

ORDINANCE NO. 2292

ORDINANCE TO AMEND THE **LAND DEVELOPMENT ORDINANCE**, WHICH AMENDMENT SPECIFICALLY ADDRESSES THE ADDITION AND MODIFICATION OF TEXT WHICH WILL PROVIDE STANDARDS AND REQUIREMENTS ASCRIBED TO THE SPECIFIC USE – **SHORT-TERM RENTALS**

WHEREAS, on Thursday, November 5, 2015, 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. 15-054-PC, City of Biloxi, with respect to a request initiated by the Biloxi City Administration suggesting consideration to modify certain areas of text within the Land Development Ordinance, which text will provide standards and requirements ascribed to the Specific Use - **Short-Term Rentals**; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that as per Section 23-2-4(A)(2)b of the Biloxi Land Development Ordinance, the Mayor may suggest that the City of Biloxi Land Development Ordinance be amended, in this instance, by modifying certain sections of text which define and regulate **Short-Term Rentals**; and

WHEREAS, it should be noted that the Biloxi Planning Commission held several Workshops, the first one commencing on August 20, 2015, to discuss **Short-Term Rentals**, resulting in a determination on September 17, 2015, to proceed forward with text language, as follows:

(10) Visitor Accommodations

e. Short-Term Rental

Short-Term Rentals can be authorized within the following zoning districts: Medium-Density Multifamily Residential (RM-20), High-Density Multifamily Residential (RM-30), Community Business (CB), Regional Business (RB), Downtown (DT), and Waterfront (WF), as well as within Planned Development Gaming-Establishment (PD-GE)

Planned Development-Hospitality Business (PD-HB), and Planned Development-Commercial (PD-C) district zones, subject to compliance with all of the following standards:

1. Declaration of Policy

This section is intended to provide standards for **Short-Term Rentals** to allow for a Visitor Accommodation Use for properties which have the characteristics of Single Family Residences, but providing specific limitations which should prevent the commercial exploitation of these properties.

Monitoring

Short-Term Rentals shall maintain a guest register, which shall be made available for inspection by the City upon request. The guest register shall include the names and home addresses of transient guests, the transient guests' license plate numbers, dates of stay, and the unit number utilized by each transient guest. All Short-Term Rental units shall also provide, in addition to any corporate ownership information, the name, address, and phone number of a local person who shall be able to provide thirty-minute appearance response to said Short-Term Rental unit site when so called upon by the city or other responsible authority.

3. Additional Permit Requirements

Short-Term Rentals shall be authorized only upon completing all items included and recited within the Land Development Ordinance as pertain to obtaining Conditional Use Approval for this use. Individuals requesting **Short-Term Rentals** authorization shall be required to obtain a Certificate of Occupancy, Certificate of Zoning Compliance and Tax Privilege License from the City of Biloxi. The Certificate of Occupancy, Certificate of Zoning Compliance, and Tax Privilege License shall not be transferred to any subsequent owner, and any change in ownership shall require new applications for all such certificates, permits, and licenses.

4. Other Requirements

- A. No gift shops shall be permitted in **Short-Term Rentals** located in residential zoning districts.
- B. Except as provided in this subsection, nothing in this subsection shall be construed to permit any commercial or residential use not otherwise allowed
- C. by the specific district classification in which the **Short-Term Rentals** are located.
- D. **Short-Term Rentals** shall be limited to a total of four (4) units upon any single Tax Parcel site.
- E. Exterior sign(s) advertising **Short-Term Rentals** shall not be permitted on the property site.

- F. All lighting shall be compatible with the residential quality of the neighborhood in which the **Short-Term Rentals** are located.
- G. Parking for **Short-Term Rentals** transient guests shall be provided on site at a ratio of one parking space per unit, which parking shall be arranged in a style reflective of a Single Family use.

