

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 4C

Council Meeting Date: April 21, 2026

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

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO

Jerry Creel, *JCC* Director of Community Development

**SUMMARY EXPLANATION:**

An ordinance to amend text within the Land Development Ordinance, to update section 23-4-1 (C) use Table: Nonresidential and Planned Development Districts.

City of Biloxi, Case No. 26-013.2-PC

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

Exhibits for Review

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

Other (Specify): Case Fact Sheet

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

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Gray Second By: Nail

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Gray	_____	_____	_____	_____	Tisdale	_____	_____	_____	_____
	Marshall	_____	_____	_____	_____	Glavan	_____	_____	_____	_____
	Nail	_____	_____	_____	_____	Shoemaker	_____	_____	_____	_____
	Creel	_____	_____	_____	_____					

ACTION TAKEN: First reading on April 7, 2026

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND TEXT WITHIN THE LAND DEVELOPMENT ORDINANCE, TO UPDATE SECTION 23-4-1 (C) USE TABLE: NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS

WHEREAS, on Thursday, March 19, 2026, 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. 26-013.2-PC, a charge initiated by the Director of Community Development, to consider a **Text Amendment** within the Land Development Ordinance in **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, on March 19, 2026, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that this text amendment would add the Household Living Uses for Single-Family Dwelling Detached and Zero Lot Line as allowed in a PD-C to **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, after some discussion of the particulars of this case, the Biloxi Planning Commission voted 13-0-0 to approve the proposed **Text Amendment** to the **Land Development Ordinance** as follows:

**Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**

TABLE 23-4-1(C): USE TABLE - NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS																
P = PERMITTED USE C = CONDITIONAL USE																
A = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN BLANK CELL = PROHIBITED USE																
USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT								PLANNED DEVELOPMENT DISTRICT					USE-SPECIFIC STANDARD S (SECTION)	
		LB	NB	CB	RB	DT	I	WF	SB	PD-GE	PD-HB	PD-C	PD-R	PD-TND		PD-I
<b>COMMERCIAL USES</b>																
Household Living	Dwelling, Single-Family Detached-	P	P	P	P	P		P				<u>A</u>	A	A	A	
	Dwelling Single-Family Detached Zero Lot Line	P				P						<u>A</u>				23-4-3(B)(1)d

WHEREAS, the Biloxi City Council, after careful review, hereby adopts the recommendation of the Planning Commission, and in so doing, determines that the Text Changes proposed to the City of Biloxi Land Development Ordinance, as presented, are appropriate.

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

**Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**

TABLE 23-4-1(C): USE TABLE - NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS																
P = PERMITTED USE C = CONDITIONAL USE																
A = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN BLANK CELL = PROHIBITED USE																
USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT							PLANNED DEVELOPMENT DISTRICT						USE-SPECIFIC STANDARDS (SECTION)	
		LB	NB	CB	RB	DT	I	WF	SB	PD-GE	PD-HB	PD-C	PD-R	PD-TND		PD-I
COMMERCIAL USES																
Household Living	Dwelling, Single-Family Detached-	P	P	P	P	P		P				A	A	A	A	
	Dwelling Single-Family Detached Zero Lot Line	P				P						A				23-4-3(B)(1)d

SECTION 1. All other sections of said Biloxi Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION 2. 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.

.....A

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE, TO UPDATE SECTION 23-4-1 (C) USE TABLE: NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS

WHEREAS, on Thursday, March 19, 2026, 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. 26-013.2-PC, a charge initiated by the Director of Community Development, to consider a **Text Amendment** within the Land Development Ordinance in **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, on March 19, 2026, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that this text amendment would add the Household Living Uses for Single-Family Dwelling Detached and Zero Lot Line as allowed in a PD-C to **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, after some discussion of the particulars of this case, the Biloxi Planning Commission voted 13-0-0 to approve the proposed **Text Amendment** to the **Land Development Ordinance** as follows:

**Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**

TABLE 23-4-1(C): USE TABLE - NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS																
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USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT								PLANNED DEVELOPMENT DISTRICT					USE-SPECIFIC STANDARDS (SECTION)	
		LB	NB	CB	RB	DT	I	WF	SB	PD-GE	PD-HB	PD-C	PD-R	PD-TND		PD-I
<b>COMMERCIAL USES</b>																
Household Living	Dwelling, Single-Family Detached-	P	P	P	P	P		P				A	A	A	A	
	Dwelling Single-Family Detached Zero Lot Line	P				P						A				23-4-3(B)(1)d

WHEREAS, the City Council of the City of Biloxi, Mississippi, having given the Planning Commission recommendation full consideration, has determined that this is a matter of general public concern, and being so, it is in the best interest of the community to hold a public hearing on this matter before the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT: the City Council will conduct a public hearing in reference to a text change as contained within Case No. 26-013.2-PC, City of Biloxi, on a date to be set and in accordance with all requirements as prescribed by the City of Biloxi Land Development Ordinance governing the conduct of public hearings.

