



Planning Commission
1018 Porter Avenue
Ocean Springs, MS 39564

Tuesday, June 14, 2022 @ 6:00 p.m.

1. **Call Meeting to Order**
2. **Approval of Minutes**
 - a) May 10, 2022
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.
 - 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.
 - 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.
 - d) **PUBLIC HEARING:** 315 Pine Drive / PID# 61455015.050 – Linda Lindsey – Requesting a Residential Short-term Rental permit.
 - e) **PUBLIC HEARING:** 811 General Pershing Avenue / PID# 60119390.000 – Ursula & Christopher Monroe – Requesting a Residential Short-term Rental permit.
 - f) **PUBLIC HEARING:** 808 #3 Desoto Street / PID# 60119106.010 – Robert Dunning – Requesting a Residential Short-term Rental permit.
 - g) **PUBLIC HEARING:** 409 East Beach Drive / PID# 60132310.000 – Jesse & Anett Moskowitz – Requesting a Residential Short-term Rental permit
 - 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.
 - i) **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), Table 3.6 (Land Use Matrix), and Chapter 7 (Rules of Construction and Definitions) regarding medical cannabis.
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, May 10, 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, May 10, 2022. Members present were Matthew Hinton, Kevin O'Connell, Marshall Johnson, Michael Davis, Allen Stanfield, and Joseph McCormick. 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) April 12, 2022

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

3. Old Business

a) 709 Bienville Boulevard / PID# 60224010.000 – Brad Troutman – Request for a Lot Split.

W. Morgan introduced the proposal. The Planning Commission (PC) previously recommended approval of a lot split for this proposal; however, the Board of Aldermen (BOA) requested more information be provided. The property is zoned CH, Regional Commercial. The boundary has been shifted from the previous plan to increase the buildable area for both parcels. They will be closely similar in size. There is a residential buffer requirement and another requirement due to abutting a waterway. City engineering is requesting a drainage easement for access to the drainage ditch.

A. Phelan asked for explanation of the present drawing in the packet. W. Morgan described the green area being the 20 ft. residential buffer; the light blue lines being the 30 ft. waterway buffer area.

A motion was made by K. O'Connell seconded by J. McCormick to recommend approval of the proposed lot split at 709 Bienville Boulevard as described in the application and the lot layout submitted with the application with the following condition: that a ten-foot-wide public drainage easement along one or both sides of the drainage channel for access and maintenance.

The applicant asked if the easement had to be completed prior to BOA approval. A. Phelan suggested to coordinate with the Planning Dept. and engineering at a later time to confirm the easement. An audience member with the applicant asked if the buffers could overlap or were in addition to one another. W. Morgan said they could overlap.

The motion was carried unanimously.

4. New Business

- a)** 102 Watersedge Drive / PID# 61490037.000 – Donovan Scruggs – Request to vacate a portion of Beach Drive.

W. Morgan introduced the proposal. There are several other Beach Drive right-of-ways (ROW) that have been vacated in the area. There is only one (1) other parcel believed to have not been vacated.

D. Scruggs, 317 Pine Drive, agent for the applicant, addressed the commission. Vacating the ROW will put the property back on the tax rolls.

A motion was made by A. Stanfield seconded by K. O'Connell that there are no individuals who are adversely affected or directly interested in the vacating of part of the right-of-way of Beach Drive abutting lot 57 [37] of the Watersedge Subdivision and the inclusion of the right-of-way into lot 57 [37]. The motion was carried unanimously.

A motion was made by K. O'Connell seconded by M. Davis to recommend approval of the attached resolution vacating part of the right-of-way of Beach Drive of lot 57 [37] of the Watersedge Subdivision and inclusion of that right-of-way into lot 57 [37]. The motion was carried unanimously.

- b)** 300 Dewey Avenue / PID# 60137362.000 – John Sarpy – Request to construct a dwelling on a historically-platted, legal, non-conforming parcel.

W. Morgan introduced the proposal. The parcel is both undersized and does not meet the lot width requirement for the current R1 zoning district. The proposed site plan complies with the setbacks for the R1 district. There is a proposed, detached, two-car garage. There is a current proposal to relocate the existing ditch running through the property to the north property line shared with the neighbor to the north.

M. Johnson entered the meeting.

A motion was made by M. Hinton seconded by K. O'Connell to accept the letter received by Travis Norman in support of his neighbor into the minutes. The motion was carried unanimously.

W. Morgan further explained a drainage easement to the city has been filed.

A motion was made by A. Stanfield seconded by J. McCormick to recommend approval to construct a dwelling on a historically platted, legal, non-conforming parcel at 300 Dewey Avenue as described in the application. The motion was carried unanimously.

- c)** 110-C Shearwater Drive / PID# 60130590.000 & 60130590.055 – Martin Wagoner – Request to reconfigure two parcels with a shared access easement.

W. Morgan introduced the proposal. The proposal creates two (2) parcels with approximately equal area with the flood zone regulations affecting both properties. The ingress/egress easement is proposed to be larger than what currently exists, including property to the east. The flag lot itself would not change in size, just the parcel sizes themselves.

A. Phelan noted the reason for moving the easement to the east is to protect trees. W. Morgan confirmed.

A motion was made by J. McCormick seconded by M. Hinton to recommend approval of the reconfiguration of parcel id numbers 60130590.000 and 6013590.05 [60130590.055 addressed as 110-C Shearwater Drive as described in the application and survey. The motion was carried unanimously.

- d)** Harbor Oaks / 1218 Harbor Road / PID# 60137382.000 – Maureen DeJonge – Request for Final Plat of a 3-lot, minor subdivision.

W. Morgan introduced the proposal. He noted a correction in the memo. A comment stating the existing dwelling is split by a parcel line; there is a storage building that is on the proposed parcel line. No public improvements are required, however, a sanitary sewer easement was requested and provided due to a sewer line running across the property.

Colin Miner, 3400 Hermitage Court, representing the applicant, addressed the commission. He read a letter from the applicants discussing the dwelling not being located on a proposed parcel line and an email from the US Army Corp. of Engineers stating the potential division of land relating to wetlands would not involve them, requesting that a motion for it to be entered into the minutes be given.

A motion was made by M. Hinton seconded by K. O'Connell to accept the US Army Corp. of Engineers into the minutes. The motion was carried unanimously.

Bob Smith, adjacent property owner, addressed the commission in opposition to the request. He discussed easements and property rights.

The PC members briefly discussed the ingress/egress easement being non-exclusive.

Nancy Allen, 1402 Hellmers Lane, 1203 Lafontaine Avenue, addressed the commission. She requested clarification of the request and easement. He is concerned with construction vehicles and parking. A. Phelan clarified that any issues with parking should be directed to the building department. Ms. Allen asked who will maintain the easement. A. Phelan explained it is a private easement, not a public street.

A motion was made by K. O'Connell seconded by A. Stanfield to recommend approval of the Final Plat of the Harbor Oaks minor subdivision as described in the application. The motion was carried unanimously.

- e)** Porter Oak (A Replat of Lot C and Part of Lot B, Oak Bluff Subdivision) / PID# 61330006.000 – HRES Residential & Commercial Development – Request for Final Plat approval of a 6-lot subdivision.

W. Morgan introduced the proposal. The property is zoned CMX1, allowing for the smaller lots. There will be a private drive for access to the dwellings. The infrastructure is to be private. Public Works has inspected the infrastructure and their issues have been addressed.

J. McCormick asked what the private drive will be constructed of. W. Morgan replied gravel. J. McCormick asked if there will be a ten-foot apron would be required. W. Morgan explained at each opening to the street, a ten-foot apron would be required.

K. O'Connell recalled an issue with trees on the property and asked if it had been resolved. W. Morgan discussed the one (1) tree in the alley way that the drive had been relocated to avoid the tree.

Jack Schmidt, 908 Howard Avenue, Biloxi, MS, engineer for the applicant, presented himself as available for any questions.

A motion was made by M. Davis seconded by K. O'Connell to recommend approval of the Porter Oak Subdivision, A replat of Lot C and part of Lot B of the Oak Bluff Subdivision. The motion was carried unanimously.

- f) PUBLIC HEARING:** 105 Arbor Vista Drive / PID# 61020030.000 – Aaron & Jamie Gallagher – Requesting a Residential Short-term Rental permit.

A motion was made by M. Hinton seconded by K. O'Connell to go into public hearing. The motion was carried unanimously.

C. Martin introduced the proposal. The property manager will be Chris Dearman and lives within the city limits satisfying the residence requirement. The inspection was

passed with a maximum occupancy of six (6) and maximum vehicles requested at six (6) but reduced to four (4). No input was received prior to the packet or meeting.

Aaron Gallagher, applicant, addressed the commission.

Carrie Curtis, 121 Arbor Vista Drive, addressed the commission in opposition to the request. She discussed the covenants for the Arbor Vista subdivision. She noticed several in her area are either existing or coming up. She is concerned with monitoring who is renting the property, noise problems, destruction of property, etc.

K. O'Connell asked if all the residents [of the subdivision] had signed the covenants. Ms. Curtis explained the covenants were from 1960. K. O'Connell suggested she could form an HOA. C. Martin added an active HOA is required to enforce covenants due to the city being unable to enforce them.

A motion was made by M. Hinton seconded by K. O'Connell to come out of public hearing. The motion was carried unanimously.

A motion was made by K. O'Connell seconded by M. Hinton to recommend approval a short-term rental permit at 105 Arbor Vista subject to annual renewal. The motion was carried unanimously.

g) PUBLIC HEARING: 808 #13 Desoto Street / PID# 60119106.000 – Britny Hester – Requesting a Residential Short-term Rental permit.

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

C. Martin introduced the proposal. There is an active HOA; a letter of support was received. The property manager meets the residency requirement. A maximum occupancy of six (6) and maximum vehicles of two (2) were requested and approval. No violations or code reports were received in the last 12 months.

K. O'Connell asked if this request for unit 13 only. C. Martin confirmed.

A motion was made by K. O'Connell seconded by M. Johnson to come out of public hearing. The motion was carried unanimously.

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

h) PUBLIC HEARING: 708 Magnolia Avenue / PID# 61095002.000 & 61095003.000 – Kenneth Finnegan & Kari Branch – Requesting a Residential Short-term Rental permit.

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

C. Martin introduced the proposal. The property manager's address meets the residency requirement. There is no active HOA. The inspection was passed on March 23, 2022. The maximum occupancy of four (4) and maximum of two (2) vehicles were requested and approved. The police reports or code violations were reported in the last 12 months. A letter in opposition was received and included in the packet.

A motion was made by K. O'Connell seconded by J. McCormick to accept the Mulberry Grove HOA letter in opposition into the minutes.

Kari Branch, applicant, addressed the commission. She has hosted short-term rentals prior in another city. They monitor noise levels with decibel meters. The property manager lives just around the corner and keep a close eye on the property. She discussed her intent with the property and long vs. short-term leasing. She noted how close the property is to the commercially zoned school across the street and it's proximity to Government Street.

Bobby Knochel, 11 Mulberry Place, addressed the commission in opposition. He discussed alleged previous renters and their activities.

Carolyn Clark, 1 Mulberry Place, addressed the commission in opposition. She expressed concerned with short-term rentals and its affect on the neighborhood and neighboring school.

Kari Branch, applicant, addressed the input by the audience. She explained the sources they advertise with and short-term versus long-term leasing.

K. O'Connell asked if another avenue other than a police report was available for complaints. C. Martin explained any complaint can be called into the code enforcement office; it does not have a police report filed specifically.

A. Stanfield inquired if the proposed property was previously a STR. C. Martin explained the property next door was previously permitted but no longer active.

A motion was made by M. Hinton seconded by K. O'Connell to come out of public hearing. The motion was carried unanimously.

A motion was made by M. Johnson seconded by K. O'Connell to recommend a short-term rental permit for 708 Magnolia Avenue, PID_61095002.000 & 61095003.000 be approved, subject to annual renewal. The motion was carried unanimously.

i) PUBLIC HEARING: 218 Mitchell Drive / PID# 61305109.000 – Ward Wicht
– 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. The applicant will serve as the property manager and meets the residency requirements. There is no active HOA. The inspection was passed on March 30 and approved with a maximum occupancy of six (6) and maximum vehicles of two (2). There were no code violations or police reports within the last 12 months. No input was received.

Martha Garlotte, 216 Mitchell Street, addressed the commission in opposition to the request. She described how the property has been vacant for some time. She is against B&B's.

Carrie Curtis, 121 Arbor Vista Drive, addressed the commission in opposition to the request. She is concerned with the number within a small area.

The cap and density of permits was discussed. A. Moser explained the number per ward of permitted short-term rentals.

Jimmy Garlotte, 216 Mitchell Street, addressed the commission in opposition to the request. He is concerned with people coming in and out.

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

A motion was made by A. Stanfield seconded by K. O'Connell to recommend approval of the residential short-term permit at 218 Mitchell Street subject to annual renewal. The motion was carried unanimously.

j) PUBLIC HEARING: 2515 Englewood Road / PID# 61105428.000 – Joanna Worch
– Requesting a Residential Short-term Rental permit.

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

C. Martin introduced the proposal. The property owner will be the property manager and satisfies the residency requirement. There is no active HOA. The inspection was

passed on April 4th with a maximum occupancy reduced from eight (8) to four (4) and maximum vehicles requested and approved at five (5). There are no code violations or police reports within the past 12 months. No input was received.

M. Davis asked why the occupancy was reduced so much. J. Worch explained one of the bedrooms is set up as an office with no bed. C. Martin added an occupancy inspection upon renewal can increase the maximum.

Seren Ainsworth, 509 Shadowlawn Drive, addressed the commission in support of the request.

George Drago, 2518 Englewood Drive, addressed the commission regarding the request. He appreciates the improvements to the property. He feels five (5) vehicles is too many.

J. Worch, applicant, addressed the parking concern.

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

A motion was made by K. O'Connell seconded by M. Johnson to recommend approval of the short-term rental permit for 2515 Englewood Road subject to annual renewal. The motion was carried unanimously.

5. General Public Comment

6. Commissioner's Forum

PC packets being delivered electronic in place of paper were discussed.

Short-term rentals and its ordinance/process was discussed.

7. Adjourn

A motion was made by K. O'Connell seconded by M. Johnson 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

MEETING DATE: June 14, 2022

APPLICANT: J. Neal Olive and Dawn Smith

REQUESTED ACTION: Approval of construction on a historically platted, legal non-conforming parcel.

DATE OF APPLICATION: April 27, 2022

LOCATION: 612 Azalea Drive / PID# 61090010.000

ADJACENT ZONING/LAND USE:

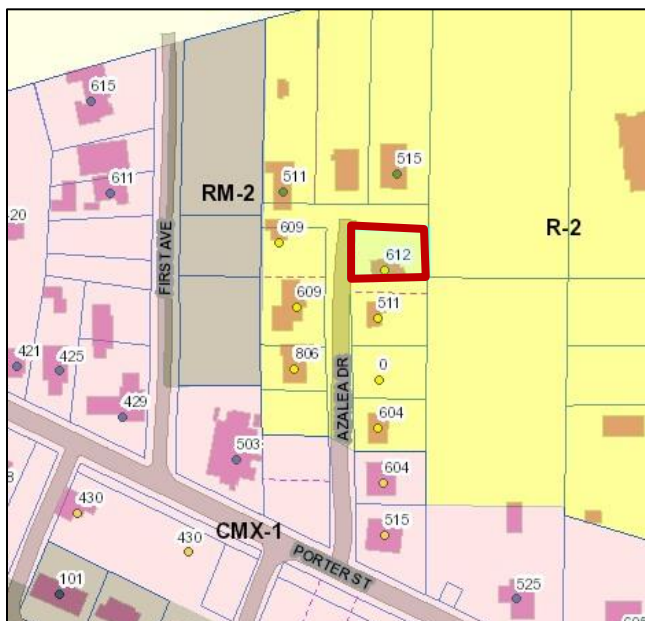
Subject Property: R-2, Single-Family Residential District; a single-family dwelling;

North: across Azalea Drive (east-west), R-2, Single-Family Residential District; single-family dwellings;

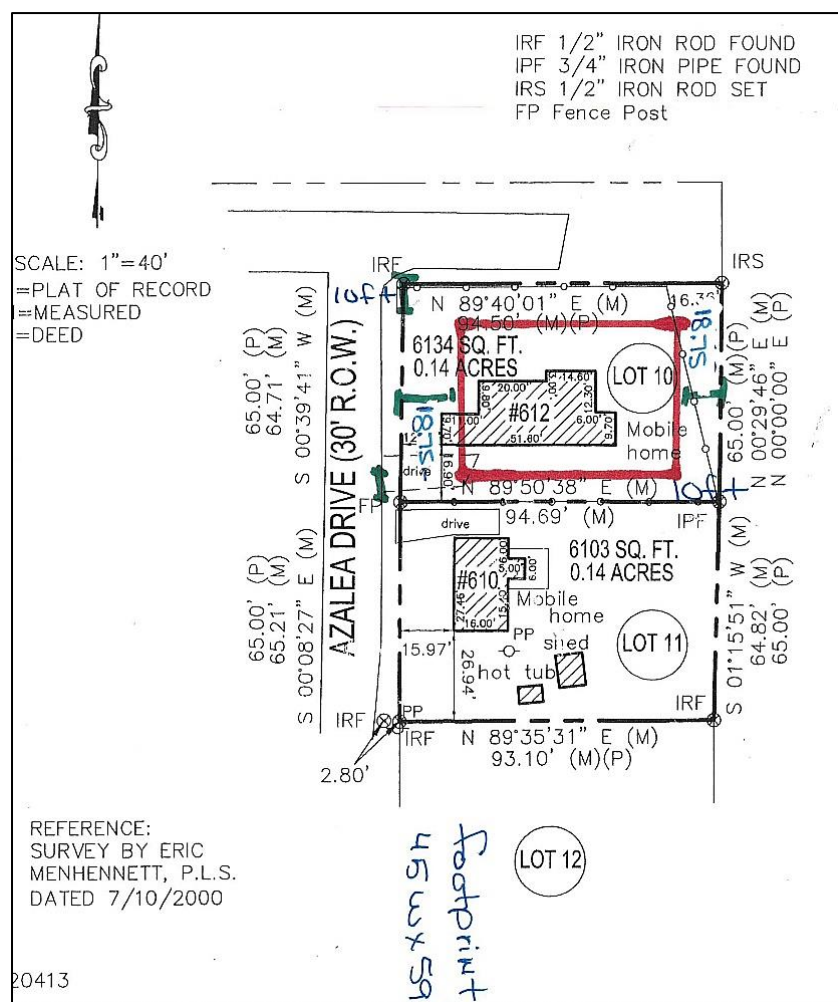
South, East: R-2, Single-Family Residential District; single-family dwellings and an undeveloped parcel;

West: across Azalea Dr (north-south); R-2, Single-Family Residential District, single-family dwellings.

