

**MINUTES OF MAY 26, 2016
PLANNING COMMISSION**

Be it remembered that a regular meeting of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 26th day of May, 2016, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the meeting the following named persons Commission Chairman Frank Olaivar, Commissioners Donald Frazer, Randy Fischer, Jim Heinzl, Chris Carrubba, Jeff Hansen, Ron Robertson, Patricia Bennett and minutes Clerk Charlene Stogner.

Commissioner(s) Nicholas Brown was absent the meeting.

There being a quorum present and sufficient to transact the business of this meeting, the following proceedings were had and done.

Commissioner Robertson made motion seconded by Commissioner Fischer and unanimously carried to approve the regular meeting minutes of April 28, 2016 and May 12, 2016 as submitted.

It came for consideration under new business a tree removal request for one (1) Magnolia tree for property located at 903 Laura Street submitted by Doreen Doyle as follows:

MINUTES OF MAY 26, 2016 PLANNING COMMISSION

CITY OF LONG BEACH, MISSISSIPPI
 201 Jeff Davis Avenue
 P.O. Box 929
 Long Beach, MS 39560
 (228) 863-1554
 (228) 863-1558 fax



TREE PERMIT APPLICATION

Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

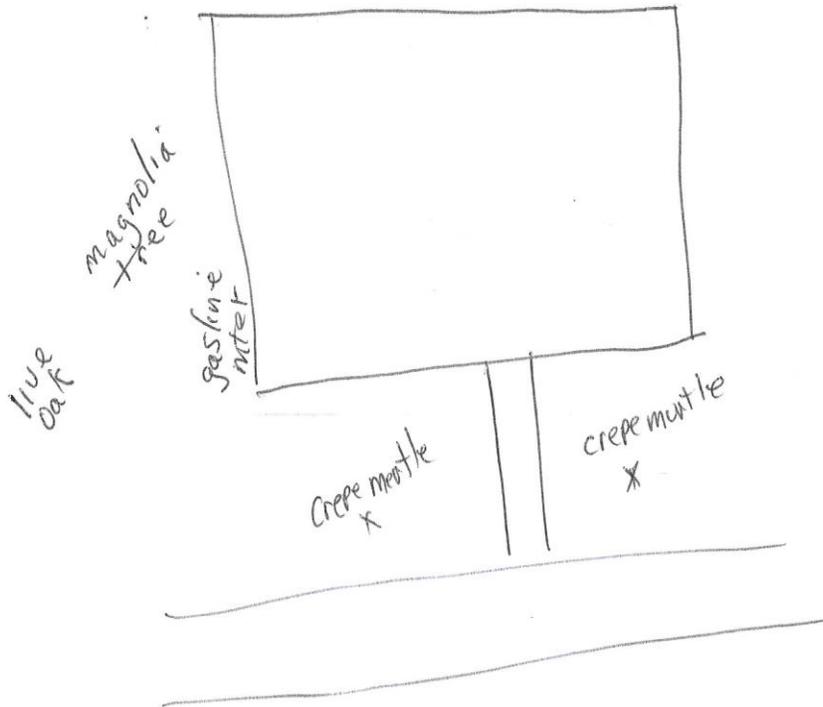
Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown. Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

> 903 Laura St Long Beach MS 39560 00120-02-049.000
 PROJECT ADDRESS (where the trees to be removed are): Tax Parcel Number

> WHAT TYPE OF TREE ARE YOU REQUESTING TO BE REMOVED? Magnolia
 i.e. Live Oak, Magnolia, etc.

TREE SITE PLAN:

Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.



***** YOU MUST ATTACH A PHOTOGRAPH OF THE TREE YOU ARE REQUESTING TO BE REMOVED. THE PHOTO MUST SHOW ANY DAMAGE THE TREE IS CAUSING**

Veronica @ City of Long Beach . Com

** OVER **

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APPLICANT(S) INFORMATION:

Doyle Doreen T
 Last Name First MI

903 Laura St Long Beach MS 39560
 Mailing Address City, State, Zip

➤ Are you the legal owner of the above property? Yes No . If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. Please provide a recorded warranty deed.

