



Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Parrish
Commissioner Harwood
Commissioner Raymond
Commissioner Nicaud

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, February 25, 2025

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of January 28, 2025 minutes.

Architectural Review

New Business

3. David C Dreher, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the construction of a second accessory storage building exceeding 800 square feet. The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is in an R-6 zoning district. There shall only be one accessory structure on a property and accessory structures shall not exceed 800 square feet. The variance requested is a second accessory and an additional 1,200 square feet for said structure. The Case File Number is 202500017.
4. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove “residential yards,” and make the following changes to 6.1 – General Provisions, “This includes median areas and roadways.” and remove “b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.” from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.

Unfinished Business

5. Recommend no changes are required to Article 4.3.5 - Uses and Conditions - Home Occupations.

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is Tuesday, March 4, 2025.
The next Planning Commission meeting is Tuesday, March 25, 2025.

Adjourn or Recess



Commissioner B
Commissioner B Item No.2.
Commissioner Debrow
Commissioner Parrish
Commissioner Harwood
Commissioner Raymond
Commissioner Nicaud

MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, January 28, 2025
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman Debrow called the meeting to order at 6:00 p.m.

Statement of Purpose

Commissioner Bennett read the Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Commissioner Bennett read the Statement Of Purpose

Pledge of Allegiance

Commissioner Parrish led The Pledge of Allegiance

Roll Call

Present at the meeting were Commissioners: Parrish, Nicaud, Bennett, Raymond, and Debrow. Absent from the meeting were Commissioners Harwood, Brewer.

Also present were City Attorney, Derek Cusick, Development Coordinator, Pat Rich, Building Official, Beau King. Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

1. Approval of December 10, 2024 minutes.

Commissioner Bennett made a motion, second by Commissioner Parrish to accept the Agenda as presented.

Motion Passed Unanimously

Approval of Minutes

Commissioner Parrish made a motion, second by Commissioner Raymond to accept the Minutes as presented.

Motion Passed Unanimously

Architectural Review

None

New Business

- 2. **Public Hearing** on Article 4.3.5 – Uses and Conditions – Home Occupations. The public hearing is to determine whether changes are required to the ordinance. The Case File Number is 202500002.

Hearing started at 6:02 p.m. Paulette Snyder Gilbert spoke to commissioners about concerns of heavy traffic. She would like to see the Ordinance tightened..

Eric Ross made a suggestion to Commissioners to open up parking so that business could hire employees

Hearing was closed at 6:06 p.m.

- 3. **Public Hearing** on a proposed Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove “residential yards,” and make the following changes to 6.1 – General Provisions, “This includes median areas and roadways.” and remove “b) Over flow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.” from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.

Eric Ross asked a question to Commissioners . " What does it mean when talking about parking in yards"?

Development Coordinator , Pat Rich explained where the Ordinance came from , and said that " This Ordinance is unenforceable." The cars parked in yards must be in running condition, have legal tags and license ,or they will have to be removed.

Paulette Snyder had concerns about R V's and Boats. Our Ordinance states No R V's or Boats may be parked in front of houses with certain exceptions stated in the Ordinance.

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

- 4. The next City Council meeting is Tuesday, February 4, 2025.

The next Planning Commission meeting is Tuesday, February 25, 2025.

Adjourn or Recess

Commissioner Nicaud made a motion, second by Commissioner Bennett to adjourn the meeting at 6:19 p.m.

Motion Passed Unanimously

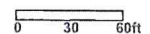
L. Debrow, Chairman
Planning & Zoning



Parcels
067M-1-35-
175.000

Parcel Number: 067M-1-35-175.000
 Owner Name: DREHER DAVID C JR ETAL
 Owner Address: 8438 KIMO COURT
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 8438 KIMO CT
 Improvement Type: RES
 Year Built: 2012
 Base Area: 2896
 Adjusted Area: 5767
 Actual Total Value: 731200
 Taxable Total Value: 0
 Estimated Tax: 8876.56
 Homestead Exemption: Yes
 Deed Book: 2020
 Deed Page: 2053

Close Export







5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: ~~202300017~~ 202300017

Date 1/15/2025

Applicant: David Dreher

Applicant's Address: 8438 Kimo Crt

Applicant's Email Address: Gulfcoastgolfcarts@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 2286692304

Property Owner: David Dreher

Owner's Mailing Address: 8438 Kimo Court

Owner's Email Address Gulfcoastgolfcarts@gmail.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 2286692304

Tax Roll Parcel Number: 067M-1-35-175.000 / 067M-1-35-146.000

Physical Street Address: 8438 Kimo Court

Legal Description of Property: Lots 25 & 26, Block 4, Diamondhead SP Unit 6, Phase 2

Zoning District: _____

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) _____

Adding an detached portable building on my South West
Cornered Property. Approx Size 40x50. Located beside my
pool house. Size & SF requires variance request.