VICINITY



- The owners request approval to construct a dwelling on an undersized parcel. The parcel is below both the R-2 district minimum area requirement of 11,250 sq. ft. and the minimum width requirement of 80 ft. The parcel is 65 ft. wide and 94.5 ft. deep, for a total area of 6,134 sq. ft.



- The Unified Development Code (UDC) requires the Planning Commission (PC) to review and the Board of Aldermen (BOA) to approve the development on a historically platted, non-conforming lot/parcel (Sec. 3.6.3.G). This review helps ensure that the parcel has suitable utilities and sufficient area available for a building and off-street parking.
- The parcel is small in both width and depth, which limits the buildable area.

Public Works:

- WATER
 - A water tap must be requested at the Public Works office at 228-875-3995. All costs associated with the water tap will be the responsibility of the homeowner/owner/developer.
 - The plumber needs to disconnect the water lines from the meter before any demolition.

- SEWER

- A sewer tap must be requested at the Public Works office at 228-875-3995. All costs associated with the sewer tap will be the responsibility of the homeowner/owner/developer.
- Each lot has existing sewer taps and are marked with "S" on the side of the road.
- When the demolition is done, the plumber needs to dig up the old pipe at the tap and cap off before any work. This will be the tap for the new home.

PUBLIC INPUT:

- None received.

STAFF RECOMMENDATION: Approval

PROPOSED MOTION: To recommend approval of the construction of a single-family dwelling on a historically platted, non-conforming lot at 612 Azalea Drive.

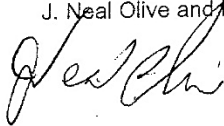
To: Jackson County Zoning and Planning Commissions and City Council

Re: Property located at 612 Azalea Ln., Ocean Springs, MS 39564

Greetings,

My wife and I are requesting that when our current tenant moves out of the above-referenced property at the end of 2022, that we be allowed to obtain a demolition permit, remove the trailer that has been there for many years and build . It is our plan to thereafter build a new home on the site that we will live in as our permanent residence. It will fit all building codes and setbacks required by the City of Ocean Springs. The homesite, per zoning, is smaller than the standard homesite; the survey describes the lot as approximately 65 feet wide and 93 feet deep. We feel like this new construction would be a benefit to the area and the city and much more attractive than the current "grandfathered in" trailer that is currently on the site. We look forward to working with you all.

Sincerely,
J. Neal Olive and Dawn Smith



<https://mail.aol.com/webmail-std/en-us/PrintMessage>



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)

Office Use

Date Received _____
Received by _____
Fee Paid \$ _____

LEGAL NON-CONFORMING APPLICATION

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

Legal Non-Conforming: \$50.00

Application Date: 5/3/2022 (Applications are due by the 7th of each month.)

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

Applicant Information

Address of Lot(s): 612 Azalea Lane Ocean Springs
Parcel ID(s): 6-10-90-010.000

1. Applicant: J Nea Olive Phone 228-806-2975
Address 610 Azalea Ln / 1306 1/2 Riverwalk Email RealOlive@AOL.com
2. Local Agent: see above Phone _____
Address _____ Email _____
3. Owner of Record: J Nea Olive & Dawn Smith Phone RealOlive@AOL.com
Address 1306 1/2 Riverwalk / 610 Azalea Ln Email _____
4. Engineer: _____ Phone _____
Address _____ Email _____
5. Land Surveyor: Eric Menkenett Phone _____
Address P.O. Box 4642 Biloxi MS 39535 Email _____
6. Attorney: Dawn Smith Phone 228-217-3296
Address 610 Azalea Ln OS 39564 Email dawnsmithattorney@yahoo.com

Property Information

1. Tax Map Designation: Section _____ Township: _____ Range: _____
2. Zoning of Lot(s): _____
3. Current lot area (sq. ft.) 6,142.50

Reconfiguration Request

1. Describe the request (existing lot size, lot width, reason for request, etc.).

see attached letter - Remove old house trailer and build new home within proper setbacks and current building codes



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. Are there any easements filed for the property? NO

4. Is there access to public water and sewer lines? yes

LEGAL NON-CONFORMING 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).
☒		Proposed development does not impair existing access, easements or public improvements.



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) J Neale Olive, 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: J Neale Olive

Parcel ID(s): 6-19-90-010.000

Date Property Acquired Date: 1-26-22

Book and Page of Each Conveyance: 202201819 2057-742

Owner's Signature: J Neale Olive Date: _____

STATE OF Mississippi

COUNTY OF Stone

J Neale Olive - J Neale Olive, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 13064 Riverwalk Cir
D9 berville MS 39540

Subscribed and sworn before me this 2 day of April, 2022.

My commission expires

My Commission Expires: Jan. 6, 2024



Stephane Lee



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) Dawn 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 original parcel(s).

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

Owner(s) Name: Dawn Smith

Parcel ID(s): 6-10-90-010100

Date Property Acquired Date: 1-26-22

Book and Page of Each Conveyance: 202201819 2057-742

Owner's Signature Dawn Smith Date 4.25.22

STATE OF Mississippi

COUNTY OF Stone

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

Mailing Address 13044 Riverwalk Cir.
D'Arville, MS 38540

Subscribed and sworn before me this 25th day of April, 2022

My commission expires

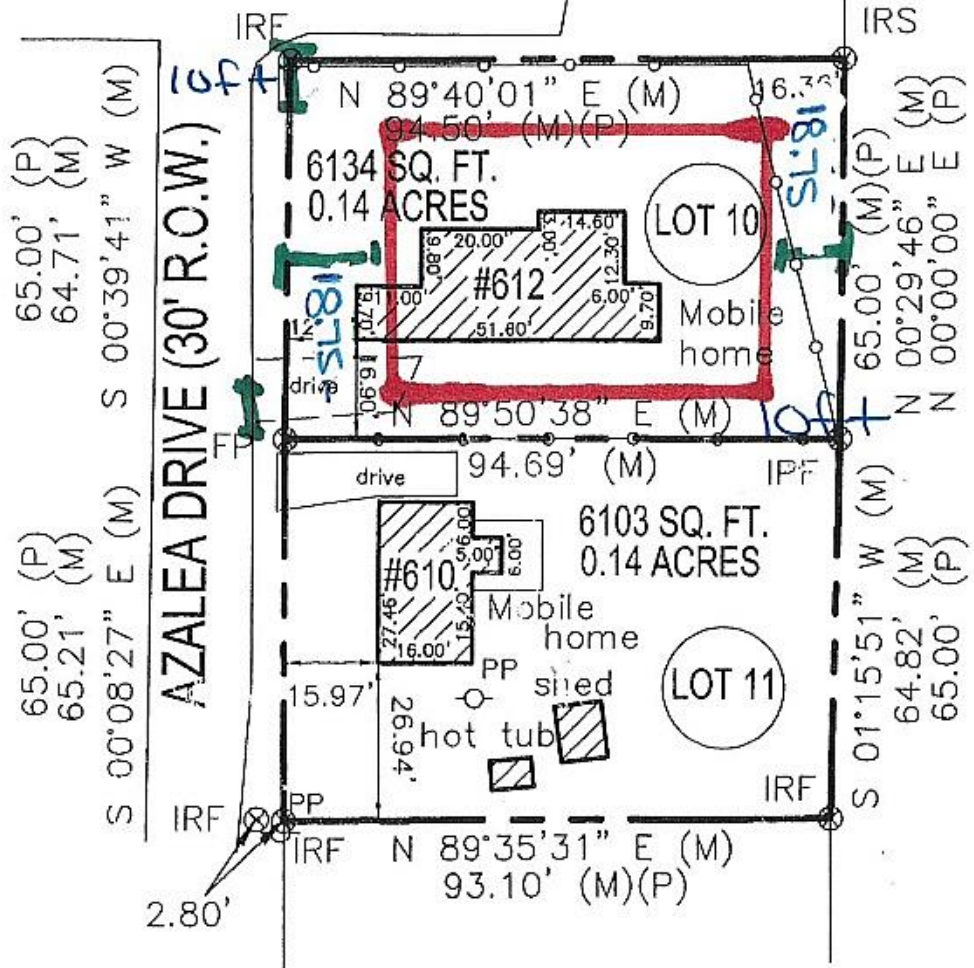
My Commission Expires: Jan 2023



Stephane Lee
Stone County Deputy Chancery Clerk

IRF 1/2" IRON ROD FOUND
 IPF 3/4" IRON PIPE FOUND
 IRS 1/2" IRON ROD SET
 FP Fence Post

SCALE: 1"=40'
 =PLAT OF RECORD
 =MEASURED
 =DEED



REFERENCE:
 SURVEY BY ERIC
 MENHENNETT, P.L.S.
 DATED 7/10/2000

LOT 12

45x59 footprint

20413

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: June 14, 2022

APPLICANT(S): Nancy Allen

CURRENT OWNER? ✓ Yes No

LOCATION: 1203 Lafontaine Avenue / PID# 600137302.000, north side of Lafontaine Avenue, west of Harbor Drive and opposite the intersection of Clark Lane

REQUESTED ACTION: Approval of a Conditional Use Permit (CUP) to allow the continuation of an existing multi-family building in the R-1, Low-Density, Single-Family Residential District.

DATE OF APPLICATION: May 5, 2022

ADJACENT ZONING AND LAND USE:

Subject Property: R-1, Low-Density, Single-Family Residential District – a 4-unit, two-story multi-family building;

North and West: R-1, Low-Density, Single-Family Residential District – single-family dwellings;

East: C-M Commercial Marina District;

South: across Lafontaine Avenue, R-1, Low-Density, Single-Family Residential District – single-family dwellings; and C-M District – single-family dwellings.

CURRENT CONDITIONS:

- Property Size: 8,941 sq. ft.



DESCRIPTION OF REQUEST:

- The applicant requests approval of a CUP to allow an existing four-unit apartment building to be re-built if it were damaged and/or destroyed past 50% of its area or value.

FINDINGS:

- The existing apartment building was constructed in 1971, according to Jackson County Land Records information. It would have conformed to the zoning regulations in effect at that time.
- In the time since 1971, the Zoning Regulations have been amended so that the area's zoning district, R-1, Low-Density, Single-Family Residential, allows only one (1) single-family dwelling plus one (1) accessory dwelling unit per lot/parcel. The existing four-unit apartment building is a, "non-conforming use," in that it was lawfully established and maintained, but no longer conforms with the use regulations for the district in which it is located.
- Non-conforming uses such as the existing apartment building may continue in use and be maintained and repaired but may not be expanded or altered in a way that increases its non-conformity. In addition, if it is damaged or destroyed beyond 50% of its area or value it can only be re-built in compliance with the R-1 district regulations.
- Non-conforming uses and structures are permitted as CUP uses in all zoning districts by the Unified Development Code (UDC). [Table 3.6 - Land Use Matrix]
- CUPs are designed to allow land uses with unique characteristics or potential impacts on adjacent land uses provided that a site plan for the property is adopted by the Planning Commission (PC) and Board of Aldermen (BOA). The CUP must conform to the city's Comprehensive Plan and be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the community.
- The existing two-story apartment building has co-existed since its construction with the low-density residential uses to the west and south, and with the marina and harbor facilities to the east.

OTHER FEEDBACK:

- None received.

SUMMARY AND CONCLUSIONS:

- The existing four-unit apartment building provides a mixture of housing types within this stable residential neighborhood. It's continuation and reconstruction can be compatible with the surrounding dwellings.

RECOMMENDATION:

- APPROVAL OF THE CONDITIONAL USE PERMIT, WITH THE FOLLOWING CONDITION:

PROPOSED MOTION: To recommend approval of a Conditional Use Permit for 1203 Lafontaine Avenue.



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	5/5/22
Received by	A. Moser
☒ App Fee Paid / Cash / Ck#	
☐ Mailout Fee: \$	1163
☐ 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: 5-5-22
(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):	<u>1203 Lafontaine Ave</u>
Parcel ID(s):	<u>60137302.000</u>

1. Applicant:	<u>Nancy Allen</u>	Phone:	<u>228-238-3255</u>
Address:	<u>1402 Hellmers Ln</u>	Email:	<u>N-DUCKETT@HOTMAIL.COM</u>
2. Owner of Record:	<u>1402 Hellmers Lane LLC</u>	Phone:	
Address:	<u>1203</u>	Email:	

COMPLETE THE FOLLOWING:

- Current Zoning classification of property:
New Zoning District Requested (if applicable): ☒
- Explain the present use of the property and condition of any existing structures:
4 apartments (rental)

- Describe the intended use of property:

4 apartments (rental)



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.*

Requesting C.U.P. to allow time to rebuild
and/or repair due to damage since it is
legal non-conforming.

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

Nancy Allen
Nancy Allen

Print name

5-5-22

Date

Signature of Applicant

Nancy Allen
Nancy Allen

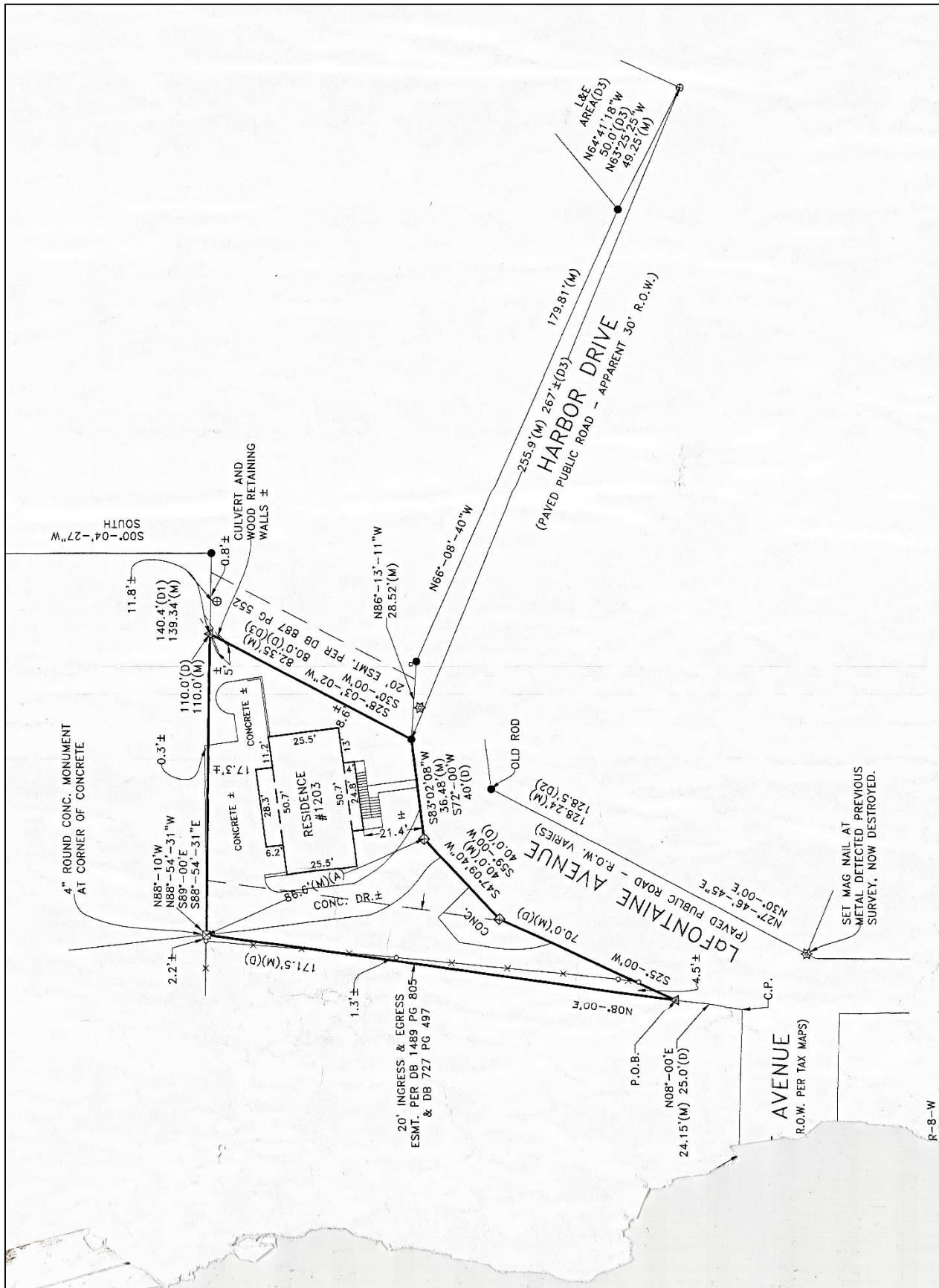
Print name

5-5-22

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: June 14, 2022

APPLICANT: Lars and Michael Larsen
CURRENT OWNER? ✓Yes No

REQUESTED ACTION: Reconfiguration of two (2) adjoining parcels – 1109 Iola Road and 1120 East Cherokee Avenue

DATE OF APPLICATION: May 6, 2022

LOCATION: 1109 Iola Road / PID# 61063029.000
1120 East Cherokee Avenue / PID# 61054018.000

ADJACENT ZONING/LAND USE:

Subject Property: R-1 Single-Family Residential District; a single-family dwelling;

**North, South, East,
West:**

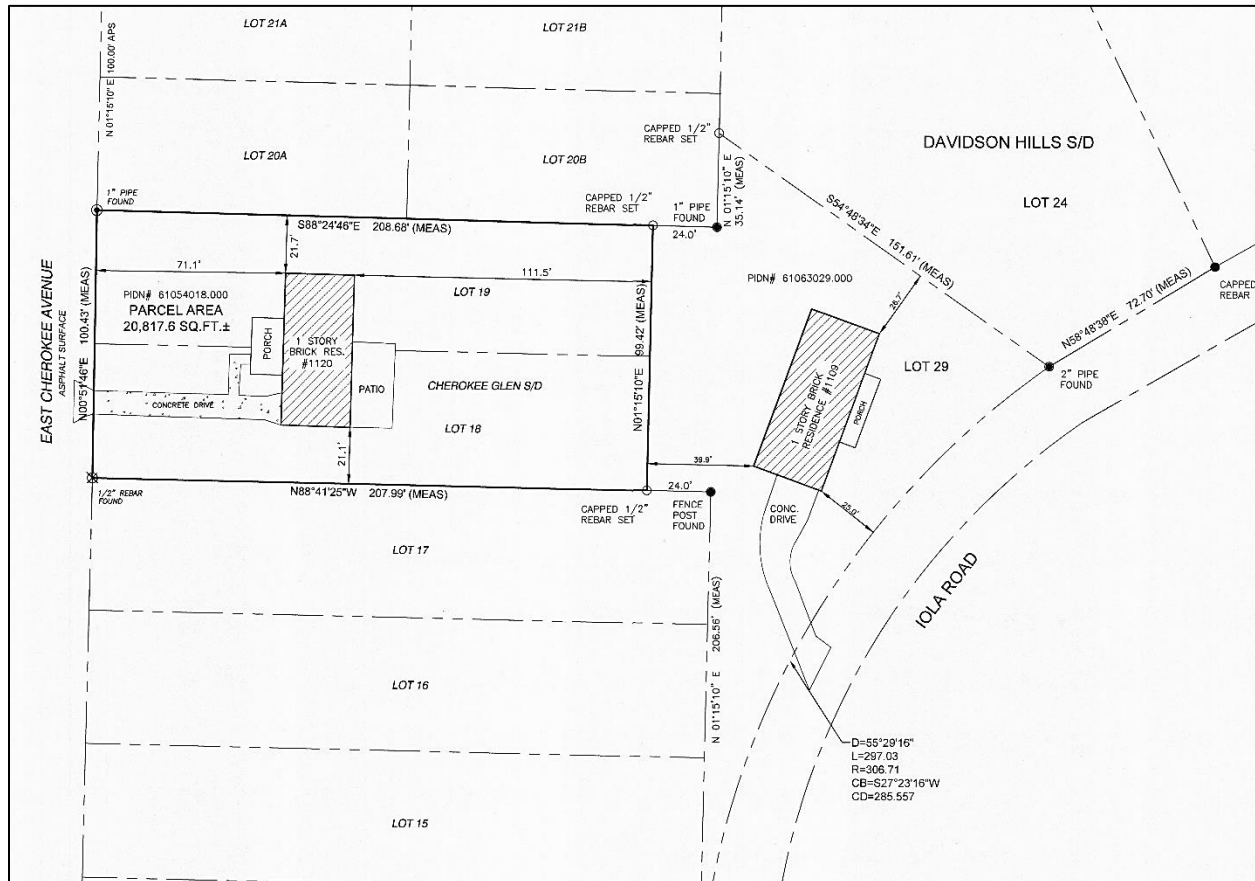
R-1, Single-Family Residential District, single-family dwellings.

