

Ordinance No. 2495

ORDINANCE TO AMEND A SECTION OF THE LAND DEVELOPMENT ORDINANCE,
RELATED TO SECTION 23-4-3(D)(10)E: SHORT-TERM RENTALS

WHEREAS, on Thursday, September 1, 2022, the Biloxi Planning Commission conducted 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. 22-072-PC, a charge initiated by the Director of Community Development, to consider a Text Amendment to the Land Development Ordinance, related to Section 23-4-3(D)(10)e: Short-Term Rentals; and

WHEREAS, the Planning Commission members, were apprised of the particulars of this case, being made cognizant of the proposed Text change to the Short-Term Rental requirements, to require a separate and remote emergency stairway for multi-story and elevated structures used for Short-Term Rentals; and

WHEREAS, on Thursday, September 1, 2022, after limited discussion, the Biloxi Planning Commission voted unanimously to approve the suggested Text Amendments to the Land Development Ordinance; and

WHEREAS, the Text Amendments involved included the following:

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

(10) Visitor Accommodations

e. Short-Term Rentals

- L. Short-Term Rentals that are located within Single-Family structures that are multi-story or elevated, shall be required to provide two separate and remote stairways as an emergency means of egress. Emergency stairways shall comply with the construction requirements of the currently adopted edition of the International Residential Code.

WHEREAS, the Biloxi City Council, after careful review of this recommendation to amend these sections of text, hereby adopts the report and findings of the Biloxi Planning Commission,

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and in so doing, determines that the Change proposed for the Text Amendment to the Land Development Ordinance, as here in presented, is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT ORDINANCE BE AMENDED, AS FOLLOWS:

WHEREAS, the Text Amendments involved included the following:

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

(10) Visitor Accommodations

e. Short-Term Rentals

L. Short-Term Rentals that are located within Single-Family structures that are multi-story or elevated, shall be required to provide two separate and remote stairways as an emergency means of egress. Emergency stairways shall comply with the construction requirements of the currently adopted edition of the International Residential Code.

SECTION ONE: All other sections of said of the Biloxi Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION TWO: 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 Barrett, and was adopted by the following vote:

YEAS:	Gines	Glavan	NAYS:	Lawrence
	Tisdale	Barrett		Newman
				Deming

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The President then declared the Ordinance, as amended, adopted this the 4th day of October, 2022.



ATTEST:

APPROVED:

Keii Campbell
CLERK OF THE COUNCIL

[Signature]
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 6th day of October, 2022.

APPROVED:

[Signature]
MAYOR

Scheduled for
September 1, 2022
PC Meeting

City of Biloxi
Case No. **22-072-PC**
Request for a **Text Amendment** to the LDO
with respect to **Short-Term Rentals**



**Planning Commission
Case Fact Sheet**

Case No.: 22-072-PC
Name of Applicant: City of Biloxi
Address of Property: N/A
Tax Parcel/Ward: N/A

Request: **Text Amendment to the Land Development Ordinance**

Purpose of Request: To consider a text addition to the **Land Development Ordinance**, related to **Section 23-4-3(D)(10)e: Short-Term Rentals**.

Size of Property: N/A
Present Zoning: N/A
Present Use: N/A
Most Nearly Bounded By (streets): N/A

Adverse Influence: None apparent.

Positive Influence: This Text Change will necessitate that two separate and remote emergency stairways be required for multi-story and elevated structures used for Short-Term Rentals

Letters or Concerns stated: The Planning Division Office has not received any letters or other written communications relative to this proposed Text Amendment to the LDO, as of August 25, 2022.

Comments/ Recommendations: Pursuant to a charge extended by the Planning Commission, for the Planning Department to explore a potential text addition, to **Section 23-4-3(D)(10)e: Short-Term Rentals** as follows:

Section 23-4-3(D): Commercial Uses

(10) Visitor Accommodations

e. Short-Term Rentals

L. Short-Term Rentals to be located within Single-Family structures that are multi-story or elevated, shall be required to provide two separate and remote stairways as an emergency means of egress. Emergency stairways shall comply with the construction requirements of the currently adopted edition of the International Residential Code.

Options:

1. Recommend approval of this Text Addition to the Land Development Ordinance.
2. Recommend denial of these Text Addition to the Land Development Ordinance, as offered.

1 BILOXI PLANNING COMMISSION MEETING
2 SEPTEMBER 1, 2022
3 COMMUNITY DEVELOPMENT,
4 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
5 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
6 BILOXI, MISSISSIPPI,
7 BEGINNING AT 2:00 P.M.

