



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, July 12, 2022 @ 6:00 p.m.

1. **Call Meeting to Order**
2. **Approval of Minutes**
 - a) June 14, 2022
3. **Old Business – None.**
4. **New Business**
 - a) 300 Ward Avenue / PID# 61011081.000 – Craig Smith – Requesting the use of gravel (or similar material) to construct a driveway on a residential lot.
 - b) 1808 Bienville Boulevard / PID# 60120280.000 – James McClendon – Requesting the use of gravel (or similar material) to construct a parking area on a commercial lot.
 - c) 3074 Government Street / PID# 60128041.000 – Brantley Broome – Requesting a Lot Split.
 - d) **DEFERRED – PUBLIC HEARING:** 3074 Government Street / PID# 60128041.000 – Brantley Broome – Requesting a Rezoning from the CH, Regional Commercial District and R2, Single-Family Residential District to the R1-A, Special Apartment Use District.
 - e) **PUBLIC HEARING:** 320 Jackson Avenue / PID# 60137416.000 – Jake Travis for The First Presbyterian Church of Ocean Springs – Requesting a Conditional Use Permit (CUP) to allow a church to use a residence as office space.
 - f) **PUBLIC HEARING:** 2302 Bienville Boulevard / PID# 60120390.000, 60120390.050, & 60129570.200 – Bryant Harvey – Requesting a CUP to allow the construction of apartments within the CH, Regional Commercial District.
 - g) **PUBLIC HEARING:** 1208 Bowen Avenue / PID# 61190012.000 – Tyler Smith – Requesting a Residential Short-term Rental permit.
 - h) **PUBLIC HEARING:** 809 General Pershing Avenue / PID# 60119392.000 – Allison Pleasant-Headley – Requesting a Residential Short-term Rental permit
 - i) **PUBLIC HEARING:** 104 Keri Cove / PID# 61037401.000 – Jared Rhodes – Requesting a Residential Short-term Rental permit
 - j) **PUBLIC HEARING:** 428 Holly Street / PID# 61037317.000 – Oren Zweig – Requesting a Residential Short-term Rental permit
5. **General Public Comment:** The public is invited to address the Commission for up to 3 (three) minutes (regarding issues **NOT** listed on this agenda). The Commission will take all comments under advisement for potential action at a later date if warranted.
6. **Commissioner's Forum**
7. **Adjourn**

**The Minutes of the City of Ocean Springs
Planning Commission
Tuesday, June 14, 2022**

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, June 14, 2022. Members present were Matthew Hinton, Marshall Johnson, Michael Davis, Allen Stanfield, and Joseph McCormick. Kevin O'Connell was absent. Also present were Carolyn Martin, Planning & Grants Administrator; Wade Morgan, City Planner; Will Norman, City Attorney; and Amanda Moser, Planning/Grants Coordinator.

2. Approval of Minutes

a) May 10, 2022

A motion was made by M. Hinton seconded by A. Stanfield to accept the minutes as submitted. The motion was carried unanimously.

3. Old Business – None.

4. New Business

- a) 612 Azalea Lane / PID# 61090010.000 – Neal Olive – Requesting to construct a single-family home on a historically platted, legal non-conforming lot.**

W. Morgan introduced the proposal. Input was received from Mimi Massa, who owns property next door, and wanted to express she is in favor of the request. The applicant requested front and rear yard setback variance and the Zoning & Adjustments Board recommend approval just prior to this meeting. The lot is extremely undersized for the zoning district. Public works has reviewed for water/sewer connections.

Neal Olive, applicant, addressed the commission. He presented a letter in favor of the project signed by five (5) neighbors.

A motion was made by A. Stanfield seconded by J. McCormick to accept the letter into the minutes. The motion was carried unanimously.

N. Olive explained the current trailer that is on the property and that he would like to construct a nice, single-family dwelling with a garage to make his main home; he currently resides in D'Iberville during the week.

Brian Wittmers, 515 Azalea Lane, addressed the commission. He went on record in favor of the request.

A motion was made by A. Stanfield seconded by J. McCormick to recommend approval of the construction of a single-family dwelling on a historically platted, legal non-conforming lot at 612 Azalea Lane. The motion was carried unanimously.

b) PUBLIC HEARING: 1203 Lafontaine Avenue / PID# 60137302.000 – Nancy Allen – Requesting a Conditional Use Permit (CUP) to allow a four (4)-unit apartment building to operate within the R1, Single-Family Residential District.

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

W. Morgan introduced the proposal. The applicant has operated a four-unit apartment unit for several years and wishes to obtain a conditional use permit to allow it to be rebuilt if it were destroyed by fire, hurricane, etc.

Nancy Allen, 1402 Hellmers Lane, applicant, addressed the commission. They purchased the property to improve it.

A motion was made by M. Johnson seconded by A. Stanfield to come out of public hearing. The motion was carried unanimously.

A motion was made by M. Johnson seconded by J. McCormick to recommend approval of a conditional use permit for 1203 Lafontaine Avenue. The motion was carried unanimously.

c) PUBLIC HEARING: 1109 Iola Road & 1120 East Cherokee Avenue / PID# 61063029.000 & 61054018.000 – Lars & Michael Larsen & Helen Stennis – Requesting a replat of Lot 29 of the Davidson Hills Subdivision and a Replat of Lots 18 & 19 Block A of the Cherokee Glen North Subdivision.

A motion was made by A. Stanfield seconded by M. Davis to go into public hearing. The motion was carried unanimously.

W. Morgan introduced the proposal. The applicants wish to exchange a small portion of land. Because they are parcels in separate subdivisions it will require two (2) re-plats; one for each. No easements will be impacted.

Lars Larsen, 1109 Iola Road, applicant, addressed the commission. The sale will include a transfer of 24 feet of property.

A motion was made by M. Hinton seconded by M. Johnson to come out of public hearing. The motion was carried unanimously.

M. Davis asked for clarification that Iola would be gaining property and the East Cherokee parcel would be giving the property. W. Morgan confirmed.

A. Stanfield asked what the ending square footage would be. W. Morgan stated the East Cherokee Avenue parcel will be 20,800 sq. ft. in area. A. Moser stated the Iola Road parcel will be 17,041 sq. ft.

A motion was made by A. Stanfield seconded by M. Johnson there were no individuals adversely affected or directly interested in the reconfiguration of Lot 29 of the Davidson Hills Subdivision and Lots 18 & 19 of the Cherokee Glenn Subdivision. The motion was carried unanimously.

A motion was made by J. McCormick seconded by M. Johnson to recommend approval of the reconfiguration of 1109 Iola Road (lot 29 of the Davidson Hills Subdivision) and 1120 East Cherokee Avenue (lots 18 [& 19] of the Cherokee Glenn Subdivision) as requested in the application. The motion was carried unanimously.

d) PUBLIC HEARING: 315 Pine Drive / PID# 61455015.050 – Linda Lindsey – Requesting a Residential Short-term Rental permit.

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

C. Martin introduced the proposal. The applicant will serve as the property manager and satisfies the residency requirement. 53 notices were sent out and a letter of support was received and included in the packet. It passed inspection. The maximum occupancy was requested at ten (10) but reduced to eight (8). The maximum vehicles were requested and approved at three (3). No prior infractions or code enforcement was noted.

A. Phelan asked for clarification on the property manager. The application states the applicant will be the property manager, however the agreements states Chris Dearman.

Linda Lindsey, applicant, addressed the commission. She confirmed Chris Dearman will be the property manager.

Latisha G. Machado, 305 Pine Drive, addressed the commission in opposition to the request. She feels the property is an eyesore and there is garbage all over continuously. She is against short-term rentals.

Tanya Darrow, 4125 Silverwood Drive, addressed the commission in favor of the proposal. She manages about 117 short-term rentals. In order for success of the rental, the property has to maintain.

Liz Sekul, 316 Lovers Lane, addressed the commission in favor of the request. She owns a short-term rental at 2 Evelyn Drive for the past two (2) years. She knows the applicant personally and feels she keeps and maintains her home and yard immaculately. A lot of times short-term rentals are the more nicer homes on the street.

Reese Lindsey, applicant, addressed the commission. He is stunned by the garbage comments. They have lived there for years and are friendly with all their neighbors and have never received a complaint about garbage.

A motion was made by A. Stanfield seconded by M. Johnson to come out of public hearing. The motion was carried unanimously.

A. Stanfield drives by the property all the time and does not feel the garbage comments are regarding this house; maybe some others on the street.

A motion was made by M. Davis seconded by M. Hinton to recommend approval for a short-term rental permit subject to annual renewal. The motion was carried unanimously.

e) PUBLIC HEARING: 811 General Pershing Avenue / PID# 60119390.000 – Ursula & Christopher Monroe – Requesting a Residential Short-term Rental permit.

A motion was made by M. Davis seconded by M. Johnson to go into public hearing. The motion was carried unanimously.

C. Martin introduced the proposal. The owner will serve as the property manager and meets the residency requirement. A notice was sent to 59 property owners and no input was received prior to the meeting. The inspection took place on April 27th and both the six (6) occupancy and two (2) vehicles were approved. No code violations or infractions were reported.

Tanya Darrow, 4125 Silverwood Drive, applicant's property manager, addressed the commission. She manages several properties on the coast.

A motion was made by M. Johnson seconded by J. McCormick to come out of public hearing. The motion was carried unanimously.

A motion was made by A. Stanfield seconded by J. McCormick to recommend approval of the short-term permit at 811 General Pershing Avenue subject to annual renewal. The motion was carried unanimously.

f) PUBLIC HEARING: 808 #3 Desoto Street / PID# 60119106.010 – Robert Dunning – Requesting a Residential Short-term Rental permit.

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

C. Martin introduced the proposal. Chris Dearman will serve as the property manager and meets the residency requirement. There is an active HOA a letter in support of the request was received with the application. A notice was sent to 47 property owners and no input was received prior to the meeting. The inspection occurred on April 28th and was approved with a maximum occupancy of six (6) and maximum vehicles of two (2). No code reports or other infractions were reported.

A motion was made by M. Davis seconded by M. Johnson to come out of public hearing. The motion was carried unanimously.

A. Stanfield noted his concerns with parking. C. Martin clarified that it meets the requirements per the condominium complex.

M. Davis noted a discrepancy with the property manager on the rental agreement. C. Martin assured it would be clarified prior going to the board. The applicant confirmed the correct property manager will be Chris Dearman.

A motion was made by A. Stanfield seconded by J. McCormick to recommend approval of the short-term rental permit at 808 #3 Desoto Street, PID# 60119106.010, subject to annual renewal. The motion was carried unanimously.

g) PUBLIC HEARING: 409 East Beach Drive / PID# 60132310.000 – Jesse & Anett Moskowitz – Requesting a Residential Short-term Rental permit.

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

C. Martin introduced the proposal. The property owner lives on the property and will serve as the property manager. A notice was sent to 17 adjacent property owners. The inspection was conducted on May 4th. The maximum occupancy requested of five (5) was reduced to four (4) and the maximum vehicles was requested and approved at four (4). No input was received prior to the meeting. No code violations or other infractions were reported.

Dempsey Levi, 401 East Beach Drive, addressed the commission in opposition to the request. He is concerned with extensive traffic coming in and out. He questioned four (4) vehicles being allowed and the number of people that can fit in them. C. Martin clarified that a maximum occupancy of four (4) people are allowed to rent the property. He discussed parking and traffic along East Beach Drive.

Satjit Adlakha, 419 East Beach Drive, addressed the commission in opposition to the request. He feels East Beach Drive is very residential and parking is already an issue.

Anett Moskowitz, 409 East Beach Drive, applicant, addressed the commission. She understand traffic concerns, but feels she has adequate parking to prohibit parking on the street. She has family from overseas that comes to visit, and they wish to rent the property out in between visits.

Nancy Allen, 1402 Hellmers Lane, addressed the commission in opposition to the request. She questioned the maximum parking including golf carts, etc. or just vehicles. C. Martin confirmed that golf carts are considered vehicles.

A motion was made by J. McCormick seconded by M. Johnson to come out of public hearing. The motion was carried unanimously.

A motion was made by M. Johnson seconded by J. McCormick to recommend the request for a short-term rental permit for 409 East Beach Drive be approved subject to annual renewal. The motion was carried unanimously.

h) PUBLIC HEARING: An amendment to the Unified Development Code (UDC) for the City of Ocean Springs, Mississippi amending the following sections and chapters: Chapter 3 (Zoning Districts, Building Types, and Uses) and Section 3.9 (Overlay Districts) regarding fences.

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

W. Morgan introduced the proposal. The amendment is to address primarily chain-link fences. Requirements would be made on certain materials within front yards and street side yards. Interior side yards and rear yards would still be allowed to contain chain-link fences. This amendment would affect the Porter Avenue Corridor and Downtown Overlay districts.

M. Davis asked how it would affect construction fencing. W. Morgan and C. Martin clarified it would not be affected since it is temporary fencing.

A. Phelan asked if chain-link fences in side yards could extend past the building line.

W. Morgan agreed it would be consistent with the goal of approving the appearance from the street.

Fence heights were discussed.

Sylvia Bosco, 509 Front Beach Drive, addressed the commission. She discussed fences in historic districts, specifically one constructed by her neighbor on her property line. She asked that if new rules are made, they be followed.

A motion was made by M. Hinton seconded by M. Davis to come out of public hearing. The motion was carried unanimously.

A motion was made by M. Johnson seconded by J. McCormick to recommend approval of the following amendment related to draft ordinance related to Chapter 3, Sections 3.9.4 and 3.9.95 of the Unified Development Code for the reasons described in detail in the staff report with the following modification: Section 3.9.4.1.2, interior side yard fence of chain-link not extend past the front of the dwelling.