➤ What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc. diseased and is ruining the foundation of my house and near my gas meter

Upon issuance of a Tree Removal Permit, the permit fee will be as follows:
 For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed.

For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall constitute a separate offense and shall be punishable as such.

** As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described work.

Doreen Y. Doyle 5-10-16
 Signature Date

OFFICE USE ONLY

CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:

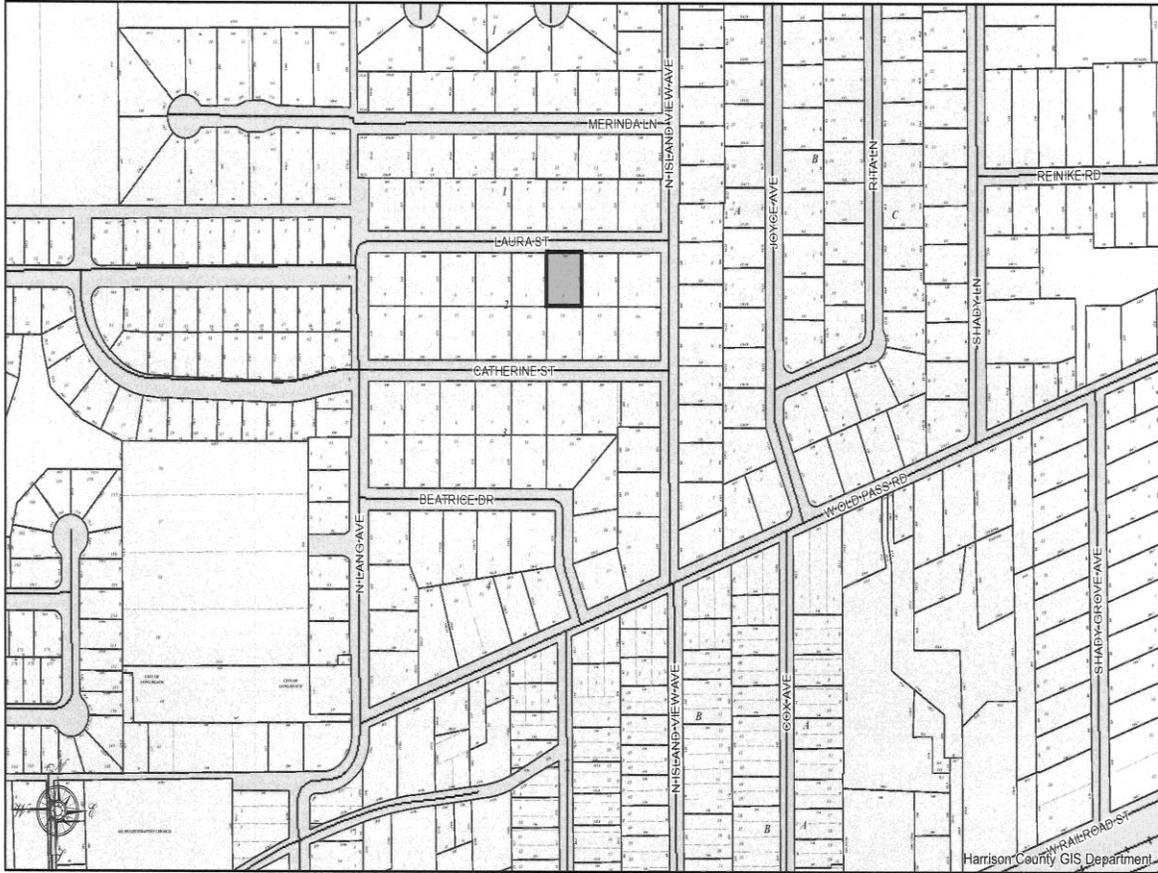
No objection

PRINTED NAME & SIGNATURE OF TREE BOARD MEMBER(S): DATE:

Dyann LENTZ 5-11-16
Dyann Lentz

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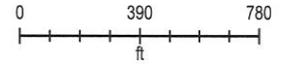
903 LAURA ST - TREE REMOVAL



HARRISON COUNTY, MISSISSIPPI

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. TAL FLURRY, TAX ASSESSOR.

