

## ORDINANCE NO. 2388

### ORDINANCE TO AMEND THE BILOXI CODE OF ORDINANCES, SPECIFICALLY TO AMEND SECTION 23-4-3(D)(10)e OF THE LAND DEVELOPMENT ORDINANCE, THEREBY MODIFYING REQUIREMENTS FOR SHORT-TERM RENTALS (STR)

WHEREAS, on Thursday, March 21, 2019, 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. 19-023-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Code of Ordinances; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the Administration has proposed the Text Amendment to the Biloxi Land Development Ordinance, as addressed within Case No. 19-023-PC, City of Biloxi; and

WHEREAS, it is the intent of this Text Amendment to amend Section 23-4-3(D) (10) e of the Land Development Ordinance, thereby modifying requirements for Short-Term Rentals (STR), as follows:

#### **Section 23-4-3(D) (10) e. Short Term Rental**

##### **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: NB neighborhood business, 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, A agriculture, and AR agriculture restricted.~~ Short-Term Rentals are prohibited by any tenant or lessee in the City's harbors or marinas.

All Short-Term Rentals shall apply as set forth below and 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.

**2. 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' ~~driver's~~ 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.~~

Individuals requesting Short-Term Rental authorization shall be required to pay an annual application fee of one-hundred dollars (\$100.00); such fee is to be assessed and paid by applicant to the City of Biloxi Community Development Department, provide the name(s) of agencies (i.e., AirBNB, VRBO, Homeaway, etc.) they are affiliated with and obtain a Certificate of Occupancy, a Certificate of Zoning Compliance, and a Privilege Tax License, and an *Occupant Limit Card* 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 (Short-Term Rentals) 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 units upon any single tax parcel site~~ with respect to the Density Limits provided within Section 25-5 of the Land Development Ordinance.
- 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 residential use.
- F.* The combination of parking and all structures included as part of Short-Term Rental shall occupy no more than sixty percent of the lot upon which this use is to be located.
- G.* Any Short-Term Rental use proposed must be in conformance with all 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. Nothing in this section shall confer a right to offer a Short-Term Rental where such use is prohibited by a homeowners' association

agreement, by a rental agreement or any other restrictions, covenants, requirements or enforceable agreements.

- H.* Upon accepting any Short-Term Rental application, the City of Biloxi will notify the State Department of Revenue, Harrison County Tax Assessor, and 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, or as required by City ordinance.
- J.* Any violation of ~~this ordinance~~ these Short-Term Rental provisions may result in the remedies and penalties found in Section 23-9-6 Remedies Penalties of the Remedies and Penalties section of the Land Development Ordinance.
- K.* The penalty for operating a Short-Term Rental without a business license will be assessed a fine of five hundred dollars (\$500.00) per violation per day.

SECTION 2. All other sections of said Section 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 Lawrence, seconded by Councilmember Gines, and was adopted by the following vote:

YEAS:	Lawrence Gines Newman	Tisdale Barrett	NAYS:	None
ABSENT:	Deming Glavan			

The President then declared the Ordinance adopted this the 7<sup>th</sup> day of May, 2019.

(SEAL)

ATTEST:

/s/Karen Brashier

CLERK OF THE COUNCIL

ADOPTED:

/s/ Felix O. Gines

PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 14<sup>th</sup> day of May, 2019.

APPROVED:

/s/Andrew "FoFo" Gilich

MAYOR