VICINITY



DESCRIPTION OF THE REQUEST: The owner of each lot requests approval of the reconfiguration to shift their common lot line westward 24 feet, which will enlarge 1109 Iola Rd. by 2,400 sq. ft.

PROPOSED RESULTING CONFIGURATION:



FINDINGS:

- The two (2) lots to be reconfigured are in separate subdivisions. 1109 Iola Road is in the Davidson Hills Subdivision (Lot 29), and 1120 East Cherokee Avenue is in the Cherokee Glen Subdivision (Lots 18 & 19). Because of that situation, an amendment to the plat of each subdivision is needed.
- After the reconfiguration, 1120 East Cherokee Avenue will still comply with the R-1 district requirements (area, width, setbacks).
- There are no easements that will be impacted by the reconfiguration.

DEPARTMENT COMMENTS:

PUBLIC WORKS:

- WATER
 - A water tap must be requested at the Public Works office at 228-875-3995. All costs associated with the water tap will be the responsibility of the homeowner/owner/developer.
 - The Water Dept. has no problems.
- SEWER
 - A sewer tap must be requested at the Public Works office at 228-875-3995. All costs associated with the sewer tap will be the responsibility of the homeowner/owner/developer.
 - Sewer Dept. has no problems.

PUBLIC INPUT:

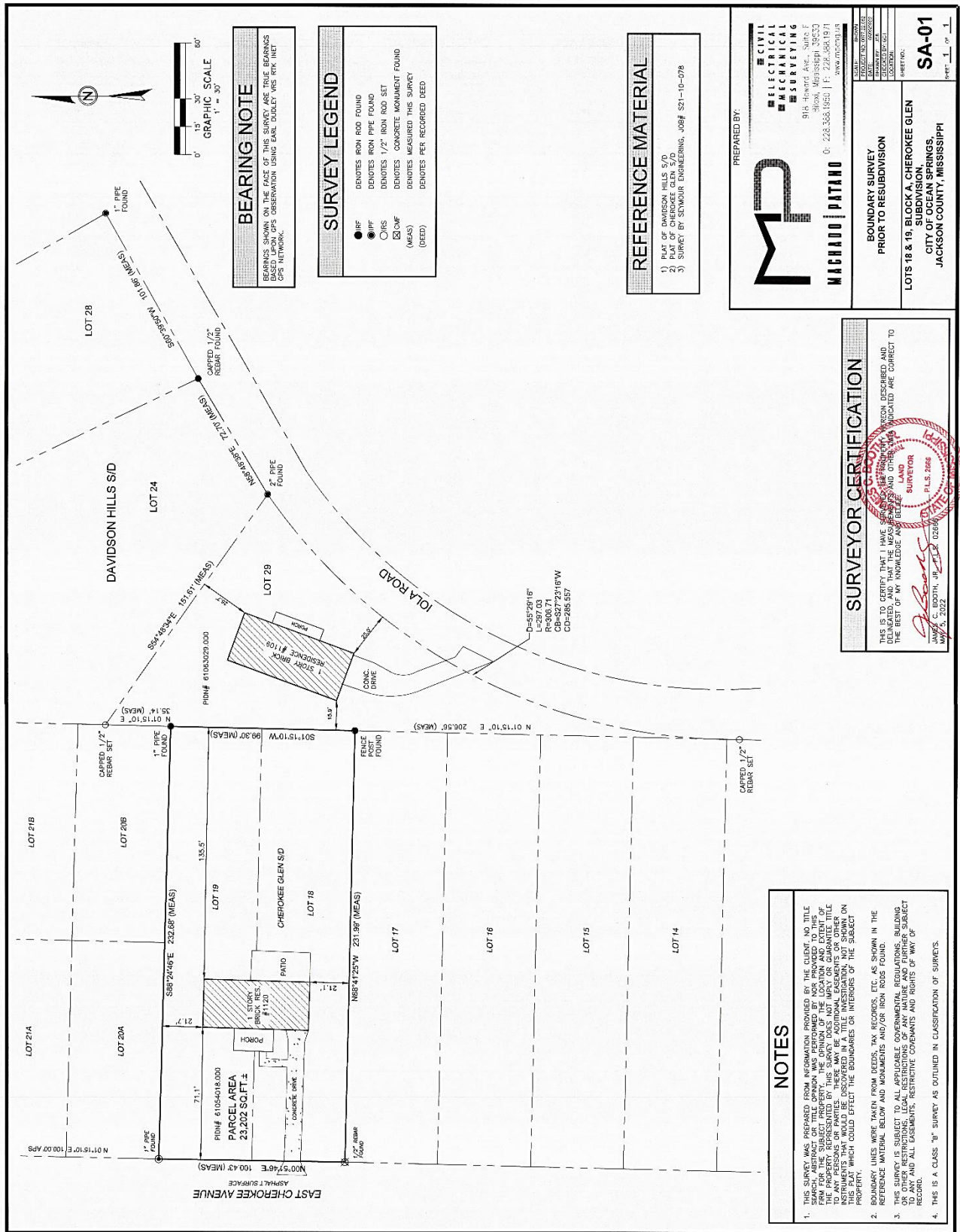
- None received.

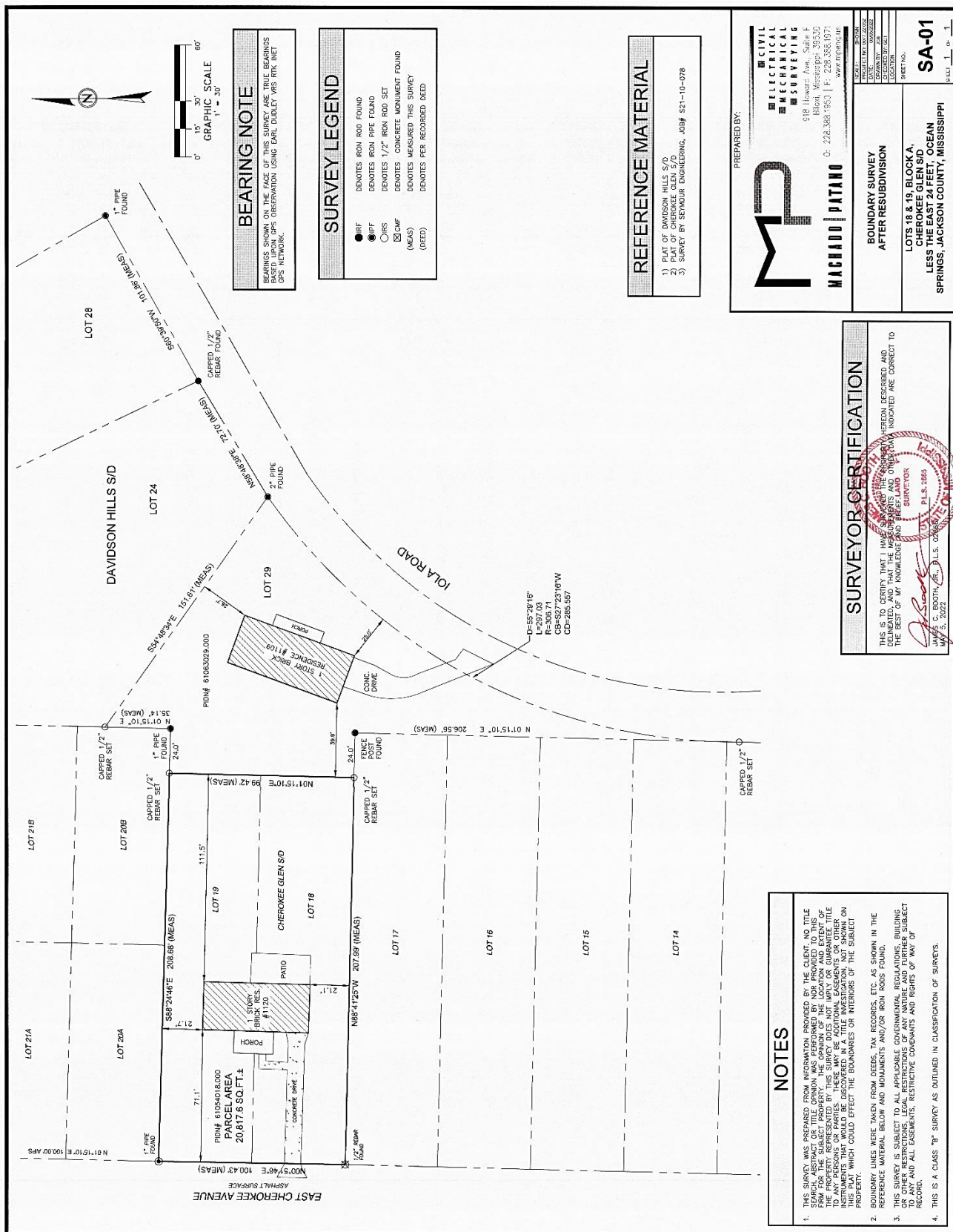
STAFF RECOMMENDATION: Approval

PROPOSED MOTIONS

1. To recommend that there are no individuals that will be adversely affected or directly interested in the reconfiguration of Lot 29 of the Davidson Hills subdivision and Lots 18 & 19 of the Cherokee Glen subdivision.
 2. To recommend approval of the reconfiguration of 1109 Iola Road (Lot 29 of the Davidson Hills subdivision) and 1120 East Cherokee Avenue (Lot 18 of the Cherokee Glen subdivision) as requested in the application.
-

CURRENT CONFIGURATION







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)

Office Use

Date Received _____
Received by _____
Fee Paid \$ _____

LOT SPLIT/ LOT RECONFIGURATION APPLICATION

Indicate Request: LOT SPLIT ☐ LOT RECONFIGURATION ☒

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

Lot Reconfiguration/ Lot Split \$200

Application Date: 5-6-2022 (Applications are due by the 7th of each month.)

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

Applicant Information

Address of Lot(s): 1109 lola Rd & 1120 E Cherokee Ave, Ocean Springs, MS 39564

Parcel ID(s): 61063029.000 & 61054018.000

1. Applicant:	<u>Lars & Michael Larsen</u>	Phone	<u>214-476-6519</u>
Address	<u>1109 lola Rd Ocean Springs MS 39564</u>	Email	<u>Leriklarsen@protonmail.com</u>
2. Local Agent:	_____	Phone	_____
Address	_____	Email	_____
3. Owner of Record:	<u>Lars & Michael Larsen, Helen Virginia Stennis</u>	Phone	_____
Address	<u>1109 lola Rd & 1120 E Cherokee Ave, Ocean Springs, MS 39564</u>	Email	_____
4. Engineer:	_____	Phone	_____
Address	_____	Email	_____
5. Land Surveyor:	<u>Jim Booth</u>	Phone	<u>228-388-1950</u>
Address	<u>918 Howard ave suite F, Biloxi MS 39530</u>	Email	<u>jbooth@mpeng.us</u>
6. Attorney:	_____	Phone	_____
Address	_____	Email	_____

Property Information

1. Tax Map Designation: Section 24/24 Township: 7/7 Range: 9/9
2. Zoning of Lot(s): R1
3. Current lot area (sq. ft.) _____

Reconfiguration Request

1. Describe lot split/reconfiguration request (existing and proposed size of lot(s), reason for request, etc.).
We would like to reconfigure 2400 sqf from the back part of 1120 E Cherokee Ave to the back part of 1109 lola Rd.



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? _____
No

4. Are there any easements or existing structures that would interfere with this lot reconfiguration? _____
No

5. Are the proposed lots adjacent to public water and sewer lines? Yes

LOT SPLIT/ LOT RECONFIGURATION COMPLIANCE CHECKLIST

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

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 lot 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 lot 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.).
☒		No lot included in this request has been previously split or reconfigured.
☒		Lot reconfiguration will provide for development conformable with existing development and City's Comprehensive Plan.



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.



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) Lars Larsen & Michael Larsen, 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: Lars Larsen & Michael Larsen

Parcel ID(s): 61063029.000

Date Property Acquired Date: 4/8/2019

Book and Page of Each Conveyance: DB 1937-824

Owner's Signature Lars Larsen / M. Larsen Date 5-6-2022

STATE OF MS

COUNTY OF Jackson

I Lars & Michael Larsen, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address 1109 Iola Rd
Ocean Springs, MS 39564

Subscribed and sworn before me this 6 day of May, 2022.

My commission expires

3-10-25

[Signature]





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) Helen Virginia Stennis, 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: Helen Virginia Stennis

Parcel ID(s): 61054018.000

Date Property Acquired Date: April 7, 2015

Book and Page of Each Conveyance: DB 1944-434, DB 1944-436

Owner's Signature Helen Virginia Stennis Date 4-7-15

STATE OF Mississippi

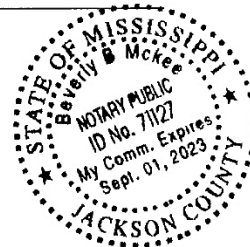
COUNTY OF Jackson

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

Mailing Address 1120 E. Chevokee Glen
Ocean Springs, MS 39564

Subscribed and sworn before me this 7 day of April, 2022.

My commission expires Sept 1, 2023



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, June 14, 2022

APPLICANT: Linda Lindsey

LOCATION: 315 Pine Drive / PID: 61455015.050

REQUESTED ACTION: Residential Short Term Rental Permit

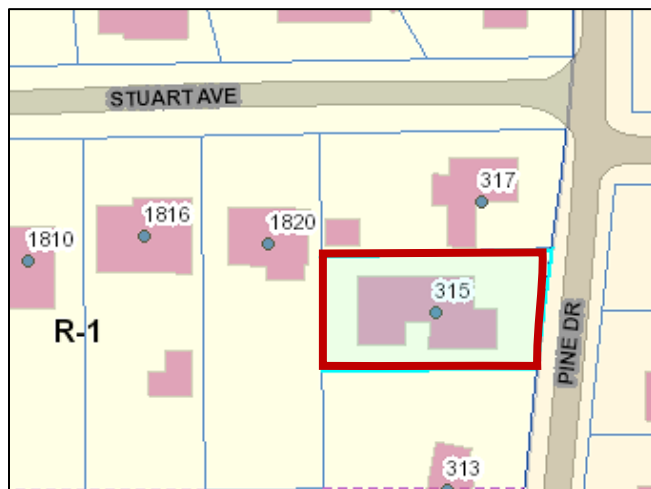
DATE OF APPLICATION: APRIL 8, 2022

ADJACENT ZONING/LAND USE:

Subject Property: R-1, Low-Density, Single-Family Residential
North, South, East, West: R-1, Low-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 Pine Drive south of Stuart Avenue



FINDINGS:

- Local Property Manager: The applicant will serve as the local property manager. With an address of 113 Spanish Point Circle, the residency requirement of within 2 miles of the city limit is satisfied.
- Application: Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- Homeowner's Association: On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA.
- 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 53 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 4/21/22 and was approved. Inspection form is attached for review.
- Maximum Occupancy: The requested a maximum occupancy of 10 was reduced to 8 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:

- A letter of support was received and is attached for review.

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: 4/8/22

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: 315 Pine Dr. O.S., MS, 39564
- Parcel Identification Number: 01455015.050 Number of bedrooms: 3
- Proposed maximum # guests: 10 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	<u>Linda Lindsey (Pasvantis)</u>
Address of Property Owner	<u>113 Spanish Point O.S. MS 39564</u>
Phone No.	<u>228-282-2157</u>
Name of Local Property Manager	<u>Linda Lindsey</u>
[Must RESIDE within two (2) miles of the OS City Limits] Address	<u>113 Spanish Point O.S. MS 39564</u>
Phone No.	<u>228-282-2157</u> Signature: <u>[Signature]</u>

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

Revised 02/23/2022

1 | Page

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) Linda Lindsey, 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: Linda Lindsey (Pasvantis)

Parcel ID(s): _____

Date Property Acquired: 9/2014

Owner's Signature [Signature] Date 4/8/22

.....
Office Use Only

Date of Inspection: 4/21/22

Maximum Occupancy Determination: 8

Maximum Parking Spaces: 3

PC Public Hearing Date: 6/14/22

Result of Occupancy Inspection: PASSED
(attached)

Permit Renewal Date: _____

BOA Approval Date: _____

Revised 02/23/2022

2 | Page

ADDRESS: 315 Pine Drive



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: 10 ³

☒ Proposed # of Guests: 10

Approved # of Guests per OSFD: 8

☒ Proposed # of vehicles: 3

Approved # of vehicles per OSFD: 5

Property Owner: Linda Lindsey

Contact Name: _____

Phone #: 282-2157

Phone #: _____

.....
Date of Inspection: 4-21-27

COMMENTS: _____

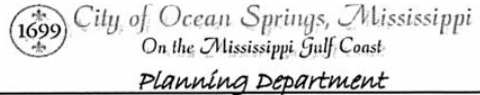
☒ **PASSED**

Building Official: [Signature]

Fire Marshall: [Signature]

Property Owner: [Signature]

PUBLIC HEARING NOTICE
Residential Short-Term Rental



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

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

PUBLIC NOTICE is hereby given that the City of Ocean Springs **PLANNING COMMISSION** will hold a public hearing on the date listed below to consider an application for a Short-Term Rental Permit per Ordinance 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: 315 Pine Drive

Public Hearing Date/Time: June 14, 2022 at 6:00 p.m.