MAP DATE: May 9, 2016



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MINUTES OF MAY 26, 2016 PLANNING COMMISSION

Based upon the Tree Board's recommendation and in accordance with the City of Long Beach Tree Ordinance, Commissioner Fischer made motion seconded by Commissioner Robertson and unanimously carried recommending approval of the tree removal request.

It came for consideration a tree removal request for one (1) Live Oak tree for property located at 312 East 3rd Street submitted by John Tyler Pav as follows:



CITY OF LONG BEACH, MISSISSIPPI
201 Jeff Davis Avenue
P.O. Box 929
Long Beach, MS 39560
(228) 863-1554
(228) 863-1558 fax
APPLICATION FOR TREE PERMIT

OFFICE USE ONLY	
Date Received	5/18/2016
Zoning	R-1
Agenda Date	5/26/2016
Check Number	1017

(Initial on the line that you've read each)

 Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

 Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crowned.

 Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

TODAY'S DATE: 5/18/16

PROPERTY INFORMATION

TAX PARCEL # 0612A-04-042.000
Address of Property Involved: 312 E 3rd St.
Property owner name: First Pentecostal Church of A.G.
Are you the legal owner of the above property? Yes No If No, written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property.
Property owner address: 11317 Old Hwy 49 Gulfport MS 39508
Phone No. 228 669-7953

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

(Initial on the line that you've read each)

TP TREE SITE PLAN: Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.

TP PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.

 OWNERSHIP: Please provide a recorded warranty deed.

 PERMIT FEES: Upon issuance of a Tree Removal Permit, the permit fee will be as follows: For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall constitute a separate offense and shall be punishable as such.

TP REPLANTING: As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

TP MEETING: You must attend the Planning Commission meeting, not attending may cause your permit for tree removal to be denied or withheld.

CONTRACTOR OR APPLICANT INFORMATION

Company Name: John Tyler Pav
Phone No. 228-596-9110 Fax: 228-864-6594
Name: John Tyler Pav
Address: 426 Russell Ave. Unit 2 Long Beach MS, 39500

PERMIT INFORMATION

Permit for: Removal Trimming Pruning
What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.:
(use separate sheet if needed)

Live OAK IN center of property inhibits the construction of a new home - 3 other Live Oaks to remain

Number of Trees:
1 Live Oak Southern Magnolia

I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owner's agent for the herein described work.

