

City of Ocean Springs

ORDINANCE NO. 2023-xx

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-11 AND SECTION 510 OF
APPENDIX D OF THE OCEAN SPRINGS CODE OF ORDINANCES
REGARDING PERMITS FOR SHORT-TERM RENTALS IN RESIDENTIAL
AREAS**

WHEREAS, Ordinance 2015-11 was passed July 7, 2015 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, Ordinance 2018-02 was passed February 20, 2018 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, Ordinance 2019-19 was passed December 19, 2019 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, Ordinance 2021-25 was passed December 7, 2021 and was codified in Section 510 of Appendix D of the Ocean Springs Code of Ordinances; and

WHEREAS, the initial ordinances stated that the City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short Term Rentals, as well as, any adverse impact the use of Short Term Rentals may have; and

WHEREAS, the Board of Aldermen requested the Planning Commission to conduct a public hearing to discuss whether the limit needed to be amended and solicit community input on this matter; and

WHEREAS, the Planning Commission conducted said hearing on April 11, 2023; and

WHEREAS, the Planning Commission recommended several modifications to the existing code for Short Term Rentals.

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 510(a) *Definition* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

501(a) – STR Density Zone: The defined area located in the western portion of the City Limits bounded by the CSX Railroad line on the north; Porter Avenue on the west; Front Beach Drive on the south, Harbor Drive, Inner Harbor, and Pine Drive on the east – excluding the existing Downtown Overlay District as identified in Section 3.9.5 of the Unified Development Code. A map illustrating both the DENSITY ZONE and the DOWNTOWN OVERLAY District is included as Exhibit A.

Local property manager: The person **or business** specifically named on the application and permit who is responsible for the day-to-day operation of the short-term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit.

The local property manager may be the owner or agent of the owner, ~~and~~ **Individuals** shall reside **and business entities shall be physically located** within two (2) miles of the Ocean Springs city limits. **If a business entity is designated as the local property manager, the business entity must designate an employee as the point of contact for that property.**

SECTION II

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

510(b)(3)b – It shall be the duty of the applicant to notify the city planning department of any **covenants** or existing 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, **as well as** ~~and~~ to provide the city planning department with **a copy of the covenants or** 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 **as applicable**. 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 III

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

510(b)(3)f – A non-refundable application fee ~~of two hundred dollars (\$200.00)~~ **as indicated in the most currently adopted Fee Schedule as approved** plus mailing costs ~~or the most recent fee established~~ by the board of alderman shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, mailing, and labor affiliated with the processing of the application.

SECTION IV

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

510(b)(6) – Permit renewal may be obtained ~~for fifty dollars (\$50.00)~~ through the city ~~building~~ **planning** department **through submittal of the appropriate application and fee as reflected in the currently adopted Fee Schedule**. 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-day period within which to file correct deficiencies.

SECTION V

That Section 510(b)(10) *Permit Required* of the Code of Ordinances, City of Ocean Springs, Mississippi, is hereby amended to read as follows:

- 510(b)(10)** – The total number of permits issued for residential short-term rental ~~shall not exceed seventy five (75) at any given time~~ **units shall be based on the following:**
- a. Properties located in the STR DENSITY ZONE as defined in Section 510(a) will not exceed ~~50 (fifty)~~ 55 (fifty-five) short-term rental permits at any given time.**
 - b. Properties located in the existing DOWNTOWN OVERLAY District as defined in the Unified Development Code, Section 3.9.5 will be excluded from any cap restrictions and any public hearing requirements. All other Residential Short Term Rental provisions shall still apply.**
 - c. Properties located within the city limits but not included in the above referenced STR DENSITY ZONE or the DOWNTOWN OVERLAY District will not exceed ~~65 (sixty five)~~ sixty (60) short-term rentals at any given time.**

SECTION VI

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

510(i) – 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~~ **included on the permit application and must meet the requirements as described in Section 510(a) Definitions**. 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 VII

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 VIII

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 IX

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

SECTION X

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 XI

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 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 _____, 2023.

MAYOR

CITY CLERK

EXHIBIT A