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$100.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designed representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

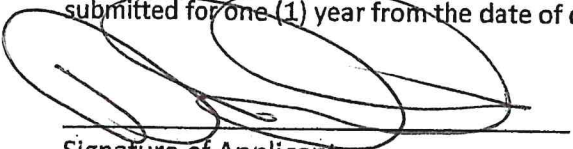
That additional information may be required by the Planning Commission prior to final disposition.

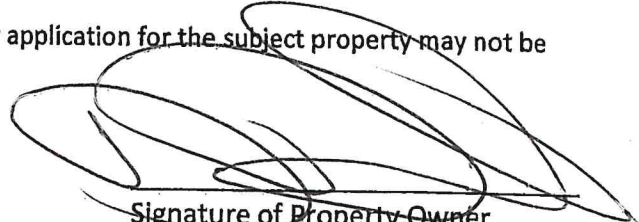
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on February 25, 2025 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.


Signature of Applicant


Signature of Property Owner

_____ For Official Use Only _____

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

- Application Signed
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

REQUIRED ITEM A

Property Owner David Dreher

Street Address 8438 Kimo Court

Statement Describing Variance Request

Adding 40x50 portable building on SW corner of property.
2nd detachment, size + SF.

The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: Yes

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: Yes

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: No

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

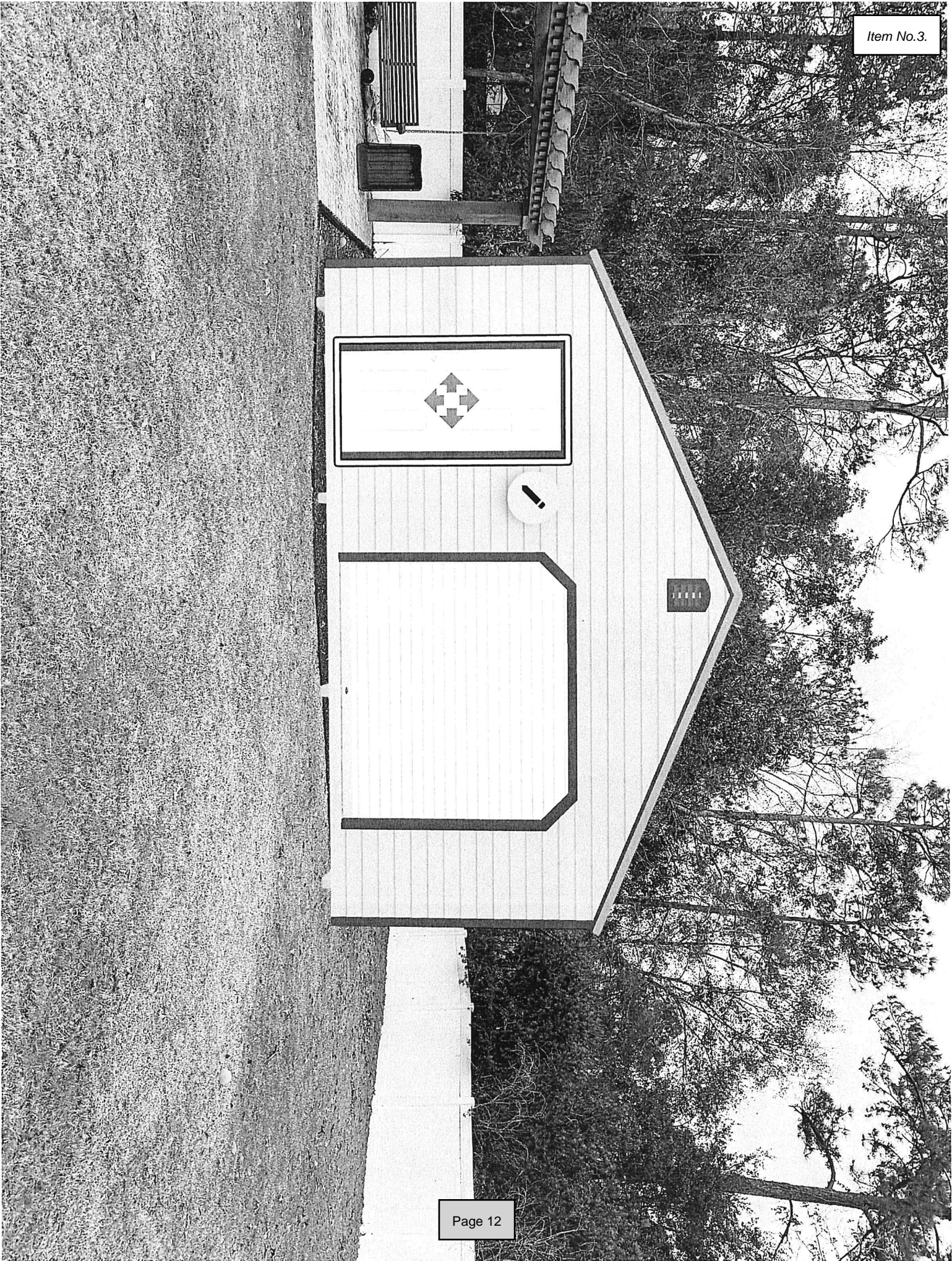