There was discussion on the point of passing. It was decided to remove, "front of the dwelling," and replace it with, "building line." The motion was carried unanimously.

i) PUBLIC HEARING: An amendment to the UDC for the City of Ocean Springs, Mississippi amending the following sections and chapters: Chapter 3 (Zoning Districts, Building Types, and Uses), Table 3.6 (Land Use Matrix), and Chapter 7 (Rules of Construction and Definitions)

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

W. Morgan introduced the proposal. This amendment will set definitions for the types of medical cannabis enterprises. It will also add those enterprises to the Land Use Matrix which determines which zoning districts they can operate in. The state has set minimum district levels. The city can use those limits or increase to a stricter level. The state has also set buffer limits on certain enterprises being within a certain distance of one another.

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

Shea Dobson, 2011 Stuart Avenue, addressed the commission. He discussed needing clarification of parking lots being included in the buffer measurements. A. Phelan clarified the state sets that limit and the city would not define it.

A motion was made by M. Johnson seconded by M. Davis to come out of public hearing. The motion was carried unanimously.

A. Phelan discussed adding a Conditional Use Permit (CUP) requirement for the C-H, Regional Commercial Districts to allow cultivation enterprises due to having very few industrial zoned parcels.

A motion was made by A. Stanfield seconded by M. Davis to recommend approval of the attached ordinance amending the Unified Development Code to provide regulations for medical cannabis facilities in addition to adding a Conditional Use to CH zoning for cannabis cultivation. The motion was carried unanimously.

5. General Public Comment

6. Commissioner's Forum

Fence heights were discussed.

7. Adjourn

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

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: July 12, 2022

APPLICANT: Craig Smith; Property owners: Shane and Mona Loper

REQUESTED ACTION: Approval of a gravel driveway and gravel parking pad.

DATE OF APPLICATION: June 13, 2022

LOCATION: 300 Ward Avenue / PID#: 61011081.000

ADJACENT ZONING/LAND USE:

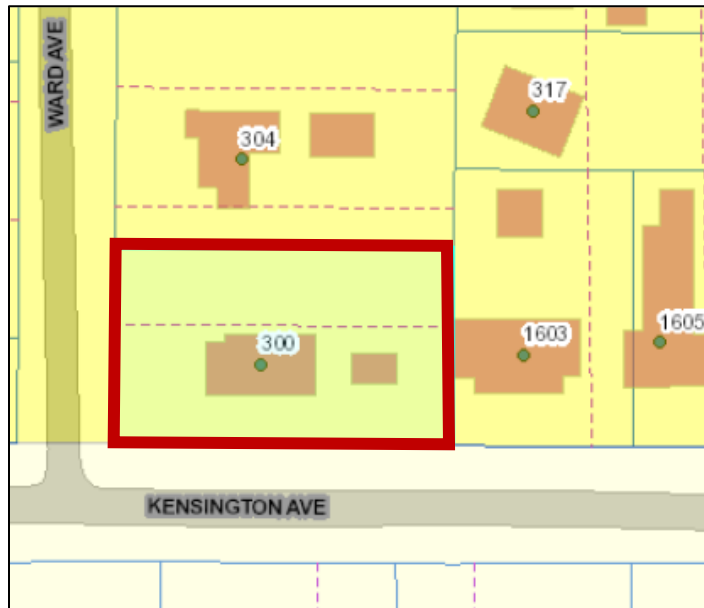
Subject Property: R-2, Single-Family Residential district – a single-family dwelling;

North and East: R-2, single-family residential district – single family dwellings

South: across Kensington Avenue – single-family dwellings;

West: across Ward Avenue – single-family dwellings.

VICINITY



DESCRIPTION OF REQUEST: The applicant requests approval to use gravel for the driveway to the garage on the Kensington Avenue frontage and gravel for a parking pad on the Ward Avenue frontage.

FINDINGS:

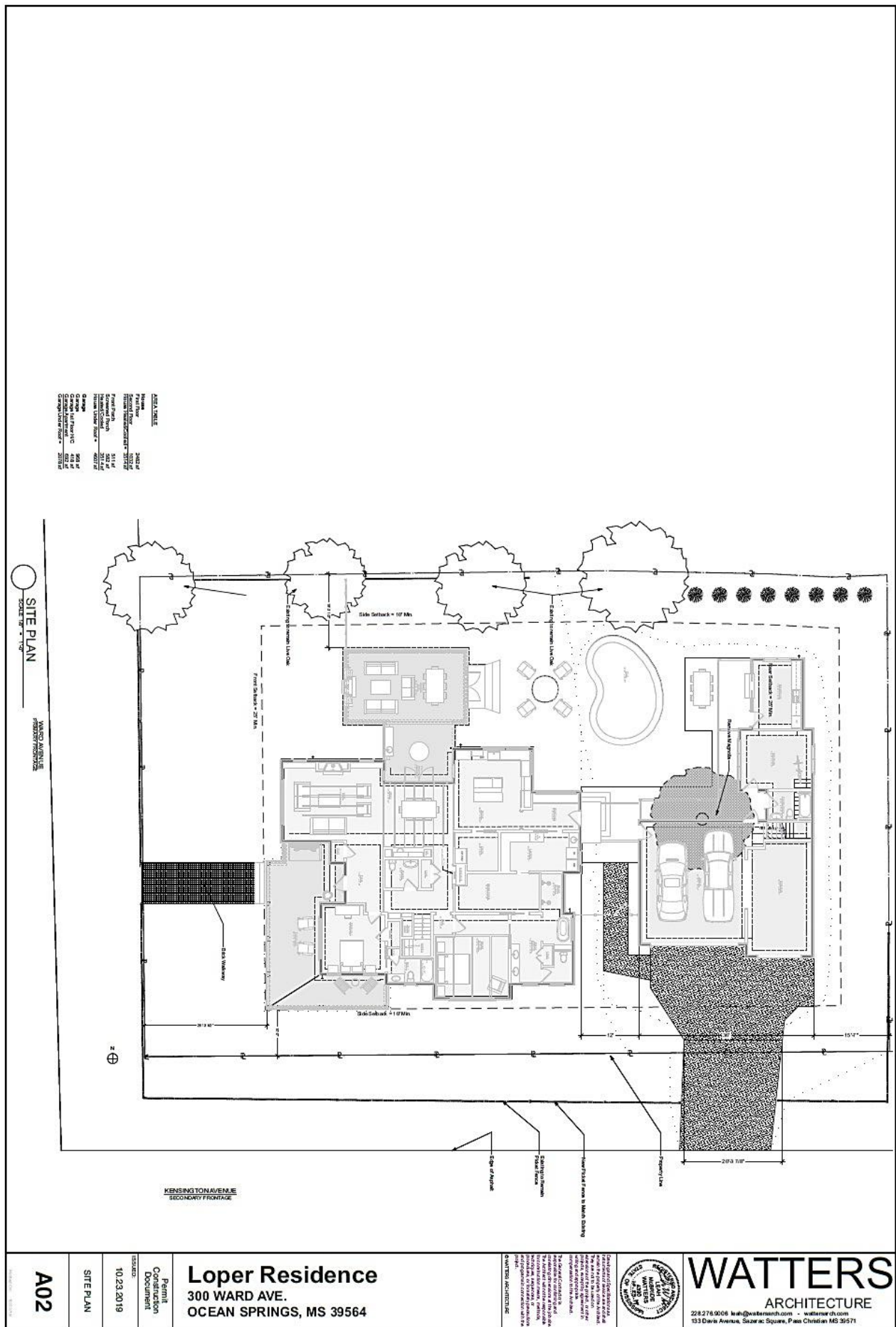
- The standard material for residential driveways and parking areas is asphalt, concrete, or brick/concrete pavers. Crushed limestone, gravel and road millings may be used upon approval of the Planning Commission (section 4.7.4 of the Unified Development Code [UDC]). The UDC also requires the first ten (10) feet of a gravel parking area to be paved with a hard surface in order to contain the gravel within the parking area.
- The proposed gravel driveway and parking pad are consistent with the existing character of the neighborhood. There are seven (7) dwellings on Ward Avenue with gravel driveways or parking pads and three (3) dwellings nearby on Kensington Avenue with gravel driveways.
- **Both the gravel parking pad on Ward and the gravel driveway on Kensington have already been constructed.** Neither have the 10-foot hard surface required by the UDC. A 10-foot hard surface area should be installed as part of the building permits for each gravel driveway, if the use of gravel is approved.

CITY DEPARTMENT COMMENTS:

- PROJECT MANAGER: No objection.
- PUBLIC WORKS:
 - WATER – N/A
 - SEWER – No problem with sewer.
 - DRAINAGE/STREETS – Drainpipes are shallow.
 - WATER DEPT. – The water meters are located just north of their half driveway.

STAFF RECOMMENDATION: Approval of the use of gravel for the driveway and parking pad, provided that a 10-foot-wide hard surface is provided behind the street asphalt.

PROPOSED MOTION: To approve the request for a gravel driveway and parking pad at 300 Ward Avenue, provided that a 10-foot-wide hard surface is provided behind the street asphalt.



DRIVEWAY – KENSINGTON AVE.



PARKING PAD – WARD AVE.



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: July 12, 2022

APPLICANT: James McClendon

REQUESTED ACTION: Approval of a gravel driveway and parking lot for a commercial property

DATE OF APPLICATION: June 13, 2022

LOCATION: 1808 Bienville Boulevard / PID#: 60120280.000

ADJACENT ZONING/LAND USE:

Subject Property:	C-H, Regional Commercial district – undeveloped parcel; a residential structure was recently demolished;
East, West, North and South:	C-H, Regional Commercial District – single-family, two-family, and multi-family residential buildings.

VICINITY



DESCRIPTION OF REQUEST:

- The applicant requests approval of a gravel driveway and parking area for this C-H zoned property. He has also submitted plans for Design Review approval of a 5,931 sq. ft. mixed use, multi-family and office building.

FINDINGS:

- The property is zoned C-H, Highway Commercial, therefore most retail and office uses are permitted. Multi-family dwellings are allowed with the approval of a Conditional Use Permit (CUP).
- The property fronts on the Bienville Boulevard frontage road.
- The proposed mix of uses requires a minimum of 13 parking spaces. At least one (1) parking space must be ADA compliant with a hard surface for the parking space and maneuvering area. The site plan provides 14 parking spaces. However, the site plan and parking area layout will likely have to be revised to incorporate a storm-water detention area, landscaping and other site elements.
- The standard material for commercial driveways and parking areas is asphalt, concrete, or brick/concrete pavers. Crushed limestone, gravel and road millings may be used upon approval of the Planning Commission (section 4.7.4 of the Unified Development Code [UDC]). The UDC also requires the first ten (10) feet of a gravel parking lot to be paved with a hard surface in order to contain the gravel within the parking lot.
- The Planning Commission has previously recommended against gravel parking areas along arterial streets such as Bienville Boulevard. At its meeting on Tuesday, October 8, 2019, the PC recommended denial of a request for a gravel parking lot at a commercial property at 1015 Chaney Street. The Board of Aldermen also denied the request.

OTHER FEEDBACK: none received.

SUMMARY:

- The requested gravel drive and parking area is not appropriate on a commercial development facing Bienville Blvd.

STAFF RECOMMENDATION: DENIAL of the use of gravel for a parking lot surface.

PROPOSED MOTION: To DENY the request for a gravel driveway at 1808 Bienville Boulevard.

To the City of Ocean Springs

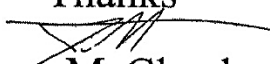
Planning Commission and Board of Aldermen

To: Amanda Moser

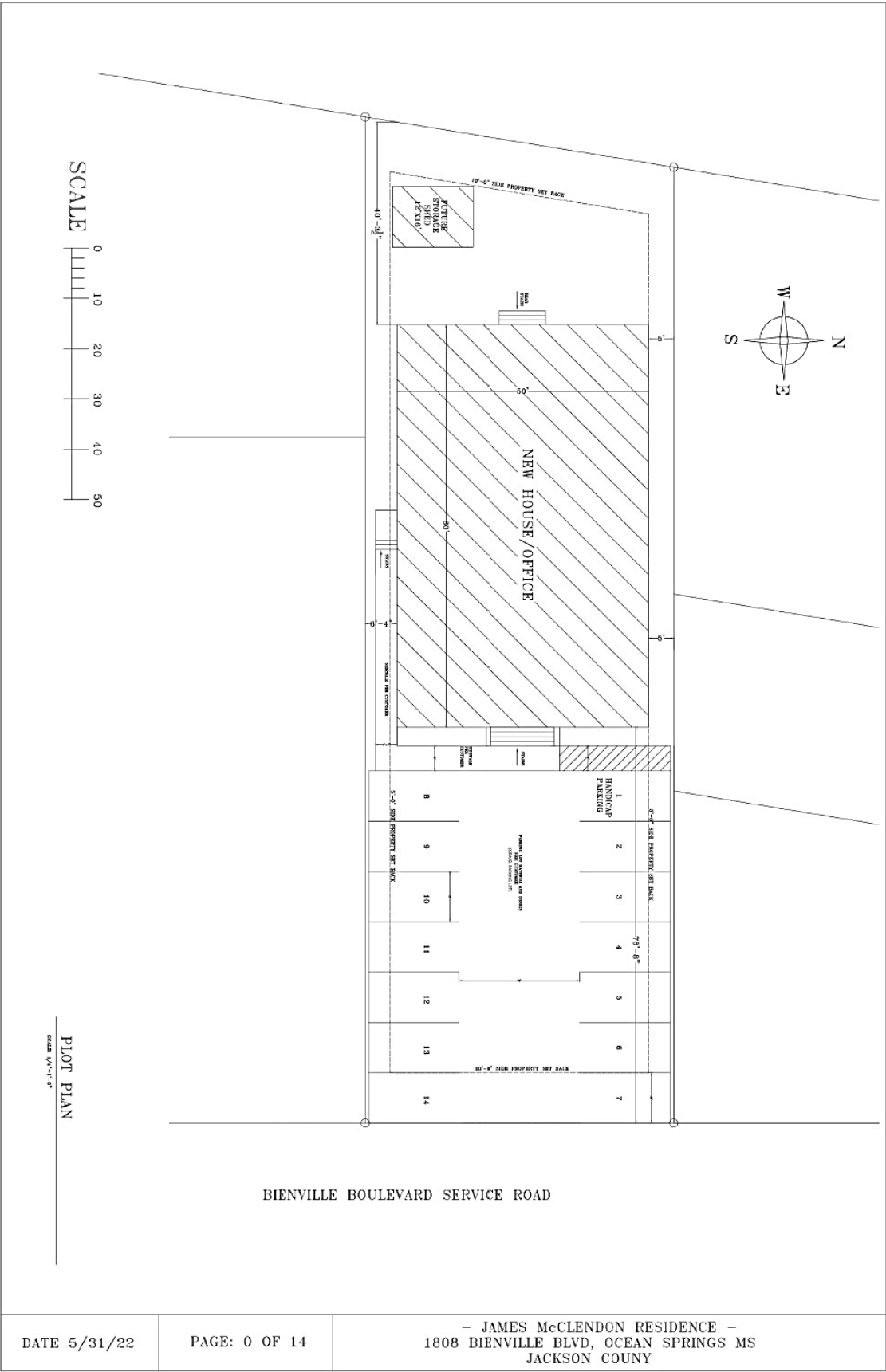
From: James McClendon

I am writing and requesting to seek a front yard variances for my mix property (Commercial and Residential usage) home at 1808 Bienville Blvd, current zoning rules say there must be a 10 feet setback in front yard, I would like to put a gravel parking lot surface (50 x 60) to help with the stormwater drainage calculation and parking spaces.

