord shall provide the following furnishings as part of this Agreement:

Bedroom Set(s) - Including but not limited to beds, pillows, sheets, nightstands, and lighting fixtures.

Dining Room Set(s) - Including but not limited to tables, chairs, and other items that complete a dining room set.

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Kitchenware - Including but not limited to pots, pans, utensils, cleaning supplies, and other everyday items that complete a kitchen set.

Living Room Set(s) - Including but not limited to couches, chairs, sofas, televisions, desks, and other common living room items.

IV. Parking

The Landlord shall provide parking as part of this Agreement in the form of 2 parking space(s). There shall be no fee for the parking space(s).

V. Period and Guests

The total amount of individuals allowed to stay at the Property for any period will be limited to 4 people. In addition, the Tenant(s) are allowed to have a total number of 4 Guests on the Property but only to visit and not stay.

VI. Start and End Dates

The term of this Agreement shall begin _____ and end on _____ ("Rental Period").

The Tenant(s) shall be allowed to check-in at 03:00 PM and check-out at 11:00 PM.

VII. Rent

The rent due by the Tenant(s) to the Landlord shall be in the amount of _____ per night during the Rental Period.

VIII. Security Deposit

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The Tenant(s) shall be obligated to pay a Security Deposit in the amount of \$ _____. Upon inspection of the property and no damage is identified, Landlord shall return the Security Deposit within a reasonable amount of time or in accordance with State law, whichever is longest.

IX. Pets

Tenant(s) shall be allowed to have dogs, cats, with no weight limit. In addition, there shall be a set number of 1 pets on the Property. Pets shall be allowed on the Property without fee to the Tenant(s)

X. Fees, Taxes, and Deposit

The Tenant(s) shall be responsible for the following fee(s):

Cleaning - \$_____.

XI. Termination

Not applicable.

XII. Utilities

The Landlord shall be responsible for providing the following utilities: Electricity, Internet, Telephone, Oil / Gas, Trash Collection, Water and Sewer.

XIII. Maintenance and Repairs

The Tenant(s) shall maintain the premises in a good, clean, and ready to rent condition, and use the premises only in a careful and lawful manner. Tenant(s) shall leave the premises in a ready to rent

habitable by the next tenants. Landlord shall pay for maintenance and repairs should the premises be left in a lesser condition.

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Tenant(s) agree that the Landlord shall deduct from the Security Deposit prior to refund if tenants cause damage to the premises or its furnishings.

XIV. Trash

Landlord requires the Tenant(s) to use the following instructions for trash removal on the Property: Place trash in the bin provided outside by the exit door upon departure including any items in the refrigerator. Separate bins are also provided for any recycled materials.

XV. Subletting

Tenant(s) shall not be allowed to sublet the Property.

XVI. Quiet Enjoyment

The Tenants shall behave in a civilized manner and shall be good neighbors respecting the rights of the surrounding property owners. The Tenants shall not create noise or disturbances likely to disturb or annoy the surrounding property owners. Creating a disturbance of the above nature shall be grounds for immediate termination of this agreement and Tenants shall then immediately vacate the premises.

Any and all noise must be kept to a minimum each night beginning at 10:30 PM

XVII. Smoking

Any and all forms of smoking shall not be permitted inside the Property. All smoking activities MUST occur outside.

XVIII. Landlord's Liability

The Tenants and Tenants' Guests shall hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss arising from use of the premises regardless of the nature of the accident, injury or loss. Tenant(s) expressly recognize that any insurance for property damage or loss which the Landlord may maintain on the property does not cover the personal

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property of Tenant(s), and that Tenant(s) should purchase their own insurance for Tenant(s) and Guest(s) if such coverage is desired.

XIX. Attorney's Fees

Tenants agree to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by Landlord enforcing this agreement.

XX. Use of Property

Tenant(s) expressly acknowledge and agree that this Agreement is for transient occupancy of the Property, and that Tenant(s) do not intend to make the property a residence or household.

