

City of Ocean Springs

ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING ORDINANCE NO. 2015-11; ARTICLE IV OF APPENDIX D; AND ARTICLE V, SECTION 510 OF THE OCEANS SPRINGS CODE OF ORDINANCES, ZONING AND SUBDIVISIONS TO AMEND RULES AND REGULATIONS FOR SHORT-TERM RENTALS

WHEREAS, the City of Ocean Springs, Mississippi, did on or about December 21, 1976, adopt a Comprehensive Zoning Ordinance of Ocean Springs, Mississippi, which has from time to time been amended; and

WHEREAS, Ordinance 2015-11 was passed July 7, 2015 and effective 30 days later to set rules for application and conduct of short-term rentals in residential zoning districts, to be reviewed annually to evaluate the benefits and potential negative impacts related to short-term rental activity, establishing Section 510; and

WHEREAS, by modifying the requirements related to special use permits for the short term rental of residential property, the City of Ocean Springs will be able to balance the desire of property owners to make such use of their property with those owners who desire peace and tranquility in their neighborhoods, as well as to improve the process and enforcement ability of said activity; and

WHEREAS, after review and Public Hearing by the Planning Commission on February 15, 2018 and after due consideration, the Mayor and Board of Aldermen now find and determine that it would be in the best interest of the City of Ocean Springs that the recommended changes be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN of the City of Ocean Springs, Mississippi, as follows:

SECTION I

That Section 401.3, Subsection (10) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(10) Short-term rental in single family structures which shall be with permit.

SECTION II

That Section 510(b)(1) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(1) A short-term lodging, special use permit, local privilege license, and State tax registration are required for each short term lodging rental unit.

SECTION III

That Section 510(b)(2) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(2) Applications may be made for a short term rental special use permit in all residential zones subject to specific restrictions by zoning district.

SECTION IV

That the first sentence of Section 510(b)(3) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(3) The permit process requires an application completed in accordance with the following which may be obtained at the City Planning Department.

SECTION V

That Section 510(b)(3)(a) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(a) Application shall contain such information as the Planning Department Director shall from time to time require, including, but not limited to, the location/address of the short term rental, number of sleeping areas therein contained, the maximum number of persons the short term rental proposes to accommodate, the name of the property owner(s), the name, address and telephone number of the local property manager, copy of the rental agreement, proposed parking plan, house rental rules, a plan for trash management related to curbside pick-up, a copy of the proposed rental agreement information as the Planning Department, and signatures of all owners of record of the subject property.

SECTION VI

That Section 510(b)(3)(b) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(b) It shall be the duty of the applicant to notify the City Planning Department of any Homeowners Association which may have jurisdiction over the applicant's property. It shall be the further duty of the applicant to notify the affected Homeowner's Association of the application process and to provide the City Planning Department with a written statement of support from the Homeowner's Association which approves the request of the applicant for use of the owner's property as a short term rental. Failure to notify the City Planning Department of the existence of a Homeowner's Association may result in the suspension or revocation of the permit.

SECTION VII

That Section 510(b)(3)(c) of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

(c) It shall be the duty of the applicant to ensure that the homeowner's liability insurance coverage does not exclude short term rentals from coverage.

SECTION VIII

That the current Section 510(b)(3)(e) of the Code of Ordinances, City of Ocean Springs, Mississippi be repealed in its entirety and the remainder of Section 510(b)(3) be adjusted accordingly.

SECTION IX

That the new Section 510(b)(3)(e) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(e) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Ocean Springs related to rentals of less than thirty (30) days may result in the suspension or revocation of the permit.

SECTION X

That the new Section 510(b)(3)(g) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(g) Note less than seven (7) days prior to the scheduled public hearing, the City shall send notification to all landowners within five hundred (500) feet of the

applicant's land boundaries of the applicant's intent to obtain a permit to conduct or operate a short-term rental on the property owned by the applicant. Notification by the City shall be made by standard mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the City. Costs for the mailing will be provided by the applicant. The notification shall provide the following information to the landowners within five hundred (500) feet of the applicant's land boundaries:

- (1) Name, address and telephone number of the applicant;*
- (2) The date, time and place of a hearing before the Planning Commission.*

SECTION XI

That the new Section 510(b)(3)(h) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(h) Notice will also be posted on the bulletin board at City Hall and a sign will be posted in the applicant's yard until such time as the permit is granted or denied. Notice shall be published in a local newspaper of general circulation within the City at least fifteen (15) days prior to the hearing. Each landowner within five hundred (500) feet of the applicant's boundary line who appears in the public hearing shall be afforded an opportunity to be heard in accordance with the regulations set by the Planning Commission.

