Ordinance No. 2484

ORDINANCE TO AMEND TEXT WITHIN THE LAND DEVELOPMENT ORDINANCE TO INTRODUCE AND DEFINE THE SPECIFIC USE – MEDICAL CANNABIS

WHEREAS, on Thursday, May 5, 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. 22-037-PC, a charge initiated by the Director of Community Development, to consider Text Amendments to the Biloxi Land Development Ordinance, specifically the addition of Section 23-4-3(D)(8)n: Cannabis Dispensary, Cannabis Research Facility or Cannabis Testing Facility; Section 23-4-3(D)(8)o: Cannabis Cultivation Facility, Cannabis Processing Facility, Cannabis Disposal Entity or Cannabis Transportation Entity; the addition within Article 23-10-2: Terms and Uses Defined; amendment of Section 23-4-1 (B): Use Table- Residential Districts; amendment of Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts and amendment of Table 23-4-3(D(11): Required Minimum Spacing Between Regulated Business Uses and Protected Uses and Districts; and

WHEREAS, the Planning Commission members, at their meeting on May 5, 2022, were apprised of the particulars of this case, being made cognizant of the fact that the purpose of the hearing was to introduce medical cannabis related uses within the City of Biloxi, succeeding the approval of The Mississippi Medical Cannabis Act in February of 2022; and

WHEREAS, after some discussion of the particulars of this case, the Biloxi Planning Commission voted to amend and approve the proposed Text Amendments to the Land Development Ordinance as follows:

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Amend Article 23-10-2: Terms and Uses Defined

Cannabis
All parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

Medical Cannabis Dispensary
An entity licensed and registered with the MDOR (Mississippi Department of Revenue) that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

Cannabis Cultivation Facility
A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

Cannabis Disposal Entity
A business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis Processing Facility
A business entity that is licensed and registered by the Mississippi Department of Health that:

(a) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
(b) Possesses cannabis with the intent to manufacture a cannabis product;
(c) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
(d) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

Cannabis Research Facility
A research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis-processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

Cannabis Testing Facility
An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

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Cannabis Transportation Entity
An independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

Add Section 23-4-3(D)(8)n

n. Cannabis Dispensary, Cannabis Research Facility or Cannabis Testing Facility

Cannabis Dispensaries, Research Facilities and Testing Facilities are allowed within the NB-Neighborhood Business, CB-Community Business, RB-Regional Business and I-Industrial zonings as a permitted use and DT-Downtown and WF-Waterfront as a Conditional Use, and shall comply with the following standards:

1. Cannabis Dispensaries must have a license with the MDOR (Mississippi Department of Revenue) before submitting for a CO with the City of Biloxi.

2. Cannabis Dispensaries shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or childcare facility.

   A medical cannabis establishment may receive a variance to this distance restriction by receiving approval from the school, church or child care facility and by applying for a variance with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility.

3. No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet (1500') radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.

4. A medical cannabis establishment may not share office space with or refer patients to a practitioner.

5. A medical cannabis dispensary shall only make sales to cardholders inside the dispensary. A medical cannabis dispensary shall not sell or otherwise convey medical cannabis to a cardholder through the means of a drive-through, curbside delivery or other delivery outside the premises of the dispensary.

6. MDOH has been designated to regulate advertising, signage, and displays, sign permits are still required through the City of Biloxi after MDOH approval.

Add Section 23-4-3(D)(8)o

o. Cannabis Cultivation Facility, Cannabis Processing Facility, Cannabis Disposal Entity or Cannabis Transportation Entity

Cannabis Cultivation Facilities, Cannabis Processing Facilities, Cannabis Disposal Entities, and Cannabis Transportation Entities are allowed within the A- Agricultural, CB-Community Business, RB-Regional Business and I-Industrial zonings as a permitted use and shall comply with the following standards:

1. Cannabis Transportation entities, Cannabis Disposal entities, Cannabis Research Facilities and Cannabis Testing Facilities must have a license with the MDOH (Mississippi Department of Health) before submitting for a CO with the City of Biloxi .

2. All cultivation, harvesting, processing and packaging of medical cannabis must take place in an enclosed, locked and secure facility, and meet the City of Biloxi development standards.