8
9 **PLANNING COMMISSION MEMBERS PRESENT:**

- 10 David Washer, Chairman
11 Kyle Carron
12 Steve Delahousey
13 Charlie Dellenger
14 Gary Lechner
15 Joe King
16 August Parker
17 Jimmy Poulos
18 John Snow
19 David Stanovich
20 Cheryl Thompson
21 Michael Todaro

22 **ALSO PRESENT:**

- 23 Felicia Serpas, Senior Planner
24 Caryle Lena, Planner Technician
25 Tim Cipolla, Code Inspector
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

- Melissa Burdine-Rodolfich
Simpson Burdine & Migues

1 C-O-N-T-E-N-T-S 2
3 NEW PUBLIC HEARING PAGE:
4 22-072-PC 5
5 TREE HEARINGS: (None)
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1 CHAIRMAN WASHER: 3
2 Let us call the Planning Commission
3 meeting to order, please.
4 We'll record the members present.
5 Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Thompson,
6 Mr. Stanovich, Mr. Dellenger, Mr. Poulos,
7 Mr. Carron, Mr. King, Mr. Snow, Mr. Delahousey;
8 myself, David Washer; Felicia Serpas, Senior
9 Planner; Caryle Lena, Planner. On the projector
10 is Tim Cipolla, Planning Inspector, and our court
11 reporter today is Melissa Rodolfich.
12 Ask Mr. Delahousey to please open the
13 meeting with a moment of prayer.
14 (Moment of prayer.)
15 CHAIRMAN WASHER:
16 Mr. King, the pledge, please.
17 (Pledge of allegiance.)
18 CHAIRMAN WASHER:
19 We welcome everyone here with us today.
20 We'd ask that anyone that desires to speak, please
21 come to the podium when your case is called, give
22 us your name and address for the record, and if
23 you have not already done so, please sign in at
24 the pad provided.
25 Let me also recognize Dr. Paul Tisdale

1 in the audience, Councilman Ward 5. 4
2 Ask if all members of the Commission
3 received a copy of the minutes from the last
4 meeting and if there are any additions or
5 corrections?
6 MR. DELAHOUSEY:
7 Motion to approve.
8 MR. SNOW:
9 Second.
10 CHAIRMAN WASHER:
11 Motion by Mr. Delahousey recommending
12 approval; seconded by Mr. Snow.
13 All those in favor, say "aye."
14 (All in favor.)
15 CHAIRMAN WASHER:
16 Any opposed?
17 (None opposed.)
18 CHAIRMAN WASHER:
19 Thank you.
20 Committee reports?
21 MS. SERPAS:
22 In the last two weeks, we have had a 163
23 building permits issued. The total construction
24 value is over \$3 million. We have had 20 new
25 business licenses and renewal of 647 and 23 new

1 certificates of occupancy. Okay. Thank you.
 2 CHAIRMAN WASHER:
 3 We have no continued public hearings.
 4 One new public hearing today, Case
 5 Number 22-072-PC, City of Biloxi, this is to
 6 consider an application for a text amendment to
 7 the Land Development Ordinance, specifically
 8 address the addition and modification of text,
 9 which will provide standards and requirements
 10 related to Section 23-4-3-(D)(10)e, short-term
 11 rentals. This case was on advertised on
 12 August 18th and August 25th.
 13 I think this specifically relates to the
 14 requirements for multistory and elevated
 15 structures used in short-term rentals to require
 16 two separate and remote emergency stairways.
 17 Anything you want to add to that?
 18 MR. DELAHOUSEY:
 19 I have a question. Mr. Carron, being on
 20 the fire department as long as you have, is it
 21 your opinion this is a good --
 22 MR. CARRON:
 23 Yes. It's needed. I actually talked to
 24 some of the people on the fire department and they
 25 totally agree with it.

1 elevated?
 2 MS. SERPAS:
 3 I've talked to Jerry about that.
 4 Elevated would be anything that is -- well, he
 5 described it as -- on a case-by-case basis we'll
 6 look at it, but anything that would be over about
 7 94 inches would be elevated. And the multistory
 8 would be -- the first floor would not require it.
 9 If it's a second and third floor, the second and
 10 third we could require them to do an access from
 11 those floors, an extra access.
 12 MR. DELLENGER:
 13 So, in essence, a two-story house would
 14 require an outside exit?
 15 MS. SERPAS:
 16 From the second story.
 17 CHAIRMAN WASHER:
 18 If used for short-term rental?
 19 MS. SERPAS:
 20 If used -- yes.
 21 MR. CARRON:
 22 It has to be elevated, though.
 23 MS. SERPAS:
 24 Yes.
 25 MR. CARRON:

1 CHAIRMAN WASHER:
 2 Now, the fact that you have got --
 3 talked about the addition of the International
 4 Building Code -- this is the International
 5 Residential Code.
 6 MS. SERPAS:
 7 Yes.
 8 CHAIRMAN WASHER:
 9 Was there anything else you wanted to
 10 add, Felicia?
 11 MS. SERPAS:
 12 That change will be reflected when we go
 13 to City Council. To my understanding, there is a
 14 difference in the code with steps, the size of the
 15 steps so we had to correct that. Because it is
 16 short-term rental, they're mostly residential and
 17 so we corrected that. The International Building
 18 Code is for commercial projects, so that was our
 19 mistake.
 20 CHAIRMAN WASHER:
 21 All right. Thank you.
 22 Any questions, members of the
 23 Commission?
 24 MR. STANOVICH:
 25 Yeah. How are we going to define

