

Ordinance No. 2477

ORDINANCE TO AMEND APPROPRIATE SECTIONS OF THE LAND DEVELOPMENT ORDINANCE TO PROVIDE CORRECTIONS TO TABLE 23-4-1(C) USE TABLE – NON-RESIDENTIAL AND PLANNED DEVELOPMENT DISTRICTS, AS IT RELATES TO SCRIVENER ERRORS DISCOVERED FOR USE-SPECIFIC STANDARDS RELATED WITHIN THIS TABLE

WHEREAS, on Thursday, February 3, 2022, 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. 22-011-PC, a charge initiated by the Director of Community Development, to consider to the Text Amendments to the Land Development Ordinance, involving typographical corrections needed for Table 23-4-1(C) Use Table – Non-Residential and Planned Development Districts, as it relates to scrivener errors discovered within the Use-Specific Standards of said Table; and

WHEREAS, the Planning Commission members at their meeting on February 3, 2022, were apprised of the particulars of this case, being made cognizant of the specific section of Table 23-4-1(C): Specific Use; which requires amendment: The Use-Specific Standards section; and

WHEREAS, on Thursday, February 3, 2022, after limited discussion, the Biloxi Planning Commission voted unanimously to approve the suggested Text Amendments to the Land Development Ordinance, involving typographical corrections to Table 23-4-1(C) Use Table – Non-Residential and Planned Development Districts, as it relates to scrivener errors discovered within the Use-Specific Standards section of this Table; and

WHEREAS, the Text Amendments involved included the following:

Table 23-4-1(C):  
Specific Use

Use-Specific Standards

Day Labor Employment Service	23-4-3(D)(11)e.c
Escort Bureau or Service	23-4-3(D)(11)f.d
Lingerie Modeling Studio	23-4-3(D)(11)g.e
Pawn or Buy-Sell Shop	23-4-3(D)(11)e.b

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WHEREAS, the Biloxi City Council, after careful review of this recommendation to amend, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that the Changes proposed for the four City of Biloxi Text amendments to the 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 SECTIONS OF THE LAND DEVELOPMENT ORDINANCE BE AMENDED, AS FOLLOWS:

<u>Table 23-4-I(C): Specific Use</u>	<u>Use-Specific Standards</u>
Day Labor Employment Service	23-4-3(D)(11)e.c
Escort Bureau or Service	23-4-3(D)(11)f.d
Lingerie Modeling Studio	23-4-3(D)(11)g.e
Pawn or Buy-Sell Shop	23-4-3(D)(11)e.b

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

SECTION TWO: This ordinance shall become effective thirty days from and after its passage and publication with law.

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

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Barrett		
	Deming			

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The President then declared the Ordinance adopted this the 8<sup>th</sup> day of March, 2022.



ATTEST:

APPROVED:

Key Campbell  
CLERK OF THE COUNCIL

Kenyon  
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 15<sup>th</sup> day of March, 2022.

APPROVED:

[Signature]  
MAYOR

Scheduled for  
February 3, 2022  
PC Meeting

City of Biloxi  
Case No. 22-011-PC  
**Text Amendments** to the LDO  
Table 23-4-1-(C)



**Planning Commission  
Case Fact Sheet**

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**Case No.:** 22-011-PC  
**Name of Applicant:** City of Biloxi  
**Address of Property:** N/A  
**Tax Parcel/Ward:** N/A

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**Request:** **Text Amendments to the Land Development Ordinance, involving typographical corrections to Table 23-4-1(C) Use Table – Non-Residential and Planned Development Districts, as it relates to scrivener errors discovered within the Use-Specific Standards.**

**Purpose of Request:** To consider several text changes, specifically involving typographical corrections to **Table 23-4-1(C) Use Table – Non-Residential and Planned Development Districts, as it relates to the Use-Specific Standards, as follows:**

**Table 23-4-1(C):  
Specific Use**

**Use-Specific Standards**

Day Labor Employment Service	23-4-3(D)(11) <del>e</del> .c
Escort Bureau or Service	23-4-3(D)(11) <del>f</del> .d
Lingerie Modeling Studio	23-4-3(D)(11) <del>g</del> .e
Pawn or Buy-Sell Shop	23-4-3(D)(11) <del>e</del> .b