..... B

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO DENY THE TEXT CHANGE WITHIN THE LAND DEVELOPMENT ORDINANCE, TO UPDATE SECTION 23-4-1 (C) USE TABLE: NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS

WHEREAS, on Thursday, March 19, 2026, 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. 26-013.2-PC, a charge initiated by the Director of Community Development, to consider a **Text Amendment** within the Land Development Ordinance in **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, on March 19, 2026, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that this text amendment would add the Household Living Uses for Single-Family Dwelling Detached and Zero Lot Line as allowed in a PD-C to **Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**; and

WHEREAS, after some discussion of the particulars of this case, the Biloxi Planning Commission voted 13-0-0 to approve the proposed **Text Amendment** to the **Land Development Ordinance** as follows:

**Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts**

TABLE 23-4-1(C): USE TABLE - NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS																
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USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT								PLANNED DEVELOPMENT DISTRICT					USE-SPECIFIC STANDARD S (SECTION)	
		LB	NB	CB	RB	DT	I	WF	SB	PD-GE	PD-HB	PD-C	PD-R	PD-TND		PD-I
<b>COMMERCIAL USES</b>																
Household Living	Dwelling, Single-Family Detached-	P	P	P	P	P		P				A	A	A	A	
	Dwelling Single-Family Detached Zero Lot Line	P				P						A				23-4-3(B)(1)d

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, that having given the Planning Commission's recommendation full consideration, hereby rejects said recommendation and hereby denies the requested Text Changes to the Land Development Ordinance, as proposed within Case No. 26-013.2-PC, having determined that said Text Changes are unwarranted due to a determination that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
.....C



**Planning Commission  
Case Fact Sheet**

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<b>Case No.:</b>	26-013-PC
<b>Name of Applicant:</b>	City of Biloxi
<b>Address of Property:</b>	N/A
<b>Tax Parcel/Ward:</b>	N/A

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<b>Request:</b>	<b>Text Amendment</b>
<b>Purpose of Request:</b>	The purpose of this hearing is to consider an application requesting several <b>Text Amendments</b> to the Biloxi Land Development Ordinance, to amend certain sections, as follows: <b>Article 23-10: Definitions and Interpretations, Table 23-4-1(C) Use Table – Nonresidential and Planned Development Districts, Article 23-4-3(D)(10)e, Article 23-4-3(D)(10)e4, and Table 23-4-1(B) Use Table –Residential Districts</b>
<b>Size of Property:</b>	N/A
<b>Present Zoning:</b>	N/A
<b>Present Use:</b>	N/A
<b>Most Nearly Bounded By (streets):</b>	N/A
<b>Adverse Influences:</b>	N/A
<b>Positive Influences:</b>	This Text Amendment, as presented, would correct several confusing definitions, providing clarity.
<b>Concerns stated:</b>	The Planning Division Office has not received any letters or other written communications relative to this proposed Text Amendment to the LDO, as of March 12, 2026.
<b>Comments/ Recommendations:</b>	The section of text to be considered for change/modifications is as follows:

**Article 23-10: Definitions and Interpretations**

Halfway House – A licensed home for juveniles or adult persons who are: (a) on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, or (b) who are not currently, illegally using or addicted to a controlled substance but are recovering from abuse of alcohol or a controlled substance, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

**Table 23-4-1(C) Use Table – Nonresidential and Planned Development Districts:**

TABLE 23-4-1(C): USE TABLE - NONRESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS																	
P = PERMITTED USE C = CONDITIONAL USE																	
A = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN BLANK CELL = PROHIBITED USE																	
USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT								PLANNED DEVELOPMENT DISTRICT						USE-SPECIFIC STANDARD S (SECTION)	
		LB	NB	CB	RB	DT	L	WF	SB	PD-C	PD-CB	PD-HB	PD-C	PD-R	PD-TND		PD-T
<b>COMMERCIAL USES</b>																	
Household Living	Dwelling, Single-Family Detached-	P	P	P	P	P		P					A	A	A	A	
	Dwelling Single-Family Detached Zero Lot Line	P				P							A				23-4-3(B)(1)d

**Article 23-4-3(D)(10)e:**

Short-term rentals may be authorized as Conditional Uses upon properties situated within the following zoning districts: A-Agricultural, LB-Limited Business, and 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. ~~The cumulative total of short-term rentals permitted in RM-20 Medium-Density Multi-Family Residential, and RM-30 High-Density Multi-Family Residential Conditional-Use zones will not exceed 75.~~

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, 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.

**Article 23-4-3(D)(10)e4:**

- I. Short-term rentals ~~may~~ shall be subject to annual fire inspections by the Biloxi Fire Department, or as required by City ordinance.
- L. Short-term rentals that are located within ~~single-family structures~~ buildings that are one and two-family ~~multi-story or elevated~~ structures, 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 Building or Residential Code.

**Table 23-4-1(B) Use Table –Residential Districts:**

TABLE 23-4-1(B): USE TABLE - RESIDENTIAL DISTRICTS															
P = PERMITTED USE C = CONDITIONAL USE															
A = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN BLANK CELL = PROHIBITED USE															
USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT							PLANNED DEVELOPMENT DISTRICT					USE-SPECIFIC STANDARD S (SECTION)	
		A	AR	RE	RER	RS-1	RS-2	RS-5	RM-1	RM-20	RM-30	RMH			
Visitor Accommodations	Short-Term Rentals	C									C	C			

**Options:**

1. Recommend approval of this Text Amendment to the Land Development Ordinance, to amend said **Articles** and **Sections**, as noted.
2. Recommend denial of this Text Amendment to the Land Development Ordinance, as offered.