Thanks



James McClendon



DATE 5/31/22

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- JAMES McCLENDON RESIDENCE -
1808 BIENVILLE BLVD, OCEAN SPRINGS MS
JACKSON COUNTY

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: July 12, 2022

APPLICANT(S): Brantley Broome

CURRENT OWNER? ✓ Yes No

LOCATION: 3074 Government Street / PID# 60128041.000

REQUESTED ACTION: Lot Split to create two (2) parcels.

DATE OF APPLICATION: March 2, 2022

ADJACENT ZONING AND LAND USE:

Subject Property: R-2, Single-Family Residential and C-H Regional Commercial Districts – a convenience store with gasoline sales and a single-family dwelling;

North: R-2 District – single-family residential district; and C-H district – vehicle repair shop;

East: across Government Street – R-1A, Special Apartment Use District – undeveloped parcel;

South: across Curmis Broome Drive - R-2, single-family residential district – single-family dwellings and C-H, regional commercial district – undeveloped parcel;

West: across Morris Noble Road – R-2, single-family residential district – Clay Boyd Park.

CURRENT CONDITIONS:

- Property Size: 3.68 acre total

CURRENT ZONING:



MEMO

- Page 2 of 3



FINDINGS:

- The distances from the convenience store and metal building to the proposed lot line are not provided on the survey but appear to be less than the minimum setback distances. The C-H district requires a minimum 10-foot rear yard setback. Accessory buildings have a standard 5-foot setback from side and rear property lines. The proposed lot split may create non-conforming structures.
- If the required building setback distances for the convenience store and metal building cannot be provided, the proposed lot boundary should be shifted westward so that the metal building is within Parcel A, with a 5-foot setback distance from the parcel boundary.
- A 10-foot-wide private sanitary sewer easement shall be designated along the existing sewer line extending through Parcel B.

CITY DEPARTMENT COMMENTS:**PUBLIC WORKS:****WATER DEPT.:**

1. A water tap must be requested at the Public Works office at 228-875-3955. All costs associated with the water tap is the responsibility of the homeowner/developer/owner.
2. No water on Curmis Broome Rd.
3. Existing water runs in this property for store.
4. All work to be done by the developer; need to know what water will be needed.

SEWER DEPT.:

1. A sewer tap must be requested at the Public Works office at 228-875-3955. All costs associated with the sewer tap is the responsibility of the homeowner/developer/owner.
2. What will be done with the existing sewer line that runs through the lot split?
3. Existing sewer system will need a load capacity check.
4. Morris Noble rd. gravity sewer is about 3 ft. deep and clay pipe.
5. Government St. has a pressure force main.

DRAINAGE/STREET:

Site has poor drainage.

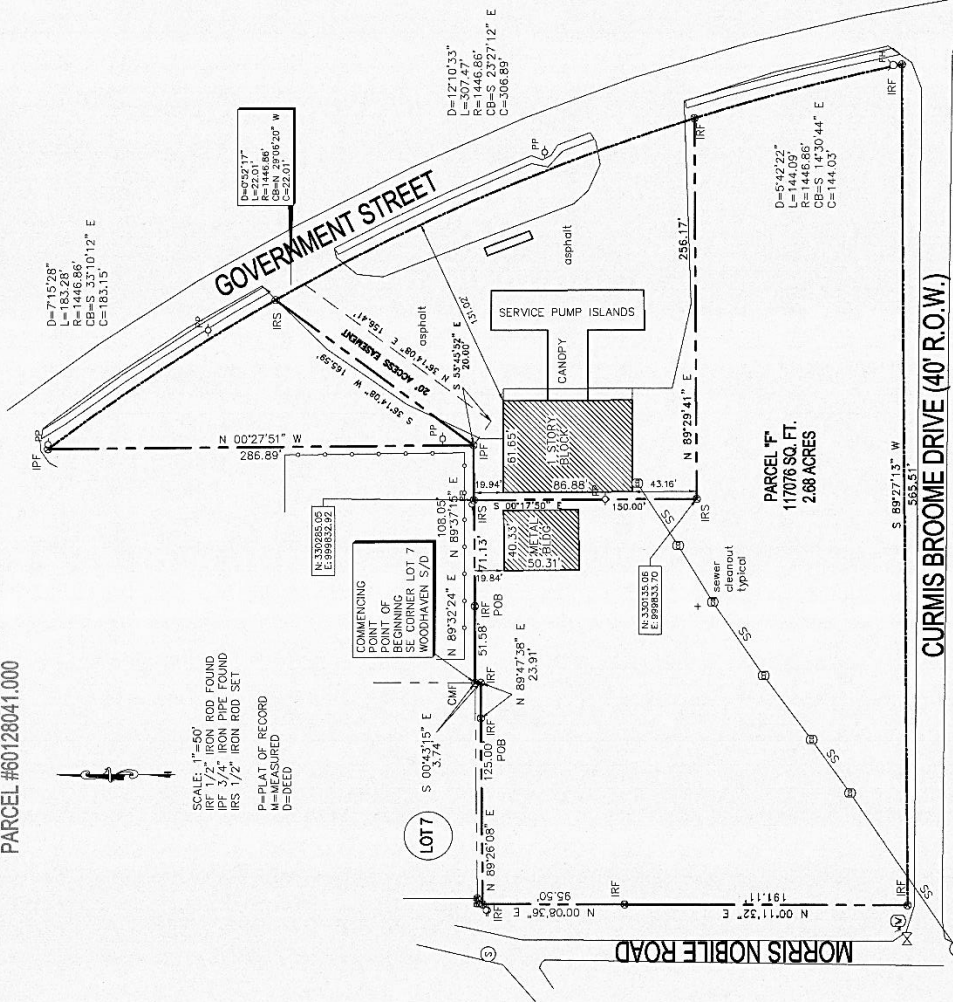
OTHER FEEDBACK:

- No public input was received on this issue.

RECOMMENDATION: Approval of the lot split, on the condition that the minimum building and accessory structure setback distances are provided.

PROPOSED MOTION: To recommend approval of the lot split of 3407 Government Street as described in the application and survey and on the condition that the minimum building and accessory structure setback distances are provided.

3074 GOVERNMENT STREET
SECTION 28, TOWNSHIP 7 SOUTH, RANGE 8 WEST
OCEAN SPRINGS, JACKSON COUNTY, MISSISSIPPI
PARCEL #60128041.000



LEGAL DESCRIPTION (PARCEL "F")

A parcel of land situated in Section 28, Township 7 South, Range 8 West, Ocean Springs, Jackson County, Mississippi, better described as follows, to-wit:

Beginning at a concrete monument found at the Southeast corner of Lot 7, Woodhaven Subdivision, Part 3, as recorded in Plat Book 10, Page 34 of the records of the Chancery Clerk of Jackson County, Mississippi, thence N 89°32'24" E 51.58 feet to an iron rod found, thence N 89°37'15" E 71.13 feet to an iron rod, thence S 25°17'00" E 150.00 feet to an iron rod, thence N 89°29'41" E 256.17 feet to an iron rod, thence N 89°29'41" E 144.03 feet to an iron rod, thence along a curve concave to the west having a radius of 1446.86 feet for a distance of 144.09 feet, having a chord bearing of S 14°30'44" E for a chord distance of 144.03 feet to an iron rod at the intersection of said North Margin of Curmis Broome Drive to on road at the intersection of said North Margin of Curmis Broome Drive to on road at the intersection of said East Margin of Morris Noble Road and the North margin of Curmis Broome Drive, thence N 00°11'32" E 19.11 feet to an iron rod, thence N 00°08'36" E 125.00 feet to an iron rod, thence N 89°47'38" E 23.91 feet to an iron rod, thence N 00°43'15" W 3.74 feet to the Point of Beginning. Said parcel contains 11706 square feet or 2.68 acres. Bearings based on GPS Observation, Mississippi East Zone, convergence angle on GPS Observation, Mississippi East Zone, convergence angle factor 0.999900 per survey by Gary A. Durbin, P.L.S. dated December 10, 2018.

This survey does not reflect a title search by Gary A. Durbin, P.L.S., nor should it be considered as such.

This is a "Class B" survey per "The Minimum Standards for the State of Mississippi."

Bearings based on GPS Observation of the east margin of Rich Avenue, NAD 83, MS East Zone, convergence angle -0.130445, scale factor 0.999900.

This property is situated in Zone "X" per FEMA Flood Insurance Rate Map, Jackson County, Mississippi, Community Panel Number 2809C-0281-G, Revised: 5/19/06.

This is to CERTIFY that this plat or map and the survey on which it is based were made in accordance with the Standards of Practice for Land Surveying in the State of Mississippi.

Gary A. Durbin, P.L.S.
December 12, 2018
December 12, 2018
Revised: May 20, 2020
Revised: May 20, 2020
Revised: June 5, 2022

CURMIS BROOME DRIVE (40' R.O.W.)

REFERENCE:
NEW PLAT WOODHAVEN, PERRY RANSOM, P.L.S. DATED 06/15/67
SURVEY BY PERRY RANSOM, P.L.S. DATED 07/15/67
SURVEY BY DANIEL SEYMOUR, P.L.S. DATED 10/28/80
SURVEY BY EDDIE WELLS, P.L.S. DATED 4/22/85
SURVEY BY DANIEL SEYMOUR, P.L.S. DATED 05/09/88
SURVEY BY MENHNETT, P.L.S. DATED 06/18/96



JOB 202400
GARY A. DURBIN, P.L.S.
PROFESSIONAL LAND SURVEYOR
2081 TRAILWOOD DRIVE, BILLOXI, MS, 39532
PH: (228) 365-3632



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

Ocean Springs Planning Commission
PO Box 1800
Ocean Springs, MS 39564
228-875-4415 (Phone)

(LOT) PARCEL RECONFIGURATION/SPLIT APPLICATION

Indicate Request:

SPLIT



RECONFIGURATION



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

Lot/Parcel Reconfiguration/Split \$200

Application Date: 5/10/22 (Applications are due by the 7th of each month.)

Anticipated Planning Commission Meeting Date (Planning Dept to complete): _____

Applicant Information

Address of Lot/Parcel(s): 3074 Government St Ocean Springs, MS 39504

Parcel ID(s): 60128041.000 Parcel B, C, D, E

1. Applicant: Broome's Enterprise Phone 228-297-0118 / 228-324-5815
Address 1801 Gov't St Ocean Springs MS Email brantleybroome@yahoo.com
2. Local Agent: _____ Phone _____
Address _____ Email _____
3. Owner of Record: Broome's Enterprise Phone 228-297-0118 / 228-324-5815
Address _____ Email _____
4. Engineer: _____ Phone _____
Address _____ Email _____
5. Land Surveyor: _____ Phone _____
Address _____ Email _____
6. Attorney: _____ Phone _____
Address _____ Email _____

Property Information

1. Tax Map Designation: Section 28 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): CH + R2
4. Current lot area (sq. ft.) 95,075 sq ft

Reconfiguration Request

1. Describe lot split/reconfiguration request (existing and proposed size of lot(s), reason for request, etc.).

to combine parcels and rezone for R1A
SPLIT into 2

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

1



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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? N/A

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.

Submitted/ Complies?		Requirement
Applicant	City	
☐		Application complete and submitted.
☐		Application fees paid in full.
☐		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 nonconforming 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.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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) Brantley Broom, Barry Broom, Curmis Broom, 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: Brantley Broom, Barry Broom, Curmis Broom

Parcel ID(s): 001 280 41.000

Date Property Acquired Date: _____

Book and Page of Each Conveyance: _____

Owner's Signature [Signature] Date 5/10/22

Barry Broom
Curmis Broom

STATE OF MS

COUNTY OF Jackson

I BRANTLEY BROOM, BARRY BROOM, CURMIS BROOM hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 1801 Government St.
Ocean Springs, MS 39564

Subscribed and sworn before me this 10th day of May, 2022.

My commission expires _____



[Signature]

Regulations of the Unified Development Code:

Lot Split: Section 2.30

Parcel Reconfiguration: 2.43

Plat Amendment: 2.23

4

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: July 12, 2022

APPLICANT(S): Jake Travis, DBA First Presbyterian Church of Ocean Springs
CURRENT OWNER? Yes ☒ No
If No, - List Current Owner: Dora Margaret Gambrell

LOCATION: 320 Jackson Avenue / PID# 60137416.000

REQUESTED ACTION: Approval of a Conditional Use Permit (CUP) for church-related offices (Religious Institution Use) in an R-1, Single-Family Residential District.

