



Commissioner Bice  
Commissioner Milton  
Commissioner Bower  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

## **AGENDA**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, July 28, 2020**

**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. May 26, 2020

#### **New Business**

3. Ms. Anne Marie Petrovich Bonnette has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 L iii) to construct black metal fence on the rear property line as well as on the side property lines within the 10' setback area.

The property address is 57143 Diamondhead Drive East. The tax parcel number is 131C-1-13-117.001. The legal description is Diamondhead Subdivision Phase #1, Block 8, Lot 24. The property is located in a R-2 zoning district. The fence is required to be set back 10' from the rear property line due to being located on the golf course.

4. Ms. Tammy Simms Fields has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5E iii) to allow an existing carport recently constructed within 3'1" of the rear property line. The edge of the roof is 32" from the rear property line. The case file number is 202000223.

The property address is 8912 Anahola Court. The tax parcel number is 067J-3-36-143.000. The legal description is Diamondhead Subdivision Phase #2, Unit 7A, Block 1, Lot 75. The property is located in a R-2 zoning district. The minimum rear yard setback is 20 feet.

5. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to the Flood Damage Prevention Ordinance (Chapter 14 in Municode).

The proposed text amendment would eliminate the 18 inches of freeboard required above the base flood elevation . The proposed text language is stated below.

#### PROPOSED TEXT LANGUAGE

##### Article IV, Section 14-105 #5

Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located at or above the base flood elevation.

##### Section 14-106 #1

Residential construction. New construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest floor, including basement, elevated at or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding shall be provided in accordance with standards of subsection (4) of this section. New development proposals will be designed, to the maximum extent practicable, so residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.

##### Section 14-106 #2

Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or nonresidential building (including manufactured buildings) shall have the lowest floor, including basement, elevated at or above the base flood elevation. Buildings located in all A zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated, provided that all areas of the building below the base flood elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A flood emergency operation plan and an inspection and maintenance plan must be provided by the design professional for the building. Such certification shall be provided to the floodplain administrator. New development proposals will be designed, to the maximum extent practicable, so nonresidential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.

##### Section 14-106 #7 a 1.

Elevated on a permanent foundation to have its lowest floor elevated at or above the base flood elevation; and

Section 14-106 #7 b 1.

The lowest floor of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation support system to resist floatation, collapse, and lateral movement; or

Section 14-110 #1 a

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is at or above the base flood level; and

6. The City of Diamondhead represented by Ronald Jones, Building Official, is considering the adoption of proposed subdivision regulations to guide land development.

7. The City of Diamondhead is preparing to adopt a Tax Increment Financing (TIF) Redevelopment Plan. As part of the requirement, a statement is needed from the Planning Commission that the TIF Redevelopment Plan is in conformance with the Comprehensive Plan.

#### **Unfinished Business**

#### **Open Public Comments to Non-Agenda Items**

#### **Commissioners' Comments**

#### **Communication / Announcements**

8. Special called meeting of Commission for TIF Redevelopment Plan on Wednesday, August 5, 2020

Next meeting of the City Council is Tuesday, August 4, 2020

#### **Adjourn or Recess**



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Diamondhead, Mississippi**  
**Diamondhead City Hall Council Chambers**  
**May 26, 2020**  
**6:00 p.m. CST**

1. Commissioner Bice called the meeting to order at 6:00p.m. CST.
2. Commissioner Rubar recited the Statement of Purpose.
3. Commissioner Bice led the Pledge of Allegiance.

Present: Commissioners Hourin, Bice, Rubar, Layel, and Bower. Absent: Torguson, Hector

Also, present, City Attorney Derek Cusick, Building Official Ronald Jones, Minutes Clerk Tammy Braud.

**4. Confirmation of the Agenda**

Commissioner Hourin moved, second by Commissioner Bower to approve agenda as presented.

Ayes: Hourin, Layel, Bice, Rubar, and Bower. Nays: None. Absent: Toguson, Hector

**MOTION CARRIED UNANIMOUSLY**

**5. Approve Minutes. –**

Commissioner Bower moved, second by: Commissioner Rubar to accept minutes of April 28,2020.

Ayes: Hourin, Layel, Rubar,Bower, and Bice. Nays: None

**6. New Business –**

A motion was made by Commissioner Bower second by Commissioner Hourin to approve Commissioner Bice as Chairman of the Planning and Zoning and Commissioner Rubar as Vice Chairman.

**MOTION CARRIED UNANIMOUSLY**

**Case File # 202000138**

DBHL, LLC represented by Coby Smith has filed an application requesting a Conditional Use Permit in accordance with the Zoning Ordinance Table 4.2, Article 4.21.1 (C) and Article 2.5 to allow a “Assisted Living Facility” in a R-3 district.

The tax parcel Number 067-0-25-026.000 in part. The property is located south of and adjacent to Kapalama Drive and west of and adjacent to Kapalama Cove. The property is legally described as the west 1/3 of west 1/2 of southwest 1/4 of southwest 1/4 Section 25-7-14. The newly assigned address of the property is 97144 Kapalama Drive. The property is in a R-3 zoning district.

Ronald Jones, Building Official, addressed the commissioner giving them the history of DBHL LLC , and how we got to where we are now, he also answered questions.

DBHL LLC represented by Coby Smith presented the case, and answered questions from the commissioners.

Chairman Bice asked for public comments.  
Ms. Lael Bulter, and Ms. Sue Jones addressed their concerns.

Commissioner Bower made a motion , second by Commissioner Rubar to recommend approval of the proposed assisted living facility based on the staff report and all conditions. The Commissioners also agreed that the parking lot did not have to be located on the south side of the building.

**A Roll Call Was Taken:**

Ayes: Bice, Hourin, Layel, Bower, and Rubar      Ayes: none

**Motion Carried Unanimously**

**7. Unfinished Business – None**

**8. Open Public Comments to Non-Agenda Items**

None

**9. Commissioners' Comments:**

**10. Communication / Announcements. –**

They would like to welcome Sue Layel to the Planning and Zoning Board.

**11. Adjourn**

**Commissioner Bower moved, second by Commissioner Hourin, to adjourn at approximately 7:10 p.m. cst.**

Ayes: Rubar, Bice, Hourin, Layel, Bower.      Nays: none

**MOTION CARRIED UNANIMOUSLY**

-----

Bice, EJ, Chairman

Planning & Zoning



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2020000247

Date 6-18-2020

Applicant: Anne Marie Petrovich Bonnette

Applicant's Address: 57143 Diamondhead Dr. E. Diamondhead, MS. 39525

Applicant's Email Address: Runanne19@aol.com

Applicant's Contact Number: (Home) N/A (Work) Retired (Cell) 228-343-4087

Property Owner: Anne Marie Petrovich Bonnette

Owner's Mailing Address: 57143 Diamondhead Dr. E. Diamondhead, MS. 39525

Owner's Email Address Runanne19@aol.com

Owner's Contact Number: (Home) N/A (Work) Retired (Cell) 228-343-4087

Tax Roll Parcel Number: 131C-1-13-117.001

Physical Street Address: 57143 Diamondhead Dr. E. Diamondhead MS. 39525

Legal Description of Property: Phase 1, Lot 24, Block 8

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height) Would like fence erected at the property line, which is 26' from the back patio not 10' from the property line. I have 2 dogs who need adequate space, to have a safe place to play. Property faces the 11th tee box of the Pines Golf Course. My dogs need more than 16' from the patio. This out of bounds marker.

**REQUIRED ITEMS:**

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.  
**THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)**
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?
  2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
  3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
  4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?
- B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to their variance application:
- i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
  - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
  - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
  - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
  - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
  - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. Payment of fee for Variance request: \$100.00 as per Ordinance 2012-020



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 \_\_\_\_\_ at \_\_\_\_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.

*Ane Marie Bonnette*  
Signature of Applicant

*Ane Marie Bonnette*  
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 Anne Marie Petrovich - Bonnette

Street Address 57143 Diamondhead Dr. E. 39525

Statement Describing Variance Request

I would like my dogs to be able to enjoy being outside in a safe area enclosed, to avoid the golfers. I need more than 16'. I need the full 26'. This will not affect the golfers, or out of bounds marker.  
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: No - only affects my property @ 57143 Diamondhead Dr. E. ; Diamondhead

MS. 39525 - There will still be several feet between my property line & the out of bounds marker.

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: Other property owners on the same golf course are allowed fences. Now that my covenants have expired, I would like my property fenced.

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: Other property owners @ Glenn Eagle, on the same golf course are allowed fences. I need a fence to keep my dogs confined in our yard, to avoid potential conflict w/ golfers on the tee box, hole 11.

SURVEY DESCRIPTION

PARCEL OF LAND LOCATED IN THE DIAMONDHEAD SUBDIVISION BLOCK 8 IN THE AMENDED PLAT OF LOT A IN THE CITY OF DIAMONDHEAD, HANCOCK COUNTY MISSISSIPPI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 24

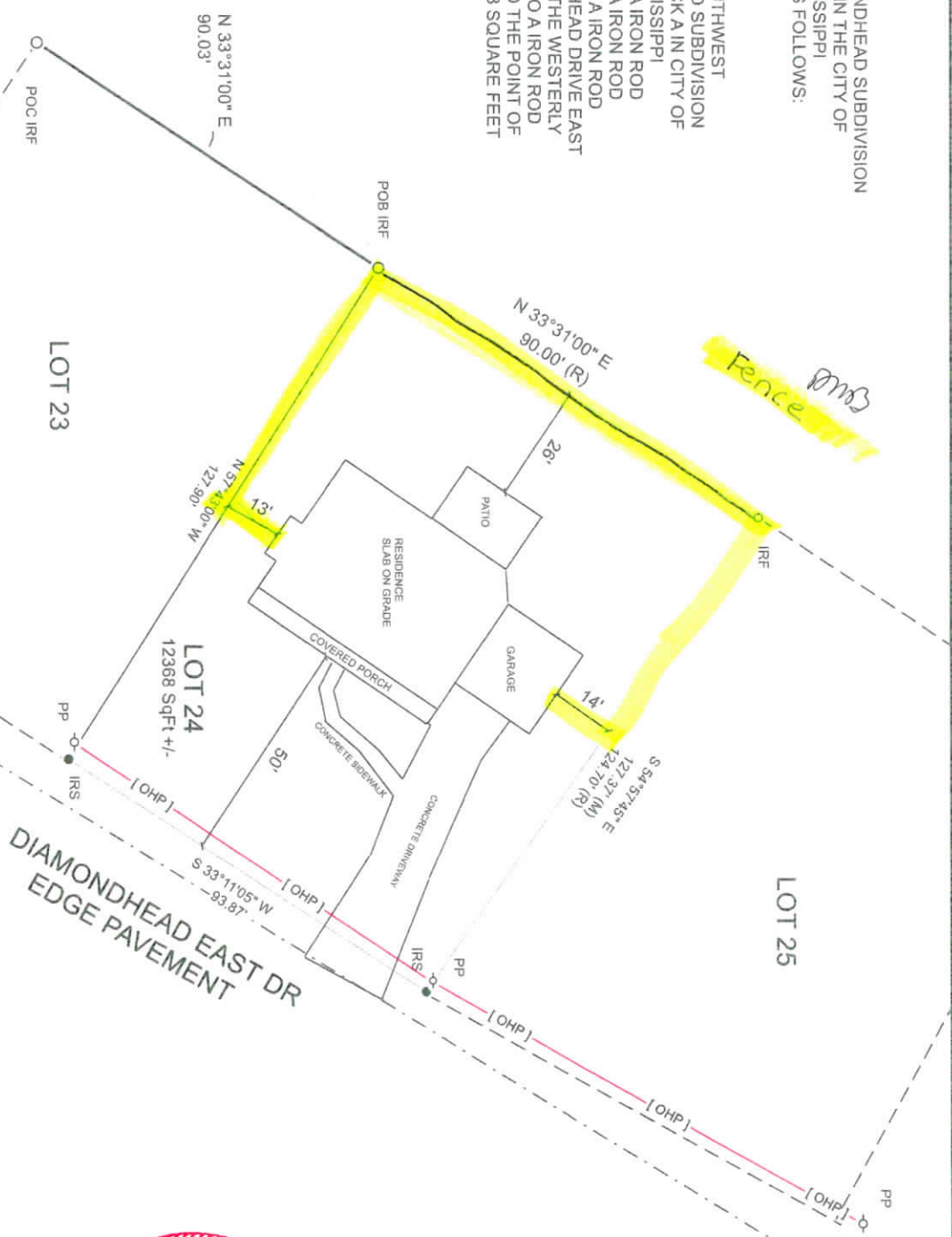
COMMENCING AT A IRON ROD AT THE SOUTHWEST CORNER OF LOT 23 IN THE DIAMONDHEAD SUBDIVISION BLOCK 8 OF THE AMENDED PLAT OF BLOCK A IN CITY OF DIAMONDHEAD, HANCOCK COUNTY MISSISSIPPI  
 THENCE: N33°31'00"E FOR 90.03 FEET TO A IRON ROD  
 THENCE: N33°31'00"E FOR 90.00 FEET TO A IRON ROD  
 THENCE: S64°57'45"E FOR 127.37 FEET TO A IRON ROD  
 AT THE WESTERLY MARGIN OF DIAMONDHEAD DRIVE EAST THENCE: S33°11'05"W 93.87 FEET ALONG THE WESTERLY MARGIN OF DIAMONDHEAD DRIVE EAST TO A IRON ROD  
 THENCE: N57°43'00"W FOR 127.80 FEET TO THE POINT OF BEGINNING SAID PARCEL CONTAINS 12368 SQUARE FEET MORE OR LESS.

REFERENCES

1. DEED BOOK 2013 PAGE 8934
2. DEED BOOK Y5 PAGE 352
3. DEED BOOK 2018 PAGE 8303
4. DEED BOOK 2018 PAGE 3338
5. PLAT BY RIED & ASSOCIATES LLC DATED 05/09/18
6. PLAT OF RECORD ON FILE AT HANCOCK COUNTY CHANCERY CLERKS OFFICE
7. HANCOCK COUNTY TAX MAP 131C

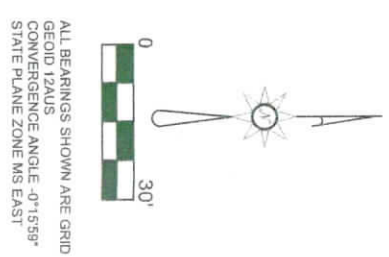
LEGEND

- IRS = 1/2 INCH IRON ROD SET W/ORANGE CAP MARKED RIED ASSOC. PLS 3037
- POWER POLE
- IRF = 1/2 IRON ROD FOUND MEASURED RECORD
- (R)
- [OHP] — OHP OVERHEAD POWER
- — — EDGE PAVEMENT
- — — LOT LINES



SURVEY IS VALID ONLY IF PLAT HAS ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR  
 NO ATTEMPT HAS BEEN MADE AS PART OF THIS BOUNDARY SURVEY TO OBTAIN SHOW DATA CONCERNING THE EXISTENCE SIZE, DEPTH, CONDITION, LOCATION OR ANY UTILITY OF PUBLIC SERVICE UTILITY  
 IN CONSIDERATION OF A FEE PAID I DECLARE THAT THIS SURVEY WAS DONE BY ME OR UNDER MY IMMEDIATE SUPERVISION AND IS CORRECT TO MY PROFESSIONAL KNOWLEDGE AND BELIEF.

THIS IS BASED ON INFORMATION PROVIDED BY THE CLIENT SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EVIDENCE, OR OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE  
 THIS SURVEY MEETS THE MISSISSIPPI MEASUREMENT STANDARDS FOR A CLASS B SURVEY



**RIED & ASSOCIATES LLC**  
 9526 BENESHEEMAH TRAIL  
 PASSCHRISTIAN MS 39571  
 PHONE 228 205-4007



SURVEY OF LOT 24 LOCATED IN THE DIAMONDHEAD SUBDIVISION BLOCK 8 IN THE AMENDED PLAT OF LOT A IN THE CITY OF DIAMONDHEAD HANCOCK COUNTY MISSISSIPPI		DRAWN BY DER	
SCALE 30 FT/IN	SURVEY DATE 05/29/20	DRAWING DATE 05/29/20	
JOB 18-055	CHECKED BY MLSR		



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2020000223

Date: JUN 10 2020

RECEIVED  
BY: RJ

Applicant: Tammy Simms Fields

Applicant's Address: 8912 Anahola Ct.

Applicant's Email Address: msxxpp7@bellsouth.net

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 985-290-7891

Property Owner: Tammy Simms Fields

Owner's Mailing Address: 8912 Anahola Ct.

Owner's Email Address: msxxpp7@bellsouth.net

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 985-290-7891

Tax Roll Parcel Number: 06 J- 3- 36- 143.000

Physical Street Address: 8912 Anahola Ct.

Legal Description of Property: Lot 75, Block 1, Unit 7A

Zoning District: R2

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

To allow an existing carport recently constructed within 3'1" of the rear property line.

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 \_\_\_\_\_ at \_\_\_\_\_ 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 TAMMY FIELDS LIPPON

Street Address 8912 ANAHOA COURT, DIAMOND HEAD MS. 39525

Statement Describing Variance Request

ALLOW FOR REPLACEMENT CARPORT CONSTRUCTION ON  
N.W. SIDE / REAR OF PROPERTY ATTACHED TO EXISTING GARAGE  
STRUCTURE.

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: ONLY AFFECTS THE PROPERTY AT 8912 ANAHOA.  
IS CONTAINED WITHIN PROPERTY LINES. DOES NOT CHANGE  
RAIN RUNOFF OR INTERFERE WITH EXISTING / NEIGHBORING LOTS.

- 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, SIMILAR STRUCTURES EXIST WITHIN OTHER  
R2 ZONED AREAS, SPEDS, CARPORTS, NEW CONSTRUCTION  
IN SAME ZONING DISTRICT. (EXAMPLES CAN BE PROVIDED)

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

Response: YES/NO. IT WAS A REPLACEMENT STRUCTURE WHEN  
HOME WAS PURCHASED IN 2004. ASSUMED A VARIANCE WAS  
GRANTED TO ORIGINAL OWNER. WAS REBUILT WITH THIS ASSUMPTION

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

Response: NO, OTHER LIKE STRUCTURES EXIST IN THE  
SAME ZONING.



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

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to the Flood Damage Prevention Ordinance (Chapter 14 in Municode).

The proposed text amendment would eliminate the 18 inches of freeboard required above the base flood elevation . The current and proposed text language is stated below.

**CURRENT TEXT LANGUAGE**

**Article IV, Section 14-105 #5**

Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a ~~minimum of 18 inches~~ above the base flood elevation.

**Section 14-106 #1**

Residential construction. New construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest floor, including basement, elevated ~~to no lower than 18 inches~~ above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding shall be provided in accordance with standards of subsection (4) of this section. New development proposals will be designed, to the maximum extent practicable, so residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.

**Section 14-106 #2**

Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or nonresidential building (including manufactured buildings) shall have the lowest floor, including basement, elevated ~~to no lower than 18 inches~~ above the base flood elevation. Buildings located in all A zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated, provided that all areas of the building below the base flood elevation ~~(plus a minimum of 18 inches of freeboard~~ are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect



shall certify that the standards of this subsection are satisfied. A flood emergency operation plan and an inspection and maintenance plan must be provided by the design professional for the building. Such certification shall be provided to the floodplain administrator. New development proposals will be designed, to the maximum extent practicable, so nonresidential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.

Section 14-106 #7 a 1.

Elevated on a permanent foundation to have its lowest floor elevated ~~to no lower than 18 inches~~ above the base flood elevation; and

Section 14-106 #7 b 1.

The lowest floor of the manufactured home is elevated ~~to no lower than 18 inches~~ above the base flood elevation and be securely anchored to an adequately anchored foundation support system to resist floatation, collapse, and lateral movement; or

Section 14-110 #1 a

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated ~~to 18 inches~~ above the base flood level; and

**PROPOSED TEXT LANGUAGE**

Article IV, Section 14-105 #5

Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located at or above the base flood elevation.

Section 14-106 #1

Residential construction. New construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest floor, including basement, elevated at or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces on exterior walls of enclosures that are subject to flooding shall be provided in accordance with standards of subsection (4) of this section. New development proposals will be designed, to the maximum extent practicable, so residential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.

Section 14-106 #2

Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or nonresidential building (including manufactured buildings) shall have the lowest floor, including basement, elevated at or above the base flood elevation. Buildings located in all A zones may, together with attendant utility and sanitary facilities, be floodproofed in lieu of being elevated, provided that all areas of the building below the base flood elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A flood emergency operation plan and an inspection and maintenance plan must be provided by the design professional for the building. Such certification shall be provided to the floodplain administrator. New development proposals will be designed, to the maximum extent practicable, so nonresidential building sites, walkways, driveways, and roadways are located at natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the special flood hazard area.

Section 14-106 #7 a 1.

Elevated on a permanent foundation to have its lowest floor elevated at or above the base flood elevation; and

Section 14-106 #7 b 1.

The lowest floor of the manufactured home is elevated at or above the base flood elevation and be securely anchored to an adequately anchored foundation support system to resist floatation, collapse, and lateral movement; or

Section 14-110 #1 a

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is at or above the base flood level; and

The City Council shall have jurisdiction with respect to all Text Amendments . The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, July 28, 2020 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. Social distancing recommendations from federal and state officials in conjunction with the Center for Disease Control will limit attendees at this and future

meetings. Residents are encouraged to view the meeting live stream via the city's website at [www.diamondhead.ms.gov](http://www.diamondhead.ms.gov). Any resident wishing to address the Planning Commission may do so in writing in advance by hand-delivery, mail or e-mail to [rjones@diamondhead.ms.gov](mailto:rjones@diamondhead.ms.gov).

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-222-4626.

# **SUBDIVISION REGULATIONS**

OF

**CITY OF DIAMONDHEAD, MISSISSIPPI**

**REVISED JULY 15, 2020**

**ACKNOWLEDGEMENTS**

**Diamondhead City Council and Administration**

- Thomas E. Schafer IV – Mayor
- Lindsey “Tink” L’Ecuyer – Councilperson At Large
- Nancy Depreo – Councilperson, Ward 1
- Alan Moran – Councilperson, Ward 2
- Jaime Wetzel Morgan – Councilperson, Ward 3
- Chuck Clark – Councilperson, Ward 4
- Michael Reso - City Manager
- Jeannie Klein - City Clerk
- Ronald Jones – City Building Official/Zoning Administrator
- Derek R. Cusick , Esq. - City Attorney

**Diamondhead Planning and Zoning Commission**

- E.J. Bice, Chairperson
- John Rubar, Vice Chairperson
- Grant Bower
- William Hourin
- Todd Torguson
- David Hector
- Sue Laylel

This page intentionally left blank

**TABLE OF CONTENTS**

<u>SUBJECT</u>	<u>PAGE</u>
ACKNOWLEDGEMENTS	
TABLE OF CONTENTS .....	i
ARTICLE I – TITLE AND PURPOSE .....	1
100 - Necessity for Land Subdivision Regulations.....	1
101 - Authority for Regulations .....	1
102 - Title.....	1
103 - Purpose .....	1
104 - Jurisdiction .....	2
105 - Administration.....	2
106 - Plat Required.....	2
107 - Enforcement.....	3
ARTICLE II – DEFINITIONS .....	4
200 - Definitions.....	4
ARTICLE III – PROCEDURES.....	9
301 - Procedure for Approval of the Sketch Plat.....	9
302 - Procedure for Approval of Preliminary Plat.....	9
303 - Procedure for Approval of Final Plat and Replat of an Existing Lot .....	11
304 - Construction Documents .....	12
305 - Recording of the Final Plat .....	15
306 - Information on Final Plat.....	16
307 - Required Improvements and Standards .....	18
308 – Streets and Alleys.....	19
309 - Water Distribution System .....	25
310 - Sanitary Sewer Collection Systems.....	25
311 - Stormwater Management System .....	26
312 - Easements .....	28
313 - Accessibility .....	28
314 - Lots.....	29
315 - Sidewalks .....	29
316 - Erosion control.....	31
317 - Lighting.....	31
318 - Underground wiring .....	31
319 - Monuments.....	31
320 - Variances .....	32
321 - Hearing and Amendments .....	34
322 - Authority of City Engineer.....	34
323 - Engineering Inspection .....	35
324 - Public Sites and Open Spaces .....	35

**SUBDIVISION REGULATIONS**

**TABLE OF CONTENTS**

*City of Diamondhead, Mississippi*

325 - Special Provisions .....35  
326 - Industrial or Commercial Subdivisions.....36  
327 - Private Subdivisions .....36  
328 - Floodplain Areas.....38  
329 - Appeals .....38  
330 - Penalties.....39  
331 - Saving Clause .....39  
332 - Effective Date .....39

ARTICLE IV – PERFORMANCE BOND FOR DEFERRED IMPROVEMENTS .....40  
    400 - Performance and Payment Bond.....40

ARTICLE V – MAINTENANCE BOND .....41  
    500 - Maintenance Bond.....41

ARTICLE VI – SUBDIVISION APPLICATIONS AND CHECKLISTS.....42  
    600 – Applications and Checklist.....42

ARTICLE VII – SUBDIVISION REGULATION FEE SCHEDULE .....43



## ARTICLE I – TITLE AND PURPOSE

### 100 - Necessity for Land Subdivision Regulations

100.1 In order to promote the health, safety, convenience, and general welfare of the inhabitants of Diamondhead, and to assist in bringing about the coordinated, efficient, and economical development of the city, there exists a need for the following regulations and minimum standards to be followed in the development or redevelopment of land subdivision in Diamondhead, Mississippi.

### 101 - Authority for Regulations

101.1 The provisions of the ordinance are adopted pursuant to the authority set forth in Title 17 of the General Laws of the State of Mississippi, Chapter 1, Section 17-1-1 through 17-1-27 inclusive of the Mississippi Code of 1972 annotated.

### 102 - Title

102.1 These regulations shall be known as the "Subdivision Regulations of City of Diamondhead, Mississippi" and may be so cited.

### 103 - Purpose

103.1 These regulations have as their purpose the attainment of objectives set forth in Section 100 of Article I through the application of procedures, standards, and requirements herein established. Specifically, these regulations are:

- a. To establish procedures governing the filing and approval of land subdivision plats and data in the corporate limits of Diamondhead.
- b. To establish minimum standards governing streets, utilities, and other required improvements.
- c. To establish minimum standards governing the preparation and filing of land subdivision plats and data to be submitted to Diamondhead for approval.
- d. To insure the proper coordination of future streets and their development with existing or planned streets.
- e. To fix penalties for the violation of the provisions of these regulations.
- f. To provide that the City of Diamondhead may issue variances to these regulations in certain cases or under certain conditions.
- g. To implement the Comprehensive Plan for the City of Diamondhead.

**104 - Jurisdiction**

104.1 From and after the date of adoption, these regulations shall govern all subdivisions of land within the City of Diamondhead, Mississippi, provided, however, the provisions of these regulations shall not be applicable to undivided lands containing ten (10) or more acres and which are used presently or proposed for farming and agricultural purposes. Jurisdiction over water and sewer utilities shall be exclusive to Diamondhead Water and Sewer District. Any reference in these regulations to water and sewer utilities associated with subdivision of land within the City of Diamondhead shall meet the requirements of and shall obtain the approval of Diamondhead Water and Sewer District.

**105 - Administration**

105.1 The Planning & Zoning Administrator (hereinafter "Administrator") for the City of Diamondhead or his designated representative shall administer this ordinance, and the City of Diamondhead may employ any staff, person, persons, or consultants to assist in the administration and coordination of these regulations. Final approval of plats and other data shall be the responsibility of the Diamondhead City Council as prescribed by law.

105.2 The Administrator for the City of Diamondhead shall develop the necessary forms, applications, check lists, schedules, permits or any other document necessary for the full administration and implementation of these regulations, and said forms, applications, check lists, schedules or otherwise shall be distributed with these regulations.

105.3 In administering and enforcing the terms and provisions of these regulations the Administrator shall consult with the department directors, the City Engineer or designated Engineering Consultant selected by the City, or representatives from other service providers for the purpose of properly and effectively applying these regulations.

**106 - Plat Required**

106.1 These regulations and development standards shall apply to the following forms of land subdivisions:

- a. Any owner and/or owners of land lying or being situated within the City limits of Diamondhead, Mississippi who wish to divide such land into two (2) or more parcels, lots, sites, and/or other divisions, for the purpose of sale or development, or any party who wishes to resubdivide lands for such purpose shall be required to abide by the rules, regulations, and procedures outlined in this ordinance.
- b. The dedication, vacation or reservation of any public or private right-of-way or easement through any tract of land regardless of the area involved, including those for use by public and private utility companies related to land subdivision, only. These regulations do not apply to easements required by public and private utility companies not related to land subdivision.
- c. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.
- d. The division of land, previously subdivided or platted, into tracts, lots, sites or parcels, of less than ten (10) acres in area.

**106.2 – Exemptions**

A parcel of land less than one (1) acre shall follow the required procedure below:

- A. Submit to the Administrator a legal survey showing:

1. The total amount of property to be subdivided (sq. ft.)
2. Dimensions of the property to be subdivided and of each subdivided lot
3. Legal Description of overall lot to be subdivided (property)
4. Legal Description of each subdivided lot
5. Identify and delineate all special flood hazards areas
6. Any and all public dedicated street (name and width)
7. Identify all easements
8. Approval wording
9. Identify all utilities, including drainage features
10. Setting monuments
11. Statement of Closure Error
12. Recording wording
13. Delineate Front Yard Set Back (FYSB), Side Yard Set Back (SYSB) and Rear Yard Set Back (RYSB).
14. ID parcels

106.2.1 Administrator shall review submittal for compliance with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

106.2.2 If submittal meets all requirements, Administrator shall forward to City Council with recommendation to approve subdivision. If submittal does not meet all requirements or requires a variance, Administrator shall forward to the Commission and shall follow the process listed for Sketch Plat Approval (Article 301).

## **107 - Enforcement**

107.1 The Administrator is authorized to make determinations as to whether or not said Regulations are being complied with by any subdivider and to issue citations, if needed. If subdivider is non-compliant with citation, Administrator shall make recommendation to City Council such action or actions as are necessary to enforce these Regulations. The City Council shall take such action as may be deemed necessary to enforce these Regulations including injunction or other remedial relief as be considered proper.

## **ARTICLE II – DEFINITIONS**

### **200 - Definitions**

200.1 For the purpose of these regulations, certain words and terms used herein are defined as follows:

1. Administrator – See Administration, Article 105
2. Alley - A minor right-of-way, dedicated to City of Diamondhead use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
3. As Built – A set of drawing submitted by the Developer, engineer, and/or contractor upon completion of a project that depicts the actual dimensions, geometry, and location of all elements of the completed construction. The drawings provide the City with a permanent record of the work completed during the project. The drawings shall be two (2) hard copies of drawings and a CD with AutoCAD and GIS files of drawings.
4. Average Daily Traffic (ADT) - The volume of traffic counted on the roadway over a given time period (greater than one day but less than one year) divided by the number of days in that time period.
5. Benchmark - A definite point of known elevation and location and of permanent character.
6. Block - A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or a combination thereof.
7. Building Line or Setback Line - A line or lines designating the area outside of which, buildings may not be erected.
8. City Clerk - The City Clerk of the City of Diamondhead, Mississippi.
9. City Council - The elected governing body of the City of Diamondhead, Mississippi.
10. City Engineer - The City Engineer of the City of Diamondhead, Mississippi or Engineering Consultant selected by City of Diamondhead to serve in role of City Engineer on a project.
11. City Planner – The City Planner of the City of Diamondhead, Mississippi
12. Civic Space - An open area dedicated for City of Diamondhead use, typically for community gatherings. Civic Space Types are defined by the combination of certain physical constants defined by the relationship between their intended use, their size, their landscaping and their fronting buildings.
13. Commission - The Planning and Zoning Commission for the City of Diamondhead, as appointed by the City Council.
14. Comprehensive Plan - The document entitled Diamondhead, Mississippi 25 Year Comprehensive Plan or any part thereof, adopted by the Diamondhead City Council.

15. Conditional - Granted or made on provisions set forth in this ordinance.
16. Construction Documents – Includes the plans, elevations, profiles, topography, layout or any other map, drawings or specifications, along with supporting data, utilized to define and guide the physical development of the subdivision. Construction Documents are those which are compiled by a Mississippi licensed engineer or other duly licensed design professional.
17. County - Hancock County, Mississippi.
18. Crosswalkway - A public right-of-way ten (10) feet or more in width between property lines, which provides pedestrian access to adjacent properties.
19. Cul-de-sac - A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.
20. Development - The act of installing site improvements and building structures,
21. Developer - That person, firm or corporation by whom a tract will be subdivided and improved, pursuant to the requirements of this chapter.
22. Development Review Committee – The City of Diamondhead Development Review Committee including members of the City's professional staff (Administrator, City Engineer, Public Works, Police Department, and Fire Department) or consulting professionals selected by the city whose duties and responsibilities include meeting with Developer of proposed subdivision and reviewing proposed subdivision for compliance with City of Diamondhead Ordinances and Subdivision Regulations. Diamondhead Water and Sewer District may also attend. Developer shall coordinate separately with Diamondhead Water and Sewer District.
23. Ditches - A drainage area which has a side slope no steeper than three (3) feet horizontally and one (1) foot vertically.
24. Easement - A grant by the property owner to the City of Diamondhead, a corporation, or persons, of the use of a strip of land for specific purposes.
25. Engineer - Shall mean a registered professional engineer licensed in the State of Mississippi.
26. Engineering Plans - The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.
27. Exempt Subdivision – Subdivision of a parcel of property no more than 1 acre in size into no more than three (3) lots meeting the zoning requirements for the zoning district in which the parcel is located. The subdivided property must front onto a public street, have access to existing utilities, not require construction of a street or extension of utilities (other than service lines) to subdivided property and complies with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision
28. Frontage - That edge of a lot bordering a street.
29. Health Department - The Hancock County Health Department.
30. Improvements - Street surfacing, with water mains, sanitary sewers, drainage Improvements, utilities and monuments. Curb and gutter, storm sewers, sidewalks and other amenities may be provided by Developer.

31. Improvement Plans - The engineering drawings showing types of materials and construction details for the physical structures and facilities, excluding dwelling units to be installed in conjunction with the development of the subdivision, if applicable.
32. Lot - A subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for building development or both, and which abuts on a public right-of-way. Lots mean tracts, sites or parcel.
33. Lot Area - The total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.
34. Lot, Corner - A lot located at the intersection of and abutting on two or more streets.
35. Lot, Double Frontage - A lot which runs through a block from street to street and which abuts two or more streets.
36. Lot, Reverse Frontage - A lot fronting on two (2) parallel streets but access to only one.
37. Lot Width - Shall mean the width of the lot at the building setback line measured parallel to the street right-of-way line.
38. Low Impact Development (LID) – An approach to land development that works with nature to manage stormwater as close to its source as possible by preserving and recreating natural landscape features, minimizing effective imperviousness to reduce the impact of built up areas. LID systems include bioretention facilities, rain gardens, rain barrels, permeable pavements and other approaches.
39. Master Plan (Land Use Plan) - A composite of the mapped and written proposals recommending the physical development of the community, which shall have been adopted by the City Council. Master Plan includes the Comprehensive Plan or portions thereof.
40. City Council - The chief legislative body of the City of Diamondhead.
41. Municipal or Municipality - The City of Diamondhead and, where appropriate to the context, that area lying within the corporate limits of such city as such corporate limits exist or may exist in the future.
42. Non-residential Subdivision - Either or both of (A) a division or redivision of a tract into more than one lot, plat, or site for commercial or industrial purposes, and (B) the dedication or establishment of a street, alley, pedestrian or public way, in conjunction with, or use in any such tract.
43. Open Space - See Civic Space.
44. Performance Guarantee - Any security which may be accepted in lieu of a requirement that certain improvements be made before the city council or any other approving body approves a final plat, including performance bonds by subdivider or improvement contractors, escrow agreements, and other similar collateral or surety agreements.
45. Planning and Zoning Commission – The Planning and Zoning Commission for the City of Diamondhead as appointed by the City Council.

46. **Transportation Plan** - The component part of the Comprehensive Plan for the City of Diamondhead showing the general locations of principal thoroughfares, railways, airports, waterways, and other transportation facilities.
47. **Community Facilities Plan** - The component part of Comprehensive Plan for the City of Diamondhead showing the general locations of parks, recreation areas, school sites and other public buildings and community facilities.
48. **Future Land Use Plan** - The component part of the Comprehensive Plan for the City of Diamondhead showing the areas recommended for residential, commercial, industrial and other purposes.
49. **Plat, Preliminary and Final** - A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with a complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land. Article 302 lists requirements of Preliminary Plat and Article 303 list requirements of Final Plat.
50. **Private Subdivision** – A subdivision development in which the infrastructure (roads, streets, utilities, etc.) is not dedicated to public use or public maintenance.
51. **Public Open Spaces** - Public Open Spaces means land, which may be dedicated or reserved, for acquisition for general use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, and public parking spaces.
52. **Re-Plat** - The redivision of any part or all of any block of a previously platted subdivision, addition, lot or tract.
53. **Reserve Strip** - The strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to street or other public use.
54. **Resubdivision** - The redivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.
55. **Right-Of-Way** - A grant by the property owner, usually in the form of a dedication to the City of Diamondhead, of a strip or strips of land to be used primarily for transportation passage over the land.
56. **Roadway width or surfaced width** - Roadway width or surfaced width means that portion of the street available for vehicular traffic, and, where curbs are laid, the portion between curbs.
57. **Sidewalk** - The portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.
58. **Sketch Plat** - A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land. All adjoining landowners, easements and rights-of-way will be included. Article 301 lists requirements of Sketch Plat.
59. **Slope** - The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.
60. **Street** - The term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
61. **Street, Arterial** - Streets which are used primarily for fast or heavy traffic and that form a part of the existing or proposed City Transportation Plan, Federal Aid Highway System, and/or the State Highway System.

62. Street, Collector - A street which carries traffic from minor streets to the major streets in residential and business areas and include the principal entrance streets of a residential development and streets for circulation within such a development.
  63. Street, Cul-de-Sac - A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.
  64. Streets, Frontage or Service - A minor street auxiliary to, and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.
  65. Streets, Minor - A street, which is used primarily for access to the abutting properties. Minor streets are shown as local streets in the Comprehensive Plan.
  66. Subdivider - Any person, firm, partnership, corporation or other entity, acting as a unit; subdividing or proposing to subdivide land as herein defined.
  67. Subdivision - The division or re-division of land into two or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.
  68. Surveyor - A licensed land surveyor to practice the profession of surveying in the State of Mississippi.
  69. Tentative Approval - The approval by the Planning & Zoning Commission of the sketch plat as such approval is required by these regulations.
  70. Trenches – long, narrow ditch for installation of utilities.
  71. Utility - A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or internet service.
  72. Variance - The granting of permission to use or alter land which requires a variation from the strict application of the requirements of the Subdivision Regulations. Variances are granted only if specific criteria are met. A variance may not be granted to develop land in a manner that is not permitted in the Subdivision Regulations.
  73. Zoning Administrator - The administrative officer authorized by the City having the power and duty of enforcing and administering the provisions of the Subdivision Regulations.
- 200.2 Words used in the present tense include the future tense, the singular number includes the plural number, and the plural number includes the singular number; the masculine gender shall include the feminine and the neuter and vice-versa; the term "building" includes the term "structure"; the term "occupied" includes the term "designed or intended to be occupied"; the term "used" includes the term "arranged, designed or intended to be used"; the term "shall" is mandatory and not directory.



## ARTICLE III – PROCEDURES

### 301 - Procedure for Approval of the Sketch Plat

301.1 The purpose of the sketch plat is to develop a general design on which to base the preliminary and final plat, and thus to avoid having to revise such design, and relate it to surrounding development. To this end, the subdivider should consult with the Development Review Committee on preparation of the sketch plat.

301.2 The subdivider shall submit to the Commission, eight (8) scaled 24" x 36" copies of the sketch plat of the proposed subdivision recommended by the Development Review Committee to the Commission, together with the attendant items required herein prior to the submission deadline as established and published by the city. The review shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

301.3 Sketch plat approval by the Commission requires City Council approval.

301.4 The subdivider must submit a general layout drawing, with a legend, of the proposed subdivision or development. The sketch plat shall indicate location of the subdivision, street alignment, lot sizes, desired improvements, location of existing and proposed utilities, access roads, identification and delineation of flood plains based upon the current FEMA FIRM map and drainage facilities, executed and recorded warranty deed, regulatory wetlands, and shall provide additional information that is deemed reasonably necessary within the scope of this ordinance by the city. All adjoining landowners, easements and rights-of-way will be included on the sketch plat.

301.5 A public hearing before the Planning-Commission at which parties in interest and citizens shall have an opportunity to be fully heard shall be held for all applications for sketch plat approval.

301.6 Notice of the proposed sketch plat application and of the time and place of the public hearing shall be published in an official paper, or a paper having a general circulation in the City of Diamondhead at least fifteen (15) days before the date of the public hearing. The hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed subdivision fifteen (15) days prior to date of the public hearing.

301.7 If, after submittal of the Sketch Plat, the Administrator determines that the proposed subdivision meets the requirements of an Exempt Subdivision and these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision, the Administrator shall notify the Developer to prepare the Final Plat for the Exempt Subdivision.

### 302 - Procedure for Approval of Preliminary Plat

302.1 The purpose of the preliminary plat, together with the attendant items required herein is to provide plans for the construction of the subdivision and its improvements as well as a draft of the final plat of the subdivision. To this end, during preparation of the preliminary plat, the subdivider should consult with the Administrator, Development Review Committee and with other officials and agencies concerned with the subdivision and the improvements. The preliminary plat and construction plans shall be based upon the general design shown on the approved sketch plat, together with the recommended changes.

302.1.1 The Developer shall submit to the Administrator, the following items:

- a. Five (5) copies, with one being no smaller than 24" x 36" and twelve at 18" x 24" of the preliminary plat;
- b. Three (3) copies of the complete construction documents stamped by engineer;
- c. Three (3) copies of complete design calculations in accordance with City of Diamondhead Stormwater Management Ordinance;
- d. Three (3) copies of the preliminary plat application forms

302.1.2 The proposed preliminary plat shall be at a scale that is legible and functional on sheets of 18" x 24" in size. The proposed preliminary plat shall give the following information:

- a. The name of the subdivision, the name and address of the owner, and the name of the professionally qualified engineer, land surveyor, architect, landscape architect, or planner registered to practice in the State of Mississippi.
- b. The names and addresses of owners of all properties abutting the property being subdivided as they appear on the tax records.
- c. The scale, north point and date.
- d. Proposed street names, location, right-of-way widths, pavement widths, approximate grades and vertical curves of proposed streets, alleys, easements, parkways, and other open spaces, reservations, lot lines and dimensions, setback lines, lot numbers and block numbers.
- e. The location of proposed property lines and existing property lines, date of survey, natural watercourses, railroads, sewers, bridges, culverts (indicate size) drain pipes, streets, alleys or other easements on the proposed plat and on adjoining land.
- f. The plat shall have a grid on even five hundred (500) foot intervals of the State plane coordinates (transverse mercator projection) as well as any township, section and range boundaries for the area which the plat encompasses.
- g. A legal description and a boundary survey, with bearings and distances referenced to section or fractional section corners or other base lines shown on the plat and readily reproducible.
- h. Calculations sheets stamped by engineer containing the following data:
  - 1. The length and radii of all curved street and lot lines and the bearings and the length of all straight street lot lines and the area in square feet of each lot.
  - 2. Bearings and distances referenced to sectional or fractional section lines or other base lines shown on the plat and readily reproducible on the ground.
  - 3. Street centerline bearing and distance with centerline curve data (deflection angle, radii, degree of curvature, chord distance and bearing and length of curve).
- i. Street pavements adjacent to the proposed plat, rights-of-way width and location.

- j. The dimensions in feet and decimals of lot area and lot frontage along any public street.
- k. For non-special flood hazard areas, finished floor elevation shall be indicated on the plat. Finished floor elevations of each lot shall be a minimum of one foot above the center line of the new roadway unless approved by the City Engineer or Designated Representative.
- l. Preliminary approval of the proposed water and sewer systems in the subdivision must be given by the appropriate authorities.
- m. Zoning ordinance setbacks and zones must be indicated.
- n. Identification and delineation of all FEMA special flood hazard areas will be based upon the current FEMA FIRM map.
- o. Identification and delineation of wetlands.

302.1.3 Administrator shall review the Preliminary Plat submittal for compliance with the approved Sketch Plat, these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision.

302.1.4 If the Preliminary Plat meets all requirements, Administrator shall issue approval. If submittal does not meet all requirements or requires a variance, Administrator shall forward to the Commission and shall follow the process listed for Sketch Plat Approval (Article 301).

### **303 - Procedure for Approval of Final Plat and Replat of an Existing Lot**

303.1 The Final Plat shall be submitted to the Administrator prior to the submission deadline as established and published by the City, at which time the Final Plat is to be considered. It shall conform substantially to the Preliminary Plat as approved by the Administrator and City Council. If approval or variance required, and, if desired by the Subdivider, the Final Plat may indicate only that portion of the approved Preliminary Plat which is proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

303.1.2 Prior to the final plat being placed on the City Council agenda, all improvements shown on the construction documents shall be in place per the construction documents and a final inspection of these improvements have been conducted by the City Engineer or Designated Representative and Diamondhead Water and Sewer District.

303.1.2 Seven (7) copies on sheets of 18" x 24", one (1) digital copy of as-built (AutoCAD and GIS digital files), one (1) digital copy of final plat and two (2) 24" X 36" copies of the Construction Documents as built, one (1) copy of the Developers' Warranty, and other exhibits required for approval shall be prepared and shall be submitted to the Administrator within twelve (12) months of Preliminary Plat approval, unless an extension is approved by Administrator, or such Preliminary Plat approval shall lapse.

303.1.2 The owner shall have prepared and submitted for approval to the Administrator and City Council the proof of ownership of the land embraced in such subdivision. The owner shall also submit a pdf copy of any recorded covenants placed on the subdivision, including filing date.

303.1.3 Upon approval of the Final Plat by the City Council, an endorsement of such final approval shall be made thereon by the Mayor and attested by the City Clerk indicating approval, together with the date of the Order of the

Council authorizing the same, such an endorsement and attestation shall be made upon the Final Plat when it is recorded. After having been signed and acknowledged, the subdivider shall file one copy of the Final Plat with the Clerk of the Chancery Court of Hancock County, and one (1) copy with the Administrator. The subdivider shall also retain one signed and acknowledged copy.

303.1.3.1 Should a building permit not be issued for construction within the subdivision and should construction not have commenced, other than improvements identified in the Construction Documents, within eighteen (18) months after Final Plat approval, the Final Plat will be subject to review by the Administrator for compliance with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision, prior to issuance of a building permit.

303.1.3.2 Should the Final Plat not be in compliance with these regulations, the components of the comprehensive plan, the zoning ordinance, and other plans, programs, conditions and regulations that might affect the area and the design and development of the subdivision, the Final Plat shall be revised to comply with City of Diamondhead requirements and shall be submitted to the Administrator for processing under Article 303.

303.1.4 The City of Diamondhead is hereby prohibited from accepting, improving, grading, paving, or lighting any street except an existing public street, a public street shown on an approved and recorded land subdivision plat, or a street legally established by the Governing Authority.

### 303.2 Re-Plat Approval

303.2.1 The applicant shall submit to the Commission eight (8) scaled 18"x24" copies of the proposed re-plat of an existing lot, together with the attendant items required for a preliminary plat prior to the submission deadline as established and required by the City at which the re-plat is to be reviewed.

303.2.2 A public hearing before the Commission shall be held for all applications for re-plat of an existing lot at which parties in interest and citizens shall have an opportunity to be fully heard. Applications for re-plat of existing lot meeting requirements of Article 106.2 and shall be reviewed in accordance with the procedure set out in Section 106.2 herein.

303.2.3 Notice of the proposed re-plat application and of the time and place of hearing shall be published in an official paper, or a paper having a general circulation in the City of Diamondhead at least fifteen (15) days prior to the date of the hearing. In addition, the aforementioned hearing notice shall be mailed via first class mail to property owners located within three hundred feet (300') of the proposed re-plat fifteen (15) days prior to the date of the hearing.

303.2.4 After review of the re-plat of an existing lot by the Commission at the public hearing, the findings and recommendations of the Commission shall be forwarded to the City Council for their review, consideration, and approval, if warranted. The review by the Commission and City Council shall take into consideration, in addition to the requirements set forth in these regulations, the components of the comprehensive plan, the zoning ordinance and other plans, programs, regulations and conditions that might affect the area and the design and development of the re-plat of an existing lot.

## **304 - Construction Documents**

### 304.1 General:

- a. Prior to the construction of any improvements, including any site work involving clearing, grading, filling, dredging, excavating or alike, the Developer shall furnish two (2) complete sets of plans and specifications

- stamped by an engineer for said work to the city and secure a Development Permit from the City Engineer or Designated Representative for the proposed improvements. Failure to secure a Development Permit for proposed improvements shall be punishable in accordance with Section 331 of these regulations.
- b. The plans and specifications shall be prepared in accordance with good engineering practice and City of Diamondhead's design standards. The submittal shall also contain applications for approvals of the Mississippi State Department of Health, Mississippi Department of Environmental Quality (MDEQ), Diamondhead Water and Sewer District, and other appropriate agencies.
  - c. City staff may undertake a review of the documents concurrently with the other agencies review. Upon approval of the plans and specifications, the City shall issue a Development Permit for construction of improvements.
  - d. The City Engineer or Designated Representative shall be notified prior to the beginning of construction, so that the City Engineer or Designated Representative may inspect any work, as deemed appropriate.
  - e. Any required wetland permit and accompanying regulatory approvals must be obtained by the Owner/Developer and a copy of the permit shall be furnished to the City Engineer or Designated Representative with the Plan Submittal.
  - f. An MDOT permit must be obtained for proposed work within the MDOT right-of-way and a copy of the permit must be furnished to the City Engineer or Designated Representative with the Plan Submittal.
  - g. Location of water meters, sewer service stub outs, and fire hydrants shall comply with the requirements and be approved by the Diamondhead Water and Sewer District.
  - h. Deviation from these standards, except for utilities under the exclusive jurisdiction of Diamondhead Water and Sewer District, must be submitted to the City Engineer or Designated Representative prior to Construction Plan Approval. A list of deviations shall be submitted in written format to the City Engineer or Designated Representative. Any deviation from the Diamondhead Water and Sewer District water and sewer standards shall be submitted to the Diamondhead Water and Sewer District prior to Construction Plan Approval.
  - i. Any requested change or modification to approved construction documents, excluding changes or modifications to water and sewer utilities, must be submitted to the Administrator. The Administrator will determine if the requested change or modification is a minor change or modification or a major change or modification. If a minor change or modification, the Administrator can approve. If a major change or modification, the Administrator will send to the City Engineer or Designated Representative ten (10) working days prior to starting construction which involves requested major change or modification. Any requested change or modification to water and sewer utilities shall be submitted to Diamondhead Water and Sewer District in accordance with their requirements.
  - j. Any requested change or modification to approved construction Plans must be approved in writing by the City Engineer or Designated Representative. Any requested change or modification to approved construction Plans for water and sewer utilities shall be approved by Diamondhead Water and Sewer District in accordance with their requirements.
  - k. For final acceptance, the engineer of record must certify in writing to the City that the construction is in substantial accordance with the approved plans. One (1) set of record drawings (contractor record) must be submitted five (5) days prior to requesting final inspection by the Administrator.

- l. The City Engineer or Designated Representative or his representative shall be notified a minimum of twenty-four (24) hours prior to all tie-ins to storm drainage system and the City Engineer or Designated Representative must be present during tie-in.
- m. The Owner/Developer shall be responsible for the construction of tie-ins to existing water and sanitary sewer in accordance with the Diamondhead Water and Sewer District requirements.
- n. The Owner/Developer shall be responsible for any approved road-cuts or borings required to connect new utilities to existing utilities. The Developer shall be responsible for maintaining road-cuts during construction and the warranty period for the entire development.
- o. The Owner/Developer shall be responsible for preparing and maintaining a traffic control plan, including striping of roadways, street signs and traffic controls, which conforms to the current Manual on Uniform Traffic Control Devices (MUTCD).
- p. The Administrator shall be notified a minimum of seventy-two (72) hours prior to any approved road closures that are required.

### 304.2 Plans.

#### 304.2.1 General:

- a. The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets, as required, to meet the requirements of this ordinance and to properly define the proposed work.
- b. The title sheet shall show the name of the subdivision, engineer, date and index of drawings.
- c. Each plan-profile and detail sheet shall contain this minimum general information, engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number.
- d. The plan-profile will generally be drawn to a horizontal scale of no greater than one (1) inch to fifty (50) feet, and a vertical scale of one (1) inch to five (5) feet. Scales of greater than one (1) inch to fifty (50) feet may be utilized if approved by the City Engineer or Designated Representative.
- e. The size, type, and location of existing and proposed water lines shall be labeled on all applicable plan sheets.
- f. The size of water meters and backflow preventers, where required by utility provider, shall be shown on the plans.
- g. Manhole number, size of sewer lines, and manhole inverts shall be labeled on all applicable plan sheets.
- h. The location, size, and slope of all drainage pipes shall be labeled on all applicable plan sheets.
- i. The location, size, and slope of all drainage inlets shall be labeled on all applicable plan sheets.
- j. The size, type, and location of all existing and proposed water lines, fire hydrants, water meters, valves and backflow preventers, if required, shall be shown and labeled on all applicable plan sheets.

#### 304.2.2 Plan-Profile Sheets for Streets and Alleys:

- a. The profile shall show the existing and proposed street centerline grades, bottom profile of the ditches and any drainage pipes, location of utilities, and other information necessary to define the work. Detail of street and right-of-way shall show relation between street centerline grade, edge of pavement grade and top of curb grade, if curb and gutter is provided.
- b. Where a median is provided, the profile shall show the existing and proposed street centerline grades, bottom profile of the ditches and any drainage pipes, location of utilities, and other information necessary to define the work. Detail of street with median and right-of-way shall show relation between street centerline grade, edge of pavement grade, median grades and top of curb grade, if curb and gutter is provided.

#### 304.2.3 Plan-Profile Sheets for Sanitary Sewer and Drainage System:

- a. The plans shall show all information necessary to locate and construct the proposed work and shall show the locations of all manholes, inlets, service connections, and other appurtenances of the system.
- b. The design of the new stormwater management system shall be in accordance with the requirements of the City of Diamondhead Stormwater Management Ordinance (Chapter 24) and other requirements set forth in the City's Stormwater Master Plan.
- c. The profile shall show the existing natural ground at the sewer centerline and the proposed grade at the centerline, if such grade will not be the same as the existing grade.
- d. For open ditch drainage, the profile shall show the bottom profile of the proposed ditches; size, grade and material of any proposed pipes and ditch details showing ditch side slopes, bottom width and other necessary information. If a storm sewer is provided, the size, grade, and material of the proposed pipes and the flowlines of all manholes, inlets, etc., shall be shown. Both the flowline and the inside top of the pipes shall be shown in the profile. These plans shall be shown in the profile.
- e. The plans shall be accompanied by the Engineer's calculations showing that the proposed drainage system meets the requirements of 304.2.3.b.

### **305 - Recording of the Final Plat**

305.1 The Final Plat shall be recorded by the Developer in the office of the Chancery Clerk of Hancock County, Mississippi. After recording, the Developer shall furnish the city with one (1) mylar original, one (1) paper copy at 18" x 24", and two (2) digital copies.

#### 305.1.1 Process of Final Plat:

- a. Whenever the final plat has been submitted, in proper form, to the Administrator, which final plat conforms, in general, to an approved preliminary plat and the provisions of Section 303, the Administrator shall submit same to the City Council prior to the next submission deadline as established and published by the City.
- b. The City Council shall act to approve, disapprove or conditionally approve any final plat submitted in proper form at its next regularly scheduled meeting.
- c. The basis for disapproval of the final plat by Administrator shall include:
  1. Failure to install improvements according to detailed plans and specifications, as previously approved by the City Engineer or Designated Representative.

2. Failure to comply with any written agreement or conditions of approval.
  3. Failure to post satisfactory guarantee of improvements, as described in Section 500.
- d. If the final plat is disapproved, the applicant shall be so notified, in writing, and the reasons therefore shall be enumerated.

### **306 - Information on Final Plat**

306.1 The final plat shall include all information required on the preliminary plat, plus it shall show or include the following:

306.1.1 Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.

306.1.2 The names and lines of all proposed streets, alley lines, lot lines and building setback lines, lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitations.

306.1.3 Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines.

306.1.4 All dimensions shall be shown to the nearest one-hundredth (1/100) of a foot and all angles shown to the nearest second.

306.1.5 Accurate location, material and description of monuments and markers.

- a. A complete description of all benchmarks including location, type of mark, elevation, and state plane coordinates.

306.1.6 The final plat shall contain the following certificates and/or dedications, when appropriate:

- a. A certificate showing that applicant is the landowner and certification that all prior easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use. The person, utility or corporation shall retain whatever rights they would have as if located in a public street. Recording data for all prior easements shall be included. Those prior easements shall be included and not subordinated.
- b. The certificate of accuracy by the Developer's engineer, registered to practice in the State of Mississippi, including a statement of closure error..
- c. A certificate of dedication of all public streets, highways, water, sanitary sewer, stormwater sewer, any other public utilities, and other rights-of-way, easements, or parcels for public parks or other public use to the City of Diamondhead, Mississippi or other public corporation, such as the Diamondhead Water and Sewer District, executed by the owners and all other parties who have a mortgage or lien interest in the property shall be shown on the subdivision final plat. If easements are not related to a subdivision, recording of easements shall be in accordance with requirements of entity being granted easement – City of Diamondhead, Diamondhead Water and Sewer District or other public corporation.



**SUBDIVISION REGULATIONS****ARTICLE III – PROCEDURES***City of Diamondhead, Mississippi*

- d. If the proposed subdivision is to be maintained as a private community, the final plat shall bear language granting the City of Diamondhead and Diamondhead Water and Sewer District a perpetual easement into the community for the purpose of delivering, administering public services or utilities and/or maintenance.
- e. A certificate by a registered land surveyor of the State of Mississippi to the effect that the plat represents an accurate survey made in accordance with the "Standard of Practice for Surveying in the State of Mississippi, latest edition."
- f. Certificates of approval by the City Council and Administrator and a certificate of recording by the Chancery Clerk of Hancock County, Mississippi.
- g. The final plat shall include a notation pursuant to Section 311.14.1 concerning the replacement of items and appurtenances within easements.
- h. Statement of Acceptance by Diamondhead Water and Sewer District, signed by the General Manager.

306.1.8 After satisfactorily passing the final engineering inspection, the Developer shall provide "As Built" drawings to the City at least fourteen (14) working days prior to the council agenda deadline for the next meeting of the Mayor and the City Council at which final plat will be considered.

- a. Two full size (24" x 36") paper copies.
- b. The Developer shall provide two (2) digital copies of the "As Built" drawings to the City Engineer or Designated Representative, as follows:
  1. One (1) copy shall be in a digital file format as specified by the City Engineer or Designated Representative; and,
  2. One (1) copy shall be in a digital image form, Portable Document File (PDF)
- c. The Owner/Developer shall provide GIS location data for all manholes, inlets, valves, hydrants, meters, lift stations, and junction boxes as part of the As-Built submittal. Said GIS data shall be provided in a coordinate system specified by the City Engineer or Designated Representative and Diamondhead Water and Sewer District or Designated Representative.

306.1.9 Upon approval of the Final Plat by the City Council, copies of the plat shall be submitted to the Administrator's office as follows:

- a. The Developer shall provide ten (10) 18" x 24" copies of the Final Plat to the City, one (1) of which is to be mylar diazo films and two (2) of which are to be digital copies, and all of which are to be exact duplicates of the original no smaller than 24" x 36".
- b. Once the final plats show written approval of the City Council, all copies will be returned to the Developer for recording.
- c. Once all copies have been recorded by the Developer with Hancock County and one (1) paper copy of the plat filed with the Chancery Clerk, the Developer shall ensure the following:
  1. One (1) mylar (diazo film) copy of the plat shall be filed with the Administrator;
  2. One (1) paper copy of the plat shall be filed with the City Clerk.

3. One (1) paper copy, one (1) pdf and one (1) electronic copy of AutoCAD file(s) to Diamondhead Water and Sewer District, within 30 days.
- d. The Developer shall provide two (2) digital copies of the recorded "Final Plat" drawings to the City in the following form:
  1. One (1) copy shall be in a digital file format as specified by the Administrator; and
  2. One (1) copy shall be in a digital image form, Portable Document File (PDF)

306.1.10 If the final plat is not approved by the City Council, the grounds for disapproval shall be stated in the minutes.

306.1.11 Upon approval of the final plat by the City Council, the plat shall be submitted, by the Owner, to the Hancock County Chancery Clerk's office for recording within 30 days; otherwise final plat approval will be null and void.

### **307 - Required Improvements and Standards**

#### 307.1 General

307.1.1 The improvements required under this section shall be designed and constructed under the observation and in accordance with specifications set forth by the City of Diamondhead, Mississippi.

307.1.2 The complete design calculations will be provided by the Developer's engineer for all required improvements and will be reasonably subject to the specifications set forth by the City as well as the City Engineer or Designated Representative's review of the subdivision plans and calculations. The design will be based on generally accepted engineering practices for the particular site in which they are to be installed.

307.1.3 General standards for improvements shall be as follows:

- a. All sewer lines, storm drains, water lines and conduits for private utility crossings, any other underground structures within street right-of-way must be installed before streets or alleys are paved.
- b. Water and sewer connections shall be provided as per Diamondhead Water and Sewer District requirements.
- c. Private utilities, such as electricity, telephone, gas, cable television, etc., may be located in utility easements separate from rights-of-way and easements used for the water, sanitary, and stormwater sewer systems, if additional area is required for installation of private utility.
- d. Materials and equipment, except as required for water and sewer utilities, provided as a part of these subdivision regulations must be approved by the City of Diamondhead prior to installation. The material and equipment must also match the manufacturer make and model of similar installations throughout the City as deemed necessary by the City. Materials and equipment for water and sewer utilities shall be as required by Diamondhead Water and Sewer District.

307.1.4 All subdivisions developed in phases or which have future subdivisions extending from them, must submit a plan, subject to approval of the City, indicating how required improvements will accommodate future phases and subsequent subdivisions in keeping with all requirements and standards of these regulations.

### 308 – Streets and Alleys

Street improvements shall be provided in each proposed subdivision as prescribed below:

308.1 The location, grade, width and character of all streets shall be correlated with existing planned streets and topographical conditions for public safety and convenience and in relation to the proposed use of the land to be served by such streets.

308.2 In cases where the subdivision plat embraces or abuts any part of a major street, arterial street, highway or parkway, the following will apply:

308.2.1 Residentially zoned subdivisions will be required to accomplish one of the following:

- a. Include minor streets in additional right-of way parallel to and along the side of the major street or highway which functions as a service drive for any lots facing toward the major street.
- b. Have all lots along the major street or highway as double frontage lots with no direct access to the major street. Double frontage lots are prohibited on minor streets.

308.2.2 Commercially or industrially zoned subdivisions: shall be required to accomplish one of the following:

- a. Include minor streets in additional right-of-way parallel to and along the side of the major street or highway which would function as a service drive for any lots adjacent to the major street or highway unless a service drive already exists or is permitted by MDOT or the City.
- b. Have a limited number of access points onto the major street or highway with the specific access location and widths approved by the Commission at the time of the sketch plat approval. Mississippi Department of Transportation must approve access points and widths along highways prior to the Developer's request for preliminary plat approval.

308.3 Proposed streets shall be designed to conform to the contour of the land so as to produce the required street grade and lots of usable character, but shall not exceed grades listed in Article 308.9, unless a variance from these grades are granted by the Commission and City Council due to site conditions.

308.4 Minor streets shall be laid out so that their use by through traffic will be discouraged.

308.5 No new half-streets or half-alleys will be accepted.

308.6 Streets designed to have one end permanently closed (Cul-de-Sac) shall provide, at the closed end, a turnaround with a minimum right-of-way of one hundred (100) feet (diameter) and a minimum driving surface radius of thirty five (35) feet, unless a median is provided, then the minimum driving surface width shall be twenty (20) feet. No street terminating with a cul-de-sac shall exceed six hundred (600) feet in length unless a variance is granted pursuant to Section 321. No dead-end streets will be allowed.

- a. Temporary cul-de-sacs may be approved by Commission and City Council during sketch plat approval.

308.7 No street names shall be used which will duplicate or be confused with the names of existing streets in the city. Proposed streets in alignment with existing streets shall bear the names of existing streets.

308.8 Alleys shall be dedicated along the rear of all lots to be used for business and industry unless, in the opinion of the Commission, such alleys are unnecessary. Alleys are not required in residential areas except where, in the opinion of the Commission, such alleys are necessary. Alleys may be required in order to achieve the desired urban pattern set forth in the Comprehensive Plan for Diamondhead.

308.9 Street grades shall not be less than five-tenths (0.5) percent grade, Street grades shall not exceed the following:

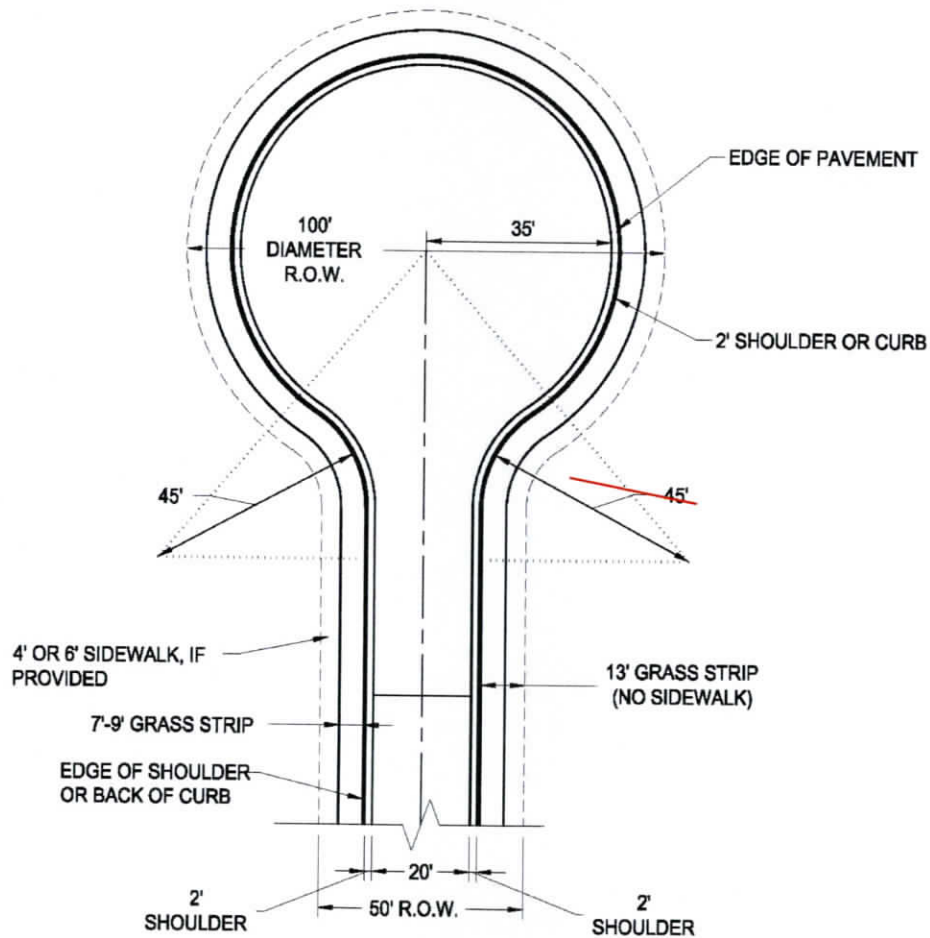
308.9.1 Arterial streets and commercial and industrial streets not greater than four (4) percent.

308.9.2 Collector streets not greater than five (5) percent.

308.9.3 Minor streets and alleys not greater than eight (8) percent.

308.10 Reserve strips which control the access to other streets or abutting property shall be prohibited except where their control is deliberately placed by the Commission.

**Figure 3.1 – Typical Cul-de-Sac Configuration for Minor Streets**



308.11 All streets shall have a minimum vertical clearance of fourteen (14) feet. Where curb and gutter are provided, there shall also be a minimum of eighteen (18) inch clearance from the back of the curb to any obstructions along the shoulder of the street.

308.12 Street widths shall be as shown on the major thoroughfare plan and where not shown thereon shall be no less than the following:

**Table 3.1 – Right-of-Way and Pavement Width Requirements**

<u>Street Classification</u>	<u>Right of way Width</u>	<u>Pavement Width</u>
Arterial streets	120 feet	63 feet
Collector streets	80 feet	45 feet
Minor streets	50 feet	20 feet
Dead-end streets (cul-de-sac)	50 feet radius	20 feet <sup>1</sup>
Alleys serving business lots	20 feet	17 feet
Alleys serving residential lots	20 feet	15 feet
1. Minimum with Median (see Section 308.6)		

308.12.1 Should the Developer elect to construct a street with medians, the following requirements shall be met:

- a. The median for arterial and collector streets shall be designed to have a width not less than the width of one (1) lane of travel. Recognizing the inclusion of a median necessitates an alternative cross-sectional design from that achieved by applying the provisions of Table 3.1, the cross-sectional design of a street with a median shall be subject to the approval of the City Engineer or Designated Representative.
- b. The minor street shall be designed to have a minimum width not less than 6'. Recognizing the inclusion of a median necessitates an alternative cross-sectional design from that achieved by applying the provisions of Table 3.1, the cross-sectional design of a street with a median shall be subject to the approval of the City Engineer or Designated Representative.
- c. On cul-de-sac turnarounds with medians, there must be a minimum pavement width of twenty (20') feet between the median and the outside edge of the street, not including shoulder.

308.13 Street intersections shall be as nearly at right angles as practicable.

308.13.1 Acute angles at street intersections will not be accepted and in no case will an angle of less than sixty (60) degrees be permitted.

308.13.2 Street center line offsets shall be no less than one hundred and twenty-five (125) feet unless, unless in the opinion of the Commission, a lesser offset is acceptable.

308.14 The minimum radii of curvature on the center line shall be as follows:

308.14.1 Arterial streets, four hundred (400) feet.

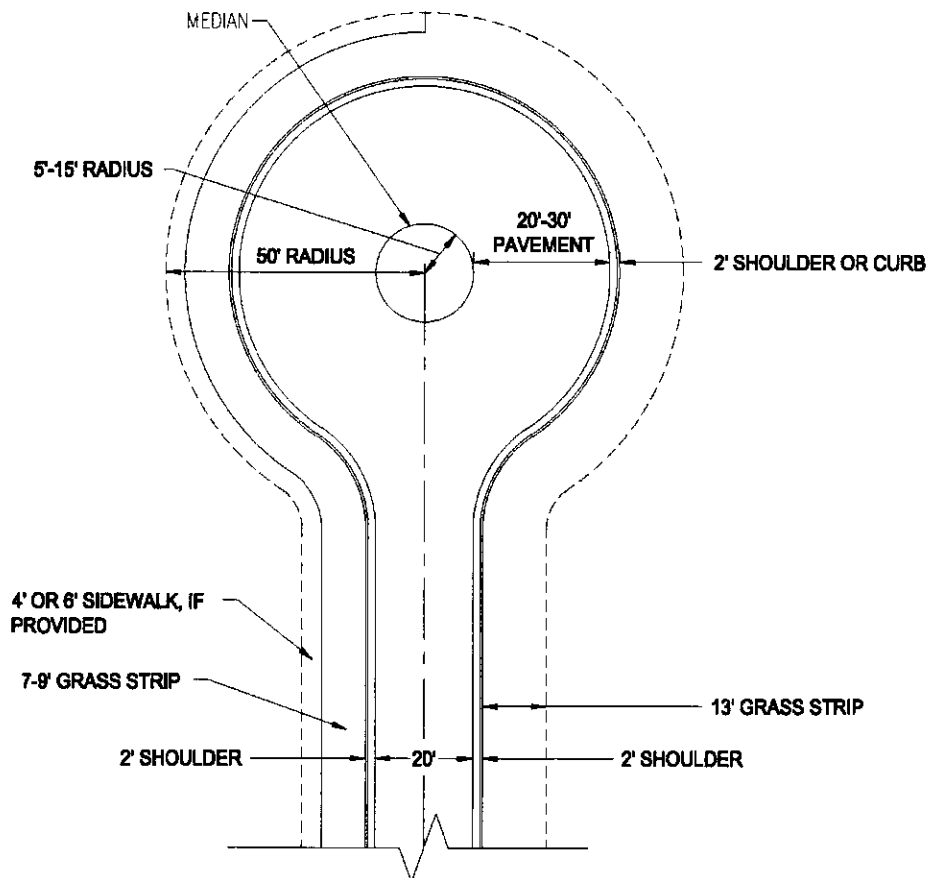
308.14.2 Collector streets, two hundred (200) feet.

308.14.3 Minor streets, one hundred (100) feet.

308.15 Between reversed curves there shall always be a tangent of at least one hundred (100) feet long on arterial and collector streets and fifty (50) feet long on minor streets.

308.16 Street corners for intersections of residential minor and cul-de-sac streets shall be rounded by a simple curve radius of not less than twenty-five (25) feet.

**Figure 3.2 – Typical Cul-de-Sac Configuration with a Median**



308.16.1 Minimum radii must be increased, subject to approval by the City, when the smallest angle of the intersection is less than ninety (90) degrees or at intersections involving any streets with volumes or level of service greater than residential minor and cul-de-sac streets.

308.16.2 Site distances at intersections will be in accordance with the current American Association of Highway and Transportation Officials (AASHTO) Standards.

308.17 Streets shall be graded by the Developer to an approximate width in the center of the right-of-way to provide for a minimum of the required pavement width, including curbs and gutters, if provided, and any necessary drainage structures, plus the additional width for sidewalks, if provided, or other improvements as may be required.

308.17.1 No French Drains are permitted within City right-of-way without prior approval by the City Engineer or Designated Representative.

308.18 For Arterial and Collector streets, a suitable hard surface permanent type of pavement shall be designed by the Developer's engineer in accordance with current guidelines as set forth by the Asphalt Institute, Mississippi Asphalt and Pavement Association, and/or American Association of Highway and Transportation Officials (AASHTO) Mississippi Standard Specifications for Road and Bridge Construction, latest editions; as applicable. The design shall be based on a traffic analysis period of at least thirty (30) years. The process for designing the pavement shall generally be as follows:

- a. Following sketch plat approval, the Developer's design engineer shall classify the soils as either poor or excellent, based upon a geotechnical report. The geotechnical report shall be created through the utilization of a fully functioning geotechnical laboratory which routinely performs geotechnical investigations and shall examine the sub grade soils and determine the existing soil conditions, including the type of material, groundwater depth, and strength of material.
- b. Soil borings will be required at a minimum interval of every 500' along the proposed road with excellent soil conditions and a minimum interval of every 250' along the proposed road with poor soil conditions. Soil borings will be taken at minimum depths of eight (8) feet below ground and will also be required to be taken at anticipated high traffic locations and at all low areas along the proposed road. All boring locations shall be approved by the City Engineer or Designated Representative.
- c. The Developer's design engineer shall submit the pavement design based on his/her determination of the soils type classification, poor or excellent, along with a copy of the geotechnical testing report to the City Engineer or Designated Representative.
- d. The City Engineer or Designated Representative shall concur with the design engineer's pavement design or shall otherwise recommend an alternate for roadway pavement design.

308.18.1 Prior to the proposed subdivision receiving preliminary plat approval, the pavement design for minor streets and alleys shall consist of the following Flexible Pavement Design consisting at a minimum of:

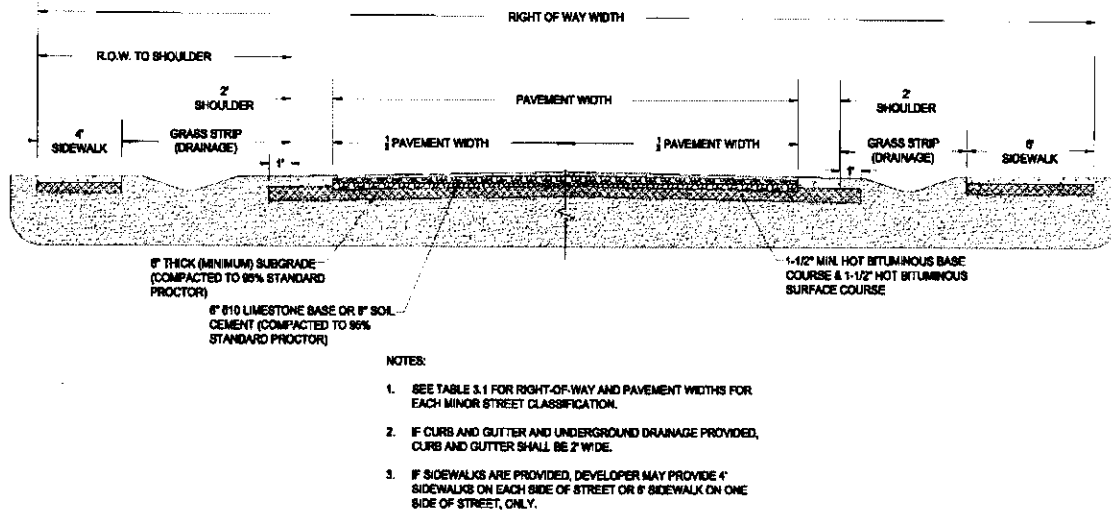
- a. A properly compacted minimum six (6) inch thick subgrade (minimum 95% Standard Proctor).
- b. A minimum 95% Standard Proctor 610' gradation limestone base six (6) inches thick or soil cement base eight (8) inches thick.
- c. Minimum surface course asphalt pavement of a one and on-half (1-1/2) inch base course and a one and one-half (1-1/2) inch surface course. Materials for this work shall conform to material requirements for Section 400 and Section 700, Mississippi Standard Specifications for Road and Bridge Construction, latest edition.
- d. The sub grade and base shall be prepared and compacted to a minimum of one (1) foot beyond the shoulder or the back of curb and gutter, if provided.

308.19 All pavement construction will be in accordance with the current Mississippi Standard Specifications for Road and Bridge Construction. Portland Cement Concrete pavement will not be permitted in any residential subdivision unless specifically approved by the Administrator. Concrete pavement may be proposed for Arterial and Collector streets based on traffic load, soil conditions and service life. For concrete pavements, as well as curbs and gutters, a detailed joint plan will be provided in the construction plans, prior to preliminary plat approval, showing all joints to be in the pavement, curbs and gutters as it is to be laid out on the developmental site.

308.20 A sieve analysis of any base materials will be conducted before any base is delivered to the subdivision site. Certified copies of the sieve analysis shall be provided to the City.

308.21 Where curb and gutter is provided, the curb and gutter shall be constructed of 3,000 pounds per square inch Portland Cement concrete and the curbs shall be poured integrally with the gutters, unless otherwise approved by the City Engineer or Designated Representative.

**Figure 3.3 - Minor Street Section with Ditches**



308.22 Where sidewalks and curb and gutter are provided, curb cut ramps must be provided at all street intersections as well as possible future crosswalk areas to accommodate physically handicapped persons. The ramp width shall be four (4) foot as a minimum, exclusive of the side slopes. All sidewalks, ramps and public access ways must meet the latest standards and regulations of the American with Disabilities Act.

308.23 Density tests shall be performed on the compacted subgrade and compacted base courses by dividing the each course area into three hundred and fifty (350) square yards or fraction thereof, but not less than one (1) for each day laying of pavement. Additionally, all trench crossings will require density tests of the subgrade and base courses at a minimum of three (3) density tests per trench crossing or every fifty feet (50'), whichever is less.

308.23.1 Compaction tests shall be performed in, the presence of the City Engineer or a Designated Representative thereof. The Owner/Developer must notify the City a minimum of twenty-four (24) hours prior to the test.

308.23.2 Where trenches run parallel to the roadway and under the pavement, the trench shall be divided into three hundred (300) foot segments and there shall be performed at least one set of density tests for each 300-foot segment. Trenches of this nature are discouraged by the City of Diamondhead.

308.23.3 All base material shall be proof rolled prior to placing the pavement shown in the Developer's approved plans and specifications. The proof roll may occur using a loaded dump truck or a similar heavy truck. The City Engineer or Designated representative thereof shall be present to witness and verify that the street base is stable and that there is no visible movement. Should the base experience "pumping" and loss of bearing due to accumulated water beneath the sub grade or due to other reasons, the Developer's contractor shall remove the affected soil to a sufficient depth and replace with a dry fill material or allow the excess moisture to dissipate sufficiently to achieve the specified compaction without moving or "pumping". Compaction tests to the specified density shall not relieve the Developer



from proof rolling the base and repairing any areas which “pump”, as determined by the City Engineer or Designated Representative.

308.24 The location of all water and sewer service lines will be permanently marked in the concrete curb, if the curb is provided.

308.25 The centerline of the street pavement will also be the centerline of the right-of-way, unless otherwise permanently and clearly marked.

308.26 Traffic circles, if proposed, shall be designed in accordance with Federal Highway Administration Publication FHWA-RD-00-067 “Roundabouts: An Information Guide”.

308.27 Should an alternative street section be proposed, due to drainage or other considerations, the alternative street section shall be approved by City Engineer or Designated Representative.

**309 - Water Distribution System**

309.1 All water systems shall be designed, constructed, inspected and tested in accordance with the regulations, standards, and specifications of the Diamondhead Water and Sewer District, except for more stringent requirements set forth by the appropriate Mississippi State authorities.

309.2 The Developer shall connect the proposed subdivision to the Diamondhead Water and Sewer District infrastructure, with Diamondhead Water and Sewer District approval. The Developer will be responsible for any improvements required so that the existing water system can accommodate the increased demand placed upon it due to the new subdivision.

309.3 Prior to service being connected to the Diamondhead Water and Sewer District water system, all wells or water sources owned or used previously by the potential customer shall be physically disconnected from the plumbing to be supplied by the Diamondhead Water and Sewer District. Potential customer shall follow requirements of Diamondhead Water and Sewer District for connecting to water system.

309.4 The Owner/Developer shall provide a letter of design approval from the Mississippi Department of Health to the Administrator.

309.5 Prior to receiving a Development Permit for the construction of any water system improvements, including any site work involving clearing, grading, filling, dredging, excavating, or alike, the Owner/Developer shall provide a letter of design approval from the Diamondhead Water and Sewer District or any other public water utility existing and available at the time of development.

309.6 Prior to Final Plat approval, the Owner/Developer shall provide to the Administrator a letter of acceptance of the water system facilities from the Diamondhead Water and Sewer District or any other public water utility existing and available at the time of development.

**310 - Sanitary Sewer Collection Systems**

310.1 All sewer systems shall be designed, constructed, inspected, and tested in accordance with the regulations, standards, and specifications of the Diamondhead Water and Sewer District, except for more stringent requirements set forth by the appropriate Mississippi State Authorities.

310.2 The subdivider shall connect to the Diamondhead Water and Sewer District sanitary sewer system.

310.3 The Owner/Developer shall provide a letter of design approval from the Mississippi Department of Environmental Quality.

310.4 Prior to receiving a Development Permit for the construction of any sewer system improvements, including any site work involving clearing, grading, filling, dredging, excavating, or alike, the Owner/Developer shall provide a letter of design approval from the Diamondhead Water and Sewer District.

310.5 Prior to Final Plat approval, the Owner/Developer shall provide to the Administrator a letter of acceptance of the sewer system facilities from the Diamondhead Water and Sewer District.

**311 - Stormwater Management System**

311.1 A stormwater management system, including ditches, drainage culverts, inlets, catch basins, junction boxes and all other necessary components shall be installed by the Developer throughout the proposed subdivision in accordance with the City's Stormwater Master Plan and Stormwater Management Ordinance

311.1.1 The entire storm drainage system should be designed in accordance with the Stormwater Management Ordinance and City's Stormwater Master Plan.

311.1.2 Erosion, sediment, and stormwater controls consistent with guidance from the Mississippi Department of Environmental Quality shall be incorporated into the design.

311.1.3 Maintenance of swales shall not be the responsibility of the City of Diamondhead but shall be maintained by the property owner. Swales shall be kept free of debris, fences, or structures (unless approved by all users), trees, shrubs, and vegetation which impedes the flow in the swale.

311.2 No property proposed to be subdivided within the City of Diamondhead will be allowed to be filled, graded, cleared or contoured, nor shall any other action be taken thereon whereby the surface drainage from said property will be created, increased, redirected, re-routed, funneled, dispersed, or otherwise affected unless and until all requirements and provisions of the Stormwater Management Ordinance and these regulations are met with full compliance.

311.3 Prior to any work being done, preliminary plat approval shall first be obtained from the Administrator.

311.3.1 A Storm Water Pollution Prevention Plan (SWPPP) meeting the requirements of the Mississippi Department of Environmental Quality (MDEQ) shall be included with the plans.

- a. A copy of MDEQ approval shall be submitted if the parcel is over five acres or for land disturbing activities which are part of a larger common plan of development or sale that are initially less than five (5) acres, but will ultimately disturb five (5) or more acres..
- b. A copy of the drainage calculations in accordance with the Stormwater Management Ordinance.

311.4 Should the development impact the City's stormwater drainage system in a manner which requires improvement to the City's stormwater drainage system, all costs associated with such improvements shall be borne by the Developer.

311.4.1 The Developer may choose to incorporate Low-Impact Development (LID) techniques into subdivision design to reduce stormwater runoff and reduce subdivision's impact on existing stormwater drainage system. The LID plan shall include storm water calculations in accordance with the Stormwater Management Ordinance (pre-existing conditions and post-development conditions), required detention volume, hydraulic conductivity of the soil type(s) at the site based on the U.S. Department of Agriculture National Resources Conservation Service Soil Survey, capacity of LID Best Management Practices (BMPs), details showing construction of LID features, plantings to be included in LID features and plan for maintaining LID features. Maintenance of the LID BMPs will be required for two (2) years and shall be included in the maintenance bond for the project.

311.5 The impact of development on the off-site upstream and-downstream drainage will be included in the drainage calculations prior to preliminary plat approval.

311.6 The grading and drainage plan will show the existing and general proposed finished grading of each lot, as well as proposed maximum building pad elevation for each lot. Erosion, sediment, and stormwater controls consistent with guidance from the Mississippi Department of Environmental Quality (MDEQ) shall be incorporated into the design.

311.7 Storm drainage improvements will consist of adequate ditches, culverts, pipes, catch basins, and curb inlets. Corrugated metal pipe will not be acceptable. Reinforced concrete or other material approved by the City Engineer or Designated Representative shall be the only approved materials used for stormwater drainage under city streets. Only existing natural drains that already run through the development may be reutilized in the overall subdivision drainage plan unless a variance is granted by the Commission and City Council after review and findings by the Commission. However, swales as defined in Section 317.1.1, may be used to a limited extent.

311.8 Drainage of storm water will not be allowed to cross the centerline of any street as it flows over the street pavement surface. Gutter flow lines must drain into a curb inlet or catch basin and the use of flumes through the back of curbs will not be allowed. Alleys may be utilized for the conveyance of storm water provided the anticipated volume of flow and depth of flow is indicated on the drainage plan and approved by the City.

311.9 Catch basins and curb inlets will be spaced at an approximate distance to ensure that water in the gutter will not be more than eight (8) feet into the street measured from the back of the gutter. Curb inlets shall not have more than a four (4) inch vertical opening and shall not cause a hazard to pedestrians. Junction boxes, curb inlets, and catch basin sizes and openings shall be designed to be of sufficient capacity to handle the amount of stormwater drainage into it and shall in no way cause a restriction to the amount of drainage going through the inlet or outlet pipes at that respective location.

311.10 The outlet ends of culverts will terminate with a flared end section or headwall with a slope to the top of the bank above the outlet of a minimum of three (3) feet horizontally to one (1) foot vertically. The outlet ends of culverts will also have permanent erosion control and dissipaters as well as provisions to prevent sedimentation of downstream drainageways during subdivision construction and development on each lot.

311.10.1 Stream or ditch banks opposite of an outfall structure shall be armored with riprap or an approved equivalent material to prevent erosion.

311.11 The stormwater system design and plans shall include the following:

311.11.1 The proposed finish invert elevations will be shown at the inlets, outlets, and at any changes in slopes.

311.11.2 Catch basin or curb inlet flow line elevations will be shown.

311.11.3 Calculations meeting the requirements of the Stormwater Management Ordinance will be provided for the amount of rainwater runoff and required sizes, slopes, and actual capacity for all culverts and ditches to handle this

runoff. The appropriate values for "I", precipitation intensity in inches per hour, shall be obtained from the NOAA Website at <http://hdsc.nws.noaa.gov/hdsc/pfds/>. This website provides precipitation intensity information.

311.11.4 Any storm drain system installed under areas of pavement such as but not limited to roads, alleys, driveways, and parking areas shall be reinforced concrete pipe (RCP), unless the City Engineer or Designated Representative determines that adequate cover and embedment is provided for another suitable pipe material and approves the use of another suitable pipe material. Storm drains installed parallel to streets may be Advanced Drainage Systems (ADS), High Density Polyethylene (HDPE), or other material as approved as by the City Engineer or Designated Representative.

311.11.5 Existing and proposed ditch cross sections.

311.11.6 All drainage structures (inlets, headwalls, and manholes) shall be numbered on the plans.

311.11.7 All ditches shall be designed to limit erosion of the city's drainage system.

311.12 Subdivision drainage shall be designed in manner where the site drains to existing storm drain structures. Should additional drainage structures be required, the proposed drainage shall be placed underground in pipes if at all possible and placed in a permanent drainage easement.

311.12.1 Drainage easements shall be kept clear of all items which could adversely affect the drainage. If items such as 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.

311.13 Prior to beginning construction, the Owner/Developer shall compile a video library of the upstream and downstream sections of each storm drain tap. The existing drainage pipe shall be videotaped from the point of new connections to the nearest inlet in either direction but shall not exceed three hundred feet (300'). When completed the video tape files shall be submitted the Administrator.

**312 - Easements**

312.1 Utility and drainage easements are required for all lots for utilities and drainage which are not located in rights-of-way. The easements for each lot shall be 10' drainage/utility easement along the front property line, 5' drainage/utility easement along each side lot line and 10' drainage easement along rear property line. Property owners will be responsible for the maintenance and upkeep of these easement areas.

312.2 Where a subdivision is traversed by a drainage ditch, watercourse, natural channel, or stream, there shall be provided an easement to the city conforming to the limits of such watercourse plus additional width as necessary to accommodate future construction and maintenance as recommended by the City. This additional width shall be no less than ten (10) feet measured from the top of each ditch bank.

312.3 No dedicated easement shall be less than 15 feet.

312.4 No new half easement will be accepted.

**313 - Accessibility**

313.1 A minimum of two (2) entrances shall be provided for a subdivision with more than thirty (30) lots, unless a variance is approved by Commission and City Council on sketch plat.

313.2 If a subdivision requiring a minimum of two (2) entrances is constructed in phases, the entrances may be provided in the different phases, if the phases are completed within two (2) years of Construction Plan approval.

## **314 - Lots**

314.1 Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use and the surrounding area.

314.2 Lots shall not be platted in any area known to be subject to inundation, or in areas which, for other reasons, such as topography, are unsuitable for residential occupancy, nor for such other uses as may increase danger to health, life or property or flood hazard. On land subject to inundation, such area shall be clearly indicated on the plat.

314.3 Lot dimensions shall conform to the requirements of the zoning ordinance or any other land use regulation as may be enforced by the City of Diamondhead.

314.4 Every lot shall abut a dedicated street for at least the minimum width of a lot at the building line, as set forth in the Diamondhead Zoning Ordinance. Variances may be granted to this street frontage upon approval by the Commission and City Council in the case of cul-de-sacs and curves in streets. However, every lot must abut a dedicated street for distance of at least thirty (35) feet.

314.5 Double frontage lots between parallel streets will not be allowed except in the case of one frontage being along an existing street or in compliance with Section 308.2. Where double frontage lots are permitted, access to those lots shall be permitted from one street only.

314.6 Corner lots shall be sufficiently larger than interior lots so as to allow houses to conform to front yard building set back lines on both streets.

314.7 Side lot lines shall be at right angles to the street line wherever practical.

314.8 Lots in commercial or industrial areas shall be of sufficient size to permit off-street parking for patrons plus loading and unloading areas necessary for the operation of the business. In no case shall the number of off-street parking spaces or the loading area requirements be less than the minimum requirements of the Zoning Ordinance.

## **315 - Sidewalks**

315.1 Sidewalks are not required in all residential subdivisions but are required at all new commercial and industrial subdivisions. Where provided, sidewalks shall be constructed in the street right-of-way in every case practicable.

315.2 If provided, sidewalks shall be constructed inside of and adjacent to the right-of-way limit (See Figure 3.3); however, placement may vary under conditions requiring a variance when such is deemed necessary by the city's Administrator.

**SUBDIVISION REGULATIONS****ARTICLE III – PROCEDURES***City of Diamondhead, Mississippi*

315.3 In residential districts, if provided, sidewalks shall be a minimum of four (4) feet wide if sidewalks are provided on each side of street. If sidewalks are provided along only one side of a street, the sidewalks shall be six (6) feet wide. All sidewalks shall be four (4) inches of thickness of 2500 psi mix concrete.

315.4 In commercial or industrial zoned areas sidewalks shall be a minimum of six (6) feet wide and four (4) inches of thickness of 3000 psi mix concrete, and in said districts, the sidewalks may abut the street curb or the edge of the pavement.

315.5 All sidewalks will be required to have reinforcement in those sections or portions used for driveways.

315.6 All sidewalks must have expansion joints placed at 25-foot intervals and at driveways, curbs, or any other major abutting structures, and will have transverse contraction joints one (1) inch deep every four (4) feet longitudinally along the ramps and transition areas with flared sides as required by current Federal and State standards. The maximum transverse slope for sidewalks will be one (1) inch vertically across the four (4) feet width and the maximum longitudinal slope will be one (1) inch vertically to one (1) foot horizontally.

315.7 All sidewalks must be completed prior to any building or house receiving a Final Certificate of Occupancy; provided, however, in the event a sidewalk cannot be constructed for good cause shown, a Final Certificate of Occupancy may be obtained by the posting of a cash bond with the City of Diamondhead in the amount equal to the sidewalk cost of installation, as estimated in writing by the City.

- a. After posting the required bond, the Developer, builder, or property owner shall have two (2) years to construct the sidewalk.
- b. Prior to beginning construction of the sidewalk, the Developer shall notify the Administrator and obtain all necessary permits.
- c. The City Engineer or Designated Representative shall inspect the sidewalk prior to pouring concrete and again after the final pour.
- d. Upon passing of the City Engineer's inspection of the sidewalk, the City shall release the bond to the Developer.
- e. In the event the Developer fails to construct the sidewalk within the two (2) year period, the City shall build the sidewalk and draw upon the bond for the construction cost. The remainder of the bond shall be refunded to the Developer.

315.8 Two (2) years from approval of the final subdivision plat by the City Council, the owners of any lot, or lots, for which sidewalks have not been installed, if sidewalks have been provided in the subdivision, shall be required to do so, at their own expense. In the event sidewalks are not installed, as herein prescribed, the City Council can be petitioned to extend the time not more than one (1) year with the extension of the maintenance bond for one (1) year or the City Council may authorize the installation of said sidewalks, the cost of which shall be paid by calling in the maintenance bond and, further provided, that subsequent to the expiration of the aforementioned 2-year period, that no building or certificates of occupancy may be issued for any lot for which a sidewalk has not been installed, as herein provided, until such time as the maintenance bond for sidewalks is called. If any sidewalk is damaged during any construction or other work on a lot, then the property owner(s) of that lot is responsible for the repairs to the sidewalk to the satisfaction of the City Engineer or Designated Representative. These repairs must be made within forty-five (45) days of when the damages occur. In the event that the sidewalk is not repaired as herein prescribed, the City Council shall be authorized to cause to have the said sidewalk repaired, the cost of which shall be paid by calling in the maintenance bond and, further provided, that no certificate of occupancy will be issued on the building or house until such time as the aforementioned sidewalk is repaired by the property owner, at his own expense, or the special assessment is paid in full.

315.9 In the event that it can be shown that the sidewalks required herein would be impractical to install or would serve no useful purpose, the requirements of this section may be waived in part or in entirety by the City Council.

315.10 ADA compliant ramps for handicap access shall be provided on all sidewalks.

### **316 - Erosion control**

316.1 Design of all required improvements must include considerations for preservation of natural ground cover and desirable growth of shrubs and trees within the right-of-way and easements.

316.1.1 Seeding, mulching, and sodding of slopes, swales, and other erodible areas must be included in the design plans as well as prevention of sedimentation in stormwater management systems and natural drainage areas during the development and construction on each lot of the subdivision. The design plans shall conform to Mississippi Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Management, Volumes 1 and 2. Sediment basins shall be sized based on a 5-year, 3" rainfall, minimum.

316.1.2 Other erosion-prevention measures may be necessary depending upon climatic conditions, natural environment, and site conditions.

316.2 No slopes of soil materials shall be steeper than three horizontal to one vertical (3:1) or the maximum required for soil stability, whichever results in a more gradual slope.

### **317 - Lighting**

317.1 Lighting shall be provided by Coast Electric in accordance with City of Diamondhead requirements.

317.2 Lighting for safety shall be provided at intersections, along walkways, between buildings, and in parking areas.

317.3 The height and shielding of lighting standards shall provide proper lighting without hazards to drivers or nuisance to residents and the design of lighting standards shall be of a type appropriate to the development and the municipality.

### **318 - Underground wiring**

318.1 All electric, telephone, television, and other communication lines, both main and service connections, servicing new developments, shall be provided by underground wiring with easements or dedicated rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

318.2 Lots that abut existing easements or rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric service from the overhead, lines, but the service connections from the utilities overhead lines shall be installed underground. In the case of the existing overhead utilities, should a road widening, or the extension of service, or other connection occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

### **319 - Monuments**

319.1 Lot and block corners shall be marked with iron pipes or rods at least one-half (1/2) inch in diameter and twenty-four (24) inches long.

319.2 The outer boundary corners of the subdivision and intermediate points as required by the City shall be marked with either concrete blocks six (6) inches square and thirty (30) inches long, or with iron pipes two (2) inches in diameter and four (4) feet long; markers shall be provided with center points.

319.3 Developer will provide permanent concrete monument benchmarks with elevation in accordance with Hancock County datum and/or U.S. Geographical Survey datum and state plane coordinates (transverse mercator projections):

319.3.1 Minimum of one (1) per every 1,500 feet of pavement for developments containing more than four (4) lots.

319.3.2 Exact benchmark location and Information to be shown on all plats and construction plans.

319.3.3 The concrete monument benchmark shall be six (6) inches by six (6) inches (6 x 6) square and four (4) feet long with an iron rod encased in it and a flat-head survey marker cast in the top of the benchmark as a central point. The non-corrosive marker must have at least a two (2) inch shank and a head diameter of two (2) inches or more.

## **320 - Variances**

320.1 The City Council shall have the power to vary these regulations, excluding any regulations that apply to water and sanitary sewer utilities, when it can be shown by the subdivider that extraordinary hardships unique to the site (not economic hardship) are brought about by strict compliance with these regulations and that a variance is required so that substantial justice may be done and the public interest secured provided.

320.2 Any variance approved by the City Council must be entered into the minutes of the City Council along with the reasons and justifications set forth.

320.3 Prior to consideration of such variance, the Commission shall conduct a public hearing thereon and shall forward to the City Council its written recommendations.

320.4 Application for a variance shall be filed with the Administrator. The application shall be made on a form prescribed by the Administrator and shall include the following:

- a. Name and address of the owner or applicant.
- b. A legal description of the property, which shall include, but not limited to deed of current ownership (not a Deed of Trust), Hancock County tax parcel number identification, and street address.
- c. If the applicant is not the legal owner of the property, evidentiary proof that the applicant is the authorized agent of the owner of the property.
- d. A statement describing the variance request and a description of any extraordinary hardship(s) purported to exist.
- e. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- f. Maps, plats, or drawings, sufficiently dimensioned and detailed as required to illustrate the following, to the extent related to the variance application:



1. Those conditions or circumstances unique to the property which give rise to the variance request, which may include parcel geometry, wetlands, floodplains, topographic conditions, historic sites, or other such features.
2. The proposed subdivision design features which would exist, if the variance, as requested, was granted.
3. The boundaries of the subject property together with adjacent streets and adjoining properties (Section 321.4.e).
4. The Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
5. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site or for similar variances on two or more adjacent parcels with similar characteristics.

#### 320.5 Public Hearing and Notice

The Commission shall act on the application not more than 45 days following the filing of said application. Notice of public hearing for a variance from the Subdivision Regulations by the Commission shall be given as follows:

- a. Notice shall be given by mail to the applicant at least 15 days prior to the date of the hearing.
- b. Notice shall be given by mail to the owner of each site within 300 feet of the subject property at least 15 days prior to the date of the hearing.
- c. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.

#### 320.6 Action by the Commission

The Commission shall act on the application not more than 10 days following the closing of the public hearing on a variance. The Commission may recommend that 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 time period or may be granted subject to conditions as the Commission may prescribe. The Commission shall notify the applicant of its decision by mail and/or e-mail.

320.7 The Commission may grant a variance provided affirmative findings of fact are made on each of the following criteria:

- a. That special conditions and circumstances exist which are peculiar to the land. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- b. That special conditions and circumstances do not result from the actions of the applicant.
- c. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, similarly situated.
- d. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

- e. In recommending that any variance be granted, the Commission may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable as determined within these regulations.
- f. Variance applications, reports, and recommendations shall be transmitted to the City Council for final disposition.

320.8 A variance shall run with the land and shall continue to be valid upon a change of ownership of the site to which it applies, except as provided in Section 321.9.

320.9 Legislative Disposition

- a. The City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Commission for further considerations.
- b. The owner or agent of property that requested a variance and subsequently was granted said variance by the City Council must secure a preliminary plat approval within six (6) months of the variance being granted or said variance will expire.

**321 - Hearing and Amendments.**

321.1 Prior to any amendments, supplements, modifications, or changes to this ordinance, the following requirements shall be met:

321.1.1 A public hearing shall have been held before the Commission at which parties in interest and citizens shall have had an opportunity to be fully heard.

321.1.2 Notice of the proposed change and of the time and place of the hearing shall have been published for at least fifteen (15) days prior to the day of the hearing in an official paper or a paper having a general circulation in the City of Diamondhead.

321.2 After the public hearing, the Commission shall have submitted its report and recommendations upon the proposed change or amendment to the City Council. The City Council shall not take official action upon the change or amendment until the report of the Commission has been received; provided, however, that if the report has not been filed within 30 days after date of the public hearing, the City Council may then take official action upon the change or amendment.

321.3 Amendments, supplements, changes and modifications may additionally be made in accordance with the laws of the State of Mississippi.

321.4 Amendments, supplements, changes and modifications may be initiated by any one or combination of the following: City Council City Manager, Commission or Administrator.

**322 - Authority of City Engineer**

322.1 The City Engineer or Designated Representative shall have the authority to inspect all improvements, except water and sewer improvements which are exclusively the jurisdiction of the Diamondhead Water and Sewer District, to ensure that they are in conformity with all plans, specifications, and any written agreements which have been approved. The City Engineer or Designated Representative has the authority to require the removal and/or replacement, at the expense of the Developer, of any phase of the work, other than water and sewer improvements, which is not in accordance to the requirements of the plans approved in accordance with this ordinance. Diamondhead Water and Sewer District has exclusive authority for approving and requiring removal and/or replacement of any phase of water and sewer improvements.

**323 - Engineering Inspection**

323.1 The Developer shall retain a registered engineer through final construction to perform monthly on-site inspections and to submit monthly reports to the Administrator of all construction, except water and sewer. These reports shall include significant events during the reporting period, noted observations, problems and upcoming milestones. Reporting of construction of water and sewer shall be as required by the Diamondhead Water and Sewer District.

323.2 The Developer's engineer will sign and date this report and file with the Administrator by the 15th of the following month. Failure to comply with this provision could result in a stop work order from the City Engineer or Designated Representative.

**324 - Public Sites and Open Spaces**

324.1 Due consideration shall be given to the allocation of suitable areas for parks and playgrounds to be dedicated for public use. Where shown on a plat, such public sites and open spaces shall be constructed during the development of the subdivision and prior to Final Plat approval.

324.2 Due regard shall be shown for all-natural features such as large trees, water courses, historic spots, and similar city assets which, if preserved, will add attractiveness and value to the property.

324.3 Lakes, ponds, creeks, and similar areas will be accepted by the City for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. Such areas must be approved by the Commission and accepted by the City Council before approving the plat.

**325 - Special Provisions**

325.1 No building, repair, plumbing or electrical permits shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for which all public improvements have been provided to said lot nor any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

325.2 The City shall not repair, maintain, install, or provide any streets or public utility service in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

325.3 When directed by the City Council, the City Attorney shall institute appropriate legal action to enforce the provisions of this ordinance or the standards referred to herein, with respect to any violation thereof, which occurs within the City or within any area subject to all or a part of the provisions of this ordinance.

325.4 The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which was prior to initial passage of this ordinance.

**326 - Industrial or Commercial Subdivisions**

326.1 An industrial or commercial subdivision shall be processed for an approval in the same manner as provided for a residential subdivision with the following exceptions:

- a. A Master Plan showing compliance with zoning ordinance requirements for zone in which project is located and intended construction including but not limited to: Buildings; Parking; Access roads; Utilities; striping and traffic controls in accordance with the current Manual on Uniform Traffic Control Devices (MUTCD), etc., shall be submitted by the Developer with the Sketch Plat application
- b. Phases of construction, if any, shall be clearly delineated on the Master Plan. Preliminary Plat submission and Final Plat submissions shall be accomplished for each phase. Each Phase must comply with applicable zoning regulations.
- c. Updates to the Master Plan shall be submitted to the Development Review Committee for review and recommendation to the Commission for review and approval as needed
- d. Construction Plans which deviate significantly from the current Master Plan will not be approved.

326.2 When local streets (not arterial or collector streets) are platted within an industrial or commercial subdivision, the minimum right-of-way width shall be sixty (60) feet, unless otherwise required by zoning ordinance.

326.3 A minimum street width shall be twenty-four (24) feet, not including street shoulder or curb and gutter, if provided. All other streets shall conform to the standards for major and secondary streets prescribed by the master street plan, the zoning ordinance and this ordinance.

326.4 Parking lots, access drives, and service drives intended solely for the use of property owners of said subdivision are not subject to the rules and regulations contained herein and will not be maintained by the City after construction is completed. Parking lots, access drives, and service drives shall comply with the zoning ordinance requirements.

**327 - Private Subdivisions**

327.1 Private subdivisions and communities are allowed only in planned unit developments or in large lot developments having at least one acre lots, subject to the approval of the Administrator, the Commission and City Council.

327.1.1 Private infrastructure must be shown on plats which shall be clearly identified as a private subdivision or community.

327.1.2 Water and sewer connections shall be provided to any proposed private subdivision at the location and in the manner as determined by the Diamondhead Water and Sewer District.

327.2 Private subdivisions shall be processed for approval in the same manner as provided for any typical residential subdivision wherein the infrastructure is to be dedicated to public use and maintenance.

327.2.1 Private subdivisions shall comply fully with the terms, requirements and standards set forth in these Subdivision Regulations regarding every aspect of developing a subdivision and constructing the infrastructure therein.

327.2.2 For the purpose of creating a private subdivision, the final plat thereof shall not include a certificate of dedication as specified in Section 306.1.7(c). However, the final plat of any private subdivision shall include a certificate granting the City of Diamondhead and any other public agency the right of access within the subdivision for the purpose of providing access to drainage and utility easements, reading utility meters and administering other necessary public services or inspections.

327.2.3 Private streets shall not be designed as through streets nor as stub streets or half streets for future land divisions on abutting tracts. Private streets must be built to a level of service sufficient for access by emergency and service vehicles at all times.

327.2.4 Private streets inside the private subdivision shall provide unrestricted internal access to all lots.

327.2.5 Private infrastructure and appurtenances shall be held in common ownership by a property owners association.

- a. The Developer shall provide a description of the association, including its bylaws and methods for maintaining private infrastructure and association facilities.
- b. The association shall be organized by the Developer and shall be operated with a financial subsidy from the Developer, before the issuance of any building permits on lots within the development.
- c. Membership in the association shall be automatic for all purchasers of homes, lots, or interests therein and their successors. The conditions and timing of transferring control of the association from Developer to homeowners shall be specified.
- d. The members of the association shall share equitably the cost of maintaining such private infrastructure. Shares shall be defined within the association bylaws.
- e. The association's bylaws or other appropriate documents shall address, but shall not be limited to, the following:
  1. The property owners' association documents must indicate that the infrastructure within the development is private, owned and maintained by the property owners' association and that the City of Diamondhead has no obligation to maintain or repair for any reason.
  2. The property owners' association documents shall include a statement indicating that the City of Diamondhead may inspect private infrastructure and require repairs necessary to ensure that the same are maintained to acceptable standards for use by emergency and service vehicles.
  3. The property owners' association may not be dissolved without prior written consent of the City of Diamondhead City Council and the conversion of private streets to public streets, provided the private streets meet the minimum standard for public streets at the time of the conversion.
  4. The homeowner's association shall be responsible for payment of bills for water and sewer services as reflected by the reading of master meter located on public right-of-way, provided such master meter is required. Collections and methods of collection from individual homes, lots, or interests within the development shall be the responsibility of the homeowner's association.

- f. The association documents shall contain a provision that requires access to be granted to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees in pursuit of their official duties.
- g. All improvements shall comply with ADA and other federal requirements.
- h. Easements shall be provided, when necessary, for stormwater management.
- i. All water and sewer improvements and services shall be constructed to Diamondhead Water and Sewer District standards.
- j. If a Developer or homeowner association elects to convert private streets or infrastructure to public use, the infrastructure must be brought to current city standards with the burden of proof of adherence to said standards being the complete and total responsibility of the Developers, homeowner's association, or the petitioner of such conversion. Such conversion may only take place upon approval of the City Council.

**328 - Floodplain Areas**

328.1 Land subject to flooding with a frequency of one hundred (100) year flood shall not be subdivided unless precautionary measures are taken to eliminate or minimize flood hazards.

328.1.1 All finished floor elevations shall be in accordance with the City of Diamondhead adopted flood damage prevention ordinance.

328.1.2 This is provided, however, that no fill shall be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner to impede or restrict the flow of water in a flood situation.

328.1.3 All areas which remain subject to flooding after the subdivision is constructed shall be delineated on the final plat.

328.2 All utilities and facilities, such as water, sewer, gas, and electrical systems, shall be located, elevated, and constructed to eliminate or minimize flood damage; and adequate drainage shall be provided so as to reduce exposure to flood hazards, per Federal Emergency Management Agency (FEMA) requirements.

**329 - Appeals**

329.1 Should any person be aggrieved by the decision of the Commission or any employee of the City of Diamondhead, they shall have the right to appeal such decision within thirty (30) days thereafter to the City Council upon fifteen (15) days written notice of such grievance directed to the City Council with appropriate copies to the employee, Department or the Commission, as the case shall be.

329.2 Should any person be aggrieved by any decision of the City Council, they shall have the right to appeal same to the Circuit Court of Hancock County, Mississippi, in the manner prescribed by law; and by virtue of Section 11-51-75 Mississippi Code, 1972, (Anon.).

**330 - Penalties**

330.1 Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). In addition to such fine, the City of Diamondhead, Mississippi, through its proper officer or officers, may take such other action by injunction or other court proceeding as it may deem necessary to enforce the provisions of this ordinance.

**331 - Saving Clause**

331.1 That the provisions of this ordinance shall apply in all instances and shall survive the adoption of all new codes and become a part thereof.

331.2 Additionally, should any section, sub-section, clause, sentence or any part hereof be declared to be unconstitutional, invalid or void by a court of competent jurisdiction, the remainder of this ordinance shall nonetheless remain in full force and effect.

**332 - Effective Date**

332.1 This ordinance shall not take effect and be in force until thirty (30) days from and after its passage, and the same shall be published and recorded in the ordinance book as required by law. The foregoing ordinance was adopted by the City Council [REDACTED].

**ARTICLE IV – PERFORMANCE BOND FOR DEFERRED IMPROVEMENTS**

**400 - Performance and Payment Bond**

400.1 In those instances where the City Council, with a recommendation from the Administrator, determines that it is not necessary or not desirable that all required streets and other improvements be completed prior to approval of the Final Plat, an irrevocable letter of credit, with no termination date, naming the City of Diamondhead as the beneficiary, may be accepted in lieu of completion of streets and other improvements of these subdivision regulations.



## **ARTICLE V – MAINTENANCE BOND**

### **500 - Maintenance Bond**

500.1 In order to assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled, the subdivider shall post a form of security upon completion of the these improvements in the amount determined by the Administrator, with the assistance of the City Engineer or Designated Representative, guaranteeing to the city, the reasonable costs resulting from defective workmanship and/or materials. Security shall be provided in the form of a maintenance bond.

500.2 This security shall be in effect for two (2) years after acceptance of these improvements for perpetual maintenance by the City Council.

500.3 Where the application of this section would impose an undue hardship upon an owner and/or Developer, the City Council, upon the recommendation of the Administrator, may waive the requirements of this section, where the owner or Developer has let a contract to a solvent contractor to complete the required street and other improvements and such contract contains a provision requiring a maintenance bond to be in effect for a period of two (2) years after final completion of the work.

## **ARTICLE VI – SUBDIVISION APPLICATIONS AND CHECKLISTS**

### **600 – Applications and Checklist**

600.1 All applications and checklist for Sketch Plat Approval, Preliminary Plat Approval, Final Plat Approval, or Replat shall be in writing on a form provided by the Administrator and shall be submitted to the Administrator. Said applications may be obtained from the Administrator or its designee.

600.2 The Administrator may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with these Regulations.

600.3 Prior to the approval of any Plat, the Administrator shall review the application for such approval to determine if all other necessary governmental requirements have been met. No plat shall be approved until this determination has been made.

600.4 The Administrator shall submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g. the Commission, City Engineer, etc.) for review and comment.

600.5 All applications for Sketch Plat Approval, Preliminary Plat Approval, Final Plat Approval, or Replat shall meet the requirements as set forth in ARTICLE III – PROCEDURES in regard to content and deadlines.

**ARTICLE VII – SUBDIVISION REGULATION FEE SCHEDULE**

700 – Subdivision Regulation Fee Schedule shall be established by Ordinance approved by the City Council and shall be an appendix to these regulations.

# Tax Increment Financing Redevelopment Plan Diamondhead, Mississippi 2020



Prepared By:

Urban Development Toolbox, LLC  
7600 Joe Fountain Road  
Ocean Springs, MS 39564  
(601) 301-8500



# Contents

- Introduction and Purpose ..... 3
- Section 1 – Redevelopment Planning Method ..... 4
- Section 2 – Need for Redevelopment in Diamondhead Established ..... 5
- Section 3 – Specific Redevelopment Plan Findings, Goals and Objectives ..... 26
- Section 4 – Additional Redevelopment Plan Goals and Objectives ..... 34
- Section 5 – Redevelopment Planning Policies..... 35
- Section 6 – Establishing the Redevelopment Area for the Entire City of Diamondhead ..... 39
- Section 7 – Redevelopment Implementation Strategies ..... 40
- Section 8 – Redevelopment Method Specifically for Tax Increment Financing..... 41
  - Defining and Redevelopment Project* ..... 41
  - Establishing a TIF Redevelopment Project Plan* ..... 43
- Section 9 – Conformity with the City’s Development Codes Required ..... 47
- Section 10 – The Acquisition of Real Property ..... 49
- Section 11 – General Intent..... 50
- Section 12 – Redevelopment Plan Amendments ..... 51
- Exhibit I ..... 52
- Tax Increment Financing Plan ..... 52
- Exhibit II ..... 54
- The Tax Increment Financing Act ..... 54
- Exhibit III..... 55
- The Tax Increment Financing Process..... 55
- Exhibit IV ..... 56
- Summary Reference of the Tax increment Financing - Mississippi code, 21 - 45 as amended ... 56
- Exhibit V ..... 58
- Summary Reference of the Regional Economic Development Act (REDA) Mississippi code 57 - 64 as amended..... 58
- Exhibit VI..... 60
- Legal Description, and Boundary Map of City of Diamondhead, Mississippi..... 60

## Introduction and Purpose

The following Tax Increment Financing Redevelopment Plan Diamondhead, Mississippi 2020 has been developed as an addendum to various other plans, studies, and data collections that exist and are referenced herein on behalf of the City of Diamondhead, Mississippi. Its purpose is to:

- illustrate the need for new development and redevelopment activities in Diamondhead;
- consolidate, restate, and expand the redevelopment themes of the Diamondhead various community plans, relating specifically to the *Diamondhead, Mississippi 25 Year Comprehensive Plan* adopted in September 2012, additional studies, updated goals, and objectives referenced herein;
- establish additional redevelopment strategies for the City of Diamondhead;
- provide the basis for authorizing specific Tax increment Financing mechanisms to facilitate new development projects and redevelopment projects; and,
- guide new developments and redevelopment initiatives for all areas of the City of Diamondhead, Mississippi referred herein as the (“City”).



## Section 1 – Redevelopment Planning Method

This Redevelopment Plan was developed in the four steps described as follows:

1. **Review and assessment** - a review of various existing city plans, interviews, and Hancock County plans, the (“County”) including specifically the guiding over-all strategic plan referenced herein as the (“**Diamondhead Comprehensive Plan**”) referring to a 25 year plan adopted by the City in September 2012, and other plans, codes, zoning, statutes, and ordinances referenced herein as the (“**General Development Plan**”), as provided by the City of Diamondhead, the Hancock County Supervisors, as well as additional collected data, economic impact trends, US Census data, demographics, quality of life factors, and related studies that were conducted in the past few years to identify previously determined findings for the need for economic growth, new developments and redevelopment
2. **Goal identification** - a review of previously identified redevelopment goals and objectives was conducted to identify those that supported redevelopment activities
3. **Redevelopment area designation** - a determination was made of the appropriate redevelopment areas for the City of Diamondhead
4. **Implementation** - recommended implementation strategies for accomplishing specific development and redevelopment efforts for Diamondhead located in the southwest section of Hancock County, Mississippi.

The primary documents, plans, and studies reviewed in developing this Tax Increment Financing Redevelopment Plan are:

1. City of Diamondhead, Mississippi 25 Year Comprehensive Plan Adopted in September 2012
2. Unified Development Code, zoning ordinances, and survey maps: adopted by the City of Diamondhead October 15, 2012
3. United States Census Data Collection as of 2018 (with forecasted estimates for 2019)
4. ACS Data USA (reflecting census data, state sourced data, and algorithms established to estimate current values and trends)
5. Various other economic, statistical data, and resources from internet-based providers, opinions, images, and interpretations
6. Various City of Diamondhead, Hancock County resources, the State of Mississippi Vital Statistics web sites, and references of various authors, creators, and publishers

## Section 2 – Need for Redevelopment in Diamondhead Established

The City of Diamondhead 25 Year Comprehensive Plan adopted in 2012 states in the following excerpts that provide for the need for new development and redevelopment using good planning techniques to manage land use:

### LAND USE GOALS

**Goal 1: To provide for the orderly and logical spatial arrangement of development or redevelopment in the city of Diamondhead.**

**Objective 1.1:** Avoid the creation of incompatible land uses as Diamondhead develops or redevelops, and to remedy over time the existing incompatible land uses that have occurred.

**Objective 1.2:** To encourage the development or redevelopment of the existing commercial area of Diamondhead into a more coherent and organized pattern of development.

**Objective 1.3:** Ensure the protection and betterment of the public health, safety, and general welfare, including the provision for adequate light, air and circulation, separation and open space between land uses, prevent overcrowding, protection of the value of property and the protection of the integrity of the various neighborhoods within the City of Diamondhead.

**Policy 2.1.2:** The City of Diamondhead will develop a means within its regulations to provide density or intensity bonuses, or a reduction in development requirements, for developments which work toward the implementation of this goal and objective.



**Goal 3: Guide and direct development to locations that allow for the most efficient utilization of existing investment in public infrastructure and public facilities.**

**Objective 3.1: Minimize the public investment necessary to provide municipal services to future developments within Diamondhead.**

**Policy 3.1.1: The City of Diamondhead will encourage development to first locate in areas that are served with adequate utilities and require no further costly utility extensions or improvements.**

**Policy 3.1.2: The City of Diamondhead will assess the intensity of development and encourage its location with respect to available service facilities and capabilities. Developments will be guided to areas to best accommodate the service demands including, but not limited to, water supply, wastewater demands, fire protection requirements, traffic generation, and access to transportation routes.**





The Comprehensive Plan (adopted in 2012) further states:

Although Diamondhead is primarily planning for growth within its current corporate limits, the long range planning area includes a slightly larger extraterritorial area. The territory incorporated is smaller than the Diamondhead Census Designated Place (CDP). To have an understanding of census reported data, which is consistent with the boundaries of the CDP, the planning area includes the balance of the CDP which was not incorporated. Map 1.2 illustrates this geography.

**Policy 2.1.2:** The City of Diamondhead will develop a means within its regulations to provide density or intensity bonuses, or a reduction in development requirements, for developments which work toward the implementation of this goal and objective.

**Objective 10.3:** Ensure there is a logical and compatible relationship between service facilities / capabilities and land uses.

**Policy 10.3.1:** Diamondhead will evaluate development proposals with regard to the intensity of service demands (police, fire, water, sewer, etc.) and compare the same to the capability and impact of providing the required services.

**Policy 10.3.2:** Diamondhead will discourage development proposals with such an intensity of service demands (police, fire, water, sewer, etc.) that, if approved, could have a negative impact upon the level of services for existing city residents; unless, however, there is an adequate plan to provide the necessary services.

**Policy 10.3.3:** Diamondhead will encourage developers to aid in enhancing services and quality of life in Diamondhead by participating in and contributing to improvements to the community, financial or otherwise. Diamondhead will develop and utilize a method whereby agreements identifying specific improvements or performance are developed, followed and enforced.

The information from this plan as well as other resources referenced herein has been reexamined for implications related to the Tax Increment Financing Redevelopment Plan’s the (“**TIF Redevelopment Plan**”) conclusions regarding new development and redevelopment opportunities. It further establishes the need for economic development initiatives, economic inducements, and outreach efforts to encourage private sector investments to encourage private sector growth in the City.

Specifically, related statistics provide a detailed picture of the development conditions in Diamondhead and Hancock County from 2010 to 2019. Selected statistics have been updated through US Census year 2018 and estimated for some data up to 2019. The data has been reexamined for implications related to the TIF Redevelopment Plan’s conclusions regarding new development and redevelopment opportunities.

Specifically, statistics related to demographics, economics, and housing have been selected for discussion to provide a data-driven basis approach to establishing the need for new development and redevelopment activity in Diamondhead.

**City of Diamondhead Historical Summary:**

*(Copied from the City of Diamondhead web site)*

Established in the 1960's by the Diamondhead Corporation as a resort community, Diamondhead was chartered as a city on February 6, 2012. Diamondhead is one of Mississippi's youngest, yet fastest-growing cities. With a population of approximately 8,500, our residents enjoy an outstanding quality of life. This master-planned community feels less like a city and more like a luxury resort, with beautifully landscaped public areas and lawns, gorgeous homes, charming shops and restaurants and a host of unmatched recreational amenities.

---

The incorporation process began in 2007 when a petition with signatures of more than two-thirds of the qualified electorate was collected by a group of Diamondhead residents. An official incorporation petition was filed in Hancock County Chancery Court on July 22, 2008. The court heard the case in January 2009. Shortly after the trial ended the presiding chancellor died before issuing his ruling. The Mississippi Supreme Court then appointed a special chancellor over the case. The new judge issued a ruling in January 2010 approving the incorporation. His ruling was then appealed to the Mississippi Supreme Court by three opponents to the incorporation. Their appeal was based on the claim that the chancery court lacked jurisdiction over the petition. Their reasoning being that the petition did not include two-thirds of the signatures of the qualified electors residing in the area. In addition, the opponents claimed that they were denied their right of cross-examination at the incorporation hearing, and that the second chancellor failed to order a new incorporation trial. The appeal was submitted to the Mississippi Supreme Court without oral arguments in June 2010. The Mississippi Supreme Court ruled that the opponent's arguments were without merit and unanimously affirmed the incorporation of Diamondhead in October of 2011.

Reconsideration of the decision was requested and was denied by the court on January 19, 2012. The Charter of Incorporation of The City of Diamondhead, Hancock County was certified by the Secretary of State, C. Delbert Hosemann, Jr. on the 30<sup>th</sup> day of January, 2012 and was presented to The City of Diamondhead and the Mayor and Council on February 6, 2012.

---

**Population Trends:**

The City of Diamondhead’s General Development Plan and recently collected data examines the population growth trends in the City and the County since its founding.

**Demographic Trends**

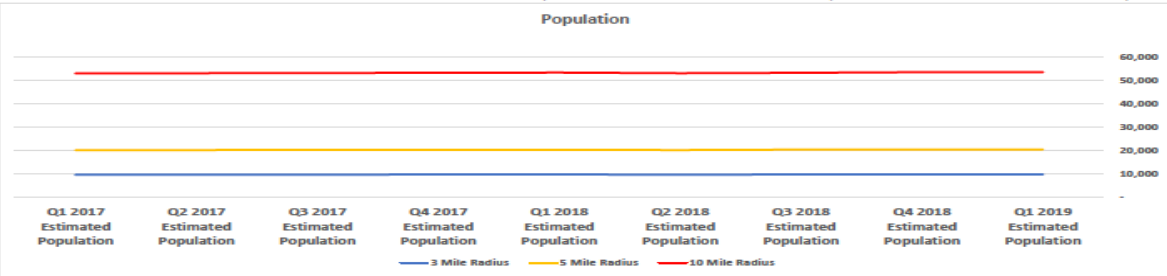
Calculated using TAS Retrieval  
 Latitude: 30.379909 Longitude: -89.366950  
 Jul 29, 2019



Diamondhead, MS

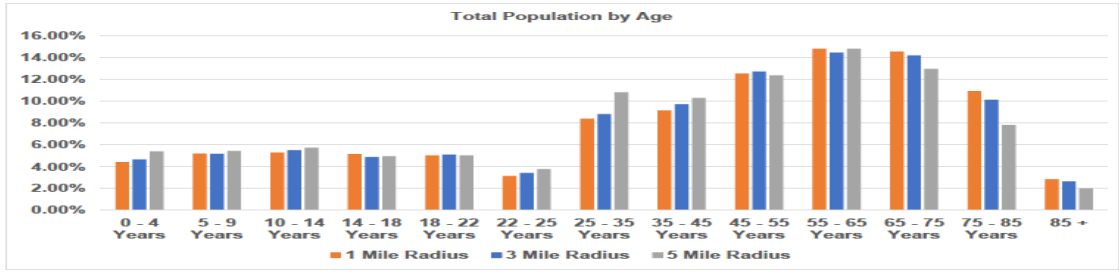
**Population**

	3 Mile Radius	5 Mile Radius	10 Mile Radius
Q1 2019 Estimated Population	9,581	20,262	53,349
Q4 2018 Estimated Population	9,559	20,262	53,363
Q3 2018 Estimated Population	9,507	20,181	53,100
Q2 2018 Estimated Population	9,501	20,034	52,965
Q1 2018 Estimated Population	9,515	20,112	53,221
Q4 2017 Estimated Population	9,558	20,138	53,071
Q3 2017 Estimated Population	9,494	20,063	53,041
Q2 2017 Estimated Population	9,444	19,996	52,928
Q1 2017 Estimated Population	9,409	19,924	52,825



**Total Population by Age**

	1 Mile Radius	3 Mile Radius	5 Mile Radius
Average Age	46.15	45.38	43.10
0 - 4 Years	154 4.41%	445 4.65%	1,092 5.39%
5 - 9 Years	180 5.18%	495 5.16%	1,097 5.41%
10 - 14 Years	143 5.27%	414 5.49%	928 5.72%
14 - 18 Years	179 5.14%	467 4.87%	1,002 4.95%
18 - 22 Years	175 5.01%	487 5.08%	1,016 5.02%
22 - 25 Years	109 3.13%	326 3.40%	761 3.75%
25 - 35 Years	292 8.38%	842 8.79%	2,188 10.80%
35 - 45 Years	318 9.13%	930 9.70%	2,083 10.28%
45 - 55 Years	435 12.50%	1,215 12.69%	2,501 12.34%
55 - 65 Years	515 14.77%	1,382 14.43%	2,993 14.77%
65 - 75 Years	506 14.52%	1,357 14.16%	2,620 12.93%
75 - 85 Years	380 10.90%	968 10.11%	1,581 7.80%
85 +	99 2.83%	252 2.63%	401 1.98%

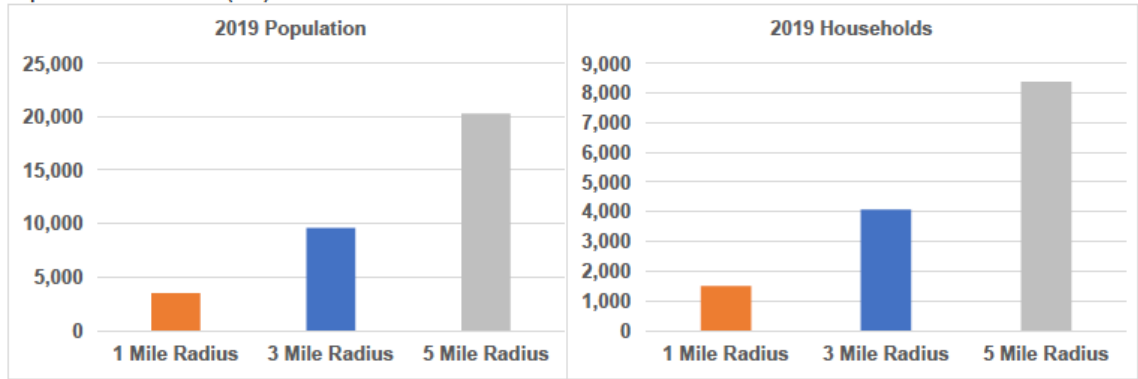


# Diamondhead, MS - Downtown - 1, 3 & 5 Mile Ra NextSite

**NextSite Community Overview**  
 1990 - 2000 - 2010 Census, Q1 2019 Estimates & Q1 2024 Projections  
 Calculated using TAS Retrieval  
 Latitude: 30.379910 Longitude: -89.366951  
 Aug 9, 2019

## Population

	1 Mile Radius	3 Mile Radius	5 Mile Radius
2019 Population	3,483	9,581	20,262
2024 Projected Population	3,642	9,996	21,385
Population Growth %:	0.89%	0.85%	1.08%
2019 Households	1,503	4,062	8,360
2024 Households	1,571	4,239	8,843
Household Growth %:	0.90%	0.86%	1.13%
Expected Value Indicator (EVI)	1.04	0.99	0.86



PEOPLE	
<b>Population</b>	
<b>Population estimates, July 1, 2019, (V2019)</b>	NA
Population estimates, July 1, 2018, (V2018)	8,044
Population estimates base, April 1, 2010, (V2019)	NA
Population estimates base, April 1, 2010, (V2018)	8,378
Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	NA
Population, percent change - April 1, 2010 (estimates base) to July 1, 2018, (V2018)	-4.0%
Population, Census, April 1, 2010	X

**Hancock County’s Population Trends:**

Hancock County’s recent population increases are examined more closely in Table I, **Migration and Natural Increase** illustrated below. As reflected in this table, the County’s US Census data, and data from the Mississippi Department of Natural Vital Statistics through 2010 population estimates demonstrate that the County has grown by approximately 3,703 persons over the decade from 2010 to the estimated year of 2019. The source of this 3,703-person increase is the natural increase of the population, or the net gain of births over deaths, and the migration of new residents representing a net increase residing in Hancock County.

TABLE I MIGRATION AND NATURAL INCREASE	
2010 Population	43,929
2019 Estimated	47,632
Change in Population	3,703
<b>Source:</b> US Bureau of the Census, v2019. Mississippi State Department of Health, Vital Statistics, 1990-2012.	



**State of Mississippi Population Trends:**

Year	Mississippi	% Change
2010	2,967,297	4.3%
2000	2,844,658	10.5%
1990	2,573,216	2.1%
1980	2,520,770	13.7%
1970	2,216,994	1.8%
1960	2,178,141	0.0%
1950	2,178,914	-0.2%
1940	2,183,796	8.7%
1930	2,009,821	12.2%
1920	1,790,613	-0.4%
1910	1,797,114	-

o Note: The State of Mississippi has only completed compiling statistical data collected through 2012; with a population estimate of 2,984,926 residents for 2012.



**Economic Trends:***(US Census collected data, v2019)*


<b>Economy</b>		
📌 In civilian labor force, total, percent of population age 16 years+, 2014-2018	50.3%	62.9%
📌 In civilian labor force, female, percent of population age 16 years+, 2014-2018	42.4%	58.2%
📌 Total accommodation and food services sales, 2012 (\$1,000) (c)	D	708,138,598
📌 Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	17,823	2,040,441,203
📌 Total manufacturers shipments, 2012 (\$1,000) (c)	0	5,696,729,632
📌 Total merchant wholesaler sales, 2012 (\$1,000) (c)	165	5,208,023,478
📌 Total retail sales, 2012 (\$1,000) (c)	31,702	4,219,821,871
📌 Total retail sales per capita, 2012 (c)	NA	\$13,443
<b>Income &amp; Poverty</b>		
📌 Median household income (in 2018 dollars), 2014-2018	\$71,411	\$60,293
📌 Per capita income in past 12 months (in 2018 dollars), 2014-2018	\$37,996	\$32,621
📌 Persons in poverty, percent	⚠️ 7.5%	⚠️ 11.8%
<b>Businesses</b>		
📌 Total employer establishments, 2017	X	7,860,674
📌 Total employment, 2017	X	128,591,812
📌 Total annual payroll, 2017 (\$1,000)	X	6,725,346,754
📌 Total employment, percent change, 2016-2017	X	1.5%
📌 Total nonemployer establishments, 2017	X	25,701,671
📌 All firms, 2012	639	27,626,360
📌 Men-owned firms, 2012	316	14,844,597
📌 Women-owned firms, 2012	236	9,878,397
📌 Minority-owned firms, 2012	F	7,952,386
📌 Nonminority-owned firms, 2012	603	18,987,918
📌 Veteran-owned firms, 2012	134	2,521,682
📌 Nonveteran-owned firms, 2012	481	24,070,685
<b>Housing</b>		
📌 Housing units, July 1, 2018, (V2018)	X	138,537,078
📌 Owner-occupied housing unit rate, 2014-2018	84.8%	63.8%
📌 Median value of owner-occupied housing units, 2014-2018	\$172,100	\$204,900
📌 Median selected monthly owner costs -with a mortgage, 2014-2018	\$1,404	\$1,558
📌 Median selected monthly owner costs -without a mortgage, 2014-2018	\$493	\$490
📌 Median gross rent, 2014-2018	\$883	\$1,023
📌 Building permits, 2019	X	1,386,048
<b>Families &amp; Living Arrangements</b>		
📌 Households, 2014-2018	3,497	119,730,128
📌 Persons per household, 2014-2018	2.33	2.63
📌 Living in same house 1 year ago, percent of persons age 1 year+, 2014-2018	88.5%	85.5%
📌 Language other than English spoken at home, percent of persons age 5 years+, 2014-2018	3.7%	21.5%

The City’s Comprehensive Plan adopted in 2012 emphasizes the importance of coordination with Hancock County as well as other neighboring communities relating to growth and the development of new infrastructure to insure that future development and redevelopment of these targeted areas are constructed in a manner that will sustain long-term growth, providing for future impact demand, and quality of life.



YOUR BUSINESS JUST GOT BETTER

# HANCOCK CHAMBER



Bay St. Louis ■ Diamondhead  
Kiln ■ Stennis ■ Waveland

**Economic Development Goals established in the City’s Comprehensive Plan**

**Policy 14.1.1:** The City of Diamondhead will encourage the location of gaming establishments and related uses in proximity to the interchange and south of I-10.

**Policy 14.1.2:** Appropriate design standards will be required to protect the character of the single family neighborhoods adjacent to any proposed commercial development.

**Objective 14.2:** Encourage entertainment or other cultural uses that will aid in establishing a sense of continuing activity, enhance the city's tax base and enhance the market opportunities for additional development, such as retail, service, or other entertainment venues to occur.

**Policy 14.2.1:** The City of Diamondhead will encourage land uses south of I-10 that will contribute to pedestrian activity within the area. Such uses should be of a nature such that they draw large enough shoppers, spectators, or patrons to encourage additional and related retail, entertainment, or cultural activity.

**Objective 14.3:** Encourage pedestrian activity in all commercial areas of Diamondhead.

**Policy 14.3.1:** As development occurs, the City of Diamondhead should assure that pedestrian features, such as benches, waste receptacles, bicycle racks, etc., are located in appropriate areas for public convenience.

**Policy 14.3.2:** Development and redevelopment should occur with a consistent architectural style designed for safety, functionality and promotion of the aesthetic quality of the area, built to a human scale. The architectural style should reflect the theme established within Diamondhead.

**Goal 15: To Generate Additional Employment Opportunities within Diamondhead.**

**Objective 15.1:** Strengthen and increase the employment opportunities within the city.

**Policy 15.1.1:** Diamondhead will seek to attract diverse employment opportunities which may benefit from the city's population makeup, including public sector, research, retail, medical, service and entertainment industries and other potential employment sectors.

**Policy 15.1.2:** Diamondhead will continue strengthening its retail base and contemporaneously therewith seek to attract entertainment venues to add to the local economy.

**Objective 15.2:** Provide incentives which serve to enhance the creation of jobs and reuse of vacant buildings and properties.

**Policy 15.2.1:** Diamondhead will encourage the reuse, or an adaptive use, for existing vacant buildings and properties, and encourage the design and construction of new buildings in a manner to facilitate reuse.

**Policy 15.2.2:** Diamondhead will investigate the potential to provide financial incentives for economic development and the creation of jobs.

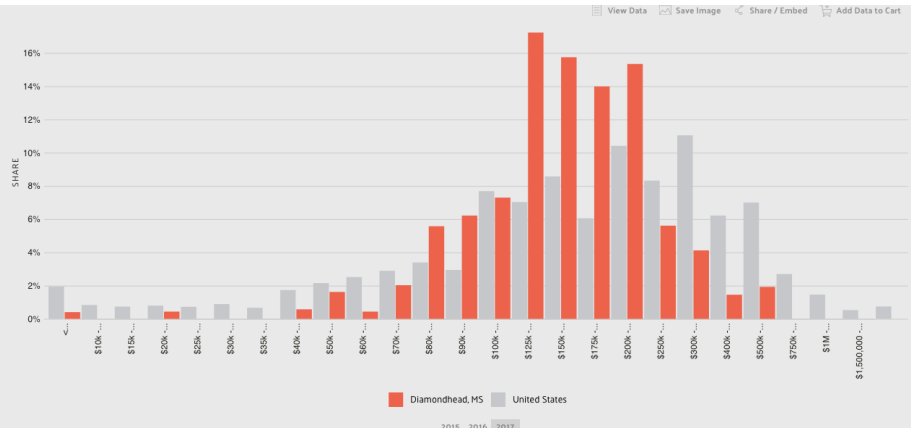
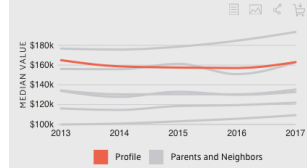
<b>Education</b>	
High school graduate or higher, percent of persons age 25 years+, 2014-2018	96.4%
Bachelor's degree or higher, percent of persons age 25 years+, 2014-2018	37.3%
<b>Income &amp; Poverty</b>	
Median household income (in 2018 dollars), 2014-2018	\$71,411
Per capita income in past 12 months (in 2018 dollars), 2014-2018	\$37,996
Persons in poverty, percent	7.5%

Property Value

**\$163,000** **\$157,000**  
 2017 MEDIAN 2016 MEDIAN  
 ±\$8,608 ±\$8,106

In 2017, the median property value in Diamondhead, MS grew to to \$163,000 from the previous year's value of \$157,000.

The following charts display, first, the property values in Diamondhead, MS compared to it's parent and neighbor geographies and, second, owner-occupied housing units distributed between a series of property value buckets compared to the national averages for each bucket. In Diamondhead, MS the largest share of households have a property value in the \$125k - \$150k range.



Data from the Census Bureau ACS 5-year Estimate

Household Income

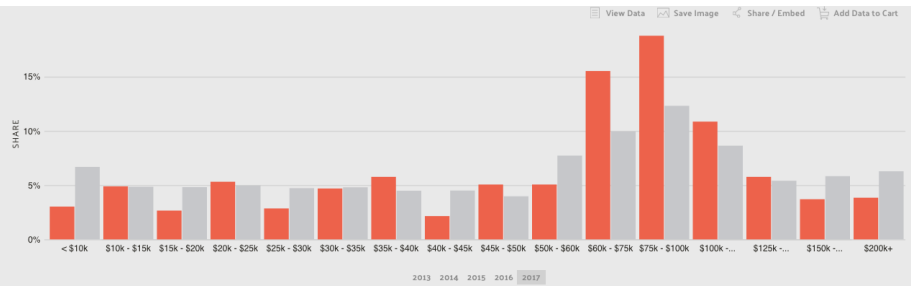
Please note that the buckets used in this visualization were not evenly distributed by ACS when publishing the data.

**\$67,207** **3.54k**  
 MEDIAN HOUSEHOLD INCOME NUMBER OF HOUSEHOLDS  
 ±\$6,502 ±441

In 2017, the median household income of the 354k households in Diamondhead, MS declined from \$67,207 from the previous year's value of \$70,450.

The following chart displays the households in Diamondhead, MS distributed between a series of income buckets compared to the national averages for each bucket. The largest share of households have an income in the \$75k - \$100k range.

Data from the Census Bureau ACS 5-year Estimate



**Employment:**

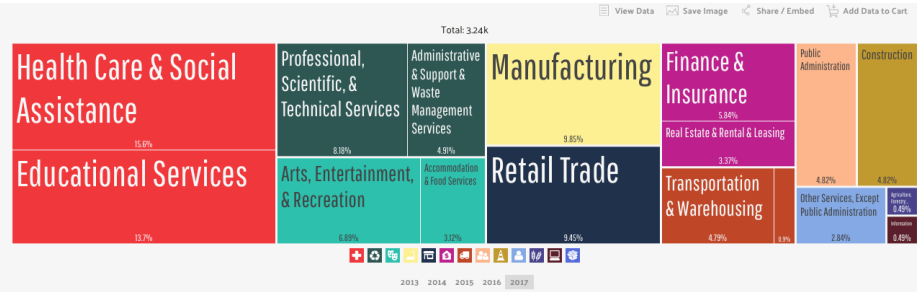
Employment by Industries

3,24k  
2017 VALUE  
± 459

-7.01%  
1 YEAR DECLINE  
± 21%

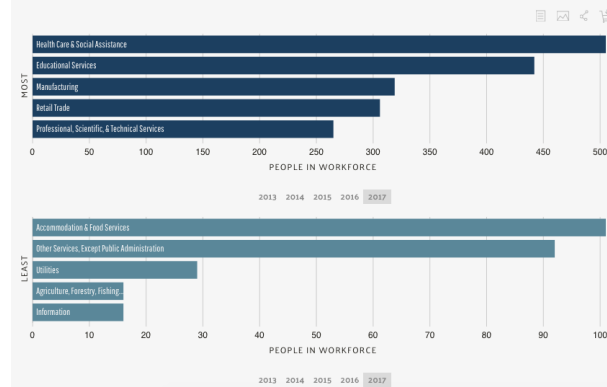
From 2016 to 2017, employment in Diamondhead, MS declined at a rate of -7.01%, from 3,48k employees to 3,24k employees. The most common employment sectors for those who live in Diamondhead, MS, are Health Care & Social Assistance (505 people), Educational Services (442 people), and Manufacturing (319 people). This chart shows the share breakdown of the primary industries for residents in Diamondhead, MS, though some of these residents may live in Diamondhead, MS and work somewhere else. Census data is tagged to a residential address, not a work address.

Data from the Census Bureau ACS 5-year Estimate



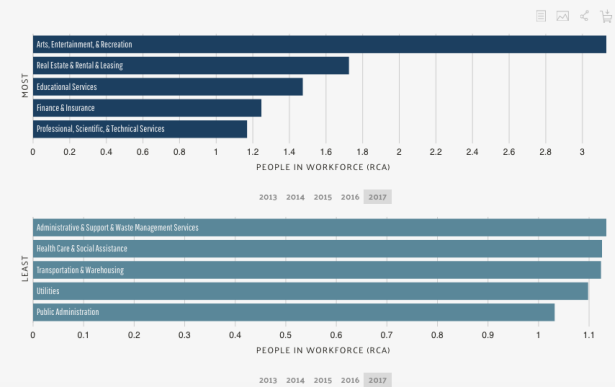
Most Common

The most common industries in Diamondhead, MS, by number of employees, are Health Care & Social Assistance (505 people), Educational Services (442 people), and Manufacturing (319 people).

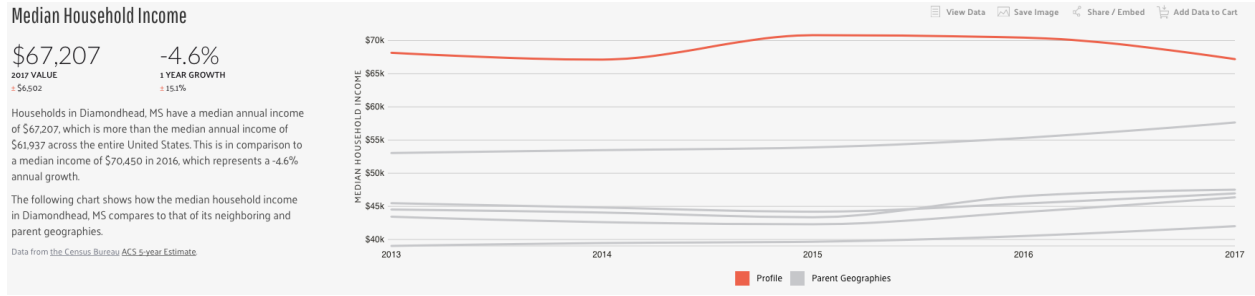
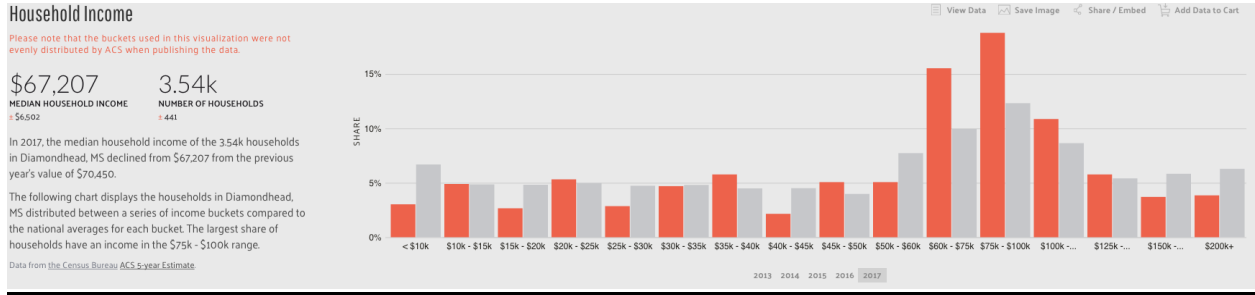


Most Specialized

Compared to other places, Diamondhead, MS has an unusually high number of Arts, Entertainment, & Recreation (3.13 times higher than expected), Real Estate & Rental & Leasing (1.73 times), and Educational Services (1.47 times) industries.



**Income:**



**Housing:**

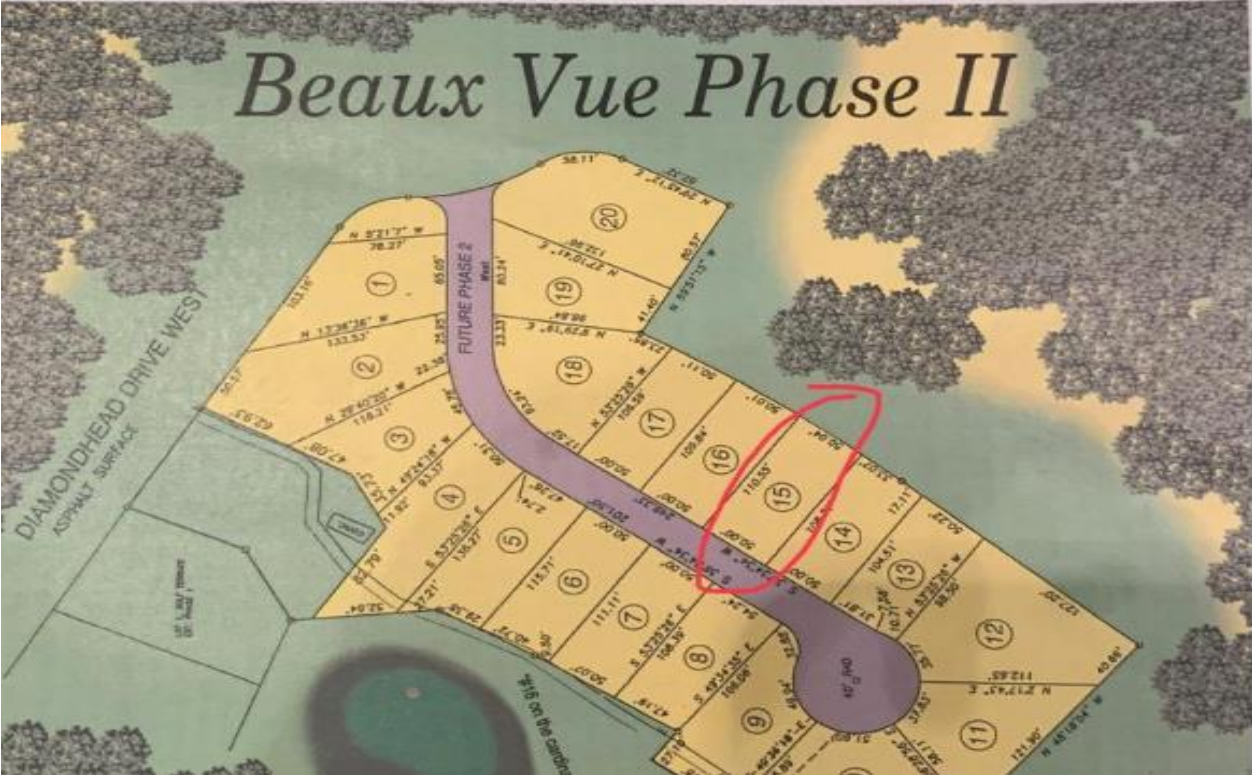
As reflected in the City’s Comprehensive Plan, using updated information:

Families & Living Arrangements		
Households, 2014-2018	3,497	119,730,128
Persons per household, 2014-2018	2.33	2.63
Living in same house 1 year ago, percent of persons age 1 year+, 2014-2018	88.5%	85.5%
Language other than English spoken at home, percent of persons age 5 years+, 2014-2018	3.7%	21.5%

The median home value in Diamondhead in 2017 was \$67,207, representing a reduction from 2016 with median average income of \$70,450. This is well above the Hancock County median of \$47,543, and while housing in the County is less expensive than in the City, there is a relative lack of affordable housing along the Gulf Coast. According to the Association of Realtors, with over 500 homes in the Diamondhead area the median home price is \$176,080, well above the average housing price for Hancock County.

Diamondhead’s housing trends follow many of the trends that have occurred nationally. The fast pace of residential construction has fueled concerns about “sprawl.” In the midst of prosperity, the home ownership gap between whites and minorities has not narrowed. Very low-income households still lack adequate, affordable housing at a time when losses of subsidized units are rising. National figures indicate that record numbers of very low-income households are devoting more than half their incomes for housing. Renting remains the only option for many who are either unable to qualify for a mortgage loan or to cover the costs associated with buying a home. For many others, though, renting is an attractive lifestyle as well as a prudent financial choice. It is an especially appealing option for people who expect to move again within a few years because they can avoid the steep transaction costs associated with buying and selling a home. It also may be the first independent step for younger persons in making a long-term commitment to a community; as trends have shown, initially they may rent, but as they become settled, they seek to purchase property in the community where they have been living.







Home sites located within Hancock County

# HOUSING GOALS

## Goal 7: Improve and maintain high quality housing stock in the community.

**Objective 7.1:** City of Diamondhead will enact regulations to ensure proper safety, durability and maintenance of existing housing.

