

Ordinance No. 2537

ORDINANCE TO AMEND THE BILOXI LAND DEVELOPMENT ORDINANCE,
SPECIFICALLY TO AMEND SECTION 23-4-3(D)(10)e PERTAINING TO THE
ADDITION OF LIMITS FOR CONDITIONAL USE SHORT-TERM RENTAL APPROVALS

WHEREAS, on Thursday, November 16, 2023, the Biloxi Planning Commission held 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. 23-095-PC, City of Biloxi, with respect to a proposed Text Amendment to the Biloxi Land Development Ordinance; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that the City of Biloxi has proposed a Text Amendment to the Biloxi Land Development Ordinance, to amend Section 23-4-3(D)(10)e of the Land Development Ordinance, requiring the cumulative total of short-term rentals permitted with conditional-use approval will not exceed 125; and

WHEREAS, on November 16, 2023, the Biloxi Planning Commission, upon much discussion of this text change, voted (12-0-0) to amend Section 23-4-3(D)(10)e of the Land Development Ordinance, as follows:

23-4-3-(D)(10)e

e. Short-Term Rentals

Short-term rentals shall be allowed as permitted uses upon properties situated within the following zoning districts: CB Community Business, RB Regional Business, DT Downtown, and WF Waterfront district zones, subject to compliance with all of the standards provided below.

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Short-term rentals may be authorized as Conditional Uses upon properties situated within the following zoning districts: A-Agricultural, LB-Limited Business, 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 these Conditional-Use zones will not exceed 125.

Short-term rentals may also be authorized in a PD-GE Planned Development-Gaming Establishment, PD-HB Planned Development-Hospitality Business, PD-C Planned Development-Commercial, or PD-I Planned Development-Infill zone subject to an approved Planned Development Master Plan by the City Council.

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; and

WHEREAS, the Biloxi City Council, after careful review of the minutes of the public hearing, adopts the report and findings of the Biloxi Planning Commission, as amended, and, in so doing, determines that modifications to the short-term rental section of the Land Development Ordinance are appropriate.

NOW, THEREFORE, BE IT ORDAINED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI; as follows:

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SECTION ONE: Portions of the text of Chapter 23 of the Code of Ordinances of the City of Biloxi, Mississippi, are hereby amended, specifically, Chapter 23 Section 23-4-3(D)(10)e as follows:

23-4-3-(D)(10)e

e. Short-Term Rentals

Short-term rentals shall be allowed as permitted uses upon properties situated within the following zoning districts: CB Community Business, RB Regional Business, DT Downtown, and WF Waterfront district zones, subject to compliance with all of the standards provided below.

Short-term rentals may be authorized as Conditional Uses upon properties situated within the following zoning districts: A-Agricultural, LB-Limited Business, 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 may also be authorized in a PD-GE Planned Development-Gaming Establishment, PD-HB Planned Development-Hospitality Business, PD-C Planned Development-Commercial, or PD-I Planned Development-Infill zone subject to an approved Planned Development Master Plan by the City Council.

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,

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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; and

SECTION TWO: All other sections of said Section 23 of the Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION THREE: This ordinance shall become effective from and after its passage and publication in accordance with applicable law.

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

YEAS:	Lawrence	Glavan	NAYS:	Newman
	Gines	Barrett		Deming
	Tisdale			

The President then declared the Ordinance adopted, as amended, this the 12th day of December, 2023.



ATTEST:

Heidi Campbell
CLERK OF THE COUNCIL

APPROVED:

Nathan Barrett
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 14th day of December, 2023.