Response: Yes

TRUSS

truss ↓ LoLad

- 20 feet on sides
- 35 feet on Back








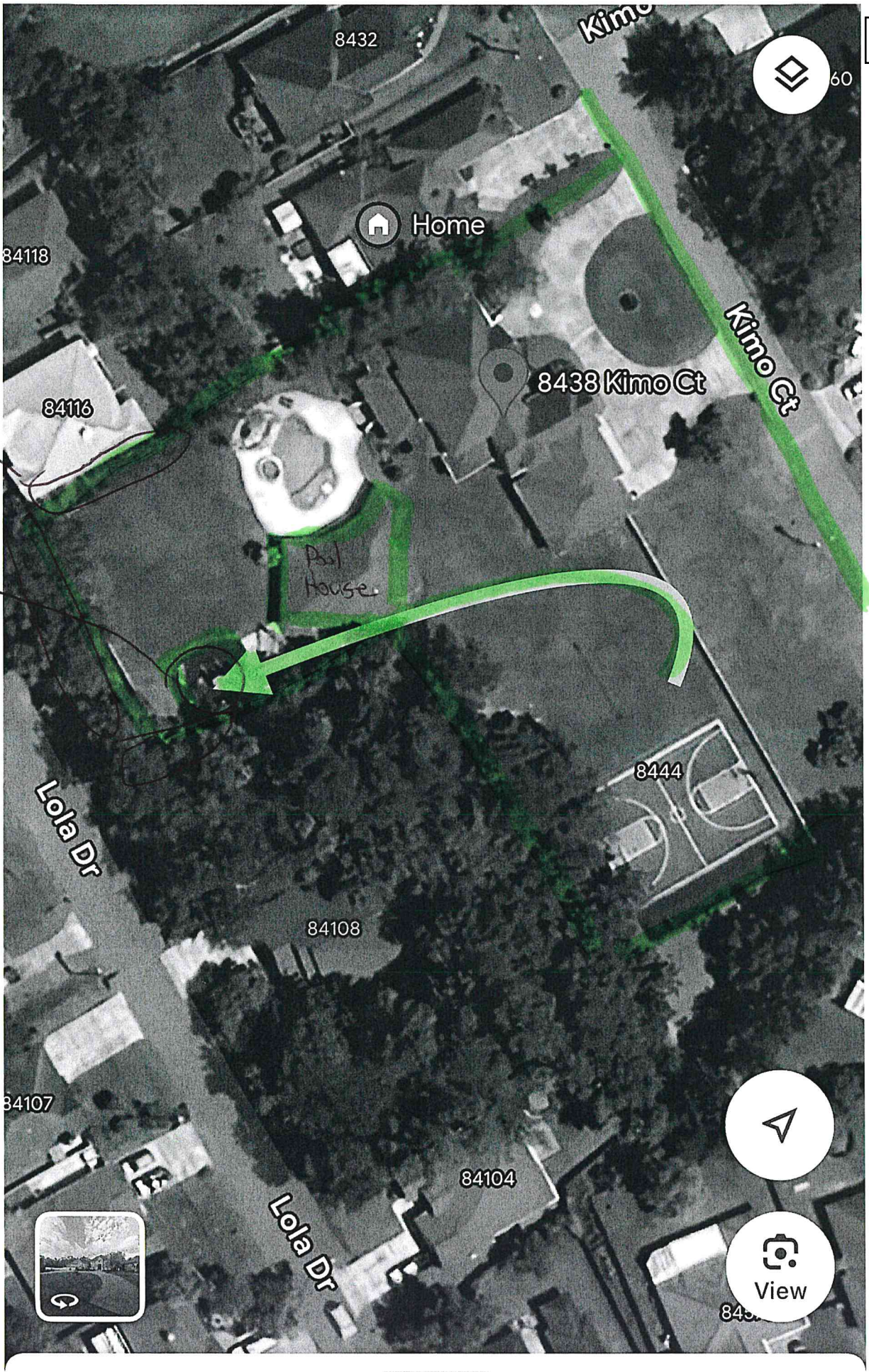
8438 Kimo Ct

 Directions

 Start

 Save

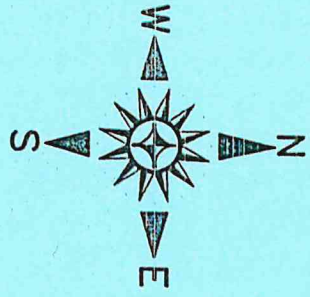
 Add label



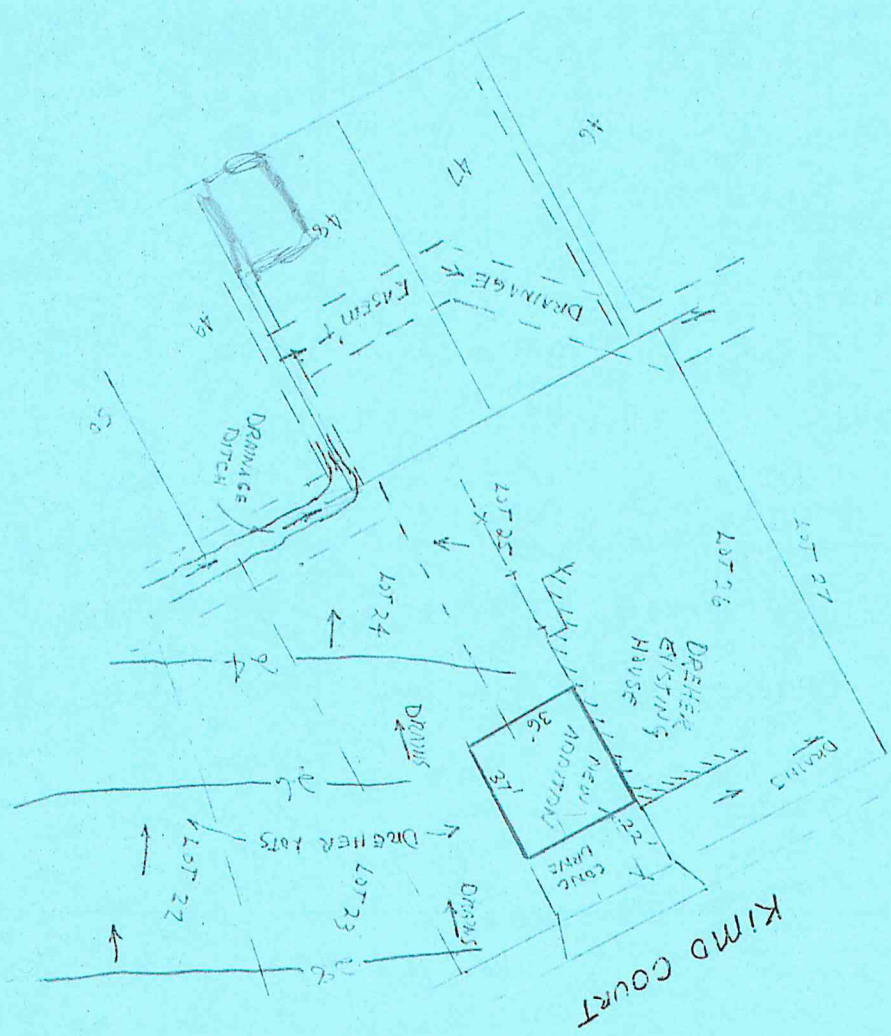
Trees

20 feet on sides
35 feet from rear

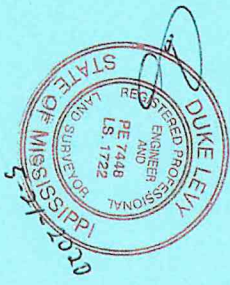
Pool House



DRAINAGE PLAN
NEW GARAGE ADDITION
8438 KIMD COURT



BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



In consideration of the fee paid, I declare that this drawing made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