1 BILOXI PLANNING COMMISSION MEETING  
 2 MARCH 19th, 2026  
 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.

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9 **PLANNING COMMISSION MEMBERS PRESENT:**  
 10 Charlie Dellenger, Chairman  
 11 Ronnie Bogard  
 12 Kyle Carron  
 13 Robert Collier  
 14 Steve Delahousey  
 15 Dr. Larry Drawdy  
 16 Joe King  
 17 Gary Lechner  
 18 Debora Magee  
 19 August Parker  
 20 Shante' Shaw  
 21 John Snow  
 22 Michael Todaro

18 **ALSO PRESENT:**  
 19 Jerry Creel, Director of Community Development  
 20 Felicia Serpas, Senior Planner  
 21 Caryle Lena, Planner I  
 22 Dr. Paul Tisdale, Councilman Ward 5

22 **REPORTED BY**  
 23 Melissa Burdine-Rodolfich  
 24 Simpson Burdine & Migues  
 25

1 CHAIRMAN DELLENGER:  
 2 We'll go ahead and call the Planning  
 3 Commission together for March 19th, 2026.  
 4 We'll record the members present today.  
 5 Mr. Lechner, Mr. Parker, Mr. Todaro, Mr. Bogard,  
 6 Mr. Collier, Mr. Delahousey, Dr. Drawdy,  
 7 Mr. Carron, Mr. King, Mr. Snow; and myself,  
 8 Mr. Dellenger.  
 9 Steve, would you mind leading us in a  
 10 moment of prayer, please?  
 11 (Moment of prayer.)  
 12 CHAIRMAN DELLENGER:  
 13 Please stand for the Pledge.  
 14 Mr. Todaro, if you'll lead us in the  
 15 Pledge.  
 16 (Pledge of Allegiance.)  
 17 CHAIRMAN DELLENGER:  
 18 I would also like to recognize Felicia  
 19 Serpas, Senior Planner; Jerry Creel, Director of  
 20 Community Development and Caryle Lena, Planner,  
 21 and Melissa Burdine-Rodolfich, our court reporter  
 22 today, and Dr. Paul Tisdale, Councilman, in the  
 23 audience.  
 24 I would like to welcome everybody here  
 25 to the Planning Commission meeting. If you could,

1 **C-O-N-T-E-N-T-S**

2 <b>CONTINUED PUBLIC HEARING(S) :</b>	<b>PAGE:</b>
3 (None)	--
4 <b>NEW PUBLIC HEARING(S) :</b>	
5 26-012-PC (Withdrawn by Applicant)	5
6 <u>26-013-PC</u>	6
7 26-014-PC	31
8 26-015-PC (Continued)	37
9 <b>TREE HEARINGS:</b>	
10 (None)	--

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24  
25

1 silence your cell phones. And if you come up to  
 2 speak at the podium, please, state your name and  
 3 address for the record, please, so we can get that  
 4 down.  
 5 I would like the record to reflect that  
 6 Ms. Magee and Ms. Shaw are now in attendance.  
 7 Has everyone had a chance to read the  
 8 minutes from the prior meeting and if so, can we  
 9 have a motion to approve those?  
 10 MR. DELAHOUSEY:  
 11 So moved.  
 12 MR. SNOW:  
 13 Second.  
 14 CHAIRMAN DELLENGER:  
 15 Motion by Mr. Delahousey; seconded by  
 16 Mr. Snow.  
 17 All those in favor, please, state by  
 18 saying "aye."  
 19 (Unanimous vote.)  
 20 CHAIRMAN DELLENGER:  
 21 Any opposed?  
 22 (None opposed.)  
 23 CHAIRMAN DELLENGER:  
 24 Motion carries.  
 25 Jerry, do we have any committee reports?

1 MR. CREEL:  
 2 We do. Mr. Chairman and members of the  
 3 Commission, over the past two weeks, the  
 4 department has issued over 170 building permits,  
 5 with a construction valuation of \$3.9 million. We  
 6 have collected a little over \$28,000 in permit  
 7 fees.  
 8 We've issued 20 business licenses. Two  
 9 of those POs were for peddlers. We've also issued  
 10 15 certificates of occupancy. Out of the permits  
 11 issued, one was for a medical office remodel at  
 12 2781 C.T. Switzer Drive. One is for interior  
 13 remodel at 10135 Woodlands Drive.  
 14 We've issued permits for five new  
 15 single-family houses and nine townhomes. Those  
 16 nine townhomes are located down in East Biloxi  
 17 right across from the senior housing that's down  
 18 there on Maple Street, so a good sign for East  
 19 Biloxi.  
 20 CHAIRMAN DELLENGER:  
 21 Thank you, Jerry.  
 22 We have no continued public hearings.  
 23 New public hearings: The first case  
 24 being 26-012-PC Cadence Bank, owner, and Jared  
 25 Graham, applicant. This is a request for

1 CHAIRMAN DELLENGER:  
 2 No video on this.  
 3 MR. CREEL:  
 4 Let me give you an update on some of  
 5 these. These are just some issues that have come  
 6 up in the recent past where we have seen that we  
 7 need to have some -- either expand the definition  
 8 or some clarity on what was put into the  
 9 ordinance.  
 10 I think it would be best if we consider  
 11 these and voted on these separately so that when  
 12 they get to the City Council, if there is one they  
 13 agree and one they don't, they have the ability to  
 14 do that.  
 15 The first one is -- if you'll recall, we  
 16 had an application for a halfway house going in  
 17 at -- off Debuys Road. And the language, there  
 18 was some confusion about the language that was in  
 19 our definition for a halfway house, so Peter  
 20 Abide, our attorney, looked up some language that  
 21 he thought was more appropriate for that so that  
 22 the neighbors would feel a little bit more  
 23 protected about what was going there.  
 24 So what you see underlined under 2310,  
 25 in Definitions and Interpretations is the "who

