

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

SUBSTITUTE

Item No.: 4C

Council Meeting Date: May 5, 2026

ITEM TITLE: ORDINANCE (2nd Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: Rick Weaver, CAO

Jerry Creel, Director of Community Development

SUMMARY EXPLANATION:

An Ordinance to amend a section of the Land Development Ordinance, specifically to amend section 23-10-2: Terms and Uses Defined to add the definition of Transitional Living Facility.

City of Biloxi, Case No. 26-013.1-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: Tisdale 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 and tabled on April 21, 2026

Ordinance No.

ORDINANCE TO AMEND A SECTION OF THE LAND DEVELOPMENT ORDINANCE,
SPECIFICALLY TO AMEND SECTION 23-10-2: TERMS AND USES DEFINED TO ADD
THE DEFINITION OF TRANSITIONAL LIVING FACILITY

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. 26-013.1-PC, a charge initiated by the Administration, to consider a Text Amendment to the Biloxi Land Development Ordinance, specifically to amend Section 23-10-2: Terms and Uses Defined to clarify the definition of a Halfway House; and

WHEREAS, the Planning Commission members, at their meeting on March 19, 2026, were apprised of the particulars of this case and made cognizant of the specific section of text to be amended within Article 23-10: Definitions and Interpretations, which is as follows:

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.

WHEREAS, on March 19, 2026, the Biloxi Planning Commission, upon careful reflection of this text change, voted 13-0-0, to recommend approval of said Text Amendment to the Biloxi Land and Development Ordinance as presented; and

WHEREAS, the Biloxi City Council, after careful review, finds that the public would be better served by including a separate definition for Transitional Living Facility, and in so doing,

amends and substitutes the following text changes to the City of Biloxi Land Development Ordinance, to include a separate definition as follows:

Transitional Living Facility – A licensed home for adult persons who are not currently illegally using or addicted to a controlled substance, but are recovering from abuse of alcohol or a controlled substance, or other personal crisis, on a voluntary basis, and who are not coming directly from any form of confinement, wherein supervision, rehabilitation, and counseling is provided to assist such residents back into society, enabling them to live independently.

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:

Addition of the following definition:

Article 23-10: Definitions and Interpretations

Transitional Living Facility – A licensed home for adult persons who are not currently illegally using or addicted to a controlled substance, but are recovering from abuse of alcohol or a controlled substance, or other personal crisis, on a voluntary basis, and who are not coming directly from any form of confinement, wherein supervision, rehabilitation, and counseling is provided to assist such residents back into society, enabling them to live independently.

Also, an addition to the following Tables:

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

| TABLE 23-4-1(B): USE TABLE - RESIDENTIAL DISTRICTS | | | | | | | | | | | | | | |
|--|------------------------------|---------------------------|----|----|-----|-------|--------|------|-------|-------|-------|-----------------------------|----------------------------------|--|
| P = PERMITTED USE | | C = CONDITIONAL USE | | | | | | | | | | BLANK CELL = PROHIBITED USE | | |
| USE CATEGORY | SPECIFIC USE | RESIDENTIAL BASE DISTRICT | | | | | | | | | | | USE-SPECIFIC STANDARDS (SECTION) | |
| | | A | AR | RE | RER | RS-10 | RS-7.5 | RS-5 | RM-10 | RM-20 | RM-30 | RMH | | |
| PUBLIC AND INSTITUTIONAL USES | | | | | | | | | | | | | | |
| Institutional and Health Care Facilities | Transitional Living Facility | | | | | | | | | | | | | |

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 | | | | | | | | | | | | | | | | |
| Institutional and Health Care Facilities | Transitional Living Facility | | C | C | C | | | | | | | | A | A | A | A |

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

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.

.....A

Resolution No.

RESOLUTION CALLING FOR A PUBLIC HEARING WITH RESPECT TO A TEXT CHANGE PROPOSED TO AMEND A SECTION OF THE LAND DEVELOPMENT ORDINANCE, SPECIFICALLY TO AMEND SECTION 23-10-2: TERMS AND USES DEFINED TO ADD THE DEFINITION OF TRANSITIONAL LIVING FACILITY

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. 26-013.1-PC, a charge initiated by the Administration, to consider a Text Amendment to the Biloxi Land Development Ordinance, specifically to amend Section 23-10-2: Terms and Uses Defined to clarify the definition of a Halfway House; and

WHEREAS, the Planning Commission members, at their meeting on March 19, 2026, were apprised of the particulars of this case and made cognizant of the specific section of text to be amended within Article 23-10: Definitions and Interpretations, which is as follows:

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.

