



Planning Commission
Planning Commission Meeting

Tuesday, January 9, 2024 @ 6:00 PM

1. Call Meeting to Order

2. Approval of Minutes

- a. December 12, 2023

3. New Business

- a. 9200 Ocean Springs Road / PID# 60123450.000 - Sandy Cox - Request approval of a Lot Split
- b. **PUBLIC HEARING:** Groveland Road / PID# 60127330.100 - Freddie Fountain - Request approval of a Conditional Use Permit
- c. **PUBLIC HEARING:** Groveland Road / PID# 60127330.100 - Freddie Fountain - Request approval of a Sketch Plat
- d. **PUBLIC HEARING:** 208 White Boulevard / PID# 61135017.000 - Tony & Katherine Archuleta - Request for a residential short-term rental permit.
- e. **PUBLIC HEARING:** 501 Rayburn Avenue / PID# 60137584.000 - Julian Rankin - Request for a residential short-term rental permit.
- f. **PUBLIC HEARING:** 225 Halstead Road / PID# 61004005.000 - Derek Norsworthy - Request for a residential short-term rental permit.
- g. **PUBLIC HEARING:** UDC Amendments to the following Sections and Chapters: Chapter 2 (Process), Section 2.22 (Final Plat), Chapter 3 (Zoning Districts, Building Types And Uses), Table 3.2b (Dimensional Standards For Mixed Use And Non-Residential Districts), Section 3.6.3g (Historically Platted Non-Conforming Lots), Table 3.6 (Land Use Matrix), Chapter 4 (Development And Design Standards) Table 4.2 (Landscape Standards), And Section 4.7 (Parking Standards)

4. Old Business

- a. Executive Session - Litigation
- b. **PUBLIC HEARING:** 100 Winchester Drive / PID: 61087028.000 - Marisol Buckley - Request for a residential short-term rental permit

5. General Public Comment

6. Commissioner's Forum

7. Adjourn

The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, December 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, December 12, 2023. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Michael Davis, Joey Conwill, and Joseph McCormick. Also present were City Planner Wade Morgan, Planning & Grants Administrator Carolyn Martin, Planning & Grants Coordinator Camille Anderson and City Attorney Will Norman.

2. Approval of Minutes

a. November 14, 2023

A motion was made by M. Hinton and seconded by K. O'Connell to accept the minutes as submitted. The motion was carried unanimously.

3. Old Business

None

4. New Business

a. **PUBLIC HEARING:** 131 Lafayette Circle / PID# 61380017.000 – Randall R. Godwin – Request for a residential short-term rental permit.

A motion was made by M. Hinton and seconded by M. Davis to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A. Phelan asked if the applicant would like to speak. The applicant, Randall Godwin, spoke about his other Short-Term Rental property and thanked the Commission for their consideration. A. Phelan asked if anyone else wanted to speak. No one did. A motion was made by M. Davis and seconded by K. O'Connell to come out of public hearing. The motion was carried unanimously. A. Phelan asked the Planning Commission if they had any questions or comments. They did not. A motion was made by K. O'Connell and seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 131 Lafayette Circle. The motion was unanimously carried.

b. **PUBLIC HEARING:** 294 Holcomb / PID# 61305174.000 - Jacob Jones – Request for a residential short-term rental permit.

A motion was made by M. Hinton and seconded by J. Conwill to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A. Phelan asked if the applicant was present and wanted to speak. The applicant was not present. A. Phelan asked if anyone else wanted to speak. No one did. A motion was made by K. O'Connell and seconded by J. McCormick to come out of public hearing. A. Phelan asked the Planning Commission if they had any questions or comments.

They did not. The motion was carried unanimously. A motion was made by K. O'Connell and seconded by M. Johnson to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 294 Holcomb Boulevard. The motion was unanimously carried.

c. **PUBLIC HEARING:** 610 General Pershing / PID# 60130320.000 – Julie Thai – Request for a residential short-term rental permit.

A motion was made by M. Hinton and seconded by J. Conwill to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A. Phelan asked if the applicant was present and wanted to speak. The applicant did not wish to speak. A. Phelan asked if anyone else wanted to speak. No one did. A motion was made by M. Davis seconded by J. McCormick to come out of public hearing. The motion was carried unanimously. A. Phelan asked the Planning Commission if they had any questions or comments. They did not. A motion was made by M. Davis and seconded by J. Conwill to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 610 General Pershing Avenue. The motion was unanimously carried.

d. **PUBLIC HEARING:** 150 Booth Circle / PID# 61133137.000 – Francisco Ferreiro-Sarduy – Request for a residential short-term rental permit.

A motion was made by M. Hinton and seconded by J. Conwill to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A. Phelan asked if the applicant was present and wanted to speak. The applicant did not wish to speak. A. Phelan asked if anyone else wanted to speak. No one did. A motion was made by M. Hinton and seconded by J. McCormick to come out of public hearing. The motion was carried unanimously. A. Phelan asked the Planning Commission if they had any questions or comments. They did not. A motion was made by J. Conwill and seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 150 Booth Circle. The motion was unanimously carried.

e. **PUBLIC HEARING:** 126 Booth Circle / PID# 61133172.000 – Francisco Ferreiro-Sarduy – Request for a residential short-term rental permit.

A motion was made by J. McCormick and seconded by K. O'Connell to go into public hearing. The motion was carried unanimously. C. Martin presented the application. A. Phelan asked if the applicant was present and wanted to speak. The applicant did not wish to speak. A. Phelan asked if anyone else wanted to speak. No one did. A motion was made by M. Davis and seconded by J. McCormick to come out of public hearing. The motion was carried unanimously. A. Phelan asked the Planning Commission if they had any questions or comments. They did not. A motion was made by J. Conwill and seconded by M. Hinton to recommend approval of a Residential Short-Term Rental permit subject to annual renewal for 126 Booth Circle. The motion was unanimously carried.

5. General Public Comment

None

6. Commissioner's Forum

K. O'Connell asked if there was an update to the Urban Renewal Plan. W. Norman gave a status update.

7. Adjourn

A motion was made by J. McCormick and seconded by M. Johnson to adjourn the meeting. The motion was unanimously carried.

DRAFT

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: January 9, 2024

APPLICANT: Sandy Kaye Cox

REQUESTED ACTION: Lot Split

DATE OF APPLICATION: December 5, 2023

LOCATION: 9200 Ocean Springs Rd.
Parcel No.: 60123450.000

ADJACENT ZONING/LAND USE:

Subject Property: R-1, Single Family Residential District – 1 single family dwelling;
South, West, East: R-1, Single-Family Residential District – single-family dwellings;
North: across Ocean Springs Rd. – single family dwellings in the Toscana subdivision, unincorporated Jackson County.

VICINITY



DESCRIPTION OF THE REQUEST:

- The applicant proposes to split this 43,104 sq. ft. parcel into two parcels of 24,263+/- sq. ft. and 22,818+/- sq. ft. The applicant proposes a new boundary along the back (southern) side of the 15 ft. drainage easement.

FINDINGS:

- The 2 proposed parcels comply with the lot area and width requirements of the R-1 district and have frontage on public streets (Ocean Springs Rd. and Jamez Dr.)

CITY DEPARTMENT COMMENTS:**▪ PUBLIC WORKS:**

- Water Department
 - A water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.
- Sewer Department
 - Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.
- Streets/Drainage Departments
 - no comments.

PUBLIC INPUT:

- None received.

STAFF CONCLUSION: The proposed parcels comply with the property's R-1 zoning district requirements, and basic water and sewer utilities are available in Cleveland Ave.

POTENTIAL MOTION: To recommend approval of a lot split at 9200 Ocean Springs Rd. as described in the application and survey.



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: 12-5-23 (Applications are due by the 7th of each month.)

Applicant Information

Address of Lot/Parcel(s): 9200 Ocean Springs Rd
Parcel ID(s): 60123450.000

1. Applicant: Sandy Kaye Cox Phone _____
Address 7813 Tapp Rd. Ocean Springs MS 39564 Email sandykmscoast@gmail.com
2. Local Agent: _____ Phone 228-297-1961
Address _____ Email _____
3. Owner of Record: Sandy Kaye Cox Living Trust Phone 228-297-1961
Address P.O. Box 1471 Ocean Springs MS Email sandykmscoast@gmail.com
4. Engineer: _____ Phone _____
Address _____ Email _____
5. Land Surveyor: Patrick Martino Phone 228-396-2283
Address 13010 Keyleigh Cv Biloxi Email patrick@martinosurveying.com
6. Attorney: Mike McDermott Phone _____
Address Biloxi MS Email _____

Property Information

1. Tax Map Designation: Section 23 Township: 7 South Range: 8 West
2. Is this lot/parcel located in a Platted Subdivision: Yes ☐ No ☒ Name of Subdivision: _____
3. Zoning of Lot(s): R-1
4. Current lot area (sq. ft.) 43,104

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.).
Split lot along back of 15 ft Drainage Easement Approx 226 ft from James RD
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

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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) Sandy Kaye Cox, 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: Sandy Kaye Cox Living Trust

Parcel ID(s): 60123450.000

Date Property Acquired Date: May 2022

Book and Page of Each Conveyance: _____

Owner's Signature Sandy Kaye Cox Date 12-5-2023

STATE OF Mississippi

COUNTY OF Jackson

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

Mailing Address _____

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

My commission expires _____



Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

4

ABBREVIATION

LEGEND:
DEED = DEED DIMENSION
D = DEED DIMENSION
PS = PRIOR SURVEY
OV = OVERALL
PIDN: = PARCEL
IDENTIFICATION NUMBER

LEGEND:

⊗ --- (IRF) IRON ROD FOUND
 ● --- (IPF) IRON PIPE FOUND
 ○ --- (IRS) CAPPED IRON ROD SET
 △ --- MAG NAIL IN ASPHALT

DISCREPANCY NOTES:

1.) IT APPEARS TO BE A POSSIBLE DEED OVERLAP ON BOTH SIDES OF SUBJECT PARCEL BETWEEN THE DEED DESCRIPTIONS & VERBAGE OF THE DEEDS. THE DEEDS ARE BOTH DATED 1970, AND BOTH ARE LOCATED AT THE TIME OF SURVEY. FIELD MONUMENTATION SHOWN HEREON IS ALSO WITH POSSESSION LIMITS BEING USED BY ADJOINING PROPERTIES.

2.) PARCEL 001213170-0300 LOCATED TO THE SOUTH OF SUBJECT PARCEL. THIS PARCEL IS ALSO DATED 1970, AND IS DESCRIBED AS PER ORDINANCE (1910-13) IN DEED BOOK 1228, PAGES 80-88. THIS PARCEL IS ALSO LOCATED TO THE SOUTH OF SUBJECT PARCEL, MISSISSIPPI AND ALSO COUNSED TO DOUGLAS J. TRAVIS & SISTER L. TRAVIS, DATED 1970, AND IS LOCATED TO THE SOUTH OF SUBJECT PARCEL WITH ATTACHED SURVEY BY GARY A. DURAN. DATED 6/19/2013.

IT IS HIGHLY RECOMMENDED THAT THE OWNER OF SUBJECT PARCEL GET A TITLE OPINION BY A TITLE ATTORNEY FOR BOUNDARY ISSUES SHOWN HEREON. THE DEEDS ARE BOTH DATED 1970, AND BOTH ARE LOCATED AT THE TIME OF SURVEY. FIELD MONUMENTATION SHOWN HEREON IS ALSO WITH POSSESSION LIMITS AT THE TIME OF SURVEY. IT IS POSSIBLE FOR THE LINES TO CHANGE & A TITLE OPINION WILL BE REQUIRED TO DETERMINE THE BOUNDARY.

REFERENCE MATERIALS:

1. JACKSON COUNTY TAX AND GIS MAPS.
2. RECORDED SUBDIVISION PLAN OF MATTHEW
HENDERSON (PLOT 140) DATED 11/19/2000
3. PRIOR SURVEY BY GARY A. DURBIN, PLS, DATED 6/19/2020
AT PAGE 182
4. PRIOR SURVEY BY LEWIS ADAMS, JR., PLS, DATED
5/25/1988 AND FILED IN DEED BOOK 1073 AT PAGE 187.
5. DEED BOOK 307, PAGE 481.
7. DEED BOOK 397, PAGE 29.
8. DEED BOOK 1111, PAGE 380.
9. DEED BOOK 1111, PAGE 387.
10. DEED BOOK 1896, PAGE 89.
11. DEED BOOK 1831, PAGE 107.
12. DEED BOOK 2072, PAGE 284.
13. DEED BOOK 1896, PAGE 87.
14. DEED BOOK 1893, PAGE 83.
15. DEED BOOK 1898, PAGE 83.
16. DEED BOOK 1883, PAGE 81.
17. DEED BOOK 234, PAGE 197.
18. DEED BOOK 236, PAGE 197.
19. DEED BOOK 252, PAGE 435.
20. DEED BOOK 303, PAGE 510.
21. DEED BOOK 496, PAGE 815.
22. DEED BOOK 1896, PAGE 87.
23. DEED BOOK 2076, PAGE 283.
24. DEED BOOK 2002, PAGE 795.
25. DEED BOOK 2002, PAGE 795.

DEED DESCRIPTION:
(DEED BOOK 2092, PAGE 796)

PARCEL 1:
THAT CERTAIN PEGS OR PINNALS OF PROPERTY LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE RUN NORTH 07°28' WEST 795.4 FEET ALONG THE WEST LINE OF SECTION 23 TO THE SOUTH CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH MARSH OF THE OCEAN SPRINGS-WAGLEVILLE ROAD NORTH 67°32' EAST 1,138.6 FEET TO THE CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 07°27' EAST ON AND ALONG THE SOUTH LINE OF SAID ROAD 100 FEET MORE OR LESS TO THE CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 22°32' EAST ALONG THE WEST MARSH OF THE PROPERTY OF BALL FOR A DISTANCE OF 100.0 FEET TO THE CORNER OF SAID SECTION 23; THENCE RUN NORTH 22°32' WEST A DISTANCE OF 185 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
THAT CERTAIN PEGS OR PINNALS OF PROPERTY LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE RUN NORTH 07°28' WEST 795.4 FEET ALONG THE WEST LINE OF SECTION 23 TO THE SOUTH CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH MARSH OF THE OCEAN SPRINGS-WAGLEVILLE ROAD NORTH 67°32' EAST 1,138.6 FEET TO THE CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 07°27' EAST ON AND ALONG THE SOUTH LINE OF SAID ROAD 100 FEET MORE OR LESS TO THE CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 22°32' EAST ALONG THE WEST MARSH OF THE PROPERTY OF BALL FOR A DISTANCE OF 100.0 FEET TO THE CORNER OF SAID SECTION 23; THENCE RUN NORTH 22°32' WEST A DISTANCE OF 185 FEET TO THE POINT OF BEGINNING.