1 conditional use approval to authorize an existing  
 2 single-family residence to be utilized as a bed  
 3 and breakfast for a property presently situated  
 4 within an RM-10, low density, multi-family  
 5 residential zone and identified as 1012 Beach  
 6 Boulevard, Tax Parcel Number 1410L-05-057.000.  
 7 MR. CREEL:  
 8 We have been informed that that one has  
 9 been withdrawn by the applicant.  
 10 CHAIRMAN DELLENGER:  
 11 That has been withdrawn by the  
 12 applicants.  
 13 The next case that we will hear would be  
 14 Case Number 26-013-PC, City of Biloxi. This is a  
 15 request for several text amendments to the Biloxi  
 16 Land Development Ordinance to amend certain  
 17 sections as follows: Article 23-10, Definitions  
 18 and Interpretations; Table 23-4-1(C) Use Table  
 19 Non-residential and Planned Development Districts;  
 20 Article 23-4-3(D) (10)e, Article 23-4-3(D) (10)e4  
 21 and Table 23-4-1(B), Use Table Residential  
 22 Districts. This was advertised on March 6th and  
 23 March 13th.  
 24 MS. SERPAS:  
 25 Don't have a video.

1 are" with the (a) there and also "or (b), who are  
 2 not currently illegally using or addicted to a  
 3 controlled substance but are recovering from abuse  
 4 of alcohol or a controlled substance." The  
 5 attorney feels that this is the language that's  
 6 needed in there to protect the neighbors and to  
 7 accommodate that definition more clearly. So  
 8 that's Number 1.  
 9 If you want me to, I will go ahead and  
 10 go to Number 2 and then we can all talk about  
 11 what's left.  
 12 Okay. With the short-term rental, the  
 13 23-4-3(D)10(e), the City Council has asked us to  
 14 consider removing short-term rental -- this is, I  
 15 think, probably the third or fourth time we've had  
 16 this request to remove short-term rental from  
 17 RM-20 and RM-30 as a conditional use. So that  
 18 came as a request from one of the council members  
 19 and we can discuss that.  
 20 The second one also has to do with  
 21 short-term rentals. And if you will recall, in  
 22 the past, there was some concern about some  
 23 elevated structures that did not have two means of  
 24 egress to get in and out. The way the language  
 25 was written seemed to indicate that if it was a --

1 I'm sorry.  
 2 MS. SERPAS:  
 3 Don't forget this one. You skipped it.  
 4 MR. CREEL:  
 5 Did I jump too far? Oh, okay. Actually  
 6 the second item -- the second item that we're  
 7 talking about is the table that you see in your  
 8 chart. Now, what this does is in a PD-C,  
 9 previously a single-family house or a  
 10 zero-lot-line structure was not allowed in PD-C  
 11 and we couldn't find any reason why that should be  
 12 excluded, so what this would mean is if someone  
 13 comes in with an PD-C, they would be allowed to do  
 14 single-family structures or zero-lot-line  
 15 structures provided that they presented it with a  
 16 master plan. So that's what the table is about.  
 17 And then the next one has to do with  
 18 removing short-term rental from RM-20 and RM-30 as  
 19 a conditional use.  
 20 And then the last one to be considered  
 21 has to do with elevated structures. You'll recall  
 22 that a couple of years ago the ordinance was  
 23 changed and required elevated structures to have  
 24 two means of ingress, two independent staircases  
 25 coming out of there.

Simpson Burdine &amp; Miguez 228.388.3130

1 MR. TODARO:  
 2 Should we have a public hearing for all  
 3 four of them individually?  
 4 MR. CREEL:  
 5 Yes. We need to hear from the public  
 6 about it.  
 7 MR. TODARO:  
 8 Together or individually?  
 9 CHAIRMAN DELLENGER:  
 10 They can step up and speak on each one.  
 11 MR. TODARO:  
 12 But which one? How would we know?  
 13 CHAIRMAN DELLENGER:  
 14 I will ask if there is anyone.  
 15 Okay. Is there any discussion with the  
 16 Planning Commission on article -- the first one  
 17 dealing with the definition of a halfway house?  
 18 Is there any discussion?  
 19 MR. DELAHOUSEY:  
 20 I would just like to say we have had  
 21 this before us for a long time, and I think it's  
 22 finally ready to be put forward for a final vote.  
 23 The language Mr. Abide has recommended here seems  
 24 certainly reasonable, and we have demonstrated --  
 25 our community has demonstrated a pretty

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1 Well -- but the way that it was written  
 2 created some confusion. It made it sound like  
 3 that even if it was a two-story structure, at  
 4 grade level, it had to have two means of egress  
 5 coming outside of the structure and that was never  
 6 the intent. It was always so that the elevated  
 7 structures would have two means of getting there.  
 8 You could imagine what the houses in town would  
 9 look like if we required two outside staircases on  
 10 two-story houses all over town. That just  
 11 wouldn't make sense. So that's what the last one  
 12 is for.  
 13 And then you can see the table at the  
 14 end where it talks about removing the short-term  
 15 rentals from RM-20 and RM-30, so that's what's  
 16 before you today.  
 17 And we'll be happy to entertain any  
 18 questions y'all might have about that.  
 19 CHAIRMAN DELLENGER:  
 20 So you want to vote on that  
 21 individually?  
 22 MR. CREEL:  
 23 I think that would be the best way to do  
 24 it so that way, when it gets to the Council, they  
 25 can vote on them individually.