Signature: John Tyler Pav Date: 5/18/16

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May 18, 2016

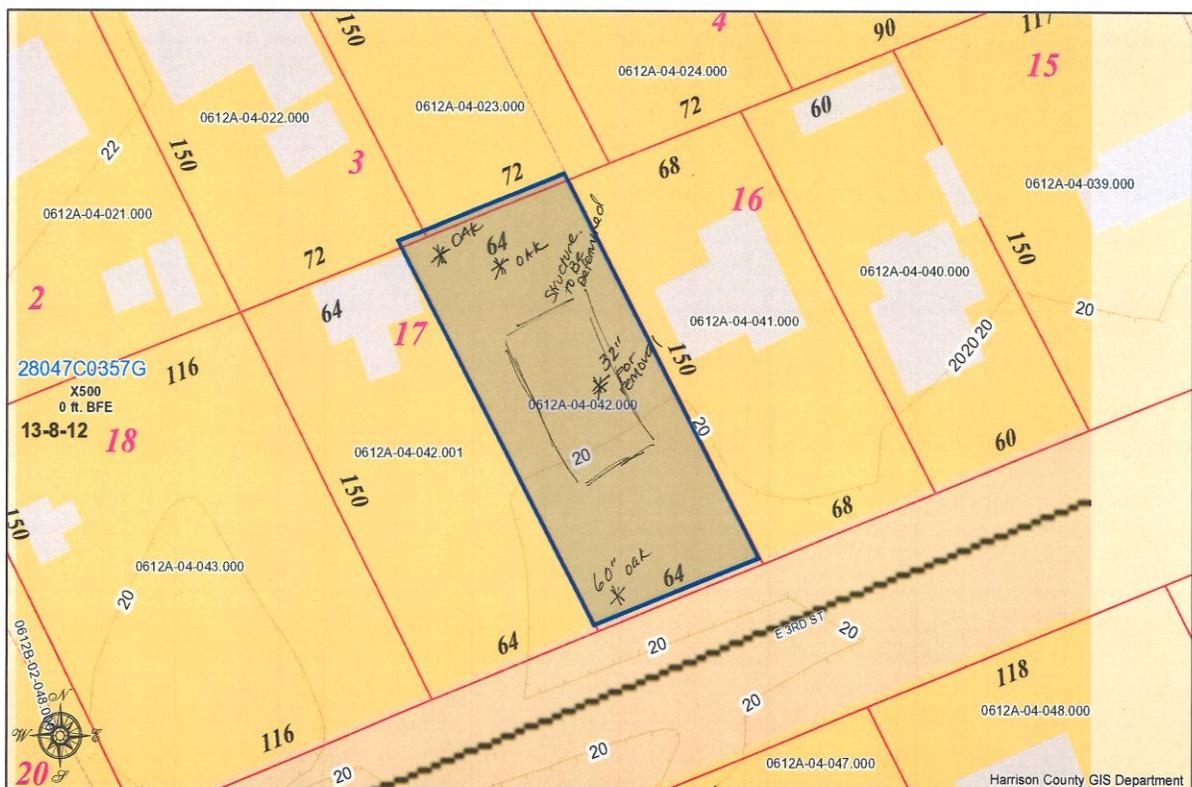
Planning Commission

We are looking to purchase a lot in Long Beach on 312 E. 3rd St and the agreement is contingent upon the removal of one Live Oak tree in the middle of the property. There are four Live Oaks (*Quercus virginiana*). One large majestic oak is 60" in diameter and the one in the center is 32" in diameter and would impede the building of a "shot gun" style home for this narrow lot. The other two near the back of the property are 30" and 32" and we are quite happy with all three of these remaining oaks. We are asking for permission to remove the one Live Oak in the center and we will take care during the building process to protect all others by fencing the remaining trees.

Sincerely,

Tyler & Stephanie Pav

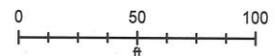
312 E 3rd St



HARRISON COUNTY, MISSISSIPPI

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MAP DATE: May 14, 2016



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Gail Pav
312 E. 3rd St.
Long Beach, MS 39560

After looking at the lot at the above address I have the following recommendations.

There are 4 live oaks (*Quercus virginiana*) on the property. A very large and majestic one in the front west corner which is approx. a 60" tree. Another in the middle of the property is approx. 32", one to the NW of it which is approx. 36" and the last is towards the back and on the west property line which is approx. 30".

They are looking to build a small cottage on the property which would require removal of the live oak in the middle or the 32" tree. There are several things to be mindful of in construction around oak trees. The root zone is about 1' in radius for every 1" of diameter. This means that the large oak in front has a root zone extending 60' out from the trunk all the way around. A protective fence would need to be installed as close to this point or the dripline as possible. Nothing can be stored in this zone and no equipment would be allowed in the zone. Compaction of the soil is a big problem. Any fill needs to be minimal and kept as far from the tree as possible. Only 1" per year of fill can be installed over the root zone. Also no washing of equipment, including paint and drywall compounds. Some of the root zone will be encountered but as long as it is kept to no more than 30% of the root zone it will not be a problem. All of these steps need to be taken with each tree wanting to be kept.