APPROVED:

[Signature]
MAYOR

Scheduled for
November 16, 2023
PC Meeting

City of Biloxi
Case No. **23-095-PC**
Request for a **Text Amendment** to the LDO



**Planning Commission
Case Fact Sheet**

Case No.:	23-095-PC
Name of Applicant:	City of Biloxi
Address of Property:	N/A
Tax Parcel/Ward:	N/A

Request:	Text Amendment to the Land Development Ordinance
Purpose of Request:	To consider a Text Amendment to the Land Development Ordinance charged by the Biloxi City Council pursuant to Section 23-2-4(A)(2)b of the Biloxi Land Development Ordinance, to entertain proposed changes to said Land Development Ordinance, specifically Section 23-4-3-(D)(10)e concerning Short-Term Rentals .
Size of Property:	N/A
Present Zoning:	N/A
Present Use:	N/A
Most Nearly Bounded By (streets):	N/A
Adverse Influence:	None apparent.
Positive Influence:	The Planning Commission was charged by the City of Biloxi City Council to entertain proposed changes to said Land Development Ordinance, specifically Section 23-4-3-(D)(10)e concerning Short-Term Rentals .
Letters or 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 November 9, 2023.
Comments/ Recommendations:	Pursuant to a charge extended by the City of Biloxi City Council to consider a Text Amendment to the Land Development Ordinance related specifically to Section 23-4-3-(D)(10)e concerning Short-Term Rentals , Case No.

23-095-PC.

Proposed modifications and changes to the Land Development Ordinance to be discussed at this Public Hearing are as follows:

23-4-3-(D)(10)e

e. Short-Term Rentals

Short-term rentals shall be allowed as permitted uses upon properties situated within the following zoning districts: CB Community Business, RB Regional Business, DT Downtown, and WF Waterfront district zones, subject to compliance with all of the standards provided below.

Short-term rentals may be authorized as conditional uses upon properties situated within the following zoning districts: A-Agricultural, LB-Limited Business, 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 these conditional-use zones will not exceed 125.

Short-term rentals may also be authorized in a PD-GE planned development-gaming establishment, PD-HB planned development-hospitality business, PD-C planned development-commercial, or PD-I planned development-infill zone subject to an approved Planned Development master plan by the City Council.

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.

Options:

1. Recommend approval of this Text Amendment to the Land Development Ordinance.
2. Recommend denial of this Text Amendment to the Land Development Ordinance, as offered.

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1 BILOXI PLANNING COMMISSION MEETING
 2 NOVEMBER 16, 2023
 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.
 8 _____
 9
 10 PLANNING COMMISSION MEMBERS PRESENT:
 11 David Washer, Chairman
 12 Ronnie Bogard
 13 Kyle Carron
 14 Steve Delahousey
 15 Charlie Dellenger
 16 Dr. Larry Drawdy
 17 Joe King
 18 Gary Lechner
 19 August Parker
 20 Jimmy Poulos
 21 David Stanovich
 22 Michael Todaro
 23
 24 ALSO PRESENT:
 25 Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Zach Harris, City Arborist
 Mandy Hornsby, Historic Administrator
 26
 27 REPORTED BY:
 28 Melissa Burdine-Rodolfich
 29 Simpson Burdine & Miguez
 30

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

1 CONTINUED PUBLIC HEARING(S)	PAGE:
2 (None)	--
3 NEW PUBLIC HEARING(S):	
4 23-095-PC	6
5 23-098-PC	15
6 23-099-PC	29
7 TREE HEARING(S):	
8 (None)	--
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1 CHAIRMAN WASHER:
 2 Let us call the Planning Commission
 3 meeting to order, please.
 4 We'll record the members present.
 5 Mr. Lechner, Mr. Todaro, Mr. Parker, Mr. Bogard,
 6 Mr. Stanovich, Mr. Dellenger, Mr. Poulos,
 7 Dr. Drawdy, Mr. Carron, Mr. King, Mr. Delahousey,
 8 myself, David Washer; Jerry Creel, Director of
 9 Community Development; Caryle Lena, Planner. On
 10 the table at the front there is Felicia Serpas,
 11 Senior Planner, and Melissa Rodolfich, court
 12 reporter today. Behind them is Zach Harris, City
 13 Arborist, and also new face today is Mandy
 14 Hornsby, Architectural Administrator.
 15 MR. CREEL:
 16 Historic.
 17 CHAIRMAN WASHER:
 18 Historic.
 19 Ask Mr. Delahousey to please open the
 20 meeting with a moment of prayer.
 21 (Moment of prayer.)
 22 CHAIRMAN WASHER:
 23 Dr. Drawdy, would you lead us in the
 24 pledge, please, sir?
 25 (Pledge of Allegiance.)

