

Ordinance No. 2488

ORDINANCE TO AMEND A SECTION OF THE LAND DEVELOPMENT ORDINANCE SPECIFICALLY TO MODIFY SECTION 23-4-4(C)(21), SOLAR ENERGY EQUIPMENT, AND TO CORRECT A SCRIVENER'S ERROR IN SECTION 23-2-4(C): PLANNED DEVELOPMENT

WHEREAS, on Thursday, July 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. 22-051-PC, a charge initiated by the Director of Community Development, to consider a Text Amendment to the Land Development Ordinance, related to Section 23-4-4(C)(21), Solar Energy Equipment, and to correct a scrivener's error in Section 23-2-4(C): Planned Development; and

WHEREAS, the Planning Commission members, were apprised of the particulars of this case, being made cognizant of [specifically to minimize visual impact from Right-of-Ways] changes proposed or Solar Energy Equipment and to correct a scrivener's error in Section 23-2-4(C): Planned Development; and

WHEREAS, on Thursday, July 7, 2022, after limited discussion, the Biloxi Planning Commission voted unanimously to approve the suggested Text Amendments to the Land Development Ordinance, and to correct the scrivener's error; and

WHEREAS, the Text Amendments involved included the following:

Amend Section 23-4-4(C)(21): Solar Energy Equipment Solar energy equipment shall comply with the following standards:

- a. To minimize the visual impact, solar energy equipment shall not be visible along the front street elevation, unless the panels are designed to match the standard roof covering material – shingles or metal panels.
- b. Solar panels may be located on any roof, up to five feet above the roof surface, to adequately access solar energy.

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- c. Solar energy equipment, excluding solar panels or collectors, may project into side and rear setback areas but no closer than two feet to any property line, in order to permit equipment to be installed adjacent to existing, non-conforming electric meters.
- d. To minimize the visual impact, Solar Energy Equipment to be installed at ground level, shall not be allowed in the front or side yard of any lot facing a street Right-of-way, unless fully enclosed by a privacy fence. Ground level Solar Energy Equipment is allowed in the rear and interior side of a lot.
- e. In Historic Districts and upon Historic Landmark Structures, Solar Energy Equipment to be installed shall comply with the currently adopted edition of the City of Biloxi Architectural and Historic Design Review Guidelines.

Amend Section 23-2-4(C)(4): Planned Development Review Standards

Review of and the decision on a Planned Development application shall be subject to the review standards in Section 23-2-4(B)(5)(3) Map Amendment (Rezoning) Review Standards, the general standards for all PD districts in Section 23-3-4(B)(C), General Standards for All Planned Development Districts, and the standards for the proposed type of PD District in Sections 23-3-4(C) through 23-3-4(H).

WHEREAS, the Biloxi City Council, after careful review of this recommendation to amend these sections 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:

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Amend Section 23-4-4(C)(21): Solar Energy Equipment

Solar energy equipment shall comply with the following standards:

- a. To minimize the visual impact, solar energy equipment shall not be visible along the front street elevation, unless the panels are designed to match the standard roof covering material – shingles or metal panels.
- b. Solar panels may be located on any roof, up to five feet above the roof surface, to adequately access solar energy.
- c. Solar energy equipment, excluding solar panels or collectors, may project into side and rear setback areas but no closer than two feet to any property line, in order to permit equipment to be installed adjacent to existing, non-conforming electric meters.
- d. To minimize the visual impact, Solar Energy Equipment to be installed at ground level, shall not be allowed in the front or side yard of any lot facing a street Right-of-way, unless fully enclosed by a privacy fence. Ground level Solar Energy Equipment is allowed in the rear and interior side of a lot.
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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.

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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 Barrett, and was adopted by the following vote:

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

The President then declared the Ordinance adopted this the 2<sup>nd</sup> day of August, 2022.



ATTEST:

APPROVED:

*Kei Campbell*  
 \_\_\_\_\_  
 CLERK OF THE COUNCIL

*Ken Glavan*  
 \_\_\_\_\_  
 PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 3<sup>rd</sup> day of August, 2022.

APPROVED:

*[Signature]*  
 \_\_\_\_\_  
 MAYOR

Scheduled for  
July 7, 2022  
PC Meeting

City of Biloxi  
Case No. 22-051-PC  
A Text Amendment to the LDO



**Planning Commission  
Case Fact Sheet**

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<b>Case No.:</b>	22-051-PC
<b>Name of Applicant:</b>	City of Biloxi
<b>Address of Property:</b>	N/A
<b>Tax Parcel/Ward:</b>	N/A

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<b>Requests:</b>	<b>Text Amendment</b> <b>Scrivener's error</b>
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<b>Purpose of Request:</b>	To consider a text change to the <b>Land Development Ordinance</b> , related to <b>Section 23-4-4(C)(21), Solar Energy Equipment</b> , and to correct a scrivener's error in Section 23-2-4(C): Planned Development.
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<b>Size of Property:</b>	N/A
<b>Present Zoning:</b>	N/A
<b>Present Use:</b>	N/A
<b>Most Nearly Bounded By (streets):</b>	N/A

<b>Adverse Influence:</b>	None apparent.
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<b>Positive Influence:</b>	This Text Change will amend the requirements for Solar Energy Equipment, better suiting the needs of the City.
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<b>Letters or Concerns stated:</b>	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 30, 2022.
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<b>Comments/ Recommendations:</b>	Pursuant to a charge extended by the Director of Community Development for the Planning Commission to explore a potential Text Amendment, to the Section of the Land Development Ordinance related to <b>Solar Energy Equipment</b> , and to correct a scrivener's error in Section 23-
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2-4(C): **Planned Development**, as follows:

**Amend Section 23-4-4(C)(21): Solar Energy Equipment**

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- e. In Historic Districts and upon Historic Landmark Structures, Solar Energy Equipment to be installed shall comply with the currently adopted edition of the City of Biloxi Architectural and Historic Design Review Guidelines.

**Amend Section 23-2-4(C)(4): Planned Development Review Standards**

Review of and the decision on a Planned Development application shall be subject to the review standards in Section 23-2-4(B)(5)(3) Map Amendment (Rezoning) Review Standards, the general standards for all PD districts in Section 23-3-4(B)(C), General Standards for All Planned Development Districts, and the standards for the proposed type of PD District in Sections 23-3-4(C) through 23-3-4(H).

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

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**BILOXI PLANNING COMMISSION MEETING**  
 JULY 7, 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.

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**PLANNING COMMISSION MEMBERS PRESENT:**  
 David Washer, Chairman  
 Steve Delahousey  
 Charlie Dellenger  
 Joe King  
 Gary Lechner  
 Debora Magee  
 August Parker  
 John Snow  
 Michael Todaro

**ALSO PRESENT:**  
 Jerry Creel, Director of Community Development  
 Caryle Lena, Planner  
 Felicia Serpas, Senior Planner  
 Tim Cipolla, Code Inspector

**REPORTED BY**  
 Melissa Burdine-Rodolfich  
 Simpson Burdine & Miguez

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

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CONTINUED PUBLIC HEARING:  
 TR-22-005 5

NEW PUBLIC HEARING:  
 22-051-PC 6

TREE HEARINGS: (None)

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**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, Mr. Dellenger, Mr. King, Mr. Snow; Mr Delahousey; myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Caryle Lena, Planner. On the projector is Tim Cipolla, Planning Inspector. Our court reporter today is Melissa Rodolfich, and in the audience today is Dr. Paul Tisdale, Councilman Ward 5.  
 We'd ask Mr. Delahousey to please open the meeting with a moment of prayer.  
 (Moment of prayer.)  
**CHAIRMAN WASHER:**  
 Mr. King, the pledge, please.  
 (Pledge of allegiance.)  
**CHAIRMAN WASHER:**  
 We welcome everyone here with us today. We would ask that anyone that desires to speak, please come to the podium when your case is called, give us your name and address for the record and also please sign in at the pad provided.

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Ask if all members of the Commission received a copy of the minutes from the last meeting and if there is any additions or corrections? If not, we will entertain a motion to accept them as presented.  
**MR. DELAHOUSEY:**  
 So moved.  
**MR. SNOW:**  
 Second.  
**CHAIRMAN WASHER:**  
 Motion by Mr. Delahousey; seconded by Mr. Snow.  
 All those in favor, say "aye."  
 (All in favor.)  
**CHAIRMAN WASHER:**  
 All right. Any opposed?  
 (None opposed.)  
**CHAIRMAN WASHER:**  
 Committee reports, Mr. Creel?  
**MR. CREEL:**  
 Yes, sir. Mr. Chairman and members of the Commission, over the past two weeks, the department has issued 200 building permits, with a construction valuation of \$1.4 million. We have collected \$15,600 in permit fees, issued licenses

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1 for 15 new businesses and three renewals. We have  
2 also issued 16 new certificates of occupancy.  
3 CHAIRMAN WASHER:  
4 Okay. Thank you.  
5 Continued public hearing, we had Case  
6 Number TR-22-005, Lawrence M. Rouse, II, Amelia  
7 A.R. Murphy, owners; Greg Williams, applicant.  
8 This is the request to remove the trees for the  
9 subdivision that was approved at the last meeting.  
10 You want to talk about that, Jerry?  
11 MR. CREEL:  
12 Yes, sir. As you remember, we -- the  
13 Planning Commission remanded that case back to the  
14 Development Review Committee so that we could  
15 actually take a look at how many trees are being  
16 removed. The developer in the meantime had  
17 adjusted the proposed road a little bit to  
18 actually save two more of the trees.  
19 But ultimately, what they're going to  
20 do, they are going to remove two trees for sure,  
21 but there are 17 trees where the curb line will  
22 go into the root system of those trees. They  
23 don't propose to remove those trees, but they are  
24 going to affect the root system. So based on  
25 that, what we told them they would have to do,

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1 proposed, what we have added to it is we're  
2 opening the door in the language to allow those  
3 solar panels that are designed like the shingles  
4 of the house so that those would be allowed, you  
5 know; whether it's in the historic district or  
6 whether it's in any other neighborhood, if they  
7 can show that the shingles are not going to  
8 adversely affect the look of the structure, then  
9 we would allow that.  
10 Also, we put some language in to address  
11 the solar equipment that would be mounted on the  
12 ground at that grade level. Now, in -- outside of  
13 the historic district -- let's talk about that  
14 first -- what this would allow is that it would  
15 prevent the solar panels from being mounted in the  
16 front yard or on the side yard if it is a corner  
17 lot, so neighbors wouldn't have to look at solar  
18 equipment there. However, if they can put it  
19 behind the fence on the street side or in the rear  
20 of the yard out of the public view or on the other  
21 side between the two houses, that would continue  
22 to be allowed.  
23 In the historic district, the historic  
24 district already has language in there that  
25 addresses not only solar panels but any other

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1 we're going to readvertise the case with all of  
2 the trees listed and then bring that back to the  
3 Planning Commission serving as the Tree  
4 Commission.  
5 CHAIRMAN WASHER:  
6 Okay. No chances of being able to shift  
7 the road a little bit more in those areas?  
8 MR. CREEL:  
9 Not without affecting the lots that are  
10 on there.  
11 CHAIRMAN WASHER:  
12 I got ya.  
13 New public hearing today, Case  
14 22-051-PC, City of Biloxi, it's an application for  
15 a text amendment to the section of the Land  
16 Development Ordinance related to solar energy  
17 equipment and to correct a scrivener's error in  
18 23-2-4(C) Planned Development.  
19 I'll turn it over to you, Jerry.  
20 MR. CREEL:  
21 This case, as we have talked about  
22 before, you know, solar equipment is going to  
23 become more and more important as we go along.  
24 And the language in the text of the LDO is very  
25 limited in what would be allowed, so what is being

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1 accessory equipment that might go in. And  
2 basically what it says there is that it has to be  
3 located out of public view, so that language in  
4 the AHRC districts already prevents what we're  
5 addressing today.  
6 But this is something that we just need  
7 to put in there. I'm sure that we're going to  
8 have to come back and amend this later on as new  
9 technology continues to come out. One of the  
10 reasons that we decided to address it now is that  
11 new technology has come out about these  
12 shingle-looking roof-style solar panels and so  
13 we're going to go ahead and address that now.  
14 CHAIRMAN WASHER:  
15 Okay. Thank you. Any questions of  
16 Mr. Creel on that?  
17 MR. DELLENGER:  
18 Yeah. Jerry, I see in Subsection B  
19 where it says, "Solar panels may be located on any  
20 roof up to five feet above the roof surface."  
21 Would that be like on a raised structure above the  
22 roof?  
23 MR. CREEL:  
24 That's what the language says, yes. And  
25 some of this also is designed, you know, for



