

Ordinance No. 2557

ORDINANCE TO AMEND TEXT WITHIN THE LAND DEVELOPMENT ORDINANCE
REMOVING THE ABILITY TO APPLY FOR CONDITIONAL USE WITHIN THE
DT-DOWNTOWN ZONING FOR CERTAIN CANNABIS USES, FOUND WITHIN
SECTION 23-4-1 (C) USE TABLE: NONRESIDENTIAL AND PLANNED DEVELOPMENT
DISTRICTS AND SECTION 23-4-3(D)(8)N

WHEREAS, on Thursday, June 20, 2024, 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. 24-034-PC, a charge initiated by the Director of Community Development, to consider a Text Amendment within the Land Development Ordinance removing the ability to apply for Conditional Use within the DT-Downtown zoning for certain Cannabis uses, found within Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts and Section 23-4-3(D)(8)n; and

WHEREAS, on June 20, 2024, the Planning Commission members, were apprised of the particulars of this case, being made cognizant of the fact that this text amendment would remove certain Cannabis uses as Conditional Use within the Downtown zoning District; and

WHEREAS, after some discussion of the particulars of this case, the Biloxi Planning Commission voted 12-1-0 to approve the proposed Text Amendment to the Land Development Ordinance as follows:

Ord. No. 2557

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 DISTRICT					BASE			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	<u>Cannabis Dispensary or Cannabis research facility or Cannabis testing facility</u>		P	P	P	C	P	C								23-4-3(D)(8)n

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

Medical 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; and

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

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

Ord. No. 2557

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 DISTRICT							PLANNED DEVELOPMENT DISTRICT						USE-SPECIFIC STANDARDS (SECTION)	
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COMMERCIAL USES																
Retail Sales and Service	<u>Cannabis Dispensary or Cannabis research facility or Cannabis testing facility</u>		P	P	P	€	P	C								<u>23-4-3(D)(8)n</u>

Article 23-4-3(D)(8)n

Medical 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.

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: 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.

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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:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Shoemaker		
	McGilvary			

The President then declared the Ordinance adopted this the 23rd day of July, 2024.



ATTEST:

APPROVED:

Keii Campbell
CLERK OF THE COUNCIL

[Signature]
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 26th day of July, 2024.

APPROVED:

[Signature]
MAYOR

Scheduled for
June 20, 2024
PC Meeting

City of Biloxi
Case No. 24-034-PC
Text Amendment to the LDO
Section 23-4-1 (C) Use Table



**Planning Commission
Case Fact Sheet**

Case No.:	24-034-PC
Name of Applicant:	City of Biloxi
Address of Property:	N/A
Tax Parcel/Ward:	N/A

Request:	Text Amendment
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Purpose of Request:	To consider a Text Amendment within the Land Development Ordinance removing the ability to apply for Conditional Use within the DT-Downtown zoning for certain Cannabis uses, found within Section 23-4-1 (C) Use Table: Nonresidential and Planned Development Districts and Section 23-4-3(D)(8)n .
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Size of Property:	N/A
Present Zoning:	N/A
Present Use:	N/A
Most Nearly Bounded By (streets):	N/A

Adverse Influences:	N/A
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Positive Influences:	This Text Change, as presented, would remove certain Cannabis uses as Conditional Use within the Downtown zoning District.
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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 June 13, 2024.
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Comments/ Recommendations:	The section of text to be considered for change/modifications are as follows:
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**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 DISTRICT					BASE 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	<u>Cannabis Dispensary or Cannabis research facility or Cannabis testing facility</u>		P	P	P	C	P	C									<u>23-4-3(D)(8)n</u>

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

Medical 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:

Options:

1. Recommend approval of this Text Amendment to the Land Development Ordinance, removing the Conditional Use option under the DT-Downtown zoning, as noted.
2. Recommend denial of this Text Amendment to the Land Development Ordinance, as offered.



Planning Commission Application
 City of Biloxi - Planning Division
 Mailing Address: P.O. Box 508, Biloxi, MS 39530
 Office Location: 676 Dr. MLK Blvd.,
 Building (228) 435-6270 Planning (228) 435-6266 Fax (228) 435-6188
 Case No. 24-034-PC

To Be Completed by Owner/Applicant Date:

Name of Rightful Owner(s): Name of Applicant: (if different than Owner)
COB

Property Address: Ward Number

Tax Parcel Identification Number(s):

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Mailing Address of Property Owner: Mailing Address of Applicant (if different than Owner)

City: City:

State: State:

Zip: Zip:

County County

Telephone:() Telephone:()

Property Size (please give in acres or by dimension):

Present Zoning Classification:

Is the property located within an AHRC District? Yes ___ No ___ If so, which District?