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Article 23-4 Use Standards
Section 23-4-1: Use Standards
Amend Section 23-4-1 (B): Use Table-Residential Districts

USE CATEGORY	SPECIFIC USE	RESIDENTIAL BASE DISTRICT											
		A	AR	RE	RER	RS-10	RS-7.5	RS-5	RM-10	RM-20	RM-30	RMH	USE-SPECIFIC STANDARDS (SECTION)
Retail Sales and Service	Cannabis Dispensary or Cannabis research facility or Cannabis testing facility												23-4-3(D)(8)n
Agriculture	Cannabis Cultivation Facility	P											23-4-3(D)(8)o
Industrial Production and Manufacturing	Cannabis Processing Facility OR Cannabis Disposal Entity												23-4-3(D)(8)o
Transportation	Cannabis Transportation Entity												23-4-3(D)(8)o

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Article 23-4 Use Standards
Section 23-4-1: Use Standards
Amend 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-[illegible]	PD-I	
COMMERCIAL USES																
Retail Sales and Service	Cannabis Dispensary or Cannabis research facility or Cannabis testing facility		P	P	P	C	P	C								23-4-3(D)(8)n
Agriculture	Cannabis Cultivation Facility			P	P		P									23-4-3(D)(8)o
Industrial Production and Manufacturing	Cannabis Processing Facility OR Cannabis Disposal Entity			P	P		P									23-4-3(D)(8)o
Transportation	Cannabis Transportation Entity			P	P		P									23-4-3(D)(8)o

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Article 23-4: Use Standards
Section 23-4-3: Use-Specific Standards
Section 23-4-3 (D): Commercial Uses
Amend Table 23-4-3(D)(11)

TABLE 23-4-3(D)(11):REQUIRED MINIMUM SPACING [1] BETWEEN REGULATED BUSINESS USES AND PROTECTED USES AND DISTRICTS (feet)
BLANK CELL = NO SPACING REQUIRED

PROTECTED USE TYPE OR ZONING DISTRICT	REGULATED BUSINESS USE											
	R/LOUNGE/BREWPUB/NIGHTCLUB	CHECK CASH / TITLE LOAN	DAY LABOR EMPLOYMENT SERVICE	ESCORT SERVICE OR BUREAU	LINGERIE MODELING	PAWN//BUY-SELL	SEX SHOP	SEXUALLY-ORIENTED CABARET	SEXUALLY-ORIENTED MEDIA	SEXUALLY-ORIENTED CINEMA	SEXUALLY-ORIENTED VIDEO ARCADE [2]	CANNABIS DISPENSARIES
Cannabis Dispensary												1,500
Facility Frequented by 6—18 Year Olds												1,000
Place of Worship												1,000

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WHEREAS, after careful consideration, the Director of Community Development along with a Council member, proposed some changes to the addition of Cannabis use into the Land Development Ordinance as follows:

Amend Article 23-10-2: Terms and Uses Defined

Cannabis
All parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

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An entity licensed and registered with the MDOR (Mississippi Department of Revenue) that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

Cannabis Cultivation Facility
A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

Cannabis Disposal Entity
A business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis Processing Facility
A business entity that is licensed and registered by the Mississippi Department of Health that:

(a) Acquires or intends to acquire cannabis from a cannabis cultivation facility;
(b) Possesses cannabis with the intent to manufacture a cannabis product;
(c) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
(d) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

Cannabis Research Facility
A research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis-processing facilities in order to

research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

Cannabis Testing Facility
An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

Cannabis Transportation Entity
An independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

Add Section 23-4-3(D)(8)n

n. Cannabis Dispensary, Cannabis Research Facility or Cannabis Testing Facility

Cannabis Dispensaries, Research Facilities and Testing Facilities are allowed within the NB-Neighborhood Business, CB-Community Business, RB-Regional Business and I-Industrial zonings as a permitted use and DT-Downtown and WF-Waterfront as a Conditional Use, and shall comply with the following standards:

1. Cannabis Dispensaries must have a license with the MDOR (Mississippi Department of Revenue) before submitting for a CO with the City of Biloxi.

2. Cannabis Dispensaries shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, childcare facility or funeral home.

   A medical cannabis establishment may receive a variance to this distance restriction by receiving approval from the school, church or child care facility and by applying for a variance with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility.

3. No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet (1500') radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.