SECTION XII

That the new Section 510(b)(3)(j) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(j) Any applicant aggrieved by the decision of Planning Commission may appeal the decision to the Board of Aldermen not less than twenty-four (24) hours prior to the next scheduled Board of Aldermen meeting. The applicant shall file a notice of appeal with the City Clerk and the item will be removed from the agenda. The public hearing for the Appeal will be placed on the next available Board of Aldermen agenda following a fifteen (15) day notification period. The City shall send notification to all landowners within five hundred (500) feet of the applicant's land boundaries. Cost for the mailing will be provided by the applicant.

SECTION XIII

That the new Section 510(b)(3)(k) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(k) In the event no appeal is filed, the decision of the Planning Commission shall be finally accepted by the City Planning Department and the permit shall be issued

or denied based upon such after approval by the Mayor and Board of Aldermen. If an appeal is filed, the Board of Aldermen shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such.

SECTION XIV

That Section 510(b)(4) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(4) The short-term rental must be 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 for recommendation to the Board of Aldermen for adoption.

SECTION XV

That Section 510(b)(6) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(6) Permit renewal may be obtained for \$50.00 through the City Building Department. Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received related to the specific short term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Violation of applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Planning Department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.

SECTION XVI

That Section 510(d) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(d) Number of vehicles. The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning and applicable parking ordinance. This number will be based on off-street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Planning Department may

require that an off-street parking space to be constructed or secured.

SECTION XVII

That Section 510(e) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(e) Registry of guests. Each person granted a short-term rental permit shall kept or cause to be kept a registry of guests. Such registry or list shall be available for inspection upon ten (10) days written notice by the Planning Department.

SECTION XVIII

That Section 510(h) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(h) Posting of rules. Short-term lodging rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. Reference to the most current Short Term Rental Ordinance shall be posted within the unit and displayed at all times.

SECTION XIX

That Section 510(i) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(i) Local contact person. All short term lodging rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be submitted to the Planning Department, Building Department, and City Police Department during the permitting process. The contact information for the local contact person shall be posted permanently inside the short term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the Short Term Rental Ordinance.

SECTION XX

That Section 510(j) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(j) Complaints and dispute resolution. Complaints regarding violation of this Ordinance that cannot be resolved through contact with the local property manager and/or property owner, then the concerned party should contact the Planning Department. If the issue relates to public safety and/or noise violations, te Ocean

Spring Police Department should be contacted as with any similar residential complaint. The OSPD shall have an updated list provided by the Planning Department of all local contact persons for short term rentals. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

SECTION XXI

That Section 510(k)(2) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(2) The applicant failed to conform to the conditions set forth herein over the previous twelve (12) month period.

SECTION XXII

That Section 510(k)(4) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(4) Any other reasonable factor or combination of factors including, but not limited to, inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the applicable zoning and building codes, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).

SECTION XXIII

That Section 510(k)(5) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

(5) The Planning Department Head is authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Planning Department, permit will be revoked by issuing a Stop order, which shall be posted on the premise and mailed to the property manager and owner. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and received by the Planning Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard. The City may appoint a hearing officer to preside over any such appeal.

SECTION XXIV

That Section 510(m) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

*(m) **Severability.** Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.*

SECTION XXV

That Section 510(n) of the Code of Ordinances, City of Ocean Springs, Mississippi is hereby amended to read as follows:

*(n) **Conflicts.** It is hereby provided that the provisions of these laws or regulations shall not be construed as being in conflict with the provisions of any of the laws or regulations of Ocean Springs, Mississippi. In any case where the provisions in these laws or regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short term rentals of residential dwellings or condominiums.*

SECTION XXVI

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 XXVII

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 XXVIII

This Ordinance shall take effect in the manner prescribed by law.

SECTION XXIX

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, and published in the manner prescribed by law.

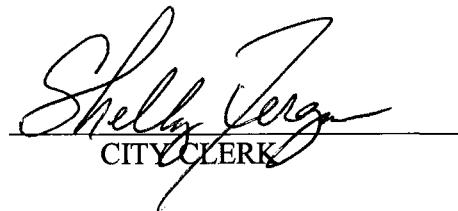
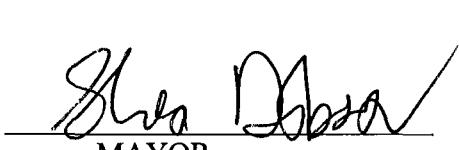
SECTION XXX

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 to the uniform numbering system of the Code.

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

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>
Alderman Cox	<u>Aye</u>

BY THE ORDER OF THE MAYOR AND BOARD OF ALDERMAN of the City of Ocean Springs, Mississippi, on this the 20th day of February, 2018.



Shelly Doss
MAYOR

Shelly Terga
CITY CLERK