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1 CHAIRMAN WASHER:
 2 We welcome everyone here with us today.
 3 We would ask that anyone that desires to speak,
 4 please come to the podium when your case is
 5 called. If you would, please sign in at the pad
 6 provided and also give us your name and address
 7 for the record.
 8 Also, let me recognize Dr. Paul Tisdale,
 9 Councilman Ward 5, in the audience with us.
 10 Any cell phones, we ask that you either
 11 mute them or turn them off.
 12 Ask if all members of the Commission
 13 received a copy of the minutes from the last
 14 meeting, and if there's any additions or
 15 corrections.
 16 MR. DELAHOUSEY:
 17 I move that we approve.
 18 MR. CARRON:
 19 Second.
 20 CHAIRMAN WASHER:
 21 Motion by Mr. Delahousey recommending
 22 approval; seconded by Mr. Carron.
 23 All those in favor, say "aye."
 24 (All in favor.)
 25 CHAIRMAN WASHER:

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1 Any opposed?
2 (None opposed.)
3 CHAIRMAN WASHER:
4 Thank you.
5 Committee reports today?
6 MR. CREEL:
7 Yes. Mr. Chairman and members of the
8 Commission, over the two weeks, the department has
9 issued 126 building permits. We had a total
10 construction valuation of \$1.1 million. We
11 collected \$21,000 in permit fees. We have issued
12 15 certificates of occupancy; four of those were
13 for short-term rental. And other permits issued,
14 three of those were actually the sub-permits for
15 the new Rouse's. They pulled their plumbing,
16 mechanical and their electrical permit. That was
17 a total of a little over \$3 million, but because
18 they're sub-permits, they don't show up on our
19 total report. Only the new construction permits
20 show up. Also, we issued a permit for The
21 Sanctuary, which is the church that's on Camellia
22 Street just behind the Waffle House there across
23 from Treasure Bay Casino, and three new
24 single-family houses.
25 CHAIRMAN WASHER:

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1 Planning Commission has the right to consider --
2 approve this or not to approve it. If they feel
3 that the number is too high, they can reduce that
4 number down to something they feel like -- they
5 feel is more realistic, but that's basically the
6 part of the request.
7 We have so much opposition to a lot of
8 these, especially in the areas that are zoned
9 RM-20 and RM-30 where they abut single-family
10 zoning, and we have had a number of neighbors to
11 come out. We understand that some of the cities
12 around us have limits on the number that they're
13 allowing, and so the recommendation that came to
14 us from the Council was to limit the total number
15 to not more than 125.
16 CHAIRMAN WASHER:
17 Okay. Thank you.
18 Mr. Delahousey.
19 MR. DELAHOUSEY:
20 I had a question. I did a good bit of
21 research on this and it sounds like cities
22 certainly have the authority to regulate the
23 number of short-term rentals.
24 My concern is what if this passes and
25 someone with a lot of money decides to come before

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1 Thank you.
2 No continued public hearings.
3 New public hearing, Case Number
4 23-095-PC, City of Biloxi. This is a text
5 amendment to the Land Development Ordinance to
6 consider a charge extended by the City of Biloxi
7 Administration to consider a text amendment to the
8 Land Development Ordinance related to Section
9 23-4-3-(D)(10)e concerning short-term rentals.
10 This was advertised on November 2nd and
11 November 9th.
12 Jerry, anything you want to say?
13 MR. CREEL:
14 Yes, sir. I'll do that.
15 Okay. What this is, this came as a
16 request from the City Council. You know, we have
17 had a number of cases where short-term rental --
18 or requests for short-term conditional use in
19 RM-20 and RM-30. This is not a challenge to any
20 of the ones that are going in the zones where it's
21 allowed as a use-by-right but only to those that
22 are being considered for conditional use.
23 We currently have 57 that are existing,
24 and the recommendation is that we put a ceiling on
25 the number that we would issue of 125. The