PARCEL 3:
THAT CERTAIN PEGS OR PINNALS OF PROPERTY LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE RUN NORTH 07°28' WEST 795.4 FEET ALONG THE WEST LINE OF SECTION 23 TO THE SOUTH CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH MARSH OF THE OCEAN SPRINGS-WAGLEVILLE ROAD NORTH 67°32' EAST 1,138.6 FEET TO THE CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 07°27' EAST ON AND ALONG THE SOUTH LINE OF SAID ROAD 100 FEET MORE OR LESS TO THE CORNER OF SAID SECTION 23; THENCE RUN WEST 100.0 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 22°32' EAST ALONG THE WEST MARSH OF THE PROPERTY OF BALL FOR A DISTANCE OF 100.0 FEET TO THE CORNER OF SAID SECTION 23; THENCE RUN NORTH 22°32' WEST A DISTANCE OF 185 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

- 1.) THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREIN AND NO THIRD PARTY CERTIFICATION IS REQUIRED.
- 2.) A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL EMBOSSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.
- 3.) THIS SURVEY IS SUBJECT TO ALL APPLICABLE GOVERNMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL APPLICABLE EASEMENTS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.
- 4.) RE-DEVISION OF THIS PROPERTY IS SUBJECT TO CURRENT GOVERNMENTAL REQUIREMENTS AND ANY NECESSARY APPROVAL NEEDS TO BE OBTAINED FROM THE APPROPRIATE GOVERNING BODIES.
- 5.) THE SET-BACK, EASEMENT, AND/OR AGREEMENT REQUIREMENTS FOR BOUNDARY ISSUES SHOWN HEREIN.
- 6.) TOTAL AREA OF COMBINED PARCELS = 43,104 SQUARE FEET

BOUNDARY NOTE:

BOUNDARY SURVEYS ARE BASED UPON THE RECORDED CASES OF REGULAR SUBDIVISIONS LOTS. BOUNDARY SURVEYS ARE NOT A PART OF A REGULAR SUBDIVISION ARE BASED UPON PROVIDED BY THE PARTY REQUESTING THE SURVEY, BUT REFLECT INFORMATION DISCOVERED BY THE SURVEYOR. NO WORK AND DOES NOT NECESSARILY SHOW EVERY FACT AFFECTING THE REGULAR ENCUMBRANCES, EASEMENTS, BOUNDARY ZONING, AND OTHER LEGAL ENCUMBRANCES MAY EXIST. ATTORNEY IF YOU WISH TO DISCOVER ALL THE LEGAL EN ATTACHED TO ANY PROPERTY.

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

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


PATRICK M. MARTINO

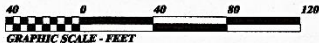
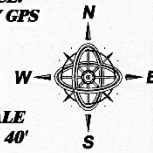
10/16/2023
DATE OF FIELD SURVEY

THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY.		NO FLOOD ZONE DETERMINATION WAS PERFORMED AS A PART OF THIS SURVEY. AN ACCURATE DETERMINATION CAN BE MADE BY ORDERING A FLOOD ZONE CERTIFICATE.	
CLIENT: SANDY COX	SURVEY CLASS: "3" SCALE: 1" = 40'	BEARINGS SHOWN HEREIN ARE DERIVED BY: LOCATING NORTH BY GPS ORIENTATION (NAD83)	
PARCELS: 0000 OCEAN SPINNAK RLS ADDRESS: 0000 OCEAN SPINNAK, MS 30064			
SECTION 14, RANGE 7, TOWNSHIP 14N, RANGE 8 WEST COUNTY OF HARRIS, ALABAMA			
ORDER CLIENT F/W: DAWN RILEY DATE: 11/11/2023	ORDER CLIENT F/W: MTC DATE: 02/06/2024	PATRICK M. MARTINO, PLS 10810 KAYLINDA CROE BILLY, MISSISSIPPI 39208 PHONE: 662-338-2253 EMAIL: PATRICK@MARTINOSURVEYING.COM	
REVISION: DATE: 02/06/2024	ORDER CLIENT F/W: MTC DATE: 02/06/2024	PROFESSIONAL LAND SURVEYOR	



A BOUNDARY SURVEY OF PARCEL ID. #60123450.000, CITY OF OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI

BEARING REFERENCE:
GEODETIC NORTH BY GPS
OBSERVATION
(NAD83; CORRS96)



SCALE
1" = 40'

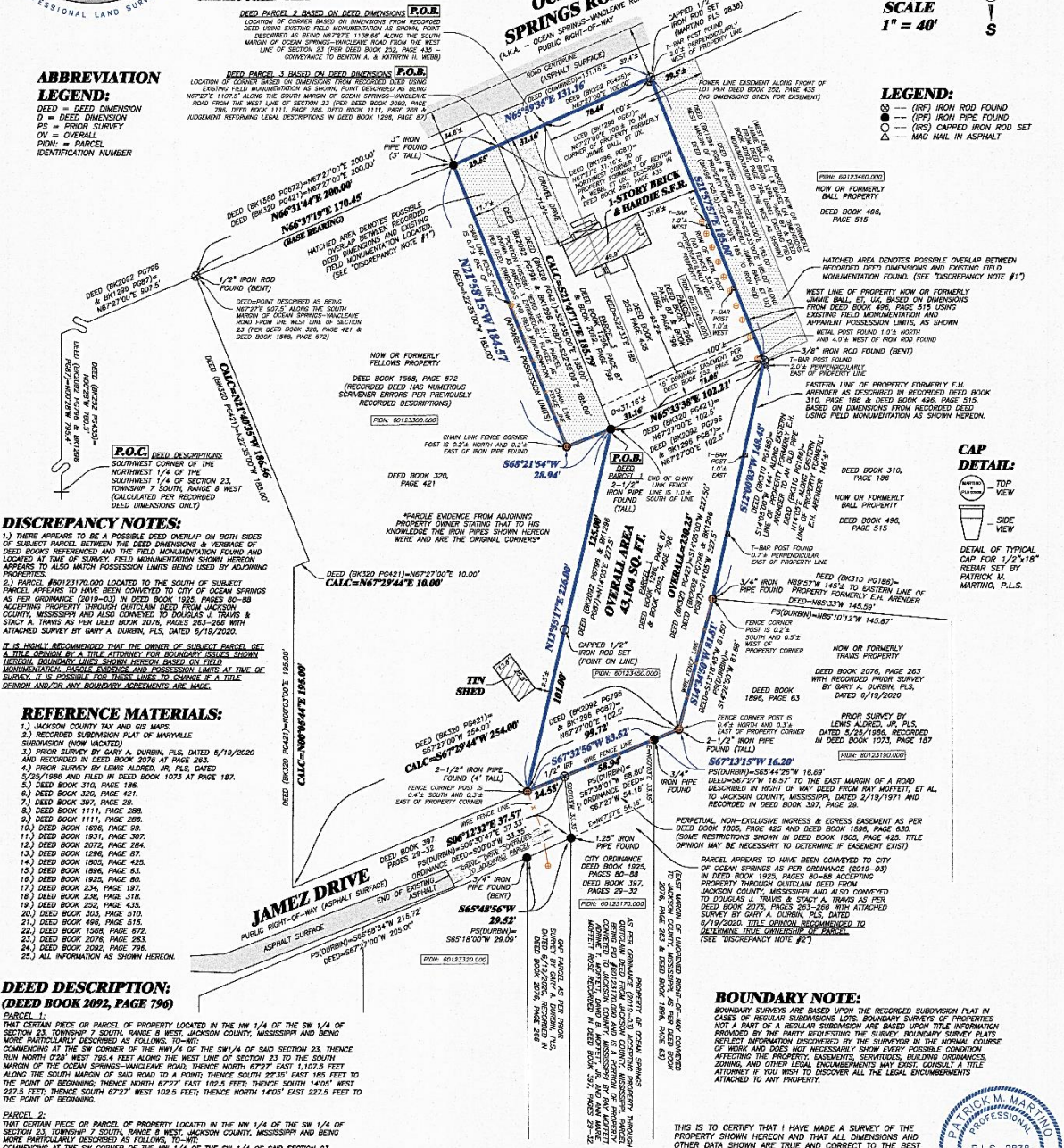
ABBREVIATION

LEGEND:

D = DEED DIMENSION
D = DEED DIMENSION
PS = PRIOR SURVEY
OV = OVERALL
P.M. = PARCEL
IDENTIFICATION NUMBER

LEGEND:

--- (RF) IRON ROD FOUND
--- (PP) IRON PIPE FOUND
--- (RS) CAPPED IRON ROD SET
--- MAG NAIL IN ASPHALT



DISCREPANCY NOTES:

1. THERE APPEARS TO BE A POSSIBLE DEED OVERLAP ON BOTH SIDES OF SUBJECT PARCEL BETWEEN THE DEED DIMENSION FOUND AND DEED BOOKS REFERENCED AND THE FIELD MONUMENTATION FOUND AND LOCATED AT TIME OF SURVEY. THE FIELD MONUMENTATION APPEARS TO ALSO MATCH POSSESSION LIMITS BEING USED BY ADJOINING PROPERTIES.

2. PARCEL #60123450.000 LOCATED TO THE SOUTH OF SUBJECT PARCEL APPEARS TO HAVE BEEN CONVEYED TO CITY OF OCEAN SPRINGS AS PER ORDINANCE (2019-03) IN DEED BOOK 1925, PAGES 60-88 ACCEPTING PROPERTY THROUGH OUTLAIN DEED FROM JACKSON COUNTY, MISSISSIPPI AND ALSO CONVEYED TO DOUGLAS J. THOMAS & STACY A. THOMAS AS PER DEED BOOK 2076, PAGES 263-268 WITH ATTACHED SURVEY BY GARY A. DUBOIS, P.L.S., DATED 6/19/2020.

IT IS HIGHLY RECOMMENDED THAT THE OWNER OF SUBJECT PARCEL SET A TITLE OPINION BY A TITLE ATTORNEY FOR BOUNDARY ISSUES. SYSTEM RECORD, BOUNDARY LINES SHOWN HEREIN BASED ON FIELD MONUMENTATION, POSSESSION LIMITS AT TIME OF SURVEY. IT IS POSSIBLE FOR THESE LINES TO CHANGE AT A TITLE OPINION AND/OR ANY BOUNDARY AGREEMENTS ARE MADE.

REFERENCE MATERIALS:

1. JACKSON COUNTY TAX AND GIS MAPS.
2. RECORDED SUBDIVISION PLAT OF MAYVILLE SUBDIVISION (NOW MOVED).
3. PRIOR SURVEY BY GARY A. DUBOIS, P.L.S., DATED 6/19/2020 AND RECORDED IN DEED BOOK 2076 AT PAGE 187.
4. PRIOR SURVEY BY LEWIS ALDRED, JR., P.L.S., DATED 2/25/1986 AND FILED IN DEED BOOK 1073 AT PAGE 187.
5. DEED BOOK 310, PAGE 196.
6. DEED BOOK 320, PAGE 421.
7. DEED BOOK 381, PAGE 194.
8. DEED BOOK 1111, PAGE 288.
9. DEED BOOK 1111, PAGE 288.
10. DEED BOOK 1896, PAGE 68.
11. DEED BOOK 1831, PAGE 307.
12. DEED BOOK 2072, PAGE 184.
13. DEED BOOK 1296, PAGE 87.
14. DEED BOOK 1803, PAGE 426.
15. DEED BOOK 1896, PAGE 68.
16. DEED BOOK 1925, PAGE 80.
17. DEED BOOK 234, PAGE 187.
18. DEED BOOK 236, PAGE 318.
19. DEED BOOK 252, PAGE 435.
20. DEED BOOK 353, PAGE 510.
21. DEED BOOK 498, PAGE 515.
22. DEED BOOK 1598, PAGE 478.
23. DEED BOOK 2076, PAGE 263.
24. DEED BOOK 2092, PAGE 798.
25. ALL INFORMATION AS SHOWN HEREON.

DEED DESCRIPTION:

(DEED BOOK 2092, PAGE 798)

PARCEL 1:
THAT CERTAIN PIECE OR PARCEL OF PROPERTY LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE RUN NORTH 0°00'00" WEST 795.4 FEET ALONG THE WEST LINE OF SECTION 23 TO THE SOUTH MARGIN OF THE OCEAN SPRINGS-WANGLAKE ROAD; THENCE NORTH 67°27' EAST 1,107.8 FEET ALONG THE SOUTH MARGIN OF SAID ROAD TO A POINT; THENCE SOUTH 22°35' EAST 185 FEET TO THE POINT OF BEGINNING; THENCE NORTH 67°27' EAST 102.5 FEET; THENCE SOUTH 14°05' WEST 227.5 FEET; THENCE NORTH 67°27' WEST 102.5 FEET; THENCE NORTH 14°05' EAST 227.5 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
THAT CERTAIN PIECE OR PARCEL OF PROPERTY LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE RUN NORTH 0°00'00" WEST 795.4 FEET ALONG THE WEST LINE OF SECTION 23 TO THE SOUTH MARGIN OF THE OCEAN SPRINGS-WANGLAKE ROAD; THENCE NORTH 67°27' EAST 1,107.8 FEET ALONG THE SOUTH MARGIN OF SAID ROAD TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 67°27' EAST ON AND ALONG THE SOUTH LINE OF SAID ROAD 100 FEET MORE OR LESS TO THE NW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE CONTINUE NORTH 67°27' EAST 162 FEET; THENCE NORTH 67°27' WEST FOR A DISTANCE OF 31.16 FEET MORE OR LESS TO THE NW CORNER OF THE PROPERTY FORMERLY OWNED BY BENTON A. WEBB, ET AL, WHICH IS DESCRIBED IN DEED BOOK 435, THENCE RUN SOUTH 22°35' EAST 185 FEET; THENCE NORTH 67°27' WEST FOR A DISTANCE OF 31.16 FEET MORE OR LESS TO THE PROPERTY NOW OR FORMERLY OWNED BY RICHARD A. TINSLEY, ET AL, WHICH IS DESCRIBED IN DEED BOOK 353, AT PAGE 510; THENCE RUN NORTH 22°35' WEST ALONG THE TINSLEY PROPERTY LINE 185 FEET TO THE POINT OF BEGINNING.