4. A medical cannabis establishment may not share office space with or refer patients to a practitioner.

5. A medical cannabis dispensary shall only make sales to cardholders inside the dispensary. A medical cannabis dispensary shall not sell or otherwise convey medical cannabis to a cardholder through the means of a drive-through, curbside delivery or other delivery outside the premises of the dispensary.

6. MDOH has been designated to regulate advertising, signage, and displays, sign permits are still required through the City of Biloxi after MDOH approval.

Add Section 23-4-3(D)(8)o

o. Cannabis Cultivation Facility, Cannabis Processing Facility, Cannabis Disposal Entity or Cannabis Transportation Entity

Cannabis Cultivation Facilities are allowed within the A- Agricultural, RB-Regional Business and I-Industrial zonings as a permitted use, and are allowed within the CB-Community Business with Conditional Use approval.
Cannabis Processing Facilities or Cannabis Disposal Entities are allowed within the RB-Regional Business and I-Industrial zonings as a permitted use, and are allowed within the CB-Community Business with Conditional Use approval.
Cannabis Transportation Entities are allowed within the I-Industrial zoning as a Permitted use and within the RB-Regional Business with Conditional Use approval.
Cannabis Cultivation Facilities, Cannabis Processing Facilities, Cannabis Disposal Entities or Cannabis Transportation Entities shall comply with the following standards:

1. Cannabis Transportation entities, Cannabis Disposal entities, Cannabis Research Facilities and Cannabis Testing Facilities must have a license with the MDOH (Mississippi Department of Health) before submitting for a CO with the City of Biloxi .

2. All cultivation, harvesting, processing and packaging of medical cannabis must take place in an enclosed, locked and secure facility, and meet the City of Biloxi development standards.

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Article 23-4 Use Standards
Section 23-4-1: Use Standards
Amend Section 23-4-1 (B): Use Table- Residential Districts

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	
Retail Sales and Service	Cannabis Dispensary or Cannabis research facility or Cannabis testing facility												23-4-3(D)(8)n
Agriculture	Cannabis Cultivation Facility	P											23-4-3(D)(8)o
Industrial Production and Manufacturing	Cannabis Processing Facility OR Cannabis Disposal Entity												23-4-3(D)(8)o
Transportation	Cannabis Transportation Entity												23-4-3(D)(8)o

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Article 23-4 Use Standards
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Amend 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																
Retail Sales and Service	Cannabis Dispensary or Cannabis research facility or Cannabis testing facility		P	P	P	C	P	C								23-4-3(D)(8)n
Agriculture	Cannabis Cultivation Facility			C	P		P									23-4-3(D)(8)o
Industrial Production and Manufacturing	Cannabis Processing Facility OR Cannabis Disposal Entity			C	P		P									23-4-3(D)(8)o
Transportation	Cannabis Transportation Entity				C		P									23-4-3(D)(8)o

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Article 23-4: Use Standards
Section 23-4-3: Use-Specific Standards
Section 23-4-3 (D): Commercial Uses
Amend Table 23-4-3(D)(11)

TABLE 23-4-3(D)(11):REQUIRED MINIMUM SPACING [1] BETWEEN REGULATED BUSINESS USES AND PROTECTED USES AND DISTRICTS (feet)
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	R/LOUNGE/BREWPUB/NIGHTCLUB	CHECK CASH / TITLE LOAN	DAY LABOR EMPLOYMENT SERVICE	ESCORT SERVICE OR BUREAU	LINGERIE MODELING	PAWN/BUY-SELL	SEX SHOP	SEXUALLY-ORIENTED CABARET	SEXUALLY-ORIENTED MEDIA	SEXUALLY-ORIENTED CINEMA	SEXUALLY-ORIENTED VIDEO ARCADE [2]	CANNABIS DISPENSARIES
Cannabis Dispensary												1,500
Facility Frequented by 6—18 Year Olds												1,000
Place of Worship												1,000
Funeral Homes												1,000

WHEREAS, the Biloxi City Council, after careful review, hereby adopts the recommendation of the Director of Community Development, 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 ORDAINED 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:

Amend Article 23-10-2: Terms and Uses Defined

Cannabis
All parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

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Add Section 23-4-3(D)(8)n

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Add Section 23-4-3(D)(8)o

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Cannabis Cultivation Facilities are allowed within the A- Agricultural, RB-Regional Business and I-Industrial zonings as a permitted use, and are allowed within the CB-Community Business with Conditional Use approval.
Cannabis Processing Facilities or Cannabis Disposal Entities are allowed within the RB-Regional Business and I-Industrial zonings as a permitted use, and are allowed within the CB-Community Business with Conditional Use approval.
Cannabis Transportation Entities are allowed within the I-Industrial zoning as a Permitted use and within the RB-Regional Business with Conditional Use approval.
Cannabis Cultivation Facilities, Cannabis Processing Facilities, Cannabis Disposal Entities or Cannabis Transportation Entities shall comply with the following standards:

1. Cannabis Transportation entities, Cannabis Disposal entities, Cannabis Research Facilities and Cannabis Testing Facilities must have a license with the MDOH (Mississippi Department of Health) before submitting for a CO with the City of Biloxi .

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Ord. No. 2484

Article 23-4 Use Standards
Section 23-4-1: Use Standards
Amend Section 23-4-1 (B): Use Table- Residential Districts

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Agriculture	Cannabis Cultivation Facility	P											23-4-3(D)(8)o
Industrial Production and Manufacturing	Cannabis Processing Facility OR Cannabis Disposal Entity												23-4-3(D)(8)o
Transportation	Cannabis Transportation Entity												23-4-3(D)(8)o

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Article 23-4 Use Standards
Section 23-4-1: Use Standards
Amend 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
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USE CATEGORY	SPECIFIC USE	NONRESIDENTIAL BASE DISTRICT								PLANNED DEVELOPMENT DISTRICT						USE-SPECIFIC STANDARDS (SECTION)
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COMMERCIAL USES																
Retail Sales and Service	Medical Cannabis Dispensary or Cannabis research facility or Cannabis testing facility		P	P	P	C	P	C								23-4-3(D)(8)n
Agriculture	Cannabis Cultivation Facility			C	P		P									23-4-3(D)(8)o
Industrial Production and Manufacturing	Cannabis Processing Facility OR Cannabis Disposal Entity			C	P		P									23-4-3(D)(8)o
Transportation	Cannabis Transportation Entity				C		P									23-4-3(D)(8)o

Ord. No. 2484

Article 23-4: Use Standards
Section 23-4-3: Use-Specific Standards
Section 23-4-3 (D): Commercial Uses
Amend Table 23-4-3(D)(11)

TABLE 23-4-3(D)(11):REQUIRED MINIMUM SPACING [1] BETWEEN REGULATED BUSINESS USES AND PROTECTED USES AND DISTRICTS
(feet)
BLANK CELL = NO SPACING REQUIRED

PROTECTED USE TYPE OR ZONING DISTRICT	REGULATED BUSINESS USE											
	R/LOUNGE/BREWPUB/NIGHTCLUB	CHECK CASH / TITLE LOAN	DAY LABOR EMPLOYMENT SERVICE	ESCORT SERVICE OR BUREAU	LINGERIE MODELING	PAWN//BUY-SELL	SEX SHOP	SEXUALLY-ORIENTED CABARET	SEXUALLY-ORIENTED MEDIA	SEXUALLY-ORIENTED CINEMA	SEXUALLY-ORIENTED VIDEO ARCADE [2]	CANNABIS DISPENSARIES
Medical Cannabis Dispensary												1,500
Facility Frequented by 6—18 Year Olds												1,000
Place of Worship												1,000
Funeral Homes												1,000

Ord. No. 2484

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 Tisdale, seconded by Councilmember Gines, and was adopted by the following vote:

YEAS:	Gines Newman Deming	Glavan Barrett	NAYS:	Lawrence
ABSENT:	Tisdale			

The President then declared the Ordinance adopted, as amended, this the 7th day of June, 2022.

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 9th day of June, 2022.