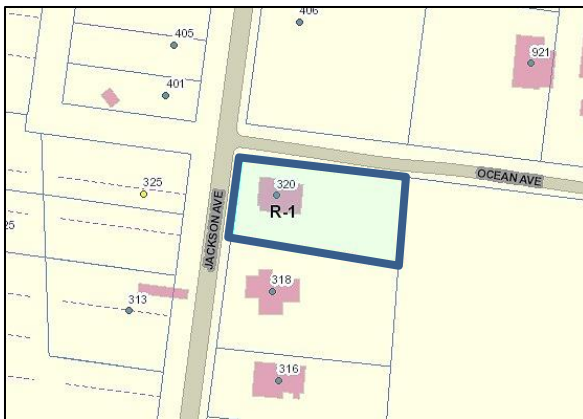
DATE OF APPLICATION: June 2, 2022

ADJACENT ZONING AND LAND USE:

Subject Property: R-1, Single-Family Residential District – a single-family dwelling;
North: across Ocean Avenue, R-1 District – gravel parking lot for Ocean Springs Presbyterian Church;
East: R-1, single-family residential district – undeveloped, city-owned property;
South: R-1, single-family residential district – single-family dwellings;
West: across Jackson Avenue, R-1, single-family residential district – single-family dwellings.

CURRENT CONDITIONS:

- Property Size: 21,448 sq. ft.



DESCRIPTION OF REQUEST:

- The applicant requests approval of a CUP to use 320 Jackson Avenue for office space for ministerial staff of the First Presbyterian Church. The church will allow its parking lot on the north side of Ocean Avenue to be used for parking.

FINDINGS:

- Religious institutions and their accessory uses may be permitted in the R-1, single-family residential district through the issuance of a CUP with a site plan adopted by the Planning Commission 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.
- The application and site plan indicate that the house will be used in its current condition for offices. Any expansion of the building or parking area will require an amendment to the CUP.
- The property is in the Old Ocean Springs Historic District. Any additions or alterations to the building exterior will require the approval of a Certificate of Appropriateness (COA) by the Historic Preservation Commission (HPC) and the BOA.
- COMPREHENSIVE PLAN: The following policies address institutional uses in residential areas:
 - Policy 4.3: Ensure that land uses abutting residential development are compatible with the scale, intensity and overall character of the neighborhood. Note: This policy is intended to facilitate a mix of residential unit types and better integration of residential and non-residential uses through the use of creative design, including the architecture, landscaping, building orientation, parking layouts, building scale and setbacks.
 - Policy 4.11 - Protect stable single-family neighborhoods from the intrusion of incompatible residential and non-residential land uses. This policy is intended to protect neighborhoods from blighting influences; it is not intended to preclude development of different types of residences, neighborhood commercial centers or community services within neighborhoods if they can be designed and maintained in a manner that enhances neighborhood stability.

OTHER FEEDBACK:

- Two letters were received and are attached for reference. One is in support of the request and the other in opposition.

RECOMMENDATION: APPROVAL.

PROPOSED MOTION: To recommend approval of a Conditional Use Permit for the use of 320 Jackson Avenue for religious institutional use for ministerial offices as described in the application and the associated site plan.



Ocean Springs Planning Commission
PO Box 1800
Ocean Springs, MS 39564
228-875-6712 (Phone) 228-872-5427 (fax)

CHANGE IN ZONING / USE PERMIT APPLICATION

Office Use

Date Received _____

Received by _____

☐ App Fee Paid / Cash/Ck# _____

☐ Mallout Fee: \$ _____

☐ Mallout Pd: Cash / Ck# _____

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

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

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

Certified 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: June 2, 2022

(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): 320 Jackson Avenue

Parcel ID(s): 60137416.000

- | | |
|---|--|
| 1. Applicant: <u>Jake Travis DBA: First Pres. Church O.S.</u> | Phone: <u>(228) 875-5236</u> |
| Address: <u>921 Ocean Avenue, OS, MS 39564</u> | Email: <u>jake@hsmarineprops.com</u> |
| 2. Owner of Record: <u>Dora Margaret Gambrell</u> | Phone: <u>(228) 218-1501</u> |
| Address: <u>320 Jackson Avenue, OS, MS 39564</u> | Email: <u>margaretgambrell@gmail.com</u> |

COMPLETE THE FOLLOWING:

- Current Zoning classification of property: R1
New Zoning District Requested (if applicable): _____
- Explain the present use of the property and condition of any existing structures:
The existing house is vacant and has previously been used as a single family home.
The home inspection report indicates that the structure and its systems have been well maintained and are in good working order.
- Describe the intended use of property:
First Presbyterian Church of Ocean Springs intends to use the space in accordance with the F6600 Religious Institution use for office space for ministerial staff.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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.*

ATTACHMENTS REQUIRED:

- ☒ 1. Application Fee. Amount \$ 250.00
- ☒ 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

Dora Margaret Gambrell

Print name

June 2, 2022

Date

Signature of Applicant

Jake Travis DBA: First Pres. Church O.S.

Print name

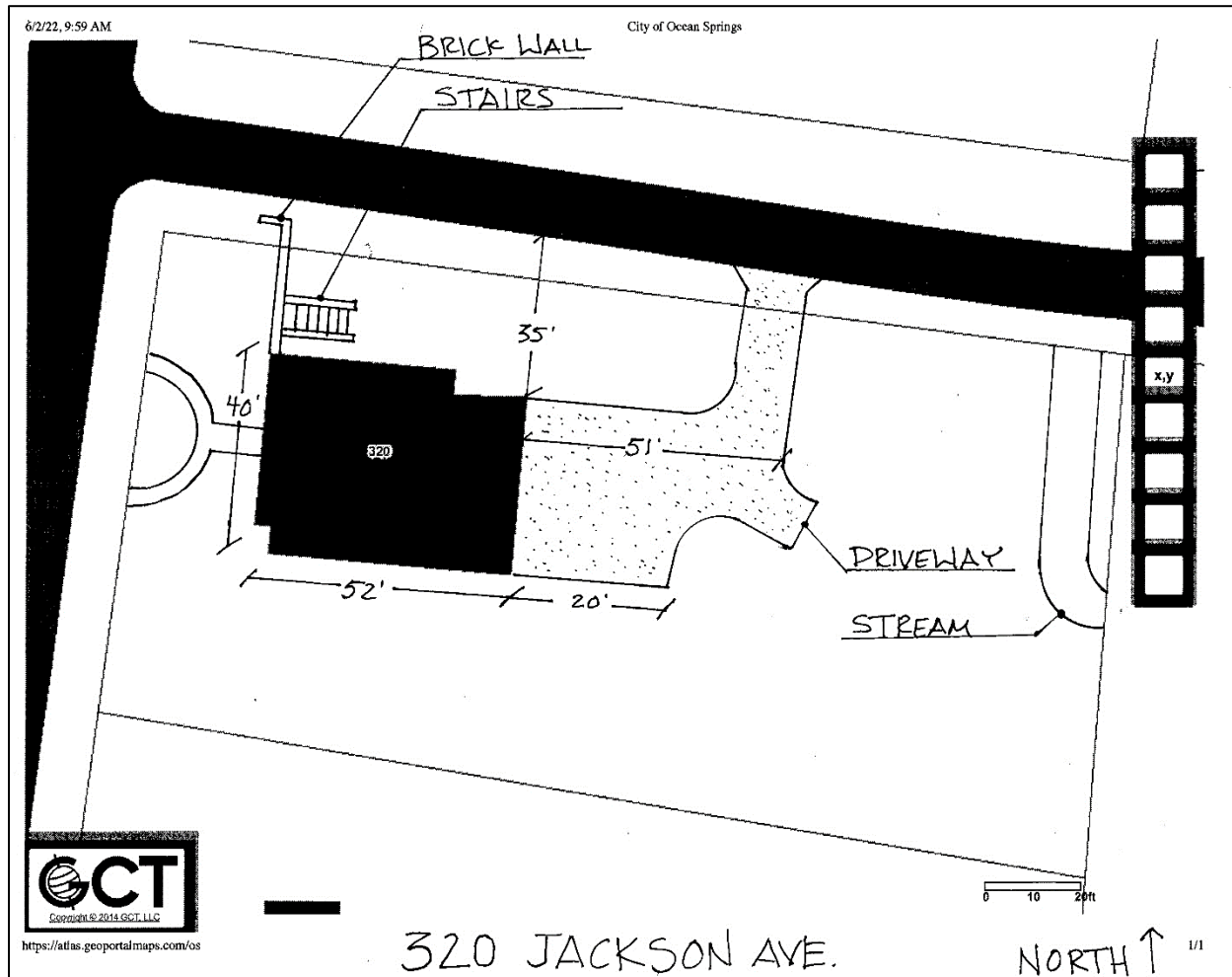
June 2, 2022

Date

Office Use Only: APPROVALS

Public Works Date: _____ / _____ Planning Department Date: _____
City Engineer Date: _____

SITE PLAN:



PARKING AGREEMENT:

FIRST PRESBYTERIAN CHURCH
TO KNOW CHRIST AND TO MAKE CHRIST KNOWN TOGETHER

May 26, 2022

To whom it may concern,

First Presbyterian Church consents to allow the users of 320 Jackson Avenue the right to park at the existing parking area at the northeast corner of Jackson Avenue and Ocean Avenue.

Sincerely,



Kory Duncan
Associate Pastor

Jake Travis
Elder



228.875.5326



info@fpcosms.com



fb.com/fpcosms



www.fpcosms.com

921 OCEAN AVENUE | OCEAN SPRINGS, MS 39564

Jack Gottsche
416 Jackson Avenue
Ocean Springs, MS 39564

July 2, 2022

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

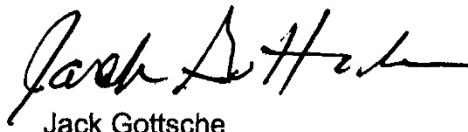
Re: Public Notice
320 Jackson Ave, Ocean Springs, MS
PID 60137416.000

Dear Ms. Martin:

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

This letter is to advise that I have no objections to the matter.

Sincerely,



Jack Gottsche

RECEIVED

JUL - 7 2022

**CITY OF OCEAN SPRINGS
PLANNING DEPARTMENT**

From: [ANDREW CAMBRE](#)
To: [Amanda Moser](#)
Subject: 320 Jackson Ave CUP
Date: Friday, July 01, 2022 11:07:31 AM

July 1, 2022

City of Ocean Springs Community Development and Planning
Ocean Springs, Ms

Dear Planning Commission,

Kerri and I are writing to oppose the request of a Conditional Use Permit for 320 Jackson Avenue. Our property at 403 Jackson Avenue was purchased relying on the zoning ordinance that is currently in place. The decision we made at the time of our purchase was based on building a house in a residentially zoned area. Having an office building at 320 Jackson Ave is not compatible with the adjoining properties. Jackson Ave is one of the oldest streets in Ocean Spring with beautiful historic homes, what's to prevent other surrounding houses or property from becoming office space in the future?

The Presbyterian Church currently owns approx. 4 acres of land on Ocean Avenue that could be used or there are other locations downtown that are already zoned for offices space.

Section 2.18.3 "Initiation" states that in order to request a Conditional Use Permit, one has to be either an owner or authorized representative, which one of these applies to the Presbyterian Church?

Thank you for your consideration,
Andrew and Kerri Cambre
Property owners- 403 Jackson Ave
228-324-4177

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: July 12, 2022

APPLICANT(S): Avalon Springs, LLC

CURRENT OWNER? ✓ Yes No

LOCATION: 2302 Bienville Boulevard / PID# 60120390.000, 60120390.050 and 60129570.200

REQUESTED ACTION: Approval of a Conditional Use Permit (CUP) for multi-family dwellings in the C-H, Regional Commercial District.

DATE OF APPLICATION: June 7, 2022

ADJACENT ZONING AND LAND USE:

Subject Property: C-H, Regional Commercial District – undeveloped land (formerly a golf driving range and a commercial building) and a cell phone tower;

North: C-H, Regional Commercial District – commercial development along Bienville Boulevard;

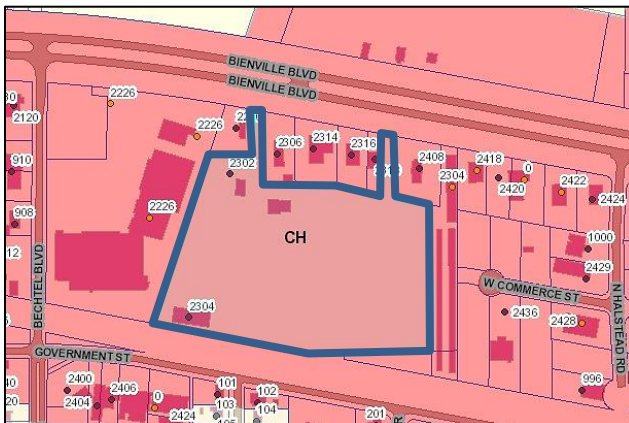
East: C-H, Regional Commercial District – mini-storage warehouses;

South: C-H, Regional Commercial District – CSX Railroad;

West: C-H, Regional Commercial District – Gulf Breeze Plaza shopping center.

CURRENT CONDITIONS:

- Property Size: 11.87 acres.



DESCRIPTION OF REQUEST:

- The applicant requests approval of a CUP for a 270 dwelling unit apartment complex on a property that is zoned C-H, Regional Commercial District. The development consists of 15, three-story buildings. The development will have two (2) entrance drives onto Bienville Boulevard.

FINDINGS:

- Multi-family apartment 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.
- **COMPREHENSIVE PLAN:** The following policies address 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 multi-family developments. The proposed development has a density of 22.75 dwelling units per acre, so it is within the allowed density.
- The 545 total parking spaces complies with the UDC requirement for a minimum of two (2) parking spaces per dwelling unit.
- The only amenity shown on the site plan is a pool. Staff suggests that a walking path or sidewalk be provided along the south property line, connecting the proposed sidewalks that terminate at the end of each parking area to each other and with the trash dumpsters. This will also provide more convenient access to the dumpsters.
- **If the CUP is approved, a Design Review application must be submitted to include the site plan as approved as part of the CUP.** The apartment development will have to provide adequate storm-water management and detention, open space and landscaping, fire protection and other design considerations.

OTHER FEEDBACK:

- No public input was received on this issue.



