

CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET

Substitute

Item No.: 4 F

Council Meeting Date: September 19, 2023

ITEM TITLE: ORDINANCE (2<sup>nd</sup> Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *qu*  
Peter Abide, City Attorney

SUMMARY EXPLANATION:

Ordinance to amend Land Development Ordinance Article 23-4-5 (G) pertaining to Special Events.

Resolution \_\_\_\_\_ Ordinance  Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes \_\_\_\_\_ Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify):

Submittal Authorization: Council President \_\_\_\_\_ Mayor

STAFF RECOMMENDATION: Mayor recommends approval.

COUNCIL ACTION: Motion By: Tisdale Second By: Lawrence

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Barrett	___	___	___
	Deming	___	___	___				

ACTION TAKEN: First reading on May 16, 2023

PA/slt 051623hleg Sub 2 Tabled subject to call

Tabled subject to call, June 13, 2023

Ordinance No.

ORDINANCE TO AMEND LAND DEVELOPMENT ORDINANCE ARTICLE 23-4-5(G)  
SPECIAL EVENTS

WHEREAS, the City is in the process of updating its ordinances pertaining to its Land Development Ordinance; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety and welfare of the residents of Biloxi that the Land Development Ordinance Article 23-4-5(G) Special Events be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: That the Land Development Ordinance Article 23-4-5(G) Special Events is hereby amended as follows:

**(G) - Special Events**

**(1) Applicability**

**a. General**

The procedures and standards of this subsection shall apply to all special events as defined in the City of Biloxi's Special Event Ordinance ~~that are planned for or which reasonably may be expected to attract more than 100 persons at any one time~~ (including but not limited to cultural events, musical events, celebrations, festivals, fairs, and carnivals) held on private property within the city, unless exempted in accordance with Section 23-4-5(G)(2), Exemptions.

**b. Temporary Use Permit for Special Event Required**

All special events subject to this subsection shall have a Temporary Use Permit for a special event. Each permit shall be turned into the Biloxi Police Departments Event Coordinator per the timetable set forth in City of Biloxi Ordinance 12-4-7. The requester shall include a letter from the property owner granting permission to use the property for the dates requested. Upon review by the Event Coordinator, he/ she will provide it to the Event Committee for approval, approval with conditions, or disapproval. Once approved, the requesting individual will be notified by Community Development who will issue the appropriate permit. The permit will include the name and contact information for the person or business issued to, the specific address where setup will take place, the dates and times approved for operation, and general items for sale. The issued permit is only valid for the main event held on the property. Any vendors will have to obtain their individual permit for their business. ~~reviewed and approved or approved with~~

~~conditions by the Director of Community Development in accordance with Section 23-3-3(J), Temporary Use Permit, before conducting the special event.~~

## (2) Exemptions

The following events or activities are exempt from the standards of this subsection (i.e., may occur without a Temporary Use Permit for a special event unless the event will impede on public areas or hamper neighboring properties in any way). Such activities are subject to all other applicable procedures and standards of this Ordinance.

### a. **On Grounds of Private Residence**

Private non-commercial Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a single-family attached, townhouse, two-family, three- to four-family, or multifamily residential development, provided such events are held no more frequently than ~~weekly~~ monthly and do not hamper the quiet enjoyment of adjacent properties.

### ~~b. **Event Sponsored by City or State**~~

~~Any event sponsored in whole or in part by the city or state.~~

### **b. Event occurring on City or Coliseum Property**

Any event occurring at a municipality owned or managed venue for which a separate rental agreement with the City has been executed, or an event taking place on the property of the Mississippi Coast Coliseum and Convention Center. However, any mobile food vendors as defined in Section 12-12-2, or Vendor defined in Section 12-4-3(d), shall still be required to apply for permitting under those sections.

### c. **Event or Activity at Site Intended for Such Event or Activity**

Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship.

### d. **Event Approved as Part of a Use Permit or Planned Development District**

Temporary special events that are expressly approved as part of a Certificate of Zoning Compliance (Section 23-2-4(L)) or Planned Development District (Section 23-2-4(C)).

## (3) Standards

In addition to the standards in Section 23-4-5(E), General Standards for Temporary Uses and Structures, an application for a Temporary Use Permit for a special event shall comply with the following standards:

### a. **False or Material Misleading Information**

The application does not contain intentionally false or materially misleading information.

### b. **Unreasonable Risk**

There is a finding that the special event would not create an unreasonable risk of significant:

1. Damage to public or private property, beyond normal wear and tear;

2. Injury to persons;
3. Public or private disturbances or nuisances;
4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
5. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
6. Other adverse effects upon the public health, safety, or welfare.

**c. Location Cannot be Accommodated**

The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

**d. Time Permitted or Reserved for Other Activities**

The special event shall not be at a time and location that has already been permitted or reserved for other activities.

**(4) Conditions**

Upon final approval by the Special Event Committee of the In-approving the Temporary Use Permit for the special event, and based off the recommendation of the event committee, the Director of Community Development shall is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Director of Community Development shall consult the Biloxi Police Department and/or Biloxi Fire Department, and thereafter is authorized to require:

- a. Provision of temporary parking facilities, including vehicular access and egress.
- b. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
- c. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards. No temporary building, structure, or vendor facilities shall be placed within 20 yards/ 60 feet of any property line, public sidewalk, or public roadway. Any vendors with an amplified sound permit shall not face any residential lot.
- d. Provision of sanitary and medical facilities.
- e. Provision of solid waste collection and disposal.
- f. Provision of security and safety measures.
- g. Use of an alternative location or date for the proposed special event.
- h. Modification or elimination of certain proposed activities.
- i. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- j. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

**(5) Duration of Permit**

A Temporary Use Permit for a special event authorized in accordance with this subsection shall be limited to a maximum duration of 14 days per site per calendar year, unless otherwise specifically authorized by the Special Events Committee.

SECTION TWO: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.