Ordinance No. 2535

ORDINANCE TO AMEND THE BILOXI LAND DEVELOPMENT ORDINANCE, SPECIFICALLY TO AMEND SECTION 23-6-1(F)(3)b1 - NUMBER OF ACCESS POINTS

WHEREAS, on Thursday, September 21, 2023, 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. 23-080-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi has proposed a Text Amendment to the Biloxi Land Development Ordinance, to amend Section 23-6-1(F)(3)b1 of the Land Development Ordinance, Number of access points – A second driveway access is allowed along a lot frontage with a width between <u>80 250</u> and 1,500; and

WHEREAS, on September 21, 2023, the Biloxi Planning Commission, upon limited discussion of this text change, voted (13-0-0) to amend Section 23-6-1(F)(3)b1 of the Land Development Ordinance, as follows:

Section 23-6-1(F)(3)b1

b. Number of access points

1. For single-family detached, single-family attached, townhouse, two-family dwellings, three- to four-family dwellings, and manufactured homes, one driveway access from a street is allowed along a lot frontage with a width of 250 feet or less. A a second driveway access is allowed along a lot frontage with a width between 250 80 and 1,500 feet, and a third driveway access is allowed along a lot frontage with a width of 1,500 feet or more. Two-family dwellings and three- to four-family dwellings on corner lots may be permitted to have one driveway access from each fronting street, and a pair of one-way driveways may be substituted for a single two-way driveway if the one-

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way driveways are located and aligned as necessary to protect the function, safety, and efficiency of travel on the intersected street and any associated bikeways and sidewalks; and

WHEREAS, the Biloxi City Council, after careful review of the minutes of the public hearing, adopts the report and findings of the Biloxi Planning Commission and, in so doing, determines that modifications to the number of access points section of the Land Development Ordinance are appropriate.

NOW, THEREFORE, BE IT ORDAINED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI; as follows:

SECTION ONE: Portions of the text of Chapter 23 of the Code of Ordinances of the City of Biloxi, Mississippi, are hereby amended, specifically, Chapter 23 Section 23-6-1(F)(3)b1 as follows:

Section 23-6-1(F)(3)b1

b. Number of access points

1. For single-family detached, single-family attached, townhouse, two-family dwellings, three- to four-family dwellings, and manufactured homes, one driveway access from a street is allowed along a lot frontage with a width of 250 feet or less. A <u>a</u> second driveway access is allowed along a lot frontage with a width between 250 <u>80</u> and 1,500 feet, and a third driveway access is allowed along a lot frontage with a width of 1,500 feet or more. Two-family dwellings and three- to four-family dwellings on corner lots may be permitted to have one driveway access from each fronting street, and a pair of one-way driveways may be substituted for a single two-way driveway if the one-way driveways are

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located and aligned as necessary to protect the function, safety, and efficiency of travel on the intersected street and any associated bikeways and sidewalks

SECTION TWO: 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 THREE: This ordinance shall become effective from and after its passage and publication in accordance with applicable law.

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

YEAS:

Gines

Glavan

NAYS:

Lawrence

Newman

Barrett

Tisdale

ABSENT:

Deming-*

(*-Absent from the room during discussion and voting only)

The President then declared the Ordinance adopted this the 24th day of October, 2023.

ATTEST:

APPROVED:

Submitted to and approved by the Mayor, this the

day of October, 2023.

APPROVED:



Planning Commission Case Fact Sheet

Case No.:

23-080-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 charge from the Director of Community Development to consider a Text Amendment to the Land Development Ordinance related to Section 23-6-1(F)(3)b1: Number of access points - A second driveway access is allowed along a lot frontage with a width between 80 250

and 1,500.

Size of Property:

N/A

Present Zoning:

N/A

Present Use:

N/A

Most Nearly

N/A

Adverse Influence:

Bounded By (streets):

None apparent.

Positive Influence:

This Text Change will necessitate a charge from the Director of Community Development to consider a Text Amendment to the Land Development Ordinance related to Section 23-6-1(F)(3)b1: Number of access points - A second driveway access is allowed along a lot frontage with a width between 80 250 and 1,500.

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 September 15, 2023.

Comments/

Recommendations:

Pursuant to a charge from the Director of Community

Development to consider a Text Amendment to the Land Development Ordinance related to **Section 23-6-1(F)(3)b1**: Number of access points — A second driveway access is allowed along a lot frontage with a width between <u>80</u> <u>250</u> and 1,500.

