

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.
- 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 Ddistrict 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:

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.
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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).

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 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 2nd day of August, 2022.

(SEAL)

ATTEST:

/s/Keri Campbell
CLERK OF THE COUNCIL

ADOPTED:

/s/ Kenny Glavan
PRESIDENT OF

THE COUNCIL

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

APPROVED:
/s/A.M. Gilich, Jr.
MAYOR