Applicant Linda Lindsey

Local Contact Linda Lindsey

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

- 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.

PC Item 4.d



Dear Guest:

Thank you for choosing The Courtyard for your vacation. We hope that you have a pleasant stay.

The property is located at:

315 Pine Drive
Ocean Springs, MS 39564

Your confirmation is as follows:

Check-in date: Check-out date:

Number of adults: _____ Number of children: _____ Pets: _____

Your deposit of _____ is due immediately upon booking

Rental rate and fees are as follows:

\$250 per night x nights \$ _____

\$150 cleaning fee per stay. \$ _____ \$100 pet fee \$ _____

Total \$ _____

Policies, inclusions and exclusions are listed on the following page. Please read carefully.

CANCELLATIONS - A sixty (60) day notice is required for cancellation. Cancellations that are made more than sixty (60) days prior to the arrival date will incur no penalty. Cancellations or changes that result in a shortened stay, that are made within 60 days of the arrival date, forfeit the full advance payment and reservation deposit. Cancellation or early departure does not warrant any refund of rent.

PETS- Please do not leave your pets locked in the bathroom or bedroom. If they damage the home by scratching in a panic, or nervously chewing to free themselves, the renter will be responsible for repair costs.

PARKING – Parking is limited to three (3) vehicles in the driveway. Parking on the road is not permitted. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.

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

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 Courtyard.

DO NOT FLUSH anything other than toilet paper. No feminine products should be flushed at anytime. If it is found that feminine products have been flushed and clog the septic system, you could be charged damages of up to two hundred dollars (\$200).

The Courtyard is privately owned and run; 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.

I hereby give permission to charge my credit card for the amounts above. I agree that all rental monies are non-refundable per cancellation policy above. I have read my rights to purchase travel insurance.

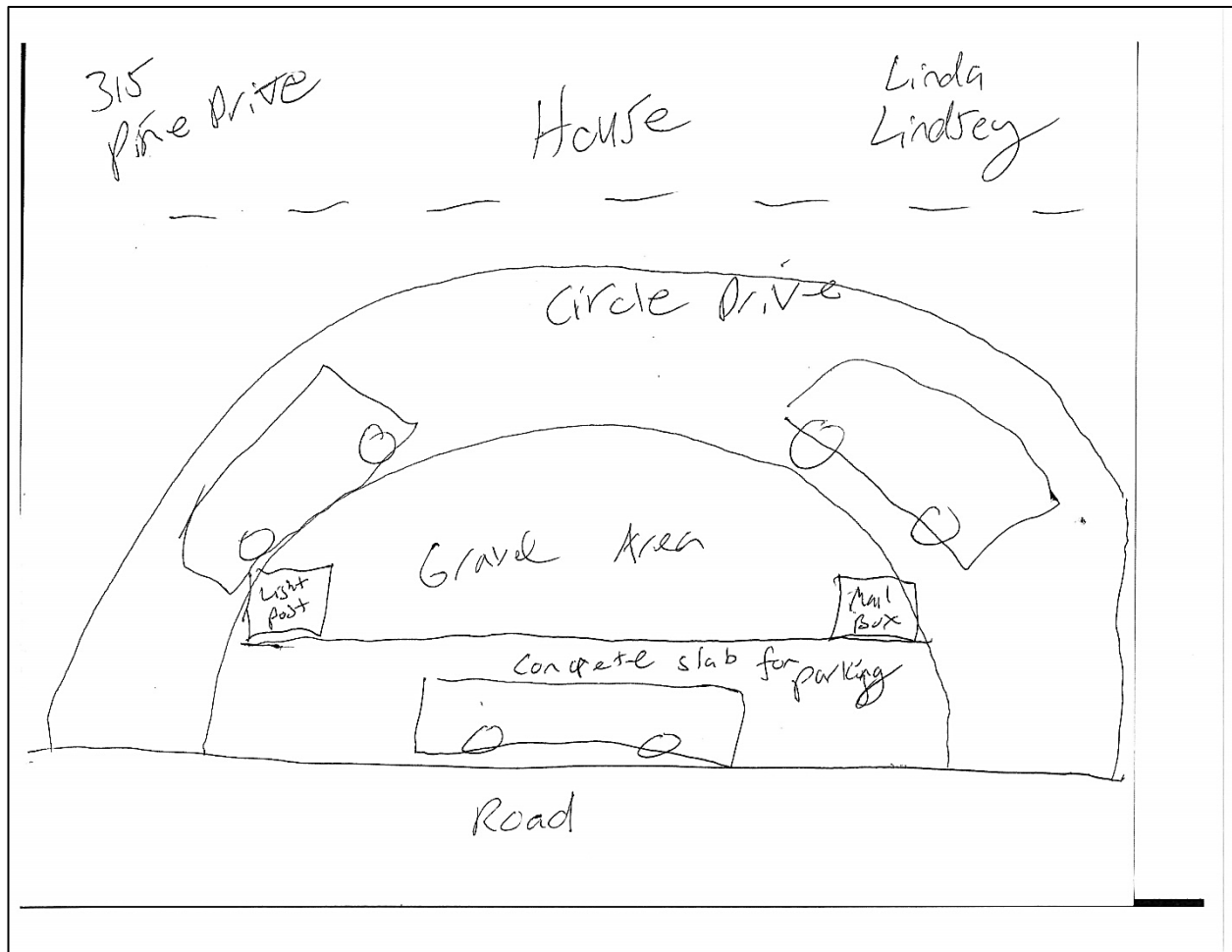
By signing below, I agree to all terms and conditions of this agreement.

Sign _____ Date _____

Thanks, and have a great vacation! The Courtyard Vacation Rental



- 1.No Smoking inside home
2. Check out by 11am
3. No loud noise or music. Please refer to Ocean Springs Noise Ordinance in guest manual.
4. Report all damages immediately
5. Place trash in appropriate receptacle
6. Bring trash to street Tuesday evenings for pick up Wednesday morning.
7. Place all laundry in baskets in laundry room
8. All dishes should be cleaned
9. All cars should be in driveway
10. No parking in the yard/grass
11. Lock all windows and doors upon checkout
12. Turn air conditioner thermostat to 75 degrees upon checkout
13. Contact Property Manager, Chris Deerman, directly with any questions or concerns (847) 307-1491



RECEIVED	
TILLMAN VANCE & DEBBIE L	JUN -2 2022
PO BOX 595	CITY OF OCEAN SPRINGS
OCEAN SPRINGS, MS 39566	PLANNING DEPARTMENT
Hello, We are good, (OK) with this. Thanks for the letter. Vance & Debbie L. Tillman	
3956680595	

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, June 14, 2022

APPLICANT: Ursula & Christopher Monroe

LOCATION: 811 General Pershing Avenue / PID: 60119390.000

REQUESTED ACTION: Residential Short Term Rental Permit

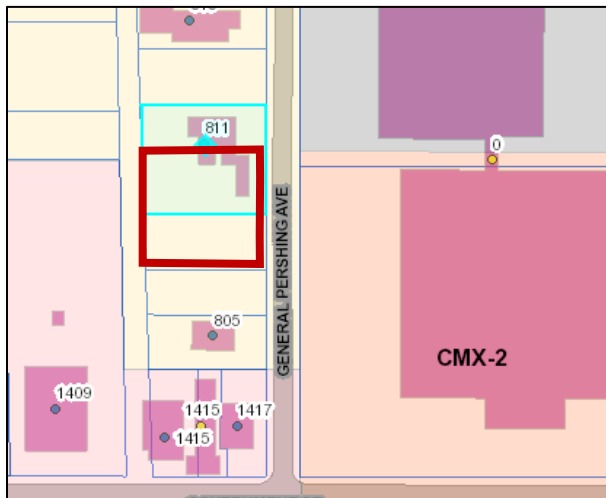
DATE OF APPLICATION: FEBRUARY 17, 2022

ADJACENT ZONING/LAND USE:

Subject Property:	R-D, Two-Family Residential
North, South:	R-D, Two-Family Residential
East:	CMX-2, Community Commercial / Mixed Use & M1 , Manufacturing, Warehousing
West:	R-D, Two-Family Residential & CMX-1, Neighborhood Commercial / Mixed Use

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 west of General Pershing Avenue north of Government Street



FINDINGS:

- Local Property Manager: Tanya Darrow will serve as the property manager. With an address of 4125 Silverwood Drive, the residency requirement of within 2 miles of the city limit is satisfied.
- Application: Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- Homeowner's Association: On the application form, the applicant indicated that this is not a covenant-restricted neighborhood with an active HOA.
- 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 59 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 4/27/22 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:

tanya @ beachy realtor. com
VCM properties @ gmail com

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

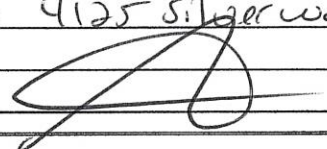
Application Date: 17 Feb 2022

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 Applicant Property: 811 General Pershing Ave; Ocean Springs MS 39564
- Parcel Identification Number: 60119390.000 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>Ursula + Christopher Monroe</u>
Address	<u>3733 Bayberry Way Longers CA 90294</u>
Phone No.	<u>404-357-7501</u>
Name of Local Property Manager	<u>Tanya Darmon</u>
[Must RESIDE within two (2) miles of the OS City Limits] Address	<u>4125 Silverwood Dr</u>
	<u>Ocean Springs MS 39564</u>
Phone No.	<u>228 229 2275</u> Signature: 

Copy of Ordinance 2015-11 Received: TUD (Initials) Copy of Ordinance 2019-19 Received: JOD
Copy of Ordinance 2018-02 Received: TUD (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) Ursula + Christopher Monroe, 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: Ursula + Christopher Monroe

Parcel ID(s): 60119390.000

Date Property Acquired: 2018

Owner's Signature Ursula Monroe Date 2-16-21
Christopher Monroe 2-16-21

.....
Office Use Only

Date of Inspection: 4/27/22

Result of Occupancy Inspection: PASSED

Maximum Occupancy Determination: 6

(attached)

Maximum Parking Spaces: 2

Permit Renewal Date: _____

PC Public Hearing Date: 6/14/22

BOA Approval Date: _____

Revised 08/12/2020

2 | Page

ADDRESS: 811 General Pershing Ave.



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: 6

- ☒ Proposed # of vehicles: 2

Approved # of vehicles per OSFD: 2

Property Owner: Ursula Monroe
Contact Name: Tanya Darrow

Phone #: 404-357-7501
Phone #: 229-2275

.....
Date of Inspection: 4-27-22

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: 811 General Pershing Avenue

Public Hearing Date/Time: June 14, 2022 at 6:00 p.m.

Applicant Ursula & Christopher Monroe

Local Contact Tanya Darrow

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.
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 - 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.

Beachy Bookings, LLC. Short Term Rental Agreement

Address: _____

This Rental Agreement and Contract (the "Agreement") is a legally binding agreement made and entered into as of the Reservation Date written below by and between the undersigned person(s) or company (the "Guest") and the undersigned owner, manager or agent ("Rental Agent"), pursuant to which the Guest has agreed to rent the residence described below (the "Property"), for the duration of the Rental Term for the Total Rental Fee and other good and valuable consideration as described herein.

OCCUPANCY

Guest agrees that no more than _____ persons shall be permitted on the Property at any time during the Rental Term, all of whom shall comply with the conditions and restrictions imposed upon Guest under this Agreement.

CONDITION AND USE OF PROPERTY

The Property is provided in "as is" condition. Rental Agent shall use its best efforts to ensure the operation of all amenities in the Property, such as internet access, satellite or cable TV access or hot tubs, fireplaces as applicable. Rental Agent shall not be held responsible for such items failure to work, but will make every effort to correct any issues as reported as quickly as possible. Guest acknowledges that use of amenities such as hot tubs, pools, spas, fireplaces, decks, and the like may be potentially dangerous and involve potential risks if improperly used, particularly with regard to children and such use is at the Guest's own risk.

Guest shall use the Property for residential purposes only and in a careful manner to prevent any damage or loss to the Property and keep the Property in clean and sanitary condition at all times. Guest and any additional permitted guests shall refrain from loud noise and shall not disturb, annoy, endanger, or inconvenience neighbors, nor shall Guest use the Property for any immoral, offensive or unlawful purposes, nor violate any law, association rules or ordinance, nor commit waste or nuisance on or about the Property.

DEFAULT

If Guest should fail to comply with the conditions and obligations of this Agreement, Guest shall surrender the Property, remove all Guest's property and belongings and leave the Property in good order and free of damage. No refund of any portion of the Total Rental Fee shall be made and if any legal action is necessary, the prevailing party shall be entitled to reimbursement from the other party for all costs incurred.

ASSIGNMENT OR SUBLEASE

Guest shall not assign or sublease the Property or permit the use of any portion of the Property by other persons who are not family members or guests of the Guest and included within the number of and as permitted occupants under this Agreement.

RISK OF LOSS AND INDEMNIFICATION

Guest agrees that all personal property, furnishings, personal affects and other items brought into the Property by Guest or their permitted guests and visitors shall be at the sole risk of Guest with regard to any theft, damage, destruction or other loss and Rental Agent shall not be responsible or liable for any reason whatsoever.

Guest hereby covenants and agrees to indemnify and hold harmless Rental Agent and their agents, owners, successors, employees and contractors from and against any costs, damages, liabilities, claims, legal fees and other actions for any damages, costs, attorneys fees incurred by Guest, permitted guests, visitors or agents, representatives or successors of Guest due to any claims relating to destruction of property or injury to persons or loss of life sustained by Guest or family and visitors of Guest in or about the Property and Guest expressly agrees to save and hold Rental Agent harmless in all such cases.

RELEASE

Guest hereby waives and releases any claims against Rental Agent, the Property owner and their successors, assigns, employees or representatives, officially or otherwise, for any injuries or death that may be sustained by Guest on or near or adjacent to the Property, including any common facilities, activities or amenities. Guest agrees to use any such facilities or amenities entirely at the Guest's own initiative, risk and responsibility.

ENTRY AND INSPECTION

Rental Agent reserves the right to enter the Property at reasonable times and with reasonable advance notice for the purposes of inspecting the Property or showing the Property to prospective purchasers, renters or other authorized persons. If Rental Agent has a reasonable belief that there is imminent danger to any person or property, Rental Agent may enter the Property without advance notice.

UNAVAILABILITY OF PROPERTY

In the event the Property is not available for use during the Rental Term due to reasons, events or circumstances beyond the control of Rental Agent, Rental Agent will apply due diligence and good faith efforts to locate a replacement property that equals or exceeds the Property with respect to occupancy capacity, location and value that meets the reasonable satisfaction of the Guest. If such replacement property cannot be found and made available, Rental Agent shall immediately return all payments made by the Guest, whereupon this Agreement shall be terminated and Guest and Rental Agent shall have no further obligations or liabilities in any manner pertaining to this Agreement.

ADDITIONAL TERMS TO THE RENTAL AGREEMENT

In addition to the standard terms included herein, Guest acknowledges and agrees that the following additional terms and conditions apply to the Guest's rental of the Property:

GENERAL PROVISIONS

This Agreement contains the entire agreement between the parties with regard to the rental of the Property, and any changes, amendments or modifications hereof shall be void unless the same are in writing and signed by both the Guest and the Rental Agent. This Agreement shall be governed by the laws of the State of Mississippi. The words "Rental Agent" and "Guest" shall include their respective heirs, successors, representatives. The waiver or failure to enforce any breach or provision of this Agreement shall not be considered a waiver of that or any other provision in any subsequent breach thereof. If any provision herein is held invalid, the remainder of the Agreement shall not be affected. Any notice required to be given under this Agreement shall be in writing and sent to the contact information included herein. This Agreement may be signed in one or more counterparts, each of which is an original, but taken together constitute one in the same instrument.

CHECK-IN TIME is AFTER 4 P.M. CST AND CHECKOUT is AT 10 A.M. CST.

There is no early check in or late check out.

SMOKING: Allowed outside only. If there is evidence of smoking in the house then there will be an additional cleaning fee of \$100.00 added to the credit card on file.

NO animals are allowed. Guests will be asked to leave immediately with no refund if animals are brought onto the premises.

OCCUPANCY: No persons other than those in the Guest party set forth below may stay overnight on the property. Maximum occupancy is _____ people including children. No more than _____ people can occupy the home over night. No guests allowed.

Must be 21 or older to make a reservation. Parties or large groups need management approval. Port a lets may be required and additional fees are to be paid by renter. Keep the property and all furnishings in good order.

PARKING – Parking is limited to 2 vehicle(s). Vehicles are to be parked in designated parking areas only. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.

No fire arms or fireworks allowed. You will be asked to leave immediately without a refund if you violate this rule. Please do not play loud music or musical instruments. No abusive noise will be tolerated.

A reservation deposit of \$ _____ is required upon booking. The deposit automatically converts to a security/damage deposit upon arrival. The deposit is NOT applied toward rent; however, it is fully refundable within (14) days of departure, provided the following provisions are met.

- No damage is done to unit or its contents, beyond normal wear and tear.
- No charges are incurred due to contraband, collection of rents or services rendered during the stay.
- All debris, rubbish and discards are placed in provided garbage tote, and soiled dishes are cleaned.
- All used towels are placed in a bath tub
- All keys are left on the kitchen table and unit is left unlocked.
- All charges accrued during the stay are paid prior to departure.
- No linens are lost or damaged.
- No early check-in or late checkout.
- No contamination of property with cigarette smoke or any other contaminate
- The vacationer is not evicted by the owner (or representative of the owner) or the local law enforcement.
- All furnishings inside and outside are in their proper place

If damages exceed the damage deposit then the amount of damages will be due in full immediately.

Reservation Balance: 50% is due within five (10) days of booking. Remainder is due fourteen (14) days before your arrival date. (unless other arrangements have been made)

INCLUSIVE FEES – Rates include a one-time linen & towel setup. You must bring sheets for the sofa bed if you need to use it.

Cancellation Policy: Management and Guest agreement is required to cancel a reservation. Guest can reschedule the reservation at a later date.

NO DAILY HOUSEKEEPING SERVICE – While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. We suggest you bring beach towels. We do not permit towels or linens to be taken from the units. Upon exiting the home please take out the trash, wash the dishes and put dirty towels in the tub. Keep the property and all furnishings in good order. There is a washer /dryer in each house for guest use. Please put the garbage cans out as specified by the signs on the posts. A one time cleaning fee is added to your rental amount.

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.

WATER AND Sewer. DO NOT FLUSH anything other than toilet paper. No feminine products, diapers, baby wipes, condoms, etc. should be flushed at anytime. If it is found that anything other than toilet paper has been flushed and clogged the sewer system, you could be charged damages of two hundred dollars or more (\$200+).