**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:** These Text Changes, as presented, would correct typographical errors to **Table 23-4-1(C) Use Table – Non-Residential Planned and Development Districts**, as it relates to Use-Specific Standards, as follows:

**Table 23-4-1(C):**

<u>Specific Use</u>	<u>Use-Specific Standards</u>
Day Labor Employment Service	23-4-3(D)(11) <del>e</del> .c
Escort Bureau or Service	23-4-3(D)(11) <del>f</del> .d
Lingerie Modeling Studio	23-4-3(D)(11) <del>g</del> .e
Pawn or Buy-Sell Shop	23-4-3(D)(11) <del>a</del> .b

**Letters or**

**Concerns stated:** The Planning Division Office has not received any letters or other written communications relative to these proposed Text Amendments to the LDO, as of January 27, 2022.

**Comments/**

**Recommendations:** Pursuant to a charge authorized by the Director of Community Development, the Planning Commission has been charged to explore Text Amendments to the Land Development Ordinance to correct scrivener errors to Use Specific Standards, as found within Table 23-4-1(C).

1. Recommend approval of these Text Amendments to the Land Development Ordinance, to specifically correct typographical errors to Use Table 23-4-1(C) Specifically to, Use-Specific Standards, as noted.
2. Recommend denial of these Text Amendments to the Land Development Ordinance, as offered.

Article 23-4: Use Standards

Section 23-4-1: Use Tables

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	
	Liquor Store		P	P	P	P	P			A	A	A	A	A	A	
	Personal Services Establishment	C	P	P	P	P	P			A	A	A	A	A	A	23-4-3(D)(8)j
	Repair Establishment		P	P	P	P	P					A				
	Tattoo or Body-Piercing Establishment		C	P	P		P									23-4-3(D)(8)k
	Veterinary Clinic		P	P	P		P					A		A	A	23-4-3(D)(8)l
Vehicle Sales and Service	Auto Painting or Body Shop			C	C		P					A				23-4-3(D)(9)a
	Auto Parts Sales and Installation			P	P		P					A				23-4-3(D)(9)b
	Auto Repair and Servicing, without Painting/Bodywork		C	P	P		P					A				23-4-3(D)(9)c
	Auto Sales/Rental, New or Used		C	P	P		P					A				23-4-3(D)(9)d
	Auto Wrecker Service			C	C		P					A				23-4-3(D)(9)e
	Car Wash or Auto Detailing		C	P	P		P					A		A	A	23-4-3(D)(9)f
	Heavy Equipment Sales, Rental, Storage, or Repair				P		P					A				
	Non-Automobile Vehicle Sales/Rental		C	P	P		P					A				23-4-3(D)(9)g
	Taxicab Service/Stand		C	P	P		P					A				
	Tire/Muffler Sales and Mounting			C	P		P					A				23-4-3(D)(9)h
	Tire Disposal and Recycling						P									
	Truck Stop				C		C						A			23-4-3(D)(9)i
Visitor Accommodations	Bed and Breakfast	C	C	C	C	C	C	C		A	A	A	A	A	A	23-4-3(D)(10)a
	Hotel or Motel			P	P	P		P		A	A	A			A	23-4-3(D)(10)b
	Recreational Vehicle Park		C	P	P			C		A	A	A				23-4-3(D)(10)c
	Timeshare or Short Term Rental		<del>C</del>	C	C	C		C		A	A	A			A	23-4-3(D)(10)d
Regulated Businesses	Bail Bondsman			C	C		P									23-4-3(D)(11)h
	Check Cashing or Title Loan			P	P		P									23-4-3(D)(11)h <sup>a</sup> b
	Day Labor Employment Service			P	P		P									23-4-3(D)(11)h <sup>a</sup> c
	Escort Bureau or Service							P								23-4-3(D)(11)h <sup>a</sup> d
	Lingerie Modeling Studio							P								23-4-3(D)(11)h <sup>a</sup> e
	Pawn or Buy-Sell Shop		C		P		P									23-4-3(D)(11)h <sup>a</sup> f
	Sexually-Oriented Cabaret							P								23-4-3(D)(11)h <sup>a</sup> g
	Sexually-Oriented Cinema							P								23-4-3(D)(11)h <sup>a</sup> h
	Sexually-Oriented Media Store							P								23-4-3(D)(11)h <sup>a</sup> i
	Sexually-Oriented Video Arcade <sup>1</sup>															23-4-3(D)(11)h <sup>a</sup> j
	Sex Shop							P								23-4-3(D)(11)h <sup>a</sup> k

