

ORDINANCE NO. 2245

AN ORDINANCE TO AMEND A SECTION OF TEXT CONTAINED WITHIN CHAPTER 23
OF THE CODE OF ORDINANCES OF THE CITY OF BILOXI, MISSISSIPPI,
SPECIFICALLY IDENTIFIED AS THE LAND DEVELOPMENT ORDINANCE, TO AMEND
THE VISITOR ACCOMMODATION SECTION
RELATIVE TO BED AND BREAKFAST FACILITIES

WHEREAS, on Thursday, October 3, 2013, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 13-058-PC, City of Biloxi, with respect to an application authorized by the City of Biloxi City Council, charging the Planning Commission to explore possible changes, corrections, and modifications to text contained within Chapter 23 of the Code of Ordinances of the City of Biloxi, as they pertain to expanding Bed and Breakfast facilities; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that this text change proposal, considered via Section 23-2-4(A)(2)b of the Biloxi Land Development Ordinance, to allow for discussion and review of Chapter 23 of the Land Development Ordinance, in this instance, specifically **Section 23-4-3(D) (10) a. 6.**– Bed & Breakfast facilities, as outlined within Case No. 13-058-PC; and

WHEREAS, the proposed modification and change to the Land Development Ordinance is as involves amending the Visitor Accommodation Section –**Section 23-4-3 (D) (10)** Bed and Breakfast Facilities, to consider changes that would allow for the provision of meals in addition to **Breakfast**, to permit **Special Events** at Bed & Breakfasts to be expanded from 3 to **4 hours in duration** and allow additional patrons to attend, and to authorize entertainment during those **Special Events** to be provided **outdoors**, subject to noise limitations currently prescribed by

ordinance, and to discuss changes which would be beneficial to expand Bed and Breakfast operations, without posing adverse impacts to residential areas; and

WHEREAS, on October 3, 2013, the Biloxi Planning Commission, after some discussion, voted to recommend approval of a series of changes to the Land Development Ordinance, for the express purpose of expanding Bed and Breakfast activities, without placing undue impacts upon neighborhood residents allow Bed & Breakfast facilities to serve meals in addition to breakfast, to expand Special Events hours from 3 to 4 hours in duration and to increase the number of patrons who may participate in these events up to 100, and to authorize **Special Events** outdoors, subject to noise limitations; and

WHEREAS, the Biloxi City Council, after careful review of the minutes of the public hearing, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determines that modification to this section of text of the Code of Ordinances for the City of Biloxi, specifically, Chapter 23 – Land Development Ordinance **Section 23-4-3(D) (10) a.6.** is appropriate, as outlined in Case No. 13-058-PC, City of Biloxi.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION 1. A section of the text found in Chapter 23 of the Land Development Code of Ordinances of the City of Biloxi, Mississippi, is hereby amended, specifically, **Section 23-4-3(D) (10) a.6. Bed and Breakfast**, as follows:

6. Other Requirements

- A. Individual kitchens or kitchenettes within units for rent shall not be permitted.
- B. Only transient guests shall be served a meal, which may consist of breakfast ~~only~~, lunch and/or dinner.
- C. There shall be a bathroom, consisting of a sink, toilet and shower or bathtub, available per

- two guest units.
- D. No gift shops shall be permitted in bed and breakfasts located in residential zoning districts.
- E. Except as provided in this subsection, nothing in this subsection shall be construed to permit any commercial or residential use not otherwise allowed by the specific district classification in which the bed and breakfast is located. Uses permitted as accessory uses at other visitor accommodations are not permitted as accessory uses at a bed and breakfast.
- F. If the bed and breakfast is located in a residential zoning district, no commercial uses shall be allowed, with the exception of certain special events which will be eligible for consideration at a bed and breakfast upon obtaining a separate special event permit. Special events shall include the following: guided tours, weddings, receptions, parties, and other large gatherings. Applications for Special Event Permits shall adhere to the following criteria:
- a) only one (1) special event per day shall be permitted,
 - b) permitted special events shall only be allowed to take place between the hours of 11:00 a.m. and ~~9:00~~ 10:00 p.m.,
 - c) permitted special events shall not exceed ~~three (3)~~ four (4) hours in length,
 - d) no more than ~~fifty (50)~~ one hundred (100) guests shall be allowed at any single event,
 - e) entertainment for special events, when provided, shall end by ~~9:00~~ 10:00 p.m., and
 - f) musical instruments, phonographs or any other machines or devices operated for the express purpose of providing entertainment during said special events shall ~~not~~ be allowed ~~to be operated outdoors or in any~~ provided that they are utilized in a manner so as not to disturb the quiet, comfort, or repose of any person in the vicinity of said special events,
 - g) only residential type garbage or refuse containers may be utilized, and the use of dumpsters for that purpose are prohibited.

Upon submitting an application for a special event permit, the owner/operator shall be required to satisfactorily address noise, parking, deliveries, times of operation and other related issues that may adversely impact neighboring residences or residences in the immediate area of the Bed and Breakfast.

SECTION 2. All other provisions of said Chapter 23 of the Code of Ordinances of the City of Biloxi, Mississippi, identified as the Land Development Ordinance for the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective thirty days from and after its passage and publication with law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Lawrence, seconded by Councilmember Gines, and was adopted by the following vote:

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Fayard		
	Deming			

The President then declared the Ordinance adopted this the 5th day of November, 2013.

ATTEST:	APPROVED:
/s/ Karen Brashier	/s/ Paul A. Tisdale
CLERK OF THE COUNCIL	PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 8th day of November, 2013.

APPROVED:
/s/ A.J. Holloway
MAYOR