There is a substantial amount of ivy growing on the large oak tree. This needs to have 3 to 4' of the vine cut. The top of the vine will die off, dry and eventually fall off. The bottom section of vine may persist on growing and can be sprayed with a glyphosate-based, ready to use herbicide labeled for use on vines. This should be applied when the vines are actively growing which would be anytime but winter. It would also be good to remove all the dead branches from the trees being kept. Other than that use some 0-0-60 potassium (potash) around the trees twice a year and everything should be great.

If you need anything don't hesitate to give me a call.

Thanks, Jim

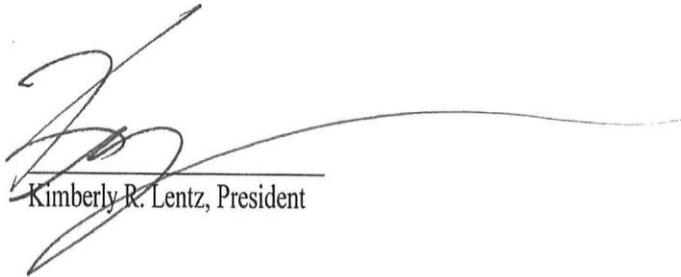
Jim Heinzl
Certified Arborist #SO-5803A
GreenScapes Property Management LLC
110 Driftwood Drive
Long Beach, MS 39560
228.493.3223
jim@greenscapesms.com
Website:
www.GreenScapesms.com
Bend Like a Willow Break Like an Oak

**MINUTES OF MAY 26, 2016
PLANNING COMMISSION**

MEMORANDUM

To: Mayor and City Council of Long Beach, MS
From: Tree Board
Date: May 19, 2016
Re: Application for Tree Removal dated May 18, 2016 - 312 E. 3rd Street
Tax Parcel: 0612A-04-042.000

The Long Beach Tree Board has no objection.



Kimberly R. Lentz, President

Based upon the aforementioned letter submitted by Certified Arborist, Jim Heinzl, the City of Long Beach Tree Board and the City of Long Beach Tree ordinance, Commissioner Hansen made motion seconded by Commissioner Frazer and unanimously carried recommending removal of the Live Oak tree, stating the only tree to be removed is the one referenced in the letter submitted by Certified Arborist, Jim Heinzl, the 32" in diameter, Live Oak that is in the middle of the other trees.

It came for consideration to reschedule the public hearing for a zone text change for short term rentals as follows:

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Section 131: Short Term Rentals-Residential

(a) Definition

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

- (1) **Short Term Rental:** Short Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental "means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such". The term "Short-Term Rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term "Short Term rental" shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances .
- (2) **Local Property Manager:** The person specifically named on the application and permits 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 shall reside within two (2) miles of the Long Beach city limits. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the City within five (5) days of any such change.

(b) Permit Required

It Is Unlawful To Conduct Or Operate A Short-Term Rental Without Having Obtained A Permit Therefore.

- (1) A short-term lodging, special use permit and occupancy tax registration are required for each short term lodging rental unit.
- (2) Applications may be made for a short term lodging special use permit in all residential zones.
- (3) The permit process requires an application completed in accordance with the following which may be obtained at the City Building Department.
 - (A) Application shall contain such information as the Building Official shall from time to time require, including, but not limited to , the location/address of the short term rental, number of rooms therein contained, the number of persons the short term rental proposes to accommodate , the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by Building Official) rules, and a plan for trash management, and a copy of the proposed rental agreement.
 - (B) It shall be the duty of the applicant to notify the City Building 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

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Association of the application process and to provide the City Building 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 Building Department of the existence of a Homeowner's Association shall result in the suspension or revocation of the permit.