*The combination of parking and all structures included as part of **Short-Term Rentals** shall occupy no more than 60 percent (60%) of the lot upon which this use is located; and*

WHEREAS, subsequent to that determination, the City of Biloxi Planning Department was extended a charge from the City Administration to advertise a Text Amendment for **Short-Term Rentals**, incorporating the following:

Addition- Article 23-3: Zoning Districts

Section 23-3-5: Overlay Zoning Districts

Section 23-3-5(F): STR: Short-Term Rental Overlay District

STR (Phase I) – properties described as land most nearly bounded by the following streets: to the North by the Back Bay of Biloxi; to the South by the Gulf of Mexico; to the East by Back Bay of Biloxi; and to the West by upon Caillavet Street.

(1) Purpose

This **Short-Term Rentals** (STR) Overlay District is established and intended to encourage the redevelopment and revitalization of parts of the City of

Biloxi that are subject to flood damage. The STR Overlay District is a flexible tool that may be applied to multiple areas and properties targeting flood zones, and areas where development has been slow to reoccur since Hurricane Katrina.

(2) Standards for Designation of a STR District

Short-Term Rentals are Permitted-by-Right within the following zoning districts: Community Business (CB), Regional Business (RB), Downtown (DT), Waterfront (WF), and Short-Term Rental Overlay (STR-Overlay) subject to compliance with all standards.

Short-Term Rentals are permitted with Conditional Use Approval in Medium-Density Multifamily Residential (RM-20), High-Density Multifamily Residential (RM-30), as well as within Planned Development Gaming-Establishment (PD-GE) Planned Development-Hospitality Business (PD-HB),

and Planned Development-Commercial (PD-C) Planned Development – Infill (PD-I) district zones.

(3) Development Standards

All **Short-Term Rentals** shall comply with the Short-Term Rental Standards.

Amend–Section 23-4-3(D): *Commercial Uses*

(10) Visitor Accommodations

e. Short-Term Rentals

Short-Term Rentals are allowed by right within the following zoning districts:

Community Business (CB), Regional Business (RB), Downtown (DT), Waterfront (WF), and Short-Term Rental Overlay (STR-Overlay) subject to compliance with all of the standards mentioned below.

Short-Term Rentals can be authorized with Conditional Use approval within the following zoning districts: Medium-Density Multifamily Residential (RM-20), High-Density Multifamily Residential (RM-30), as well as within Planned Development Gaming-Establishment (PD-GE) Planned Development-Hospitality Business (PD-HB), and Planned Development-Commercial (PD-C) Planned Development – Infill (PD-I) district zones subject to compliance with all of the following standards:

1. Declaration of Policy

This section is intended to provide standards for **Short-Term Rentals** to allow for a Visitor Accommodation Use for properties which have the characteristics of Single Family Residences, but providing specific limitations which should prevent the commercial exploitation of these properties.

Monitoring

Short-Term Rentals shall maintain a guest register, which shall be made available for inspection by the City upon request. The guest register shall include the names and home addresses of transient guests, the transient guests' license plate numbers, dates of stay, and the unit number utilized by each transient guest. All **Short-Term Rental** units shall also provide, in addition to any

corporate ownership information, the name, address, and phone number of a local person who shall be able to provide thirty-minute appearance response to said **Short-Term Rental** unit site when so called upon by the city or other responsible authority.

3. **Additional Permit Requirements**

Short-Term Rentals shall be authorized only upon completing all items included and recited within the Land Development Ordinance to obtain Conditional Use Approval for this use. Individuals requesting **Short-Term Rental** authorization shall be required to obtain a Certificate of Occupancy, Certificate of Zoning Compliance and Privilege Tax License from the City of Biloxi. The Certificate of Occupancy, Certificate of Zoning Compliance, and Privilege Tax License shall not be transferred to any subsequent owner, and any change in ownership shall require new applications for all such certificates, permits, and licenses.

4. **STR Standards**

- A. Except as provided in the STR Overlay District, 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 **Short-Term Rentals** are located.
- B. **Short-Term Rentals** shall be limited to a total of four (4) units upon any single Tax Parcel site.
- C. Exterior sign(s) advertising **Short-Term Rentals** shall not be permitted on properties located in residential zoning districts.
- D. All lighting shall be compatible with the residential quality of the neighborhood in which the **Short-Term Rentals** are located.
- E. Parking for **Short-Term Rentals** shall be provided on site at a ratio of one parking space per unit or bedroom available, (whichever is greater). Parking shall be arranged in a style reflective of a Single Family Residential use.
- F. The combination of parking and all structures included as part of **Short-Term Rentals** shall occupy no more than sixty percent (60%) of the lot upon which this use is to be located.