Is this property a Historic Landmark? Yes ___ No ___

Flood Zone(s) of Property: North South East West

Property is most nearly bounded by what streets?

If property directly fronts or is adjacent one of the streets above, please indicate with a ✓

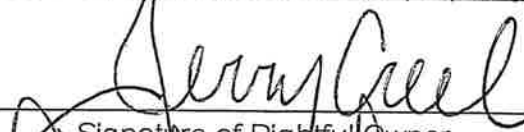

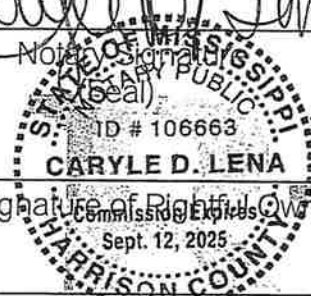
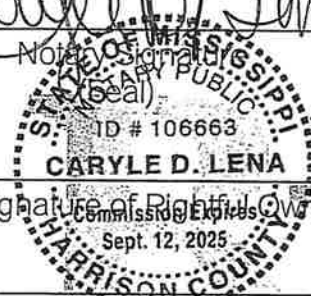

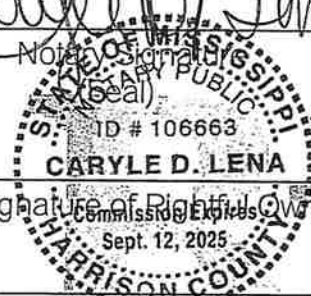
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REQUESTED ACTION BY THE PLANNING COMMISSION (A separate supplement form is required for each): ✓

- Text Amendment
- Zoning Map Amendment – must include zone classification change in narrative
- Planned Development
- Master Plan/Update
- Preliminary Subdivision Review
- Conditional Use
- Public ROW Vacation
- Street Name Change
- Variance
- Appeal
- Tree Removal

GENERAL INFORMATION, READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the application process have been fully explained and understood, including the timetable for processing of the application; the applicant has further received the following appropriate handouts: Application Processing Timetable; Instructions for Application Completion, Procedures for a Conditional Use or Community Unit Plan; and Variance Procedures. The completed application must be returned to the Planning Office not later than the first or third Thursday of any month in order that a public hearing may be held on the first or third Thursday of the following month. Receipt of fee(s) does not constitute receipt of a completed application.

The Planning Commission (PC) is a recommendation board, all cases will go to the Biloxi City Council for a final determination. If any case is denied by the Biloxi City Council, you will have ten (10) days to appeal their decision.

 _____ Signature of Rightful Owner	 _____ Notary Signature (Seal)
 _____ Signature of Rightful Owner	 _____ Notary Signature (Seal)
_____ Notary Signature (Seal)	 _____ Signature of Applicant
_____ Notary Signature (Seal)	 _____ Notary Signature (Seal)

If someone other than the applicant needs to be notified concerning this case, please note name(s) and address(es) below:

NOTES:

NOTE: Please see attached instructions for details on documents required for a complete application.

1

BILOXI PLANNING COMMISSION MEETING
 JUNE 20, 2024
 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:

David washer, Chairman
 Kyle Carron
 Steve Delahousey
 Charlie Dellenger
 Dr. Larry Drawdy
 Joe King
 Mr. Lechner
 Ms. Magee
 August Parker
 Jimmy Poulos
 Ms. Shaw
 John Snow
 David Stanovich

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Caryle Lena, Planner I
 Zach Harris, City Arborist
 Jon Lambert, Code Inspector
 Mandy Hornsby, Historical Administrator
 Dr. Paul Tisdale, Councilman ward 5

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

2

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

CONTINUED PUBLIC HEARING(S):	PAGE:
(None)	--
NEW PUBLIC HEARING(S):	
<u>24-034-PC</u>	<u>5</u>
24-035-PC	9
TREE HEARINGS(S):	
(None)	--

3

CHAIRMAN WASHER:

Let us call the Planning Commission meeting to order, please.

We'll record the members present.

Mr. Lechner, Mr. Parker, Ms. Magee, Ms. Shaw, Mr. Stanovich, Mr. Dellenger, Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King, Mr. Snow; Mr. Delahousey; myself, David Washer.

Next to me is Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Zach Harris, Arborist; Caryle Lena, Planner; Jon Lambert, Inspector; Melissa Rodolfich, court reporter, and behind her is Mandy Hornsby, the Historical Administrator.