- (C) It shall be the duty of the applicant to produce proof to the City Building Department of homeowner's liability insurance coverage which does not exclude short term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short term rental.
- (D) It shall be the duty of the applicant to produce proof of any mortgage or deed of trust which may encumber the property and submit proof that the mortgage or deed of trust does not prohibit the use of the property as a short term rental.
- (E) The application shall include a statement from the applicant affirming that the applicant is in compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, and has paid all applicable taxes, fees and other charges.
- (F) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Long Beach shall result in the suspension or revocation of the permit.
- (G) A non-refundable application fee of two hundred dollars (\$200.00) 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.
- (H) Upon the filing of an application in accordance with Subsections (A) through (G), the City shall notify all landowners within two hundred (200) 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 mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the City. The notification shall provide the following information to the landowners within two hundred (200) feet of the applicant's land boundaries:
 - (1) Name and address of the applicant;
 - (2) Name and address of the local contact person who will be available for contact at all times;
 - (3) Name and address of every agent;
 - (4) Copy of the application shall be available at City Hall;
- (I) The City shall notify the landowners within two hundred (200) feet of the applicant's boundary lines of the date, time and place of a hearing before the Planning Commission. Notice shall be published in a local newspaper of general circulation within the City at least fifteen (15) days prior to the hearing.
- (J) At the conclusion of the public hearing, the Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its decision, to the Board of Aldermen. The matter shall be set on the agenda of the next City meeting after the time for appeal has lapsed.
- (K) Any party aggrieved by the decision of Planning Commission may appeal the decision to the Board of Aldermen within ten (10) days from the time of the decision. Any aggrieved party shall file a written notice of appeal with the City Clerk. The City shall hold a hearing to hear the appeal as set forth in the code.
- (L) In the event no appeal is filed, the decision of the Planning Commission shall be

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final 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.

- (4) The short term rental unit is in accordance with all applicable fire and health codes as would apply if the unit was located within a commercial zone and designated as a commercial venture therein.
 - (5) Each short term rental permit shall expire one (1) year from the date of issuance of the permit.
 - (6) Permit renewal may be obtained for an amount equal to one-night rental fee or \$100, whichever is greater, 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 about 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. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Building 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.
 - (7) Approval of short term lodging permit does not legalize any non-permitted use or structure. Short term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
 - (8) Short term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article, except no hearing is required, only planning commission approval. The new permit shall be for a period of one year from date approved.
 - (9) Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term lodging rental.
- (c) Occupancy
The maximum occupancy of each short term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.
- (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. 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 Building Official may require that an off- street parking space to be constructed or secured.
- (e) Registry of Guests
Each person granted a short term rental permit shall keep or cause to be kept a registry of guests.

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Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.

(f) Noise

Property owners and local property managers shall insure that the occupants of the short term rental are aware of City noise ordinances and State laws regarding disturbing the peace.

(g) Premises and Garbage Management

It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.

(h) Posting of Rules

Short term 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. A written copy of this Ordinance shall be posted within the unit and displayed at all times.

(i) Local Contact Person

All short term 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 name, address and telephone number of 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.

(j) Complaints and Dispute Resolutions

Complaints regarding violation of this Ordinance must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party should contact the Building Department. The Long Beach Police Department shall have an updated list provided by the Building Department of all local contact persons for short term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

(k) Denial or Revocation of a License

Conditions for denial of permit or revocation of permit to operate a Short Term Rental unit shall include but in no way limited to the following:

- (1) Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- (2) The applicant failed to conform to the conditions set forth herein for the current or previous year.
- (3) Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- (4) Any other reasonable or rational factors 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 zoning code,

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building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).

(5) The Building Official 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 Building Official, permit shall be revoked by issuing such order. 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 filed with the Building 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.

(l) Violations

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (*rental without a permit*) is deemed to constitute a separate violation.

(m) Constitutionality

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.

(n) Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Long Beach, Mississippi. In any case where the provisions in these 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.

(o) Review

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.

Commissioner Heinzl made motion seconded by Commissioner Hansen and unanimously carried to schedule a public hearing June 23, 2016; 5:30 p.m.; City Hall Meeting Room for the purpose of considering a zone text change.

There being no further business to come before the Planning Commission at this time Commissioner Robertson made motion seconded by Commissioner Carrubba and unanimously carried to adjourn the meeting until the next regular scheduled meeting in due course.

APPROVED:

Commission Chairman, Frank Olaiivar

Date: _____

ATTEST:

Charlene Stogner, Minutes Clerk