PARCEL 3:
THAT CERTAIN PIECE OR PARCEL OF PROPERTY LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST, JACKSON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING AT THE SW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE RUN NORTH 0°00'00" WEST 795.4 FEET ALONG THE WEST LINE OF SECTION 23 TO THE SOUTH MARGIN OF THE OCEAN SPRINGS-WANGLAKE ROAD; THENCE NORTH 67°27' EAST 1,107.8 FEET ALONG THE SOUTH MARGIN OF SAID ROAD TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 67°27' EAST ON AND ALONG THE SOUTH LINE OF SAID ROAD 100 FEET MORE OR LESS TO THE NW CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 23, THENCE CONTINUE NORTH 67°27' EAST 162 FEET; THENCE NORTH 67°27' WEST FOR A DISTANCE OF 31.16 FEET MORE OR LESS TO THE NW CORNER OF THE PROPERTY FORMERLY OWNED BY BENTON A. WEBB, ET AL, WHICH IS DESCRIBED IN DEED BOOK 435, THENCE RUN SOUTH 22°35' EAST 185 FEET; THENCE NORTH 67°27' WEST FOR A DISTANCE OF 31.16 FEET MORE OR LESS TO THE PROPERTY NOW OR FORMERLY OWNED BY RICHARD A. TINSLEY, ET AL, WHICH IS DESCRIBED IN DEED BOOK 353, AT PAGE 510; THENCE RUN NORTH 22°35' WEST ALONG THE TINSLEY PROPERTY LINE 185 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

1. THIS SURVEY AND PLAT WERE PREPARED ONLY FOR THE CLIENT NAMED HEREON AND NO THIRD PARTY CORROBORATION IS EXPRESSED OR IMPLIED.
2. A COPY OF THIS PLAT IS VALID ONLY IF IT IS COMPLETE AND INTACT, HAS AN ORIGINAL SIGNATURE AND DATE, AND HAS THE ORIGINAL ENDORSED OR COLORED (NOT BLACK) STAMPED SURVEYOR'S SEAL.
3. THIS SURVEY IS SUBJECT TO ALL APPLICABLE ENVIRONMENTAL REGULATIONS, BUILDING OR OTHER RESTRICTIONS, LEGAL RESTRICTIONS OF ANY NATURE AND FURTHER SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIVE COVENANTS, AND RIGHTS-OF-WAY OF RECORD.
4. RE-DEVISION OF THIS PROPERTY IS SUBJECT TO CURRENT SURVEYING AND ZONING REGULATIONS AND ET CETERA.
5. TITLE SEARCH, OPINION, AND/OR AGREEMENT RECOMMENDED FOR BOUNDARY ISSUES SHOWN HEREON.
6. TOTAL AREA OF COMBINED PARCELS = 43,104 SQUARE FEET.

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

PATRICK M. MARTINO
DATE OF FIELD SURVEY 10/16/2023

THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CLIENT, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR AN ENVIRONMENTAL STUDY.		NO FLOOD ZONE DETERMINATION WAS PERFORMED AS A PART OF THIS SURVEY. AN ACCURATE DETERMINATION CAN BE MADE BY OBTAINING A FIRM ELEVATION CERTIFICATE.	
CLIENT: SANDY COX PARCEL: 2838 OCEAN SPRINGS RD. ADDRESS: OCEAN SPRINGS, MS 38664 SECTION 23, TOWNSHIP 7 SOUTH, RANGE 8 WEST P.M. #60123450.000		BEARINGS SHOWN HEREON ARE DERIVED BY: GEODETIC NORTH BY GPS OBSERVATION (NAD83)	
DATE: 11/7/2023 DRAWN BY: JWC CHECKED BY: JWC REVIEWED BY: JWC		PATRICK M. MARTINO, PLS 18010 KATHLEEN COVE MEMPHIS, MISSISSIPPI 38122 PHONE: 228-390-2283 EMAIL: PATRICKM@MARTINOSURVEYING.COM PROFESSIONAL LAND SURVEYOR	

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: January 9, 2024

APPLICANT(S): Freddie Fountain/Fountain and Assoc., LLC

CURRENT OWNER? Yes ☐ No ☒

If No, - List Current Owner: 24-Hour Storage, LLC

LOCATION: Groveland Rd., PID# 60127330.100

REQUESTED ACTION: Approval of a Conditional Use Permit (CUP) for Townhouse Dwellings in the C-H (Regional Commercial District)

DATE OF APPLICATION: December 5, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: C-H, Regional Commercial District – vacant parcel;

North: Across Groveland Rd., - CMX-1 Neighborhood Commercial District - single family detached dwellings in the Clear Springs subdivision, and RM-2, Multi-family Residential District – Ocean Springs Station apartment development;

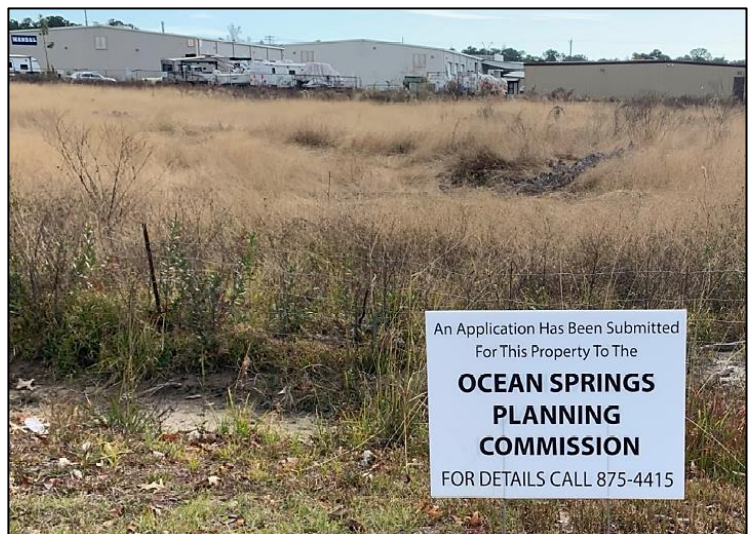
East: C-H District - undeveloped parcel;

South: C-H District – outdoor storage and mini-storage building.

West: RMH, Mobile Home Park District – undeveloped.

CURRENT CONDITIONS:

Property Size: 2.43 acres



DESCRIPTION OF REQUEST:

- The proposed Conditional Use Permit will allow a subdivision of 30 lots for townhouse dwellings.
- An application for approval of the Sketch Plat of the subdivision has also been submitted.

FINDINGS:

- The existing C-H district is the “most intense commercial mixed-use district, allows up to 75 ft. building heights. Includes most intense retail, office and residential development patterns with high traffic generation rates that serve a regional population.”
- Townhouse developments may be permitted in the C-H, Regional Commercial district through the issuance of a CUP with a site plan adopted by the Planning Commission (PC) and Board of Aldermen (BOA). The PC has the responsibility to ensure [1] that the use can be appropriately accommodated on the specific property; [2] that it will conform to the comprehensive plan; [3] that it can be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the community; and [4] that the public interest, health, safety, and general welfare will be promoted.
- The PC can impose reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in the Unified Development Code (UDC), as it may deem necessary to protect the public interest and welfare.
- Residential use of this parcel is consistent with the single family and multi-family residential developments across Groveland Rd. from this property.
- **COMPREHENSIVE PLAN:** The following policies address townhouse and multi-family housing developments:
 - Policy 2.3: Promote higher intensity, mixed-use development along the Bienville Boulevard corridor that is consistent with multi-modal and pedestrian-oriented design policies.
 - Policy 4.5: Plan and zone for medium density housing development near principal employment centers to allow for travel to work by all modes of transportation.
- The C-H, regional commercial district regulations have a maximum density of 42 dwelling units per acre for townhouse and multi-family developments. The proposed development has a density of 12.3 dwelling units per acre, so is within the allowed density.
- **MULTI-FAMILY DEVELOPMENT MORATORIUM** – On April 4, 2023, the Board of Mayor and Aldermen adopted a moratorium on building permits for all multi-family developments. The moratorium is in effect until at least April, 2024.

OTHER FEEDBACK:

- None received.

SUMMARY: Townhouse residential use of this property is consistent with the existing developments across Groveland Rd. so is more compatible with the neighborhood than regional commercial use.

POTENTIAL MOTION:

To recommend approval of a Conditional Use Permit for townhouse residential use of parcel ID 60127330.100.

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

CHANGE IN ZONING / USE PERMIT APPLICATION

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

Application Fee Required*: **\$ 250.00** (***NON REFUNDABLE***)

\$ 1.00 (Per Ordinance 2022-17 following the requirements of Section 25-60-5
MS Code Annotated)

* Does not include mail fee, to be determined by City.

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

AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.

Application Date: 12/5/23

(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)

Indicate Request: Change In Zoning District ☐ Use Permit ☐ Conditional Use Permit ☒

Applicant Information

Address of Lot(s): 0 Groveland Road

Parcel ID(s): 60127330.100

- | | | | |
|---------------------|---|--------|--------------------------------|
| 1. Applicant: | <u>Freddie Fountain w/ Fountain & Associates, LLC</u> | Phone: | <u>228-574-3659</u> |
| Address: | <u>13334 Seaway Road, Ste 202 Gulfport, MS 39503</u> | Email: | <u>freddie@fountainllc.com</u> |
| 2. Owner of Record: | <u>24 Hour Storage, LLC</u> | Phone: | <u>562-896-5488</u> |
| Address: | <u>13334 Seaway Road, Ste 201 Gulfport, MS 39503</u> | Email: | <u>rick@bhomesinc.com</u> |

COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: CH
New Zoning District Requested (if applicable): NA

2. Explain the present use of the property and condition of any existing structures:

The current property is vacant land that has never been developed.

3. Describe the intended use of property:

The intended use would be to develop a single family attached subdivision at this site.

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*

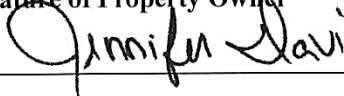
This application is not requesting a zoning change. This application is for a conditional use. Townhomes are an allowed use in this zoning district. This is a vacant piece of land in a developed area where there is a need for single family units that do not have a lot of maintenance needs. This project will fit the needs of what the market in the area demands.

ATTACHMENTS REQUIRED:

- ☐ 1. Application Fee. Amount \$ 251.00
- ☐ 2. Map of the property and the surrounding neighborhood.
- ☐ 3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits.
- ☐ 4. Legal description; street address.
- ☐ 5. Copy of protective covenants or deed restrictions, if any.
- ☐ 6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc.

***** If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.**

Signature of Property Owner



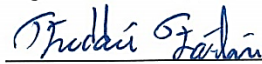
Jennifer Davi

Print name

12/5/2023

Date

Signature of Applicant



Freddie Fountain

Print name

12/5/2023

Date

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: January 9, 2024

APPLICANT(S): Freddie Fountain/Fountain and Assoc., LLC

CURRENT OWNER? Yes ☐ No ☒

If No, - List Current Owner: 24-Hour Storage, LLC

LOCATION: Groveland Rd., PID# 60127330.100

REQUESTED ACTION: Approval of a Subdivision Sketch Plat for Townhouse Dwellings in the C-H (Regional Commercial District)

DATE OF APPLICATION: December 5, 2023

ADJACENT ZONING AND LAND USE:

Subject Property: C-H, Regional Commercial District – vacant parcel;

North: Across Groveland Rd., - CMX-1 Neighborhood Commercial District - single family detached dwellings in the Clear Springs subdivision, and RM-2, Multi-family Residential District – Ocean Springs Station apartment development;

East: C-H District - undeveloped parcel;

South: C-H District – outdoor storage and mini-storage building.

West: RMH, Mobile Home Park District – undeveloped.

CURRENT CONDITIONS:

Property Size: 2.43 acres



DESCRIPTION OF REQUEST:

- Approval of the subdivision Sketch Plat for a subdivision of 30 lots for townhouse dwellings.
- An application for approval of a Conditional Use Permit has also been submitted.

FINDINGS:

- A Sketch Plat describes the type and intensity of subdivision development and the project phasing plan. It is prepared prior to a Preliminary Plat, which describes more details of a subdivision's lot dimensions, infrastructure, storm-water drainage plan and park provisions.

CITY DEPARTMENT REVIEW COMMENTS:

PLANNING:

1. Indicate whether the 27 ft. roadway is to be a public or private street.
2. The 20 foot-wide lots will provide very little space for on on-street parking. The 3 guest parking spaces are insufficient for the number of dwellings proposed. The applicant should investigate additional on-street and off-street parking.
3. The preliminary and final plats should state that the lots are to be for residential dwellings and use only.

CITY ENGINEER:

1. The abutting properties on the east, west and south sides are in the Regional Commercial (CH) district. A landscape buffer is required along those property lines.
2. Sidewalks are required along Groveland Rd. and the interior street.
3. The guest parking spaces and central mail facility must be on HOA property.

FIRE MARSHAL: No comments at this time.

PUBLIC WORKS DEPT. - Water:

1. Water tap must be requested at the Public Works office at 228-875-3955. All costs associated with water tap are the responsibility of the homeowner/owner/developer.

PUBLIC WORKS DEPT. – Sewer:

1. Sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with sewer tap are the responsibility of the homeowner/owner/developer.
2. The inspection fee must be paid before any sewer work.

- **MULTI-FAMILY DEVELOPMENT MORATORIUM** – On April 4, 2023, the Board of Mayor and Aldermen adopted a moratorium on building permits for all multi-family developments. The moratorium is in effect until at least April, 2024.

OTHER FEEDBACK:

- None received.

POTENTIAL MOTION:

To recommend approval of the sketch plat of the OS Townhomes subdivision on parcel ID 60127330.100.