Simpson Burdine &amp; Miguez 228.388.3130

1 significant need to have this type of facility as  
 2 long as it's regulated properly. And I think what  
 3 we have here is really good language that's going  
 4 to provide for the regulation and oversight that's  
 5 needed, so I think it's a really good idea.  
 6 CHAIRMAN DELLENGER:  
 7 Thank you.  
 8 Any other discussion?  
 9 (No response.)  
 10 CHAIRMAN DELLENGER:  
 11 Is there anyone that wants to speak in  
 12 favor? In favor of this request?  
 13 (No response.)  
 14 CHAIRMAN DELLENGER:  
 15 Is there anyone that would like to speak  
 16 in opposition of this request?  
 17 No one to speak in opposition. Then, we  
 18 will consider that hearing closed.  
 19 MR. TODARO:  
 20 I move that we approve. As explained to  
 21 us, I move that we approve.  
 22 MR. DELAHOUSEY:  
 23 Second.  
 24 CHAIRMAN DELLENGER:  
 25 We have a motion by Mr. Todaro;

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1 second --  
 2 MS. LENA:  
 3 And we're voting on each individual one?  
 4 MR. CREEL:  
 5 Yes, individually.  
 6 MS. LENA:  
 7 So this is on the first one?  
 8 MR. TODARO:  
 9 Yes, first one, the halfway house.  
 10 MS. LENA:  
 11 Thank you. I just needed clarity. I'm  
 12 sorry.  
 13 CHAIRMAN DELLENGER:  
 14 We have a motion to approve by  
 15 Mr. Todaro; a second by Mr. Delahousey.  
 16 Is there any discussion? There being no  
 17 discussion, please vote in favor by raising your  
 18 hand. Mr. Lechner, Mr. Parker, Mr. Todaro,  
 19 Ms. Magee, Ms. Shaw, Mr. Bogard, Mr. Collier,  
 20 Mr. Delahousey, Dr. Drawdy, Mr. Carron, Mr. King,  
 21 Mr. Snow; myself, Mr. Dellenger. Let the record  
 22 show that's unanimous.  
 23 The second would be the table, the use  
 24 table for the Non-residential and Planned  
 25 Development District that would add zero-lot lines

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1 show that's unanimous.  
 2 The third issue will be the article  
 3 which will remove short-term rentals from the  
 4 RM-20 and RM-30 designations as a conditional use.  
 5 Is there any discussion on this?  
 6 MR. CARRON:  
 7 I've got a question.  
 8 CHAIRMAN DELLENGER:  
 9 Yeah.  
 10 MR. CARRON:  
 11 How is this going to affect the ones  
 12 that are already in RM-20 and RM-30?  
 13 MR. CREEL:  
 14 They would be grandfathered in as long  
 15 as they continue to renew their license.  
 16 MR. CARRON:  
 17 Okay. So if they do not renew their  
 18 license, then that building can no longer be used  
 19 as a short-term rental?  
 20 MR. CREEL:  
 21 That's correct, yeah.  
 22 MR. DELAHOUSEY:  
 23 Jerry, the last sentence of that  
 24 addresses the threshold, not to exceed 75. I see  
 25 that's being removed. Does that mean there would

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1 in this.  
 2 Is there any discussion on this? There  
 3 being no discussion, is there anyone in the  
 4 audience that would like to get up and speak in  
 5 favor of this? Anyone to speak in favor?  
 6 (No response.)  
 7 CHAIRMAN DELLENGER:  
 8 Is there anyone to speak in opposition?  
 9 In opposition?  
 10 There being no one, we'll consider that  
 11 hearing closed.  
 12 We can entertain a motion.  
 13 MR. TODARO:  
 14 I'll move.  
 15 MS. SHAW:  
 16 Second.  
 17 CHAIRMAN DELLENGER:  
 18 Motion by Mr. Todaro to approve;  
 19 seconded by Ms. Shaw.  
 20 Is there any discussion? There being no  
 21 discussion, please vote, signify by raising your  
 22 hand. Mr. Lechner, Mr. Parker, Mr. Todaro,  
 23 Ms. Magee, Ms. Shaw, Mr. Bogard, Mr. Collier,  
 24 Mr. Delahousey, Dr. Drawdy, Mr. Carron, Mr. King,  
 25 Mr. Snow; myself, Mr. Dellenger. Let the record

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1 be no threshold, each case will be reviewed  
 2 individually?  
 3 MR. CREEL:  
 4 Well, it will just eliminate anyone  
 5 being able to do a new one in RM-20 and RM-30, so  
 6 the limit is kind of irrelevant now.  
 7 MR. DELAHOUSEY:  
 8 Oh, okay. I see. I got ya.  
 9 CHAIRMAN DELLENGER:  
 10 Jerry, what would this mean, that they  
 11 would be able to do short-term rentals in just  
 12 commercial?  
 13 MR. CREEL:  
 14 Well, all of the -- what we did was we  
 15 allowed short-term rental in all of the commercial  
 16 zones that allow a hotel for obvious reasons. I  
 17 mean, if you allow a hotel there, why not allow  
 18 short-term rental there? We do have some  
 19 single-family houses that are located in like CB  
 20 zoning, Community Business, and they would be  
 21 eligible, you know, provided they can meet the  
 22 fire requirements and the building department  
 23 requirements.  
 24 But your -- yes, the question is --  
 25 well, it would still be allowed as a conditional

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1 use in agriculture. All this would do is  
2 remove -- and some business zones where it's  
3 conditional use, but this would eliminate just in  
4 the RM-20 and RM-30.