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

Ocean Springs Planning Commission
PO Box 1800
Ocean Springs, MS 39564
228-875-6712 (Phone) 228-872-5427 (fax)

Office Use

Date Received _____

Received by _____

☐ App Fee Paid / Cash/Ck# _____

☐ Mailout Fee: \$ _____

☐ Mailout Pd: Cash / Ck# _____

CHANGE IN ZONING / USE PERMIT APPLICATION

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

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

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

Certified 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: 6/7/22

(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): 2302 Bienville Blvd & 2306 Bienville Blvd, Ocean Springs MS
Parcel ID(s): 60120390.000, 60129570.200, 60120390.050

1. Applicant: Avalon Springs LLC Phone: 228-282-5001
Address: 528 Jackson Ave Email: bryant.harvey1970@gmail.com
2. Owner of Record: Same Phone: _____
Address: _____ Email: _____

COMPLETE THE FOLLOWING:

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

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

Vacant Land

3. Describe the intended use of property:

Apartment Complex



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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.*

ATTACHMENTS REQUIRED:

- ☒ 1. Application Fee. Amount \$ 250.00
- ☐ 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

Bryant Harvey

Bryant Harvey
Print name

6/7/2022
Date

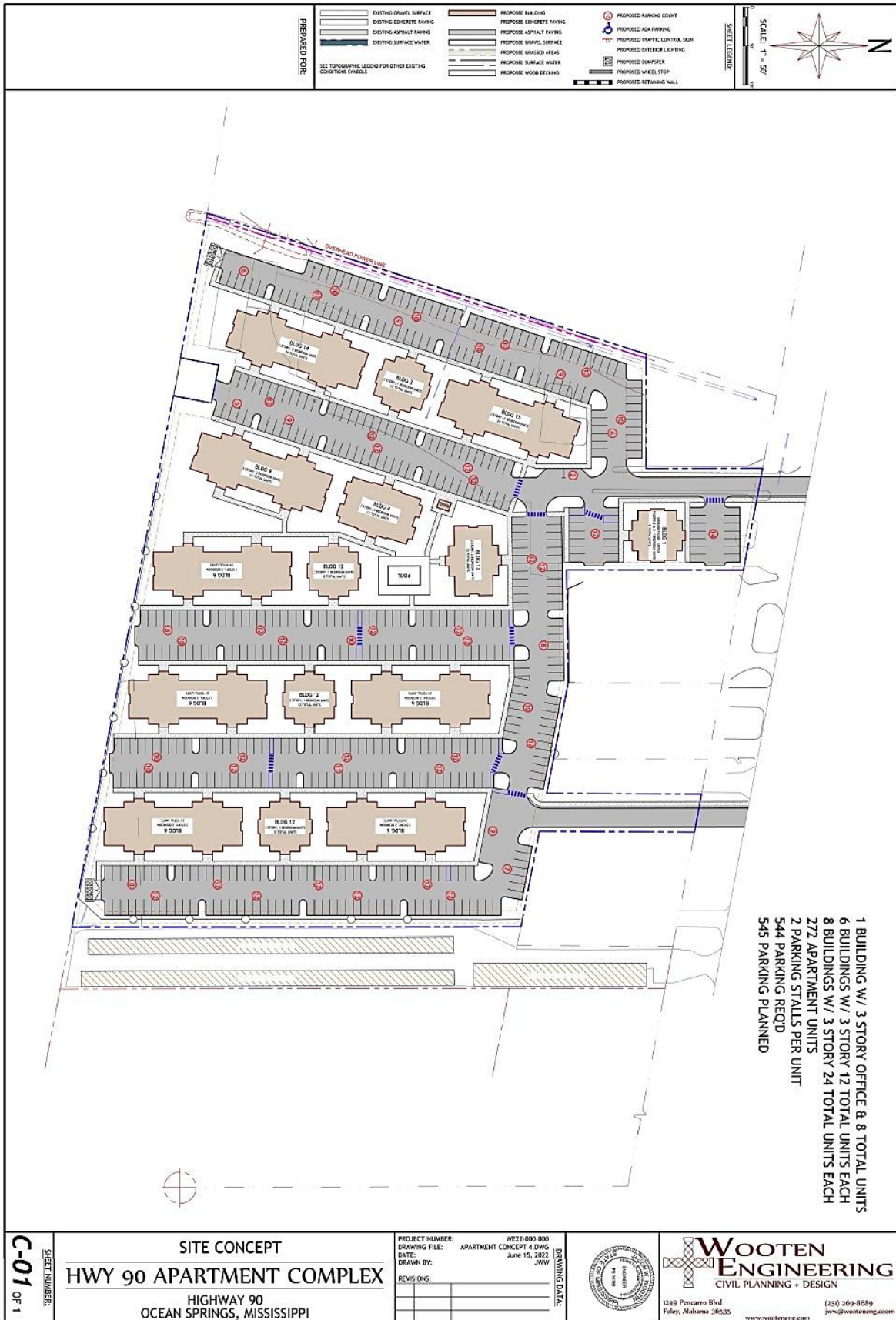
Signature of Applicant

Print name

Date

Office Use Only: APPROVALS

____ Public Works Date: _____ / _____ Planning Department Date: _____
____ City Engineer 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, July 12, 2022

APPLICANT: Tyler Smith

LOCATION: 1208 Bowen Avenue / PID#: 61190012.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: MARCH 29, 2021

ADJACENT ZONING/LAND USE:

Subject Property: R-2, Low-Medium Density, Single-Family Residential

North, South, East, West: R-2, Low-Medium Density, Single-Family Residential

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05 and 2021-25, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located on Bowen Avenue west of Russell Avenue



FINDINGS:

- **Local Property Manager:** The applicant will serve as the local property manager. With an address of 630 Washington Avenue, Suite D1, the residency requirement of within two (2) miles of the city limit is satisfied.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA.
- **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 75 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 5/5/22 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested a maximum occupancy of 6 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:

- No input was received.

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

Office Use	
Date Received	<u>3/29/21</u>
Received by	<u>A. Moscu</u>
App Fee Paid \$	<u>200</u>
	☒ Chk or CC? <u>1518</u>

RESIDENTIALLY-ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 3/29/21

Submittal Requirements:

- 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.
- Fee of \$200 must be paid at the time application is submitted [includes occupancy inspection fee]. ~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 AND ARE NOT TRANSFERRABLE.

REQUIRED INFORMATION:

- Address of Applicant Property: 1208 Bowen Ave. Ocean Springs, MS 39564
- Parcel Identification Number: 61190012.000 Number of bedrooms: 3
- Proposed maximum # guests: 6 Number of existing off-street parking spaces: 2
- ☐ Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a letter of support from the HOA must be included with the application.

Name of Property Owner/Applicant <u>Tyler Smith (T. Smith Investments, LLC)</u>	
Address <u>630 Washington Ave. Suite D1 Ocean Springs, MS 39564</u>	
Phone No. <u>601-695-0230</u>	
Name of Local Property Manager <u>T. Smith Investments, LLC</u>	
[Must RESIDE within two (2) miles of the OS City Limits] Address <u>630 Washington Ave Suite D1</u>	
<u>Ocean Springs, MS 39564</u>	
Phone No. <u>601-695-0230</u>	Signature: <u>[Signature]</u>

Copy of Ordinance 2015-11 Received: TS (initials) Copy of Ordinance 2019-19 Received: TS
Copy of Ordinance 2018-02 Received: TS (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) Tyler Smith, 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, to the best of my knowledge, 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: Tyler Smith

Parcel ID(s): 61190012.000

Date Property Acquired: 12/15/21

Owner's Signature [Signature] Date 3/29/21

.....

Office Use Only

Date of Inspection: 5/05/22

Maximum Occupancy Determination: 6

Maximum Parking Spaces: 2

PC Public Hearing Date: 7/12/22

Result of Occupancy Inspection: PASSED

(attached)

Permit Renewal Date: _____

BOA Approval Date: _____

Revised 08/12/2020

2 | Page

ADDRESS: 1208 Bowen Avenue



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

PLANNING DEPARTMENT

P.O. Box 1800 / Ocean Springs, MS. 39566

Phone 228-875-4415 Fax 228-872-5427

RESIDENTIALLY-ZONED SHORT TERM RENTAL – OCCUPANCY INSPECTION FORM

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

All Occupancy Inspections are done at 10am

The following items must be complete prior to inspection:

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

- ☒ Adequate garbage receptacles
- ☒ Smoke detectors in all bedrooms and hallways.
- ☒ Carbon monoxide detectors if there is gas service.

☒ Identified # of Bedrooms: 2

☒ Proposed # of Guests: 6

Approved # of Guests per OSFD: 6

☒ Proposed # of vehicles: 2

Approved # of vehicles per OSFD: 2

Property Owner: Tyler Smith

Contact Name: _____

Phone #: 601-695-0230

Phone #: _____

.....
Date of Inspection: 5-5-22

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature]

Property Owner: [Signature]

Fire Marshall: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



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

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

PUBLIC NOTICE is hereby given that the City of Ocean Springs **PLANNING COMMISSION** will hold a public hearing on the date listed below to consider an application for a Short-Term Rental Permit per Ordinance no. 2015-11 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: 1208 Bowen Avenue

Public Hearing Date/Time: July 12, 2022 at 6:00 p.m.

Applicant Tyler Smith

Local Contact Tyler Smith

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, again on December 17, 2019, and again on December 7, 2021. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

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

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager, if one is assigned, **MUST** reside within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional "bed tax" required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$200 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

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

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

Complaint Contact Information:

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at 228-875-4415 or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
 - 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
 - 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
 - 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
 - 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with an active Homeowner's Association (HOA) must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable.
 - 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
 - 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

Questions and/or written comments can be sent to the Planning Department up to the day of the hearing and will be provided to the Planning Commission for consideration. Comments can be sent to:
1018 Porter Avenue, Ocean Springs, MS 39564.

VACATION SHORT TERM LEASE AGREEMENT

THIS VACATION SHORT TERM LEASE AGREEMENT (this "**Agreement**") is made by and between T. Smith Investments, LLC, ("**Owner**"), and _____ ("**Guest**") to be effective as of the date last written on the signature page of this Agreement (the "**Effective Date**"). Owner and Guest may be referred to individually as Party (the "**Party**") and collectively as "Parties" (the "**Parties**"). For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree as follows:

WITNESSETH:

1. **Basic Provisions.** The following basic provisions of this Agreement ("**Basic Provisions**") constitute an integral part of this Agreement and are set forth in this Section 1 for the convenience of the parties. Each reference in this Agreement to a Basic Provision shall be construed to incorporate all of the terms provided for under such provisions.

- (a) Leased Premises: 1208 Bowen Avenue
(the "**Property**") Ocean Springs, MS 39564
- (b) Description: Furnished rental house with three (3) bedrooms and three (3) bathrooms
- (c) Amenities: Microwave, dishwasher, refrigerator, washer/dryer, cable, wi-fi, linens, cleaning supplies* and toiletries*
- (d) Furnishings: One (1) King bed, One (1) Queen bed, Two (2) sleeper sofas, kitchen table, couch.

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

2. **Maximum Occupancy.** The maximum number of persons allowed to stay in the Property is limited to six (6). All persons staying at the Property (the "**Rental Party**") will be bound by the terms of this Agreement. Only persons listed on this Agreement may stay in the Property. The Rental Party shall be Guest plus the following persons:

First & Last Name	Relationship to Guest

3. **Visitors.** A visitor is an occupant of the Property who is not staying overnight. The total number of persons permitted in the Property at any given time, *including visitors*, is six (6).

4. **Rental Period & Check-In.** The Property requires a two (2) night minimum stay. The term of this Agreement will be from _____, 2022 ("**Arrival Date**") to _____, 2022 ("**Departure Date**"). The Property will be ready for Guest's occupancy beginning at 3:00 PM CST on the Arrival Date and the Property must be vacated by 11:00 AM CST on the Departure Date, unless otherwise agreed by Owner. If Guest or any member of the Rental Party remains on the Property beyond the Departure Date, Guest will be responsible to pay the rental rate prescribed in Section 7 below for the period of time between Departure Date and the actual date Guest and all members of the Rental Party vacate the Property.

5. **Keys & Access Codes.** Owner will provide Guest with one (1) key, which will unlock the front door to the Property. Guest is not allowed to make duplicate keys. A fee of \$__ will be charged to Guest for failure to return a key. Any attempt to access a locked area is just cause for immediate termination of this Agreement, forfeiture of all rent paid, and Guest will be liable for any missing items or damage.

6. **Rental Rules & Restrictions.** Guest agrees to abide by the following restrictions by Owner (the "**Rules**"):

- (a) Smoking is not permitted inside the Property;
- (b) Garbage must be placed in the proper receptacles during the week and receptacles placed curbside on Wednesdays for pickup;
- (c) All Guests and visitors must abide by the City of Ocean Springs' Noise Ordinance (Ordinance NO. 2012-04, attached following Agreement.)

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

7. **Reservation Deposit and Payment.** Guest agrees to pay the rent and fees described below (the "**Total Amount Due**"). A deposit in the amount of One Hundred Dollars (\$100.00) (the "**Reservation Deposit**") is due and payable upon return of this signed Agreement in order to secure Guest's reservation. The Reservation Deposit is non-refundable and will be applied towards the rental rate. Payment in full of the following fees, less the Reservation Deposit, will be due within twenty-four (24) hours of the Arrival Date. Payments may be made via credit/debit card only. Payments via cash or check will not be accepted.

Rental Rate of \$100.00 x ____ Days	\$____.00
Cleaning Service Fee	\$100.00
Total Amount Due	\$____.00
Reservation Deposit (Due Immediately)	(\$100.00)
Total Balance Due	\$____.00

8. Security Deposit. Owner reserves the right, at its discretion, to charge a security deposit at the time of reservation, in the amount of One Hundred Dollars (\$100.00). This deposit will be refunded after Guest's departure and an inspection of the Property by Owner, less any deductions for damage to the Property or furnishings, excessive mess requiring additional cleaning or other costs incurred outside the normal course due to Guest's stay.