1

1 BILOXI PLANNING COMMISSION MEETING  
 2 FEBRUARY 3, 2022  
 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 David Washer, Chairman  
 11 Kyle Carron  
 12 Charlie Dellenger  
 13 Gary Lechner  
 14 Joe King  
 15 Debora Magee  
 16 August Parker  
 17 Jimmy Poulos  
 18 John Snow  
 19 David Stanovich  
 20 Cheryl Thompson  
 21 Mike Todaro

17 ALSO PRESENT:  
 18 Jerry Creel, Director of Community Development  
 19 Caryle Lena, Planning Technician  
 20 Ed Shambra, Executive Planner

21 REPORTED BY:  
 22 Melissa Burdine-Rodolfich  
 23 Simpson Burdine & Miguez  
 24  
 25

2

1 C-O-N-T-E-N-T-S  
 2  
 3 PAGE  
 4 CONTINUED PUBLIC HEARING:  
 5 21-052-PC (Held in abeyance) --  
 6  
 7 NEW PUBLIC HEARING:  
 8 22-011-PC 5  
 9  
 10 TREE HEARING: (None)  
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1 CHAIRMAN WASHER:  
 2 Let us call the Planning Commission  
 3 meeting to order, please. We'll record the  
 4 members present.  
 5 Mr. Lechner, Mr. Todaro, Mr. Parker,  
 6 Ms. Magee, Ms. Thompson, Mr. Stanovich,  
 7 Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow,  
 8 Mr. Dellenger; myself, David Washer, Ed Shambra,  
 9 Executive Planner, Jerry Creel, Director of  
 10 Community Development; Caryle Lena, Planning  
 11 Technician. Melissa Rodolfich is our court  
 12 reporter. We have nothing to show on the screen  
 13 today.  
 14 All right. Ask if all members of the  
 15 Commission received a copy of the minutes of the  
 16 last meeting and if there's any additions or  
 17 corrections. If not, we'll entertain a motion to  
 18 accept the minutes as presented.  
 19 MR. PARKER:  
 20 (Indicating motion.)  
 21 MR. CARRON:  
 22 (Indicating second.)  
 23 MR. PARKER:  
 24 Motion by Mr. Parker; seconded by  
 25 Mr. Carron. All those in favor, say "aye."

4

1 (All in favor.)  
 2 CHAIRMAN WASHER:  
 3 Any opposed?  
 4 (None indicated.)  
 5 CHAIRMAN WASHER:  
 6 Committee reports, Mr. Creel?  
 7 MR. CREEL:  
 8 Yes, sir. Mr. Chairman, Members of the  
 9 Commission, over the past two weeks, the  
 10 department has issued 152 building permits with a  
 11 construction valuation of \$2.7 million. We've  
 12 collected right at \$17,000 in permit fees. We've  
 13 issued licenses for 13 new businesses and 40  
 14 renewals. We have also issued 10 certificates of  
 15 occupancy, three of those were for short-term  
 16 rentals. Of the major projects issued -- one  
 17 permit was issued for a re-roof of Treasure Bay  
 18 Casino, and there were six new single-family  
 19 houses.  
 20 CHAIRMAN WASHER:  
 21 Thank you. Where is the new houses?  
 22 Across the Bay, Woolmarket?  
 23 MR. CREEL:  
 24 All over. There are two in Woolmarket,  
 25 one on Mallard Court and one on North River Vue