5 MR. DELAHOUSEY:

6 What about waterfront?

7 MR. CREEL:

8 Waterfront allows short-term rentals  
9 because it's one of the zonings that allows a  
10 hotel.

11 CHAIRMAN DELLENGER:

12 So if somebody has a house on the beach  
13 that they wanted to do short-term rental going  
14 forward and it was zoned RM-20 or RM-30, they have  
15 no shot whatsoever being able to do a short-term  
16 rental in that home?

17 MR. CREEL:

18 If this is approved, the only way that  
19 they can do it is to file an appeal. In other  
20 words, if this goes through and someone comes to  
21 me with an application to do short-term rental in  
22 RM-20 or RM-30, I would have to turn that  
23 application down, and then they would have the  
24 right to file an appeal of that decision.

25 CHAIRMAN DELLENGER:

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1 know, it may be beneficial to make a short-term  
2 rental. You know, we did put a cap on them, you  
3 know, which limits this. I mean, you know, at  
4 some point, I just hate to remove this from --  
5 essentially not allow this for anybody, except for  
6 commercial zoning or CB or any like that or, I  
7 mean, waterfront. Essentially, we would be  
8 telling them if you're not in commercial, you  
9 know, or anything like that, you can't build here.

10 MR. CREEL:

11 Well, what y'all have right now -- and  
12 I'm not taking either side. I'm just telling you.  
13 What you have right now is you have the ability to  
14 consider every application on a case-by-case  
15 basis. You know, if you feel it is an appropriate  
16 area, you can approve it. If you feel it's an  
17 inappropriate area, you can deny it and you can  
18 tell the reasons why.

19 The other thing about the conditional  
20 use, too, is that if someone does get approved for  
21 a conditional use and they're violating the  
22 conditions or they're causing problems and we get  
23 a report on it, we have to give them a certain  
24 period of time to resolve it themselves. But if  
25 they don't resolve it --

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1 Who wanted this removed?

2 MR. CREEL:

3 Mr. Gray is the one that requested this,  
4 Ward 1.

5 CHAIRMAN DELLENGER:

6 Was there a reason why?

7 MR. CREEL:

8 He didn't -- he didn't give a reason. I  
9 think a lot of it has to do with the fact that  
10 there is a lot of opposition in certain areas.  
11 There is vocal opposition in some of the areas  
12 where single-family zoning is located close to  
13 RM-20 and RM-30. And I think there is a fear that  
14 if it's allowed as a conditional use in an area  
15 close to single-family that eventually it would  
16 start to encroach over into the single-family  
17 zone. Of course, short-term is not allowed at all  
18 in single-family zoning right now. It's  
19 prohibited, so I think --

20 CHAIRMAN DELLENGER:

21 I mean, I think we -- I mean, that's the  
22 whole point of it being a conditional use in those  
23 two zonings, is that we get to hear it and, you  
24 know, we get to see where it is, if there is  
25 anything around it, if it's in an area that, you

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1 CHAIRMAN DELLENGER:

2 We can revoke it.

3 MR. CREEL:

4 -- within that period of time, we can  
5 bring it back to the Planning Commission and City  
6 Council to have that conditional use revoked. So  
7 there are some safeguards in place.

8 MR. CARRON:

9 I would like to bring another point too.  
10 I mean, we're very close to that 75 number and I  
11 mean it's not like this is going to bleed out to a  
12 bunch of different areas once we reach the 75  
13 number. And I know we're still waiting to get a  
14 ruling on that, but like I say, I don't see how  
15 it's going to involve any single-family zoning if  
16 -- once we reach that number.

17 MR. DELAHOUSEY:

18 Mr. Creel, let me ask you a question.  
19 Your office is responsible for enforcement of  
20 short-term rental provisions in the LDO; is that  
21 correct?

22 MR. CREEL:

23 Yes, sir.

24 MR. DELAHOUSEY:

25 Do you see any significant problems that

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1 currently exist? Do you have adequate staff to  
2 monitor those short-term rentals that -- under the  
3 current way the ordinance is structured?

4 MR. CREEL:

5 As far as the regulations go, we think  
6 regulations are adequate for enforcing what we're  
7 doing. We've heard -- I've heard one complaint  
8 about a short-term rental at the corner of  
9 St. George and Beach Boulevard, that upper-level  
10 house there, the two-story house. We got one  
11 complaint that at one point somebody had a horse  
12 that they had tied to a rope out there. I think  
13 that was when they had the rodeo at the Coliseum.  
14 Somebody brought it in. But aside from that, we  
15 just -- we don't get a lot of complaints about the  
16 short-term rentals.

17 I remember when Chief Miller was called  
18 up to the podium and asked about this, his  
19 argument was that we get a lot more complaints  
20 about single-family residential problems than we  
21 do about short-term rental problems.

22 MR. DELAHOUSEY:

23 And in terms of the alleged concern the  
24 Councilman may have voiced about short-term  
25 rentals encroaching onto other areas, do you have

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1 adequate staff to ensure that that would not  
2 happen?

