

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 80 ~~250~~ 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-

Ord. No. 2535

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~~ 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-way driveways are

Ord. No. 2535

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:

Keii Campbell

 CLERK OF THE COUNCIL

Nathan Barrett

 PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 27th day of October, 2023.

APPROVED:

[Signature]

 MAYOR



**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 <u>80</u> 250 and 1,500.
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 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> 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 80 ~~250~~ 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 (None opposed.)

2 CHAIRMAN WASHER:

3 Thank you. Mr. Creel, any reports?

4 MR. CREEL:

5 Yes, sir. Mr. Chairman and members of

6 the Commission, over the past two weeks, the

7 department has issued 349 building permits with a

8 construction valuation of \$3.6 million. We have

9 collected \$37,000 in permit fees, issued 12

10 licenses for new businesses and 472 renewals.

11 We've also issued 16 certificates of occupancy,

12 seven of those were for short-term rental. We

13 have also had 194 renewals of short-term rental

14 permits. Out of the permits issued, one was

15 for -- I'm sorry. Out of the certificates of

16 occupancy issued, one was for the Brew Paddle Cafe

17 at 854 Howard Avenue and the other was for The

18 Bella at 854. Both of those are the same

19 building. And then we had one for a new -- the

20 mini-storage warehouse climate-controlled at 12011

21 Old Highway 67 and also two new single-family

22 houses.

23 CHAIRMAN WASHER:

24 Thank you.

25 No continued public hearings.

7

1 They like to be able to back out and come out head

2 first onto the road.

3 But the ordinance right now says that in

4 order to have curb cuts at the front of the

5 street, you have to have at least a 250 lot width

6 in order to do that. Well, if you compare that

7 with RS-10 zoning, the width requirement of RS-10

8 is 80 feet. That means you would have to have a

9 little over three times the width of that RS-10

10 lot in order to have two ways in and out of your

11 front yard.

12 We also found out, too, that we

13 inherited a number of circular driveways when we

14 annexed some areas in Woolmarket. And also what's

15 happening is that there are some homeowners who

16 will put in the driveway, according to code, get

17 the certificate of occupancy and then come back

18 after the fact and put the looped driveway there

19 on the front.

20 So I have talked with the administration

21 and what we have -- what we are recommending is

22 that that 250-foot width be reduced to 80 feet,

23 which is the width of an RS-10 lot. We don't

24 think it's appropriate for an RS-7.5 or an RS-5

25 lot -- those are the smaller single-family lots --

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1 New public hearing today, Case Number

2 23-080-PC, City of Biloxi. This is a request for

3 a text amendment to the Land Development Ordinance

4 to consider a charge from the Director of

5 Community Development to consider a text amendment

6 to the Land Development Ordinance related to

7 Section 23-6-1(F)(3)b1, number of access points:

8 A second driveway access is allowed along a lot

9 frontage with a width of 80 and 1,500 feet. This

10 case was advertised on August 30th, September 7th,

11 September 14th. Really no video on that one. You

12 want to the address that, Jerry?

13 MR. CREEL:

14 Yes, sir.

15 As we had discussed one time before, we

16 are receiving a number of requests through the

17 department, people who are wanting to install

18 circular driveways in their front yard. The

19 reason for this is several. Number 1, a lot of

20 people still have their kids or somebody living

21 with them and they all have cars, so they have to

22 fruit basket turnover every time somebody tries to

23 back out of the driveway. Also, we have a number

24 of seniors that don't like to back out into the

25 road, you know, just for precautionary measures.

8

1 but we do think that it is appropriate for the

2 RS-10 lot, which are the largest single-family

3 residential lots we have short of residential

4 estate or agricultural.

5 So that's pretty much it. If you have

6 got questions, I will be happy to try and answer

7 them.

8 CHAIRMAN WASHER:

9 Any questions, members of the

10 Commission, of Mr. Creel?

11 For the record, let me also note that

12 Dr. Paul Tisdale is in attendance with us,

13 Councilman Ward 5.

14 MR. CARRON:

15 One question, Jerry. Is the width of

16 the driveway still limited to, what, 21, 23 feet,

17 something like that?

