



Commissioner Brewer
Commissioner Lawson
Commissioner Parrish
Commissioner Peters
Commissioner Raymond
Commissioner Sutherland
Commissioner White

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, October 28, 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 September 23, 2025 minutes.

Architectural Review

New Business

3. Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.
4. Public hearing on a proposed Text Amendment to the Landscaping Ordinance Article 5.9. The Case File Number is 202500600.
5. Public hearing on a proposed Text Amendment to the Tree Ordinance Article 7.1. The Case File Number is 202500601.
6. Public hearing on a proposed Text Amendment to the Fence Ordinance Article 4.3.10. The purpose of the amendment is to allow fences greater than 6 feet in selected areas. The Case File Number is 202500498.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

7. The next City Council meeting is Tuesday, November 4, 2025.

The next Planning Commission meeting is Tuesday, December 9, 2025.

Communication / Announcements

Adjourn or Recess



Commissioner B
Commissioner B
Commissioner Parrish
Commissioner Peters
Commissioner Lawson
Commissioner Raymond
Commissioner Sutherland

Item No.2.

MINUTES PLANNING AND ZONING COMMISSION

Tuesday, September 23, 2025

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

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

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 Raymond read The Statement of Purpose.

Pledge of Allegiance

Commissioner Peters led The Pledge of Allegiance.

Roll Call

Present at the meeting were: Commissioners Sutherland, Raymond, Peters, and Chairman Brewer.

Absent from meeting were: Commissioners Parrish, Lawson, Bennett.

Also present were: Development Coordinator, Pat Rich, City Attorney, Derek Cusick, Code Enforcement Officer, Jasmine Sescrovic.

Absent were: Building Official Beau King, Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Motion was made by Commissioner Raymond, second by Commissioner Sutherland to Accept the Agenda as presented,

Motion Passed Unanimously

Approval of Minutes

1. Approval of August 26, 2025 minutes.

Motion was made by Commissioner Peters, second by Commissioner Raymond to accept the Minutes as presented

Motion Passed Unanimously

Architectural Review

None

New Business

2. Public hearing on a proposed Text Amendment to Article 4 – Uses and Use Conditions, 4.3.7 Residential Accessory Building. The proposed text amendment is to remove the 10 feet setback from the primary residence requirement. The case file number is 202500573.

Chairman Brewer opened the Hearing at 6:02 p.m.

Chairman Brewer asked for Public Comments, there were none.

Chairman Brewer closed the hearing at 6:03 p.m.

Development Coordinator, Pat Rich explained that the Fire Code was changed, and the City wants to be in compliance. He also answered any questions from Commissioners.

Motion was made by Commissioner Peters, Second by Commissioner Raymond to accept changing the Text Amendment as presented to the City Council.

Motion Passed Unanimously

3. Public hearing on a proposed Text Amendment to Article 9 – Administration, 9.7 Conditional Use Procedure. The proposed text amendment is to consolidate the timeframe for approval. The case file number is 202500574.

Chairman Brewer opened the hearing at 6:08 p.m.

Chairman Brewer asked for any Public Comments. There were none.

Chairman Brewer closed the hearing at 6:09 p.m.

Development Coordinator, Pat Rich explained the purpose of the Text Amendment to the Commissioners.

Commissioner Raymond made a motion, second by Commissioner Sutherland to recommend the text amendment to consolidate the conditional use process to the city council.

Motion Passed Unanimously

4. Public hearing on a proposed Text Amendment to Article 4 – Uses and Use Conditions, Table 4.1 Use Matrix. The proposed text amendment is to add additional requirements for Boat Storage uses.

Chairman Brewer opened the hearing at 6:13 p.m.

Chairman asked for any Public Comments. There were none.

Chairman Brewer closed the hearing at 6:14 p.m.

Development Coordinator answered questions from Commissioners.

Motion was made by Commissioner Peters, second by Commissioner Raymond to accept the Text Amendment as presented to the City Council.

Motion Passed Unanimously

Unfinished Business

Development Coordinator gave Commissions updates

Open Public Comments to Non-Agenda Items

Commissioners' Comments

None

Communication / Announcements

5. The next City Council meeting is Tuesday, October 7, 2025.
The next Planning Commission meeting is Tuesday, October 28, 2025.

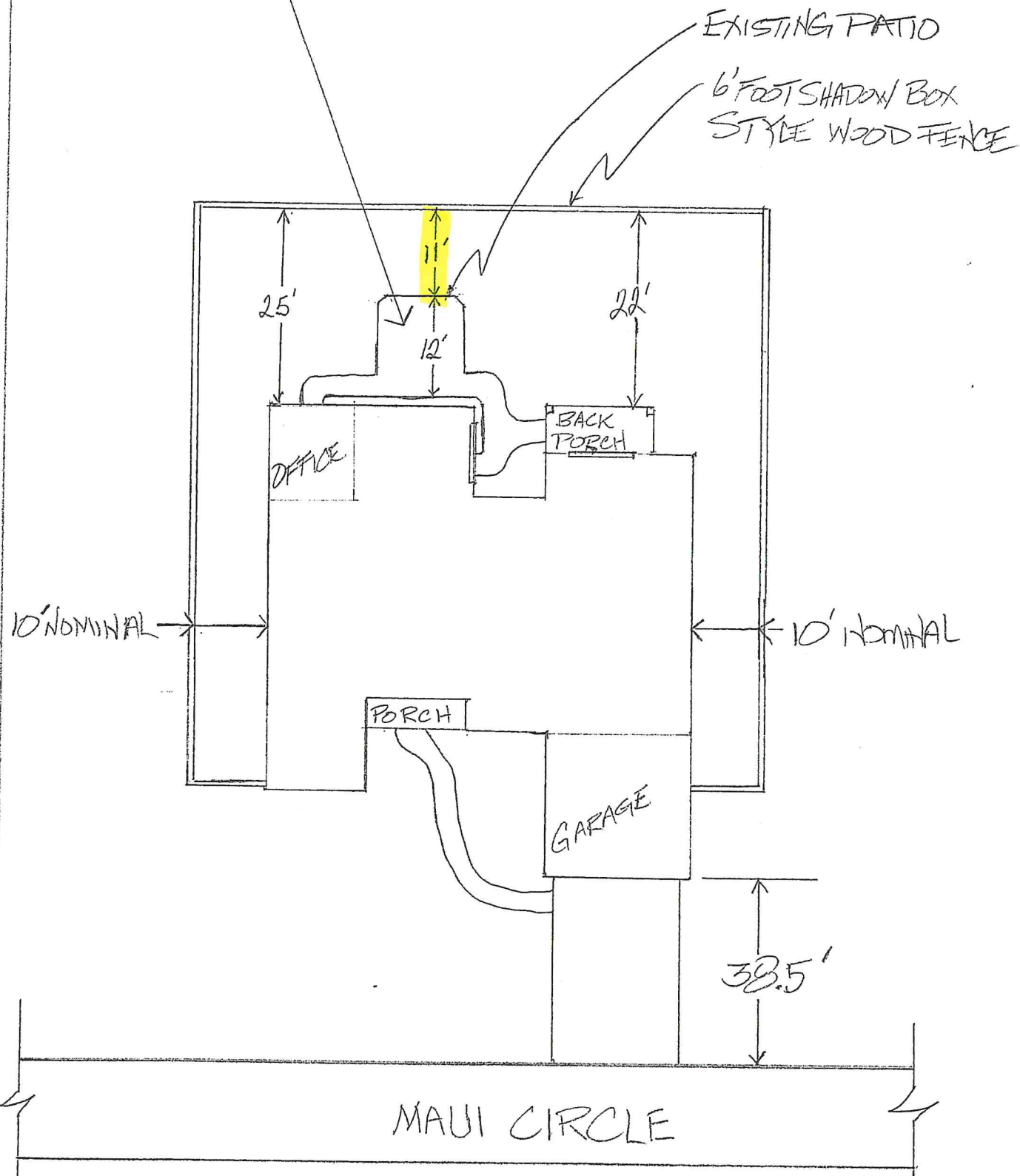
Adjourn or Recess

Commissioner Peters made a motion, second by Commissioner Raymond to adjourn the meeting at 6:25 p.m.

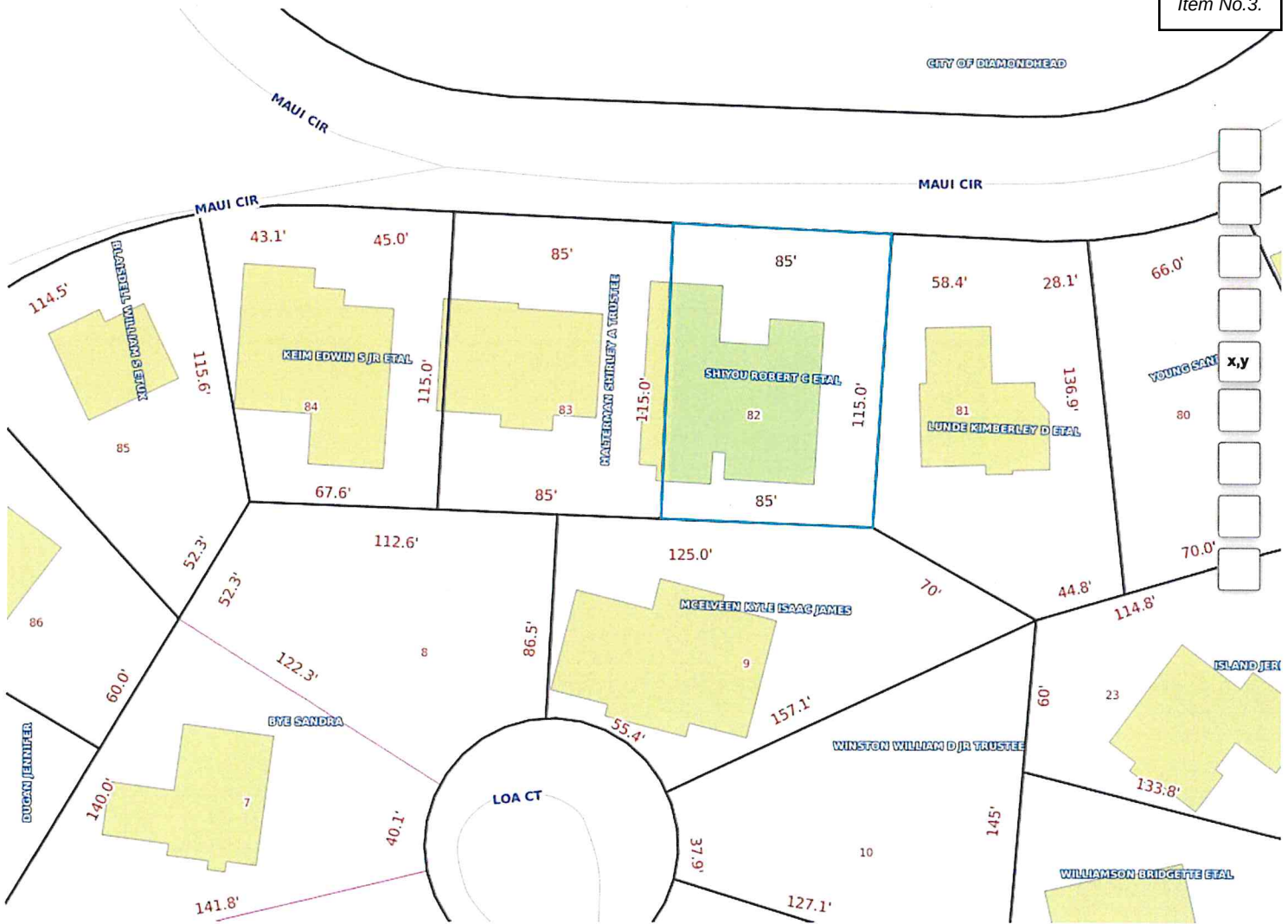
Motion Passed Unanimously

S.BREWER, CHAIRMAN
PLANNING & ZONING

EXISTING PATIO. REQUEST
VARIANCE OF 11' TO REAR
OF PROPERTY.



PLOT PLAN VIEW - NOT TO SCALE



**067R-2-36-
180.000**

Parcel Number: 067R-2-36-180.000

Owner Name: SHIYOU ROBERT C
ETAL

Owner Address: 784 MAUI CIRCLE

Owner City, State ZIP: DIAMONDHEAD,
MS 395250000

Physical Address: 784 MAUI CIRCLE

Improvement Type: RES

Year Built: 1998

Base Area: 2713

Adjusted Area: 3156

Actual Total Value: 233722

Taxable Total Value: 0

Estimated Tax: 2633.19

Homestead Exemption: Yes

Deed Book: 2007

Deed Page: 10740

Legal Description 1: 82 BLK 2 UN3 PH

2 DIAMONDHEAD

Legal Description 2:

Legal Description 3:

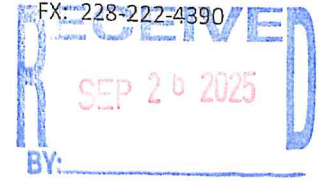
Close Export

2700 DIAMONDHEAD CIRCLE
DIAMONDHEAD, MS 39525

5000 Diamondhead Circle
Diamondhead, MS 39525

Ph: 228-222-4626

FX: 228-222-4390



APPLICATION FOR VARIANCE REQUEST

Case Number: 202500630

Date 9/24/25

Applicant: Robert C. Shiyon

Applicant's Address: 784 Maui Circle

Applicant's Email Address: RobertShiyon@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228 493 4930

Property Owner: Same as above

Owner's Mailing Address: _____

Owner's Email Address RobertShiyon@gmail.com

Owner's Contact Number: (Home) 228 (Work) _____ (Cell) 228-493-4930

Tax Roll Parcel Number: 067R-2-36-180.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: R-6

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

Rear Variance - Construct patio cover over existing concrete patio foundation within 20' of rear property line.

REQUIRED ITEM AProperty Owner Robert C ShiyonStreet Address 734 Maui Circle

Statement Describing Variance Request

Request to Construct a patio cover over an existing
concrete patio. Existing concrete patio is 11 feet
(eleven feet) from property line in rear of home.

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: House was constructed on a small lot
and set back from the street resulting in
small (short) backyard

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

Response: YES. Owner would not be able to enjoy the
numerous benefits enjoyed by others who have
covered patios.

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

Response: Conditions are not caused by owner. They
are the same as when house was purchased in
2007.

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

Response: Variance would not give owner any special
privileges. Many owners throughout Diamondhead
enjoy covered patios.

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.

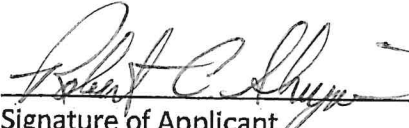
That additional information may be required by the Planning Commission prior to final disposition.

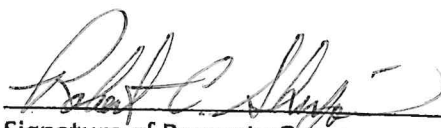
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on November 11th at 6:00 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 ()



5000 Diamondhead Circle ·

Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

TO: Robert Shiyou and adjacent property owners

FROM: J. Pat Rich, Development Coordinator

A handwritten signature in black ink, appearing to read "J. Pat Rich", is written over the printed name.

DATE: October 10, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, 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, October 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.

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

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

Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Landscaping Ordinance Article 5.9. The Case File Number is 202500600.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Tree Ordinance Article 7.1. The Case File Number is 202500601.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Fence Ordinance Article 4.3.10. The purpose of the amendment is to allow fences greater than 6' in selected areas. The Case File Number is 202500498.

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, October 26, 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.

24. **2025-217:** Motion to approve text amendment to reduce rear yard setback on properties adjoining canals and waterways.

Motion made by Ward 2 Sheppard, Seconded by Councilmember-At-Large Maher to approve text amendment to reduce rear yard setback on properties adjoining canals and waterways.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

25. **2025-218:** Motion to approve text amendment to allow golf carts to cross Exit 16 overpass.

Motion made by Ward 1 Finley, Seconded by Ward 3 Harwood to table motion to approve text amendment to allow golf carts to cross Exit 16 overpass.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

- 25.a Motion made by Mayor Liese, Seconded by Councilmember-At-Large Maher to request Planning and Zoning Commission to hold a public hearing for reviewing landscape ordinance.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

17. **2025-220:** Motion to approve to advertise for engineering services for a 4-year term with amended Request for Proposal.

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Harwood to approve to advertise for engineering services for a 4-year term with amended Request for Proposal.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Routine Agenda.

Claims Payable

26. Motion to approve Docket of Claims (DKT233089 - DKT233121) in the amount of \$1,015,730.48.

Motion made by Ward 1 Finley, Seconded by Ward 2 Sheppard to approve Docket of Claims (DKT233089 - DKT233121) in the amount of \$1,015,730.48.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Public Comments on Non-Agenda Items - None

Council Closing Comments

2

ARTICLE 2 - GENERAL RULES AND EXCEPTIONS

from the point of intersection of the curb lines. In the absence of curb, the triangular area shall be measured 25 feet from intersection of the projection line of the edge of pavement.

2.5.4 Buffer Yards.

a) **Scope.** Any non-residential use which borders any property zoned or used for residential purposes shall provide buffer yards which comply with the standards of the section.

b) **Size, Location.**

- i. A 15 foot buffer yard shall be required, unless otherwise indicated in this Ordinance. A 25 foot buffer yard shall be required when any non-residential use borders any property zoned as R-10 or R-6. Additionally, the Planning Commission may require additional buffer area upon the determination that the proposed non-residential use will generate noise, light, glare, dust, odor, appearance, or other noxious characteristics which warrant additional separation or screening techniques.
- ii. The buffer yard shall be measured from the property line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.
- iii. The buffer yard may be coterminous with a required front, side, or rear yard, provided the larger yard requirements shall apply in case of conflict.

c) **Characteristics.**

- i. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- ii. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than 12 inches in height, or weeds.

d) **Planting Screen.**

- i. Each buffer yard shall include a planting screen of trees, shrubs, and other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
- ii. Each Planting Screen shall be in accordance with the following requirements:
 - a. Plant materials used in the Planting Screen shall be of such species and size as will produce, within two years, a complete year-round visual screen of at least eight feet in height.
 - b. The Planting Screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one year.
 - c. The Planting Screen shall be so placed that at maturity it will be at least three feet from any street or property line.
 - d. The Planting Screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 2.5.3.
- iii. In circumstances where it is impractical for a planting screen to meet all the requirements of this Section or would create an undue hardship, the Planning Commission may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements. Planning Commission review shall be in accordance with Section 9.8 of this Ordinance.

e) **Plans.**

- i. Prior to the issuance of any Zoning approval, the applicant shall submit plans which graphically indicate, in both drawing and text where appropriate, the following:
 - a. The location and arrangement of each buffer yard.
 - b. The placement, species, and size of all plant materials; and
 - c. The placement, size, materials and type of all fences to be placed in such buffer yard.

Parking Lots

Table 5.1. Building, Site, and Design Standards														
Standard		Zone												
■ = Required ♦ = Not required		R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
g) A landscaped island at least 8 feet wide and 15 feet in length shall be installed for each 100 lineal feet of parking area and shall cap ends of parking rows. Islands shall be landscaped in accordance with the landscape standards of this code. (See Illustration 5.5.3). However, curbs may allow for waterflow into the island as bioretention, infiltration consistent with LID practices.														
Illustration 5.5.3 		♦	♦	♦	♦	■	■	■	■	■	♦	♦	■	■
h) Loading docks and truck parking shall be positioned, or screened, so as to not be visible from a public street.		♦	♦	♦	♦	■	■	■	■	■	♦	♦	■	■
5.5 PEDESTRIAN CIRCULATION.														
5.5.1 External Site Circulation.														
a) Sidewalks shall be provided along all public streets of a development site and connect to any existing adjacent sidewalk. Minimum sidewalk width is five feet. Additional width may be required.		■	■	■	■	■	■	■	■	■	♦	♦	■	■
b) Sidewalks shall be ADA compliant.		■	■	■	■	■	■	■	■	■	■	■	■	■
c) Where sidewalks are not present on adjacent sites, they shall be constructed at least five feet behind the curb to allow for landscaping, bioretention, and street trees.		■	■	■	■	■	■	■	■	■	♦	♦	■	■
d) Sidewalks shall be broom finished concrete. Asphalt is prohibited.		■	■	■	■	■	■	■	■	■	■	■	■	■
e) Crosswalks shall be provided to connect external pedestrian systems to a site, safely conveying pedestrians to site destination.		■	■	■	■	■	■	■	■	■	■	■	■	■
f) Crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices.		■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.2 Internal Site Circulation														
a) Internal pedestrian circulation shall be provided creating an interconnected pathway connecting adjacent streets and parking areas to the destination.		♦	♦	♦	♦	■	■	■	■	■	■	■	■	■

5

ARTICLE 5 - BUILDING, SITE, AND DESIGN STANDARDS

Table 5.1. Building, Site, and Design Standards

Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
f) Dumpster containers shall be located to the side or rear of principal structures.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
g) Dumpster containers shall be sited to avoid conflict with vehicular and pedestrian movement.	■	■	■	■	■	■	■	■	■	■	■	■	■
h) All activities related to non-residential material management, including deliveries and removal, and non-residential waste removal shall be conducted fully onsite and shall not involve the use of public streets for vehicle parking or maneuvering.	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■
5.9 LANDSCAPING.													
5.9.1 Interior Site Landscaping.													
a) There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands 50% of this space to be devoted to Low Impact Design features.	♦	♦	♦	♦	■	■	■	♦	■	♦	♦	■	
b) Parking lot islands shall contain a minimum of one large, shade or canopy tree per island except where low impact design features are incorporated, in which case 50% of the islands shall contain required planting. Parking islands directly abutting buildings shall substitute shrub plantings.	♦	♦	♦	♦	■	■	■	♦	■	♦	♦	■	
c) Landscaped areas shall be covered by at least 75 percent grass or organic ground cover. Low impact design components may substitute for conventional ground coverings. Planting shall be established prior to building occupancy.	♦	♦	♦	♦	■	■	■	■	■	♦	♦	■	
5.9.2 Perimeter Site Landscaping.													
a) A planted verge of at least 10 feet in width shall be established on a site perimeter. Planting shall consist of at least one deciduous tree sized at 3.5 inches in caliper DBH per 60 feet of perimeter. Low impact design components shall be established at site discharge points.	♦	♦	♦	♦	♦	■	■	♦	■	■	■	■	

6

ARTICLE 6 - OFF-STREET PARKING AND LOADING

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.

6

ARTICLE 6 - OFF-STREET PARKING AND LOADING

system utilizing turf grass is provided for a fire access lane that is independent of a parking lot.

vii. Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.

viii. Parking areas shall have the parking spaces marked as required by this article except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

6.4.3 Parking Space Geometry.

- a) Parking spaces shall have a minimum area of 171 square feet with a width of nine feet and a length of nineteen 19 feet. Parking lots shall be laid out and constructed in accordance with the following specifications as set forth in Article 5, Design Standards.
- b) Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 24 feet adjacent to a minimum 12-foot wide aisle.
- c) Aisles or lanes designated by the Fire Department shall be a minimum of 18 feet wide.
- d) Additional aisle width and turning radii may be required to accommodate emergency vehicles, large vehicles, equipment, vehicles with trailers, or when the aisle serves as a principle means of access and/or circulation within the site including access to loading spaces, drive-through facilities, or trash storage facilities.
- e) Pedestrian walks shall be located between every other (alternating) parking bay, a parking bay being the vehicular access aisle and parking spaces on one or both sides served by it. If parking bays exceed 300 feet in length without vehicular access to adjacent bays or to another drive or street, a pedestrian walk shall be provided between each parking bay.
- f) Required pedestrian walks shall have a four-foot clear width and such width shall

be protected and maintained by curbs or wheel guards. All pedestrian walks shall be paved and maintained free of standing water.

- g) Blocks of parking bays containing more than 200 parking spaces shall be established if the total number of parking spaces to be provided exceeds 200. Such blocks shall be defined by landscaped strips having at least a 15 foot clear width and such width shall be protected by curbs or wheel guards. Each such landscape strip shall be raised and protected by curbs and shall contain a four foot wide pedestrian walk extending the full length of the strip. Vehicular access aisles within the block shall be connected to one or more roadway at least 24 feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.

6.4.4 Access Drives and Driveways.

- a) Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic, and so as to provide adequate maneuvering area for the vehicle to turn around where only one entry or exit is provided in order that no backing of vehicles into the street or alley is required. No driveway or curb cut in any district shall exceed forty feet in width and the location of such driveway or curb cut shall be subject to the approval of the Development Coordinator on the basis of providing the minimum traffic interference.
- b) Parking lot access drives may be designed for either one-way or two-way traffic and in either case shall be appropriately marked. In the case of one-way traffic, a parking lot access drive shall not be less than 12 feet in width. In the case of two-way traffic, a parking lot access drive shall not be less than 24 feet in width.
- c) Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
- d) At least 50 feet shall be provided between any two access drives along one street for one lot.
- e) No access drive or driveway shall be less

than 30 feet from any street intersection.

- f) The use of shared access drives shall be encouraged in order to reduce the number of curb cuts and improve the appearance of street corridors in the city.

6.4.5 Grading, Surface Drainage. Adequate stormwater drainage facilities shall be installed in order to ensure that stormwater will not collect upon the parking areas and remain there and to ensure that stormwater will not flow onto abutting property or abutting sidewalks.

6.4.6 Nighttime Illumination.

- a) Any parking area designed for use by ten or more cars after dusk shall be adequately illuminated.
- b) Illumination shall be provided in compliance with Article 5, Design Standards.

6.4.7 Landscaping.

- a) All parking spaces and access drives shall be at least five feet from any side or rear lot lines.
- b) All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be permanently landscaped and maintained.
- c) Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall not be less than ten feet in depth (measured from the right-of-way line).
- d) Planted areas shall be planted and maintained with live landscape material, such as trees, plants, or shrubbery. In the event any location is subject to more than one provision with respect to planting areas, the more restrictive provision shall apply.
- e) The maximum number of uninterrupted parking spaces shall be 25. Planted islands (shade trees) shall be used as a means to divide the groups of parking spaces from each other.
- f) All parking rows must be anchored on either end with a curbed planted island/projection. Each island/projection must have one (1) indigenous shade tree for single parking rows, and two (2) for double

parking rows at a minimum two-and-one-half (2½) inch caliper.

6.4.8 Screening.

- a) Any area of six or more spaces which is not within a building and abuts or is across a street from any lot in a residential zoning district, shall be provided with a suitable fence, wall, berm, or evergreen planting, or a combination thereof, at least four (4') feet in height, designed to screen visibility and headlight glare from such residential lot.
- b) The perimeter of all parking areas within the C-1, C-2, I, and T zoning districts must have an unbroken hedge consisting of either indigenous evergreen shrubs or indigenous densely planted deciduous shrubs, to be a minimum height of 24 inches at the time of planting. The perimeter screening must also include indigenous shade trees planted a minimum of 35 feet on center, measured at 2½ inch caliper thickness, at a height of five feet at the time of planting. (This provision ensures that the negative visual impacts of parking are minimized, as viewed from within the parking lot and from the neighboring properties and the heavy interstate traffic flow.)

6.5 SHARED PARKING FACILITIES.

Under the foregoing provisions of this ordinance, off-street parking spaces are required to be provided individually for each use or structure. Pursuant to the procedure hereinafter set forth and subject to certain limitations, two or more uses may share off-street parking facilities, with each of such uses being considered to have provided the parking spaces individually.

- a) No use shall be considered as individually having provided off-street parking facilities which are shared with one or more other uses unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as the other sharing them.
- b) An application for Conditional Use shall be filed with the Development Coordinator by the owner or owners of all land and structures for which shared off-street parking spaces are to be provided. The applications shall contain such information as is required by this ordinance or

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ARTICLE 8 - SIGNS

Table 8.3. Sign Requirements by Type

Sign Type	Location	Number	Area	Min/ Max Height	Special Conditions
k) Temporary Signs for Special Events (on or off Premises)	Placed on a wall surface or securely mounted with a temporary device so sign is secure in all weather conditions	Max of 2 per event	24 ft (2)	Ground - 4ft Wall - none	Maximum of 30 consecutive days
l) Mobile Billboards	To Be Determined	-	-	-	Display during the hours of 8 am to 5 pm where permitted. Parking of mobile billboards where visible to the public more than 48 hours is prohibited.

- k) Electronic or mechanically changing messages are prohibited except in C-2 zones.

8.9 GENERAL REQUIREMENTS, DISPLAY CONDITIONS, AND DESIGN.

8.9.1 Signs not to be Primary Land Use.

Signs shall be permitted or sited only when the property, lot, or parcel upon which the sign is to be placed houses a structure or active land use in conformance with the provisions of the zoning regulations. For clarification and administrative purposes, a vacant lot shall not contain any additional sign above that which already exist, and a nonconforming land use shall not contain any additional sign above that which may already exist.

- 8.9.2 Ingress, Egress.** No sign shall be erected as to impede or prevent free ingress or egress from any door, window, or fire escape and no sign of any kind shall be attached to a standpipe or fire escape.

- 8.9.3 Sight-Line Obstruction.** Signs shall not interfere with driver visibility of any traffic control device or with the visibility of the street, road, and thoroughfare or with the expressway itself.

- 8.9.4 Building Codes.** Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building and electrical codes of the City.

- 8.9.5 Design and Maintenance.** All signs shall be designed according to generally accepted engineering practices to withstand wind pressures and to ensure that loads are distributed to structural supports to avoid overstress and all signs must be reasonably and properly anchored to avoid being swept away by wind or water.

- a) All signs over ten (10) feet in height are required to have a set of plans or drawings, signed and stamped by a Mississippi Registered Engineer or Architect certified to meet wind load requirements as per current adopted Building Codes. Also, all signs shall be maintained and in good repair and appearance.
- b) **Ground signs** shall incorporate architectural features and materials of corresponding building. The base of all ground signs and directional signs shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the base. All landscaping shall be properly maintained.

8.9.6 Illumination.

- a) All illuminated signs shall be permanently wired and constructed in accordance with the city's adopted electric code. Special care shall be given to ground fault connections, underground wire, and/or conduit with proper circuit breakers. Connecting wire from sign to permanent outlet shall not exceed four (4) feet.

- i. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
- ii. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the purpose of this criterion, the term "neighborhood" shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.
- iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
- iv. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a conditional use application.
- k) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- l) That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

9.7.8 Conditions of Approval. The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and

erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses.

9.7.9 Renewal or Lapse of a Conditional Use Permit.

- a) A Conditional Use Permit shall lapse and shall become void 1 year following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.
- b) A Conditional Use Permit subject to lapse may be renewed by the City Council for an additional period of 1 year, provided that prior to the expiration date, a written request for renewal is filed with the Zoning Administrator.

9.7.10 Modification of Conditional Use Permit.

Minor revisions or modifications may be approved by the Zoning Administrator if the Zoning Administrator determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed herein.

9.7.11 Conditional Use Review Required.

In addition to those land uses requiring conditional use approval as specified in Table 5.1, Use Matrix, the following circumstances shall be subject to the conditional use approval process as set forth herein:

- a) Any residential, commercial, or industrial development having structures in excess of 35 feet in height.
- b) Any commercial or industrial development adjacent to property zoned or utilized for

September 2, 2025 Regular Meeting Minutes

Motion made by Mayor Liese, Seconded by Ward 1 Finley to table the following consent item-

#14. **2025-213:** Motion to accept and award low bid received from Breakwater Marine Construction, LLC in the amount of \$4,403,000.00 for Canal Dredging Project and authorize the City Manager to execute the contract.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Action Agenda.

18. **2025-204:** Motion to request the City Manager explore viable options for repurposing the former guard house on Gex Drive, including the potential for establishing a "Welcome Center" and evaluating the feasibility of utilizing volunteers from the community to staff the facility. (Liese)

Motion made by Mayor Liese, Seconded by Ward 3 Harwood to request the City Manager explore viable options for repurposing the former guard house on Gex Drive, including the potential for establishing a "Welcome Center" and evaluating the feasibility of utilizing volunteers from the community to staff the facility.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

19. **2025-208:** Motion to approve the Planning Commission recommendation to allow a carport addition within 6' of the side yard property line. The property address is 6810 Apona St. The tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The side yard setback for an addition is 10'. The variance requested is 4'. The Case File Number is 202500503.

Motion made by Ward 4 Clark, Seconded by Ward 2 Sheppard to approve the Planning Commission recommendation to allow a carport addition within 6' of the side yard property line. The property address is 6810 Apona St. The tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The side yard setback for an addition is 10'. The variance requested is 4'. The Case File Number is 202500503.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

21. **2025-210:** Motion to direct the Planning and Zoning Commission to review and revise the language in the current tree ordinance regarding the clearing of lots, both residential and commercial. While the ordinance clearly requires a certain number of trees to be retained, it does not fully align with the intent of preserving mature trees and safeguarding the city's tree canopy. The Commission is asked to consider incorporating a tree survey and pre- and post-inspections as part of the permitting process, as well as requiring that a clearing permit be posted on lots prior to clearing. They should also consider if said permit should publicly outline how many trees are to be retained. Furthermore, the Commission should hold a public hearing to solicit input on proposed revisions and return to the Council with updated language that more effectively protects mature trees and enhances Diamondhead's tree canopy. (Liese)

Motion made by Mayor Liese, Seconded by Ward 1 Finley to direct the Planning and Zoning Commission to review and revise the language in the current tree ordinance regarding the clearing of lots, both residential and commercial. While the ordinance clearly requires a certain number of trees to be retained, it does not fully align with the intent of preserving mature trees and safeguarding the city's tree canopy. The Commission is asked to consider incorporating a tree survey and pre- and post-inspections as part of the permitting process, as well as requiring that a clearing permit be posted on lots prior to clearing. They should also consider if said permit should publicly outline how many trees are to be retained. Furthermore, the Commission should hold a public hearing to solicit input on proposed revisions and return to the Council with updated language that more effectively protects mature trees and enhances Diamondhead's tree canopy.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

22. **2025-211:** Motion to direct the Planning and Zoning Commission to develop and present a complete, actionable plan to bring all existing commercial signage into compliance with the city's current sign ordinance. As the majority of existing signage is grandfathered under previous regulations, the plan should include a sunset clause, establishing a clear deadline for full compliance. This will ensure that our community's visual standards align with the city's growth and aesthetic goals. Additionally, the Commission should hold a public hearing to gather input from the community. (Liese)

Motion made by Mayor Liese, Seconded by Ward 3 Harwood to direct the Planning and Zoning Commission to develop and present a complete, actionable plan to bring all existing commercial signage into compliance with the city's current sign ordinance. As the majority of existing signage is grandfathered under previous regulations, the plan should include a sunset clause, establishing a clear deadline for full compliance. This will ensure that our community's visual standards align with the city's growth and aesthetic goals. Additionally, the Commission should hold a public hearing to gather input from the community.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

23. **2025-216:** Motion to approve text amendment to allow real estate signs 7 days a week.

Councilmember Maher left the meeting at 7:06 p.m.

Motion made by Ward 2 Sheppard, Seconded by Ward 1 Finley to amend motion regarding text amendment to allow real estate signs 7 days a week by sending back to Planning and Zoning Commission for further review and possible amendments.

Voting Yea: Mayor Liese, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Councilmember Maher returned to the meeting at 7:16 p.m.

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ARTICLE 7 - ENVIRONMENTAL PROVISIONS

ARTICLE 7 - ENVIRONMENTAL PROVISIONS

7.1 TREES.

7.1.1 Purpose and Scope

The purpose of this Article is to provide for the protection and continuance of the heavy tree canopy that currently exists within the City of Diamondhead by prohibiting the unnecessary removal of mature protected trees upon private property. The provisions of this Article shall apply to all protected trees having a caliper diameter of six (6) inches or more as measured at five (5) feet above adjacent grade and growing on privately owned property. Protected trees are defined as Live Oak Trees (*Quercus virginiana*) and Southern Magnolia Trees (*Magnolia grandiflora*), American Holly (*Ilex opaca*), Bald Cypress (*Taxodium distichum*), Black Gum (*Nyssa sylvatica*), Pond Cypress (*Taxodium ascendens*), Sweet Gum (*Liquidambar styraciflua*), and White Oak (*Quercus alba*). This list may be expanded upon recommendation of the Planning & Zoning Commission with approval by the City Council.

It is further the scope of this Article to provide certain planting limitations to protect trees and the like from unnecessary trimming and to protect utility systems from damage and/or destruction due to tree growth.

7.1.2 Residual Tree Density.

1. Number of Trees Based on Lot Size. See Table 7.1.

2. Tree Relocation or Replacement.

As a condition to the granting of a tree removal permit, the applicant may be required to:

- i. Relocate those protected trees which would otherwise be destroyed to another location upon the site; or
- ii. Replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site; or
- iii. Replace those protected trees which will be destroyed with suitable replacement trees within a City right-of-way, easement, or public property, upon approval by the City Manager.

7.1.3 Permit Required for Tree Destruction

Except as provided and permitted herein, it shall be unlawful to cut down, remove, deface, burn, poison or take any other action that results ultimately in the destruction of any protected tree designated in this Article on private property which has a trunk diameter of at least six inches (6") when measured at a point five feet (5') above ground level from the base of such tree unless a proper permit is issued under the provisions of this Article.

7.1.4 Permit Process. Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a protected tree, as defined in this Article, shall first make application to the Development Coordinator. An administrative fee of \$25.00 will be assessed to the applicant. If the Development Coordinator determines a City Arborist is needed, the applicant must pay the City Arborist fee prior to the issuance of a permit to remove any protected tree.

7.1.5 Permit Application Contents. Any person, firm, partnership, corporation or other legal entity seeking permission to cut down, remove, deface, burn, poison, or

Table 7.1. Tree Table

SITE AREA (NET SQUARE FEET)	REQUIRED TREES
0 to 10,000 (approx. ¼ acre)	1 tree/1,000 sq. ft.
10,000 to 110,000 (approx. ¼—2.6 acres)	10 trees for first 10,000 sq. ft., plus 1 tree/2,500 sq. ft. over 10,000 sq. ft.
Over 110,000	50 trees for first 110,000 sq. ft., plus 1 tree/5,000 sq. ft. over 110,000 sq. ft.

take any other action that results ultimately in the destruction of any protected tree designated in this Article shall first make written application to the Development Coordinator which shall contain the following information:

- a) The plat map describing the property on which the protected tree or trees are located naming streets adjacent to the property and showing the location of the protected tree or trees on said plat. The map may be prepared by the petitioner (compass direction shall be shown on the map). The map shall be legible.
- b) Protected trees to be affected shall be so denoted on the map by a circle and numbered in sequence so that they may be identified by the same code with any written material accompanying the map. Protected trees must be listed by species.
- c) An explanation or description of the work or alteration to be performed on each protected tree and the reasons therefore.
- d) The name, legal residence, mailing address, email address, and phone number of the property owner making the request and the same information of the person or firm doing the work. Application Review.
- e) **Standard of Review.** The Development Coordinator shall review the application and, in his discretion, may consult with the City Arborist in reaching the decision of whether to grant or deny the application. In reviewing the application, the following criteria shall be taken into consideration:
 - i. The health of the protected tree or trees, if proposed to be removed for health reasons.
 - ii. The location of any buildings or appurtenances existing or proposed upon a piece of property, and whether or not a more suitable design or location is available to avoid removing a protected tree.
 - iii. The effects an existing protected tree is having or is expected to have upon buildings or appurtenances existing on the property.
 - iv. The species of the tree.

- v. Other conditions that may be unique to the situation revealed in the application, including the economic hardship that would be imposed upon the applicant were the permit denied.

7.1.6 Appeals Process. The Development Coordinator shall receive and review applications for any work proposed to be done which may result in destruction of any protected tree or trees covered by this Article. An applicant may appeal the Development Coordinator's decision within ten days to the Planning and Zoning Commission. The Planning and Zoning Commission's finding shall be final.

7.1.7 Trees on Public Property. All trees of any kind, regardless of size, located on public property belonging to the City of Diamondhead shall not be removed, cut down or destroyed by any means except upon action of the City Manager. The City Manager shall report the removal or destruction of protected trees on public property in his/her City Manager's Report to the City Council.

7.1.8 Exemption for Public Utilities. Any public utility operating within the City of Diamondhead may, upon order of the City Manager, be exempt from the provisions of this Ordinance, upon a finding that the services provided by them are necessary for the general health, safety and welfare of the citizens of the City of Diamondhead, but such cutting, removal, defacing, burning, poisoning or taking of any other action that would ultimately result in the destruction of any protected tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility.

7.1.9 Plantings not to Interfere With Utilities. It shall be unlawful for any tree or shrub to be planted in close proximity to an overhead utility such that said planting will come into conflict with and potentially damage or destroy said utility.

It is the intent of this Section that plantings occur in such a location that they achieve mature height without the necessity of trimming or pruning to avoid overhead utility lines, thus destroying the symmetry of the planting.

7.1.10 Prohibited Acts. It shall be unlawful to

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ARTICLE 7 - ENVIRONMENTAL PROVISIONS

"clear cut," or remove all trees, regardless of size or species, from a parcel of property. Any person, firm, partnership, corporation or other entity that clear cuts a parcel of property shall be subject to the penalties listed set forth in this code.

7.1.11 Tree Protection. Trees identified on an approved landscaping plan, subdivision plat, or site plan to be retained shall utilize the following protection methods:

- a) Install four-foot high perimeter fencing at the extreme outer edge of the dripline.
- b) Perimeter fencing located within 50 feet of any building footprint, unless approved by the Building Official, shall be constructed of materials equivalent to those used for silt fencing.
- c) There shall be no activity of any kind inside the perimeter other than hand-brush clearing.
- d) No land clearing or building permits shall be issued until the perimeter of all protected trees and tree groves have been properly fenced.
- e) Grates or other pervious surfaces shall be utilized within the dripline of existing trees to allow water and air to reach the tree roots.
- f) Fill (other than soil disturbance) shall be prohibited, as well as any vehicle traffic or material storage in areas under the dripline of trees to be protected.
- g) Drastic changes in drainage patterns which may negatively affect existing trees shall be avoided.
- h) Any person who intentionally damages a protected tree shall be in violation of this article and subject to the penalties prescribed herein below in Section 7.12.
- i) The removal of the protected fencing, or encroachment into the area, without explicit approval of the property owner or his designated agent, shall be punishable by a fine up to the replacement value of the tree(s) involved. Replacement value shall be determined by a method approved by the International Society of Arboriculture (ISA). This applies to any person or entity, public or private.

7.1.12 Penalties. Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the maximum fine allowed by law and the cost of prosecution or in default of the payment thereof, shall be punished by imprisonment for a period not to exceed 30 days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the cost of such prosecution.

7.1.13 Prior Tree Removal. Prior removal of protected trees. If a site is cleared or protected trees removed prior to obtaining subdivision or site plan approval, or if done without a tree survey or permit, then any development application for the site shall be denied for up to 24 months except as authorized below:

- a) A request for site plan approval within the 24 month time frame may, however, be considered if the proposed site plan incorporates a reforestation plan that results in a future canopy coverage of 40 percent of the site and pays a fine of \$500.00 per acre of trees cleared and \$1,000.00 per each protected tree removed.
- b) The square foot percentage of canopy area required for reforestation shall be based on the total area of the property less the square footage dedicated to any building footprints, streets, driveways, sidewalks, pathways, or utility easements.

7.1.14 Conflict With Other Laws. Whenever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

This Ordinance, having been unanimously adopted shall become effective 30 days upon the adoption thereof, with a single publication of the ordinance prior to becoming effective and being recorded and published in the ordinance book in the same manner as required by State Law of other ordinances.

shall meet the required setbacks of the primary structure.

- vi. **Types of Materials:** To insure architectural compatibility, building design shall be in keeping with the design patterns and architectural features consistent with the primary structure.
- vii. **Number of structures:** There shall only be one accessory structure on a property.
- c) **Aircraft Hangers.** Where permitted, residential accessory buildings, structures, or uses shall be subject to the following conditions:
 - i. Aircraft hangars and airplane storage areas shall be allowed as an accessory use upon any residential lot which is adjacent to and has direct access for aircraft to taxi to the Diamondhead Airport.
 - ii. Aircraft hangars and airplane storage areas shall not be limited in size, provided the structure is used exclusively and is sized only for the storage of an airplane.

4.3.8 Playground equipment. Where permitted, playground equipment shall be subject to the following conditions:

- i. Equipment shall be permanently affixed to the ground.
- ii. Equipment shall be placed in a rear yard only.

4.3.9 Garage and Yard Sales. Where permitted, garage and yard sales shall be subject to the following conditions:

- i. Limited to two per year per property.
- ii. Each sale shall not exceed three consecutive days.
- iii. A garage or yard sale permit shall be required and displayed conspicuously on the the subject site so as to be visible from a public street.
- iv. Advertising signs shall be subject to Article 8. Such signs may be placed adjacent to public the rights-of-way, subject to the approval of the property owner. Signs may be displayed a maximum of three days.

4.3.10 Fences. Where permitted, fences shall be subject to the following conditions:

- a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence (except for maintenance purposes) regulated by this code without first obtaining a permit from the Development Coordinator. Application shall be made on a form furnished by the Development Coordinator.
- b) **Plans and specifications.** Three sets of plans and such other data as deemed necessary by the Development Coordinator shall be submitted with each permit application, drawn to scale, and to include:
 - i. Building locations and area to be fenced,
 - ii. Height of fence,
 - iii. Type of materials to be used,
 - iv. Zoning classification,
 - v. Street intersection visibility range when applicable.
- c) **Permit Issuance.** A completed application shall be reviewed by the Development Coordinator. If the work described in an application conform to the requirements of this section the permit shall be issued. An approved application may not be changed, modified, or altered without authorization from the Development Coordinator, and all work shall be done in accordance with the approved plans.
- d) **Expiration.** Every permit issued by the Development Coordinator under the provisions of this Article shall expire by limitation and become null and void if the authorized work is not commenced within 60 days from the date of permitting, or if the authorized work is not completed, or is abandoned for a period of 60 days. Before the work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided the elapsed time does not exceed 180 days in which case the permittee shall pay a new full permit fee in order to renew the permit.
- e) **Permit Fees.** The fee for each permit shall be established by the City of Diamondhead. All permit fees (building, electrical, mechanical and plumbing) shall be waived for the repair, partial and/or complete reconstruction of a structure

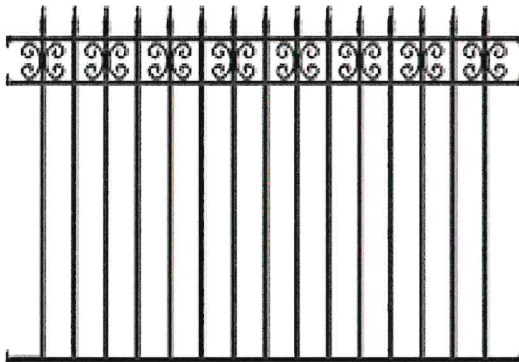
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ARTICLE 4 - USES AND USE CONDITIONS

due to damages from all natural disasters i.e. tropical storms, hurricanes, tornadoes, flooding and fire. The fees shall be waived no longer than 6 months from the date of the event.

f) Requirements.

- i. Fences constructed on any lot, and specifically corner lots, will be subject to, and shall conform to the visibility range requirements of this code. An additional clear zone may be required by the Development Coordinator.
- ii. No fence, guy wire, brace or post shall be constructed upon or extend over property that the City has control over, owns or has an easement over or under, except upon:
 - a. Underground drainage easements that contain non-pressurized storm sewer pipes if written permission is granted by all users.
 - b. Underground sanitary sewer easements that contain non-pressurized pipes if written permission is granted by all users.
 - c. Utility easements if written permission is granted by all users.
- iii. No drainage easement, public or private, shall be fenced or obstructed in any manner, without prior written permission by all users. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance. If fences, landscaping material, and other appurtenances installed by the property owner in the easement must be removed by the city to service the drainage system, the cost of removal and/or replacement shall be the responsibility of the property owner.
- iv. No fence shall exceed six (6) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this Article. Moveable screening devices utilized to comply with the parking or storage regulations of this ordinance shall not be considered a fence for the purpose of these height restrictions.
- v. No fence erected within the City limits shall be electrically charged in any manner, without prior written permission by the City Council.
- vi. No fence shall be constructed of barbed wire or other sharp, pointed material except on property utilized for agricultural purposes and is five acres or greater in size.
- vii. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. A driveway approach shall be required for all vehicle gates.
- viii. In C-1, C-2, T, and I zoning districts, fences shall not exceed six feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property.
- ix. In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six feet in height unless otherwise permitted by the Development Coordinator to meet the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.
- x. Construction material may be wood, vinyl, masonry, or other approved material except in the case where a screening device is required.
- xi. Chain-link shall not be used in areas that are zoned residential.
- xii. The finished side of the fence shall display toward the outside of the lot being fenced. All exposed structural members and cross bracing shall display internally on the lot being fenced.
- xiii. No fence shall be constructed in the required front yard building setback area of R-1, R-2, R-3, R-4, MH, C-1, C-2, T, I, PR, or PFR zoning districts. In the situation of a corner lot, each street-side frontage shall be considered as a front yard. In the case of the primary structure being set back further than the required front yard setback, no fence shall be constructed closer to the street than the building façade.



- xiv. In all zoning districts where outside storage of material, equipment, goods and supplies is allowed, all fencing shall comply with this ordinance.
- xv. No fence shall be constructed upon any lot adjoining a golf course unless said fence complies with the following:
- Fences shall be constructed entirely of ornamental metallic components with a black finish. Chain-link fencing is prohibited.
 - Fences shall not exceed 48 inches in height.
 - The fence shall be set back from the property line adjoining the golf course a minimum of 10 feet.
 - The fence shall not be opaque or of a solid construction as illustrated by the following image:
- g) **Inspections.** Upon completion of permitted activity the permittee shall notify the Development Coordinator that such work is ready for inspection. Required inspections shall include:
- Alignment inspection. (To be made after all post or support structures are in place or to be made when the holes are dug before the posts are inserted or concrete is poured.)
 - Final inspection. To be made after the fence has been completed.
- h) **Maintenance.**
- All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately.
 - The owner or his designated agent shall be responsible for the maintenance of the fence, and to determine compliance of this Section, the Development Coordinator may cause any fence to be re-inspected.
- 4.3.11 Outdoor Storage or Sale.** Where permitted, outdoor storage or sales shall be subject to the following conditions:
- a) **Outdoor Storage.**
- Outdoor storage shall not be visible from any of the following:
 - A public street or freeway,
 - An existing or planned residential area,
 - Publicly accessible open space, parking area, access driveway, or similar thoroughfare,
 - Publicly accessible space of any public, quasi-public, commercial or industrial use, or
 - Undeveloped property where public access to areas adjoining the outdoor storage use is likely.
 - Outdoor storage shall only be permitted in rear yards.
 - No storage may exceed the height of its screening wall or fence. Walls or fences shall not exceed 8 feet in height.
 - No screening wall or fence shall be located within a front yard.
 - Screening walls and fences shall be architecturally compatible with the main structure.
 - Surfacing. Outdoor storage areas shall be graded and drain all surface water to a public storm drain. Outdoor storage areas may be surfaced with partially permeable materials, if adequate drainage and erosion and dust control are provided.
 - Lighting shall comply with the lightning standards of this code.
- b) **Outdoor Sales.**
- No goods shall be sold or peddled out of trucks, cars, vans, shacks, or any object or structure that does not meet building codes or setbacks, except that farm produce, firewood, and seafood which is in as harvested form, may be