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

APPLICATION: SUBDIVISION DEVELOPMENT

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

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

Phase of Development: ☒ Sketch Plat ☐ Preliminary Plat ☐ Final Plat

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

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

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

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

Application Date: 12/5/23 (*Applications are due by the 7th of each month.*)

Name of Subdivision: <u>None</u>
Address of Original Parcel(s): <u>0 Groveland Road</u>
Parcel ID(s): <u>60127330.100</u>

1. Applicant:	<u>24 Hour Storage, LLC</u>	Phone <u>562-896-5488</u>
Address	<u>13334 Seaway Road, Ste. 201 Gulfport, MS</u>	Email <u>rick@bhomesinc.com</u>
2. Local Agent:	<u>Fountain & Associates, LLC</u>	Phone <u>228-861-5209</u>
Address	<u>13334 Seaway Road Ste. 202 Gulfport, MS</u>	Email <u>freddie@fountainllc.com</u>
3. Owner of Record:	<u>24 Hour Storage, LLC</u>	Phone <u>562-896-5488</u>
Address	<u>13334 Seaway Road Ste 201 Gulfport, MS</u>	Email <u>rick@bhomesinc.com</u>
4. Engineer:	<u>Terry Moran Engineering</u>	Phone <u>228-861-5209</u>
Address	<u>13334 Seaway Road, Ste 202 Gulfport, MS</u>	Email <u>freddie@fountainllc.com</u>
5. Land Surveyor:	<u>Crosby Surveying</u>	Phone <u>228-234-1649</u>
Address	<u>716 Live Oak Drive Biloxi, MS 39532</u>	Email <u>cliffordcrosby@gmail.com</u>
6. Attorney:	<u>Integrity Land Title, LLC</u>	Phone <u>228-896-8962</u>
Address	<u>1806 23rd Ave, Ste A Gulfport, MS 39501</u>	Email <u>destes@symmesestes.com</u>

☐ **Attach Appropriate Checklist for Requested Phase of Review**

Property Information

1. Tax Map Designation: Section 27 Township: 7 Range: 8
2. Proposed Subdivision Location: On the south side of Groveland Road (street)
1155 (distance in feet) west (relative direction) of Oakleigh Road (street)
3. List all contiguous holdings in the same ownership:
Section 27 Lot(s) _____
4. Zoning of Parcel(s): CH 5. Total Acreage: 2.427
6. Smallest Lot Size: 1,425 sf 7. Proposed # of Lots: 30
9. Is the property located within a special district? (historic district, waterview preservation, or other designated overlay district, etc.) No
11. Does the property include any wetlands? If so, include professional wetland delineation. No; Mitigated
12. Has any lot included in this request been previously split or reconfigured, to your knowledge? No
13. Are there any easements or other legal restrictions on the property? If so, please explain. _____
One easement to the power company. It was coordinated with them to remove the overhead power line and abandon easement.
14. Are there any existing structures on the property? If so, will they be kept or demolished? No

Proposed Subdivision Information

15. Is the subdivision infrastructure proposed to be: ☒ PUBLIC or ☐ PRIVATE?
16. Are any commercial or multi-use activities proposed? ☐ Yes ☒ No
If so, please describe: _____
17. Are any variances being requested for the proposed subdivision? If so, please explain.
No.
18. Have there been any variances, exceptions, appeals or special uses granted for any properties in this request?
☐ Yes ☒ No If yes, please explain and state the date(s) of approval: _____
19. Is any open space or common area included in this subdivision? (Include any bus stops.) ☒ Yes ☐ No
If yes, please describe: There will be a common area for a detention pond that will be kept by the Developer to maintain. There will also be a common area that will be deeded to the HOA for a proposed dog park.
20. Is the subdivision ingress/egress onto a "major" road, as classified by the City? ☐ Yes ☒ No
21. **Complete where applicable:**
For Preliminary Plat: Date SKETCH PLAT was approved by Board of Aldermen: _____
For Final Plat: Date PRELIMINARY PLAT was approved by Board of Aldermen: _____
 - Were any changes made subsequent to preliminary plat approval? ☐ Yes ☐ No
If yes, please describe: _____
 - Does this final plat request include the entire area approved in the preliminary plat? ☐ Yes ☐ No

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

Affidavit of Ownership

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

I, (print name) Jennifer Davi, 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: Jennifer Davi Parcel ID(s): 60127330.100

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

Owner's Signature Jennifer Davi Date: 12/6/2023

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

STATE OF Mississippi

COUNTY OF Harrison

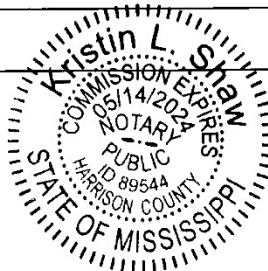
I Kristin L Shaw, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 13324 Seaway Rd Ste. 201, Gulfport, MS 39523

Subscribed and sworn before me this 6 day of December, 2023.

My Commission expires: 5/14/2024

Notary Signature: Kristin L Shaw



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, January 9, 2024

APPLICANT: Tony & Katherine Archuleta

LOCATION: 208 White Boulevard / PID: 61135017.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: June 5, 2023

ADJACENT ZONING/LAND USE:

Subject Property:	R-1, Single-Family Residential District
North, South, East:	R-1, Single-Family Residential District
West:	R-D, Two-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 CITY Zone Area, on the east side of White Blvd. north of Lafitte Street.



FINDINGS:

- **Local Property Manager:** The local property manager will be Mishell Shasteen who resides in Armond Oaks, satisfying the requirement for residency within 2-miles of the city limit.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant verified that this is not a covenant-restricted neighborhood and no covenants have been provided. The applicant has not made the Planning Department aware of any Homeowner's Association.
- **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 66 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 12/05/23 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested maximum occupancy of 8 was approved by the Fire Marshall during the above referenced inspection.
- **Maximum Number of Vehicles:** The request for a maximum number of 4 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: 6/10/23 (2nd app date)

Submitted Requirements:

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

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

REQUIRED INFORMATION:

- Address of Rental Property: 208 White Blud
- Parcel Identification Number: 6-11-35-017.00 Number of bedrooms: 4
- Proposed maximum # guests: 8 Number of existing off-street parking spaces: 4-5
- Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a copy of the covenants must be included.

Name of Property Owner: Tony and Katherine Archuleta
Address of Property Owner: 208 White Blud
Phone No. 228-800-0012
Name of Local Property Manager: Mishell Shasteen
[Must RESIDE within two (2) miles of the OS City Limits] Address: 100 Armand, OS MS
39564
Phone No. 303-810-0535 Signature: [Signature]

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

Revised 05/23/2023

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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) Katherine Archuleta, 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: Tony & Katherine Archuleta

Parcel ID(s): 6-11-35-017.000

Date Property Acquired: 3/30/22

Owner's Signature K. Archuleta Date 6/10/23

Office Use Only

Date of Inspection: 12/05/23

Result of Occupancy Inspection: PASSED

Maximum Occupancy Determination: 8

(attached)

Maximum Parking Spaces: 4

Permit Renewal Date: _____

PC Public Hearing Date: 1/09/24

BOA Approval Date: _____

Revised 05/23/2023

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ADDRESS: 208 White Boulevard iWorQ Permit#: 2785



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>4</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☐ Proposed # of Guests: <u>8</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>8</u> |
| ☒ Adequate emergency egress | ☒ Proposed # of vehicles: <u>4</u> |
| ☒ Operable windows in sleeping areas | Approved # of vehicles per OSFD: <u>4</u> |
| ☒ Guest rules (noise, garbage, etc.) must be
visibly posted. | |

Property Owner: Tony & Katherine Archuleta
Contact Name: Mishell Shasteen

Phone #: 228-800-0012
Phone #: 303-810-0539

.....
Date of Inspection: 12-5-23

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: 208 White Boulevard

Public Hearing Date/Time: Tuesday, January 9, 2024

Applicant Tony & Katherine Archuleta

Local Contact Mishell Shasteen

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 **MUST** reside or have their business physically located 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 filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they 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 or if the covenants do not allow short-term rental.
 - 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 / Vacation Property Rental Agreement

This lease, entered into this _____ day of _____, 20____, by and between _____, Owner ("Owner") and _____, "Renter" for the property located at _____ ("Property").

1. **TERM:** The term of the lease shall begin on the arrival date of: _____ and end on the departure date of _____ for _____ number of nights. The property will be ready for occupancy no earlier than _____ pm/am CT on the arrival date and must be vacated no later than _____ am/pm CT on the departure date.

2. **RENT:** The rent is \$_____ plus a housekeeping fee and a security deposit payable as follows:

3.

4. **PAYMENTS:** The following payments are due at time of reservation:

- 50% of rental fee to secure reservation.
- Security Deposit \$350.00 (see paragraph #7).
- Housekeeping fee \$100.00. This is to prepare house for next renter; linens and towels provided; no daily housekeeping service.
- Note: payments can be made in the form of credit card and/or personal check. If paying by check, ensure that payment is made 10 days in advance to ensure adequate time for funds to clear before check-in.

5. **Rental Balance** due 10 days in advance of arrival. No refunds will be given for early departures.

6. **LIMITED OCCUPANCY:** Occupancy is limited to a maximum of 8 persons. The property will not be rented to anyone under 25 years of age. If Owner concludes that this policy has been breached, the Owner reserves the right to expel the entire party with no refund.

7. **SECURITY DEPOSIT:** The \$350 shall be paid as a separate payment and will be returned in not less than two weeks by check, zelle, venmo or other agreed upon method if no damage to the premises is found after your departure. Renter may pay by check, however, Owner requires MasterCard, Visa, Discover or AMEX information on file for security purposes.

8. **NON-DISTURBANCE CLAUSE:** Renter and their guests shall not disturb, annoy, endanger (fireworks) or inconvenience neighbors nor use the premises for any unlawful purposes. Renter agrees to adhere to house noise rules as well as all city ordinances.

9. **CARE OF PREMISES/DAMAGES: NO PETS ALLOWED. NO SMOKING PERMITTED IN HOUSE.** Automatic eviction plus forfeit of deposit and rent if violated. Renter agrees to pay Owner for any damages to furnishings, household items or pool that occur as a result of Renter's occupancy. This will include payment of any additional cleaning charges over \$100 incurred due to Renter's occupancy.

Short Term / Vacation Property Rental Agreement

10. **OWNERS RIGHTS:** Renter agrees that if the conditions and limitations set forth herein are not met, Owner shall have the right to cancel this agreement and may enter the Property, either by statutory proceedings or by force, to inspect the Property and ensure that Renter has vacated the Property. All monies paid by Renter shall be forfeited as liquidated damages.

11. **INDEMNITY CLAUSE:** Renter hereby agrees to Indemnify and hold Owner harmless from any and all claims including those of third parties, arising out of or in any way related to Renter's use of Property or the items of personal property provided therein. Renter assumes all risk of injury or other losses relating to any recreational activities including use of the private swimming pool on the Property and will hold Owner harmless with respect thereto.

12. **NO SUBLETTING:** Renter may not sublet or assign this lease for all or any part of the premises without prior written consent of the Owner.

13. **REPAIRS AND MAINTENANCE:** The Property is rented with the Owner's furniture and household furnishings. Owner shall not be responsible for providing additional furnishings or equipment not presently available in Property. Renter will report any maintenance issues immediately to the Owner. Owner will make every effort to repair and/or replace any equipment that is not working properly but cannot guarantee that all equipment is in good operating order at all times and no rate adjustments or refund will be made for equipment or appliance failures.

14. **CANCELLATIONS** made 30 days prior to your arrival date incur no cancellation fee. Cancellations made 15 days before your arrival date forfeit the 50% deposit of one nightly rate. If a reservation is cancelled less than 5 days before your scheduled arrival, you are responsible for the entire rental rate. Cancellations must be received in writing.

15. **PARKING:** Is limited to 4-5 cars in the driveway.

Renter and Owner, by signing this Rental Agreement, acknowledge that they will comply with the terms of this agreement, and each assumes the responsibility for the obligations set forth herein. Renter acknowledges receipt of the House Rules. Renter acknowledges that they have read, accept, and agree to the terms set forth.

Owner Signature

Date _____

Renter Signature(s)

Date _____

Renter Name(s) _____

Billing Address (for credit card) _____

Short Term / Vacation Property Rental Agreement

Mailing Address(if different)_____

Email Address _____

Telephone: cell/home _____ work: _____

Emergency Contact _____

MasterCard, Visa, Discover or AMEX (please circle) Credit Card Number _____

Credit Card Security Code _____ Expiration date _____

Checks to: _____

EMAIL the signed Rental Agreement to: _____ OR FAX to _____

Renters are also Required to abide by following house rules while they are staying in the property:

- **NO SMOKING INSIDE THE PROPERTY** –This is a smoke-free property. Smoking is only permitted outside and cigarette butts should be disposed of properly and not thrown on the ground.
- **NO PETS ALLOWED –AUTOMATIC EVICTION AND FORFEIT OF DEPOSIT AND RENT IF VIOLATED.**
- **NO HOUSE PARTIES** – Home is for use by the number of people authorized in your Property Rental Agreement only.
- **NO FIREWORKS ALLOWED** – Any evidence of fireworks may result in immediate eviction with no refund.
- **GAS GRILL USE** – Do not put charcoal in the gas grill.
- **POOL USE** – Pools and Hot Tub are for use by the number of people authorized in your Property Rental Agreement only. The Pools and Hot Tub are private – swim at your own risk .NO DIVING ALLOWED.
- **MAINTENANCE AND REPAIRS** – Report immediately to 228.800.0012 or 303.810.0539
- **GARBAGE PICK-UP** – Place all trash in the receptacle.

Short Term / Vacation Property Rental Agreement

CHECK OUT PROCEDURES -

CHECK-OUT NO LATER THAN 11:00 AM

- a. All furniture should be returned to its original location.
- b. Empty all trash in garbage receptacle.
- c. Remove and dispose of all food items from refrigerator and pantry/cabinets.
- d. Place dishes, utensils, etc. in dishwasher and turn it on when you depart.
- e. Remove sheets and all dirty towels and place in laundry area.
- f. Put key(s) back in the lock box, leaving both doorknob and deadbolts locked.

Thank you for vacationing in our home. We love it here! Please help us keep our property well maintained so others can enjoy it too.

Renter Signature

HOUSE RULES

1

NO SMOKING

This is a NO smoking house and property. There will be an additional cleaning fee assessed if it is determined that the home has incurred smoke damage.

2

PETS

We LOVE pets... especially ours! Despite that, we are only allowing pets on a case by case basis so unless you have prior written consent for a pet, please leave your pets at home.

3

REGISTERED GUESTS

Due to insurance and local ordinances, each guest must be registered and occupancy limits are strictly adhered to.

4

POOL RULES

No glass outside. No jumping into pool. No smoking. No balloons in the pool. No guests not included in your headcount. Be sure to watch your children closely and keep gates locked.

5

PARTIES

We want you to have an amazing time with us but due to our home being located in a residential area, we can only approve small gatherings on a case by case basis.

HOUSE RULES

6

NOISE

Each guest agrees to adhere to the City of Ocean Springs noise ordinance (Section 15) which prohibits "unreasonable noise" and also restricts the use of sound amplification outside certain hours. Be courteous to other residents and keep noise inside of the house of 9:00 AM - 10:00 PM

7

PARKING

Please keep all vehicles in the designated spaces for the home and off of the street. Refrain from parking any vehicles on the street overnight. All vehicles must be registered.

