

Ordinance No. 2482

AN ORDINANCE TO AMEND A SECTION OF THE LAND DEVELOPMENT
ORDINANCE SPECIFICALLY TO MODIFY SECTION 23-6-3(H)(3)a
STORMWATER POND LANDSCAPING

WHEREAS, on Thursday, April 7, 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. 22-029-PC, a charge initiated by the Director of Community Development, to consider a Text Amendment to the Land Development Ordinance, for Section 23-6-3(H)(3)a – Stormwater Pond Landscaping; and

WHEREAS, the Planning Commission members, at their meeting on April 7, 2022, were apprised of the particulars of this case, being made cognizant of specific changes proposed for Section 23-6-3(H)(3)a – Stormwater Pond Landscaping – as related to fencing around stormwater ponds; and

WHEREAS, on Thursday, April 7, 2022, after limited discussion, the Biloxi Planning Commission voted unanimously to approve the suggested Text Amendments to the Land Development Ordinance, involving a modification to Section 23-6-3(H)(3)a – Stormwater Pond Landscaping to add a third sentence relative to fencing, as here in provided; and

WHEREAS, the Text Amendments involved included the following:

- a. Fencing
 1. Stormwater retention or detention ponds shall be surrounded by a green or black vinyl coated chain-link fence at least four feet high. All fences shall provide a securable entrance gate.
 2. Fences around stormwater ponds shall not be required when the site containing the pond is surrounded by a fence at least six feet high.
 3. Fences around stormwater ponds shall not be required when the depth of the pond is less than three feet, and the pond maintains a slope of 3:1 or less;
- and

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WHEREAS, the Biloxi City Council, after careful review of this recommendation to amend this section of text, hereby adopts the report and findings of the Biloxi Planning Commission, and in so doing, determines that the Change proposed for the Text amendment to the Land Development Ordinance, as here in presented, is 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:

Section 23-6-3(H)(3)a – Stormwater Pond Landscaping

a. Fencing

1. Stormwater retention or detention ponds shall be surrounded by a green or black vinyl coated chain-link fence at least four feet high. All fences shall provide a securable entrance gate.
2. Fences around stormwater ponds shall not be required when the site containing the pond is surrounded by a fence at least six feet high.
3. Fences around stormwater ponds shall not be required when the depth of the pond is less than three feet, and the pond maintains a slope of 3:1 or less;
and

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 Barrett, seconded by Councilmember Deming, and was adopted by the following vote:

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YEAS: Lawrence Deming NAYS: None
 Gines Tisdale
 Newman Barrett

ABSENT: Glavan

The Vice-President then declared the Ordinance adopted this the 3rd day of May, 2022.



ATTEST:

APPROVED:

Kei Campbell
CLERK OF THE COUNCIL

[Signature]
VICE-PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 3rd day of May, 2022.

APPROVED:

[Signature]
MAYOR

Scheduled for:
April 7, 2021
PC Meeting

City of Biloxi
Case No. 22-029-PC
Text Amendments to
the Biloxi Land Development Ordinance



**Planning Commission
Case Fact Sheet**

Case No.:	22-029-PC
Name of Applicant:	City of Biloxi
Address of Property:	N/A
Tax Parcel/Ward:	N/A

Request:	Text Amendments to the Biloxi Land Development Ordinance – Section 23-6-3(H)(3)a – Stormwater Pond Landscaping.
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Purpose of Request:	Amend Section 23-6-3(H(3))a – Stormwater Pond Landscaping – as follows:
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a. Fencing

1. Stormwater retention or detention ponds shall be surrounded by a green or black vinyl coated chain-link fence at least four feet high. All fences shall provide a securable entrance gate.
2. Fences around stormwater ponds shall not be required when the site containing the pond is surrounded by a fence at least six feet high.
3. Fences around stormwater ponds shall not be required when the depth of the pond is less than three feet, and the pond maintains a slope of 3:1 or less.

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case, as of March 31, 2022.