9. Cancellation. Guest may cancel the reservation up to twenty-four (24) hours before the Arrival Date, and receive a refund of the Reservation Deposit. Cancellations less than twenty-four (24) hours before the Arrival Date will not receive a refund of the Reservation Deposit.

10. Cleaning. A cleaning fee of One Hundred Dollars (\$100.00) will be charged to the Guest. Daily housekeeping services are not included in the rental rate. Throughout the rental period, Guest is responsible for keeping the Property clean and in good condition. Any unsafe or dangerous condition must be reported to Owner immediately. Guest acknowledges that on the Arrival Date, the Property is in good condition, except for any defect Guest may report to Owner by the end of the first day following the Arrival Date. The Property should be left in the same condition as it was found by Guest on the Arrival Date. Guest promises to leave the Property in good repair.

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

12. Parking. Parking is limited to two (2) spaces and two (2) vehicles. Guest may only park in designated parking area. Any illegally parked cars may be subject to towing and/or fines.

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

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

UNDER NO CIRCUMSTANCES AND UNDER NO LEGAL THEORY, TORT, CONTRACT, STRICT LIABILITY, OR OTHERWISE, SHALL OWNER BE LIABLE TO GUEST OR ANY OTHER PERSON FOR ANY DAMAGES OF ANY NATURE WHATSOEVER INCLUDING ARISING OUT OF OR RELATING TO THIS AGREEMENT OR GUEST'S RENTAL OF THE PROPERTY OR USE OF THE PROPERTY. IN NO EVENT WILL OWNER BE LIABLE FOR ANY DAMAGES IN CONNECTION WITH THIS AGREEMENT, EVEN IF OWNER SHALL HAVE BEEN INFORMED OF THE POSSIBILITY OF SUCH DAMAGE.

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

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

17. **Captions and Section Numbers.** The captions, section numbers and article numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of such sections or articles of this Lease nor in any way affect this Lease.

18. **Governing Law.** This Lease shall be governed by, and construed in accordance with, the laws of the State of Mississippi, without resort to the principles of conflicts of laws thereof.

19. **Attorney Fees.** If either Party brings legal action to enforce its rights under this Agreement, the prevailing party will be entitled to recover from the other Party its expenses (including reasonable attorneys' fees and costs) incurred in connection with the action and any appeal.

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

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

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

23. **Notices.** Any notice or communication under this Agreement must be in writing and sent via one of the following options: electronic mail transmission or text message sent to:

Name: _____
Email: _____
Phone: _____

IN WITNESS WHEREOF, the parties hereto have duly executed this Lease effective as of the Effective Date.

OWNER:

T. SMITH INVESTMENTS, LLC

By: _____
Name: Tyler Smith
Title: Manager

GUEST:

Name (Print): _____

Signature: _____

ORDINANCE NO. 2012-04

**AN ORDINANCE CREATING CHAPTER 15, ARTICLE 16, OF THE OCEAN SPRINGS
MUNICIPAL CODE TO REGULATE OUTDOOR USE OF
SOUND BY COMMERCIAL ESTABLISHMENTS**

WHEREAS, the City of Ocean Springs seeks to regulate the auditory environment for aesthetic and safety reasons; and

WHEREAS, the City desires to maintain expressive activity in the community while maintaining and enhancing the environment, and to advance the safety and welfare of the community; and

WHEREAS, the purpose of this ordinance is to improve the livability and entertainment product of Ocean Springs, which has made the city synonymous with exemplary residential, artistic, restaurant and entertainment opportunities, while providing for effective means of communication, consistent with constitutional guarantees; and

WHEREAS, the regulation of sounds produced outdoors by commercial establishments will have a positive impact on traffic safety, police enforcement and enjoyment of the community.

NOW, THEREFORE, BE IT ORDAINED BY the Mayor and Board of Alderman for the City of Ocean Springs the following; to wit

SECTION 1. Purpose and Findings.

The City of Ocean Springs seeks to regulate the auditory environment for aesthetic and safety reasons. This regulation is a vital function of the government and is similar to the orderly regulations the government places on other forms of communication such as restricted use of red lights; the color, size and placement of signs; or the use of sirens. Ocean Springs wants to maintain expressive activity in the community while maintaining and enhancing the environment and to advance the safety and welfare of the community.

The purpose of this ordinance is to protect and improve the residential livability and the entertainment product of Ocean Springs., while providing for effective means of communication, consistent with constitutional guarantees. Additionally, the regulation of outdoor sounds will have a positive impact on traffic safety, police enforcement and enjoyment of the community.

Ocean Springs attracts tens of thousands of visitors each year, who collectively spend significant dollars in Ocean Springs every year. The hospitality industry that embraces the unique Ocean Springs experience is a significant economic force. Music, particularly the live performance of music, provides significant entertainment value to our visitors.

Over the last few years, and with greater frequency, clashes between residents, homeowners, and commercial establishments have suffered from conflicts regarding noise associated with the

commercial business providing entertainment to its customers and the desire for the residents to enjoy peace and quiet during the evening and overnight hours. This is a byproduct of the success and popularity enjoyed by these commercial businesses. A review of the complaints revealed that commercial establishments providing outdoor entertainment in the late evening and early morning hours was the cause of vast majority of the conflicts.

Ocean Springs endeavors to provide adequate means of expression and promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of sounds that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community.

The City of Ocean Springs Police Department has a history of calls to bars and clubs that broadcast sound using outdoor amplified sound and/or outdoor speakers. The noise levels from the outdoor speakers are a safety issue for Police Officers. These noise levels create hazardous conditions, as the Police have difficulty maintaining public peace and safety during the night time hours.

SECTION 2 That the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended by adding section 15-16 which reads as follows:

OUTDOOR USE OF SOUND AMPLIFICATION OR PRODUCING DEVICE OR SIMILAR EQUIPMENT BY COMMERCIAL ESTABLISHMENTS

(a) Definitions:

(i) "*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;

(ii) "*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.

(iii) "*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)

SECTION 3. That this Ordinance shall be recorded in the Book of Ordinances to the City of Ocean Springs, Mississippi and published in the manner prescribed by law.

SECTION 4 If any sentence, word, clause, section or part of this chapter, or is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, word section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the Board that this chapter would not have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

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

Alderman Cox	<u>Voting Aye</u>
Alderman Gill	<u>Voting Aye</u>
Alderman McDonnell	<u>Voting Aye</u>
Alderman Cody	<u>Voting Aye</u>
Alderman Denyer	<u>Voting Aye</u>
Alderman Dalgo	<u>Voting Nay</u>
Alderman Hagan	<u>Voting Nay</u>

BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean

Springs, Mississippi, on this the 15th day of May, 2012.


MAYOR


CITY CLERK

Rental Rules

1208 Bowen Avenue, Ocean Springs, MS 39564

1. **Arrival & Departure:** Check in begins at 3:00pm CST on the Arrival Date. Departure is no later than 11:00am CST on the Departure Date.
2. **Maximum Occupancy:** The maximum number of persons allowed to stay in the property is six (6). All persons staying at the property will be bound by the terms of the lease Agreement.
3. **Visitors:** A visitor is an occupant of the Property that is not staying overnight. The total number of persons permitted in the Property at any given time, including visitors, is six (6).
4. **Parking:** Parking is limited to two (2) spaces and two (2) vehicles. Guest may only park in the designated parking area. Any illegally parked cars may be subject to towing and/or fines.
5. **Smoking:** Smoking is NOT permitted inside the Property.
6. **Trash Removal:** Garbage must be placed in the proper receptacles during your stay. Every Wednesday the Owner will place the receptacles curbside for pickup.
7. **City Ordinance:** All guests and visitors must abide by the City of Ocean Springs' Noise Ordinance (Ordinance No. 2012-04). A copy of the Ordinance was attached to the lease agreement.

If any person in the Rental Party fails to follow any of the Rules listed here, or any Terms of the Lease Agreement, the Rental Party may be asked to vacate the Property and Guest(s) will forfeit all rent paid.

Thank you for staying with us! We hope you enjoy Coast life in our beautiful state of Mississippi!

Parking 2



Parking 1



Storage

MOTHER-IN-LAW-SUITE



MAIN HOUSE



Driveway

Bowen

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, July 12, 2022

APPLICANT: Allison Pleasant-Headley

LOCATION: 809 General Pershing Avenue / PID#: 60119392.000

REQUESTED ACTION: Residential Short Term Rental Permit

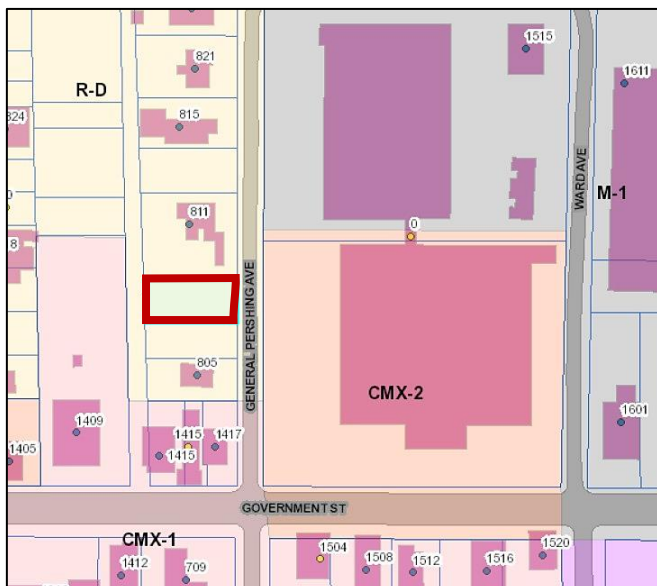
DATE OF APPLICATION: NOVEMBER 19, 2022

ADJACENT ZONING/LAND USE:

Subject Property:	R-D, Two-Family Residential District;
North and South:	R-D, Two-Family Residential District
East:	CMX-2, Community Commercial / Mixed Use District
West:	CMX-1, Neighborhood Commercial / Mixed Use District

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05 and 2021-25, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located on General Pershing Avenue north of Government Street.



FINDINGS:

- **Local Property Manager:** Christopher Dearman will serve as the local property manager. With an address of 2003 Government Street, the residency requirement of within two (2) miles of the city limit is satisfied.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA.
- **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 62 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 5/18/22 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested a maximum occupancy of 6 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:

- No input was received.

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

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

RESIDENTIALLY-ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 11/19/2021

Submittal Requirements:

- 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.
- Fee of \$200 must be paid at the time application is submitted [includes occupancy inspection fee]. ~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 AND ARE NOT TRANSFERRABLE.

REQUIRED INFORMATION:

- Address of Applicant Property: 809 General Pershing Ave
- Parcel Identification Number: 60119392.000 Number of bedrooms: 3
- Proposed maximum # guests: 8 Number of existing off-street parking spaces: 2
- ☐ Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a letter of support from the HOA must be included with the application.

Name of Property Owner/Applicant	<u>Allison Pleasant-Headley</u>
Address	<u>P.O. Box 49171, Charlotte NC 28277</u>
Phone No.	<u>864-593-8007</u>
Name of Local Property Manager	<u>Christopher Dearman</u>
[Must RESIDE within two (2) miles of the OS City Limits] Address	<u>2003 Government St.</u>
	<u>OS, MS 39564</u>
Phone No.	<u>847-307-1491</u>
Signature:	<u>Allison Pleasant-Headley</u>

Copy of Ordinance 2015-11 Received: <u>apl</u> (initials)	Copy of Ordinance 2019-19 Received: <u>apl</u>
Copy of Ordinance 2018-02 Received: <u>apl</u> (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) Allison Pleasant-Headley, 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, to the best of my knowledge, 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: Allison Pleasant-Headley

Parcel ID(s): 60119392.000

Date Property Acquired: 1998

Owner's Signature Allison Pleasant-Headley Date 11/19/2021

.....
Office Use Only

Date of Inspection: 5/18/22

Maximum Occupancy Determination: 6

Maximum Parking Spaces: 2

PC Public Hearing Date: 7/12/22

Result of Occupancy Inspection: PASSED

(attached)

Permit Renewal Date: _____

BOA Approval Date: _____

Revised 08/12/2020

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ADDRESS: 809 General Pershing Avenue



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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: 3
- ☒ Proposed # of Guests: 6

Approved # of Guests per OSFD: 6

- ☒ Proposed # of vehicles: 2

Approved # of vehicles per OSFD: 2

Property Owner: Allison Pleasant-Headley Phone #: 864-593-8007
Contact Name: _____ Phone #: _____

.....
Date of Inspection: 5-18-22

COMMENTS: _____

☒ **PASSED**

Building Official: _____

Fire Marshall: _____

Property Owner: _____

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 no. 2015-11 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: 809 General Pershing Avenue

Public Hearing Date/Time: July 12, 2022 at 6:00 p.m.

Applicant Allison Pleasant-Headley

Local Contact Christopher Dearman

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, again on December 17, 2019, and again on December 7, 2021. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

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

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager, if one is assigned, **MUST** reside within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional “bed tax” required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$200 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

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

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

- 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.

SAMPLE

State of _____

Rev. 133EF54

VACATION RENTAL / SHORT TERM LEASE AGREEMENT

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

1. Property. The property is described as a/an: (Check one) ☒ house ☐ apartment ☐ condominium ☐ room ☐ townhouse ☐ duplex ☐ semi-detached house ☐ other: _____ with:

(a) 3 bedrooms

(b) 2 bathrooms

located at [Address]. The Property is fully furnished by Owner and equipped for light housekeeping. The following amenities are included in the Property: (Check all that apply)

- | | |
|---------------------------------------|-------------------------------------|
| ☐ microwave | ☐ wifi |
| ☐ refrigerator | ☐ linens |
| ☐ dryer | ☐ Dishwasher |
| ☐ washer | |

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

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

3. Maximum Occupancy. The maximum number of persons allowed to stay in the Property is limited to 6, unless the Owner gives its prior written consent. Guest will be charged without notice for additional persons staying in the Property and not disclosed to Owner.