8

TRASH

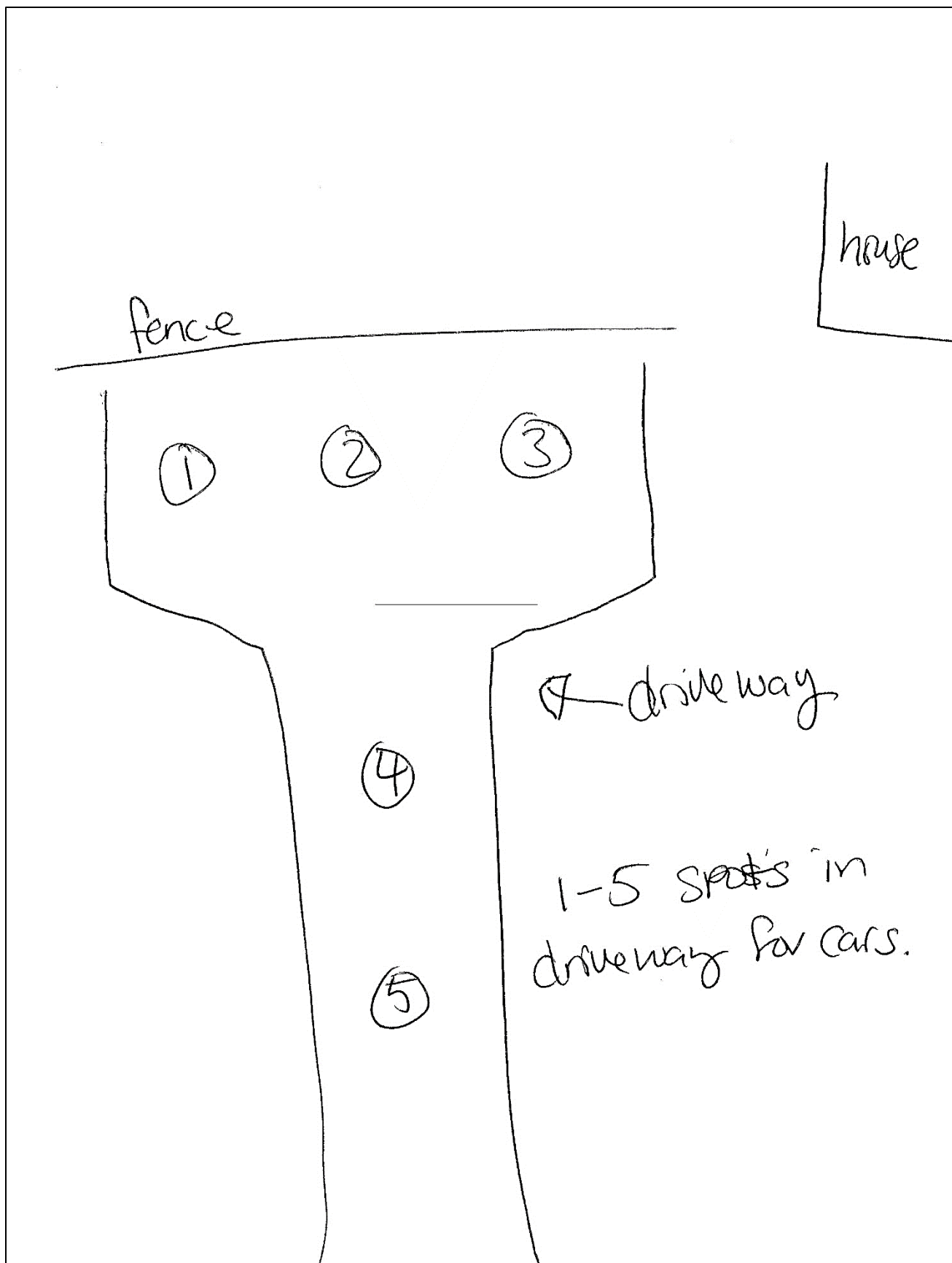
Please ensure all trash is taken to the cans that are located to the front left of the home. They will be taken to the street for you each Tuesday. Upon checkout, place all trash from pool, yard and home in the receptacles.

WiFi: The new place
Freedom 24

EMERGENCY CONTACT

In the event that you need to contact us quickly or if you have an emergency with the home, call 228.800.0012 or 303.810.0539.

For other questions or information, please refer to AirBnB.



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, January 9, 2024

APPLICANT: Julian Rankin

LOCATION: 501 Rayburn Avenue / PID: 60137584.000

REQUESTED ACTION: Residential Short Term Rental Permit

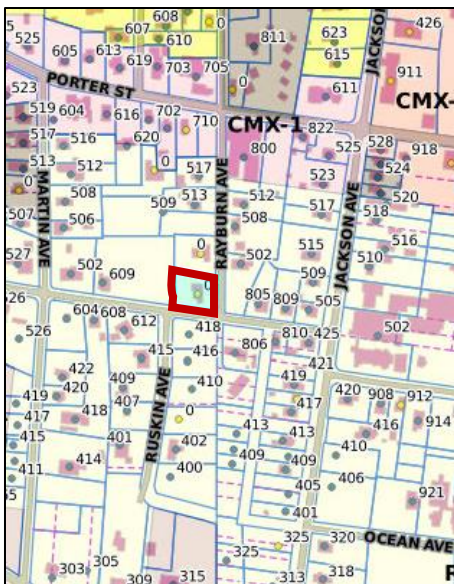
DATE OF APPLICATION: June 4, 2023

ADJACENT ZONING/LAND USE:

Subject Property:	R-1, Single-Family Residential District
North, South, East, West:	R-1, 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 an accessory structure located in the DENSITY Zone Area, on the northwest corner of Rayburn Avenue and Cleveland Avenue.



FINDINGS:

- **Local Property Manager:** The owner will serve as the local property manager and resides in the primary structure on the property, satisfying the requirement for residency within 2-miles of the city limit.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant verified that this is not a covenant-restricted neighborhood and no covenants have been provided. The applicant has not made the Planning Department aware of any Homeowner's Association.
- **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 56 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 12/07/23 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: 6-4-23

Submittal Requirements:

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

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

REQUIRED INFORMATION:

- Address of Rental Property: 501 Rayburn Ave
- Parcel Identification Number: 60137584.000 Number of bedrooms: 2
- 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.

Name of Property Owner Julian Rankin
Address of Property Owner 501 Rayburn Ave Ocean Springs, MS 39564
Phone No. 919-630-0707
Name of Local Property Manager Julian Rankin and Caroline Croom
[Must RESIDE within two (2) miles of the OS City Limits] Address 501 Rayburn Ave Ocean Springs, MS 39564
Phone No. 919-630-0707 Signature: [Signature]

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

Revised 05/23/2023

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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) Julian Rankin, 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: Julian Rankin

Parcel ID(s): 60137584.000

Date Property Acquired: 1/16/2019

Owner's Signature  Date 6-4-23

.....

Office Use Only

Date of Inspection: 12/07/23

Result of Occupancy Inspection: PASSED

Maximum Occupancy Determination: 4

(attached)

Maximum Parking Spaces: 2

Permit Renewal Date: _____

PC Public Hearing Date: 1/09/24

BOA Approval Date: _____

Revised 05/23/2023

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ADDRESS: 501 Rayburn Avenue iWorQ Permit#: 2689



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: 4

Approved # of Guests per OSFD: 4

- ☒ Proposed # of vehicles: 2

Approved # of vehicles per OSFD: 2

Property Owner: Julian Rankin

Phone #: 919-630-0707

Contact Name: Julian Rankin

Phone #: 919-630-0707

.....
Date of Inspection: 12-7-23

COMMENTS: AE 18.5

☒ **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: 501 Rayburn Avenue

Public Hearing Date/Time: Tuesday, January 9, 2024

Applicant Julian Rankin

Local Contact Julian Rankin

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 **MUST** reside or have their business physically located 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.

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 filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they 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 or if the covenants do not allow short-term rental.
- 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.

1018 Porter Avenue, Ocean Springs, MS 39564.
Email Address: planningadmin@oceansprings-ms.gov

Dear (Guest),

Thank you for staying with us for your vacation. The property is located at:

501 Rayburn Avenue
Ocean Springs, Mississippi 39564

Your reservation information:

Check-in date: Month DD, YYYY after 4 pm CDT
Check-out date: Month DD, YYYY by 11 am CDT

Number of adults: ____
Number of children: ____
Pets: ____

Rental rate and fees are as follows:

\$ _____ per night x _____ nights = \$ _____

Cleaning fee \$ _____

Sales Tax \$ _____

Less deposit \$(_____)

TOTAL Due \$ _____

The total payment is due on or before _____.

Please sign and return the attached rental agreement. As soon as I receive your full payment, I will send access instructions to the unit.

Thanks, and have a great vacation!

SHORT TERM RENTAL AGREEMENT

This Short Term Rental Agreement (the "*Agreement*") is made by and between Roger Applewhite DBA "The Cottages of Rosetti Park" ("*Homeowner*") and _____ ("*Guest*") as of the date last set forth on the signature page of this Agreement. For good and valuable consideration, the sufficiency of which is acknowledged, the parties hereby agree as follows:

1. Property. The property is located at:

The property is furnished and includes _____
[list appliances and other provided items like linens, towels, etc.]

2. Rental Party: The rental party shall consist of Guest and the following persons:

Name: _____	Age: _____
Name: _____	Age: _____
Name: _____	Age: _____
Name: _____	Age: _____

3. Maximum Occupancy: The maximum number of guests is limited to 4 persons.

4. Term of the Lease. The lease begins at 4 p.m. on _____ (the "*Check-in Date*") and ends at 11 a.m. on _____ (the "*Checkout Date*").

5. Minimum Stay: This property requires a 2 night minimum stay. Longer minimum stays may be required during holiday periods.

6. Rental Rules: Guest agrees to abide by the **Rental Rules** attached as **Exhibit A** at all times while at the property and shall cause all members of the rental party and anyone else Guest permits on the property to abide by the following rules at all times while at the property.

7. Access: Guest shall allow Homeowner access to the property for purposes of repair and inspection. Homeowner shall exercise this right of access in a reasonable manner..

8. Rental Rate and Fees

- a. Deposit: A deposit of 25% is due at the time of reservation

The deposit is non-refundable and applied toward the rental fees.

If the premises appear dirty or damaged upon Check-in, Guest shall inform Homeowner immediately.

- b. Rental Rate. Payment in full of the following fees shall be due before or at Check-in Date:

\$ _____ per night x _____ nights = \$ _____	
Cleaning fee	\$ _____
Sales Tax	\$ _____
Less deposit	\$(_____)
TOTAL Due	\$ _____

9. Cancellation Policy: If Guest wishes to cancel his/her reservation, the deposit will be refunded 100% if cancelled 30 or more days prior to the Check-in Date. Deposits for reservations made within 30 days of Check-in Date are non-refundable.

11. Payment: Acceptable payment methods are **credit card, Paypal, or electronic check.**

[Rest of page intentionally left blank]

The parties agree to the terms of this Short Term Rental Agreement, as evidenced by the signatures set forth below.

Homeowner

Guest:

[electronic or manual signature]:

Name (print)_____

Name (print): _____

Date: _____

Date: _____

Phone # (during stay):

Phone # (during stay):

RENTAL RULES

1. Smoking is NOT allowed indoors at any time. Smoking is allowed outside with proper disposal of cigarette butts.
2. People other than those in the Guest party set forth above may not stay overnight in the property. Any other person in the property is the sole responsibility of Guest. Guests are not allowed to exceed the occupancy limit agreed to above.
3. Minimum age of guest making reservation is 25. Any member of the rental party under the age of 18 must be accompanied by an adult / parent.
4. Noise:

This rental is unique in that it is in the midst of a residential area. This means that two City of Ocean Springs ordinances apply to our guests when staying at our properties. Non-adherence to these policies could result in a fine or loss of use privileges and termination of your rental agreement. Rental agreements terminated due to lack of adherence to city ordinances will be charged for the full duration of the reservation. The ordinances are included here for your convenience.

Sec. 15-13. - Unreasonable noise or vibration.

(1) Generally prohibited.

(a) It shall be unlawful for any person to make, cause, or, on premises under his or her legal control, permit to be made any unreasonable noise or vibration audible or perceptible within the corporate limits or police jurisdiction of the city, including the waters lying within such areas.

(b) For purposes of this section, "unreasonable noise or vibration" is defined to mean any unreasonably loud, raucous, or jarring sound or vibration which is not constitutionally protected speech in form and scope of audibility and which, under the circumstances of time, place, and manner in which it is produced and audible or perceptible, annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of a reasonable person of normal sensitivities within the area of the audibility or perceptibility of the noise or vibration without the consent of such person.

(2) Unreasonable use of sound reproduction devices in public areas.

(a) It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used or operated any radio, tape recorder, cassette player, or other machine or devices for reproducing sound (i) if the machine or device is located in or on any public property, including any public street, highway, building, beach, parking lot, building, sidewalk, park, or thoroughfare or located in or on any motor vehicle or watercraft on a public street, highway, or public space, including but not limited to the water lying within the city limits and (ii) if the sound generated by

such machine or device is audible at a distance of one hundred (100) feet from the machine or device producing the sound.

(b) This section shall not be construed to regulate the initial production or amplification of sound, and the direct amplification of the human voice or music through the use of bullhorns or amplifiers is not regulated under this section. Note: This is to account for live music or demonstrations.

(3) *Penalties for violations.* Any person violating any provision of subsection (1) or (2) of this section shall be guilty of an offense against the city and shall upon conviction be subject to punishment for each such offense as a misdemeanor subject to up to a five hundred dollar (\$500.00) fine or up to ninety (90) days imprisonment, or both. Where discrete conduct by a person separately and simultaneously violates both subsections (1) and (2), the conduct may be charged as a violation in the alternative under both sections, but such conduct shall be punishable only as an offense under subsection (1) or (2) and not as an offense under both sections simultaneously.

(Ord. No. 14-2007, § 1(15-13.1—15-13.3), 5-1-07)

Sec. 15-16. - Outdoor use of sound amplification or producing device or similar equipment by commercial establishments.

(a) *Definitions.*

(1) *Sound amplification or producing device or similar equipment* means radio, radio receiving set, phonograph, stereo, tape player, cassette player, compact disc player, "boom box," loudspeaker, karaoke player, drum, juke box, nickelodeon, musical instrument, sound amplifier or other device which produces, reproduces, or amplifies sound.

(2) *Commercial establishment* means all premises where sales, professional or other commercial activities are legally permitted by zoning or otherwise, except that residences with lawful home occupations are considered residential.

(3) *Outdoor* means not fully enclosed by permanent, solid walls and a roof or not within the fully enclosed portions of a building.

(b) It shall be unlawful for any person or persons to play, use, operate, or permit to be played, used or operated any sound amplification or producing device or similar equipment outdoors on the premises of a commercial establishment during the following days and times:

Weekdays (Sunday night through Friday morning) between the hours of 11:00 p.m. (23:00) through 8:00 a.m. (08:00); and

Weekends (Friday night through Sunday morning) between the hours of 11:59 p.m. (23:59) through 8:00 a.m. (08:00).

(Ord. No. 2012-04, § 2, 5-15-12)

5. Guests should not create excessive noise at a level that disturbs neighbors; Code-enforced neighborhood quiet hours are from 11:00p.m. – 8:00a.m. Sunday through Friday and 11:59 p.m. and 8 a.m. Friday and Saturday.