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1 commercial installation as well, so where you may  
 2 have a parapet roof on a flat structure, they  
 3 would be allowed to put it in above that. But the  
 4 assumption there, if it were in that location, it  
 5 would be out of public view, you know. It would  
 6 be on top of a flat roof.  
 7 Anyone else?  
 8 (No other questions.)  
 9 CHAIRMAN WASHER:  
 10 We'd ask if there is anyone in the  
 11 audience that wants to speak in favor of the  
 12 proposed changes? No one speaking in favor.  
 13 Anyone speaking in opposition? No one  
 14 speaking in opposition.  
 15 We'll consider that hearing closed.  
 16 All right. Y'all heard the comments  
 17 from Mr. Creel and the proposed changes and the  
 18 reasons for those. I don't know if there's any  
 19 other questions. If not, we will entertain a  
 20 motion.  
 21 MR. TODARO:  
 22 I move that we approve.  
 23 MR. PARKER:  
 24 Second.  
 25 MR. DELLENGER:

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1 Second.  
 2 CHAIRMAN WASHER:  
 3 Motion by Mr. Todaro recommending  
 4 approval; seconded by Mr. Parker and  
 5 Mr. Dellenger.  
 6 We will ask that as all those in favor  
 7 of approval, raise your hand, please.  
 8 Mr. Lechner, Mr. Todaro, Mr. Parker,  
 9 Ms. Magee, Mr. Dellenger, Mr. King, Mr. Snow,  
 10 Mr. Delahousey; myself, David Washer. We'll let  
 11 the record show that's unanimous with all members  
 12 in attendance.  
 13 Our next case today is 22-056-PC,  
 14 Rebecca Center on behalf of 1908 Bed and  
 15 Breakfast, Inc. This is application for a  
 16 conditional use approval to authorize an existing  
 17 single-family residence to be utilized as a bed  
 18 and breakfast on a parcel of land measuring  
 19 approximately .39 of an acre, more or less, in  
 20 overall size for property presently situated  
 21 within a RM-10 low-density multifamily residential  
 22 zone and identified as 1012 Beach Boulevard, being  
 23 Municipal Tax Parcel Number 1410L-05-057.000.  
 24 This case was advertised on July 23rd, July 30th.  
 25 TIM CIPOLLA:

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1 As we know, this is down on the beach a  
 2 block off -- or a lot off of Suter Place and on  
 3 the other side is Benachi, and the parking lot  
 4 actually comes out to Benachi on the other side.  
 5 The lighthouse, the pier. I have the back on  
 6 Google Earth. So this is the driveway that comes  
 7 around to the back of the building back here. As  
 8 I said, this is Benachi. This is Suter. This is  
 9 parking right here and parking in the rear.  
 10 CHAIRMAN WASHER:  
 11 All right. Is the applicant or their  
 12 representative here, please?  
 13 MS. CENTER:  
 14 Yes. Good afternoon. So we are --  
 15 CHAIRMAN WASHER:  
 16 For the record, give me your name and  
 17 address and please sign if you haven't signed in.  
 18 MS. CENTER:  
 19 I signed in. I'm Rebecca Center and  
 20 it's 1012 Beach Boulevard in Biloxi.  
 21 MR. CENTER:  
 22 I'm Brian Center, 1012 Beach Boulevard  
 23 in Biloxi, husband.  
 24 MS. CENTER:  
 25 So we purchased the property with the

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1 intent of taking it back to a bed and breakfast  
 2 that Mr. Walter Blessey established. It's  
 3 currently being rented as an Airbnb. We feel  
 4 there is more control over a bed and breakfast.  
 5 We would not be as grand as Mr. Blessey, not as  
 6 many events, no dinners because, quite frankly, I  
 7 don't want to be in the kitchen all day.  
 8 So it would be an overnight  
 9 accommodation. We would serve them breakfast,  
 10 hopefully get them out into the City of Biloxi to  
 11 spend money, tourism and travel, get into some of  
 12 the downtown restaurants hopefully, like we  
 13 noticed a lot of the downtown's getting  
 14 revitalized, get them out there.  
 15 We also did purchase the property next  
 16 door as well, and eventually will potentially put  
 17 some more parking over there. We just want to  
 18 keep it as is to see how it is and just kind of  
 19 look forward to restoring it to a little bit of  
 20 the way it was before the owner before us made  
 21 some changes. We want to get it a little more  
 22 historically accurate to 1908.  
 23 And we will have events, but they will  
 24 be very limited. Like, if somebody were to have a  
 25 wedding, I wouldn't do a wedding over 50 people