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1 us and gobble up a bunch of the 125 short-term
2 rentals and they just sit vacant? Have you had
3 any experience where there has been a condition
4 placed on this type of restriction that if there
5 has been no occupancy, say for six months or more,
6 that it reverts back to conditional use?
7 MR. CREEL:
8 We haven't been faced with that yet,
9 that type of a situation yet. You know, is that
10 possible? It's possible, yeah, but we would still
11 have to deal with the properties through code
12 enforcement. I mean, if someone buys up a number
13 of these properties that are in these multi-family
14 zones and some of them even in some of the lower
15 business zones where it would require a
16 conditional use, we can't stop them from
17 purchasing the property. But if the properties
18 are unkempt, we just have to address it through
19 code enforcement.
20 MR. DELLENGER:
21 Where did the 125 come from?
22 MR. CREEL:
23 That was just a recommendation that came
24 from one of the council members that --
25 MR. DELLENGER:

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1 So there's no reason behind that number?
2 MR. CREEL:
3 No.
4 MR. DELLENGER:
5 I didn't know if that's just --
6 MR. DELAHOUSEY:
7 Charlie, I checked with Gulfport. If
8 I'm correct, Gulfport's limited to 55 or
9 something.
10 MR. STANOVICH:
11 Ocean Springs was 75 for the whole city,
12 not in a particular zone. I think they recently
13 upped that.
14 MR. CREEL:
15 Yes.
16 MR. STANOVICH:
17 They've had restrictions for years.
18 MR. CARRON:
19 How many total do we have --
20 MR. DELAHOUSEY:
21 57.
22 MR. CARRON:
23 -- in the permitted areas?
24 MR. CREEL:
25 Just the conditional use, we have 57.

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1 You pretty well heard Mr. Creel's
2 comments on that, so we will entertain a motion.
3 MR. DELAHOUSEY:
4 I move that we approve the
5 recommendation.
6 MR. CARRON:
7 I will second it.
8 CHAIRMAN WASHER:
9 Motion by Mr. Delahousey recommending
10 approval; second by Mr. Carron.
11 MR. CARRON:
12 But I still -- under discussion, I've
13 got a question about once we've reached that 125
14 targets, basically it will be frozen and then if
15 some should drop out for some reason or another,
16 then it would open it back up for more, correct?
17 MR. DELAHOUSEY:
18 Or we could increase it.
19 MR. CREEL:
20 The way that the ordinance would work,
21 let's say that we've maxed out. We have 125.
22 Someone comes in to fill out an application, I
23 would have to deny that application, which means
24 that their option -- only option would be to file
25 an appeal, and my guess would be is that they

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1 We updated this this morning. 57 that are
2 conditional use. We have a total 452 overall.
3 CHAIRMAN WASHER:
4 All right. Any other questions?
5 MR. CREEL:
6 Yeah. This would not relieve anyone
7 from still having to come before the Planning
8 Commission or the City Council in order to get a
9 conditional use approval. It's not affecting that
10 at all. We just have a ceiling number on the
11 total number that we can allow as conditional use.
12 MR. DELLENGER:
13 Will this allow us to up that at some
14 point if we --
15 MR. CREEL:
16 Planning Commission and City Council can
17 always recommend that it be increased, yes.
18 CHAIRMAN WASHER:
19 All right. Is there anyone in the
20 audience that wants to speak in favor of the
21 proposed regulation change? Anyone speaking in
22 favor? No one speaking in favor.
23 Is there speaking in opposition? No one
24 speaking in opposition.
25 We will consider that hearing closed.

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1 would have to file that appeal based on some legal
2 basis, you know, that maybe we didn't have the
3 authority to limit it. But once we get to the
4 125, I just have to not accept any applications.
5 MR. CARRON:
6 One of the other issues that I think we
7 would have with it, as the ordinance stands now,
8 the Realtors are telling people there are
9 conditional uses in these areas. And once we hit
10 that 125 number, unless they're notified, they're
11 going to still be selling property to people
12 thinking that it's conditional use, that they
13 could possibly make them short-term rental.
14 MR. CREEL:
15 Well, we can use Public Affairs to make
16 sure that that message is sent out to let people
17 know. And I'm sure we're going to hear from real
18 estate agents and other people, but we will do
19 everything that we can to publicize the fact that
20 there was a limit if this goes through.
21 MR. DELAHOUSEY:
22 That was going to be my question also.
23 In addition to that, perhaps that could be one of
24 our regular agenda items, that you can report on
25 where we are with meeting that 125 ceiling.