6. Guests are expected to comply with all City of Ocean Springs ordinances.

7. Gatherings of more than 10 people require pre-approval of the property manager; overnight guests may not exceed the maximum number of guests for the unit being leased.

8. All of the units are privately owned; 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.

9. Keep the property and all furnishings in good order; do not rearrange or remove furnishings.

10. Only use appliances for their intended uses

11. Pets are NOT allowed without prior approval and the *Pet Addendum* must be completed.

12. Parking:

PARKING – Parking is limited to 2 vehicle(s). 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.

13. Housekeeping: There is 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.

14. Garbage: Any garbage must be stowed in the proper garbage or recycling receptacle, located at the side of the house. Property owner will take trash curb for pickup.

15. Hot Tub: No children under the age of 16 permitted in hot tubs at any time without adult supervision. When using the hot tub, remember there is a certain health risk associated with this facility. Use at your own risk.

16. Fireplace and fire pit: The fireplace is a non-vented propane gas log fired firebox. Please do not throw any paper or other combustible materials in the fireplace

17. Tropical Threats:

If there is a tropical storm or hurricane, refunds will be provided if:

- 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 Warning" period.

PET ADDENDUM

It is hereby agreed by and between Homeowner and _____ (*Guest*) that homeowner will allow guest to have the following described pet and no others in the vacation home upon and subject to the terms and conditions of the rental agreement and this addendum.

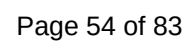
The permission granted herein shall be limited to a certain pet as described below:

Type of Pet: _____ Name: _____
Color: _____ Weight: _____
Age: _____ Sex: _____

Guest hereby agrees to comply the following:

1. \$100 non-refundable pet deposit due at time of check in.
2. All pets must comply with the following specifications (documentation from an accredited veterinarian must be provided by Guest upon request):
 - a. May not exceed 40 lbs.
 - c. Must be spayed or neutered.
 - d. Must be up-to-date on rabies vaccinations and all other vaccinations. Heartworm preventive is highly recommended.
3. All pets must be leashed at all times.
4. Guest is responsible for cleaning up any/all pet refuse.
5. Pets are not allowed on furniture at any time. Any evidence of pets on furniture may incur extra cleaning fees.
6. All pets are to be treated with a 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.
7. Pet must not cause damage to premises or furnishings. If damages are caused, the cost of the damage may be charged to the credit card on file for the reservation.
8. Guest should prevent pets from producing excessive noise at a level that disturbs neighbors.
9. Pet will not be left unattended for an undue length of time, either indoors or out. Pet will not be left unattended on balcony, patio, or porch.
10. Homeowner assumes no responsibility for illness or injury that may incur to pets or humans while on the premises.
The Guest shall be solely responsible for the pet while on the property.

Sign _____ Date _____



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, January 9, 2024

APPLICANT: Derek Norsworthy

LOCATION: 225 Halstead Rd. / PID: 61004005.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: October 6, 2023

ADJACENT ZONING/LAND USE:

Subject Property: R-D, Two-Family Residential District
North, South, East, West: R-2, 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 an accessory structure located in the CITY Zone Area, on the southwest corner of Halstead Road and Davidson Road.



FINDINGS:

- **Local Property Manager:** The owner will serve as the local property manager and resides in the primary structure on the property, satisfying the requirement for residency within 2-miles of the city limit.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant verified that this is not a covenant-restricted neighborhood and no covenants have been provided. The applicant has not made the Planning Department aware of any Homeowner's Association.
- **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 50 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 12/13/23 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested maximum occupancy of 3 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: 10/06/2023

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:** 225 Halstead Rd. Ocean Springs, Ms 39564
- **Parcel Identification Number:** 61004005.000 **Number of bedrooms:** 3
- **Proposed maximum # guests:** 2 **Number of existing off-street parking spaces:** 3
- **Is this property located in a covenant-restricted subdivision?** ☐ Yes ☒ No ~ **If yes, a copy of the covenants must be included.**

PROPERTY OWNER – Name: <u>Derek & Darrah Norsworthy</u>	
Address: <u>225 Halstead Rd. Ocean Springs, Ms 39564</u>	
Phone No. <u>228-219-0046</u>	Email: <u>dereknorsworthy@hotmail.com</u>
OWNER SIGNATURE: <u>Derek Norsworthy</u>	
.....	
LOCAL PROPERTY MANAGER – [Must RESIDE within two (2) miles of the OS City Limits]	
Name: <u>Derek Norsworthy</u>	
Address: <u>225 Halstead Rd. Ocean Springs, MS, 39564</u>	
Phone No. <u>228-219-0046</u>	Email: <u>dereknorsworthy@hotmail.com</u>
Is the Property Manager OR the Owner the best contact for scheduling inspections? <u>Choose One...</u>	

Owner – initial by each ordinance to indicate receipt:

Copy of Ordinance 2015-11 Received: DN(initials) Copy of Ordinance 2019-19 Received: DN
Copy of Ordinance 2018-02 Received: DN(initials) Copy of Ordinance 2021-25 Received: DN
Copy of Ordinance 2023-07 Received: DN(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) Derek Norsworthy, 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: Derek Norsworthy

Parcel ID(s): 61004005.000

Date Property Acquired: 05/2021

Owner's Signature Derek Norsworthy Date 10/6/23

.....
Office Use Only

Date of Inspection: 12/13/23 Result of Occupancy Inspection: PASSED

Maximum Occupancy Determination: 3 (attached)

Maximum Parking Spaces: 2 Permit Renewal Date: _____

PC Public Hearing Date: 1/09/24 BOA Approval Date: _____

ADDRESS: 225 Halstead Rd. iWorQ Permit#: 3751



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>3</u> |
| ☒ Outlet and switch plate covers need to be
installed. (GFCI Circuits within 6 ft. of
water source) | ☒ Proposed # of Guests: <u>3</u> |
| ☒ No exposed wiring | Approved # of Guests per OSFD: <u>3</u> |
| ☒ Adequate emergency egress | ☒ Proposed # of vehicles: <u>2</u> |
| ☒ Operable windows in sleeping areas | Approved # of vehicles per OSFD: <u>2</u> |
| ☒ Guest rules (noise, garbage, etc.) must be
visibly posted. | |

Property Owner: Derek Norsworthy Phone #: 228-219-0046
Contact Name: Derek Norsworthy Phone #: 228-219-0046

.....
Date of Inspection: 12-13-23

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: 225 Halstead Rd.

Public Hearing Date/Time: Tuesday, January 9, 2024

Applicant Derek Norsworthy

Local Contact Derek Norsworthy

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 **MUST** reside or have their business physically located 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 filed covenants indicate that there are covenants in place. If there is an active Homeowner's Association (HOA), they 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 or if the covenants do not allow short-term rental.
 - 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

AIRBNB RENTAL AGREEMENT

- I. **THE PARTIES.** This Airbnb Rental Agreement ("Agreement") made on _____, 20____ between the following:

TENANT: _____, with a mailing address of _____ ("Tenant"), and

LANDLORD: _____, with a mailing address of _____ ("Landlord").

- II. **THE PREMISES.** The Landlord agrees to lease the described property below to the Tenant, and the Tenant agrees to rent from the Landlord:

a.) Mailing Address: _____.

b.) Residence Type: ☐ Apartment ☐ House ☐ Condo ☐ Other: _____

c.) Bedroom(s): _____

d.) Bathroom(s): _____

e.) Other: _____.

Hereinafter known as the "Premises."

- III. **LEASE TERM.** The Tenant shall have access to the Premises under the terms of this Agreement for the following time period: (check one)

☐ - **Fixed Term.** The Tenant shall be allowed to occupy the Premises starting _____, 20____ at ____: ____ ☐ AM ☐ PM and ending _____, 20____ at ____: ____ ☐ AM ☐ PM ("Lease Term").

☐ - **Month-to-Month Lease.** The Tenant shall be allowed to occupy the Premises on a month-to-month arrangement starting on _____, 20____, and ending upon notice of ____ days from either Party to the other Party ("Lease Term").

- IV. **QUIET HOURS.** The Landlord requires: (check one)

☐ - **No Quiet Hours.** There are no quiet hours. However, the Tenant must reside on the Premises with respect to the quiet enjoyment of the surrounding residents.

☐ - **Quiet Hours.** Quiet hours begin at ____: ____ ☐ AM ☐ PM each night and continue until sunrise. Quiet hours consist of no music and keeping all audio at a minimum level out of respect for the surrounding residents.

- V. **OCCUPANTS.** The total number of individuals staying on the Premises during the Lease Term shall be a total of 3 guests.

If more than the authorized number of guests listed above are found on the Premises, this Agreement will be subject to termination by the Landlord.

- VI. **RENT.** The Tenant shall pay the Landlord:

☐ - **Fixed Amount.** The Tenant shall be required to pay the Landlord \$_____ for the Lease Term ("Rent"). The Rent is due at the execution of this Agreement.

☐ - **Monthly Amount.** The Tenant shall be required to pay the Landlord \$_____ in equal monthly installments for the Lease Term ("Rent") and due on the _____ of each month under the following instructions:

First (1st) month's rent is due at the execution of this Agreement.

- VII. **UTILITIES.** The Landlord shall be responsible for all utilities and services to the Premises EXCEPT for the following: _____

- VIII. **SECURITY DEPOSIT.** The Tenant shall be obligated to pay the following amounts upon the execution of this Agreement: (check one)

☐ - **No Security Deposit:** There is no deposit required for the security of this Agreement ("Security Deposit").

☐ - **Security Deposit:** \$_____ ("Security Deposit"). The Security Deposit is for the faithful performance of the Tenant under the terms and conditions of this Agreement. The Tenant must pay the Security Deposit at the execution of this Agreement. The Security Deposit shall be returned to the Tenant within the State's requirements after the end of the Lease Term less any itemized deductions. This Security Deposit shall not be credited towards any Rent unless the Landlord gives their written consent.

- IX. **PETS.** The Landlord: (check one)

☐ - **Does Not Allow Pets:** There are no pets allowed on the Premises. If the Tenant is found to have pets on the Premises, this Agreement and any Security Deposit shall be forfeited.

☐ - **Allows Pets:** The Tenant shall have the right to have _____ pet(s) on the Premises with a maximum limit of _____ pounds per pet. For the right to have pet(s) on the Premises, the Landlord shall charge a fee of \$ ⁵⁰_____ that is ☐ non-refundable ☐ refundable unless there are damages related to the pet. The Tenant is responsible for all damage that

any pet causes, regardless of the ownership of said pet, and agrees to restore the Premises to its original condition at their expense.

X. **PARKING.** The Landlord: (check one)

☒ - **Shall provide** 2 parking space(s) to the Tenant for a fee of \$ 0 to be paid ☐ at the execution of this Agreement ☐ on a monthly basis in addition to the rent. The parking space(s) are described as: [DESCRIBE PARKING SPACES]

☐ - **Shall NOT** provide parking.

XI. **FEES.** The Landlord requires the Tenant pays the following fees at the execution of this Agreement: (check all that apply)

☒ - **Cleaning Fee:** \$ 80

☐ - **Taxes:** \$ _____

☐ - **Other.** _____ \$ _____

☐ - **Other.** _____ \$ _____

XII. **PARTY CLEANUP.** If the Premises qualifies for a "deep clean" due to the amount of "wear and tear" from a party or large gathering, a fee of \$ _____ ("Party Cleanup Fee") shall be charged at the end of the Lease Term. The Party Cleanup Fee may be deducted from the Security Deposit.

XIII. **SMOKING POLICY.** Smoking on the Premises is: (check one)

☒ - **Prohibited.**

☐ - **Permitted ONLY** in the following areas: _____

XIV. **PERSON OF CONTACT.** The Landlord: (check one)

☐ - **Does** have a manager on the Premises that can be contacted for any maintenance or repair at:

Agent/Manager's Name: _____

Telephone: (____) ____ - _____

E-Mail: _____

☒ - **Does not** have an agent/manager on the Premises, although the Landlord can be contacted for any emergency, maintenance, or repair at:

Landlord's Name: Derek Norsworthy

Telephone: (228) 219 - 0046

E-Mail: dereknorsworthy@hotmail.com

XV. **SUBLETTING.** The Tenant: (check one)

- ☐ - **Has** the right to sublet the Premises. Each subtenant is: (check one)
 - ☐ required to be approved by the Landlord prior to occupancy.
 - ☐ not required to be approved by the Landlord.
- ☒ - **Does not** have the right to sublet the Premises.

XVI. **MOVE-IN INSPECTION.** Before, at the time of the Tenant accepting possession, or shortly thereafter, the Landlord and Tenant shall: (check one)

- ☒ - **Inspect** the Premises and write any present damages or needed repairs on a move-in checklist.
- ☐ - **Shall not** inspect the Premises or complete a move-in checklist

XVII. **INSPECTION.** The Landlord has the right to inspect the Premises with prior notice as in accordance with State law. Should the Tenant violate any of the terms of this Agreement, the rental period shall be terminated immediately in accordance with State law. The Tenant waives all rights to process if they fail to vacate the premises upon termination of the rental period. The Tenant shall vacate the Premises at the expiration time and date of this agreement.

XVIII. **MAINTENANCE AND REPAIRS.** The Tenant shall maintain the Premises in a good, clean, and ready-to-rent condition and use the Premises only in a careful and lawful manner. The Tenant shall leave the Premises in a ready to rent condition at the expiration of this Agreement, defined by the Landlord as being immediately habitable by the next tenant. The Tenant shall pay for maintenance and repairs should the Premises be left in a lesser condition. The Tenant agrees that the Landlord shall deduct costs of said services from any Security Deposit prior to a refund if Tenant causes damage to the Premises or its furnishings.

XIX. **TRASH.** The Tenants shall dispose of all waste material generated during the Lease Term under the strict instruction and direction of the Landlord. Please place recyclables in container on property and trash in the designated bin.

XX. **QUIET ENJOYMENT.** The Tenant, along with neighbors, shall enjoy each other's company in a quiet and respectful manner to each other's enjoyment. The Tenant is expected to behave in a civilized manner and shall be good neighbors with any residents of the immediate area. Creating a disturbance of the area by large gatherings or parties shall be grounds for immediate termination of this Agreement. See Ocean Springs, MS noise ordinance - #2012-04 in welcome packet.