APPROVED:

MAYOR

BILOXI PLANNING COMMISSION MEETING
MAY 5, 2022
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, Co-chairman
Kay Bankston
Kyle Carron
Steve Delahousey
Charlie Dellenger
Gary Lechner
Joe King
Debora Magee
August Parker
Jimmy Poulos
Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
Caryle Lena, Planning Technician
Ed Shambra, Executive Planner
Tim Cipolla, Code Inspector
Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

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

	PAGE
NEW PUBLIC HEARING:	
22-037-PC	5
22-038-PC	22
22-039-PC	22
22-040-PC	77
22-041-PC	119
TREE HEARINGS: (None)	
OLD BUSINESS:	
21-058-PC	130

MR. DELLENGER:

Let's go ahead and get the planning meeting started.

We'll take a roll call. Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow; myself, Mr. Dellenger, all present; Ed Shambra, Executive Planner; Jerry Creel, Director of Community Development; Caryle Lena, Planning Technician. Tim Cipolla on the projector, Melissa Rodolfich, the court reporter; and Dr. Paul Tisdale, Councilman Ward 5, in the audience.

Mr. Parker, if you would like to lead us in a moment of prayer.

(Moment of prayer.)

MR. DELLENGER:

Mr. Todaro, if you would like to lead us in the pledge.

(Pledge of allegiance.)

MR. DELLENGER:

It looks like there is a lot of people in the audience; so if we could silence all cell phones and try to remain quiet while other people are at the podium, I would appreciate that.

If everyone has had a chance to review

the minutes, I would like a motion to approve the minutes.

MR. DELAHOUSEY:

So moved.

MS. BANKSTON:

Second.

MR. DELLENGER:

Moved by Mr. Delahousey; seconded by Bankston.

All in favor, signify by saying "aye."

(All in favor.)

MR. DELLENGER:

Any opposed?

(None opposed.)

MR. DELLENGER:

Motion carries.

Mr. Creel, are there any committee reports?

MR. CREEL:

Yes, sir. Mr. Chairman and Members of the Commission, over the past two weeks, the department has issued 162 building permits with a construction valuation of $2.2 million. We have collected $20,000 in permit fees. We've issued nine certificates of occupancy, three of those

were for short-term rental. Of the permits issued, one was for a renovation for Ellzey's Phase 3 on Howard Avenue, a remodel of Stark's at 995 Bayshore Drive and two new single-family houses.

MR. DELLENGER:

Thank you, Mr. Creel.

There are no continued public hearings.

New public hearings: First is Case Number 22-037-PC, City of Biloxi, for the introduction of cannabis-related uses to the Biloxi Land Development Ordinance to include the definitions of specific uses, identification of the zoning district where these uses will be authorized as permitted and conditional uses and use-specific standards required for each category. The sections of ordinance to include the following text amendments to the Biloxi Land Development Ordinance, specifically to provide, Article 23-10-2, Terms and Uses Defined; Section 23-4-3(D)(8)n through 23-4-3(D)(8)o through Article 23-4, Use Standards; Sections 23-4-1 (B), Use Table Residential Districts; Section 23-41 (C), Non-residential and Planned Development Districts. This was advertised 4/14, 4/21 and

4/28.

Jerry, did you want to give us a brief overview on this?

MR. CREEL:

As you know, the State of Mississippi has passed a law that allows cities and counties to consider the use of medical marijuana -- and emphasize, medical marijuana, not recreational marijuana. Now, the law that was passed is over 400 pages long, but out of the law that was passed, there is only three or four of the pages in there that relate to the city and county governments. Most everything about medical marijuana is going to be regulated by the State Department of Health and the State Department of Revenue, and it's very stringent in here, the rules and regulations. But essentially, what's happened is they've delegated the power of where these types of entities go to the city, the cities and the counties.

So what we did, since it was medical marijuana and it is going to be done by prescription, what we did is took the entities that are a part of this that are defined in the state law and used exactly the same language that

they used to define these different types of entities. So you will see in your packet that, of course, they define what is cannabis. They also talk about the different types of entities, like medical cannabis dispensary, cannabis cultivation facility, cannabis disposal, cannabis processing facility, cannabis research facility, cannabis testing facility, also a cannabis transportation entity.

And then they have some rules and regulations in the state law that we also are duplicating into the ordinance that talk about where you can have these different types of entities in there.

So what you have before you today is mainly the definitions that come right out of the state law as to what each one of these entities are, how they are defined. And then the table in the back of your packet that shows you where we believe that they should be allowed.