1 Right now, it is in the code. If you
 2 have -- residentially, you're required to have two
 3 means now.
 4 MR. DELLENGER:
 5 My second story on a two-story house?
 6 MR. STANOVICH:
 7 Kyle, the way this reads, it says
 8 multistory or elevated.
 9 MS. SERPAS:
 10 Yes, multistory elevated.
 11 MR. CARRON:
 12 This is strictly short-term rentals.
 13 The reason we looked at this is because you have
 14 people coming in that are not familiar with the
 15 structures they're in. And most of these elevated
 16 structures have an open space underneath them.
 17 And if there is a fire underneath there and it
 18 blocks that only -- one set of stairs for them to
 19 come out, then they don't have any options but to
 20 come out a window and go for it.
 21 Now, I can ask Mr. Delahousey if I can
 22 give you a little more understanding on this. Any
 23 fall that you make that's higher than your body
 24 can be considered very dangerous, can be
 25 life-threatening. So --

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1 MR. DELAHOUSEY:
 2 That's correct.
 3 MR. CARRON:
 4 Is that correct?
 5 MR. DELAHOUSEY:
 6 That's correct.
 7 MR. CARRON:
 8 So if you're looking at having to come
 9 out of a structure that's elevated 10 feet high
 10 and coming out of a window an additional three
 11 feet, you're talking about taking a dive of 13, 14
 12 feet. And in some cases more than that because a
 13 lot of these structures are 15 feet, 20 feet
 14 elevations.
 15 And my reasoning on it is we've let
 16 these people come in here, and they should expect
 17 a certain level of safety in where they're
 18 staying. This is basically a commercial
 19 enterprise, so, you know, the people building
 20 these elevated structures know beforehand that
 21 they're going to be short-term rentals. At least
 22 they will have that level of safety built in them.
 23 MS. SERPAS:
 24 It won't be required on existing -- you
 25 know, say they have built a house. It's two years

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1 The staff recommends approval.
 2 MR. DELAHOUSEY:
 3 I move that we approve with the
 4 stipulation that the term "building" be changed to
 5 "residential."
 6 CHAIRMAN WASHER:
 7 That, we'll make. Any discussion?
 8 MR. PARKER:
 9 Second.
 10 CHAIRMAN WASHER:
 11 Second by Mr. Parker.
 12 We'll ask that all those in favor, raise
 13 your hand, please. Mr. Lechner, Mr. Todaro,
 14 Mr. Parker, Ms. Thompson, Mr. Stanovich,
 15 Mr. Dellenger, Mr. Poulos, Mr. Carron, Mr. King,
 16 Mr. Snow, Mr. Delahousey; myself, David Washer.
 17 We'll let the record show that's unanimous.
 18 No Tree Hearings today.
 19 City Council action, updates on any of
 20 those?
 21 MS. SERPAS:
 22 No updates.
 23 CHAIRMAN WASHER:
 24 No updates.
 25 Any old business to come before us

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1 old. They want to change it to short-term rental.
 2 We won't require that on them, according to the
 3 director. It would be all for new buildings.
 4 MR. DELLENGER:
 5 And they will know that before they
 6 build, before they come and get their permits and
 7 all?
 8 MS. SERPAS:
 9 Yes.
 10 MR. DELLENGER:
 11 Okay.
 12 CHAIRMAN WASHER:
 13 Any other discussion, members of the
 14 Commission?
 15 (No discussion.)
 16 CHAIRMAN WASHER:
 17 We'll ask if there is anybody in the
 18 audience that wants to speak in favor of the
 19 proposed change? Anyone speaking in favor? No
 20 one speaking in favor.
 21 Anyone speaking in opposition? No one
 22 speaking in opposition.
 23 We'll consider that hearing closed. Is
 24 there a recommendation on that?
 25 MS. SERPAS:

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1 today? Any new business? None.
 2 Citizens' comments, we'll open the floor
 3 if anyone has anything they want to bring to our
 4 attention. No citizens' comments.
 5 Just a reminder, next Planning
 6 Commission meeting will be here at 2:00 on
 7 Thursday, September 15th.
 8 That being said, we're going to adjourn
 9 the Planning Commission.
 10 (Adjourned at 2:11 p.m.)
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CERTIFICATE OF COURT REPORTER

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I, MELISSA BURDINE-RODOLFICH, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct copy of my stenotype notes and/or electronic tape recording of the testimony of the witness, as taken by me at the time and place heretofore stated, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the _____ day of _____, 2022.

Melissa Burdine-Rodolfich
My Commission Expires 4/28/24