18 MR. CREEL:

19 That's the maximum.

20 MR. CARRON:

21 Max.

22 MR. CREEL:

23 That's the maximum. And most of what

24 we're running into, if you have two driveways,

25 then the maximum of both of them together would be

9

1 24 feet. They're typically only 12 feet wide when
2 they come in off the street and then 12 feet
3 coming back onto the street.
4 MR. CARRON:
5 Okay. Thank you.
6 CHAIRMAN WASHER:
7 Any other questions?
8 (No response.)
9 CHAIRMAN WASHER:
10 All right. Anyone want to offer a
11 motion?
12 MR. TODARO:
13 Do we have to have a public hearing?
14 MR. CREEL:
15 That's what we're doing.
16 MR. TODARO:
17 Oh, okay. I make a motion that we
18 approve it as recommended.
19 MR. KING:
20 Second.
21 CHAIRMAN WASHER:
22 All right. Hold up on that and let me
23 see if anybody in the audience --
24 MR. TODARO:
25 Yeah. That's what I meant.

11

1 existing duplex situated upon a parcel land
2 approximately 62 feet by 262 feet to be utilized
3 as short-term rentals for property located within
4 an RM-20, medium-density multi-family zone and
5 identified as 136 Keller Avenue A and B, being
6 Municipal Tax Parcel Number 14010J-04-025.000.
7 This case advertised on September 7th,
8 September 14th. Mr. Lambert.
9 MR. LAMBERT:
10 Yes, sir.
11 MR. KNAPP:
12 Yeah. We're looking to do this as a
13 short-term rental. There's two across the street
14 three and then the Barq's one is going to be a
15 short-term rental. And then there's two other on
16 Lee Street right now. There might be more than
17 that I -- I don't know about that.
18 But we want to do a short-term rental.
19 I think it's good for the neighborhood. Everybody
20 is kind of -- that area -- that neighborhood is
21 really fixing up. Everybody is really coming
22 around. You have got the house on the water, you
23 know, a \$2 million house and a million-dollar
24 house they just built. He just fixed his up like
25 two years ago. But everything is really coming

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1 CHAIRMAN WASHER:
2 Ask if there is anyone in the audience
3 that wants to speak in favor of the request?
4 Anyone speaking in favor? No one speaking in
5 favor.
6 Anyone speaking in opposition? No one
7 speaking in opposition.
8 MR. CREEL:
9 Thank you, Mike.
10 CHAIRMAN WASHER:
11 Do we have a second?
12 MR. KING:
13 Second.
14 CHAIRMAN WASHER:
15 Seconded by Mr. King.
16 We would ask that all those in favor of
17 approval, raise your hand, please. Mr. Lechner,
18 Mr. Todaro, Ms. Magee, Ms. Thompson, Mr. Bogard,
19 Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron,
20 Mr. King, Mr. Snow, Mr. Delahousey; myself, David
21 Washer. We'll let the record show that's
22 unanimous.
23 Our next, 23-081-PC, Deborah Bolin,
24 owner, and Gregory Knapp, applicant. This is a
25 request for a conditional use to authorize an

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1 around, and I think it looks good for the area.
2 And short-term rentals, one of the good things
3 about them people keep them up. Whoever owns
4 them, keeps the short-term rentals up, you know.
5 But we're looking to do that and I think
6 it helps the neighborhood, helps -- of course,
7 helps us and then I think the City, too, for the
8 revenues from the city.
9 And ample parking. And so that's it.
10 The driveway is being resurfaced today, by the
11 way, and the grass got cut too.
12 CHAIRMAN WASHER:
13 Do you have anything else, Mr. Knapp?
14 MR. KNAPP:
15 No, that's it.
16 CHAIRMAN WASHER:
17 Any questions, members of the
18 Commission, for Mr. Knapp?
19 MR. DELAHOUSEY:
20 Who will be managing the short-term
21 rentals?
22 MR. KNAPP:
23 My wife and I.
24 MR. DELAHOUSEY:
25 And y'all reside here on the Coast?