Options:

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

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1 2	BILOXI PLANNING COMMISSION MEETING	$\frac{1}{2}$	C-O-N-T-E-N-T-	5	
2	SEPTEMBER 21, 2023	2	5.2H		
3	COMMUNITY DEVELOPMENT,	3 4	CONTINUED PUBLIC HEARING(S):	PAGE:	
4	DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,	5	(None)	**	
5	676 DR. MARTIN LUTHER KING JR. BOULEVARD, BILOXI, MISSISSIPPI,		NEW PUBLIC HEARING(S):	Sea.	
6		6 7	23-080-PC	10	
7 8	BEGINNING AT 2:00 P.M.	8	23-081-PC 23-082-PC	10	
9		9	23-002-PC	15	
10	PLANNING COMMISSION MEMBERS PRESENT:	10	TREE HEARING(S);		
11	David Washer, Chairman Ronnie Bogard	11	TR-23-005	19	
12	Kyle Carron Steve Delahousey	12			
13	Charlie Dellenger Dr. Larry Drawdy	13			
14	Joe King Gary Lechner	14			
15	Debora Magee Jimmy Poulos	15			
16	John Snow Cheryl Thompson	16			
17	Michael Todaro	17			
18	ALSO PRESENT:	18			
19	Jerry Creel, Director of Community Development Felicia Serpas, Senior Planner	19			
20	Caryle Lena, Planner	20			
21	Zach Harris, Arborist Dr. Paul Tisdale, Councilman Ward 5	21			
22		22			
23	REPORTED BY:	23			
24	Melissa Burdine-Rodolfich	24			
25	Simpson Burdine & Migues	25			
١,	CHAIDMAN WASHED.	,	corrections?		4
1	CHAIRMAN WASHER:				
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5 6 1 (None opposed.) 1 New public hearing today, Case Number 2 2 CHAIRMAN WASHER: 23-080-PC, City of Biloxi. This is a request for 3 3 Thank you. Mr. Creel, any reports? a text amendment to the Land Development Ordinance 4 4 MR. CREEL: to consider a charge from the Director of 5 5 Yes, sir. Mr. Chairman and members of Community Development to consider a text amendment 6 the Commission, over the past two weeks, the 6 to the Land Development Ordinance related to department has issued 349 building pormits with a 7 7 Section 23-6-1(F)(3)b1, number of access points: 8 construction valuation of \$3.6 million. We have 8 A second driveway access is allowed along a lot 9 collected \$37,000 in permit fees, issued 12 9 frontage with a width of 80 and 1,500 feet. This licenses for new businesses and 4/72 renewals. 10 10 case was advertised on August 30th, September 7th, We've also issued 16 certificates of occupancy, 11 11 September 14th. Really no video on that one. You seven of those were for short-term rental. We 12 12 want to the address that, Jerry? have also had 194 renewals of short-term rental 13 13 MR. CREEL: permits. Out of the permits issued, one was 14 14 Yes, sir. for -- I'm sorry. Out of the certificates of 15 15 As we had discussed one time before, we occupancy issued, one was for the Brew Paddle Cafe 16 16 are receiving a number of requests through the at 854 Howard Avenue and the other was for The 17 17 department, people who are wanting to install Bella at 854. Both of those are the same 18 18 circular driveways in their front yard. The building. And then we had one for a new -- the 19 19 reason for this is several. Number 1, a lot of mini-storage warehouse climate-controlled at 12011 20 20 people still have their kids or somebody living 21 Old Highway 67 and also two new single-family 21 with them and they all have cars, so they have to 22 houses. 22 fruit basket turnover every time somebody tries to 23 CHAIRMAN WASHER: 23 back out of the driveway. Also, we have a number 24 24 Thank you. of seniors that don't like to back out into the 25 No continued public hearings. 25 road, you know, just for precautionary measures. 8 7 1 They like to be able to back out and come out head 1 but we do think that it is appropriate for the 2 2 first onto the road. RS-10 lot, which are the largest single-family 3 3 But the ordinance right now says that in residential lots we have short of residential 4 order to have curb cuts at the front of the 4 estate or agricultural. 5 5 street, you have to have at least a 250 lot width So that's pretty much it. If you have 6 in order to do that. Well, if you compare that 6 got questions, I will be happy to try and answer 7 7 with RS-10 zoning, the width requirement of RS-10 them. 8 8 is 80 feet. That means you would have to have a CHAIRMAN WASHER: 9 little over three times the width of that RS-10 9 Any questions, members of the 10 10 lot in order to have two ways in and out of your Commission, of Mr. Creel? 11 11 front yard. For the record, let me also note that 12 12 Dr. Paul Tisdale is in attendance with us, We also found out, too, that we 13 inherited a number of circular driveways when we 13 Councilman Ward 5. 14 14 annexed some areas in Woolmarket. And also what's MR. CARRON: 15 15 happening is that there are some homeowners who One question, Jerry. Is the width of 16 16 will put in the driveway, according to code, get the driveway still limited to, what, 21, 23 feet, 17 17 something like that? the certificate of occupancy and then come back after the fact and put the looped driveway there 18 MR. CREEL: 18 19 on the front. 19 That's the maximum. 20 So I have talked with the administration 20 MR. CARRON: 21 and what we have -- what we are recommending is 21 Max. 22 that that 250-foot width be reduced to 80 feet, 22 MR. CREEL: which is the width of an RS-10 lot. We don't 23 23 That's the maximum. And most of what think it's appropriate for an RS-7.5 or an RS-5 24 24 we're running into, if you have two driveways, 25 lot -- those are the smaller single-family lots -then the maximum of both of them together would be 25