- G. Any **Short-Term Rental** use proposed must be in conformance with any Subdivision Covenants or Deed Restrictions in effect for the specific property site in question. The property owner shall be responsible to demonstrate compliance with this directive.
- H. Upon accepting any **Short-Term Rental** application, the City of Biloxi will notify the Hotel & Lodging Association to make them cognizant of the intention of establishing a **Short-Term Rental** facility at the location offered.
- I. **Short-Term Rentals** shall be subject to annual Fire Inspections by the Biloxi Fire Department; and

WHEREAS, on November 5, 2015, the Biloxi Planning Commission conducted a Public Hearing for the above cited text, providing for specific amendments to sections of the Land Development Ordinance addressing **Short-Term Rentals**, and after some discussion, voted to recommend approval for Option 1, as modified, to allow **Short-Term Rentals** as a Permitted Use within Community Business (CB), Regional Business (RB), Downtown (DT), Waterfront (WF), as well as within Planned Development Gaming-Establishment (PD-GE), Planned Development-Hospitality Business (PD-HB), Planned Development-Commercial (PD-C), and Planned Development – Infill (PD-I) district zones, subject to compliance with standards as provided, and also creating a new Overlay District zone to permit **Short-Term Rentals** situated within an area of East Biloxi, subject to Conditional Use approval, for those properties situated in East Biloxi and most nearly bounded by the following streets: to the North by the Back Bay of Biloxi; to the South by the Gulf of Mexico; to the East by Back Bay of Biloxi; and to the West by Caillavet Street; and

WHEREAS, the Biloxi City Council, after careful review of the minutes of the Planning Commission’s public hearing held to discuss this text amendment to the City of Biloxi Land Development Ordinance, the report and findings of the Biloxi Planning Commission’s recommendation, and after some discussion denied the Text Changes proposed to the City of Biloxi Land Development Ordinance to allow **Short-Term Rentals** as a Permitted Use for those properties situated within Community Business (CB), Regional Business (RB), Downtown (DT), Waterfront (WF), as well as within the Planned Development Gaming-Establishment (PD-GE), Planned Development-Hospitality Business (PD-HB), Planned Development-Commercial (PD-C), and Planned Development – Infill (PD-I) district zones, subject to compliance with all standards, further denying the Overlay District to allow by Conditional Use approval **Short-Term Rentals** for properties situated upon land most nearly bounded by the following streets: to the North by the Back Bay of Biloxi; to the South by the Gulf of Mexico; to the East by Back Bay of Biloxi; and to the West by Caillavet Street, as outlined in Case No. 15-054-PC, City of Biloxi; and

WHEREAS, in pursuit of providing a reasonable assemblage of standards which could best address the use defined as **Short-Term Rentals**, the City Council is now provided the opportunity

to revisit this issue, to re-consider the proposed text changes which would help regulate **Short-Term Rentals** throughout the City of Biloxi, allowing for **Short-Term Rentals** within certain zones by right and within other zones as Conditional Uses (but omitting language involving the creation of an Overlay District, as previously proposed to address Short-Term Rentals in sections of East Biloxi) which new language mirrors closely the text developed by the Planning Commission during its series of workshops.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT SPECIFIC TEXT CHANGES TO THE LAND DEVELOPMENT ORDINANCE (LDO), AS PREVIOUSLY DISCUSSED, CONSIDERED, AND FURTHER AMENDED, BE AUTHORIZED, REFLECTIVE OF AMENDMENTS TO **SECTION 23-4-3(D): COMMERCIAL USES**, AS FOLLOWS:

(10) Visitor Accommodations

e. Short-Term Rentals

Short-Term Rentals shall be allowed as Permitted Uses upon properties situated within the following zoning districts: CB Community Business, RB Regional Business, DT Downtown, and WF Water Front Districts Zones, subject to compliance with all of the standards provided below.