5

1 Circle and one at Holly Hills.  
2 CHAIRMAN WASHER:  
3 Thank you. All right.  
4 Continued public hearing, Alterna  
5 Mortgage, held in abeyance until the owner  
6 resolves its problems on that.  
7 New public hearing today, Case Number  
8 22-011-PC, City of Biloxi, text amendment to the  
9 Land Development Ordinance involving typographical  
10 corrections to Table 23-4-1(C), use table,  
11 non-residential and planned development districts  
12 as it relates to scrivener errors discovered with  
13 the use-specific standards.  
14 MR. SHAMBRA:  
15 As you know, we're trying to go in and  
16 clean up the ordinance and we're finding these  
17 typos and stuff that basically don't jive with the  
18 way the ordinance should read. So if you're  
19 looking at your case fact sheet, the front page  
20 will basically make it as easy as possible, but we  
21 also gave you the chart from the actual zoning  
22 text as well.  
23 We have Table 23-4-1(C) and it's the  
24 specific use, and what we're making corrections to  
25 is the use-specific standards, which is the area

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1 Well, we made a determination years ago  
2 as to where we wanted our adult uses to go and it  
3 was determined at that time that the waterfront  
4 would be the appropriate location for this. It  
5 kind of takes it away from some of the downtown  
6 areas and some of the areas that we'll be using  
7 for other tourist purposes. And we feel that it's  
8 more sanctioned in that area, which is better, so  
9 we confined it. You know, for years, it was  
10 Veterans and so forth had a lot of these types of  
11 uses or certain parts of the beach.  
12 MR. DELLENGER:  
13 But isn't the beach waterfront?  
14 MR. SHAMBRA:  
15 Not all of it, no.  
16 MR. DELLENGER:  
17 So the downtown Biloxi on the beach is  
18 waterfront?  
19 MR. SHAMBRA:  
20 Some of it's waterfront. We have a  
21 continuing waterfront along the water's edge and  
22 we have some in other sections, but it's not  
23 nearly the preponderance that you would find for  
24 RB, CB or some of the other commercial  
25 classifications.

6

1 to right of that and that's where the uses are,  
2 day labor employment service, escort bureau or  
3 service, lingerie modeling studio and pawn or  
4 buy-sell shops.  
5 And what we're specifically changing is  
6 under the use-specific standards, they're all  
7 listed as 23-4-3(D)(11), and then the key thing is  
8 the letter that follows that. For day labor  
9 employment services, it's E; it should be C;  
10 escort bureau or service, instead of F, it should  
11 be D; lingerie modeling studio, instead of G, it  
12 should be E; and pawn and buy-sell shop, instead  
13 of E, it should be B.  
14 So with those minor changes, they're  
15 really just typos. They were something that in  
16 translation got lost and just want to make sure  
17 that's correct for use in the future.  
18 CHAIRMAN WASHER:  
19 Okay. Any questions on that?  
20 MR. DELLENGER:  
21 Yeah. I have a question on the two  
22 middle ones. Those aren't allowable, I mean, in a  
23 commercial setting? I mean, only waterfront? Why  
24 only waterfront?  
25 MR. SHAMBRA:

8

1 MR. CREEL:  
2 What happened -- some of y'all remember  
3 this. What happened when we were putting the Land  
4 Development Ordinance together, getting ready to  
5 adopt the new one, the question came up about  
6 where are we going to locate these places. We  
7 have to provide a zoning that will allow these  
8 things. You can't prohibit them. You can't zone  
9 them out. So as we were looking at the best  
10 zoning to accommodate these kind of uses, most of  
11 the uses we're talking about are uses where  
12 whoever is going to be doing it needs to be over  
13 21 years of age. And so it kind of went hand in  
14 hand with, okay, the casinos, you know, you have  
15 to be 21 years of age to get in to those places  
16 anyway.  
17 The other reason that we put it into the  
18 WF is because if we had put it into one of the  
19 other zones, it's possible that we could have  
20 wound up with a cheesy -- you know, somebody  
21 buying a piece of property that's zoned RB and  
22 going out and doing some cheesy little shack, you  
23 know, and having nude dancing or something in it,  
24 you know, and we didn't want that. The waterfront  
25 property has such a price tag on it that we knew