Please check that you have removed all your personal belongings upon checkout. Anything left behind can be mailed for a \$25.00 service fee plus postage. Any unclaimed items will be donated after 14 days

This home is privately owned; the owners are not responsible for any accidents, injuries or illness that occurs while on the premises or its facilities. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk

of any harm arising from their use of the premises or others whom they invite to use the premise. Fire Extinguishers are located under the sink in each of the houses. Please use them responsibly and only for what they are intended for. Do not remove them from the home.

Any requests for changes to this contract must be in writing by the guest and have a manager's signature of approval.

By signing below, I agree to all terms and conditions of this agreement.

Sign _____ Date: _____

Drivers License # _____ State: _____

Number of Guests in Party: _____

Mailing address: _____

Email Address: _____

Rental guest registration (Name of all persons staying):

Cars: Year, Make, Model, License Plate:

Trash: Garbage can to the road on Monday

Move in date: _____

Move out date: _____

Breakdown of charges:

\$ _____ - Rental fee

\$ _____ - Cleaning fee

\$ _____ - Refundable damage deposit.

Total due: \$ _____

A credit card must be kept on file and a copy of ids and vehicle information. Any changes must be approved with management. _____: Initial here to acknowledge all information listed above.

Guest agrees to leave on the check out date by the check out time or at anytime violations of the rules are reported. _____ Initial

Rental Agent: Tanya Darrow
Cell phone – 228-229-2275
booknowinms@gmail.com

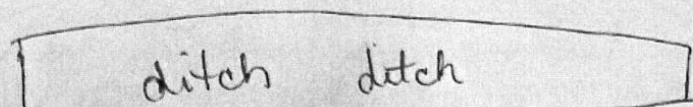
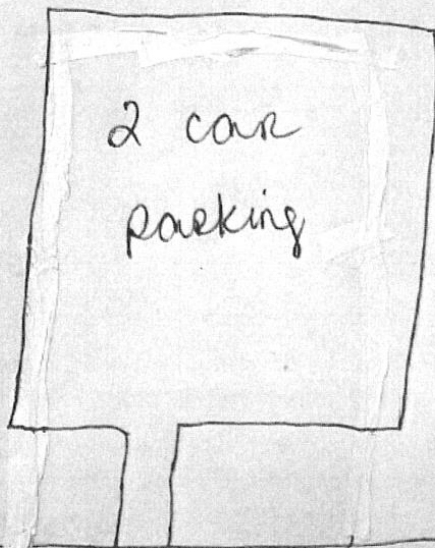
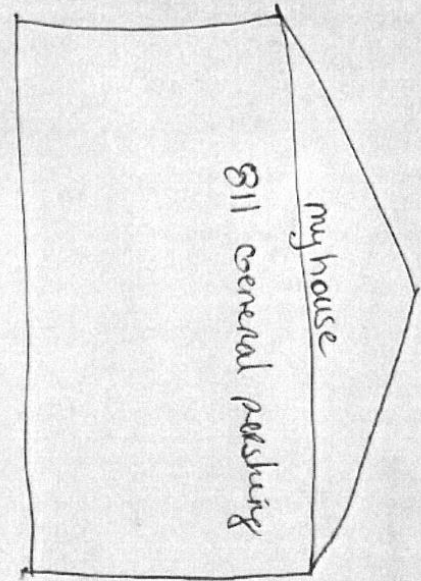
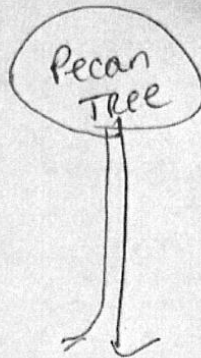
WELCOME to Ocean Springs!

Thanks for staying with us and we hope you enjoy our little slice of Paradise here on the beautiful Mississippi Gulf Coast. In order to ensure that your stay is a fantastic experience, we ask that you and your guests take a minute to review a few of our rules and regulations. Please keep in mind that these rules are for your enjoyment!

- 1. Only 2 vehicles are allowed. You may park in our drive way. No street parking.**
- 2. Only registered guests are allowed and must not exceed 6 people. No overnight guests are permitted. Only 2 visitors allowed per day up until 10 PM. No unregistered guests are allowed on property after 10 PM**
- 3. NO SMOKING INSIDE OR NEAR OPEN DOORS/WINDOWS! Any sign of smoking inside the home will result in forfeiture of your security deposit. Smoking is permitted outside. BUTTS MUST BE EXTINGUISHED AND EXPOSED OF. Please DO NOT throw butts on the ground.**
- 4. Place all trash in approved bins. Trash pickup is on Thursday. Please bring the cans to the road.**
- 5. Quiet hours are from 10pm to 7am. Any noise violations must be corrected immediately or you may be asked to leave with no refund,**
- 6. If you need anything please call/text Tanya Darrow at 228-229-2275. She is our local property manager and available to help you at anytime.**

LASTLY..... HAVE A GREAT TIME!

proposed parking for 811 General pershing
christopher + Ursula monroe



General pershing Ave

Old ER moore parking lot

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, June 14, 2022

APPLICANT: Robert Dunning

LOCATION: 808 Desoto Street, #3 / PID: 60119106.010

REQUESTED ACTION: Residential Short Term Rental Permit

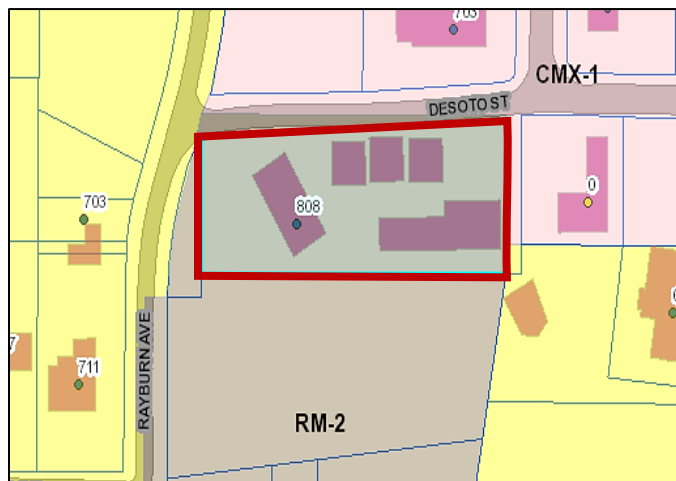
DATE OF APPLICATION: APRIL 5, 2022

ADJACENT ZONING/LAND USE:

Subject Property:	RM2, Multi-Family
North, East:	CMX-1; Neighborhood Commercial / Mixed Use
South:	RM-2, Multi-Family
West:	R-2; 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 south of Desoto Street and east of Rayburn Avenue



FINDINGS:

- **Local Property Manager:** Christopher Dearman will serve as the property manager. With an address of 2003 Government Street, #3, the residency requirement of within 2 miles of the city limit is satisfied.
- **Application:** Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- **Homeowner's Association:** There is an existing HOA for the applicant property's development. An approval letter from the Desoto Downtown HOA is attached for reference.
- **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 47 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 4/28/22 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

RESIDENTIALLY-ZONED SHORT TERM RENTAL ANNUAL PERMIT APPLICATION

Application Date: 4/05/22

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: 808 Desoto st
- Parcel Identification Number: 60119106.010 Number of bedrooms: 2
- Proposed maximum # guests: 6 Number of existing off-street parking spaces: 2
- ☒ Is this property located in a covenant-restricted subdivision? ☐ Yes ☐ No ~ *If yes, a letter of support from the HOA must be included with the application.*

Name of Property Owner	<u>Robert Dunning</u>
Address of Property Owner	<u>808 Desoto st</u>
Phone No.	<u>(504) 330-1141</u>
Name of Local Property Manager	<u>Chris Dearman - confirmed via email</u>
<i>[Must RESIDE within two (2) miles of the OS City Limits]</i> Address _____	
Phone No.	_____ Signature: <u>[Signature]</u>

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

Parcel ID(s): 6019106.010

Date Property Acquired: _____

Owner's Signature RDunning Date 4/08/22

.....
Office Use Only

Date of Inspection: 4/28/22

Result of Occupancy Inspection: PASSED
(attached)

Maximum Occupancy Determination: 6

Maximum Parking Spaces: 2

Permit Renewal Date: _____

PC Public Hearing Date: 6/14/22

BOA Approval Date: _____

Revised 02/23/2022

2 | Page

April 7, 2022

Robert Dunning (504) 330-1141

808 Desoto Unit 3

Ocean Springs

Congratulations on purchasing a unit at Desoto Downtown. You have requested to rent your unit on a short-term basis. We have recently change the convenance and bylaws to allow this and we look forward to allowing this type of use in our little community. Please understand, and express to your users, that we are a small community and many residents live and work here full-time. We expect your guest, and any guest of our community, to respect that and act accordingly. You have provided your local Manages Name and contact information Agent/Manager's as Marenda Harper Telephone: (228) 235 -1698 E-Mail: MARENDAHARPER@BELLSOUTH.NET. If this changes, please let the HOA know immediately. We will also need an emergency number for you as well. Of-course we hope to not have any problems with regards to your short-term renters, however, if it becomes a problem will reserve the right to restrict your unit from renting in this the way.

Please accept this letter as approval from the HOA to conduct short-term rentals of your unit #7 here at 808 Desoto, once you have municipal approval of course.



David Boland

Desoto Downtown HOA

ADDRESS: 808 #3 Desoto 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: 2

☒ Proposed # of Guests: 10

Approved # of Guests per OSFD: 6

☒ Proposed # of vehicles: 2

Approved # of vehicles per OSFD: 2

Property Owner: Robert Dunning Phone #: 504-330-1141
Contact Name: _____ Phone #: _____

.....
Date of Inspection: 4-28-22

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: 808 #3 Desoto Street

Public Hearing Date/Time: June 14, 2022 at 6:00 p.m.

Applicant Robert Dunning

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.

SHORT-TERM RENTAL AGREEMENT

I. **THE PARTIES.** This Short-Term Rental Agreement ("Agreement") made on (MM/DD/YYYY) between the following:

TENANT: **TBD** with a mailing address of:
("Tenant")

LANDLORD: Robert Dunning with a mailing address of:
808 Desoto #3 Ocean Springs, MS 39564 ("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: 808 Desoto #3 Ocean Springs, MS 39564
- b.) Residence Type: ☒ Condo
- c.) Bathroom(s): 2.5
- d.) Other: With 2 car garage and inside storage unit.

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:

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

IV. **QUIET HOURS.** The Landlord requires: In accordance with **Ocean Springs City Ordinance No. 2012-04 Chapter 15 Article 16 Code to regulate sound by commercial establishments** in it's entirety.

☒ - **Quiet Hours.** Quiet hours begin at **10:00 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 **6 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. **PETS.** The Landlord:

☒ - **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.

VII. **PARKING.** The Landlord: Guests are allowed **2 vehicles**.

☒ - **Shall provide** 2 covered attached garage parking space(s) to the Tenant for a fee of \$0 to be paid at the execution of this Agreement. Additional, onsite parking is permitted within the unassigned parking lot on a space available basis:

VIII. **FEES.** The Landlord requires the Tenant pays the following fees at the execution of this Agreement:

☒ - **Cleaning Fee:** \$35.00

IX. **SMOKING POLICY.** Indoor Smoking on the Premises is:

☒ - **Prohibited.**

X. **PERSON OF CONTACT.** The Landlord:

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

Agent/Manager's Name: Marendra Harper
Telephone: (228) 235 -1698
E-Mail: MARENDAHARPER@BELLSOUTH.NET

XI. **SUBLETTING.** The Tenant:

☒ - **Does not** have the right to sublet the Premises.

XII. **MOVE-IN INSPECTION.** Before, at the time of the Tenant accepting possession, or shortly thereafter, the Landlord and Tenant shall:

☒ - **Shall not** inspect the Premises or complete a move-in checklist

XIII. **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.

- XIV. **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.
- XV. **TRASH.** The Tenants shall dispose of all waste material generated during the Lease Term into the onsite garbage bin.
- XVI. **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.
- XVII. **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.
- XVIII. **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.
- XIX. **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.
- XX. **GOVERNING LAW.** This Agreement shall be governed and subject to the laws located in the jurisdiction of Premise's location.

Landlord's Signature: _____ Date: _____

Print Name:

Tenant's Signature: _____ Date: _____

Print Name:

Welcome



WIFI

NETWORK: Nighthawk Network2GK

PASSWORD: d8e0s8o#t3o

CONTACTS

Host: Robert

Phone: (504) 330-1141

Email: dunningre@yahoo.com



REVIEWS

If you enjoyed your time with us please leave us an awesome review. We'd love to hear from you!

Enjoy your stay

ESSENTIALS

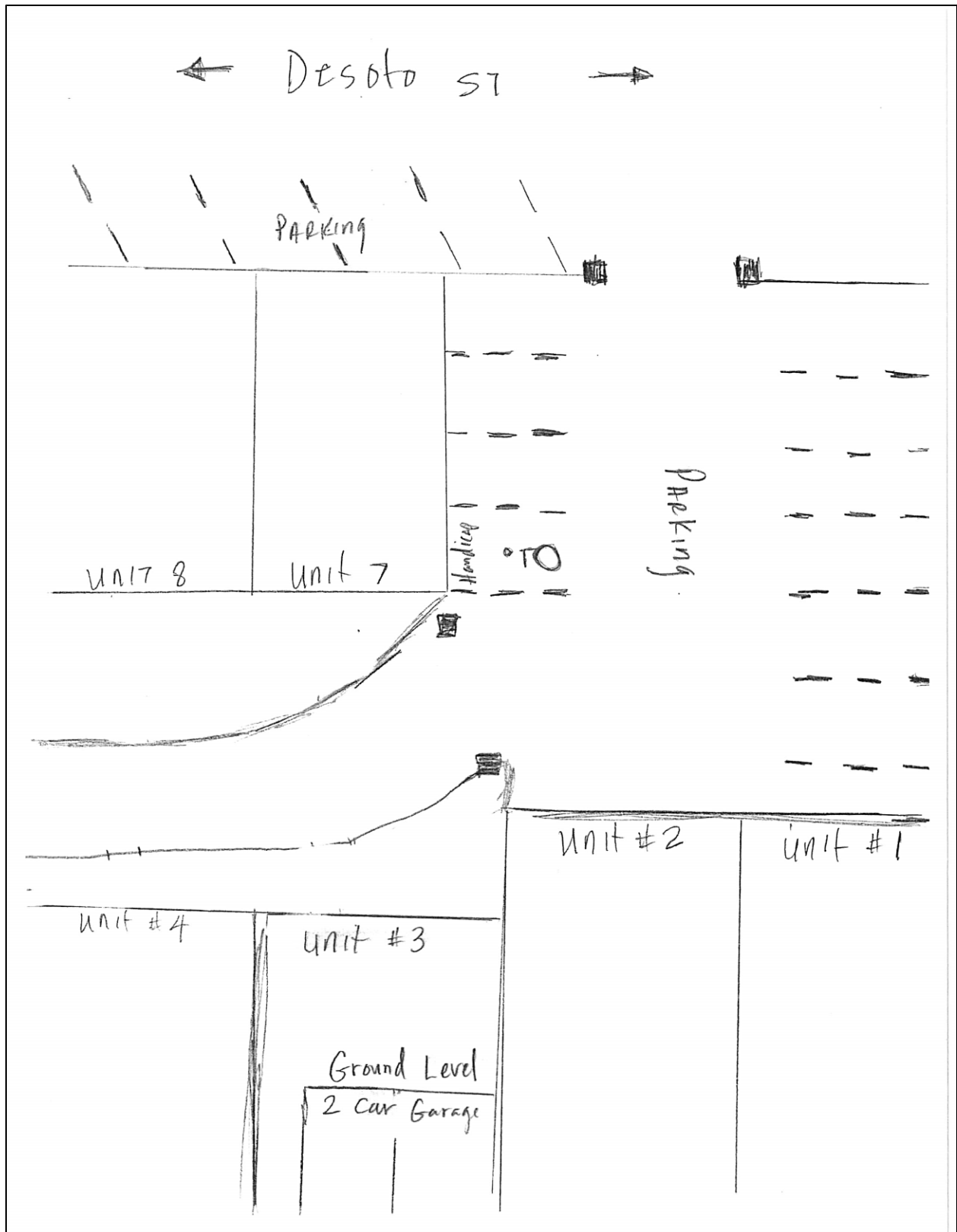
- ☒ You will find all the Kitchen Essentials in the cabinets and cupboards.
- ☒ Snacks, Coffee, Tea, and Water are stocked just for you.

HOUSE RULES

- ☒ NO SMOKING INSIDE.
- ☒ NO PETS ALLOWED.
- ☒ ONLY REGISTERED GUESTS
- ☒ ALERT US IMMEDIATELY IF ANYTHING BREAKS.
- ☒ HAVE FUN BUT NO PARTIES.

CHECK OUT

- ☒ Check out at 11AM.
- ☒ Toss all garbage in the container outside.
- ☒ Rinse all dishes and utensils.
- ☒ Remove all linens and towels and place on floor.
- ☒ Turn off lights.
- ☒ Close and lock all windows and doors.
- ☒ Safe travel and come back soon!



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, June 14, 2022

APPLICANT: Jesse & Anett Moskowitz

LOCATION: 409 East Beach Drive / PID: 60132310.000

REQUESTED ACTION: Residential Short Term Rental Permit

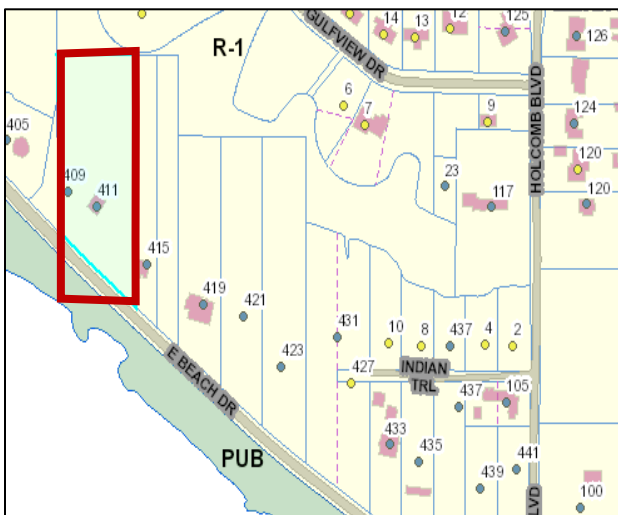
DATE OF APPLICATION: MARCH 21, 2022

ADJACENT ZONING/LAND USE:

Subject Property:	R1, Single-Family Residential District
North, East, West:	R1, Single-Family Residential District
South:	PUB, Public District / East Beach Area

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 north of East Beach Drive, west of Holcomb Boulevard



FINDINGS:

- Local Property Manager: The property owner will serve as the property manager. The owner lives on the property and meets the residency requirement.
- Application: Submittal is complete and was received prior to the deadline. A copy of the rental agreement is attached for consideration.
- Homeowner's Association: One 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 17 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 5/4/22 and was approved. Inspection form is attached for review.
- Maximum Occupancy: The requested a maximum occupancy of 5 was reduced to 4 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 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: 3/21/2022

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 TRANSFERRABLE.