For example, on the dispensary, which is essentially the sales location where medical marijuana/medical cannabis can be sold, we tried to tie that in with where we allow a drug store or a pharmacy to be located. And then you have got

some others in there, like the growing facility, we tied that to agricultural. Although, with this law, all of the growing facilities have to be indoors. And they have to meet the State Department of Health's regulations.

So essentially what would happen is if someone wanted to open one of these facilities, they would have to go to the state, get approval for their plan. Once they had all of their approvals from the state, then they would come back to us and apply for that particular location. And we would compare it to the zoning table.

Cannabis cultivation facility, right now, we're recommending that that be permitted in agricultural zoning as a use by right.

Cannabis dispensary, a research facility or a testing facility would be allowed as use by right in neighborhood business, community business, regional business, a conditional use in downtown, a permitted use in industrial and a conditional use in waterfront.

A cannabis cultivation facility would be allowed as a permitted use in industrial zoning.

A cannabis processing facility or a cannabis disposal entity would be allowed in RB

zoning or industrial zoning.

The cannabis transportation entity would be allowed as a permitted use in RB and in industrial.

Now, we're going to get into some situations -- these recommendations are a starting point. We are going to get into some situations where there might be a combination facility, one that is a dispensary, but it also has transportation tied to it or a processing facility that has transportation tied to it. And what we will do is, we will -- if this gets approved by the Planning Commission and the City Council, we would come back and modify as we get those requests and those requests make sense, but we believe we are starting off with a good initial document here and that's pretty much the presentation of it.

MR. CARRON:

Jerry, I have a question for you. I know they regulate the distance where a cannabis facility can be to a childcare facility, school or church.

MR. CREEL:

That's correct.

MR. CARRON:

What do we do in the -- say, it's located in one of these areas and later on a childcare facility wants to open up within that that distance? Is there any --

MR. CREEL:

They would have to obtain a waiver. In other words, the way that it would work is that this facility would not be able to open up within those distances -- and this comes out of state law -- within those distances from an existing daycare.

MR. DELLENGER:

No. He's talking about, let's say, there is a facility --

MR. CREEL:

I'm not finished yet.

MR. DELLENGER:

Okay.

MR. CREEL:

So in the event that we have an existing cannabis facility and someone comes in to open up a daycare, we would have to make them aware of it, you know, because -- and then, you know, at some point, there may be a variance request by someone

and we might have to go back and talk to the State about how to handle that.

MR. CARRON:

Yeah. I figured that would be a question that we might want to pursue.

MR. CREEL:

And that's a good question. Thank you for asking that.

MR. DELLENGER:

Are we limiting ourselves to -- I mean, not knowing exactly what areas may be best for any of these, I guess, for growing, say, since it all has to be in inside, you know, it doesn't necessarily have to be, to me, in agricultural because we're limited in agricultural to not many parcels in the City of Biloxi.

MR. CREEL:

Yeah. And I think we're going to have some comments today from some people in the audience that are asking that very question. Since it is an indoor facility, basically a nondescript building that it's going to be used and, you know, it's going to have limited signage on the outside, it's not necessarily a place -- a growing facility is not necessarily a place where

people are going to be pulling in and pulling out of all the time, why wouldn't it be allowed in CB zoning and RB zoning that? And that's a good question and that's something for the Planning Commission to consider.

We have put together a draft document here, and, you know, Planning Commission can make recommendations on -- I think we need to amend this to say this zoning should allow it and then we will take that to the City Council and see what they say.

MR. CARRON:

Jerry, they also state that these buildings will be secure buildings. Are there any guidelines on that as to the level of security that those buildings have to have?

MR. CREEL:

In the state law. Yes, that's regulated by the state law. And listen, this thing was painful to read because it's so specific about the controls that the State Department of Health and the State Department of Revenue are going to have over these places.

So our -- we would be limited to just the zoning aspects of it. I mean, we're not going

to be the agency charged with making sure that there is security where it's supposed to be. So from our standpoint, if it meets the zoning requirements and they stay within those zoning requirements, then they are good with us.

MR. CARRON:

Thank you.

MR. DELLENGER:

Essentially it would just be like them operating any other business that was regulated by the state?

MR. CREEL:

That's correct.

MR. DELLENGER:

Okay. Is there anybody that would like to speak on behalf of these text amendments?

Please come to the front, state your name and address for the record.