XXI. Shortened Stays and Conditions

There shall be no refunds of rents due to shortened stays or ruined expectations because of weather conditions.

XXII. Showings

Not applicable.

XXIII. Firearms

Only legally owned and permitted firearms shall be allowed on the premises in accordance with State and local laws.

XXIV. Fireworks

The Parties agree that Fireworks and other hazardous materials may not be used in or around the Property.

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XXV. Illegal Use

Tenant(s) shall use the property for legal purposes only and other use, such as but not limited to, illegal drug use, abuse of any person, harboring fugitives, etc. shall cause termination of this Agreement with no refund of rents or deposits.

XXVI. Fire Alarms

If the Property has fire alarms the Tenant(s) must notify the Landlord without delay if a fire alarm "chirps" or has a low battery condition.

XXVII. Keys

The both doors in the front of the house have entry passcodes as opposed to keys. The entry passcode will be provided at the time of confirming the rental.

XXVIII. Possessions

Valuable items left behind by Tenant(s) will be held with every reasonable effort made to contact in order for a safe return. If items are not claimed for longer than 6 months they shall become the property of the Landlord. Landlord shall not be held liable for the condition of said items left by the Tenant(s).

XXIX. Notice

In the event written notice is required the Parties shall be recognized by the mailing addresses set forth in Section I of this Agreement.

XXX. Landlord's Contact

In the event the Landlord needs to be contacted immediately, the Tenant(s) shall use the following:

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Telephone: (228) 297-7625

XXXI. Governing Law

This agreement is governed under the laws in the State where the Property is located.

XXXII. Lead-Based Disclosure

It is acknowledged by the Parties that the Property may have been constructed prior to 1978 requiring the Buyer and Seller to initial and sign the attached Lead-Based Paint Disclosure Form.

XXXIV. Disclosures

It is acknowledged by the Parties that the Property may have been constructed prior to 1978 requiring the Buyer and Seller to initial and sign the attached Lead-Based Paint Disclosure Form.

XXXV. Severability

In the event any provision or part of this Agreement is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire Agreement, will be inoperative.

XXXVI. Entire Agreement

This Agreement together with any attached addendums or disclosures shall supersede any and all other prior understandings and agreements, either oral or in writing, between the parties with respect to the subject matter hereof and shall constitute the sole and only agreements between the parties with respect to the said Property. All prior negotiations and agreements between the parties with respect to the Property hereof are merged into this Agreement. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party or by anyone acting on behalf of any party, which are not embodied in this Agreement and that any agreement, statement or promise that is not contained in this Agreement shall not be valid or binding or of any force or effect.

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SIGNATURE AREA

Tenant's Signature _____ Date _____

XXX YYY

Tenant's Signature _____ Date _____

XXX YYY

Landlord's Signature _____ Date _____

Eleanor Henken

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Lead-Based Paint Disclosure

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards Lead Warning Statement Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards

(check (i) or (ii) below)

(i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain). _____

(ii) _____ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor

(check (i) or (ii) below)

(i) _____ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below). _____

(ii) _____ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

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(c) _____ Lessee has received copies of all information listed above.

(d) _____ Lessee has received the pamphlet Protect Your Family from Lead in Your Home.

Agent's Acknowledgment (if any) (initial)

(e) _____ Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

One (1) of the Tenants is required to authorize.

Tenant's Signature _____

706 Russell Ave. Information for Guests

I hope you enjoy your stay in Ocean Springs.