REQUIRED INFORMATION:

- "EAST BEACH COTTAGE"
- Address of Applicant Property: 409 E BEACH DR, OCEAN SPRINGS MS 39564
 - Parcel Identification Number: 60137310.000 Number of bedrooms: 2
 - Proposed maximum # guests: 4-5 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/Applicant	<u>JESSE & ANNE MOSKOWITZ</u>
Address	<u>409 E BEACH DR, OCEAN SPRINGS MS 39564</u>
Phone No.	<u>(330) 646-7924</u>
Name of Local Property Manager	<u>ANNE MOSKOWITZ</u>
[Must RESIDE within two (2) miles of the OS City Limits] Address	<u>409 E BEACH DR</u>
	<u>OCEAN SPRINGS, MS 39564</u>
Phone No.	<u>(330) 646-7924</u>
Signature:	<u>J. Anne Moskowitz</u>

Copy of Ordinance 2015-11 Received: <u>JM</u> (initials)	Copy of Ordinance 2019-19 Received: <u>JM</u>
Copy of Ordinance 2018-02 Received: <u>JM</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) JESSE & ANNE MOSKOWITZ, 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: JESSE & ANNE MOSKOWITZ

Parcel ID(s): 60132310-000

Date Property Acquired: 11/12/2020

Owner's Signature Jesse & Anne Moskowitz Date 3/21/2022

.....
Office Use Only

Date of Inspection: 5/04/22

Maximum Occupancy Determination: 4

Maximum Parking Spaces: 4

PC Public Hearing Date: 6/14/22

Result of Occupancy Inspection: PASSED
(attached)

Permit Renewal Date: _____

BOA Approval Date: _____

Revised 03/05/2020

2 | Page

ADDRESS:

409 East Beach Drive (cottage/
access dwelling unit)



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: 5²

☒ Proposed # of Guests: 5

Approved # of Guests per OSFD: 4

☒ Proposed # of vehicles: 4

Approved # of vehicles per OSFD: 4

Property Owner: Annet Moskowitz Phone #: 330-646-7024

Contact Name: _____ Phone #: _____

.....
Date of Inspection: 5-4-22

COMMENTS: _____

☒ **PASSED**

Building Official: [Signature] Fire Marshall: [Signature]

Property Owner: [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: 409 East Beach Drive

Public Hearing Date/Time: June 14, 2022 at 6:00 p.m.

Applicant Jesse & Anett Moskowitz

Local Contact Anett Moskowitz

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

- 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.

PC Item 4.g

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: Jesse and Anett Moskowitz _____, with a mailing address of 409 E Beach Dr, Ocean Springs MS 39564 ("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: 409 "East Beach Cottage" E Beach Dr, Ocean Springs MS 39564 _____.

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

c.) Bedroom(s): 2 _____

d.) Bathroom(s): 1 _____

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 10 :00 ☐ 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 4 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** 2 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: Anett Moskowitz

Telephone: (330) 646 - 7924

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:** _____

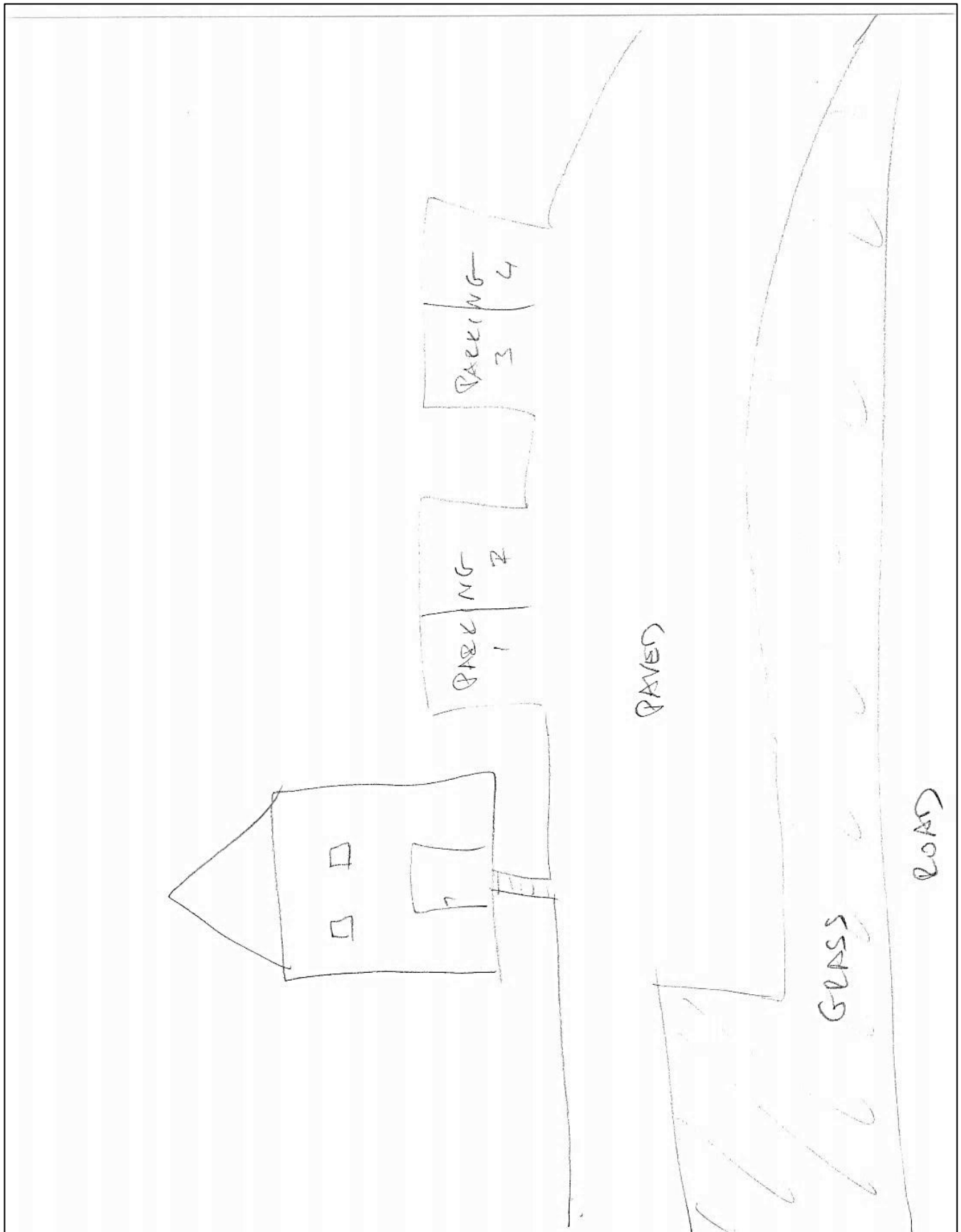
Print Name: _____



HOUSE RULES

1. No Unregistered guests
2. No Parties and events
3. No smoking
4. No pets allowed
5. No illegal substances
6. No changing of locks
7. Honor noise rules
8. Additional cleaning is extra charge

Enjoy your stay



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: June 14, 2022

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

REQUEST: An Amendment to the City of Ocean Springs, Mississippi, Unified Development Code TO REVISE CHAPTER 3, SECTIONS 3.9.4 AND 3.9.5 RELATED TO FENCES IN THE DOWNTOWN AND PORTER AVENUE CORRIDOR OVERLAY DISTRICTS

DESCRIPTION OF PROPOSED AMENDMENT:

- The Unified Development Code (UDC) was initially adopted by the Board of Aldermen on March 26, 2019 and re-adopted on December 7, 2021. As part of the implementation of the code, the Planning Department staff reviews the regulations and processes of the UDC for inconsistencies, unclear requirements, and sections that are in need of improvement. The staff periodically brings amendments to correct the issues to the Planning Commission and the Board of Aldermen.
- This proposed amendment addresses the appearance of fences along the street frontages within the Porter Avenue Corridor and the Downtown area.

FINDINGS:

- The UDC identifies several overlay districts intended to accentuate the unique land uses, building forms and other characteristics of that particular area of Ocean Springs by establishing additional standards and criteria for covered properties in addition to those of the underlying zoning district.
- The Porter Ave. Corridor consists of the first tier of parcels on both sides of Porter Avenue between Front Beach on the west and Martin Avenue on the east. The attached map illustrates the area.
- The Porter Avenue Corridor is designated due to its redevelopment potential stemming from the avenue being a highly visible entryway to historic downtown, its significant inventory of vacant and underused lots, connection to the beach front and mix of residential and commercial uses. The Porter Avenue Corridor Overlay is designed to:
 1. Allow building types and design reminiscent of historic Ocean Springs;
 2. Promote a mix of small scale retail, office, lodging and residential uses;
 3. Create a neighborhood streetscape that is pedestrian-friendly and interwoven into the neighboring residential areas;
- The Downtown Overlay district includes the generally recognized downtown activity area. Within it are the commercially-zoned properties along Porter Ave. east of Martin Ave. and the east side of Jackson Ave., both sides of Washington Ave. north of Joseph St., the west side of Bellande Ave., and the area between the CSX Railroad on the north and Government St. (including both sides west of Ward Ave.) on the south. It extends as far east as Holcomb Blvd. The attached map illustrates the Downtown Overlay area.

- Within both areas, the UDC seeks to promote street and sidewalk connectivity, and amenities for commercial and mixed-use neighborhoods to create a vibrant and walkable downtown environment.
- The proposed amendment is intended to improve the appearance of fences visible from streets and sidewalks by requiring fences within *Front Yard and Street Side Yard* areas to be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble those materials. Chain link fencing will not be allowed in those locations. Fences along rear yards and interior side yards will not have those material requirements.
- The attached ordinance provides the specific text that is to be added to the UDC. **Bold, underlined text** is to be added.

PUBLIC COMMENTS: Emailed questions from Julia Illane – See attachments.

SUMMARY:

- The proposed amendment address the issue of fence material in the downtown area and in the Porter Avenue Corridor, with the goal of improving the aesthetics and streetview to pedestrians and drivers.

MOTION: To recommend approval of the following amendment and related draft ordinance related to Chapter 3, Sections 3.9.4 and 3.9.5 of the Unified Development Code for the reasons described in detail in the staff report.

PUBLIC COMMENTS:

Will the fence amendment being proposed allow the type fence Mr Perkins built?

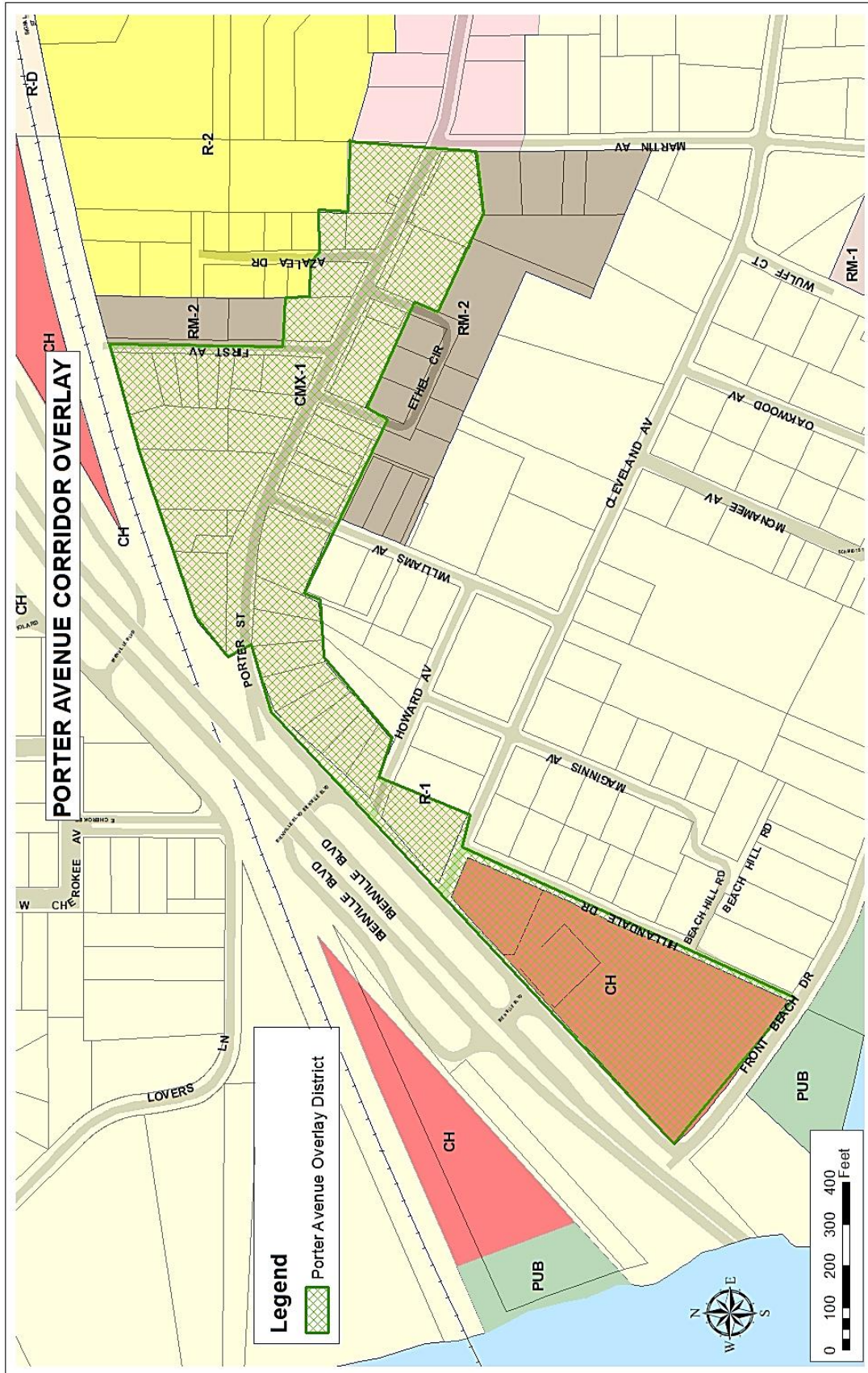
I think planning should propose an amendment also to Waterview or at least East and Front Beach that would not allow fences in Front yards and would only allow tall side yard fences to middle of homes.

We don't want fences to start dividing up the openness and change the character of the yards along the beaches.

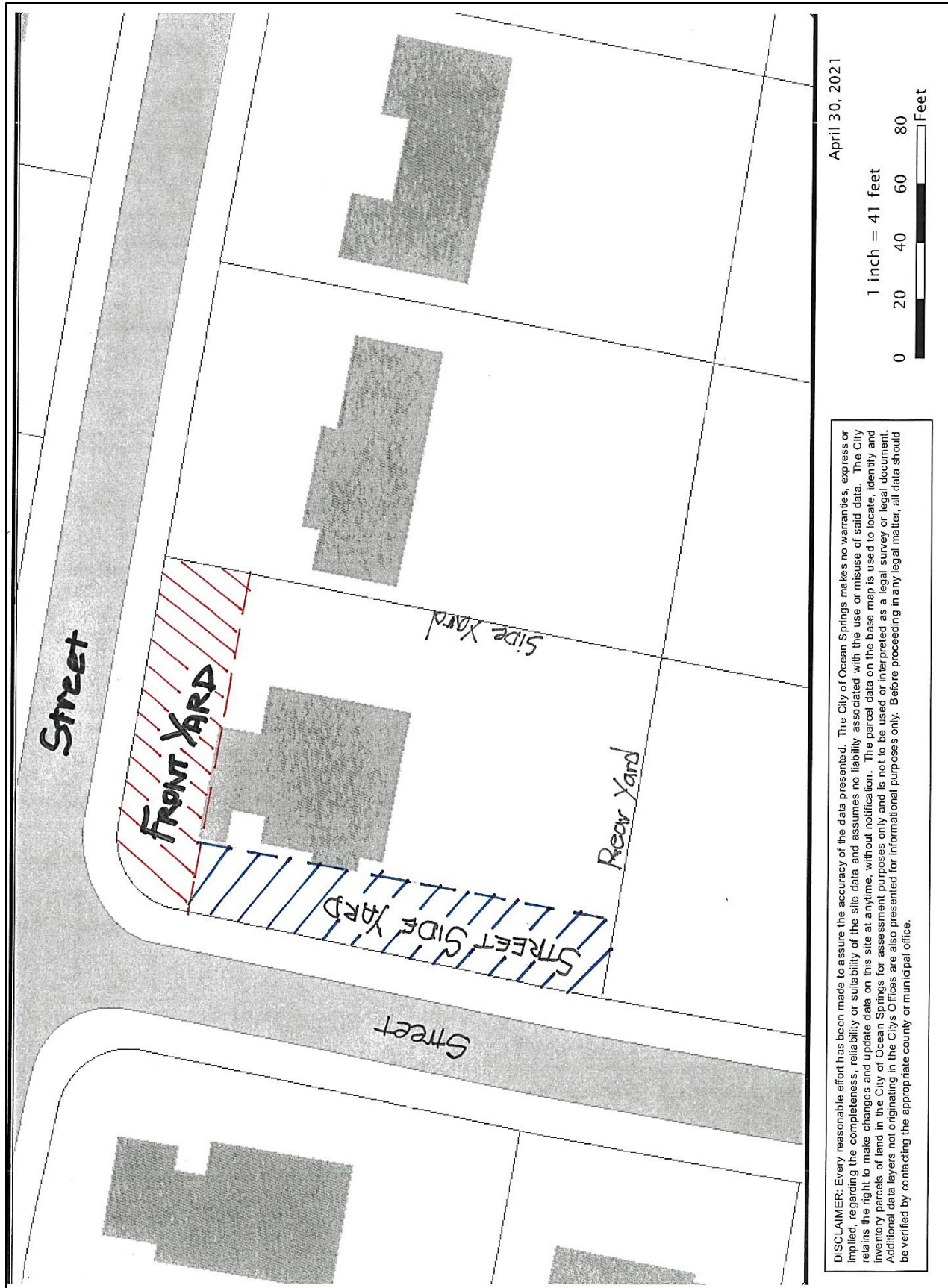
Another thought would be to change the setbacks along Front and East Beach to 40 feet as most all houses are now.