**Comments/
Recommendations:**

The sections of text to be considered for change/modification are as follows:

Amend Section 23-6-3(H)(3)a – Stormwater Pond Landscaping – as follows:

- a. Fencing
1. Stormwater retention or detention ponds shall be surrounded by a green or black vinyl coated chain-link fence at least four feet high. All fences shall provide a securable entrance gate.
 2. Fences around stormwater ponds shall not be required when the site containing the pond is surrounded by a fence at least six feet high.
 3. Fences around stormwater ponds shall not be required when the depth of the pond is less than three feet, and the pond maintains a slope of 3:1 or less.

Options:

1. Accept the proposed modifications of sections of the Biloxi Land Development Ordinance **Amend Section 23-6-3(H)(3)a – Stormwater Pond Landscaping – as follows:**
 - a. Fencing
 1. Stormwater retention or detention ponds shall be surrounded by a green or black vinyl coated chain-link fence at least four feet high. All fences shall provide a securable entrance gate.
 2. Fences around stormwater ponds shall not be required when the site containing the pond is entirely surrounded by a fence at least six feet high.
 3. Fences around stormwater ponds shall not be required when the depth of the pond is less than three feet, and the pond maintains a slope of 3:1 or less.
2. Recommend denial of the **Text Amendments**, as offered.

1 BILOXI PLANNING COMMISSION MEETING¹
 2 April 7th, 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.

8
 9 PLANNING COMMISSION MEMBERS PRESENT:

10 David Washer, Chairman
 11 Kay Bankston
 12 Kyle Carron
 13 Steve Delahousey
 14 Charlie Dellenger
 15 Gary Lechner
 16 Joe King
 17 Debora Magee
 18 August Parker
 19 Jimmy Poulos
 20 John Snow
 21 David Stanovich
 22 Cheryl Thompson
 23 Michael Todaro

24 ALSO PRESENT:

25 Jerry Creel, Director of Community Development
 Caryle Lena, Planning Technician
 Felicia Serpas, Planning Technician
 Ed Shambra, Executive Planner

REPORTED BY

Melissa Burdine-Rodolfich
 Simpson Burdine & Miguez

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

PAGE

CONTINUED PUBLIC HEARINGS: (None)

NEW PUBLIC HEARINGS:

22-029-PC 5
 22-030-PC 9
 22-031-PC 28
 22-032-PC 38

TREE HEARINGS: (None)

CHAIRMAN WASHER:

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

We'll record the members present, Mr. Lechner, Mr. Todaro, Mr. Parker, Ms. Magee, Ms. Thompson, Mr. Stanovich; coming in, Ms. Bankston; Mr. Delahousey, Mr. Poulos, Mr. Carron, Mr. King, Mr. Snow, Mr. Dellenger; myself, David Washer; Ed Shambra, Executive Planner; Jerry Creel, Director of Community Development; Caryle Lena, planning technician. Felicia Serpas is on the projector, planning technician; and our court reporter today is Melissa Rodolfich.

I would like to welcome you all here with us today. We'd ask that any cell phones in the audience, if you'd kindly mute them or turn them off.

Ask Mr. Parker to lead us in a moment of prayer, please.

(Moment of prayer.)

CHAIRMAN WASHER:

Ms. Magee, the pledge, please, ma'am.

(Pledge of allegiance.)

CHAIRMAN WASHER:

We welcome all of you with us here today. Anyone that desires to speak, please come to the podium when your case is called and also sign in at the pad provided.

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

MR. DELAHOUSEY:

Move to approve.

MS. BANKSTON:

Second.

CHAIRMAN WASHER:

Motion by Mr. Delahousey; second by

Ms. Bankston.

All those in favor, say "aye."

(All in favor.)

CHAIRMAN WASHER:

Any opposed?

(None indicated.)

CHAIRMAN WASHER:

Good news, everybody -- well, we've got to talk to Jerry first. Committee reporters?

