

Ordinance No. 2514

ORDINANCE TO AMEND THE BILOXI LAND DEVELOPMENT ORDINANCE,
SPECIFICALLY TO AMEND SECTION 23-6-13(B)(4)c PERTAINING TO
THE SIZE OF POLITICAL SIGNS AND THE TIME ALLOWED TO BE ERECTED

WHEREAS, on Thursday, June 1, 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. 23-044-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 23-6-13(B)(4)c of the Land Development Ordinance; and

WHEREAS, on June 1, 2023, the Biloxi Planning Commission, upon much discussion of this text change, voted (6-5-0) to amend Section 23-6-13(B)(4)c of the Land Development Ordinance, to specifically address modification of text related to a political sign not exceeding ~~16~~ 32 square feet in area that advertises the campaign of a candidate for elected office, provided the sign is erected no more than ~~60~~ 120 days before the election date and is removed within seven days after the election date; and

WHEREAS, the City Attorney recommends the Ordinance be modified as follows:

Section 23-6-13(B)(4)c Signs Allowed without a Sign Permit

c. A sign ~~not exceeding 16 square feet in area~~ that advertises ~~the~~ a political campaign or content based political speech of a candidate for elected office, provided the sign is kept in good repair, ~~erected no more than 60 days before the election date~~ and is removed within seven days after the election date; and

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WHEREAS, the Biloxi City Council, having read and fully understood this proposed Text Change, has decided to accept the modified recommendation made by the City Attorney and enact the following Text Amendments, to amend Section 23-6-13(B)(4)c of the Land Development Ordinance:

Section 23-6-13(B)(4)c Signs Allowed without a Sign Permit

c. A sign ~~not exceeding 16 square feet in area~~ that advertises ~~the~~ a political campaign or content based political speech ~~of a candidate for elected office~~, provided the sign is kept in good repair, ~~erected no more than 60 days before the election date~~ and is removed within seven days after the election date; and

NOW, THEREFORE, BE IT ORDAINED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI; that the following text, as amended, will read as follows:

Section 23-6-13(B)(4)c – Signs allowed without a permit:

c. A sign ~~not exceeding 16 square feet in area~~ that advertises ~~the~~ a political campaign or content based political speech ~~of a candidate for elected office~~, provided the sign is kept in good repair, ~~erected no more than 60 days before the election date~~ and is removed within seven days after the election date; and

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

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

YEAS:	Gines	Glavan	NAYS:	Lawrence
	Deming	Barrett		Tisdale

ABSENT: Newman

The President then declared the Ordinance adopted this the 11th day of July, 2023.

ATTEST:

APPROVED:


CLERK OF THE COUNCIL


PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 13th day of July, 2023.

APPROVED:


MAYOR



Scheduled for
June 1, 2023
Meeting

City of Biloxi
Case No. 23-044-PC
Text Amendment to the LDO



**Planning Commission
Case Fact Sheet**

Case No.:	23-044-PC
Names 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 change, specifically amending Section 23-6-13(B)(4)c.
Size of Property:	N/A
Present Zoning:	N/A
Present Use:	N/A
Most Nearly Bounded By (streets):	N/A
Adverse Influences:	N/A
Positive Influences:	N/A
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this text amendment, as of May 25, 2023.
Comments/ Recommendations:	The section of text of the Land Development Ordinance to be considered for modification is as follows: Section 23-6-13(B)(4)c A political sign not exceeding 46 <u>32</u> square feet in area that advertises the campaign of a candidate for elected office, provided the sign is erected no more than 60 <u>180</u>

days before the election date and is removed within seven days after the election date.

Options:

1. Recommend approval of the Text Amendment to the Land Development Ordinance – to modify **Section 23-6-13(B)(4)c.**
2. Recommend denial of the Text Amendment to the Land Development Ordinance, as offered.

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BILOXI PLANNING COMMISSION MEETING
 JUNE 1, 2023
 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
 Gary Lechner
 Debora Magee
 August Parker
 Jimmy Poulos
 John Snow
 David Stanovich
 Michael Todaro

ALSO PRESENT:

Jerry Creel, Director of Community Development
 Felicia Serpas, Senior Planner
 Zach Harris, City Arborist
 Jon Lambert, Code Inspector
 Dr. Paul Tisdale, Councilman Ward 5

REPORTED BY:

Melissa Burdine-Rodolfich
 Simpson Burdine & Migues

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

CONTINUED PUBLIC HEARING(S):	PAGE:
(None)	--
NEW PUBLIC HEARING(S):	
23-044-PC	6
23-045-PC	16
23-046-PC	33
23-047-PC	42
23-048-PC	47
TREE HEARING(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, Mr. Todaro, Ms. Magee, Mr. Stanovich, Mr. Dellenger, Mr. Poulos, Mr. Carron, Mr. Snow, Mr. Delahousey, myself, David Washer; Jerry Creel, Director of Community Development; Felicia Serpas, Senior Planner; Zach Harris, Arborist. At the table, there is Jon Lambert, Planning Inspector; and Melissa Rodolfich, court reporter. In the audience we have Dr. Paul Tisdale, Councilman Ward 5.

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

MR. DELAHOUSEY:

Certainly.
 (Moment of prayer.)

CHAIRMAN WASHER:

Mr. Poulos, the pledge, please.
 (Pledge of allegiance.)

CHAIRMAN WASHER:

We welcome you all with us today. We would ask that anyone that desires to speak, please come to the podium and give us your name

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and address for the record and also, please sign in at the pad provided. We would ask that if there is any cell phones in the audience, if you would, kindly mute them or turn them off.

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

MR. DELAHOUSEY:
 Move to approve.

MR. SNOW:
 Second.

CHAIRMAN WASHER:
 Motion by Mr. Delahousey recommending approval; seconded by Mr. Snow.

MR. CARRON:
 I have got a correction to make on it. Got to find it. On Page 12, it listed me speaking for someone else.

MR. DELAHOUSEY:
 What was it?

MR. CARRON:
 I just thought of it. On Page 12. Mr. Lambert was doing his -- talking about the video, but it's listed as me in both places.

MR. DELAHOUSEY:

5

1 Who should it be?

2 MR. CARRON:

3 Pardon?

4 MR. DELAHOUSEY:

5 Who should it be?

6 MR. CARRON:

7 Mr. Lambert, Jon.

8 MR. DELAHOUSEY:

9 All right. I change my motion to

10 approve the minutes as amended.

11 CHAIRMAN WASHER:

12 All right. Seconded by Mr. Snow.

13 All those in favor, say "aye."

14 (Unanimous vote.)

15 CHAIRMAN WASHER:

16 Any opposed?

17 (None opposed.)

18 CHAIRMAN WASHER:

19 Thank you. Mr. Creel, committee

20 reports, please, sir.

21 MR. CREEL:

22 Yes, sir. Mr. Chairman and members of

23 the Commission, over the past two weeks, the

24 department has issued 139 building permits, with a

25 construction valuation of \$2.4 million. We have

7

1 days before an election starts. The ordinance

2 currently says that 60 days -- there shouldn't be

3 any political signs placed sooner than 60 days

4 before an election.

5 As far as the size goes, most of the

6 signs -- not most of the signs, but a number of

7 the signs that we have to go out and address are

8 four by four, which is half the size of a piece of

9 plywood.

10 But there are a number of state

11 officials that actually come down, you know, in

12 other cities and place signs that are the size of

13 a piece of plywood, which is four by eight.

14 So when the questions came up, I went

15 and talked to the administration about it, and

16 they said, why don't we go ahead and do a text

17 change or propose a text change to increase the

18 size of the political sign. And it will be one

19 per property that would be not more than four by

20 eight.

21 And on the number of days, there was

22 discussion about how much longer before an

23 election occurs that we should allow political

24 signs to be placed. There was some in the

25 administration that felt maybe 120 days, but what

6

1 collected \$17,000 in permit fees, issued licenses

2 for 18 new businesses with 11 renewals. We have

3 also issued 12 certificates of occupancy. One of

4 those was for a cannabis operation and 12 for

5 short-term rentals. Of those permits issued, one

6 was for a remodel at IP Casino and two were for

7 new single-family houses.

8 CHAIRMAN WASHER:

9 Thank you.

10 No continued public hearings.

11 New public hearing, Case Number

12 23-044-PC, City of Biloxi. This is a request for

13 text change, specifically amending Section

14 23-6-13-(B)(4)c allowing a maximum size of 32

15 square foot for political signs to be erected for

16 180 days before election date. This was

17 advertised on May 18th and May 25th. That amends

18 the existing ordinance of 16 feet and 60 days.

19 Anything you want to say in regard to

20 this, Jerry?

21 MR. CREEL:

22 This came about as a result of a number

23 of questions that were asked about the -- let me

24 address the length of time first. Political

25 signs, as you know, are placed all over town many

8

1 we did is we overadvertised, meaning that we

2 advertised for 180 days. And if the Planning

3 Commission and Council feel like that's too long

4 y'all always have the right to reduce those number

5 of days to whatever y'all feel is reasonable.

6 So that's kind of the gist of how this

7 was initiated. It came from questions from people

8 who were running for office and their campaigns

9 and was run through Administration and they

10 recommended that we present this to the Planning

11 Commission.

12 CHAIRMAN WASHER:

13 How long has the existing text been in

14 effect?

15 MR. CREEL:

16 Well, ever since this ordinance was

17 adopted in 2010.

18 CHAIRMAN WASHER:

19 I had -- in November 2010 is the last

20 time, as far back as I could go.

21 MR. CREEL:

22 That's right.

23 MR. DELAHOUSEY:

24 Mr. Creel, when you say one sign per

25 property, one candidate sign per property or just

9

1 one sign total per property?
2 MR. CREEL:
3 Well, it's supposed to be -- for each
4 election, if you have two people running for
5 mayor, let's say, there should only be one sign
6 for a candidate on that one piece of property. If
7 they have one for each candidate on there, that
8 would be a violation.
9 MR. DELAHOUSEY:
10 But if you have 20 people running for
11 different elected offices, you could have 20 signs
12 of 32 square feet on one piece of property?
13 MR. CREEL:
14 Essentially that's true, yes.
15 MR. TODARO:
16 I move the amendment be approved -- the
17 application be approved with the amendment to 120
18 days, as opposed to 180. You said we could go
19 down; is that right?
20 MR. CREEL:
21 Yes, sir. That's why we advertised for
22 180 days, so y'all would have the ability to go
23 down.
24 MR. TODARO:
25 120 sounds reasonable. It's two months.

11

1 cutting down trees. We try to enhance the beauty
2 of our city.
3 And one of the things personally that
4 affects me is sign pollution. Cities all over the
5 Coast have restrictions for signs, for business
6 signs. Why shouldn't the same apply for political
7 signs? You know, we have right now people that
8 are violating our current ordinance. Instead of
9 enforcing our current ordinances, we're change --
10 it seems like we're trying to change the ordinance
11 to accommodate those people who are in violation.
12 I think it should be the other way around, and
13 it's not difficult to find out who's responsible
14 for violating the ordinance. Their name is all
15 over the sign.
16 So yeah, I, for one, am opposed to
17 having increased sign pollution in our city,
18 especially some of these busy intersections. I
19 would rather see a debate instead of these ugly
20 signs all over the place.
21 MR. CREEL:
22 All of the other rules would still apply
23 in the sense that if someone puts a sign -- we're
24 not talking about the little signs, you know, the
25 smaller signs that are on the wire. That's not

10

1 It's twice as long as it is now.
2 CHAIRMAN WASHER:
3 And that's double the size?
4 MR. TODARO:
5 The size looked fine. It was just the
6 time.
7 MR. CARRON:
8 I think we need to discuss the size
9 more.
10 CHAIRMAN WASHER:
11 All right. Well, let's go ahead. We've
12 got a motion on the floor. Let's see if we have
13 got a second and then we'll go ahead and discuss
14 it. Is there a second to Mr. Todaro's motion?
15 MS. MAGEE:
16 Second.
17 CHAIRMAN WASHER:
18 Seconded by Ms. Magee.
19 All right. Discussion?
20 MR. DELAHOUSEY:
21 Yes, I have some questions. So, you
22 know, we're talking about changing something
23 that's been in effect for quite some time and, you
24 know, Biloxi has made some really good strides.
25 We look at our tree ordinance. We scrutinize

12

1 what we're talking about. But if someone places a
2 sign in the sight triangle at a traffic
3 intersection, we would address that.
4 Now, as far as signs on private property
5 go, if -- we contact the headquarters of whoever
6 the candidate is that's running, but if there is a
7 violation on that property we would write up the
8 property owner for the violation that's on there.
9 So there are a number of people who give their
10 permission to allow signs to go on their property,
11 but that's who we would have to write up because
12 they're the ones that are going to bear the
13 financial burden if we have to go to court, you
14 know, with the violation, so...
15 CHAIRMAN WASHER:
16 Any other discussion?
17 MR. CARRON:
18 I just want to -- I agree with Steve on
19 this. It seems like -- it seems like it's
20 overdone as it is now, and we're talking about
21 going to a larger sign twice the sign size in
22 square footage.
23 CHAIRMAN WASHER:
24 They can knock on the doors like many of
25 them do, many candidates do. You can do

13

1 billboards like many of them do. You can do the
2 direct mail, fliers, door hangers. There is a lot
3 of other options out there. You don't need to --
4 I think as Steve said, having sign pollution and
5 then for six months out of the year -- or 120 days
6 out of the year, I think what we have got is
7 working fine.
8 All right. Any other comments?
9 MR. DELLENGER:
10 What's the letter we got in reference to
11 this?
12 MR. CREEL:
13 I talked with Peter about the letter.
14 He said that he had read that case. It talks
15 about limiting the size of the sign and actually
16 what we're doing is we're not limiting. We're
17 increasing the size. It's very specific in the
18 letter. I had already talked to this -- with one
19 of the Council members about it the other day
20 because I heard about it.
21 But that particular case said that it
22 was unconstitutional for that city in Arizona to
23 specifically restrict the size of political signs
24 to 16 square feet and to restrict their placement
25 to 60 days prior to an election date, which is

15

1 I honestly don't know, no.
2 CHAIRMAN WASHER:
3 Any other discussion?
4 (No response.)
5 CHAIRMAN WASHER:
6 All right. We've got a motion and
7 second on the floor by Mr. Todaro recommending
8 approval of the increase in size to 32 square
9 feet -- up to 32 square feet and the condition of
10 time before election to 120 days.
11 We would ask that all those in favor of
12 that kindly raise your hand. Mr. Lechner,
13 Mr. Parker, Mr. Todaro, Ms. Magee, Mr. Dellenger,
14 Mr. Snow.
15 All opposed, raise your hand.
16 Mr. Stanovich, Mr. Poulos, Mr. Carron,
17 Mr. Delahousey; myself, David Washer.
18 Any abstentions? No abstentions.
19 The motion carried by one.
20 MS. SERPAS:
21 Yes, six to five.
22 MR. CREEL:
23 Six to five to approve.
24 CHAIRMAN WASHER:
25 Moving on to our next case, 23-045-PC,

14

1 exactly what our ordinance days right now.
2 MR. DELLENGER:
3 Exactly, so, I mean --
4 MR. CREEL:
5 Yeah. So we're actually considering
6 increasing the size and the time period.
7 MR. DELAHOUSEY:
8 Jerry, I interpreted that the same way.
9 And to the extent that the city manager can deal
10 with the -- I have a call in to him now. He
11 hasn't called me back yet, but I'm going to ask
12 him if my understanding of that is the same as
13 Mr. Abide has said, that, you know, I don't think
14 our current ordinance violates any First Amendment
15 rights on free speech.
16 MR. CREEL:
17 Well, and in seeking Peter's guidance on
18 this, he said for us to go ahead, have the case
19 just like we would and vote on it just the way we
20 would.
21 MR. TODARO:
22 How does, like, the 60 days compare to
23 Gulfport? Do we know how long Gulfport's
24 ordinance is?
25 MR. CREEL:

16

1 Josh Fleming on behalf of Elliott Homes, LLC,
2 request for preliminary -- we'll go back.
3 I guess overzealous on my part to get
4 that case behind us. We need to give everybody in
5 the audience an opportunity to speak on that.
6 Anyone want to speak in favor of the
7 proposed changes? No one speaking in favor.
8 Anyone speaking in opposition? No one
9 speaking in opposition.
10 We will consider that hearing closed.
11 Thank you, Jerry.
12 Josh Fleming on behalf of Elliott Homes,
13 LLC. It's a request for a preliminary/final
14 subdivision plat approval of a 17-lot residential
15 subdivision development known as Pointe Breeze
16 Phase 2 of land comprising 2.32 acres in overall
17 size, more or less, for property presently
18 identified as 2506 Beach Boulevard, being
19 Municipal Tax Parcel Number, 11100-01-020.000.
20 This case also advertised on May 18th, May 25th.
21 Got that, Mr. Lambert.
22 MR. LAMBERT:
23 This is just looking north towards the
24 Grande View Apartments up here and back towards
25 the west facing the mall and, of course,