MR. LLOYD:

Good afternoon. Sid Lloyd, 15171 Lamey Bridge Road, Biloxi.

I would like to get CB added to the zoning for agricultural cannabis because it's all secured. It's enclosed. Nothing is outside. You would never know it before if you were looking at

any warehouse building in the city.

And I have property on 67 that would be ideal. It's highway frontage, limited access. Main road, Lamey Bridge behind us. It's limited access into this property because it's a scenic highway, so there is no other way to get into it.

But this would be a big boost for Biloxi's tax base to be able to put something like this there, and we are -- that's the only thing we basically can do. It's not a high traffic area that we can get into anymore, but we'd love to see it a community business because that's what it's zoned now, which it used be agriculture, before it was annexed into the city.

MR. DELAHOUSEY:

Would you recommend that it be permitted or conditional use?

MR. LLOYD:

Permitted. I don't think -- I mean, how much agricultural land do you have in Biloxi? So you're really going to cut yourself out of a lot of revenue by doing that.

This is going to be safe and secure. They're not going to be 40- and 50,000-square-foot buildings, so why would you put them in an

industrial park? And they're going to need to have fire service, police service. They are going to be -- as Jerry said, they are going to be so heavily regulated and secured around them, they need to be in local areas that have access to police and fire.

MR. DELLENGER:

Okay. Thank you.

Any other questions?

Thank you.

MR. LLOYD:

Thank you.

MR. DELLENGER:

Anyone else like to speak on this subject?

Okay. We'll consider that hearing closed.

Is there any discussion among the members on this issue?

MR. DELAHOUSEY:

What's your thought, Ed's thought about adding permitted use to agricultural district?

MR. CREEL:

We do not have a problem with CB or maybe even RB. Again, because the buildings -- on

the outside, you're really not even going to know what's there and it's such a controlled environment. And Sid is actually correct, you know. The deliveries would come in from the rear, that kind of thing. So in retrospect, we probably should have added those to the recommendation.

MR. DELAHOUSEY:

CB and RB?

MR. CREEL:

I would say so, yes.

MR. DELLENGER:

Now, Jerry, do you mean for the cultivation, the transportation for all of it, or, I mean, because really you could have one facility that could essentially do it all theoretically.

MR. CREEL:

You could, yes. The multipurpose facilities we believe need to go into higher zonings, like RB, maybe industrial, into those because that's our more intensive zoning districts. This property that Sid is talking about is zoned CB. And if I remember right, that's just -- y'all are just talking about the growing facility and dispensary?

MR. LLOYD:

You need to have all of it there because, I mean, you're going to have one facility. If you're growing it, you're going to be processing it and transporting it. Everything is going to be taking place in one location.

MR. CREEL:

Yes. CB and RB.

MR. DELLENGER:

Would be for all of these?

MR. SHAMBRA:

Just remember what we have presently zoned CB and RB. We have a lot of highway, small shopping center. A lot of areas that could be impacted.

MR. CREEL:

We have been getting a lot of requests already, you know, people calling us asking us if they can go ahead and open. Well, no, you can't open yet. You know, we've still got to get through where we're going to allow these things to come in. And even on top of that, you've still got to get the State's approval before you come to us with the application.

This will work very similar to what we do with projects that we have where they're

building over the waterfront where we require them to come in with their DMR approvals first before we even accept the application or consider the application.

MR. TODARO:

Other than having them at least, 1,000 feet apart, is there anything else, like Edward said, that we could do to restrict, like, them popping up in places we're concerned about like the mall or something?

MR. CREEL:

Well, we're not allowed to pass anything that would exceed the requirements of the State.

MR. TODARO:

And that's 1,000 feet apart?

MR. CREEL:

1,000 feet apart. But there is a provision in there that says that if the developer, if the owner of this place goes to that school or goes to that daycare and asks for permission, that there can be a waiver of up to 500 feet for the distance requirement.

MR. TODARO:

If that second party agrees to it?

MR. CREEL:

That's correct, yes.

MR. DELAHOUSEY:

So are you saying that it might make sense to add permitted use not only agricultural for the CB and RB, but also industrial production under CB and transportation under CB?

MR. CREEL:

I think CB for all of those would work. And remember, we're dealing with something, you know, that we have never dealt with before here. I mean, this is all new and it was presented to us and we can always go back and revisit later if we need to. But CB, RB and industrial are the three most intensive business zonings that we have.