Thank you,

Julia Illanne



YARDS:



DRAFT ORDINANCE

City of Ocean Springs

ORDINANCE NO. 2022-xx

AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF OCEAN SPRINGS,
MISSISSIPPI; TO REVISE CHAPTER 3: SECTION 3.9 RELATED TO FENCES WITHIN THE PORTER
AVENUE CORRIDOR AND DOWNTOWN OVERLAY DISTRICTS

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

WHEREAS, the City of Ocean Springs currently has a Unified Development Code Chapter titled “Zoning Districts, Building Types and Uses”; and

WHEREAS, Chapter 3 – Section 3.9 identifies and provides criteria and requirements for Overlay Zoning Districts that accentuate the unique land uses and building forms of specific areas of Ocean Springs; and

WHEREAS, Chapter 3 – Section 3.9.4, Porter Avenue Corridor, provides guidelines and requirements related to the streetscape and appearance of the Porter Avenue Corridor; and

WHEREAS, Chapter 3 – Section 3.9.5, Downtown Overlay, provides guidelines and requirements related to the streetscape and appearance of the Downtown Overlay District; and

WHEREAS, it is the Mayor and the Board of Aldermen’s intent to improve the functioning and appearance of both Porter Avenue Corridor and the Downtown areas; and

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

WHEREAS, it is in the best interest of the City of Ocean Springs to revise Chapter 3 (Zoning Districts, Building Types and Uses), Section 3.9.4 (Porter Avenue Corridor) and Section 3.9.5 (Downtown Overlay) of the City’s Unified Development Code as they relate to fence material.

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

SECTION 1: The findings, conclusions and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein. **Bold, underlined text** is to be added, and ~~struck-through~~ text is to be deleted.

3.9.4 Porter Avenue Corridor

I. Fences.

1. Within Front Yard and Street Side Yard: Fences and walls shall be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble those materials. Chain link fencing is not allowed.
2. Within Rear Yard and Interior Side Yard: Fences and walls may be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, chain link, brick, stone, masonry materials, or products designed to resemble these materials.

3.9.5 Downtown Overlay

G. Streetscape

1. Primary Corridors

v. Fences:

1. Within Front Yard and Street Side Yard: Fences and walls shall be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble these materials. Chain link fencing is not allowed.
2. Within Rear Yard and Interior Side Yard: Fences and walls may be constructed of any combination of wood posts and planks, wrought iron, decorative metal materials, chain link, brick, stone, masonry materials, or products designed to resemble these materials.

SECTION 4: Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 5: It is hereby declared to be the intention of the Board of Aldermen that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections, paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be declared unconstitutional or otherwise invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

SECTION 6: This ordinance shall take effect according to all applicable laws and ordinances.

SECTION 7: That, upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi

SECTION 8: The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City of Ocean Springs, Mississippi, as an addition or amendment thereto, and appropriately renumbered to conform with the unified numbering system of the Code.

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

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

BY THE ORDER OF THE MAYOR AND BOARD OF ALDERMEN of the City of
Ocean Springs, Mississippi, on this the _____ day of _____, 2022.

MAYOR

CITY CLERK

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

PLANNING COMMISSION REPORT

— PUBLIC HEARING —

PUBLIC HEARING DATE: June 14, 2022

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

REQUEST: AN AMENDMENT TO THE CITY OF OCEAN SPRINGS, MISSISSIPPI, UNIFIED DEVELOPMENT CODE TO REVISE CHAPTERS 3 AND 7 RELATED TO MEDICAL CANNIBIS FACILITIES AND ESTABLISHMENTS

DESCRIPTION OF PROPOSED AMENDMENT:

- The Unified Development Code (UDC) was adopted by the Board of Aldermen on March 26, 2019 and re-adopted on December 7, 2021. The Planning Department staff reviews the regulations and processes of the UDC to respond to changes in state legislation as part of the implementation of the code. The staff periodically brings amendments to correct the issues to the Planning Commission and the Board of Aldermen.
- The amendment creates provisions within the UDC for the several types of medical cannabis enterprises described in the recent State legislation: cultivation facilities, processing facilities, research facilities, testing facilities, transportation entities, disposal entities and dispensaries.

FINDINGS:

- On February 2, 2022, Governor Tate Reeves signed Senate Bill 2095, the Mississippi Medical Cannabis Act. The bill, passed by the Mississippi Senate and House, sets up a comprehensive regulatory plan to allow cannabis to be used to treat “debilitating medical conditions.”
- The deadline for local governments to opt-out of this act was May 3, 2022, 90 days after adoption of the legislation. The Mississippi Department of Health (MDH) began accepting applications for facilities on June 2, 2022 and may begin issuing permits on July 2, 2022.
- The bill provides clear definitions and restrictions for the various types of facilities, establishments and activities related to medical marijuana, including cultivation facilities, processing facilities, research facilities, testing facilities, transportation entities, disposal entities and dispensaries.
- The legislation does not limit the number of facility licenses, but it establishes a basic buffer of 1,000 feet from any school, childcare facility, or church. The buffer may be reduced to 500 feet with the approval of the school, church, or childcare facility. The 1,000 ft. buffers have been applied in draft form to the current city map and included for information.
- Additionally, dispensaries must be located a minimum of 1,500 feet from each other.
- The State legislation includes zoning restrictions:
 - Dispensaries, research, and testing facilities are allowed in commercial zoning districts.
 - The local City or County can determine which commercial districts will allow each type of facility and may include conditional approval requirements.
 - Cultivation and processing facilities are allowed in agricultural and industrial zoning districts.

- The local jurisdiction can include a provision to allow cultivation or processing activity on commercially zoned property with a Conditional Use Permit.
- MS Dept. of Health (MDOH) is the only authority to regulate advertising, signage, and displays.
- Staff has worked with the City Attorney to evaluate the proper amendments to the Unified Development Code to include the various activities related to medical marijuana as eligible uses.
- Each type of medical cannabis establishment (cultivation facilities, processing facilities, research facilities, testing facilities and dispensaries) is defined in the definitions section (Chapter 7, Rules of Construction and Definitions).
- **Table 3.6, Land Use Matrix** is to be amended to indicate the zoning districts within which each type of medical cannabis establishment will be permitted. Medical cannabis dispensaries will be permitted within the CMX-1, CMX-2, and C-H commercial districts; cannabis cultivation processing facilities will be permitted within the M1 Manufacturing, Warehousing and Service district; cannabis research facilities, cannabis testing facilities, cannabis processing facilities and cannabis transportation and disposal entities will be permitted within the C-H Regional Commercial and the M1 Manufacturing, Warehousing and Service districts.
- The footnotes to Table 3.6, Land Use Matrix, include requirements for each medical cannabis facility to have its approval from the appropriate State agency (Dept. of Revenue or Dept. of Health) before Ocean Springs can approve the Certificate of Occupancy.
- The map illustrating the locations of schools, churches and childcare facilities and the 1,000-foot buffer zones is a draft map that is based on the best available information on existing schools, churches and childcare facilities. Each proposed medical cannabis establishment will need to be evaluated with regard to its vicinity when the owner applies for a permit.

SUMMARY:

- The proposed amendments to the UDC address the appropriate definitions of medical cannabis facilities and the zoning districts within which they may locate.

MOTION: To recommend approval of the attached ordinance amending the Unified Development Code to provide regulations for medical cannabis facilities.

DRAFT ORDINANCE

City of Ocean Springs

ORDINANCE NO. 2022-xx

AN AMENDMENT TO THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF OCEAN SPRINGS, MISSISSIPPI; TO REVISE CHAPTER

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

WHEREAS, the City of Ocean Springs currently has a Unified Development Code Chapter titled “Zoning Districts, Building Types and Uses”; and

WHEREAS, Chapter 3 – Table 3.6: Land Use Matrix, identifies the zoning districts within which various types of land uses are permitted; and

WHEREAS, Chapter 7 – Section 7.2 defines the terms and categories of establishments and land uses; and

WHEREAS, it is the Mayor and the Board of Aldermen’s intent to expand the options for medical cannabis cultivation, processing, research, testing and dispensing; and

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

WHEREAS, it is in the best interest of the City of Ocean Springs to revise Chapter 3: Table 3.6 (Land Use Matrix) and Chapter 7, Section 7.2 of the City’s Unified Development Code.

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

SECTION 1: The findings, conclusions and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein. **Bold, underlined text** is to be added, and ~~struck-through~~ text is to be deleted.

Table 3.6: Land Use Matrix

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M
F1000	Housing															
F 1200	Housing services for the elderly	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	P	P	P	C	-	-	-	
F 1300	Hotels, motels, or other accommodation services, not elsewhere classified	-	-	-	-	-	-		-	P	P	P	C	-	-	
F 1310	Bed and breakfast inn	C	C	C	C	P	C		C	P	P	-	-	-	-	
F 1320	Short-term rental	C	C	C	C	C	C		P	P	P	-	-	-	-	
F 1330	Hotel, motel, or tourist court	-	-	-	-	-	-		-	P	P	P	C	-	-	
S 1300	Other specialized residential structures (dormitories, barracks and similar facilities)	C	C	C	C	C	C		C	C	-	-	-	-	-	
S 1350	Temporary structures, tents, etc. for shelter	C	C	C	C	C	C		C	C	-	-	-	-	-	-
S 1360	Other structurally converted buildings	-	-	-	-	-	C		C	C	-	-	-	-	-	-
S 2611	Loft building	-	-	-	-	-	C		C	C	-	-	-	-	-	-
F 2000	General sales or services															
F 2100	Retail sales or service, not elsewhere listed	-	-	-	-	C	-	See Footnotes 12 and 13 - Below	C	P	P	P	C	C	-	-
F 2110	Automobile sales or service establishment	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F 2114	Boat and Marine sales or service establishment	-	-	-	-	-	-		-	-	-	P	P	-	-	-
F 2116	Fuel Sales or Fuel Pumps ⁽¹⁾	-	-	-	-	-	-		-	-	-	P ¹	P ₁	P	-	C
F 2120	Heavy consumer goods sales or service	-	-	-	-	-	-		-	-	-	P	P	-	-	-

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M
F 2130	Durable consumer goods sales and service	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	-	P	P	P	-	-	-	-
F 2143	Tobacco Store	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F 2152	Convenience store	-	-	-	-	C	-		C ¹	P	P	P	-	-	-	-
F 2155	Wine and liquor store	-	-	-	-	-	-		C ²	P ₂	p ²	p ²	-	-	-	-
F 2200	Finance and Insurance	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F 2220	Pawn Shop	-	-	-	-	-	-		-	-	-	p ³	P ₃	-	-	-
F 2300	Real estate, and rental and leasing	-	-	-	-	-	-		C	P	P	P	-	-	-	-
F 2330	Rental and leasing	-	-	-	-	-	-		P	P	P	P	-	-	-	-
F 2400	Business, professional, scientific, technical, services not listed elsewhere	-	-	-	-	-	-		C	P	P	P	P	-	-	-
F 2418	Veterinary Clinic	-	-	-	-	-	-		-	-	-	p ⁴	P ₄	-	-	-
F 2450	Services to buildings and dwellings	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	-	P	P	P	P	-	-	-
F 2500	Food service, not listed elsewhere	-	-	-	-	-	-		C	P	P	P	P	C	-	-
F 2530	Non-alcoholic Coffee, Snack, Juice Bar	-	-	-	-	C	-		P	P	P	P	-	P	-	-
F 2540	Bar or drinking place ⁶	-	-	-	-	-	-		-	P ₆	p ⁶	p ⁶	P ₆	-	-	-
F 2550	Mobile food services	-	-	-	-	-	-		C	P	P	P	P	-	-	-
F 2580	Vending machine operator	-	-	-	-	-	-		-	P	P	P	-	-	-	-
F 2600	Personal services	-	-	-	-	-	-		P	P	P	P	-	-	-	-
NA	Tattoo Studio	-	-	-	-	-	-		-	-	p ⁷	p ⁷	P ₇	-	-	-
F 2700	Pet and animal sales or service (except veterinary)	-	-	-	-	-	-		C	P ₅	p ⁵	P	-	-	-	-

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M
S 2510	Neighborhood center (convenience with 1+ anchors)	-	-	-	-	-	-		-	P	P	P	-	-	-	
S 2520	Community center (general merchandise with 2+ anchors)	-	-	-	-	-	-		-	C	P	P	-	-	-	
S 2530	Regional center (enclosed mall with 2+ anchors)	-	-	-	-	-	-		-	-	-	P	-	-	-	-
S 2540	Superregional center (similar to regional, with 3+ anchors)	-	-	-	-	-	-		-	-	-	P	P	-	-	-
S 2550	Fashion/specialty center (higher end, fashion-oriented stores)	-	-	-	-	-	-		-	P	P	P	-	-	-	-
S 2560	Power center (category-dominated anchors with few small tenants)	-	-	-		-	-		-	-	-	P	P	-	-	-
S 2570	Theme or festival center (leisure, tourist-oriented, restaurants)	-	-	-		-	-		-	P	P	P	-	-	-	-
S 2580	Outlet or discount center (manufacturer outlet stores)	-	-	-		-	-		-	-	C	P	P	-	-	-
F 3000	Manufacturing and Wholesale Trade															
F 3100	Food, textiles and related products	-	-	-		-	-	See Footnotes 12 and 13 - Below	-	-	C	C	P	-	-	-
F 3200	Wood, paper, printing products	-	-	-		-	-		-	-	-	-	P	-	-	-
F 3300	Chemicals, metals, machinery, electronics manufacturing	-	-	-		-	-		-	-	-	-	P	-	-	-

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M
F 3400	Miscellaneous manufacturing	-	-	-	-	-	-		-	-	-	C	P	-	-	-
F 3500	Wholesale trade establishment	-	-	-	-	-	-		-	-	C	P	P	-	-	-
F 3600	Warehouse and storage services	-	-	-	-	-	-		-	-	-	P	P	-	-	-
S 2710	Mini-warehouse	-	-	-	-	-	-		-	-	C	P	P	-	-	-
<u>NA</u>	<u>Cannabis processing facility¹⁴</u>	-	-	-	-	-	-		-	-	-	<u>P</u>	<u>P</u>	-	-	-
<u>NA</u>	<u>Cannabis Research Facility¹⁴</u>	-	-	-	-	-	-		-	-	-	<u>P</u>	<u>P</u>	-	-	-
<u>NA</u>	<u>Cannabis testing facility¹⁴</u>	-	-	-	-	-	-		-	-	-	<u>P</u>	<u>P</u>	-	-	-
<u>NA</u>	<u>Cannabis Transportation Tntity¹⁴</u>	-	-	-	-	-	-		-	-	-	<u>P</u>	<u>P</u>	-	-	-
<u>NA</u>	<u>Cannabis Disposal Entity¹⁴</u>	-	-	-	-	-	-		-	-	-	<u>P</u>	<u>P</u>	-	-	-
F 4000	Transportation, Communication, Information, and Utilities															
F 4100	Transportation services	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	-	-	-	P	P			
F4138	Vehicle Dismantling, Storage	-	-	-	-	-	-		-	-	-	P ⁸	P ₈			
F 4153	Marina, Port, harbor operations	-	-	-	-	-	-		-	-	-	C	P ₀ ¹	C		
F 4200	Communications and information	C	C	C	C	C	C		C	C	C	C	C	-	-	-
F 4300	Utilities and utility services	C	C	C	C	C	C		C	C	C	C	C	-	-	-
S 6320	Landfill facility	-	-	-	-	-	-		-	-	-	-	-	-	-	-
S 6340	Hazardous waste storage facility	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F 5000	Arts, Entertainment and Recreation															
F 5100	Performing arts or supporting establishment	C	C	C	C	C	C	See Footnote	C	C	P	P	-	P	-	-

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M
F 5200	Museums, other special purpose recreational institutions	C	C	C	C	C	C		C	C	P	P	-	C	-	-
F 5300	Amusement, sports, or recreation establishment	C	C	C	C	C	C		C	C	P	P	P	-	-	-
F 5360	Sand Beach	P	P	P	P	P	P		P	P	P	P	-	P	P	P
F 5400	Camps, camping, and related Establishments	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F 5500	Natural, other recreational Parks	P	P	P	P	P	C		C	C	C	P	C	C	P	P
F 6000	Education, Public Administration, Healthcare, and other Institutional uses															
F 6100	Educational services, not listed elsewhere	C	C	C	C	C	C		C	C	P	P	-	P	-	-
F 6110	Nursery and preschool	C	C	C	C	-	C		P	P	P	P	-	P	-	-
F 6120	Grade schools	C	C	C	C	C	C		C	P	P	-	-	-	-	-
F 6130	Colleges and Universities	-	-	-	-	-	C		C	C	C	C	P	C	-	-
F 6140	Technical, trade, and other specialty schools	-	-	-	-	-	-		C	C	C	P	-	C	-	-
F 6200	Public administration	P	P	P	P	P	P		P	P	P	P	P	P	-	-
F 6300	Other government functions	P	P	P	P	P	P		P	P	P	P	P	P	-	-
F 6400	Public Safety	P	P	P	P	P	P		P	P	P	P	P	-	-	-
F 6500	Health and human services, not elsewhere listed	-	-	-	-	-	-		P	P	P	P	-	C	-	-
F-6510	Ambulatory and Outpatient Care	-	-	-	-	-	-		-	C	P	P	-	-	-	-
F-6511	Clinics	-	-	-	-	-	-		-	P	P	P	P	-	-	-
F-6520	Nursing and Rehabilitative Services	-	-	-	-	-	-		C	P	P	P	-	-	-	-
F-6530	Hospitals	-	-	-	-	-	-		-	-	C	P	-	-	-	-
F-6560	Social Assistance,	-	-	-	-	-	-		-	-	P	P	-	-	-	-

See Footnotes 12 and 13 - Below

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M	
	Welfare and Charitable Services																
F 6561	Child and youth services	C	C	C	C	C	C			C	C	C	P	-	-	-	-
F 6562	Child day care	C	C	C	C	C	C			P	P	P	P	P			
F 6600	Religious institutions ¹¹	C	C	C	C	C	C			P	P	P	P	P	-	-	-
F 6700	Funeral homes, crematoriums ⁹	-	-	-	-	-	-			-	P ₉	p ⁹	p ⁹	p ₉	-	-	-
F 6800	Associations, nonprofit organizations, etc.	C	C	C	C	C	C		C	P	P	P	P	-	-	-	
<u>NA</u>	<u>Medical Cannabis dispensary¹⁵</u>	- -	- -	- -	- -	- -	- -	- -	- -	<u>P</u>	<u>P</u>	<u>P</u>	- -	- -	- -	- -	
F 7000	Construction Related Businesses																
F 7100	Building, developing, general contracting	-	-	-	-	-	-	See Footnotes 12 and 13 - Below	-	-	P	P	P	-	-	-	
F 7200	Machinery related	-	-	-	-	-	-		-	-	-	-	P	-	-	-	
F 7300	Special trade contractor	-	-	-	-	-	-		-	-	-	P	P	-	-	-	
F 7400	Heavy construction	-	-	-	-	-	-		-	-	-	-	P	-	-	-	
F 8000	Mining and Extraction Establishments																
F 8100	Oil and natural gas	-	-	-	-	-	-	See Footnotes 12 and 13 - Below									
F 8200	Metals (iron, copper, etc.)	-	-	-	-	-	-		-	-	-	-	-	-	-	-	
F 8300	Coal	-	-	-	-	-	-		-	-	-	-	-	-	-	-	
F 8400	Nonmetallic mining	-	-	-	-	-	-		-	-	-	-	-	-	-	-	
F 8500	Quarrying and stone cutting Establishment	-	-	-	-	-	-		-	-	-	-	-	-	-	-	
F 9000	Agriculture, Forestry, Fishing and Hunting																
F 9100	Crop production	-	-	-	-	-	-	See Footnotes	-	-	-	-	-	-	-	-	
F 9200	Support functions for agriculture	-	-	-	-	-	-		-	-	-	-	-	-	-	-	