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1 MR. CREEL:
2 We can do that, yes.
3 MR. DELLENGER:
4 What happens if somebody comes in --
5 let's just say we hit the 125 cap. Somebody comes
6 in in January and you say, I have to deny this;
7 we're at the 125 cap. All of a sudden that frees
8 up the next month. Somebody closes theirs or
9 whatever, one frees up.
10 Am I supposed to just come in every
11 month and check on that or is there a check and
12 balance to say, okay, you're on a waiting list?
13 CHAIRMAN WASHER:
14 No. We could keep copies of those
15 applications in order, the order that they were
16 received. And if for whatever reason somebody
17 just decides to stop doing short-term rental, then
18 we can notify that next person in line, that, you
19 know, because one has stepped aside, we're back
20 down to 124 and you can now apply for it.
21 MR. DELLENGER:
22 I mean, is that a procedure that you
23 guys are planning on putting in place, or was that
24 just kind of, well, we could do that?
25 MR. CREEL:

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1 Mr. Lechner, Mr. Todaro, Mr. Parker,
2 Mr. Bogard, Mr. Stanovich, Mr. Dellenger,
3 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,
4 Mr. Delahousey; myself, David Washer. We'll let
5 the record show that's unanimous.
6 Our next case is 23-098-PC, Best
7 Holding, LLC, Owner; Marty Hardy, applicant. It's
8 an application for a PD-C, Planned
9 Development-Commercial District Master Plan, under
10 the working title Tomaston Medical Park on 17.79
11 acres, more or less, in size, presently zoned, RB,
12 Regional Business, and identified as 12290 North
13 Oaklawn Road and an unaddressed parcel fronting
14 Shriner's Boulevard. This is Municipal Tax Parcel
15 Number 1108H-04-001.000 and 1108H-04-002.000.
16 This case was also advertised on November 2nd and
17 November 9th.
18 Got the video on that, Felicia?
19 MS. SERPAS:
20 Yes, sir. That's Shriner off the top
21 right of the screen. That's looking back to the
22 west and I-10 right there.
23 CHAIRMAN WASHER:
24 Thank you.
25 Mr. Hardy, are you presenting this case?

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1 No. We can do that. I mean, we haven't
2 talked about it in that depth yet, but certainly,
3 that's reasonable and that will work within the
4 ordinance.
5 MR. CARRON:
6 There would have to be some wording put
7 in there, too, that these people should have a
8 time limit that they have to respond back to you
9 saying yay or nay, you know, whether they are
10 going to do it.
11 MR. STANOVICH:
12 I'm pretty sure Ocean Springs had a
13 waiting list like you're talking about. I think
14 that's a good idea. Let somebody know they can
15 get in line. If somebody drops off, they would be
16 next up.
17 CHAIRMAN WASHER:
18 All right. Any other discussion?
19 (No response.)
20 CHAIRMAN WASHER:
21 All right. We have got a motion and
22 second on the floor recommending approval to put a
23 cap on at 125.
24 All those in favor, raise your hand,
25 please.

16

1 MR. HARDY:
2 Yes. Well, I'll let Mr. Bart --
3 CHAIRMAN WASHER:
4 All right, sir.
5 DR. EDMISTON:
6 Thank you. So my name is Bart Edmiston.
7 I'm one of the anesthesiologists with my partner
8 Samir Tomajian, who -- we take care of Merit
9 Hospital and we're also the chiefs at Memorial
10 Hospital.
11 What we're doing is -- and I wish we had
12 a drone to show you, because we do have some good
13 pictures to show you what we want to do. So what
14 we want to do is we want to take Merit Hospital,
15 Memorial Hospital, ourselves and some of the best
16 physicians in each representative specialty, such
17 as plastic surgery, oncology, neurosurgery,
18 gastroenterology, and we want to put it all
19 together in a complex. Right now, we don't have
20 enough space at Memorial or Merit to put everyone
21 in a place.
22 So we have gotten the endorsement of
23 Memorial Hospital, of Merit Hospital, both CEOs
24 and the administration. And we want to combine it
25 because this property sits kind of equal distance