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- XXI. **LANDLORD'S LIABILITY.** The Tenant and any of their guests hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss arising from the use of the Premises regardless of the nature of the accident, injury or loss. The Tenant expressly recognizes that any insurance for property damage or loss which the Landlord may maintain on the property does not cover the personal property of Tenant and that Tenant should purchase their own insurance for their guests if such coverage is desired.
- XXII. **ATTORNEY'S FEES.** The Tenant agrees to pay all reasonable costs, attorney's fees, and expenses that shall be made or incurred by the Landlord enforcing this agreement.
- XXIII. **USE OF PREMISES.** The Tenant shall use the Premises for residential use only. The Tenant is not authorized to sell products or services on the Premises or conduct any commercial activity.
- XXIV. **ILLEGAL ACTIVITY.** The Tenant shall use the Premises for legal purposes only. Any other such use that includes but is not limited to illicit drug use, verbal or physical abuse of any person or illegal sexual behavior shall cause immediate termination of this Agreement with no refund of pre-paid Rent.
- XXV. **POSSESSIONS.** Any personal items or possessions that are left on the Premises are not the responsibility of the Landlord. The Landlord shall make every reasonable effort to return the item to the Tenant. If claims are not made within the State's required time period or two (2) weeks, whichever is shorter, the Landlord shall be able to keep such items to sell or for personal use.
- XXVI. **GOVERNING LAW.** This Agreement shall be governed and subject to the laws located in the jurisdiction of Premise's location.

Landlord's Signature: _____ **Date:** _____

Print Name: _____

Tenant's Signature: _____ **Date:** _____

Print Name: _____

Tenant's Signature: _____ **Date:** _____

Print Name: _____

Rental Rules Agreement

This Rental Rules Agreement (the "Agreement") is entered into between the landlord/property owner, [Landlord's Name], hereinafter referred to as the "Landlord," and the tenant(s), hereinafter referred to as the "Tenant(s)," collectively referred to as the "Parties," for the rental property located at [Property Address].

Term of Lease: The lease term shall begin on [Start Date] and shall end on [End Date]. Tenant(s) shall vacate the premises by [End Date] at [Time] unless otherwise agreed upon in writing.
Rent Payment: Tenant(s) shall pay monthly rent in the amount of [Monthly Rent Amount], due on the [Rent Due Date] of each month. Rent payments shall be made to [Payment Method] at [Payment Address or Online Portal]. Late rent payments may incur a late fee of [Late Fee Amount].

Security Deposit: Tenant(s) has paid a security deposit of [Security Deposit Amount] upon signing this Agreement. This deposit shall be held in accordance with applicable state laws and will be returned, less any deductions for damages or unpaid rent, within [Number of Days] days after the termination of this lease.

Use of Premises: Tenant(s) shall use the premises solely for residential purposes and shall not engage in any illegal activities on the property. Tenant(s) shall not sublease or assign the premises without written consent from the Landlord.

Maintenance and Repairs: Tenant(s) shall keep the premises clean and in good condition and promptly notify the Landlord of any necessary repairs or maintenance. Tenant(s) shall be responsible for minor repairs up to [Repair Cost Limit] without prior approval from the Landlord.
Utilities: Tenant(s) shall be responsible for all utilities, including but not limited to electricity, gas, water, sewer, and trash removal, unless otherwise specified in writing.

Pets: Tenant(s) shall not keep pets on the premises without obtaining written permission from the Landlord. If pets are allowed, an additional pet deposit of [Pet Deposit Amount] may be required.

Trash: Trash to be deposited in disposal containers located on the property.

Quiet Hours: 10:00 p.m.-8:00 a.m. Please refer to city ordinance documents supplied in welcome packet.

Entry by Landlord: The Landlord or their authorized agents may enter the premises for inspection, repairs, maintenance, or emergency situations. Notice of non-emergency entry will be given to Tenant(s) at least [Notice Period] hours in advance, except in cases of emergency.

Termination: Either party may terminate this lease with written notice of [Notice Period] days before the intended termination date. Tenant(s) shall return possession of the premises to the

Landlord in the same condition as at the beginning of the lease, except for normal wear and tear.

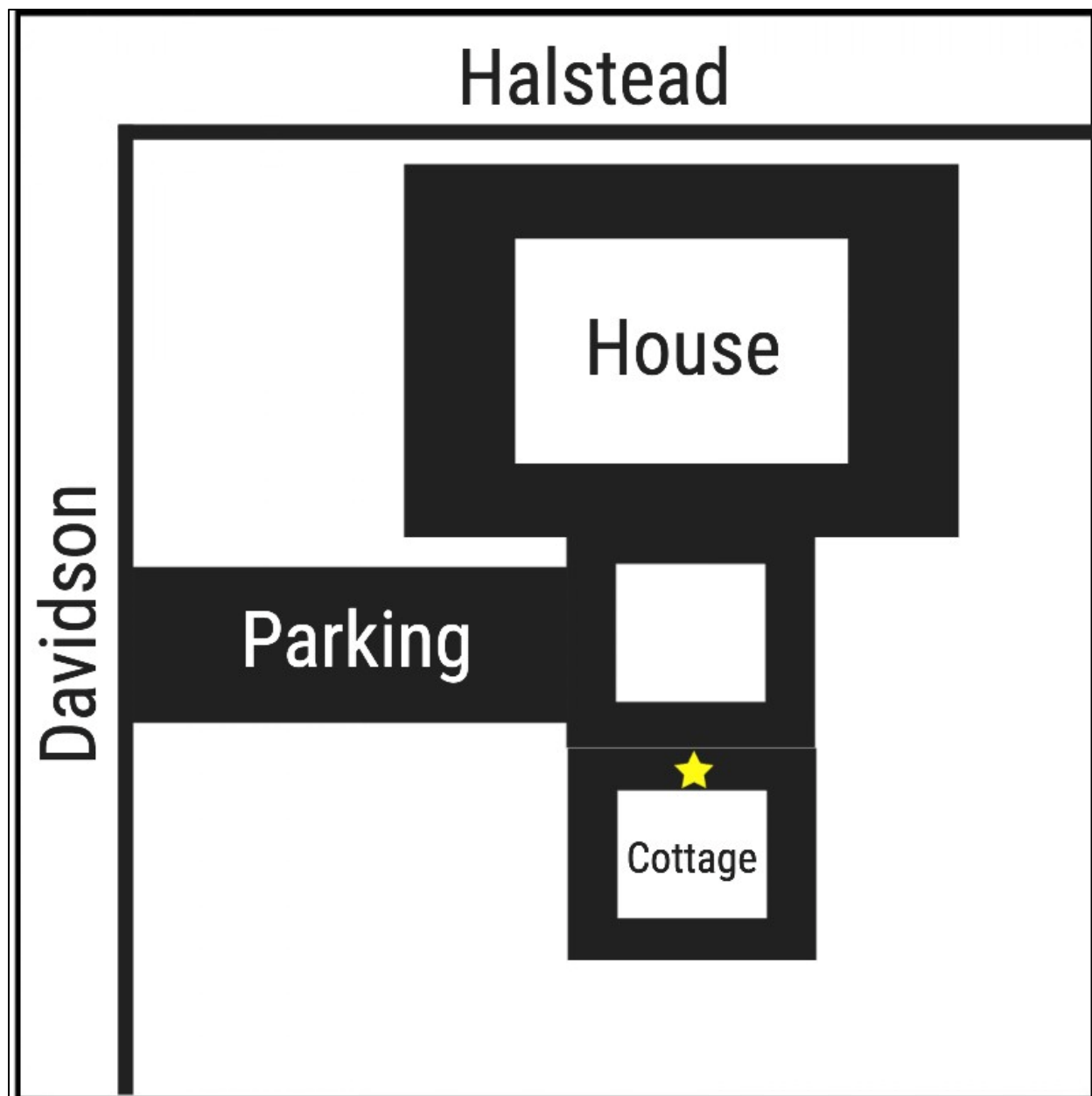
Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the state of [State], and any disputes arising under or in connection with this Agreement shall be subject to the exclusive jurisdiction of the state and federal courts located within the state of [State].

Entire Agreement: This Agreement constitutes the entire agreement between the Landlord and Tenant(s) and supersedes all prior oral or written agreements, understandings, or representations. Any modifications to this Agreement must be in writing and signed by both parties.

The undersigned parties acknowledge and agree to abide by the terms and conditions set forth in this Rental Rules Agreement.

Landlord: [Landlord's Name] [Landlord's Signature] [Date]
Tenant(s): [Tenant's Name(s)] [Tenant's Signature(s)] [Date]

Please retain a copy of this Agreement for your records.



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: January 9, 2024

APPLICANT(S): City of Ocean Springs Community Development and Planning Department

REQUEST: Amendments to the Unified Development Code (UDC) for the City of Ocean Springs, Mississippi amending the following sections and chapters:

1. **Amendment to Chapter 3, section 3.6.3.G, Historically Platted Non-conforming Lots**, regarding the requirement for planning commission review and Board of Aldermen approval of home construction on historically platted non-conforming lots.
2. **Amendment to Chapter 3, Table 3.2B, Dimensional Standards for Mixed Use and Non-residential Zoning Districts**, regarding the building setback requirement in commercial zoning districts.
3. **Amendment to chapter 3, Table 3.6, Land Use Matrix**, to include public marina and ancillary uses as permitted uses in the PUB and CP districts.
4. **Amendment to Chapter 4, Table 4.2, Applicability of Landscape Standards by Base Zoning District**, to include buffer requirements for the CMX-1 and CMX-2 districts.
5. **Amendment to Chapter 4, Section 4.7.2, Parking Area Locations**, regarding shared parking allowances.
6. **Amendment to Chapter 2, Section 22, Subdivision Final Plat**, regarding ownership and maintenance responsibility of stormwater infrastructure.

DESCRIPTIONS OF PROPOSED AMENDMENTS:

The UDC was initially adopted by the Board of Aldermen on March 26, 2019, and re-adopted on December 7, 2021. As part of the implementation of the code, the Planning Department staff reviews the regulations and processes of the UDC for inconsistencies, unclear requirements, sections that need improvement and changes in the community. The staff periodically brings amendments to correct these found issues to the Planning Commission (PC) and Board of Aldermen (BOA). The full text of the proposed amendments is attached to this report. Summaries of each one follow:

1. **Amendment to Chapter 2, Section 2.45 and Chapter 3, section 3.6.3.G, Historically Platted Non-conforming Lots**, regarding the requirement for planning commission and Board of Aldermen approval of home construction on historically platted non-conforming lots.

The UDC requires a property owner who intends to build a dwelling on a vacant, non-conforming lot must first obtain a recommendation from the Planning Commission and then approval from the Board of Mayor and Aldermen before applying for a Building Permit. Non-conforming lots are ones

that are either below the minimum lot area or minimum lot width required by the zoning district. The properties that have gone through this process to date have typically not generated controversy. The amendment will remove the requirement for Planning Commission and Board of Aldermen approval, and instead allow development through the standard Building Permit process. Any reduction in building setback distances will still require an application for a variance.

2. Amendment to Table 3.2B, Dimensional Standards for Mixed Use and Non-residential Zoning Districts, in Chapter 3 regarding the building setback requirement in commercial zoning districts.

This amendment removes the footnote that requires a maximum building setback in commercial districts. Currently, a minimum of 80% of a new commercial building is required to be located on or near the front minimum setback line. The amendment will require new commercial buildings to meet minimum, but not maximum, setback distances. An amendment in 2020 (2020-04) removed maximum setback distances in the CMX-1 and CMX-2 districts but did not remove the footnote.

3. Amendment to Chapter 3, Table 3.6 Land Use Matrix to include public marina and ancillary uses as permitted uses in the PUB and CP districts.

This amendment adds a “public marina and ancillary uses” as a new use to be permitted by right in the Public (PUB) and Commercial-Public (CP) zoning districts. The amendment will facilitate the planned development of the public event space and marina on Front Beach at Jackson Ave.

4. Amendment to Table 4.2, Applicability of Landscape Standards by Base Zoning District, in Chapter 4 to include buffer requirements for the CMX-1 and CMX-2 districts.

This amendment corrects an omission from the table that lists the landscaping requirements by zoning district. The text of Chapter 4, section 10, requires landscaping between commercial and residential uses and the amendment will make the table match the text.

5. Amendment to Chapter 4, Section 4.7.2, Parking Area Locations, regarding shared parking allowances.

This amendment corrects what appears to be a grammatical error in the text. The regulations as written will not allow a small reduction in the number of parking spaces to accommodate sharing those spaces between nearby businesses.

6. Amendment to Chapter 2, Section 22, Subdivision Final Plat, regarding ownership and maintenance responsibility of stormwater infrastructure.

The Mississippi Department of Environmental Quality recently evaluated Ocean Springs’ stormwater management program. One of that report’s criticisms of the City was the need for a statement on subdivision plats that states that detention/retention ponds and similar stormwater management areas are the responsibility of a homeowners’ association or the developer. The text below is to be included as a note on future subdivisions.

vii. The following note - Any detention or retention pond, common area, landscaped area or erosion control measures shall not be owned nor maintained by the City of Ocean Springs but shall be owned and maintained by the homeowners’ association or, if there is no homeowners’ association, by the aggregate lot owners.

CONCLUSIONS:

- The attached ordinance provides the specific text that is to be added to or deleted from the UDC. **Bold, underlined red text** is to be added and ~~struck through~~ text is to be deleted.

PUBLIC COMMENTS:

- None received.

PROPOSED MOTION: To recommend approval of the following draft ordinance amending Chapter 2, Section 2.45 and Chapter 3, section 3.6.3.G, Historically Platted Non-conforming Lots, Table 3.2B, Dimensional Standards for Mixed Use and Non-residential Zoning Districts, Table 3.6 Land Use Matrix, Chapter 4, Table 4.2, Applicability of Landscape Standards by Base Zoning District, Section 4.7.2, Parking Area Locations, and Chapter 2, Section 22, Subdivision Final Plat of the Unified Development Code.

City of Ocean Springs

ORDINANCE NO. 2024-xx

AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF OCEAN SPRINGS, MISSISSIPPI; AMENDING THE FOLLOWING SECTIONS AND CHAPTERS: **CHAPTER 2 (PROCESS), SECTION 2.22 (FINAL PLAT), CHAPTER 3 (ZONING DISTRICTS, BUILDING TYPES AND USES), TABLE 3.2B (DIMENSIONAL STANDARDS FOR MIXED USE AND NON-RESIDENTIAL DISTRICTS), SECTION 3.6.3G (HISTORICALLY PLATTED NON-CONFORMING LOTS), TABLE 3.6 (LAND USE MATRIX), CHAPTER 4 (DEVELOPMENT AND DESIGN STANDARDS) TABLE 4.2 (LANDSCAPE STANDARDS), AND SECTION 4.7 (PARKING STANDARDS)**

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

WHEREAS, the City of Ocean Springs currently has a Unified Development Code Chapter which regulates the layout and design of residential, commercial and mixed-use land developments; and

WHEREAS, the Planning Department staff reviews the UDC for needed updates and revisions and periodically proposes amendments to address those revisions; and

WHEREAS, it is the Mayor and the Board of Aldermen's intent to improve the techniques for land development by providing more flexible approaches to the design and construction of all forms of development in all areas of the City; and

WHEREAS, the Ocean Springs Planning Department published all proper notices as required by law; and

WHEREAS, it is in the best interest of the City of Ocean Springs to amend the following sections as follows:

~~**Bold, struckthrough**~~ text is deleted. **Bold, underlined** text in red is added.