4. Rental Period & Check-In. The term of this lease will be from _____, 20____ ("Arrival Date") to _____, 20____ ("Departure Date"). The Property will be ready for Guest's occupancy beginning at 4:00 PM on the Arrival Date and the Property must be vacated by 10:00 AM on the Departure Date, unless otherwise agreed by Owner. If Guest or any member of the Rental Party remains on the Property beyond the Departure Date, Guest will be responsible to pay the rental rate prescribed in Section 8 below for the period of time between Departure Date and the actual date Guest and all members of the Rental Property vacate the Property. (☒ The Property requires a __ night minimum stay).

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

5. Keys & Access Codes. Any attempt to access a locked area is just cause for immediate termination of this Agreement, forfeiture of all rent paid, and Guest will be liable for any missing items or damage.

Keys

2 keys will be provided to the Guest for access to the front and rear doors. In the event that keys are not returned a fee of _____ will be charged to the Guest

Access Codes (Check if applicable)

Owner will provide Guest with access codes to the front and rear doors.

6. Rental Rules & Restrictions. Guest agrees to abide by the following restrictions by Owner: (Check all that apply)

- ☒ Smoking is not permitted inside the Property
- ☒ Pets are not permitted on the Property
- ☒ Quiet hours are from 10:00 PM to 8:00AM
- ☒ Garbage must be placed in the proper receptacles
- ☐ Other: _____

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

Additional Association/Community Rules and Regulations (Check if applicable)

☐ Guest agrees to abide by the Rules and Regulations of any other restrictions imposed by Owner (the "Rules"), attached to this Agreement as Exhibit A, at all times while on the Property and will cause all persons in the Rental Party and any visitors that Guest permits on the Property to abide by the Rules while on the Property.

7. Reservation Deposit and Payment. (Check one)

☒ A reservation deposit is required. Guest agrees to pay the rent and fees described below (the "Total Amount Due"). A deposit in the amount of \$ _____ (the "Reservation Deposit") is due and payable upon return of this signed Agreement in order to secure Guest's reservation. The Reservation Deposit is non-refundable and will be applied toward the rental rate. Payment in full of the following fees, less the Reservation Deposit, will be due within 2 days before the Arrival Date.

☐ A reservation deposit is NOT required. Guest agrees to pay the rent and fees described below (the "Total Amount Due"). Payment in full of the following fees will be due within _____ days before the Arrival Date.

Rental rate of \$ _____ x _____ (Check one) ☐ days ☐ weeks	\$ _____
☐ months	
Cleaning service fee	\$ _____

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

SAMPLE

Other fee: _____	\$ _____
Other fee: _____	\$ _____
State and local sales/rental taxes (_____ %)	\$ _____
Total Amount Due	\$ _____
(Less reservation deposit due immediately)	(\$ _____)
Total Balance Due	\$ _____

Acceptable payment methods are: (Check all that apply)

☒ credit card

8. Cleaning. (Check one)

☐ A cleaning fee of \$ _____ will be charged to the Guest.

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

9. Parking. Parking is limited to 2 spaces. Guest may only park in designated parking area. Any illegally parked cars may be subject to towing and/or fines.

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

11. Acts of God. (Check one)

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

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

SAMPLE

☐ No refunds will be given if there is a storm or severe weather (i.e. hurricane, earthquake, forest fire) even if a mandatory evacuation order has been given. Owner will not be liable or deemed in default under this Agreement for any failure to perform or delay in performing any of its obligations due to or arising out of any act not within its control, including, without limitation, acts of God.

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

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

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

15. Governing Law. This Agreement and all transactions contemplated by this Agreement will be governed by, and constructed and enforced in accordance with the laws of the State of _____ (not including its conflicts of laws provisions). Any dispute arising from this Agreement shall be resolved through: (Check one)

- ☐ Court litigation. Disputes shall be resolved in the courts of the State of _____.
☐ If either Party brings legal action to enforce its rights under this Agreement, the prevailing party will be entitled to recover from the other Party its expenses (including reasonable attorneys' fees and costs) incurred in connection with the action and any appeal.
- ☐ Binding arbitration. Binding arbitration shall be conducted in accordance with the rules of the American Arbitration Association.
- ☐ Mediation.

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

SAMPLE

☐ Mediation, then binding arbitration. If the dispute cannot be resolved through mediation, then the dispute will be resolved through binding arbitration conducted in accordance with the rules of the American Arbitration Association

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

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

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

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

- ☐ personally delivered
- ☐ sent by overnight courier service
- ☐ certified or registered mail (postage prepaid, return receipt requested)
- ☐ facsimile
- ☐ electronic email transmission
- ☐ other: _____

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

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

SIGNATURES

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

Owner Signature

Guest Signature

Owner Name

Guest Name

Date

Date

Exhibit A

Reference City of Ocean Springs Noise Ordinance: O-2012-04_Noise-Commercial.pdf

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

House rules

Check-in: After 4:00 PM

Checkout: 10:00 AM

No smoking

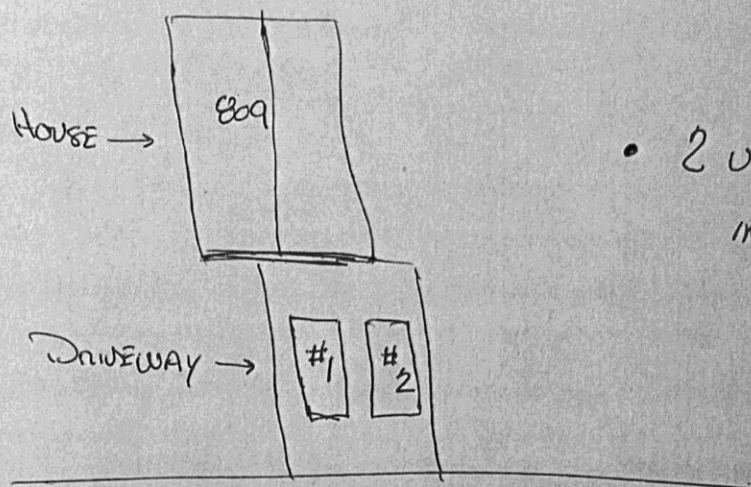
No pets

No parties or events

Additional rules

- No smoking anywhere on the property
- No pets allowed –
- No events, parties, or large gatherings –
- Must be at least 30 years old to book –
- Additional fees and taxes may apply –
- Photo ID may be required upon check-in
- NOTE: Please observe quiet hours from 10:00 PM - 8:00 AM –
- NOTE: This home is designed to best accommodate families and couples

809 GENERAL PERSHING - PARKING PLAN



- 2 VEHICLES PARKED IN DRIVEWAY

← SOUTH GENERAL PERSHING NORTH →

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, July 12, 2022

APPLICANT: Jared Rhodes

LOCATION: 104 Keri Cove / PID#: 61037401.000

REQUESTED ACTION: Residential Short Term Rental Permit

DATE OF APPLICATION: APRIL 19, 2022

ADJACENT ZONING/LAND USE:

Subject Property:	R-D, Two-Family Residential
North, South, East, West:	R-D, Two-Family Residential

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05 and 2021-25, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located on Keri Cove west of Bechtel Boulevard



FINDINGS:

- **Local Property Manager:** Christopher Dearman will serve as the local property manager. With an address of 2003 Government Street, the residency requirement of within two (2) miles of the city limit is satisfied.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA.
- **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 68 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 6/6/22 and was approved. Inspection form is attached for review.
- **Maximum Occupancy:** The requested a 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:

- No written input was received at the time of this memo, however, a neighbor, Ms. Klish, voiced her opposition on a telephone call as well as in person. She stated that she and the entire neighborhood were opposed, that they were already experiencing problems with the nearby apartments and that her neighborhood is mostly elderly, single, women and that they fear the impact of a short term rental.

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

RESIDENTIALLY-ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 4-19-2022

Submittal Requirements:

- 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.
- Fee of \$200 must be paid at the time application is submitted [includes occupancy inspection fee]. ~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 AND ARE NOT TRANSFERABLE.

REQUIRED INFORMATION:

- Address of Rental Property: 104 Keri Cove
- Parcel Identification Number: 61037401.000 Number of bedrooms: 3
- Proposed maximum # guests: 8 Number of existing off-street parking spaces: 4
- ☐ Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a letter of support from the HOA must be included with the application.

Name of Property Owner	<u>Jared Rhodes</u>
Address of Property Owner	<u>5328 Hwy 305 S, Hernando MS 38654</u>
Phone No.	<u>641-750-4188</u>
Name of Local Property Manager	<u>Chris Dearman</u>
[Must RESIDE within two (2) miles of the OS City Limits] Address	<u>1010 Legion Ave</u>
	<u>Ocean Springs, MS 39564</u>
Phone No.	<u>847 307-1491</u> Signature: <u>Jared Rh</u>

Copy of Ordinance 2015-11 Received:	<u>JR</u> (initials)	Copy of Ordinance 2019-19 Received:	<u>JR</u>
Copy of Ordinance 2018-02 Received:	<u>JR</u> (initials)	Copy of Ordinance 2021-25 Received:	<u>JR</u>

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) Jared Rhodes, 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, to the best of my knowledge, 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: Jared Rhodes
Parcel ID(s): 61037401.000
Date Property Acquired: 4-14-2022
Owner's Signature Jared Rhodes Date 4-19-2022

.....
Office Use Only

Date of Inspection: <u>6/06/22</u>	Result of Occupancy Inspection: <u>PASSED</u>
Maximum Occupancy Determination: <u>8</u>	<u>(attached)</u>
Maximum Parking Spaces: <u>4</u>	Permit Renewal Date: _____
PC Public Hearing Date: <u>7/12/22</u>	BOA Approval Date: _____

Revised 02/23/2022

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ADDRESS: 104 Keri Cove



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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: 8
- ☒ Proposed # of Guests: 8

Approved # of Guests per OSFD: 8

- ☒ Proposed # of vehicles: 4

Approved # of vehicles per OSFD: 4

Property Owner: Jared Rhodes
Contact Name: _____

Phone #: 641-750-4188
Phone #: _____

.....
Date of Inspection: 6-8-22

COMMENTS: _____

☒ **PASSED**

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

Fire Marshall: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast
Planning Department

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 no. 2015-11 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: 104 Keri Cove

Public Hearing Date/Time: July 12, 2022 at 6:00 p.m.

Applicant Jared Rhodes

Local Contact Christopher Dearman

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, again on December 17, 2019, and again on December 7, 2021. This document addresses what the ordinance requires of an applicant, the process, and contact information for questions or concerns. For more details, please call the Planning Department at 228-875-4415.

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

Frequently Asked Questions regarding Residential Short-Term Rental permits:

- 1) ***Why am I receiving this information?*** All property owners within 500 feet of the property requesting a permit are required to receive notification via standard mail. Additionally, the hearing was advertised in the local newspaper and a yard sign placed on the property. This notice was mailed to your address of record with the Jackson County Tax Assessor's office.
- 2) ***What is allowed under a Short-Term Rental Permit?*** Approval of the permit will allow the property owner to rent the residence for periods of less than 30 days at a time, governed by restrictions listed in the ordinance. The permit does not allow any other non-permitted activity.
- 3) ***Who will be responsible for management of the property?*** The property owner is ultimately responsible for all activity on the property. The Local Property Manager, if one is assigned, MUST reside within 2 miles of the city limits and be available 24/7 to address issues related to the property. The Planning Department will have a contact number in case of emergencies.
- 4) ***Do the property owners pay sales tax for this activity?*** Yes – the property owner will be issued a city privilege license that will allow them to register with the state for payment of sales tax, including the additional "bed tax" required for all hotel activity.
- 5) ***What review has been done by the City?*** The application, a \$200 application fee, and payment for mailing was received. All information was reviewed to ensure all administrative requirements have been met. The home

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

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

Complaint Contact Information:

- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
 - b. Code Enforcement: 228-875-6712 – improper vehicle parking, improper trash storage
 - c. Any other complaints can be forwarded to the Planning Department at 228-875-4415 or mailed to Attn: Planning Department, City of Ocean Springs, 1018 Porter Avenue, Ocean Springs, MS 39564
- 9) ***What is the process if the rules are not followed?*** If the City receives documentation that the property owners and/or tenants have violated the provisions set forth in the ordinance, or have met any other criteria that allows for revocation, written notice will be given to the property owner of the violation(s). If corrective action is not taken in the allotted time period, the permit can be revoked and citations issued.
 - 10) ***How long is the permit valid?*** The Residential Short-Term Rental permit is an annual renewal. Once the initial permit is approved, the property will be inspected annually and complaint records reviewed prior to renewal. The ordinance provides guidelines for the basis of revocation or denial or permit issuance and/or renewal.
 - 11) ***Is the permit transferable to new owners?*** No. The permit is issued to the owner for that specific address. Permits are not transferrable to other owners or properties without the full approval process, including an advertised public hearing.
 - 12) ***Is the approval process the same for properties in commercially zoned districts?*** The application itself is similar, but commercial properties do not require notice or public hearing.
 - 13) ***What if the property has covenants that do not allow for short-term rentals?*** The ordinance requires that any application for a property with an active Homeowner's Association (HOA) must provide a letter from that HOA supporting the activity. If you are aware of such a restriction in your neighborhood, please notify the Planning Department at 228-875-4415. The permit will not be approved unless supported by an ACTIVE HOA where applicable.
 - 14) ***Will the property owner be required to maintain renter information?*** Yes, the property owner must maintain a guest registry and provide to the city for review upon request.
 - 15) ***Will the renters be informed of the rules and regulations that are included in the permit?*** Yes, part of the application and inspection includes provision of the rental agreement for review and posting of the house rules in a visible location within the home.

Questions and/or written comments can be sent to the Planning Department up to the day of the hearing and will be provided to the Planning Commission for consideration. Comments can be sent to:
1018 Porter Avenue, Ocean Springs, MS 39564.

Booking Confirmation

Thank you for choosing Keri Cove for your upcoming vacation! We hope that you enjoy your time here in the beautiful town Ocean Springs.