Short-Term Rentals shall be authorized as Conditional Use upon properties situated within the following zoning districts: RM-20 Medium-Density Multi-family Residential and RM-30 High-Density Multi-family Residential district zones, subject to Conditional Use review and approval.

Short-Term Rentals may also be authorized in a PD-GE Planned Development-Gaming Establishment, PD-HB Planned Development-Hospitality Business, PD-C Planned Development-Commercial, or PD-I Planned Development-Infill Zone subject to an approved Planned Development Master Plan by the City Council.

Short-Term Rentals are not permitted in Single Family Zones: RS 5 Residential Single Family, RS 7.5 Residential Single Family, RS 10 Residential Single Family, RE Residential Estate and RER Residential Estate Restricted.

All **Short-Term Rentals** shall comply with all of the following standards:

1. Declaration of Policy

This section is intended to provide standards for **Short-Term Rentals** to allow for a Visitor Accommodation Use for properties which have the characteristics of Single Family Residences, but

providing specific limitations which should prevent the commercial exploitation of these properties.

Monitoring

Short-Term Rentals shall maintain a guest register, which shall be made available for inspection by the City upon request. The guest register shall include the names and home addresses of transient guests, the transient guests' license plate numbers, dates of stay, and the unit number utilized by each transient guest. All **Short-Term Rental** units shall also provide, in addition to any corporate ownership information, the name, address, and phone number of a local person who shall be able to provide thirty-minute appearance response to said **Short-Term Rental** unit site when so called upon by the city or other responsible authority.

3. Additional Permit Requirements

Short-Term Rentals shall be authorized only upon completing all items included and recited within the Land Development Ordinance. Individuals requesting **Short-Term Rental** authorization shall be required to obtain a Certificate of Occupancy, Certificate of Zoning Compliance and Privilege Tax License from the City of Biloxi. The Certificate of Occupancy, Certificate of Zoning Compliance, and Privilege Tax License shall not be transferred to any subsequent owner. Any change in ownership shall require new applications for all such certificates, permits, and licenses.

4. STR Standards

- A. 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 **Short-Term Rentals** are located.
- B. **Short-Term Rentals** shall be limited to a total of four (4) units upon any single Tax Parcel site.
- C. Exterior sign(s) advertising **Short-Term Rentals** shall not be permitted on properties located in residential zoning districts.
- D. All lighting shall be compatible with the residential quality of the neighborhood in which the **Short-Term Rentals** are located.

- E.* Parking for **Short-Term Rentals** shall be provided on site at a ratio of one parking space per unit or bedroom available, (whichever is greater). Parking shall be arranged in a style reflective of a Single Family Residential use.
- F.* The combination of parking and all structures included as part of **Short-Term Rentals** shall occupy no more than sixty percent (60%) of the lot upon which this use is to be located.
- G.* Any **Short-Term Rental** use proposed must be in conformance with any Subdivision Covenants or Deed Restrictions in effect for the specific property site in question. The property owner shall be responsible to demonstrate compliance with this directive.
- H.* Upon accepting any **Short-Term Rental** application, the City of Biloxi will notify the Hotel & Lodging Association to make them cognizant of the intention of establishing a **Short-Term Rental** facility at the location offered.
- I.* **Short-Term Rentals** shall be subject to annual Fire Inspections by the Biloxi Fire Department.
- J.* Any violation of this ordinance may result in the remedies and penalties found in 23-9-6 Remedies Penalties.

SECTION 2. All other provisions of said Chapter 23 of the Code of Ordinances of 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 Tisdale, seconded by Councilmember Newman, and was adopted by the following vote:

YEAS:	Lawrence	Deming	NAYS:	Glavan
	Gines	Tisdale		
	Newman	Fayard		

The President then declared the Ordinance adopted this the 19th day of January, 2016.

ATTEST:

APPROVED:

/s/ Karen Brashier
CLERK OF THE COUNCIL

/s/ Robert L. Deming III
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 22nd day of January, 2016.

APPROVED:
/s/ Andrew “FoFo” Gilich
MAYOR