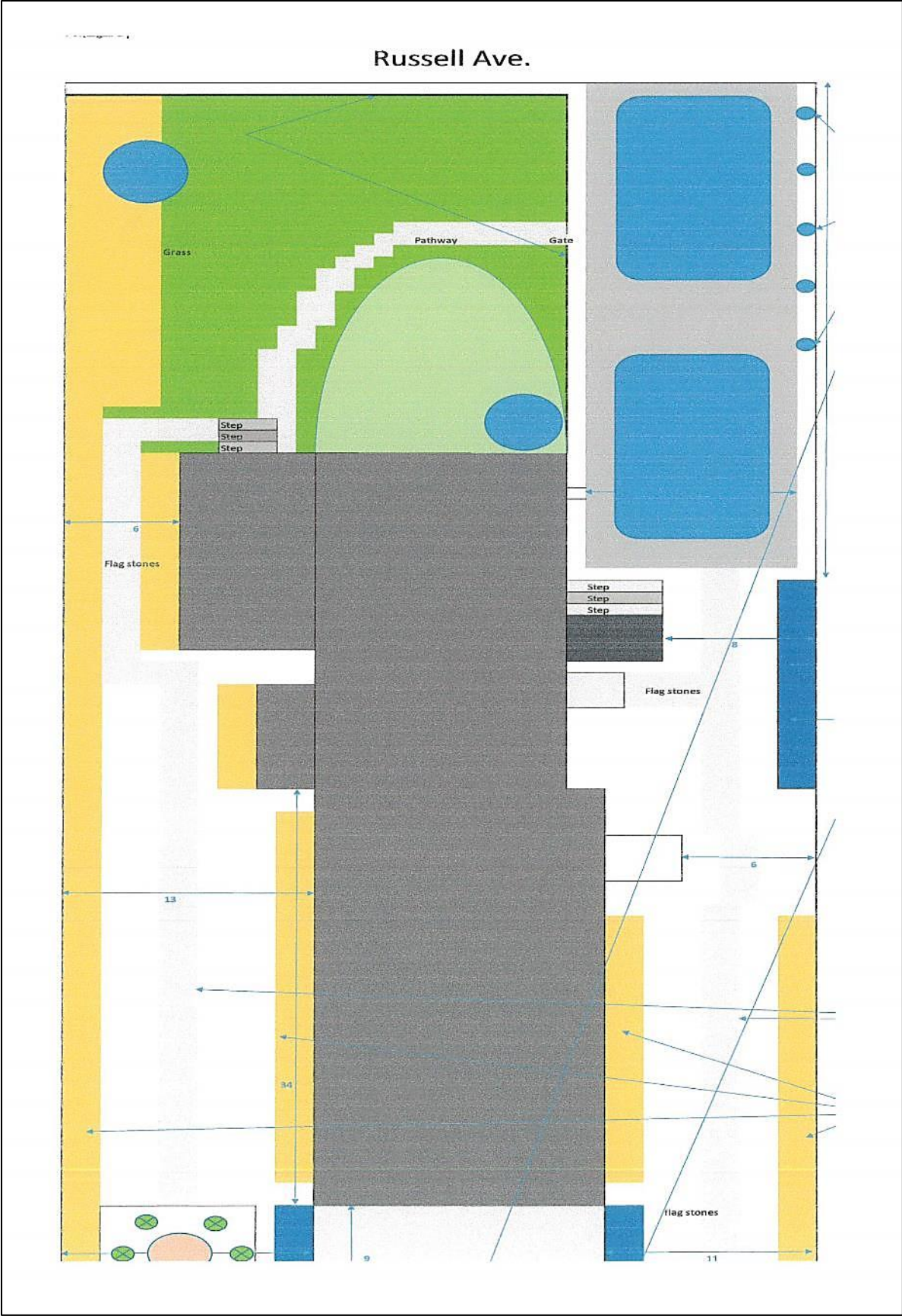
If you have any questions, you can call my property manager, Audrey Findeisen, at 228-297-7625 (she lives just a couple blocks away), or call me at 201-918-0399.