Chapter 3 – Zoning Districts, Building Types and Uses

Table 3.2B: Dimensional Standards for Mixed Use and Non-residential Zoning Districts

		ZONING DISTRICT						
		CMX-1	CMX-2	C-H	M-1	C-P	P	C-M
Min. Lot Area (ft ²)		NA	NA	NA	NA	NA	NA	NA
Min. Lot Width (ft.)		25	25	25	100	NA	NA	NA
Min. Building Height		NA	NA	NA	NA	NA	NA	NA
Max. Building Height		2 stories	4 stories	75 ft. or 6 stories	Two stories, not to exceed 50 feet ¹	NA	NA	3 stories or 45 ft.
Max. Dwelling Unit Density (dwellings per acre)		21	42	42	NA	NA	NA	Principal building – 60% of lot area max.; Accessory building – max.10% of lot area
BUILDING SETBACK		DISTANCES						
FRONT	MIN (ft.)	5 ²	5 ²	5 ²	5 ^{2,5}	NA	NA	NA
	MAX(ft.)	NA	NA	NA	NA	NA	NA	NA
SIDE	MIN (ft.)	5	5	5	5 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA
STREET SIDE	MIN (ft.)	10	10	10	10 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA
REAR	MIN (ft.)	10 ³	10 ³	10 ⁴	10 ⁵	NA	NA	NA
	MAX (ft.)	NA	NA	NA	NA	NA	NA	NA

(Ord. No. 2020-04, § I, 2-04-20)

¹ Mechanical services, including heating and cooling equipment, smokestacks and other services critical to the function of the building may exceed the height limit if they occupy less than 20% of the roof area. Applications for taller buildings and/ or where mechanical services occupy more than 20% of the roof area will be referred to the Zoning Adjustment Board for a variance.

² ~~At least 80% of the building façade shall be located at the front setback line. For buildings located on corner lots, at least the first 30' of the building façade, as measured from the front building corner, shall be located at the setback line.~~

³ In transitional zones, where single family, two-family (duplex), attached or townhouse dwellings are adjacent to the commercial district, the minimum rear setback shall be 20 feet.

⁴ In transitional zones, where single family, two-family (duplex), attached or townhouse dwellings are adjacent to the commercial district, the minimum rear setback shall be 25 feet.

⁵ In situations where abutting property is zoned or used for residential dwellings, the following building setback distances are required: front - 20 feet; side - 50 feet; street side - 50 feet; rear - 50 feet

3.6.3 G. Historically Platted Non-Conforming Lots.

1. In the event a property owner wishes to repair or replace an existing residential structure on a lot where either the principal structure or lot does not conform with the underlying zoning district regulations for lot size and/or setbacks, that structure may be repaired or replaced as long as the repair or new construction is contained within the footprint of the existing structure.
2. In the event a property owner wishes to construct a residential dwelling on a lot that does not conform with the underlying zoning district regulations with regard to lot area or width, the property owner shall apply to the planning ~~commission~~ **department** and provide substantial documentation that the following conditions can be met:
 - i. That a new dwelling will ~~either~~ meet existing front and side yard setbacks established for the current zoning district ~~or that such setbacks are quantifiably consistent with buildings on at least one side of the property;~~
 - ii. That sufficient off-street parking can be provided within the property boundaries;
 - iii. That there is adequate lot frontage on a public right-of-way or private street for ingress and egress.
3. In the event a property owner wishes to rebuild a demolished residential dwelling on a lot that does not conform with the underlying zoning district regulations with regard to lot area or width, the property owner shall apply to the Building Department and provide substantial documentation that the following conditions can be met:
 - i. That the new dwelling will either meet existing front, rear and side yard setbacks distances established for the current zoning district or that the proposed setbacks and building height are quantifiably and reasonably the same as those of the demolished dwelling;
 - ii. That sufficient off-street parking can be provided within the property boundaries;
 - iii. That there is adequate lot frontage on a public right-of-way or private street for ingress and egress.

Table 3.6: Land Use Matrix

LBCS Code	Description	R-1	R-2	R-10	R-3	RMH	R-D	R-1A	RM-2	CMX-1	CMX-2	CH	M1	CP	PUB	C-M
F 4000	Transportation, Communication, Information, and Utilities															
F 4100	Transportation services	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	-	-	-	P	P			
F4138	Vehicle Dismantling, Storage	-	-	-	-	-	-		-	-	-	P ⁸	P ⁸			
F 4153	Marina, Port, harbor operations	-	-	-	-	-	-		-	-	-	C	P ₀ ¹	C		
NA	Public Marina & Ancillary Uses	-	-	-	-	-	-		-	-	-	-	-	P	P	P
F 4200	Communications and information	C	C	C	C	C	C		C	C	C	C	C	-	-	-
F 4300	Utilities and utility services	C	C	C	C	C	C		C	C	C	C	C	-	-	-
S 6320	Landfill facility	-	-	-	-	-	-		-	-	-	-	-	-	-	-
S 6340	Hazardous waste storage facility	-	-	-	-	-	-		-	-	-	-	-	-	-	-

4.10 LANDSCAPING BUFFERING AND SCREENING

Table 4.2: Applicability of Landscape Standards by Base Zoning District

Requirement	Base Zoning District											
	R-1	R-2	R-3	R-10	R-6	R-1A	RM-2	RMH	CMX-1	CMX-2	CH	M1
Landscaping	X	X	X	X	X	X	X	X	X	X	X	X
Buffering						X	X	X	X	X	X	X
Tree Preservation	X	X	X	X	X	X	X	X	X	X	X	X
Street Trees	X	X	X	X	X	X	X	X	X	X	X	X

(Ord. No. 2020-05, § I, 2-04-20) / (Ord. No. 2021-26)

4.7 PARKING STANDARDS

4.7.1 General Intent and Application

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land within the jurisdiction of this ordinance. These requirements shall be applied in all districts.

4.7.2 Parking Area Location

- A. The majority of parking spaces should be located to the rear or side of the principal building. Variations from this configuration are subject to Planning Commission and Board Approval. All employee parking shall be located in the rear or side area. Parking areas between the building and the street should preferably be one row, with a maximum of two rows of parking spaces, plus a two-way, 24-foot drive aisle;
- B. Parking areas shall be organized as a series of small parking bays containing a maximum of 15 contiguous parking spaces, with landscaped islands separating them;
- C. Parking shall be shared among adjacent or nearby properties to an extent that the minimum number of parking spaces as required by ordinance may be reduced by a maximum of at least 25% and shall be proportionate among the sites. A greater reduction may be allowed if uses can demonstrate off-peak hours of operation;
- D. Parking areas on adjacent property shall be connected by vehicular and/or pedestrian accesses; and
- E. Exterior parking lot light sources shall be properly shielded to mitigate light pollution.

Chapter 2, Section 22.5.D.8., (Subdivision Final Plat) Submittal:

vii. The following note - Any detention or retention pond, common area, landscaped area or erosion control measures shall not be owned nor maintained by the City of Ocean Springs but shall be owned and maintained by the homeowners' association or, if there is no homeowners' association, by the aggregate lot owners.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OCEAN SPRINGS, MISSISSIPPI, AS FOLLOWS:

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

SECTION 2: Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 3: It is hereby declared to be the intention of the Board of Aldermen that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections,

paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be declared unconstitutional or otherwise invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

SECTION 4: This ordinance shall take effect according to all applicable laws and ordinances.

SECTION 5: That, upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi

SECTION 6: The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City of Ocean Springs, Mississippi, as an addition or amendment thereto, and appropriately renumbered to conform with the unified numbering system of the Code.

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

Alderman Burgess	_____
Alderman Authement	_____
Alderman Wade	_____
Alderman Papania	_____
Alderman Blackman	_____
Alderman Impey	_____
Alderman Cox	_____

BY THE ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, on this the ____th day of _____, 2024.

MAYOR

CITY CLERK

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, January 9, 2024
Tabled from: August 8, 2023, September 12, 2023, & October 10, 2023

APPLICANT: Marisol Buckley

LOCATION: 100 Winchester Drive / PID: 61087028.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: June 2, 2023

ADJACENT ZONING/LAND USE:
Subject Property: R2, Single-Family Residential District
North, East, West, 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 City Area, on the corner of Winchester and Walton Drive.



UPDATE – 1/09/24:

- During the initial public hearing on August 8, 2023, a question of existing use and advertisement on Airbnb.com was raised. Review of the website confirmed that it was listed and had been rented previously for a reported 30+ days per visitor. At that time, the applicant indicated that they would take down the listing until the issue was resolved.
- Advertisement for this property allowing rentals of less than 30 days was documented on the following dates:
 - November 1, 2023
 - November 7, 2023
 - November 16, 2023
 - November 28, 2023
 - January 4, 2024
- A review was posted in December 2023 with no length of stay indicated, only that it was through Thanksgiving.
- Prior to the October 2023 Planning Commission meeting, Ms. Buckley requested that her pending STR application be removed from the Commission's agenda so that she could pursue legal action regarding interpretation of the covenants. Ms. Buckley filed a Complaint for Preliminary Injunction, Permanent Injunction, and Declaratory Relief in Jackson County Chancery Court on October 12, 2023. After briefing was filed by both Ms. Buckley and the City, a hearing was held before the Court, and Ms. Buckley's Complaint was dismissed.

SUMMARY: Based on documentation of continued listing of the property with the ability to book for less than 30 days, as well as the previous discussion of restrictive covenants and subsequent legal activity, the recommendation of this request remains to deny the permit.

Input: The following input was received on January 3, 2024 – prior to this agenda.

From: [Billy Young](#)
To: [Carolyn Martin](#)
Subject: Short-Term Rental, 100 Winchester Drive/PID 61087028.000_Marisol Buckley
Date: Wednesday, January 03, 2024 4:38:01 PM

As a property owner within 500 feet of the above property, the request for a short term rental permit should be denied.

1. Previous meetings about this were conducted and it was stated that there was no POA or covenants affecting this property. WRONG. I provided other neighbors with copies of the covenants showing that they were in effect and they stated these were single family residential dwellings.
2. This information was forwarded to the city attorney for review. He responded to the planning commission that the covenants precluded the issuance of the permit and in essence should be denied.
3. Now the planning commission is readdressing the same things again. For what purpose? The commission already has it on legal advice from the city attorney that the permit should be denied.
4. When I purchased my property in 1974 it was understood that these properties in English Village S/D were residential homes. Now someone wants to turn a property into a Short-Term rental,(ie. MOTEL). This is wrong and I am 100% against it.
5. In addition I suspect that the property has been used as a Short-Term rental within the last couple of months or so. I say this because unknown vehicles were seen parked there for 1-3 weeks or so on at least 2 occasions. These vehicles were seen coming and going and then left without returning again. Is this being done without a permit? This may need to be investigated. I know this subject was brought up before and investigated but I am speaking of more instances of this type since the initial investigation. ARE THE OWNERS CONTINUING TO RENT IT OUT SHORT TERM without the required permit

As for the legal input from the city attorney: Is the Planning Commission trying to put the city of Ocean Springs in a position that could possibly lead to law suits? If so, this matter would be affecting all the citizens of Ocean Springs.

There are many other reasons to deny the permit that have been presented by other neighbors. I suggest the Planning Commission take in consideration ALL factors in their decision on this matter.

REMEMBER: A MANS HOME IS HIS CASTLE AND HE WILL PROTECT IT.

DENY THE PERMIT.

Billy and Mildred Young
2719 Walton Drive
Ocean Springs, MS 39564

UPDATE – 10/05/23: This item was tabled from the September 12th agenda following receipt of the English Village SD Covenants so that the document could be reviewed by the City Attorney. Following review, the City Attorney has advised that the covenants – filed at Book 470, Page 15 – should be considered as not allowing short-term rentals.

Based on this input, the recommendation for this request has changed to denial due to the existing of appropriate restrictive covenants.

UPDATE – 9/12/23: Following the input provided during the August 8, 2023 public hearing, the following review was performed:

- Documentation was received from the Buckley’s realtor, taken from Airbnb.com, showing the three renters between October 21, 2022 thru February 2, 2023. Each was listed on the site as paying for 30+ days.
- There is no documentation confirming a shorter stay and/or rental. Coming and going during the course of a rental is insufficient evidence. It would have to be documented that a different party occupied the house during that same 30-day period.
- All other claims made by both the Buckleys and the neighbors were reviewed. However, none of the accusations constitute a reasonable cause for denial under the Short-Term Rental code.

Additional Attachments:

- Letters / Emails were received from:
 - o Sean Buckley
 - o Marisol Buckley
 - o Libby Rickley
 - o John Guglick / Elizabeth Platt – *received at the 8/08 public hearing – attached for reference.*
 - o Robert & Catherine Marousky – *received at the 8/08 public hearing - attached for reference.*
- **These documents were included in the 9/12/23 Planning Commission packet and are available upon request.**

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Updated FINDINGS:

- Local Property Manager: The owner will serve as the property manager. With an address of 6101 Olde Oakview, 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: The MS Secretary of State’s Office does not have an active HOA listed on their website. On the application form, the applicant indicated that this is not a covenant-restricted neighborhood and also that there was no HOA. However, a search of Jackson County Land Records discovered filed covenants for this subdivision.
- Liability Insurance: The signed application states that the liability insurance for the property does not exclude short term rentals from coverage, as well as conformance with building code, zoning requirements. Taxes are also current. However, a search of Jackson County Land Records discovered filed covenants for this subdivision.
- 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 72 property owners within 500 feet of the subject property. The distribution included the name of the applicant, notice of the hearing date, time and location, and a summary of Frequently Asked Questions regarding short-term rentals.
- Publication: Notice of the public hearing was advertised at least 15 days prior to the date of the hearing per ordinance. Additionally, the required yard sign was placed in the yard.
- Inspection: The property was inspected for all required elements on 7/05/23 and was approved. Inspection form is attached for review. However, a search of Jackson County Land Records discovered filed covenants for this subdivision.
- Maximum Occupancy: The requested maximum occupancy of 8 was approved by the Fire Marshall during the above referenced inspection.
- Maximum Number of Vehicles: The request for a maximum number of 4 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:

One email in opposition was received from Gudrun Baker – attached for reference.

SUMMARY:

The application for this property is complete and the physical inspection passed. However, a search of Jackson County Land Records discovered filed covenants for this subdivision which were considered and do not allow for short term rentals. The recommendation is for denial of a Residential Short-Term Rental permit.

ATTACHMENTS as listed above were included in the 9/12/23 Planning Commission packet and are available upon request.