Our home is located at:

104 Keri Cove
Ocean Springs, MS 39564

Rental Rules*

CHECK-IN TIME is AFTER 4 P.M. CST AND CHECKOUT is 10:30 A.M. CST.
NO Early Check-in or late checkout are available. We are sorry but we must give the cleaning staff enough time to prepare for the next guests.

SMOKING – This is a NON-SMOKING unit.

PETS -

PETS are permitted in rental units only with prior approval. \$100 per pet fee applies. All pets must be leashed at all times. Pet owners are responsible for cleaning up any/all pet refuse. Pets are not allowed on furniture at any time. Any evidence of pets on furniture may incur extra cleaning fees. All pets must be up- to-date on rabies vaccinations and all other vaccinations. Heartworm prevention is highly recommended. All pets are to be treated with Advantage or similar topical flea and tick repellent three (3) days prior to arrival. Fleas and ticks are very rampant in this area and can cause harmful/fatal illness to humans and pets. All items above are the sole responsibility of the pet owner. The property owners assume no responsibility for illness or injury that humans or pets may incur while on the premises.

CANCELLATIONS –

A thirty (30) day notice is required for cancellation. Cancellations that are made more than thirty (30) days prior to the arrival date will incur no penalty.

MAXIMUM OCCUPANCY – The maximum number of guests is limited to eight (8) persons.

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

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

NO DAILY HOUSEKEEPING SERVICE –

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

However, it is available at an additional rate. We suggest you bring beach towels. We do not permit towels or linens to be taken from the units.

RATE CHANGES – Rates subject to change without notice.

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

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

PARKING –

PARKING – Parking is limited to four (4) vehicles. Vehicles are to be parked in designated parking areas only. **Parking on the road is not permitted.** The carport/driveway has space for 4 vehicles. There also is a gravel driveway on the left side of the house which can be used if needed.

Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.

STORM POLICY–

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

- The state or local authorities order mandatory evacuations in a "Tropical Storm/Hurricane Warning area" and/or
- A "mandatory evacuation order has been given for the Tropical Storm/Hurricane Warning" area of residence of a vacationing guest.
- The day that the authorities order a mandatory evacuation order in a "Tropical Storm/Hurricane Warning," area, we will refund:
 - Any unused portion of rent from a guest currently registered;
 - Any unused portion of rent from a guest that is scheduled to arrive, and wants to shorten the stay, to come in after the Hurricane Warning is lifted; and
 - Any advance rents collected or deposited for a reservation that is scheduled to arrive during the "Hurricane Warning" period.

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

104 Keri Cove Rental Policies

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

Rates/policies are subject to change during high impact periods, festivals, or event weekends & special requests.

Check-in begins at 4:00 PM. Check-out 10:30:00 AM. This gives the cleaning staff adequate time to make sure the property is in great shape for our guests upon their arrival. Due to the need of getting the home ready for the next guest visit, we cannot offer early check-ins or late check-outs.

All use of Keri Cove's amenities are at the guests own risk. Please be responsible and act safely. All disposable items in the home are for guest use, but please clean any dishes & appliances if used. Please make sure dishwasher is emptied, and that the microwave, refrigerator, and oven are left clean and empty for next guest use as well.

Occupancy: There is to be a maximum of eight (8) guests allowed to stay overnight on property.

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

Smoking: Absolutely no smoking is allowed inside the home, but feel free to smoke on the back porch or anywhere outdoors. Please dispose of your butts safely and in an environmentally sensitive manner. A cleaning fee in excess of \$250 is applicable if any evidence of smoking inside the home is discovered upon check-out.

Parking: Please note, there is no on-street parking in Ocean Springs unless explicitly stated. This allows for a total of 4 vehicles to be safely parked at the residence.

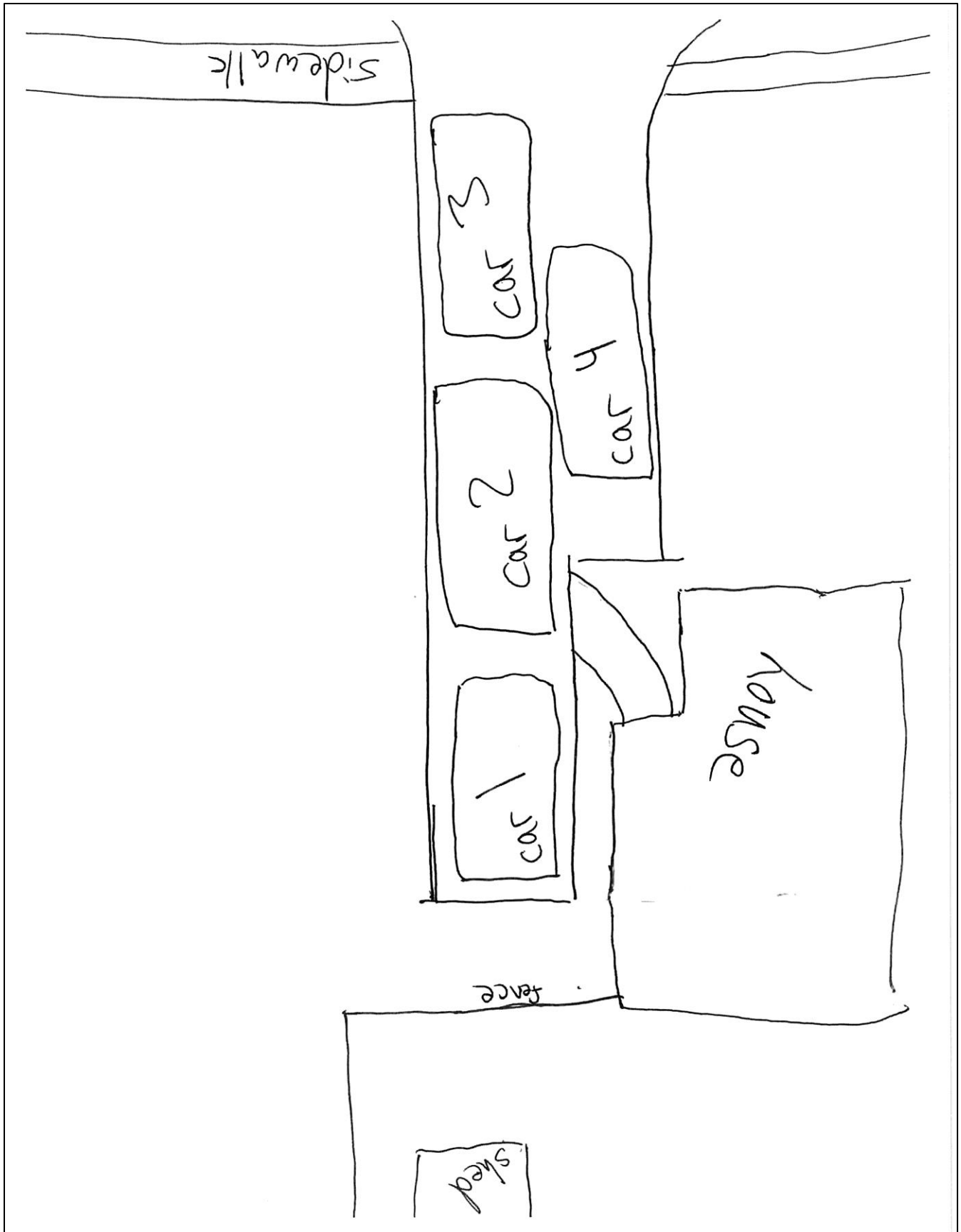
Quiet Hours: We ask that our guests observe quiet hours beginning at 10pm and continuing through 9am. No loud noises or music is permitted during quiet hours. Please be considerate to our neighbors at all times. Ocean Springs has a noise ordinance between the hours of 11pm-8am Sunday night through Thursday night, and 11:59pm-8am Friday night through Sunday morning. Please call the city at 228-875-4415 for any further information.

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

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

Sincerely,

Property Manager: Chris Dearman



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, July 12, 2022

APPLICANT: Oren Zweig

LOCATION: 428 Holly Street / PID#: 61037317.000

REQUESTED ACTION: Residential Short Term Rental Permit

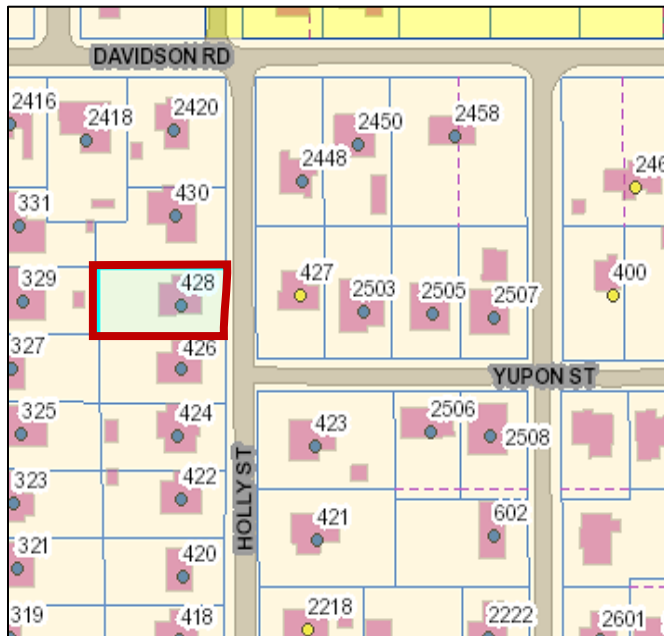
DATE OF APPLICATION: MAY 10, 2022

ADJACENT ZONING/LAND USE:

Subject Property:	R-D, Two-Family Residential
North, South, East, West:	R-D, Two-Family Residential

DESCRIPTION OF REQUEST:

- Per Ordinance 2015-11, 2018-02, 2021-05 and 2021-25, the application is for a short-term rental permit to allow usage for less than 30 days.
- Site Location: the property is located on Holly Street south of Davidson Road



FINDINGS:

- Local Property Manager: The applicant will serve as the local property manager. With an address of 2505 Ridgeland Drive, the residency requirement of within two (2) miles of the city limit is satisfied.
- Application: Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- Homeowner's Association: On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA.
- 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 69 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 6/9/22 and was approved. Inspection form is attached for review.
- Maximum Occupancy: The requested a maximum occupancy of 6 was approved by the Fire Marshall during the above referenced inspection.
- Maximum Number of Vehicles: The request for a maximum number of 3 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:

- No input was received.

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

RESIDENTIALLY-ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

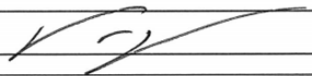
Application Date: 5/10/22

Submittal Requirements:

- 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.
- Fee of \$200 must be paid at the time application is submitted [includes occupancy inspection fee]. ~~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 AND ARE NOT TRANSFERRABLE.

REQUIRED INFORMATION:

- Address of Rental Property: 428 Holly street
- Parcel Identification Number: 61037317.000 Number of bedrooms: 3
- Proposed maximum # guests: 3 Number of existing off-street parking spaces: 3
- ☐ Is this property located in a covenant-restricted subdivision? ☐ Yes ☒ No ~ If yes, a letter of support from the HOA must be included with the application.

Name of Property Owner 428 Holly Street, LLC. Oren Zweig
Address of Property Owner 323 Sheppard drive OS, MS 39564 2505 Ridgeland Dr.
Phone No. 228-234-9922
Name of Local Property Manager NA
[Must RESIDE within two (2) miles of the OS City Limits] Address _____
Phone No. _____ Signature: 

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

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) Oren Zweig, 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, to the best of my knowledge, 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: 428 Holly Street, LLC Oren Zweig

Parcel ID(s): 61037317.000

Date Property Acquired: 5/13/22

Owner's Signature  Date 5/13/22

.....
Office Use Only

Date of Inspection: 6/09/22

Maximum Occupancy Determination: 6

Maximum Parking Spaces: 3

PC Public Hearing Date: 7/12/22

Result of Occupancy Inspection: PASSED
(attached)

Permit Renewal Date: _____

BOA Approval Date: _____

Revised 02/23/2022

2 | Page

ADDRESS: 428 Holly Street



City of Ocean Springs, Mississippi
On the Mississippi Gulf Coast

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: 3
- ☒ Proposed # of Guests: 10

Approved # of Guests per OSFD: 0

- ☒ Proposed # of vehicles: 3

Approved # of vehicles per OSFD: 3

Property Owner: Oren Zweig
Contact Name: _____

Phone #: 234-9922
Phone #: _____

.....
Date of Inspection: 6-9-22

COMMENTS: _____

☒ **PASSED**

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

Fire Marshall: [Signature]

PUBLIC HEARING NOTICE

Residential Short-Term Rental



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Short-Term Rental Applied for: 428 Holly Street

Public Hearing Date/Time: July 12, 2022 at 6:00 p.m.

Applicant Oren Zweig
Local Contact Oren Zweig

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- a. Police: 228-875-2211 – noise, trespassing, other criminal activity
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PC Item 4.j

SHORT-TERM RENTAL AGREEMENT

- I. **THE PARTIES.** This Short-Term 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 ____ 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 \$_____ 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** _____ parking space(s) to the Tenant for a fee of \$_____ 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:** \$ _____

☐ - **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: _____

Telephone: (____) ____ - _____

E-Mail: _____



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.

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.

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 Signature: _____ **Date:** _____

Print Name: _____

Tenant Signature: _____ **Date:** _____

Print Name: _____

Tenant Signature: _____ **Date:** _____

Print Name: _____



GUEST GUIDELINES

- ❖ park on premises and refrain from parking on the street.
- ❖ If trash cans overflow before checkout, please empty out in bin on south side of the property.
- ❖ In the event of any maintenance related issues, the contact name and number is posted on the refrigerator.
- ❖ For all other issues your host's phone number is posted on the refrigerator.
- ❖ Reminder, you have initialed that you have read and will abide by the city's noise ordinance in the online rental agreement. A copy of the ordinance is also printed and attached on the following pages of these guidelines.
- Maximum of ~~2~~ ⁶ guests & 3 vehicles (golf cart not inc.).

Thank you, and we hope you enjoy your stay!

Twin Oaks on Sheppard management team

OCEAN SPRINGS NOISE ORDINANCE

(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.