Here are a few notes to help you in your stay:

- Most important: The 2 front doors are operated by the same access code – we will provide this when we confirm your stay. No keys are needed.
 - WiFi network is xxxxx. Password is xxxxxx.
 - Irrespective of being close to the downtown Ocean Springs entertainment district please no outdoor entertaining after 10 pm week nights and 11 pm weekends. We do have neighbors to consider.
 - Please, no smoking in the house.
 - Park only in the driveway – not on Russell Ave. Two cars will fit length-wise.
 - Our water is very soft, so laundry and dishwasher take about half of the normal measure. Please don't use scented laundry products.
 - Garbage and recycling collection is early Wednesday morning. If you're at the house on a Tuesday, please put the garbage and recycling on the curb.
 - Be sure to keep the doors closed. We have several resident wild creatures - turtles, foxes, raccoons, and armadillos.
 - Before you leave, please strip the beds. Put garbage and recycling in the cans on the left of the house (no glass recycling, alas!)

Enjoy your stay!

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

PLANNING COMMISSION REPORT
— PUBLIC HEARING —

MEETING DATE: Tuesday, October 10, 2023

APPLICANT: Joanna & Greg Worch

LOCATION: 219 Washington Ave. / PID: 61360001.000

REQUESTED ACTION: Bed & Breakfast Permit

DATE OF APPLICATION: June 14, 2023

ADJACENT ZONING/LAND USE: (NOTE: verify current zoning)

Subject Property:	R-1, Single-Family Residential
North:	R-2, Single-Family Residential
South:	R-1, Single-Family Residential
East:	R-2, Single-Family Residential
West:	R-1, Single-Family Residential

DESCRIPTION OF REQUEST:

- Per Ordinances 1994-06 and 2017-03, the application is for a Bed & Breakfast permit to allow usage for less than 30 days on an owner-occupied property.
- Site Location: the property is located on the south side of Calhoun Street one parcel east of Dewey Avenue.



FINDINGS:

- Property Ownership: The applicant is also the land owner of record according to Jackson County Land Records, satisfying the requirement of an owner-occupied property.
- HOA / Documentation of Support: On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA. Therefore, the requirement of documentation of support from greater than 50% of property owners within a 250' buffer applies. For this property, a minimum of 5 of the 10 properties in this buffer must provide support. Twenty-Two (22) signatures are included on a petition with and additional letter, more than satisfying this requirement.
- Fee: The application fee was provided with the application. The mail-out fee was paid prior to distribution.
- Notice via Standard Mail: The notice of public hearing was sent to the 33 property owners within 500 feet of the subject property.
- Publication: Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- Inspection: The property was inspected for all required elements on 9/20/23 and was approved. Inspection form is attached for review.
- Maximum Occupancy: The requested maximum occupancy of 2 was approved by the Fire Marshall during the above referenced inspection.
- Maximum Number of Vehicles: The requested maximum number of vehicles of 2 was approved by the Building Official during the above referenced inspection.
- Guest Rules: The rules were posted and visible during the property inspection.
- Code Violation Complaints: No complaints have been received for this address in the past 12 months.

FEEDBACK:

- No input was received beyond the signatures and other documentation of support reflected above.

SUMMARY:

The application for this property is complete and compliant with the adopted code, and the physical inspection passed. No input beyond the required support was received prior to the preparation of this memo. The recommendation is for approval of a Bed & Breakfast permit, subject to annual renewal.

City of Ocean Springs
Planning Department
P.O. Box 1800
Ocean Springs, MS. 39566
Phone 228-875-4415 Fax 228-872-5427

Office Use	
Date Received _____	
Received by _____	
App Fee Paid \$ _____	Chk or CC ? _____
	Chk # _____

BED & BREAKFAST PERMIT APPLICATION

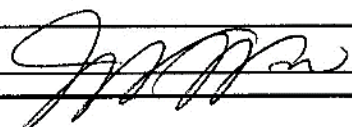
Application Date: 6/14/23

Submittal Requirements:

- Completed Application
- Fee of \$200 must be paid at the time application is submitted [includes occupancy inspection fee]. ~~~Certified mailout fee will be calculated during the review process and must be paid prior to scheduling of the public hearing~~~
- Properties will be reviewed and inspected prior to scheduling the public hearing date and sending the required notices.