9

1 that if somebody wanted to do it in waterfront,  
2 they were going to have to pay to do it in  
3 waterfront. And so we felt like that that would  
4 eliminate the little fly-by-nighter and only open  
5 the door for the people that really had the means  
6 to do something that was upscale or better for  
7 this. That's the reason that we chose waterfront  
8 over the other zones.  
9 CHAIRMAN WASHER:  
10 Any other questions?  
11 MR. CARRON:  
12 I just want to bring up a comment that I  
13 did notice another discrepancy in just looking up  
14 some of this stuff on the internet going to the --  
15 MR. SHAMBRA:  
16 If you find errors or problems with the  
17 ordinance, please let us know and we'll  
18 incorporate it in the next housekeeping case that  
19 we put before you.  
20 MR. CREEL:  
21 We're going to continue to go through  
22 the book and bring up anything that we see that's  
23 incorrect. So this won't be the last time that we  
24 address something like this.  
25 CHAIRMAN WASHER:

11

1 MR. SHAMBRA:  
2 I've got three updates for you.  
3 Case 21-058, the request for text  
4 amendments that has to do with the Tree Committee,  
5 tree permit and tree protection. The City  
6 Council, after a few times tabling, did finally  
7 approve this Option B, which was kind of a  
8 modification a little bit of what you all  
9 recommended. It basically would allow for  
10 two-to-one mitigation for replacement tree numbers  
11 and also would not require that homeowners have to  
12 do any mitigation for when they remove trees from  
13 their property. And that was on February 1st when  
14 the Council met.  
15 MR. PARKER:  
16 Got a question. What if a homeowner has  
17 a tree that has to be removed?  
18 MR. CREEL:  
19 That's the exemption. What we did, if  
20 you will remember, we had a table in there, a size  
21 table in there. We eliminated that table, and  
22 what we recommended was that everyone across the  
23 board, whether it's a commercial project, whether  
24 it's a residential subdivision, would have to  
25 mitigate two-to-one.

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1 Anyone speaking in favor? Anyone  
2 speaking in opposition? None.  
3 Anyone want to make a motion?  
4 MR. TODARO:  
5 So moved.  
6 CHAIRMAN WASHER:  
7 Motion by Mr. Todaro recommending  
8 approval.  
9 MR. PARKER:  
10 Second.  
11 CHAIRMAN WASHER:  
12 Seconded by Mr. Parker.  
13 All those in favor, raise your hand,  
14 please.  
15 Mr. Lechner, Mr. Todaro, Mr. Parker,  
16 Ms. Magee, Ms. Thompson, Mr. Stanovich,  
17 Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow,  
18 Mr. Dellenger; myself, David Washer. We'll let  
19 the record show that's unanimous.  
20 For the little notice everybody got, I  
21 believe it's 21-012-PC and 013-PC, it's going to  
22 be re-advertised and should be back on the agenda  
23 for March 3rd.  
24 Tree hearings, none today.  
25 City Council action, Mr. Shambra?

12

1 One of the Council members had brought  
2 up the question of why shouldn't we just require  
3 everybody in town if they cut a tree down to  
4 mitigate, so what we did was offer to Council two  
5 options. Option A said that if you're an  
6 individual homeowner and you cut down a tree in  
7 your yard that you would have to mitigate that  
8 two-to-one. Option B said that individual  
9 homeowners are exempt from that requirement.  
10 And after much discussion, they voted  
11 with Option B, which is what we were recommending,  
12 and so that finally passed and hopefully we won't  
13 have to talk about the tree ordinance for a long  
14 time.  
15 MR. DELLENGER:  
16 Yeah, because if you own a lot, a  
17 residential lot that is full of trees and the only  
18 way to build a house is to get rid of trees, I  
19 mean, you would be -- would have to buy 40 trees  
20 to mitigate it to build a house.  
21 MR. CREEL:  
22 Well, now, the way that the ordinance is  
23 written -- and remember that a lot of this came  
24 from the Tree Committee, but it was just -- it was  
25 overkill. And so what we had to do is go in and