	9		10
1	24 feet. They're typically only 12 feet wide when	1	CHAIRMAN WASHER:
2	they come in off the street and then 12 feet	2	Ask if there is anyone in the audience
3	coming back onto the street.	3	that wants to speak in favor of the request?
4	MR. CARRON:	4	Anyone speaking in favor? No one speaking in
5	Okay. Thank you.	5	favor.
6	CHAIRMAN WASHER:	6	Anyone speaking in opposition? No one
7	Any other questions?	7	speaking in opposition. MR. CREEL:
8	(No response.)	8	
9	CHAIRMAN WASHER:	9	Thank you, Mike.
10	All right. Anyone want to offer a	10	CHAIRMAN WASHER:
11	motion?	11	Do we have a second?
12	MR. TODARO:	12	MR. KING: Second.
13	Do we have to have a public hearing?	13	Second. CHAIRMAN WASHER:
14	MR. CREEL:	15	
15	That's what we're doing.	16	Seconded by Mr. King. We would ask that all those in favor of
16	MR. TODARO:	17	approval, raise your hand, please. Mr. Lechner,
17	Oh, okay. I make a motion that we	18	Mr. Todaro, Ms. Magee, Ms. Thompson, Mr. Bogard,
18	approve it as recommended.	19	Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
19 20	MR. KING: Second.	20	Mr. King, Mr. Snow, Mr. Delahousey; myself, David
20	CHAIRMAN WASHER:	21	Washer. We'll let the record show that's
22	All right. Hold up on that and let me	22	unanimous.
23	see if anybody in the audience	23	Our next, 23-081-PC, Deborah Bolin,
24	MR. TODARO:	24	owner, and Gregory Knapp, applicant. This is a
25	Yeah. That's what I meant.	25	request for a conditional use to authorize an
23	Tour. That's what I mount.		required to a conditional above to administra
	/ 11		12
1	existing duplex situated upon a parcel land	1	around, and I think it looks good for the area.
2	approximately 62 feet by 262 feet to be utilized	2	And short-term rentals, one of the good things
3	as short-term rentals for property located within	3	about them people keep them up. Whoever owns
4	an RM-20, medium-density multi-family zone and	4	them, keeps the short-term rentals up, you know.
5	identified as 136 Keller Avenue A and B, being	5	But we're looking to do that and I think
6	Municipal Tax Parcel Number 14010J-04-025.000.	6	it helps the neighborhood, helps of course,
7	This case advertised on September 7th,	7	helps us and then I think the City, too, for the
8	September 14th. Mr. Lambert.	8	revenues from the city.
9	MR. LAMBERT:	9	And ample parking. And so that's it.
10	Yes, sir.	10	The driveway is being resurfaced today, by the
11	MR. KNAPP:	11	way, and the grass got cut too.
12	Yeah. We're looking to do this as a	12	CHAIRMAN WASHER:
13	short-term rental. There's two across the street	13	Do you have anything else, Mr. Knapp?
14	three and then the Barq's one is going to be a	14	MR. KNAPP:
15	short-term rental. And then there's two other on	15	No, that's it.
16	Lee Street right now. There might be more than	16	CHAIRMAN WASHER:
17	that I I don't know about that.	17	Any questions, members of the
18	But we want to do a short-term rental.	18	Commission, for Mr. Knapp?
19	I think it's good for the neighborhood. Everybody	19	MR. DELAHOUSEY:
20	is kind of that area that neighborhood is	20	Who will be managing the short-term
21	really fixing up. Everybody is really coming	21	rentals?
22	around. You have got the house on the water, you	22	MR. KNAPP:
23	know, a \$2 million house and a million-dollar house they just built. He just fixed his up like	23	My wife and I.
24	nouse they just built. He just tixed his lib like	24	MR. DELAHOUSEY:
26			
25	two years ago. But everything is really coming	25	And y'all reside here on the Coast?