PROPERTY INFORMATION:

Address of Applicant Property: 219 WASHINGTON AVE, O.S.
Parcel Identification Number: 6-13-60-001.000 Number of bedrooms: 1
Proposed maximum # guests: 2 Number of existing off-street parking spaces: 5
Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No

Name of Property Owner/Applicant	<u>JOANNA & GREG WORCH</u>
Address	<u>219 WASHINGTON AVE, O.S. 39564</u>
Phone No.	<u>228-365-9662</u>
Email:	<u>joanna@worch.org</u>
Signature:	

Physical Inspection of Property:

- All applicable fire and health codes as would apply to a commercially zoned structure must be compliant.
 - As part of the review process, an inspection will be scheduled to determine that all physical requirements are met per the ordinance
- Inspection will also include but are not limited to: adequate parking, proposed occupancy, number of vehicles allowed, location of garbage storage, posting of rules, etc. (per most current Inspection Checklist dated: 9/08/15)

ADDRESS: 219 Washington Ave. iWorQ Permit#: 2815



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

BED & BREAKFAST ENTERPRISE – OCCUPANCY INSPECTION FORM

Before requesting an occupancy inspection from the Building Official and the Fire Marshall, please make sure the following items have been completed. If you require the power to be turned on prior to completion of the below checklist, open an account with the power company, and come to the Building Department to sign an affidavit for **non-occupancy power**. A building inspector will then inspect your business to verify that all wiring and service panels are safe and secure.

Once your building is **ready to open its doors for business**, the below checklist is complete, and you have turned in the Bed & Breakfast Permit application, and paid the permit fee that covers this occupancy inspection, you will need to call the Building Department to schedule an occupancy inspection. Someone must be present at the time of inspection.

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

- ☒ Type 2A 10BC Fire Extinguishers
- ☒ Emergency Lighting
- ☒ Address on Building
- ☒ Breaker Box needs to be labeled
- ☒ Outlet and switch plate covers need to be installed
- ☒ No exposed wiring
- ☒ Adequate emergency egress
- ☒ Operable windows in sleeping areas
- ☒ Guest rules (noise, garbage, etc.) must be visibly posted.

- ☒ Smoke detectors in all bedrooms and hallways.
- ☒ Garbage Collection: WED
- ☒ Identified # of Bedrooms: 2
- ☒ Proposed # of Vehicles: 2

Approved # of Vehicles per OSFD: 2

☒ Proposed # of Guests: 2

Approved # of Guests per OSFD: 2

Property Owner: Joanna & Greg Worch
Contact Name: Joanna & Greg Worch

Phone #: 228-365-9662
Phone #: 228-365-9662

.....
Date of Inspection: 9-20-23

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature]

Fire Marshall: [Signature]

Property Owner: [Signature]

Updated: 12-20-2022

Petition List Provided by Applicant – Eligible Properties:

DUCKETT FAMILY TRUST	1406 HELLMERS LN	OCEAN SPRINGS MS	39564
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Ann T. Duckett, Trustee

<u><i>Henry J Jr</i></u> ENDT HENRY J JR TRUSTEE &	1014 LAFONTAINE AVE	OCEAN SPRINGS MS	39564
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Michael Gerard

FARRELL MICHAEL GERARD	316 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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Rebekah G. Lee, Trustee

FIRST PRESBYTERIAN CHURCH OF OCEAN SPRINGS MS INC	921 OCEAN AVE	OCEAN SPRINGS MS	39564
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Richard Lee

GABARDI LEE RICHARD &	319 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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John H. Gottsche

GOTTSCHE JOHN H TRUSTEE	416 JACKSON AVE	OCEAN SPRINGS MS	39564
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Walter D. Hetrick