WHEREAS, on March 19, 2026, the Biloxi Planning Commission, upon careful reflection of this text change, voted 13-0-0, to recommend approval of said Text Amendment to the Biloxi Land and Development Ordinance as presented; and

WHEREAS, the City Council of the City of Biloxi, Mississippi, having given the Planning Commission's 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. 26-013.1-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 PROPOSED TO AMEND A SECTION OF THE LAND DEVELOPMENT ORDINANCE, SPECIFICALLY TO AMEND SECTION 23-10-2: TERMS AND USES DEFINED, TO ADD THE DEFINITION OF TRANSITIONAL LIVING FACILITY

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. 26-013.1-PC, a charge initiated by the Administration, to consider a Text Amendment to the Biloxi Land Development Ordinance, specifically to amend Section 23-10-2: Terms and Uses Defined to clarify the definition of a Halfway House; and

WHEREAS, the Planning Commission members, at their meeting on March 19, 2026, were apprised of the particulars of this case and made cognizant of the specific section of text to be amended within Article 23-10: Definitions and Interpretations, which is as follows:

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.

WHEREAS, on March 19, 2026, the Biloxi Planning Commission, upon careful reflection of this text change, voted 13-0-0, to recommend approval of said Text Amendment to the Biloxi Land and Development Ordinance as presented; and

WHEREAS, the Biloxi City Council, after careful review, hereby adopts the report and findings of the Biloxi 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 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. 26-013.1-PC, having determined that said Text Changes are unwarranted due to a determination that

..... C



**Planning Commission
Case Fact Sheet**

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

| | |
|--|--|
| Request: | Text Amendment |
| Purpose of Request: | The purpose of this hearing is to consider an application requesting several Text Amendments to the Biloxi Land Development Ordinance, to amend certain sections, as follows: 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 |
| Size of Property: | N/A |
| Present Zoning: | N/A |
| Present Use: | N/A |
| Most Nearly Bounded By (streets): | N/A |
| Adverse Influences: | N/A |
| Positive Influences: | This Text Amendment, as presented, would correct several confusing definitions, providing clarity. |
| 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 March 12, 2026. |
| Comments/ Recommendations: | 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 STANDARDS (SECTION) | |
| | | LB | NB | CB | RB | DT | L | WF | SB | PD-GE | PD-FIB | PD-C | PD-R | PD-TND | | PD-H |
| 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 |

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 STANDARDS (SECTION) | |
| | | A | AR | RE | RER | RS- | RS- | RS-5 | RM- | 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.

BILOXI PLANNING COMMISSION MEETING
 MARCH 19th, 2026
 COMMUNITY DEVELOPMENT,
 DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,
 676 DR. MARTIN LUTHER KING JR. BOULEVARD,
 BILOXI, MISSISSIPPI,
 BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Charlie Dellenger, Chairman
 Ronnie Bogard
 Kyle Carron
 Robert Collier
 Steve Delahousey
 Dr. Larry Drawdy
 Joe King
 Gary Lechner
 Debora Magee
 August Parker
 Shante' Shaw
 John Snow
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

CHAIRMAN DELLENGER:

We'll go ahead and call the Planning Commission together for March 19th, 2026.

We'll record the members present today. Mr. Lechner, Mr. Parker, Mr. Todaro, Mr. Bogard, Mr. Collier, Mr. Delahousey, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow; and myself, Mr. Dellenger.

Steve, would you mind leading us in a moment of prayer, please?

(Moment of prayer.)

CHAIRMAN DELLENGER:

Please stand for the Pledge.

Mr. Todaro, if you'll lead us in the Pledge.

(Pledge of Allegiance.)

CHAIRMAN DELLENGER:

I would also like to recognize Felicia Serpas, Senior Planner; Jerry Creel, Director of Community Development and Caryle Lena, Planner, and Melissa Burdine-Rodolfich, our court reporter today, and Dr. Paul Tisdale, Councilman, in the audience.

I would like to welcome everybody here to the Planning Commission meeting. If you could,

C-O-N-T-E-N-T-S

| CONTINUED PUBLIC HEARING(S): | PAGE: |
|------------------------------------|-------|
| (None) | -- |
| NEW PUBLIC HEARING(S): | |
| 26-012-PC (Withdrawn by Applicant) | 5 |
| <u>26-013-PC</u> | 6 |
| 26-014-PC | 31 |
| 26-015-PC (Continued) | 37 |
| TREE HEARINGS: | |
| (None) | -- |

silence your cell phones. And if you come up to speak at the podium, please, state your name and address for the record, please, so we can get that down.

I would like the record to reflect that Ms. Magee and Ms. Shaw are now in attendance.

Has everyone had a chance to read the minutes from the prior meeting and if so, can we have a motion to approve those?

MR. DELAHOUSEY:

So moved.

MR. SNOW:

Second.

CHAIRMAN DELLENGER:

Motion by Mr. Delahousey; seconded by Mr. Snow.

All those in favor, please, state by saying "aye."

(Unanimous vote.)

CHAIRMAN DELLENGER:

Any opposed?

(None opposed.)

CHAIRMAN DELLENGER:

Motion carries.

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

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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

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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.

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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 --

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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.

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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.

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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 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 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 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 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?

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.

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:

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.