3 MR. CREEL:

4 Well, he didn't say that. He didn't  
5 mention that as the reason.

6 MR. DELAHOUSEY:

7 Oh, okay.

8 MR. CREEL:

9 I'm just trying to give y'all my best  
10 guess as to why. I know that we have people that  
11 are adamantly opposed to short-term rental in  
12 RM-20 and RM-30 when it's close to their  
13 particular neighborhood and, you know, they're  
14 just protecting their neighborhood, you know.

15 But we do have staff -- I have Frederick  
16 Mannino that that's his job, is short-term rental,  
17 to monitor short-term rental, make sure that the  
18 people who are operating have licenses and that  
19 they've gone through the process and gotten the  
20 necessary approvals for it.

21 MR. TODARO:

22 So, Jerry, this really is an overkill.  
23 This is like doing away with them everywhere,  
24 except business or you said agricultural. And I  
25 agree with Mr. Dellenger, I think this is just

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1 overkill.

2 It's not been fun managing all the  
3 different issues, but I think we've done as good  
4 as we can on managing. I just think -- this just,  
5 like, says no and just for something -- I just  
6 don't think this is the best to just completely do  
7 away with all of them.

8 MR. CREEL:

9 Let me mention one other thing, too, and  
10 this is the issue that has not been resolved. You  
11 know, there's been some discussion at City Council  
12 about this with the city attorney. And I  
13 mentioned this to you before that we have probably  
14 78 that have been approved short-term rentals in  
15 those two zoned districts, conditional use in  
16 those two. And over the last year, we've had  
17 about 20 people that have informed Frederick that  
18 they want to get out of the business. They're  
19 just -- they're not -- it's not what they thought  
20 it was. It's too demanding. It's taking up too  
21 much of their time and they're not making the kind  
22 of money that they thought they were going to make  
23 off of it.

24 However, the argument on the other side  
25 is that once a conditional use is approved on a

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1 piece of property, that conditional use runs with  
2 the land and so if those people change their mind  
3 and decide to come back and say, well, you know  
4 what, we made a bad decision, we should have  
5 continued to do short-term rental, and we want to  
6 go back to doing it again, that would leave the  
7 door open for them to do it.

8 However, what we did last year toward  
9 the end of the year when we were sending out  
10 license renewals, we put in a letter to the  
11 short-term rental people that if you did not renew  
12 your license by the end of the year, that we had  
13 people on a waiting list, that it was going to  
14 open the door for them to take that vacant spot  
15 and that if they decide to come back, they would  
16 have to wait until a vacancy becomes available to  
17 do it.

18 MR. TODARO:

19 It's things like that that it -- in my  
20 opinion, it looks like y'all are managing it or  
21 the staff has been managing it really well. And  
22 we've gone through a lot of hearings individually  
23 and some made it. Some didn't. It's just -- we  
24 know that short-term is just real productive for  
25 some houses and for people to come in.

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1 I just don't think all of them in the  
2 conditional use is just -- I think they are too  
3 healthy of a way for people to come in and visit  
4 Biloxi. For us to go other places -- most of us,  
5 we've all been in short-term, VRBOs and things  
6 like that. It's just -- it's not easy to manage,  
7 but this particular recommendation just does away  
8 with us accepting business.

9 MR. CREEL:

10 Just to have a different perspective,  
11 too, if you've got these properties on RM-20 or  
12 RM-30, you can put an apartment building on there  
13 by right without a conditional use. So you can  
14 either have an apartment, a multi-family apartment  
15 structure or you can have a short-term rental  
16 there.

17 MR. TODARO:

18 Based on that, I would just like to  
19 recommend that we deny this.

20 CHAIRMAN DELLENGER:

21 Well, let's call for -- we haven't  
22 called for anyone in favor or opposition of this.

23 So is there anyone in the audience in  
24 favor of this request? Anyone in favor?

25 (No response.)

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1 All right. Thank you.

2 DR. DRAWDY:

3 Jerry, one other question. The last  
4 paragraph, maybe I'm just reading it wrong, you  
5 have a line through agriculture, A, but AR, you do  
6 not have a line. Is there a particular reason one  
7 way or the other?

8 MR. CREEL:

9 Well, it's because AR is such a  
10 restrictive zoning already. You know, that's the  
11 one that we approved where you're dealing with  
12 marshlands and things like that. And we could  
13 draw a line through that as well, but it's really  
14 not --

15 MS. SERPAS:

16 Can I say something?

17 MR. CREEL:

18 Yes.

19 MS. SERPAS:

20 It's short-term rentals are not  
21 permitted in these zones, and that was left in  
22 from a previous case when we actually took and  
23 made agriculture a conditional use, so we're just  
24 fixing a problem from years ago. So that's  
25 listing the ones they're not allowed in.

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1 CHAIRMAN DELLENGER:

2 Is there anyone in opposition?

3 (No response.)

4 MR. CARRON:

5 I still have one more question for  
6 Jerry. It's kind of on the sidebar on the  
7 elevators. In business districts, if they've got  
8 a -- right now, is that covered, or that may be a  
9 problem? As far as like if it's a business area,  
10 is it still required for them to have two means of  
11 an ingress/egress of an elevated structure?

12 MR. CREEL:

13 If it's a short-term rental, an elevated  
14 structure short-term rental, regardless of the  
15 zoning, it has to have the two independent  
16 stairways, yes.

17 MR. CARRON:

18 I was just concerned about like some of  
19 these places that have apartment buildings and  
20 stuff and they only really have one means of  
21 ingress and egress, but they're allowed just being  
22 that to be able to put a short-term rentals.

23 MR. CREEL:

24 They can, yes, sir.

25 MR. CARRON:

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1 MR. CREEL:

2 So AR would not allow short-term rental?

3 MS. SERPAS:

4 Correct.

5 MR. CREEL:

6 Okay. And we took agriculture out  
7 because it will be allowed as a conditional use in  
8 there. That's why the line is through it.

9 DR. DRAWDY:

10 Just a little confusing, I think, to me.

11 MR. CREEL:

12 We'll probably have to do some  
13 explaining to the Council about that, too, when it  
14 gets there.

15 MR. DELAHOUSEY:

16 Mr. Chairman, if there is no other  
17 discussion, I would like to make a motion that we  
18 deny this request.

19 MR. TODARO:

20 Second.

21 MR. DELAHOUSEY:

22 We have a motion by Mr. Delahousey to  
23 deny; a second by Mr. Todaro.

24 Is there any discussion? There being no  
25 further discussion, please vote by raising your

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1 hand, please. Mr. Lechner, Mr. Parker,  
 2 Mr. Todaro, Ms. Magee, Ms. Shaw, Mr. Bogard,  
 3 Mr. Collier, Mr. Delahousey, Dr. Drawdy,  
 4 Mr. Carron, Mr. King, Mr. Snow; myself,  
 5 Mr. Dellenger. Let the record show that's  
 6 unanimous.

7 The fourth issue we're going to vote on  
 8 is in the elevated structures, there will be  
 9 separate stairwells and egress avenues.

10 Is there any discussion on this?  
 11 MR. TODARO:  
 12 So this doesn't compromise any safety  
 13 like with the fire department? That's just for  
 14 the third story?  
 15 MR. CREEL:  
 16 No. What this does, it would only apply  
 17 if it is an elevated structure above the ground,  
 18 then it would apply.  
 19 If it's at grade level, it would not  
 20 apply. They would not have to do it, no, sir.  
 21 MR. TODARO:  
 22 I got it.  
 23 MR. CARRON:  
 24 Do we need to address the table of this  
 25 one also?

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1 CHAIRMAN DELLENGER:  
 2 No. That's a separate item, the table.  
 3 MR. CREEL:  
 4 Yes. The table, since y'all voted to  
 5 deny that, we'll make sure the table is right next  
 6 to the short-term rental that y'all just voted on  
 7 so that it would both be considered one.  
 8 CHAIRMAN DELLENGER:  
 9 Mr. Delahousey, do you change your  
 10 motion to include the table to be denied?  
 11 MR. DELAHOUSEY:  
 12 Yes, sir.  
 13 CHAIRMAN DELLENGER:  
 14 Mr. Todaro, do you?  
 15 MR. TODARO:  
 16 Yes.  
 17 CHAIRMAN DELLENGER:  
 18 Okay. We will consider that table  
 19 denied.  
 20 There being no further discussion on  
 21 the ingress and egress on raised structures, we  
 22 will see if anybody in the audience is in favor of  
 23 this? Anyone in favor?  
 24 (No response.)  
 25 CHAIRMAN DELLENGER:

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1 Anyone in opposition? No one in  
 2 opposition. We'll consider that hearing closed.  
 3 Do we have a motion to approve?  
 4 MR. TODARO:  
 5 (Indicating motion.) It's something we  
 6 just need to do.  
 7 MS. SHAW:  
 8 Second.  
 9 CHAIRMAN DELLENGER:  
 10 I have a motion by Mr. Todaro; second by  
 11 Ms. Shaw.  
 12 Any discussion? There being no  
 13 discussion, please vote by raising your hand.  
 14 Mr. Lechner, Mr. Parker, Mr. Todaro, Ms. Magee,  
 15 Ms. Shaw, Mr. Bogard, Mr. Collier, Mr. Delahousey,  
 16 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow;  
 17 myself, Mr. Dellenger. That is unanimous.  
 18 I think that's all the articles for that  
 19 request.  
 20 Next case we will hear is Case  
 21 26-014-PC, City of Biloxi and Keesler Air Force  
 22 Base, a charge from the City of Biloxi  
 23 Administration and Keesler Air Force to explore  
 24 the possibility of renaming two sections of  
 25 roadways currently located on Keesler Air Force.

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1 The section of Larcher Boulevard running north  
 2 from the intersection of White Avenue and Irish  
 3 Hill Drive to West Howard Avenue is proposed to be  
 4 renamed Cyber Boulevard. Also, the roadway  
 5 currently known as West Howard Avenue extending  
 6 from Larcher Boulevard to Judge Sekul Avenue is  
 7 proposed to be renamed Innovation Drive. This was  
 8 advertised on March 6th and March 13th. Do we  
 9 have a video, please?  
 10 MS. SERPAS:  
 11 (Video played.)  
 12 That is one entrance and then I have  
 13 another video showing the other entrance.  
 14 (Second video played.)  
 15 Okay.  
 16 CHAIRMAN DELLENGER:  
 17 Okay.  
 18 MR. CREEL:  
 19 What's being proposed here is that --  
 20 y'all may already know about this -- White Avenue,  
 21 Keesler is going to open that gate up from the  
 22 railroad tracks to the north up to where the east  
 23 gate would come in from Judge Sekul so that they  
 24 will both run together. White Avenue would run  
 25 into the Judge Sekul extension coming in there.

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