LBCS Code	Description	R-1	R-2	R-	R-3	RM	R-D	R-1A	RM-	CMX-	CMX-	CH	M1	CP	PUB	C-M
F 9300	Animal production including slaughter	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F 9400	Forestry and Logging	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F 9500	Fishing, hunting and trapping, game preserves	-	-	-	-	-	-		-	-	-	-	-	-	-	-
F 9900	Non-conforming site, structure or use of land	C	C	C	C	C	C		C	C	C	C	C	C		C
<u>NA</u>	<u>Cannabis cultivation facility</u> ¹⁴	-	-	-	-	-	-	-	-	-	-	-	<u>P</u>	-	-	-

(Ord. No. 2021-26)

FOOTNOTES:

1. Fuel Sales or Fuel Pumps are permitted as accessory uses in the CMX-1, CMX-2 and C-H districts when:
 - a. Not located within fifty (50) feet of the property line of a church, school, hospital, rest home, nursing home, playground or residential dwelling(s).
 - b. pump islands are no closer than fifteen (15) feet of any property line and canopies no closer than ten (10) feet from any property line.
 - c. Provide a masonry or wooden fences at least four (4) feet high around the station site and also plant shrubs and trees around the site if the station wishes to locate closer than two hundred (200) feet to the uses listed in item a. above. Hours of operation may also be designated as part of the special use permit in situations of close proximity to these same uses.
 - d. Provide access driveways no closer than thirty-five (35) feet from the point of intersection of the right-of-way lines of the adjoining street(s). Two (2) driveways on each street frontage may be permitted and shall be at least twenty-five (25) feet apart and no closer than five (5) feet to the side property line(s).
2. Wine and Liquor stores are permitted uses in the CMX-1, CMX-2, C-H and M1 Districts when they are not located within two hundred fifty (250) feet from a church, school, park/playground, daycare center or funeral home. Such distance shall be measured along a straight line between the nearest property line of the business and church, park/playground, daycare center or funeral home. If such facility is part and parcel of a strip mall, shopping center or other parcel with common parking facilities, sidewalks and grounds then said distance shall be measured in a straight line from the point that is closest to the liquor store and tobacco shop in question of the main structure of the church building, school, daycare or funeral home.
3. Pawn shops are permitted in the C-H and M1 districts subject to the following requirements:
 - a. Not located within two hundred (200) feet of a school, playground or church.
 - b. No exterior display.
 - c. No exterior storage.
4. Veterinary services, small animal clinics, kennels, pet grooming businesses and pet stores are permitted in the C-H and M1 districts when:
 - a. The animals are confined primarily within the exterior walls of the building except for the use of runs for exercise.
 - b. Not be located closer than two hundred (200) feet to existing residence, restaurant, apartment, hotel,

library, museum, clinic or hospital for humans, church or theater, unless approved in writing by the affected property owner.

- c. Be soundproofed from all adjacent property and uses.
- 5. Small animal clinics and pet grooming are permitted in CMX-1 and CMX-2 districts when:
 - a. All animals are confined within the exterior walls of the building at all times.
 - b. Not located within one hundred (100) feet of a restaurant.
 - c. There is no overnight boarding of pets.
- 6. Bar, Drinking Place or Lounges, which are defined as established with more than fifty (50) per cent of total revenues generated from the sale of alcoholic beverages, are permitted in the CMX-1, CMX-2, C-H and M1 districts subject to the following:
 - a. Not located on parcels that abut a single-family residential district.
 - b. Not located within two hundred fifty (250) feet of a church, school, park/playground, daycare center, or funeral home. Such distances shall be measured along a straight line between the nearest property lines of the lounge and the church, school, park/playground, daycare center, or funeral home. If such facility is part and parcel of a strip mall, shopping center or other parcel with common parking facilities, sidewalks and grounds then said distance shall be measured in a straight line from the point that is closest to the lounge in question of the main structure of the church building, school, daycare or funeral home.
 - c. When located within two hundred fifty (250) feet of a single-family residential district, hours of operation may be limited and additional buffering and construction methods (sound proofing) may be required.
- 7. Tattoo studios are permitted in CMX-2, and M1 districts subject to the following additional requirements:
 - a. No seating is provided in front of the establishment, no customer or employee break areas provided in front of the establishment.
 - b. Hours of operation shall not be before 10:00 a.m. or after 10:00 p.m.
 - c. Outdoor break areas must be screened from the public street or adjacent properties.
 - d. Tattoo stations cannot be visible from the street.
 - e. Off-street parking must be available for employees.
 - f. Not located within four hundred (400) feet of a church, school, park/playground, daycare center, funeral home or within one thousand (1,000) feet of another tattoo studio, pawn shop, or quick check cashing facility. Such distances shall be measured along a straight line between the nearest property lines of the studio and the church, school, park/playground, daycare center, funeral home, tattoo studio, pawn studio or quick check cashing facility. If such facility is part and parcel of a strip mall, shopping center, or other parcel with common parking facilities, sidewalks and grounds, said distance shall be measured in a straight line from the point that is closest to the studio in question of the main structure of the church building, school, daycare, funeral home, tattoo studio, pawn shop or quick check cashing facility.
 - g. Only allowed on CMX-2 or C-H parcels located within the currently adopted commercial business district (CBD). For the purposes of this subsection, the central business district includes the parcels bounded by and adjacent to: Bienville Boulevard on the north; Porter Avenue from Front Beach Drive to Washington Avenue on the south; Washington Avenue from Porter Avenue to Government Street; Government Street on the south from Washington Avenue to Bechtel Boulevard; Bechtel Boulevard from Government Street to Bienville Boulevard; and east to the city limits including Ocean Springs.
 - h. Signage must strictly conform to the currently adopted sign ordinance.
 - i. Operators must obtain and maintain all compliance of permits required by the Mississippi State Department of Health, Office of Health Protection.
- 8. Vehicle Dismantling and Storage are allowed by Conditional Use in the M1 district subject to the following additional requirements:
 - a. Not located within two hundred fifty (250) feet of any street designated as a gateway, if not completely obscured from view of the street by landforms or building.
 - b. Located near a major collector or arterial or a local street in an industrial zone by special use permit. May be located near a railroad.
 - c. Comply with all state and federal environmental requirements.
 - d. Be reasonably compatible with surrounding land uses such as, vehicle repair shops, businesses that have outdoor storage, especially metal parts.
 - e. Have a minimum of three (3) acres of land.
 - f. Store all items within the fenced area, and ensure that no items be piled higher than the fence.
 - g. Provide for the storage and off-site disposal of oil and used tires.

- h. It shall be unlawful for any person or property owner to store or to allow storage of any junked motor vehicle in the open area on any private property except motor vehicles awaiting repair at legally licensed auto repair garages or legally licensed junkyards.
- 9. Funeral homes, mortuaries and crematoriums are permitted in CMX-1, CMX-2, C-H and M1 Districts, subject to the following additional requirements:
 - a. Located on an arterial street and with adequate ingress and egress to said arterial streets.
 - b. Be located at least one hundred (100) feet from any single-family residential district.
 - c. Have sufficient off-street automobile parking and assembly area provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to required off-street parking.
 - d. Provide screening from all residential view for the loading and unloading area used by ambulances, hearses, or other such service vehicles.
- 10. In the C-M Marina district the use of buildings, other structures, and the land is restricted to yacht clubs, retail sale or service and supplies including beverages and food for boats and water craft using the small craft harbor. Specifically prohibited are: All types of commercial marine ways, repair shops or any type of industrial activity.
- 11. Churches and related accessory buildings, provided they are located on a minimum three-acre lot fronting a major artery or connecting route with required off-street parking spaces separated from property lines by a five-foot concealing fence.
- 12. Uses Permitted
In the R-1-A Special Apartment District or the R-1 Single Family District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following uses:

R-1A: (Previously listed in Section 401.A.2)

- (1) Any use allowed in R-1 but subject to the provisions thereof.
- (2) Townhouse and/or apartment units.

R-1 Uses permitted (Previously listed in Section 401.2)

- (1) Detached single dwellings, but not including mobile homes or shell houses.
- (2) Detached accessory buildings, not exceeding one and one-half (1 1/2) stories in height, including one private garage or servants' quarters when located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side or rear lot line. However, where property in this district is bounded by the Bay of Biloxi, a river, creek or bayou, a pier and/or boathouse may be permitted if the plans and specifications are approved by the mayor and board of aldermen.
- (3) Cemetery.
- (4) Churches and related accessory buildings, provided they are located on a minimum three-acre lot fronting a major artery or connecting route with required off-street parking spaces separated from property lines by a five-foot concealing fence.
- (5) Public parks, public beaches, and playgrounds.
- (6) Uses customarily incident to any of the above uses when situated in the same dwelling, when not involving the conduct of a business or industry, but including home occupation, as heretofore defined. The furnishing of board or lodging for not more than four (4) persons in a dwelling occupied as a private residence shall be considered an accessory use, provided no window or other display or sign is used to advertise such use.
- (7) One nonilluminated sign advertising the sale or rent of the land or buildings upon which it is located. Such sign shall not exceed six (6) square feet in area and shall be located at a point not less than one-half the front yard depth from the street line. The sign may remain in place until no longer needed provided it is kept in a nondeteriorating condition.
- (8) Customary signs in conjunction with residential usage, such as mailbox signs, names of residents and house numbers. These shall be nonilluminated and shall not exceed one square foot in area.
- (9) A gazebo, under however, the following limitations: Not to exceed fifteen (15) feet in height nor one hundred forty-four (144) square feet, or, if circular, not more than twelve (12) feet across. All gazebos shall be nonutilitarian and open (but may be screened) and shall be subject to minimum setback requirements of forty (40) feet from the front or rear property lines and ten (10) feet from the side property lines.
- (10) Group homes for the handicapped housing five (5) or fewer residents, excluding staff

(11) (Ord. of 9-7-83, § 1; Ord. No. 6-2006, §§ 1, 2, 1-12-06) / (Ord. No. 2014-05, § 1(B), 5-20-14)

Uses permitted after public notice and hearing and recommendation by the planning commission and approval by the mayor and board of aldermen. *(Previously listed in Section 401.3)*

- (1) Golf course, and/or country club, not including commercial miniature courses or driving range.
- (2) Art gallery or museum (public).
- (3) Telephone exchange, but not to include administrative office, shop or garage.
- (4) School, public or private, offering general educational courses.
- (5) College or university, not to include business or commercial college.
- (6) Library (public).
- (7) Public use, including utilities.
- (8) Bed and breakfast type enterprises, including the furnishing of board or lodging, not to exceed four (4) rentable rooms, provided the following conditions have been met:
 - a. The facility is in accordance with the currently adopted list of required improvements for enhanced life safety for occupant egress, which will be proposed by the building official to the planning commission and presented to the board of aldermen for adoption.
 - b. Sufficient off-street parking is available within the subject property to accommodate one vehicle per rental room of the facility, in addition to those of the property owner(s) and/or temporary property manager(s), as determined by building official.
 - c. Maximum occupancy will be determined by the building official and/or fire marshal during inspection.
 - d. Any meals furnished must be for guests only.
 - e. Non-transferable permits will be subject to annual inspection and renewal.
 - f. A guest registry must be maintained and made available to the city for inspection within two (2) days of written request.
 - g. Property within a subdivision with an active homeowner's association with adopted covenants that do not allow for rentals of less than thirty (30) days will not be considered for a permit and a letter of acknowledgment and support will be required from the homeowner's association in order to continue in the pursuit of a permit.
 - h. If there is not active homeowner's association, documentation must be presented that greater than fifty (50) per cent of property owners within a two hundred fifty (250) feet buffer from the boundaries of the subject property do not object to approval of the request for B&B activity. Property owners will not include public agencies. One signature per parcel will be counted.
 - i. Each B&B enterprise must have the property owner utilize the subject property as his/her primary residence, and either the said property owner or a temporary property manager must be present each and every night that rooms are rented.
 - j. Permits can be denied and/or revoked under the following conditions:
 1. The applicant failed to conform to the conditions set forth herein for the current or previous year.
 2. Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
 3. Any other reasonable or ration factors or combination of factors, including, but not limited to, inadequate lot size, inadequate infrastructure or off-street parking, lack of response from property owner or temporary property manager to filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations.
 4. Operation as B&B or short-term rental prior to receipt of the necessary approval.
 - k. Permits that are either denied or revoked under this subsection must wait a minimum of six (6) months to submit a new application for consideration. These applications will be considered as new requests and will be subject to all requirements under the ordinance from which this subsection was derived at the time of application.
- (9) Limited professional office (LPO). An R-1 parcel within five hundred (500) feet of a commercial zone, such distance uninterrupted by railroad tracks or natural topography barriers including, but not limited to, streams, lakes, and bayous, may be used as a limited professional office which does not detract from the residential character of the area.
- (10) Short-term rental in single-family structures which shall be with permit.

(Ord. No. 21-2009, § 2, 10-20-09; Ord. No. 2015-11, 7-7-15; Ord. No. 2017-03, § 1, 3-21-17; Ord. No. 2018-02, § 1, 2-20-18)

13. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by another ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control. Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.
14. Each medical cannabis cultivation facility, cannabis processing facility, cannabis research facility, cannabis testing facility, cannabis disposal entity or cannabis transportation entity shall obtain approval from the Mississippi Department of Health (MSDH) prior to the approval of a Certificate of Occupancy from the City of Ocean Springs.
15. Each medical cannabis dispensary shall obtain approval from the Mississippi Department of Revenue (MDOR) prior to the approval of a Certificate of Occupancy from the City of Ocean Springs.

Chapter 7, section 7.2 (Definitions)

"Cannabis cultivation facility" is a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

"Medical cannabis dispensary" is an entity licensed and registered with the Mississippi Department of Revenue that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

Cannabis Disposal Entity "Cannabis disposal entity" means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis processing facility is a business entity that is licensed and registered by the Mississippi Department of Health that:

- (i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
- (ii) Possesses cannabis with the intent to manufacture a cannabis product;
- (iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
- (iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

"Cannabis research facility" is a research facility licensed and registered by the Mississippi Department of Health that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

"Cannabis testing facility" is an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

"Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

SECTION 4: Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 5: It is hereby declared to be the intention of the Board of Aldermen that the actions, paragraphs, clauses and phrases of this ordinance, when adopted, are severable, and if any sections, paragraphs, clauses, sentences or provisions of this ordinance as adopted shall be declared unconstitutional or otherwise invalid, same shall not affect any of the remaining sections, paragraphs, clauses and phrases of this ordinance.

SECTION 6: This ordinance shall take effect according to all applicable laws and ordinances.

SECTION 7: That, upon adoption, the City Clerk shall cause this Ordinance to be recorded in the Book of Ordinances of the City of Ocean Springs, Mississippi

SECTION 8: The provisions of this Ordinance may be included and incorporated in the Code of Ordinances of the City of Ocean Springs, Mississippi, as an addition or amendment thereto, and appropriately renumbered to conform with the unified numbering system of the Code.

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

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

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

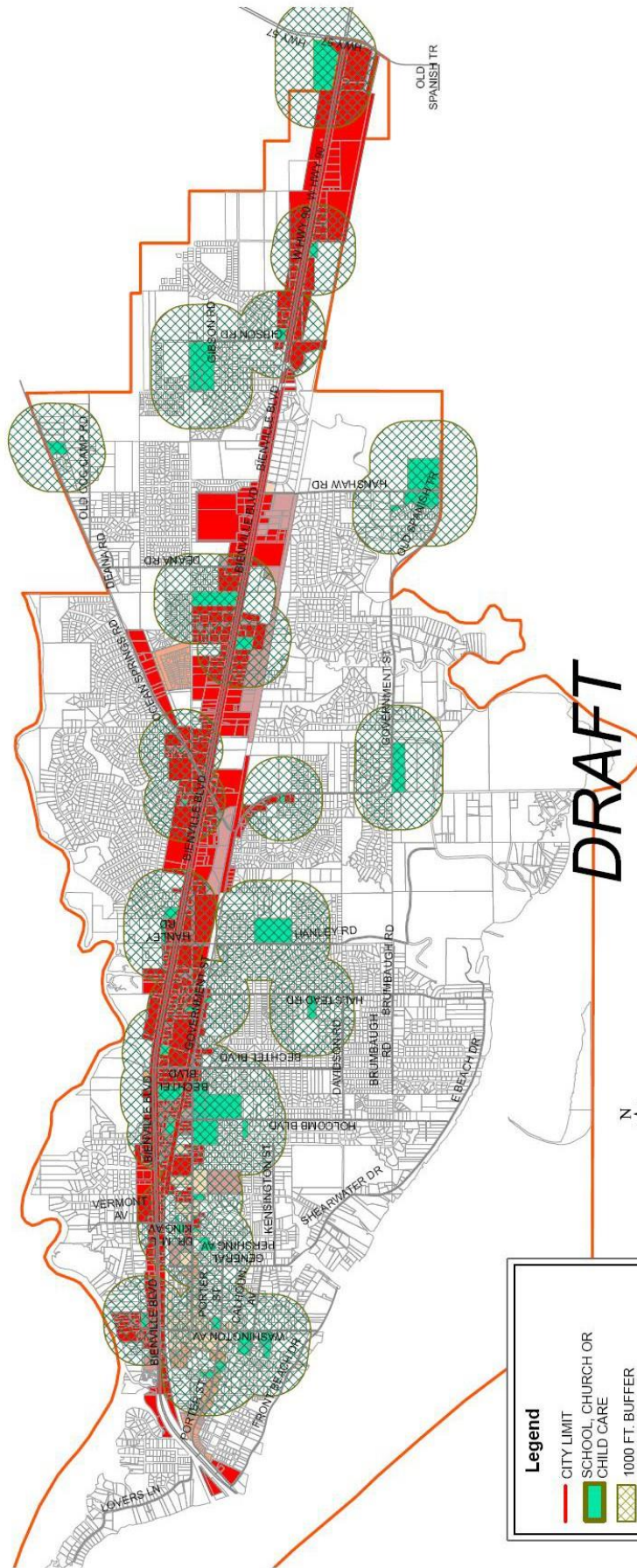
Ocean Springs, Mississippi, on this the _____ day of _____, 2022.

MAYOR

CITY CLERK

DRAFT

DRAFT



OCEAN SPRINGS SCHOOLS, CHURCHES & CHILDCARE FACILITIES

PREPARED 05-18-22. OCEAN SPRINGS PLANNING DEPT.