MR. CREEL:

Yes, sir. Mr. Chairman and Members of the Commission, over the past two weeks, the

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1 department has issued 162 building permits with a
2 construction valuation of \$3.1 million. We have
3 collected right at \$18,000 in permit fees, issued
4 17 new business licenses and nine renewals, also
5 28 certificates of occupancy, of which, seven were
6 for short-term rental. Out of the permits issued,
7 one was for the new Slim Chickens restaurant being
8 built at the corner of Cedar Lake and Popp's Ferry
9 Road, also two new single-family subdivisions.
10 CHAIRMAN WASHER:
11 Thank you, sir.
12 All right. Continued public hearing,
13 Case Number 21-052-PC, Alterna Mortgage, Ed
14 advises me that that's been being removed from the
15 agenda, so we don't have to look at that any
16 longer.
17 New public hearing today, Case Number
18 22-029-PC, City of Biloxi. It's an application
19 for a text amendment to the Land Development
20 Ordinance, LDO, involving minor modifications to
21 Section 23-6-3(H)(3)a, stormwater pond landscaping
22 as follows: A, fencing, one, stormwater retention
23 or detention ponds shall be surrounded by a green
24 or black vinyl-coated chain-link fence at least
25 four feet high. All fences shall provide a

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1 seeing in here was proposed by the City's
2 engineering department that as long as they're
3 not -- as long as the pond is less than three feet
4 deep and maintains a slope of three-to-one or
5 less, they would not be required to have a fence
6 around the detention pond.
7 So it's a simple change, and we think it
8 makes common sense so we would recommend it.
9 CHAIRMAN WASHER:
10 All right. Thank you.
11 Any questions, Members of the
12 Commission?
13 MR. CARRON:
14 Jerry, do you feel it's still safe for,
15 you know, small children with it being three feet
16 deep?
17 MR. CREEL:
18 Retention ponds are different than
19 detention ponds. Detention ponds are ones that
20 drain off, and retention ponds are ponds that hold
21 water until it dries up.
22 So this language addresses the detention
23 pond. This addresses the detention pond, and it
24 was determined by engineering, by the staff, that
25 we believe this would be okay.

6
1 securable entrance gate. Number 2, fences around
2 stormwater ponds shall not be required when the
3 site containing pond is entirely surrounded by a
4 fence at least six feet high; and, 3, which we're
5 addressing today, fences around stormwater ponds
6 shall not be required when the depth of the pond
7 is less than three feet and the pond maintains a
8 slope of three-to-one or less. This case was
9 advertised on March 17th, 24th and 31st. No video
10 on that. Do you want to address that one, Ed or
11 Jerry?
12 MR. CREEL:
13 This actually came to our attention
14 during a recent Development Review Committee
15 meeting, which is typically when these things jump
16 out at you, but we had a project that came in
17 where they were not proposing a fence around the
18 stormwater detention pond on a project, and the
19 ordinance says that you have to have a fence
20 around it.
21 Well, in this case, the pond was so
22 shallow and the slope was very low that,
23 realistically, it didn't make sense to require a
24 fence around it, so we talked to our engineering
25 department. Actually, the language that you're

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1 MR. CARRON:
2 Okay. Thank you.
3 CHAIRMAN WASHER:
4 Is there any other questions?
5 We'll ask if there is anyone in the
6 audience that wants to speak in favor of the
7 proposal? No one speaking in favor.
8 Anyone speaking in opposition? No one
9 speaking in opposition.
10 We'll consider that hearing closed.
11 Mr. Shambra. There's nothing else to be
12 said, is there?
13 MR. SHAMBRA:
14 There's not a whole lot else to add to
15 it. It's just a minor change in the text with the
16 three-foot aspect of it.
17 MR. DELAHOUSEY:
18 I move to approve the amendment.
19 MS. BANKSTON:
20 Second.
21 CHAIRMAN WASHER:
22 All right. Motion by Mr. Delahousey
23 recommending approval; seconded by Ms. Bankston.
24 All those in favor, raise year hand,
25 please.