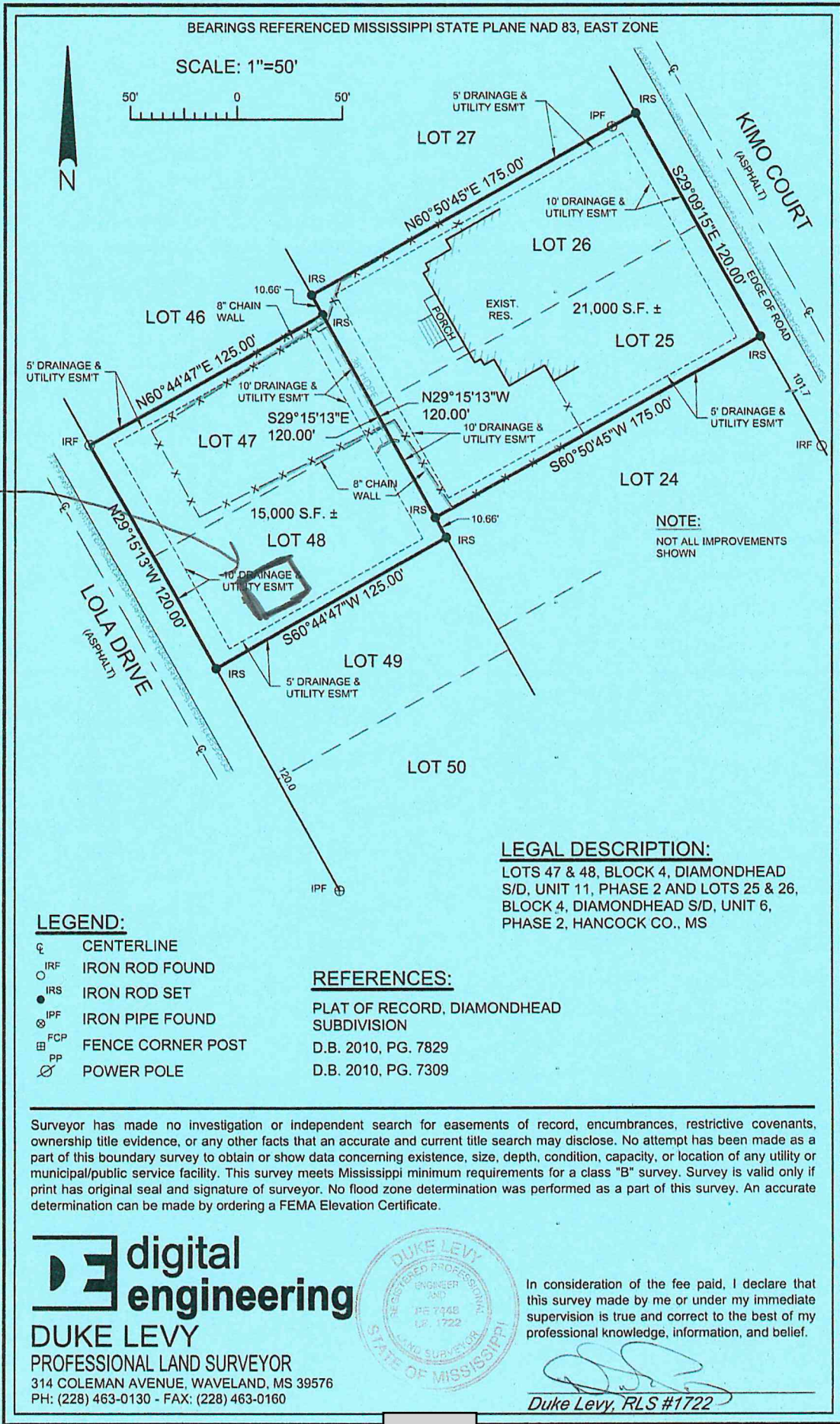
Duke Levy
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.

4412 LEISURE TIME DRIVE
DIAMONDHEAD, MS 39525
(228) 467-5212 PHONE

SCALE: NONE	DATE: 5-21-2020
DRAWING: WOF 2020-	CLIENT: DREHER

Building
40x50



Prepared by:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
(228) 255-0035
File 24-0825

Return to:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
(228) 255-0035

-----[Space Above This Line For Recording Data]-----

**State of Mississippi
County of Hancock**

QUITCLAIM DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged,

**DCD Developments, LLC
a Mississippi Limited Liability Company Grantor(s)
17000 Kapalama Rd.
Pass Christian, MS 39571
(228) 669-2304**

Does hereby, convey, and quitclaim to

**David C. Dreher, Jr. and Lynsey D. Dreher, Grantee(s)
8438 Kimo Court
Diamondhead, MS 39525
(228) 669-2304**

As joint tenants with rights of survivorship and not as tenants in common, the following described real property situated and located in **Hancock** County, Mississippi, more particularly and certainly described as follows:

Lot 47 & 48, Block 4, Unit 11, Diamondhead, Phase 2, as per the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.



5000 Diamondhead Circle ·
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390
www.diamondhead.ms.gov

*Corrected Hearing
Date*

TO: David C. Dreher, Jr., and adjacent property owners

FROM: J. Pat Rich, Development Coordinator *J. Pat Rich*

DATE: February 7, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

David C Dreher, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the construction of a second accessory storage building exceeding 800 square feet.