And if this were something where people were just setting this up on the side of the road, no oversight from the State, that would be one thing. But again, the regulations here are so stringent that I really think that the calls that we're getting right now, when it comes right down to it and people see what type of money they're going to have to spend to get into this business, we're probably going to see half of those applications go away.

MR. DELLENGER:

Jerry, would it be prudent to table this maybe till possibly the next meeting to get a better understanding of exactly all of these?

MR. CREEL:

That's up to the Planning Commission.

MR. DELLENGER:

I mean, I'm --

MR. CREEL:

You know, we sent them out last week to give you an opportunity to read it and to call us with questions, but if y'all feel like y'all need more time, that's entirely up to the Planning Commission if y'all want to do that.

MR. DELAHOUSEY:

It sounds like your office has done a pretty thorough job of reading -- what did you say -- 400 pages and trying to interpret that.

MR. CREEL:

Uh-huh.

MR. DELAHOUSEY:

And this document that you provided us seems to be pretty thorough on -- puts the city in a good position and one step ahead in getting prepared for it instead of after the fact.

I would like to make a motion that we

approve this request with the addition of adding CB to agricultural and industrial production and manufacturing and transportation and adding permitted to RB.

MR. POULOS:

Second.

MR. DELLENGER:

Motion by Mr. Delahousey; second by Mr. Poulos.

MR. DELAHOUSEY:

Four different additions.

MR. DELLENGER:

For the adding of CB on those four?

MR. DELAHOUSEY:

CB on three of them; RB on one.

MR. DELLENGER:

All of those in favor, signify by raising your hand.

Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Bankston, Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow; myself, Mr. Dellenger.

All opposed?

Ms. Magee, did you vote?

MS. MAGEE:

I'm sorry. I voted for.

MR. DELLENGER:

Okay. I didn't see your hand up.

Unanimous. That hearing is closed.

The next two hearings somewhat go together, but are a little bit separate, so I'm going to read those two together. We will hear the first case and vote on it before going to the second.

First one is Case Number 22-038-PC, Heidi and Dan Hoyt, which is an application for a zoning map amendment to authorize a change in zoning district classification for a parcel of land measuring eighty-seven one-hundredths of an acre in size from its present zoning district classification of RS-7.5, medium density, single-family and to RM-10, low density, multifamily residential for a parcel of land identified as 1611 Glenn Swetman Street. This case was advertised on 4/14, 4/21 and 4/28.

Mr. Cipolla, do you have the video on that?

MR. CIPOLLA:

I'm in the corner of Glenn Swetman. It goes right in the corner there onto Clower. This

is all one structure. This is the historic Swetman House. I'm walking down to the Munro property. The property line comes right there and then it goes down to Cayman Cove. And I'll show you the inlet there. This goes all the way to the back of that fence. This is the front of the house that looks toward the beach. That's it.

MR. DELLENGER:

I'm going to read the second case that has to do with this one as well. We'll hear them together, but we'll have to vote separately on them.

The next one is Case 22-039-PC, Heidi and Dan Hoyt, an application for a conditional use approval to authorize an existing single-family residence to be utilized as a bed and breakfast for a property presently situated within a RS-7.5 medium density, single-family residential zone, which property is being submitted for a zoning map amendment for RM-10 and identified by municipal address 1611 Glenn Swetman Street. That's the same property there. We're going to be voting for the change first and then the conditional use second. That was advertised on the 21st and 28th of April.

Is the applicant here? Would they like to come forward? Please state your name and address for the record.

MS. HOYT:

Hi. My name is Heidi Hoyt.

MR. HOYT:

My name is Dan Hoyt, 1611 Glenn Swetman.

MS. HOYT:

Thank you for having us here today. I appreciate you taking the time. As we mentioned, we live on 1611 Glenn Swetman Street. Our house consists of four bedrooms and four and a half baths.

MR. HOYT:

Six bedrooms.

MS. HOYT:

Excuse me. Six bedrooms and six and a half baths. This is our private residence. We live here full time. We applied for homestead credit with the city and we plan on living there full time.

But our bed and breakfast would be our private home and for our overnight guests. This means that we will continue monitoring the property and be there at all times.