Mr. Delahousey, if you would, open the meeting with a moment of prayer, please.

(Moment of prayer.)

MR. DELAHOUSEY:

If I could have one more minute to indulge y'all. Last Friday was a little known national holiday, Flag Day, and in a minute, we're getting ready to say the Pledge of Allegiance. I would just ask you to think of the words that we say. So many times we just recite them, but think about what we're saying as we begin this next --

4

CHAIRMAN WASHER:

Mr. Carron, the pledge, please, sir.
 (Pledge of Allegiance.)

CHAIRMAN WASHER:

Let me also recognize Dr. Paul Tisdale, Councilman Ward 5, who is now in attendance.

We'd like to welcome everyone here with us today. We would ask that anyone that desires to speak, please come to the podium when your cases is called, sign in at the pad provided and give us your name and address for the record.

Ask if all the members of the Commission received a copy of the minutes from the last meeting and if there's any additions or corrections?

MR. DELAHOUSEY:

I move to approve.

MS. MAGEE:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey recommending approval; seconded by Ms. Magee.

All those in favor, say "aye."

(Unanimous vote.)

CHAIRMAN WASHER:

1 Any opposed?
 2 (None opposed.)
 3 CHAIRMAN WASHER:
 4 Thank you.
 5 Mr. Creel, committee reports.
 6 MR. CREEL:
 7 Yes, sir. Mr. Chairman and members of
 8 the Commission, over the past two weeks, the
 9 department has issued 233 building permits, with a
 10 construction valuation of \$5.3 million. We
 11 collected \$2,600 -- 26,000 in permit fees, issued
 12 licenses for 14 new businesses, also 10
 13 certificates of occupancy. Five of those were for
 14 short-term rental. Out of the major projects
 15 issued permits, two were for major roof repairs to
 16 different Biloxi schools, and we've had four --
 17 excuse me, we had 10 single-family houses.
 18 CHAIRMAN WASHER:
 19 Thank you.
 20 We have no continued public hearings.
 21 New public hearing today, Case
 22 Number 24-034-PC, City of Biloxi. This is a
 23 request for a text amendment within the Land
 24 Development Ordinance removing the ability to
 25 apply for a conditional use within the DT-Downtown

1 Okay. Is there any discussion on that?
 2 MR. DELLENGER:
 3 What was the reasoning for wanting to
 4 remove --
 5 MR. CREEL:
 6 The administration just feels like
 7 cannabis dispensaries would -- my guess, would
 8 generate an undesirable element hanging around
 9 buildings downtown, you know, which is not the --
 10 what we're trying to project there. I know that
 11 was part of the argument when one of them went
 12 through the City Council, was that there would be
 13 the people -- even though the state law prohibits
 14 that, that there would be people just hanging
 15 around, so this is the recommendation.
 16 MR. DELAHOUSEY:
 17 Jerry, the Downtown zoning district goes
 18 from where to where?
 19 MR. CREEL:
 20 It runs from Porter Avenue -- certain
 21 parts of Porter Avenue all the way east to just
 22 the other side of Legends and it goes up to
 23 Esters. And if you'll recall, we just approved a
 24 few pieces of property on the north side of the
 25 railroad track that were just changed about a year

1 zoning for certain cannabis uses found within
 2 Section 23-4-1(C) Use Table: Nonresidential
 3 Planned Development Districts and Section
 4 23-4-3(D)(8)n.
 5 This case was advertised on June 5th and
 6 June 12th. No video on this one. I will call on
 7 Mr. Creel to tell us where we're going on this.
 8 MR. CREEL:
 9 This is a request that actually came
 10 from the administration. You know, we have had
 11 some cases where requests have been made for
 12 having cannabis dispensaries located in Downtown
 13 and they're a conditional use under our ordinance.
 14 But the applications that we received, most of the
 15 time, City Council felt that the locations were
 16 not appropriate. There was one that was approved,
 17 but that one has been shelved right now.
 18 We do have one application pending, and
 19 we would have to honor that application because
 20 they did get it in before this change was
 21 presented. But the request is that cannabis
 22 dispensaries would be removed from the Downtown
 23 zoning district, and that's -- it's just that
 24 simple.
 25 CHAIRMAN WASHER:

1 ago to Downtown, but that's the basic boundaries
 2 for it right now.
 3 CHAIRMAN WASHER:
 4 Any other questions or discussion?
 5 (No response.)
 6 CHAIRMAN WASHER:
 7 Anyone want to offer a motion?
 8 MR. PARKER:
 9 Recommend approval.
 10 CHAIRMAN WASHER:
 11 Motion by Mr. Parker recommending
 12 approval.
 13 MS. MAGEE:
 14 I second.
 15 CHAIRMAN WASHER:
 16 Seconded by Ms. Magee.
 17 All right. We have a motion and second
 18 on the floor recommending approval of the request
 19 of the City of Biloxi for a text amendment.
 20 All those in favor raise your hand,
 21 please. Mr. Lechner, Mr. Parker, Ms. Magee,
 22 Ms. Shaw, Mr. Stanovich, Mr. Dellenger,
 23 Mr. Poulos, Dr. Drawdy, Mr. Carron, Mr. King,
 24 Mr. Snow; myself, David Washer.
 25 Any opposed? Mr. Delahousey opposed.

1 Motion carries.
 2 Our next case, 24-035-PC, City of
 3 Biloxi. This is a request for a vacation of an
 4 unimproved public right-of-way, measuring
 5 approximately 663.5 feet by 10 feet more or less,
 6 adjacent to a number of properties on Lee Street.
 7 Those are all on the handouts on the table in the
 8 back. I'm not going to read all those.
 9 This was advertised on June 5th and
 10 June 12th. You got a video on that, Mr. Lambert?
 11 MR. LAMBERT:
 12 Yes, sir.
 13 (Video played.)
 14 That's it. It's a quick one.
 15 CHAIRMAN WASHER:
 16 I failed on that last case on the
 17 restriction -- the conditional use for the
 18 dispensaries to give everyone in the audience a
 19 chance to speak for or against. I'm going to
 20 revert back to that, if anyone wants to speak in
 21 favor of that proposal. No one speaking in favor.
 22 Anyone speaking in opposition? No one
 23 speaking in opposition.
 24 Fine. We'll continue on.
 25 In regard to this case for vacation of

1 the alleys, is there anyone in the audience that
 2 wants to speak in favor of the vacation of the
 3 alleys? No one speaking in favor.
 4 Anyone speaking in opposition?
 5 Yes, sir.
 6 MR. SINGLETON:
 7 Can you kind of explain -- my mom is a
 8 resident of that area -- for her understanding,
 9 exactly what's being said?
 10 CHAIRMAN WASHER:
 11 Okay. We have a request to -- actually,
 12 there was one other parcel included at the top of
 13 Austin Street there, but that was removed because
 14 we have got some utilities in there. The rest of
 15 them were all subject to approval or denial.
 16 If that is vacated, half of that
 17 property that adjoins the homeowners will go to
 18 them and then it will go on the tax rolls, and the
 19 other half -- what is that, the Kroc Center?
 20 MR. CREEL:
 21 Yes. Well, it will be the new community
 22 center.
 23 CHAIRMAN WASHER:
 24 The new community center will wind up
 25 with the other five feet, so that's --

1 MR. SINGLETON:
 2 So if it's vacated, it goes to them, the
 3 residents?
 4 MR. CREEL:
 5 Half will.
 6 MR. SINGLETON:
 7 Half will.
 8 MR. CREEL:
 9 It's 10 foot wide.
 10 CHAIRMAN WASHER:
 11 Adjoining property owners.
 12 MR. DELAHOUSEY:
 13 Is that area ever used, Jerry?
 14 MR. CREEL:
 15 Sir, we need your name, please. Could
 16 you -- for the record.
 17 MR. SINGLETON:
 18 Kareem Singleton, K-A-R-E-E-M,
 19 Singleton.
 20 CHAIRMAN WASHER:
 21 If you would, come up and sign this pad
 22 at the podium, please, sir.
 23 MR. SINGLETON:
 24 Okay.
 25 CHAIRMAN WASHER:

1 We've probably never done anything with
 2 it because it was the City of Biloxi before it was
 3 the stadium, huh?
 4 MR. CREEL:
 5 Yes, sir. Well, until this project came
 6 along, there was no need to vacate it, but it is
 7 part -- the alley is a part of what's being
 8 proposed that takes in actual area for the new
 9 community center that's going to be built.
 10 The part that's in the south end that
 11 you mentioned that runs east and west, the
 12 utilities did have a problem with that. That's
 13 actually part of the parking lot for the Kroc
 14 Center, but the long stretch running north and
 15 south, that's the part that is being considered
 16 today for vacation.
 17 MR. DELAHOUSEY:
 18 And has it ever been used for anything?
 19 MR. CREEL:
 20 (Shaking head negatively.)
 21 MR. CARRON:
 22 Jerry, when they do something like this,
 23 does it actually increase the property owners'
 24 taxes?
 25 MR. CREEL: