

**ORDINANCE NO. 2009-11  
CITY OF OCEAN SPRINGS, MISSISSIPPI**

**AN ORDINANCE ESTABLISHING A TAX EXEMPTION PROGRAM FOR THE  
CENTRAL BUSINESS DISTRICT OF THE CITY OF OCEAN SPRINGS**

WHEREAS, Section 17-21-5 of the Mississippi Code of 1972 authorizes municipal governing authorities, in their discretion, to grant exemptions from ad valorem taxation, except ad valorem taxation for school district purposes, for new structures, or improvements to or renovations of existing structures located in the designated central business district of the municipality, for a period of not more than seven (7) years from the date of the completion of the new structure or the improvement to or renovation of the existing structure for which the exemption is granted; and

WHEREAS, the Ocean Springs Mayor and Board of Aldermen wish to stimulate private investment and promote business by providing for a tax exemption program by partially exempting from municipal ad valorem taxes, excluding ad valorem taxes for school district purposes, for a period of not more than seven (7) years, renovations of and improvements to existing structures lying within the central business district as designated by the Board of Aldermen; and

WHEREAS, a certain area of the City of Ocean Springs has been designated as the central business district by the Board of Aldermen; and

WHEREAS, it is the policy of the Board of Aldermen to promote business, commerce, and appropriate industry within the central business district according to the adopted Comprehensive Growth Plan; and

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

Section 1.     *Title*

This ordinance shall be entitled the “Central Business District Tax Exemption Ordinance”.

Section 2.     *Purpose*

There is hereby established a tax exemption program within those areas of the City of Ocean Springs designated by the Board of Aldermen as the Central Business District, the application that shall be pursuant to the requirements of this ordinance.

Section 3.     *General*

The Board of Aldermen may, in its discretion, exempt from up to 80% of municipal ad valorem taxes, excluding ad valorem taxes for school purposes, for a period of not more than seven (7) years for new structures or any renovations of and improvements to, existing structures with a commercial use or "mixed" use with a commercial component lying within the areas designated as the Central Business District, but only in the event that such structures shall have been constructed, renovated, or improved pursuant to the requirements set forth in this ordinance. The residential component of a "mixed" use development may be abated up to one (1) unit per 500 square feet of commercial.

For the purposes of this ordinance, 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 Ocean Springs Road; and Ocean Springs Road on the east or more specifically shown in Exhibit "A" attached hereto as if included herein.

Section 4.     *Preconstruction Application Procedures*

Any person seeking a tax exemption under the provisions of this ordinance may submit an application for tax exemption along with their commercial building permit. The preconstruction application is recommended, but not required. The exemption applies to the value of the new construction of or improvements to a commercial building. This exemption shall NOT apply to multi-family structures with no commercial component, nor shall it apply to residential buildings with a home office functioning primarily as a residence. The exemption shall NOT apply to the value of the land. The minimum amount of the investment (construction cost) must be at least \$20,000. The application shall meet the requirements of Section 17-21-5, Mississippi Code of 1972.

Copies of the tax exemption application and building permit shall be received by the Director of the Department of Community Development and Planning for Commercial Design Review. After the Development Plan, a review process of the Commercial Design Review ordinance, has been approved, the application shall then be submitted to the Board of Aldermen for Preconstruction approval or disapproval.

If the structure is located in a Historic Preservation District, the Historic Preservation Commission shall review the project to ensure its compliance with the applicable ordinances. After approval by the Historic Preservation Commission, the application shall then be submitted to the Board of Aldermen for Preconstruction approval or disapproval. The City Clerk shall record the application and the order approving the same in a book kept in her or his office for that purpose, and shall file one (1) copy of the application and the order with the Chairman of the State Tax Commission, one (1) copy with the State Auditor of Public Accounts, and one (1) copy to the Jackson County Tax Collector. Copies of approved applications shall also be kept in the Department of Community Development and Planning office.

Section 5.     *Post Construction Application Procedures*

Unless an application has already been received and approved as part of the Preconstruction Approval Procedures, any person seeking a tax exemption under the provisions of this ordinance shall submit an application for tax exemption within 6 months of receiving a certificate of occupancy which indicates the completion of construction/renovation. Applicants completing the Preconstruction Approval Procedures do not have to apply for Post Construction approval. Applicants completing the Preconstruction Approval Procedures must obtain Final Approval for Tax Exemption under Section 6.

The exemption applies to the value of the new construction of or improvements to a commercial building. This exemption shall NOT apply to multi-family structures with no commercial component, nor shall it apply to residential buildings with a home office functioning primarily as a residence. The exemption shall NOT apply to the value of the land. The minimum amount of the investment (construction cost) must be at least \$20,000. The application shall meet the requirements of Section 17-21-5, Mississippi Code of 1972.

Copies of the tax exemption application and building permit shall be received by the Director of the Department of Community Development and Planning for Commercial Design Review. After the Development Plan, a review process of the Commercial Design Review ordinance, has been approved, the application shall then be submitted to the Board of Aldermen for post-construction approval or disapproval. If the structure is located in a Historic Preservation District, the applicant shall provide the Certificate of Appropriateness from the Historic Preservation Commission. The Director of Community Development and Planning shall submit the necessary documentation to the Board of Aldermen for Final Approval or disapproval. The City Clerk shall record the application and the order approving the same in a book kept in her or his office for that purpose, and shall file one (1) copy of the application and the order with the Chairman of the State Tax Commission, one (1) copy with the State Auditor of Public Accounts, and one (1) copy to the Jackson County Tax Collector. Copies of approved applications shall also be kept in the Department of Community Development and Planning office.

*Section 6. Final Approval of Tax Exemption*

The Building Official shall monitor the project for compliance with all appropriate City codes and ordinances. Upon final approval of the project, and if the project is in compliance with all codes and ordinances of the City, the Building Official shall so notify the applicant and City Clerk in writing.

Final approval of the tax exemption shall be by the Board of Aldermen. Such new construction, renovations of, and improvements to existing structures shall be in compliance with all applicable City codes and ordinances.

Section 7. *Formula for Determination of Tax exemption*

The term "building value" in this formula shall represent the appraised (true) value of a commercial building, minus the value of the building as shown on the records of the Jackson County Tax Assessor. (The purpose is to determine the valuation attributable to the new building, renovation or improvement.)

1. The minimum project investment shall be twenty thousand dollars (\$20,000).
2. An application for exemption shall be made within twelve months from the date of completion of a new structure or improvement or renovation of an existing structure. Renovations and improvements to a building and new buildings may be granted a tax exemption for seven (7) years.
3. The amount of the municipal ad valorem tax exemption for any single property may not exceed \$250,000. (Tax due and payable)

Section 8. Not to be codified  
This ordinance shall not be codified.

Section 9. Repealer - This Ordinance shall automatically repeal and become null and void two (2) years from date of passage.

Section 10. In case of any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalid, but shall remain in full force and effect.

Section 11. It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of Ocean Springs, Mississippi. In any case when the provisions of these regulations and the provisions of other regulations both apply, the provisions of this ordinance shall govern for the purposes of tax abatement.

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

<b>Alderman Weaver</b>	<b><u>Aye</u></b>
<b>Alderman Gill</b>	<b><u>Aye</u></b>
<b>Alderman McDonnell</b>	<b><u>Aye</u></b>
<b>Alderman Lloyd</b>	<b><u>Aye</u></b>
<b>Alderman Denyer</b>	<b><u>Aye</u></b>
<b>Alderman Dalgo</b>	<b><u>Aye</u></b>
<b>Alderman Hagan</b>	<b><u>Aye</u></b>

**BY ORDER OF THE MAYOR AND BOARD OF ALDERMEN** of the City of  
Ocean Springs, Mississippi, on this the **6th** day of **May**, 2009.

/s/ Connie Moran  
Connie Moran, Mayor

CERTIFIED BY:

/s/ Shelly Ferguson  
Shelly Ferguson, City Clerk

# City of Ocean Springs

Planning Department  
1800 Porter Avenue  
Ocean Springs, MS 39564  
(228) 875-4415

## Application for Property Tax Exemption

Date of Application: \_\_\_\_\_

### APPLICANT INFORMATION:

Name of Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Contact Email: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Contact Fax: \_\_\_\_\_

### PROJECT INFORMATION:

Project Address: \_\_\_\_\_

\_\_\_\_\_

Jackson County Tax Assessor PIDN Number: \_\_\_\_\_

Zoning Classification of Property: \_\_\_\_\_

Purchase Date (attach copy of property deed): \_\_\_\_\_

Building Permit Number (attach copy of building permit): \_\_\_\_\_

Project is located in:

Central Business District

Historic District

Project is for:

Redevelopment Project

Demolition/New Construction

Rehabilitation to existing structure

Current Municipal Ad Valorem tax on structure excluding Ad Valorem tax for school purposes  
(attach most recent tax receipt): \$ \_\_\_\_\_

Legal Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Project:

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Estimated Project Amount: \_\_\_\_\_

Estimated Project Beginning Date: \_\_\_\_\_

Estimated Project Completion Date: \_\_\_\_\_

By signing this application, the undersigned acknowledges that the above information is true, correct, and complete, to the best of his/her knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Property Owner