The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is in an R-6 zoning district. There shall only be one accessory structure on a property and accessory structures shall not exceed 800 square feet. The variance requested is a second accessory and an additional 1,200 square feet for said structure. The Case File Number is 202500017.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, February 25, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.



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**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

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ARTICLE 6 - OFF-STREET PARKING AND LOADING

6.1 GENERAL PROVISIONS.

The off-street parking and loading requirements hereinafter set forth in this Article supplement the district regulations for each of the districts, pursuant to this Ordinance. In no case is parking authorized on any private or public areas not specifically designed or designated for parking. This includes ~~residential yards~~, median areas and roadways.

6.1.1 Procedure. An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

6.1.2 Extent of Control. All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall comply with the off-street parking and loading requirements of this ordinance and shall provide accessory off-street parking or loading facilities as required herein for the use thereof.

6.1.3 Parking and Storage of Certain Vehicles or Equipment in Residential Zones. Within the various residential zoning districts for the City of Diamondhead, the following restrictions and limitations concerning the parking of recreational vehicles, trailers, equipment and the like shall apply.

- a) The following vehicles are prohibited from being parked in a residential zoning district for more than a 12 hour period:
 - i. All vehicles that have a dump-type bed.
 - ii. All motorized construction equipment.
 - iii. All vehicles that exceed ten (10) feet in height above the grade.
- b) The following vehicles shall be parked behind the front line of the existing house and screened from view from the street and adjacent property, including golf course areas:
 - i. Vehicles that exceed seven feet, six

inches in height above grade.

- ii. Lawn maintenance equipment.
 - iii. All trailers used to transport equipment or construction vehicle parked for more than 24 hours.
 - iv. Individual recreational vehicles such as boats, jet skis, all-terrain vehicles (ATV), or similar vehicles.
- c) The screening utilized to comply with this section shall require a permit issued by the Development Coordinator and shall conform to the following:
- i. When possible, materials utilized for the screen shall be similar to the exterior materials of the primary structure or fence, if a fence exists.
 - ii. In no case shall the following materials be utilized for the required screen: tarpaulin, bed linens or similar, tin or sheet metal, vinyl slatted chain-link or wire mesh, wood sheeting, plastic or vinyl sheeting, or other materials which would detract from the neighborhood.
 - iii. Landscape plantings may be utilized to accomplish the necessary screening.
- d) Major recreational equipment, including but not limited to, travel trailers, campers or camper trucks, coaches, motorized dwellings, or similar equipment, shall not be parked or stored in a driveway or parking area, except for a reasonable amount of time as may be required to load or unload personal property at a residence prior to or after use. Out of town guests of a property owner may be permitted to park major recreational equipment on premises driveway only for a period not exceeding seven days, provided no portion of the equipment extends into the road right-of-way or sidewalks if present.

6.1.4 Location of Parking Areas.

- a) Off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over 500 feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

Remove section b1

~~b) Over flow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.~~

6.2 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

6.2.1 Minimum and Maximum Requirement.

- a) Each use established, enlarged, or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 6.1 at a minimum.
- b) The maximum number of spaces provided shall not exceed ten percent of the minimum.
- c) Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar uses listed in Table 6.1.
- d) Where a proposed use contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
- e) Where the computation of required parking spaces results in a fractional number, the fraction of 0.25 or more shall be counted as one.

6.2.2 Americans with Disabilities Act (ADA) Compliant Parking Spaces Required.

- a) In each parking lot a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed by the State for use by person with disabilities. The required number of spaces is found in Table 6.3.
- b) Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van accessible spaces shall be marked with an additional sign.
- c) Parking spaces designated for persons with disabilities shall be located on the shortest possible circulation route to an accessible entrance to the building. In separate parking structures or lots which do not serve a particular building, parking spaces for disabled persons shall be located on the shortest possible pedestrian route to an accessible pedestrian entrance of the parking facility.

- d) Accessible parking spaces shall be included as parking spaces satisfying the requirements for off-street parking.
- e) One space in every eight spaces shall be van accessible, but not less than one.
- f) Accessible parking spaces shall be not less than 9 feet wide by 19 feet long with a minimum 5-foot-wide access aisle. Universal parking spaces 11 feet wide with an adjacent 5-foot access aisle may be used to satisfy the requirement for accessible parking including van accessible parking spaces. See Figure 6.1.

6.3 GENERAL REGULATIONS APPLYING TO OFF-STREET PARKING FACILITIES.

6.3.1 Existing Parking. Structures and uses in existence at the effective date of this ordinance shall not be subject to the requirements of this Article, provided that the kind or extent of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this ordinance.

6.3.2 Change in Use.

- a) When a building or structure erected or enlarged shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified for required off-street parking or loading facilities, and, further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this ordinance thereto, off-street parking and loading facilities may be reduced accordingly, provided that existing off-street parking or loading facilities shall be so decreased only when the facilities



Accommodates Accessible Parking Requirement and Vans

**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove “residential yards,” and make the following changes to 6.1 – General Provisions, “This includes median areas and roadways.” and remove “b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.” from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.

In accordance with Article 9.10.2, the City Council shall have jurisdiction with respect to all Text Amendments and Map Amendments. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Map Amendments.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, February 25, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience. The proposed revision is available for review on the City’s website or at City Hall.

If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.

None

New Business

- 2. **Public Hearing** on Article 4.3.5 – Uses and Conditions – Home Occupations. The public hearing is to determine whether changes are required to the ordinance. The Case File Number is 202500002.

Hearing started at 6:02 p.m. Paulette Snyder Gilbert spoke to commissioners about concerns of heavy traffic. She would like to see the Ordinance tightened..

Eric Ross made a suggestion to Commissioners to open up parking so that business could hire employees

Hearing was closed at 6:06 p.m.

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Paulette Snyder had concerns about R V's and Boats. Our Ordinance states No R V's or Boats may be parked in front of houses with certain exceptions stated in the Ordinance.

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

- 4. The next City Council meeting is Tuesday, February 4, 2025.
The next Planning Commission meeting is Tuesday, February 25, 2025.

Adjourn or Recess

4

ARTICLE 4 - USES AND USE CONDITIONS

- i. Drive-through kiosks and windows are restricted to the side and rear of the building.
- ii. Drive-through stacking lanes shall not be placed between the street right-of-way and the associated building except that on corner lots such restriction shall be limited to the front façade of the building.
- iii. Drive-through windows are prohibited on the side of a building facing any residential zoning district or existing residential use.

4.3.4 Dwellings Accessory to Principal

Non-residential Use. Where permitted, dwellings accessory to a nonresidential use shall be subject to the following conditions:

- a) The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
- b) Additional parking spaces required by Article 6 for such dwellings shall be provided.

4.3.5 Home Occupations. Where permitted, home occupations shall be subject to subject to the following conditions:

- a) Home occupations shall not be carried out in more than 20 percent of the total dwelling building area, not to exceed 500 square feet. No more than one home occupation may be carried out per principal dwelling.
- b) No part of a home occupation may be carried out within an accessory building.
- c) There shall be no onsite employment other than members of the resident family.
- d) The use shall not generate pedestrian or vehicular traffic beyond that reasonably expected to be generated by a residential living unit.
- e) Any need for parking spaces in excess of those required for a residential dwelling, shall be provided in an off street location and in accordance with the provisions of Article 6.
- f) Appearance. There shall be no outdoor storage or display and no change in the existing outside appearance of the dwelling or premises or other visible evidence of the conduct of such home occupation or home professional office.

- g) Nuisances Prohibited. No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the subject property.
- h) All home occupations shall be subject to permit approval of the Zoning Administrator.

4.3.6 Swimming Pool. Where permitted, swimming pools designed to a water depth of 24 inches or more shall be subject to the following conditions:

- a) Location. No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any utility or drainage facility. No portion of any walkway or pool appurtenance structure shall be closer than four (4') feet to any lot line.
- b) Fence. Swimming pools shall be fenced in accordance with the applicable building code in force for the City of Diamondhead.

4.3.7 Residential Accessory Building,

Structure or Use. Where permitted, residential accessory buildings, structures, or uses shall be subject to the following conditions:

- a) Parking Spaces and garages shall comply with Article 6, but no parking garage shall be detached from a main structure.
- b) General Accessory Structures.
 - i. A principal structure shall be already constructed on the same lot.
 - ii. Accessory structures shall not be used as a habitable dwelling unit.
 - iii. Area limitation: Accessory structures shall be limited to 30% of the footprint of the primary structure but not to exceed 800 square feet whichever is less.
 - iv. Maximum height: The maximum height shall not exceed 25 feet. However, the height of the accessory structure shall not exceed the height of the primary structure. The accessory structure shall not exceed one story.
 - v. Setbacks: The structure shall not be located in front of nor within 10 feet of the principal building and not within five feet from a side lot line, nor within 10 feet of a rear lot line. If the height exceeds 15 feet, the accessory structure

hundred (100) year magnitude.

Floodway Fringe. That portion of the floodplain outside the floodway.

Floor Area (Gross Floor Area). The total area of all floors, as measured to the outside surfaces of exterior walls (or from the centerline of party walls separating two buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.

G

Garage. A building or part thereof used for the storage or parking of one (1) or more vehicles.

Gate. A point of entry into an enclosed space or an opening in a fence that may prevent or control ingress and egress of the enclosed space.

Gate, Self-Closing. A gate which is kept in a normally closed position and is equipped with an approved device to ensure closing and latching after having been opened for use.

General Merchandise Store. A building with less than ten thousand (10,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.

Government Services Facilities. Municipal, County, State, or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

Grade. The elevation of finished ground or paving.

Group Home. A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable State program.

H

Hazardous Wastes. Those wastes where a significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.

Home Occupation. An occupation for gain or support conducted in a residential dwelling in accordance with the provisions of Section 4.18.3 (B) of this ordinance.

Hospital. A building used for the diagnosis,

treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to also include a sanitarium, sanatorium, clinic, medical center, or other equivalent use.

Hotel. A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws, in which access to and from each room is through an interior door.

I

Immediate vicinity. Immediate vicinity shall include an area within the same zoning district and a 500' radius of the building site. If no buildings exist within the immediate vicinity, then 10 homes within the same zoning district and similarly situated as the proposed building site shall be selected from within the City of Diamondhead.

Impervious Cover. Any area covered by a structure or any other cover which is incapable of being penetrated by moisture.

Intersection. A point where streets, roads, highways, alleys, and driveways meet or cross.

J

Job Shop, Small Scale. The production, fabrication, processing or assembly of goods in facilities 5000 square feet or less in compliance with applicable governmental regulations and, where any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard.

Job Shop Large Scale. The production, fabrication, processing or assembly of goods in facilities greater than 5000 square feet in compliance with applicable governmental regulations and, where any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard.

Junk or Salvage. Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Yards (Salvage Yards). Any land or structure

6

ARTICLE 6 - OFF-STREET PARKING AND LOADING

ARTICLE 6 - OFF-STREET
PARKING AND LOADING6.1 GENERAL PROVISIONS.

The off-street parking and loading requirements hereinafter set forth in this Article supplement the district regulations for each of the districts, pursuant to this Ordinance. In no case is parking authorized on any private or public areas not specifically designed or designated for parking. This includes residential yards, median areas, and roadways.

6.1.1 Procedure. An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

6.1.2 Extent of Control. All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall comply with the off-street parking and loading requirements of this ordinance and shall provide accessory off-street parking or loading facilities as required herein for the use thereof.

6.1.3 Parking and Storage of Certain Vehicles or Equipment in Residential Zones. Within the various residential zoning districts for the City of Diamondhead, the following restrictions and limitations concerning the parking of recreational vehicles, trailers, equipment and the like shall apply.

- a) The following vehicles are prohibited from being parked in a residential zoning district for more than a 12 hour period:
 - i. All vehicles that have a dump-type bed.
 - ii. All motorized construction equipment.
 - iii. All vehicles that exceed ten (10) feet in height above the grade.
- b) The following vehicles shall be parked behind the front line of the existing house and screened from view from the street and adjacent property, including golf course areas:
 - i. Vehicles that exceed seven feet, six

inches in height above grade.

- ii. Lawn maintenance equipment.
 - iii. All trailers used to transport equipment or construction vehicle parked for more than 24 hours.
 - iv. Individual recreational vehicles such as boats, jet skis, all-terrain vehicles (ATV), or similar vehicles.
- c) The screening utilized to comply with this section shall require a permit issued by the Development Coordinator and shall conform to the following:
- i. When possible, materials utilized for the screen shall be similar to the exterior materials of the primary structure or fence, if a fence exists.
 - ii. In no case shall the following materials be utilized for the required screen: tarpaulin, bed linens or similar, tin or sheet metal, vinyl slatted chain-link or wire mesh, wood sheeting, plastic or vinyl sheeting, or other materials which would detract from the neighborhood.
 - iii. Landscape plantings may be utilized to accomplish the necessary screening.
- d) Major recreational equipment, including but not limited to, travel trailers, campers or camper trucks, coaches, motorized dwellings, or similar equipment, shall not be parked or stored in a driveway or parking area, except for a reasonable amount of time as may be required to load or unload personal property at a residence prior to or after use. Out of town guests of a property owner may be permitted to park major recreational equipment on premises driveway only for a period not exceeding seven days, provided no portion of the equipment extends into the road right-of-way or sidewalks if present.

6.1.4 Location of Parking Areas.

- a) Off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over 500 feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

The City of Diamondhead will hold a public hearing on Article 4.3.5 – Uses and Conditions – Home Occupations. The public hearing is to determine whether changes are required to the ordinance. The Case File Number is 202500002.

In accordance with Article 9.10.2, the City Council shall have jurisdiction with respect to all Text Amendments and Map Amendments. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Map Amendments.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, January 28, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience. The proposed revision is available for review on the City’s website or at City Hall.

If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.