HETRICK DOS W	910 CALHOUN AVE	OCEAN SPRINGS MS	39564
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Michelle Hodges

HODGES MICHELLE	207 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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HSM STRATEGIES LLC

315 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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Neil Reeves
Neil Reeves

204 WASHINGTON	O.S. MS
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JONES DONNA E

316 JACKSON AVE

OCEAN SPRINGS
MS

39564



KECKLER THOMAS L

217 DEWEY AVE

OCEAN SPRINGS
MS

39564

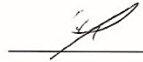


LATIL OLIVER A III & PATRICIA

1012 LAFONTAINE AVE

OCEAN SPRINGS
MS

39564

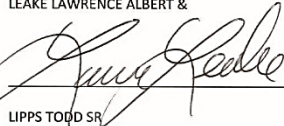


LEAKE LAWRENCE ALBERT &

214 WASHINGTON AVE

OCEAN SPRINGS
MS

39564



LIPPS TODD SR

9536 RED BLUFF DR

OCEAN SPRINGS
MS

39564

NAME

BENZ RICHARD W & JENNIFER B

ADDRESS

828 EAST RIVER RD

CITY

GRAN ISLAND NY

ZIP

14072



BLACK ARTHUR D

303 DEWEY AVE

OCEAN SPRINGS
MS

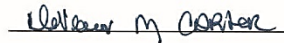
39564

CARTER ROBERT FRANK III &

213 WASHINGTON AVE

OCEAN SPRINGS
MS

39564

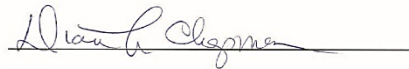


CHAPMAN JERRY D & DIANE L

317 WASHINGTON AVE

OCEAN SPRINGS
MS

39564

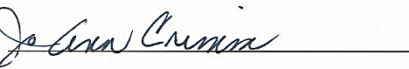


CRIMM JO ANN

314 JACKSON AVE

OCEAN SPRINGS
MS

39564



MANNINO FREDERICK PATTISON	2429 CHAMPION GREEN DR	GULFPORT MS	39507
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MCRANEY MICHAEL &	216 HECTOR AVE	METAIRIE LA	70005
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MCREE MICHAEL ALEXANDER	200 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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MOONDANCE LLC	214 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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 MORAN CONNIE	206 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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 P. L. Lane PATRICIA LANE	302 + 306 Washington Ave		
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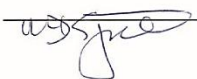
OSFBC MANAGEMENT GROUP LLC	207 DEWEY AVE	OCEAN SPRINGS MS	39564
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SANDERSON BRIAN & VICTORIA	115 SURGERES PL	OCEAN SPRINGS MS	39564
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SNYDER CHRISTOPHER T & SUSAN O	318 JACKSON	OCEAN SPRINGS MS	39564
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 STABLE FAMILY INVESTMENTS LLC	312 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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 STURGILL KIMBERLY LAURETTE &	208 WASHINGTON AVE	OCEAN SPRINGS MS	39564
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39530

39564

39564

35758

John ("Jack") Gottsche
416 Jackson Avenue
Ocean Springs, MS 39564

September 28, 2023

Ms. Carolyn Martin, Planning / Grants Administrator
City of Ocean Springs
Community Development and Planning
P.O. Box 1800
Ocean Springs, MS 39566-1800

Re: Public Notice
Joanna & Greg Worch
219 Washington Ave, Ocean Springs, MS
PID 61360001.000
Request for Bed & Breakfast Permit

Dear Ms. Martin:

I am in receipt of the City's Public Notice to adjacent property owners regarding issuance of a Conditional Use Permit for the property referenced above.

This letter is to advise that I support approval of the Bed & Breakfast permit and have no objections to the matter.

Sincerely,



Jack Gottsche