**Objective 7.2:** Ensure that new housing is built to current standards for safety, durability, and functionality.

**Policy 7.2.1:** The City of Diamondhead should, where reasonable, adopt and enforce the most current and up to date suite of building codes, but not without careful review of code requirements and necessary adjustments to fit the uniqueness of the community.

**Policy 7.2.2:** The City of Diamondhead should utilize property maintenance codes and unsafe building abatement codes, requiring that dilapidated homes and buildings be removed and damaged buildings be repaired.

**Policy 7.2.3:** The City of Diamondhead will maintain its publicly owned property to the same or higher standard as that required of its citizens.

**Policy 8.2.2:** The City of Diamondhead will maintain a diverse supply of housing available to people of all income levels, but will limit the proportion of standalone multifamily rental style housing to 10% of the city's housing stock. Places considered as group quarters will not be considered as multifamily housing for the purpose of this measurement, nor will townhouses.

### Goal 8: Promote infill housing development in Diamondhead.

**Objective 8.1:** Attract new housing developments to locate upon underutilized properties within the city.

**Policy 8.1.1:** The City will seek to fill vacant lots within the city. While the city is not in the development business, city leaders can aid in the facilitation of such developments.

**Objective 8.2:** Provide a wide field of housing opportunities within Diamondhead in the form of housing types and housing costs.

**Policy 8.2.1:** Diamondhead will promote the concept of mixed use development by encouraging a vertical mix of land uses within commercial areas. The City regards as desirable the concept of allowing residential space above commercial space within commercial areas (commercial on the first floor, housing on the second floor); however, such mix should not be utilized to the extent that residential units supplant otherwise commercial development opportunities.



**Figure 2.1 Townhouses**  
Townhouses are single family units arranged horizontally in a linear pattern. While the units are attached, each individual unit maintains a private entrance on the exposed front and rear wall of the structure.

**Policy 8.2.3:** The City of Diamondhead will carefully monitor the level of housing development occurring within the city by location and type.

**Policy 8.2.4:** Housing and other development patterns that tend to concentrate conditions which are associated with blighting will be discouraged.

### Goal 9: Ensure the availability of housing opportunities within the City to meet the needs of all market sectors.

**Objective 9.1:** To provide housing availability for an aging population.



## Section 3 – Specific Redevelopment Plan Findings, Goals and Objectives

The adopted goals and strategies below are taken from the City of Diamondhead’s General Development Plan, including statements adopted in the 2012 Comprehensive Plan as a result of various studies, interviews, and findings. They identify the need for new development and redevelopment in many instances, and these areas have been highlighted to illustrate the policy and direction of the community related to future growth and quality of life for its citizens. The Findings Goals and Objectives are abridged for clarity and those that address the need for redevelopment are emphasized.

### Findings, Goals, and Objectives

#### Findings

In order to guide the planning process and assure its validity and productivity for the City of Diamondhead, the Mayor and City Council reviewed various background studies and their conclusions, including supporting data and analysis. From the data and analysis, and through a series of meetings and discussions with residents of the community, the Diamondhead Mayor and City Council, along with the support of the City of Diamondhead Planning Commission has made findings of fact with regard to the community’s developmental condition and set forth development-related goals and objectives.

These Findings and Goals have been developed for the specific purpose of providing direction to the final plan product. These findings and goals follow, with the **Findings** set forth first and **Goals and Objectives** following.

The City of Diamondhead Mayor and City Council finds as follows:

#### Findings Regarding Population

1. The Mayor and City Council finds that the community has experienced just under 1% of net migration growth over the last decade, and that small trend is expected to continue based on current estimates.
2. The Mayor and City Council finds that while there is a sound proportion of young people in the community, these people need to have access to affordable housing, lower taxes, access to expanding utility demands, transportation, and further emphasis on the quality of the schools to remain in Hancock County and its local communities.
3. The Mayor and City Council finds that the overall population of the City has increased slightly under 1% in the past 10 years, and this trend is expected to continue to increase slowly as is expected to be reflected in the next US Census currently being collected in 2020.

**Findings Regarding Economic Analysis**

1. Medical, education, utilities, retail trade, and manufacturing jobs, trade, and services provide the bulk of the economic activity for the residents living in the City of Diamondhead and Hancock County.
2. The Mayor and City Council finds that there are ample medical facilities and that this component of the general Mississippi economy is thriving.
3. The Mayor and City Council finds that incomes are greater than state averages but have not grown substantially over the last decade relative to the national economy.
4. The county serves as a "sub-regional" center for primary industrial related to NASA operations, commercial and residential construction, commercial fishing, and has a very narrow spectrum of types of active industry and production, with the exception of NASA and its related service providers.

**Findings Regarding Land Use**

1. The Mayor and City Council finds that manufactured housing is scattered outside of the City throughout the county and is not adequately regulated for location and aesthetic impact.
2. The Mayor and City Council finds that the commercial retail areas contribute to part of the major economic hub for Diamondhead and that the area is active, with many festivals, promotions, and entertainment and that some efforts have been made to improve the viability and attractiveness of this area.
3. The Mayor and City Council finds that there is vacant land in all areas of the community, but planned expansion would offer a greater variety of growth opportunities.
4. The Mayor and City Council finds that current land use development tools are in need of further refinement to accommodate developer's ability to develop mix-use developments, manage future growth relative to current building practices, primarily in terms of general planning, buffering, zoning, land-use, landscaping, expansion of City utilities, and a variety of other supporting development categories.
5. The Mayor and City Council finds that the City and County is well served by its parks, recreation, and proposed greenway systems that will enhance the recreational land uses.

### *Findings Regarding Transportation*

1. The Mayor and City Council finds that the local transportation network is currently at capacity in many areas, particularly at the main entrance off of the I-10 exit and on other corridors struggling to meet current demands, and will likely NOT meet future demands based on current growth trends without additional resources.
2. The Mayor and City Council finds that I-10 has impacted, and will continue to impact development patterns, with migration of development moving towards this corridor to meet market and traffic patterns.
3. The Mayor and City Council finds that transportation options are primarily limited to automobile and golfing related vehicles in the City of Diamondhead.
4. The Mayor and City Council finds that pedestrian facilities are lacking and should be provided through any new developments particularly in the community commercial centers.
5. The Mayor and City Council finds a strong compelling need to have the entrances from I-10, into the economic centers in the community to be improved, including: defined street patterns, improved zoning standards, setback requirements, signage, lighting, and landscaping.

### *Findings Regarding Housing*

1. The Mayor and City Council finds that there are **minor** variations of substandard housing, mainly due to aging inventory (some homes are approaching 50 years since construction) in Diamondhead.
2. The Mayor and City Council finds that there is a significant level of vacant commercial and, or residential lots, aging inventory that is lacking needed maintenance, and significant dilapidated housing in surrounding areas of Hancock County.
3. The Mayor and City Council finds that manufactured housing is prevalent in the County and constitutes a substantial portion of the aging housing inventory represented by collected market data.

### *Findings Regarding Capital Facilities*

1. The Mayor and City Council finds that sewer and water services, provided by the Diamondhead Water and Sewer District (DWSD) need to be expanded to accommodate planned growth areas including beyond the current corporate limits of the various areas targeted for development for future growth opportunities.
2. The Mayor and City Council finds that the existing electrical and communication utility facilities that currently provide services are generally adequate to support desired growth.

**Findings Regarding Community Appearance and Design**

1. The Mayor and City Council finds that the underlying form of the community is attractive by reason of mature landscapes, its relationship to the Mississippi Sound, the golf courses and recreational facilities and notable buildings, and that these areas are worthy of protection.
2. The Mayor and City Council finds that the commercial and residential areas are in sound condition but special development efforts such as restrictive zoning ordinances, protection of the rights of way, treatment of alley areas, placing utilities underground, parking and traffic control, and enhancing its attractiveness are still needed.
3. The Mayor and City Council finds that sign control, lighting and landscaping would enhance the appearance of the various commercial corridors particularly at the entrance to the community and the commercial corridors that feed from the entrance, which all act as main transportation corridors for the community.



**Goals and Objectives**

The Mayor and City Council, after examining the background analysis, making findings (as reflected above) of fact regarding current developments in the City of Diamondhead, and being duly charged by the State of Mississippi; and through the action of its resident electorate as the governing body of the City of Diamondhead, set forth the following planning goals and principles.

The goals and principles are employed in developing the specific provisions of the City of Diamondhead’s General Development Plan, as well as the City’s Comprehensive Plan. These goals and principles should be used in the day-to-day development decisions of the community. These goals also reflect those of various Hancock County Strategic Plans, and as coordinated by the Mississippi Development Authority in its examination of the City’s assets and through the various grants offered and administered by the State of Mississippi.

**Goals Related to General Features**

- 1. The natural beauty and sensitive environmental features of the City of Diamondhead and its community will be protected.

**Goals Related to Population**

- 1. The City of Diamondhead will pursue policies that are designed to produce and encourage moderate population increases by:
  - a. Providing employment opportunities for working age people and recreational, cultural, and medical amenities for retirees
  - b. Encouraging the appropriate ***annexation of land*** necessary to accommodate growth and protect lands adjacent to the community’s borders from inappropriate development to deter undesired urban sprawl, and developments that may adversely affect the general economic goals of the local community’s Comprehensive Plan adopted in 2012, or as amended, and for quality of life.

**Goals Related to Economy and Economic Development**

- 1. The City will facilitate the development of vibrant and thriving economically diversified developments by making the community a destination of choice for visitors, retirees, and families.
- 2. The Mayor and City Council will continue to work to make the City of Diamondhead a destination for tourists by promoting its location near the Mississippi coastal area, and through its geographic advantages, low cost of living, and natural recreational facilities and opportunities.
  - a. Develop signage, and attractive well engineered’ rights of way to direct traffic off of Interstate 10, into the community and commercial centers and continue to promote development of other commercial areas, based on market demand.
  - b. Identify existing architecturally significant buildings and sites in the community and seek to preserve a small resort community atmosphere.
- 3. To make the City of Diamondhead a quality desired location for young people to live who are working in local industries and those residents that commute into other nearby trade areas for work.

4. Provide adequate amounts of industrial development land.
  - a. Promote the expansion of existing local manufacturing industries.
  - b. Promote the development of retail and other economic activities of the commercial areas to support desired quality of life, businesses, residential developments, and quality of life activities.
  - c. Support, promote, and improve facilities for the local school district to attract young families to migrate into the local community.
  - d. Encourage the development of affordable, quality housing that fosters long-term growth.

### **Goals Related to Land Use**

#### *The City will*

1. promote the construction of a variety of home sizes and types that are affordable in the local economy;
2. provide for all legitimate uses of land through good established planning practices;
3. implement ordinance measures that will preserve residential areas through the appropriate treatment of manufactured housing and multiple family housing;
4. implement measures that will ensure the appropriate location for industrial uses;
5. encourage commercial developments and preservation of architecturally significant structures;
6. promote the development and maintenance of parks and public spaces;
7. provide for the growth and promote expansion of existing industry; and,
8. establish clear and compelling gateways to encourage additional growth into the current retail trade areas.

### **Goals Related to Transportation**

#### *The City will*

1. seek to provide a well-maintained and efficient transportation system characterized by ease of access and circulation along with safe engineered designs;
2. assure appropriate maintenance of local transportation routes;
3. ensure new development is appropriately related to transportation networks;
4. ensure adequate carrying capacities of existing and proposed transportation facilities; and,
5. promote the widening of the entrance corridor from the Interstate 10 exits ramps, landscaping, lighting, and modern traffic signalization, and improved frontage roads entering the community corridors.

### **Goals Related to Housing**

#### *The City will*

1. promote the construction of a variety of home sizes and types that are affordable in the local economy;
2. review the need for assisted living areas throughout the community;
3. pursue the development of assisted living areas if needed and desired;
4. ensure that a suitable housing stock exists for all income groups; and,
5. continue to update the City's construction codes, encourage the community to adopt current international building and maintenance codes, standards, zoning ordinances, continue supporting community planning efforts, and sound land-use practices.

**Goals Related to Community Appearance and Design**

*The City will*

1. promote the development of visually pleasing commercial areas through the adoption of signage controls, lighting, landscaping, additional zoning ordinances, land-use planning and establish well defined historic districts with supporting ordinances to ensure that these properties are protected for future generations;
2. create simple design guidelines such as limited exposed metal surfaces, limited manufactured housing uses, as well as requiring masonry facades, setbacks and landscaping; and,
3. provide and enforce landscape ordinances with buffering provisions for new development.

**Goals Related to Capital Facilities**

*The City will*

1. continue to provide adequate police and fire protection, (Fire protection service is provided by the Diamondhead Fire District) for growing population needs; and,
2. provide or make available utilities, and public services to a growing community to support long-term planning needs.



## Section 4 – Additional Redevelopment Plan Goals and Objectives

The following goals and objectives of the Redevelopment Plan have been developed by the City of Diamondhead's Mayor and City Council to expand upon the General Development Plan goals related to new developments, and redevelopment projects to emphasize, with high priority economic development activity in the City of Diamondhead.

- The City of Diamondhead will work to create and partner with economic development projects that create good jobs and strengthen the tax base of the community.
- The City will coordinate efforts with other economic development entities and with the local community to assist in financing of public infrastructure improvements that will result in private capital investment for economic development projects by developing vacant land.
- The City will encourage development and redevelopment projects that will strengthen and increase retail sales activity within the local community.
- The City will encourage development and redevelopment projects that will increase jobs in the City of Diamondhead.
- The City of Diamondhead will ensure that projects undertaken within the community are undertaken in accordance with codes, ordinances, and development plans that are in effect, or that may be adopted in the future.

## Section 5 – Redevelopment Planning Policies

The adopted goals and strategies below are taken from the City of Diamondhead’s Comprehensive Plan adopted in 2012, and are further supported by the General Development Plan as described herein. They identify redevelopment in many instances and these areas have been highlighted to illustrate the policy direction of the local community related to new developments and redevelopment. The Findings Goals and Objectives are abridged for clarity and those that address the need for redevelopment are highlighted, made bold and enlarged.

### *The City of Diamondhead General Development Plan*

Transitional residential areas are typically characterized by older 1960’s -1970’s era housing stock, deferred maintenance, conversions from single-family uses to more intensive uses, and the introduction of incompatible uses. Public and private efforts should focus on upgrading the condition of those residential areas that are in transition, particularly in the outlying areas of the community. Specific efforts including area residents in these planning efforts should be made.

- (1) Transitional residential areas will be protected from disruptive uses such as encroaching industrial and commercial uses.
- (2) Improvement of property through reconstruction and/ or an extensive maintenance program by individual owners is encouraged. When necessary, the City shall utilize strict Codes enforcement to protect and revitalize transitional residential areas.
- (3) Vacant land adjoining transitional areas or occupied land to be redeveloped should be utilized for residential, public, or semi-public development unless specific revitalization plans adopted by the local community dictate otherwise. Revitalization plans may consist of a neighborhood plan, historic overlay districts, or an economic redevelopment plan that clearly defines its intent.



**Central Business District (“CBD”)**

Diamondhead possesses something that many other competing suburban growth-oriented cities lack, namely a resort driven history that has had very effective restrictive covenants through a very active governing body made up by the residents. The community has recently (January 2012) incorporated into a city with new goals and objectives focused on growth, quality of life, and expansion.

The general objectives of the policies included for this CBD category is to manage these important areas so that future redevelopment and growth can be permitted, and the transition from residential to non-residential uses (or vice versa) can be accommodated with the least amount of conflict between obsolete and expanding uses. The following policies are recommended for the CBD land use category.

Appropriate Uses: The principal uses intended for the CBD area include retail and commercial businesses along the major roadways including personal, professional services, retail, food services and government offices in the commercial trade area and at its fringes and low and medium density residential uses (single-family detached, attached, and townhouses/condominiums) just off the main roadway corridors.

The commercial area of Diamondhead serves as an important asset that the community must preserve and enhance. This Plan supports the development and redevelopment of the area in a historically appropriate way.

**General Development Policies for Industrial and Employment Areas**

The City of Diamondhead 's prospects for industrial economic development in the next 20 years will, in many cases, evolve from the existing strengths of the local community. New non-agricultural employment for the county is projected to increase over the planning period, and two land use categories should be created to accommodate new industrial development. The Industrial Category is a broad land use category envisioned for areas where the primary types of existing or planned development are industrial in character, such as manufacturing, bulk storage (indoors and outdoors), and heavy distribution activities like truck terminals. Overall floor area ratio recommended in this land use classification is 1.00 (one square foot of building floor area to every one square foot of site area).

Industrial activities generally place a heavy demand on local resources, have the greatest impact on the surrounding environment, and characteristically have less flexibility in locational choice than do other types of economic activities. Therefore, land use policies that promote the efficient utilization of industrial land resources are essential if optimum industrial development is to be realized. The following policies are recommended for this land use category.

(1) Appropriate Uses: The Industrial land use classification applies to areas that are used for primarily fabricating, processing, storage, warehousing, wholesaling, and transportation services.

(2) Density Range: Generally, unused, or underutilized land is common in most industrial areas, and this land is suitable for expansion of existing facilities. The maximum density recommended for these areas is a floor area-ratio of 2.0 (2 square feet of building floor-

area for every one square foot of site area) on individual sites, and in the designated land use areas as a whole.

(3) Pattern of Industrial Development: As illustrated on the Detailed Land Use Map, continued centralization of industrial activities is encouraged. The orderly expansion of essential services to areas of planned industrial development is important both to ensure growth and minimize pressure for land use change in areas not recommended for industrial use.

(4) Development Flexibility: Except at locations where adopted design plans recommend a specific mix and/or pattern of industrial land use. The pattern of industrial development should be sufficiently flexible to accommodate variable market demand. This approach reflects the past pattern of development where, for example, industrial areas planned as manufacturing centers developed with wholesaling and warehousing activities in addition to manufacturing.

Buffer zones should be established between production activities and less-offensive surrounding land uses.

(5) Industrial Expansion and Redevelopment: Existing manufacturing, storage, and wholesaling activities, including many of the earliest industrial areas in Hancock County, frequently pose complex land use problems. While deterioration, obsolescence, poor location, and inadequate expansion space are problems plaguing some of the businesses in these areas, these marginal economic activities do provide employment opportunities for many persons lacking the necessary training or other types of employment. The following policies are recommended as guidelines for the difficult decisions, which must be made regarding marginal industrial activities.



Obsolete and marginal industrial activities should be removed from areas where they are incompatible with surrounding uses, are a nuisance, and are a blighting influence on desirable non-industrial development. The redevelopment of blighted manufacturing and storage areas adjoining residential conservation areas should include residential and other uses that are compatible with the existing neighborhoods. The redevelopment should be based on a detailed, design analysis and a publicly adopted plan.

As seen in the foregoing redevelopment policies currently adopted, or by current practices in Diamondhead that apply to residential, commercial, and industrial lands within the community’s urban areas. Essentially, the policies acknowledge that redevelopment activity is appropriate in the entire City of Diamondhead.





## Section 6 – Establishing the Redevelopment Area for the Entire City of Diamondhead

In light of the previously stated findings and goals, the redevelopment areas for City of Diamondhead is established as follows:

- A. **Redevelopment Area Boundary Description:** The redevelopment area designated by this Plan will consist of all real and personal property located within the official boundaries of City of Diamondhead as recorded by the Mississippi Secretary of State and reflected in the State Charter; as of the date of adoption of this plan.
- B. **Redevelopment Area Boundary Map:** A boundary map of the redevelopment area encompassing all real property located within the boundaries of the City of Diamondhead is shown below and attached as **Exhibit VI** is the legal metes and bounds of the entire City as recorded in the Mississippi Secretary of State’s office as reflected in the State Charter, and a boundary map reflecting the same area to be included.

## Section 7 – Redevelopment Implementation Strategies

After consideration and consultation with economic development professionals, the following redevelopment strategies have been identified as potentially appropriate means of achieving redevelopment in the City of Diamondhead:

1. enhanced Code Enforcement of the entire City and particularly in the commercial areas where population densities are higher;
2. promote the use of Urban Renewal, and tax abatement under the statutes of the State of Mississippi;
3. promote the use of Tax Increment Financing under the statutes of the State of Mississippi;
4. pursue and encourage developers using housing programs as offered by the Mississippi Home Corporation and the State of Mississippi; and,
5. other economic and tax incentives offered by the Mississippi Development Authority or other entities of State of Mississippi.

The Mayor and City Council has already begun implementation of Strategies 1, 2, and 3. The City and also the Hancock County Supervisors offer certain tax incentives for new development in the form of property tax abatements.

Strategy 1, enhanced code enforcement, as referenced above, should be implemented in a more aggressive manner. Aggressive code enforcement under the state statute of 21-19-11, as amended, will encourage redevelopment and improvements in housing inventory, quality of life, and market values.

Strategy 2 Urban Renewal, as referenced above, requires further study.

Strategy 3, Tax Increment Financing, as referenced above is proposed for authorization under this redevelopment plan, ***“The Tax Increment Financing Redevelopment Plan Diamondhead, Mississippi 2020.”*** Specific implementation considerations for Tax Increment Financing are set out in Section 8 below.

Strategy 4, other economic and tax incentives, as referenced above, has not been implemented through funds for low-income housing credits, first time buyers program funds, and Section 8 housing, but much more can be done for housing development to support desired population growth.

Strategy 5, has been pursued with mixed results during the past few years since incorporating the City. Further efforts should be made to pursue economic advantages, grants, and incentives through the Mississippi Development Authority as funded and made available.

## Section 8 – Redevelopment Method Specifically for Tax Increment Financing

Mississippi’s Tax Increment Financing Act enables local municipalities and counties upon adoption of this Redevelopment Plan and authorizes the City of Diamondhead’s Mayor and City Council specifically, the use of Tax Increment Financing as an economic development inducement in new development, and redevelopment projects. The projects may involve reconstruction, renovation, or new construction for residential, commercial, or other uses that the Mayor and City Council, the Governmental Body of the City determined to be in the best public interest of the community. Tax Increment Financing under Mississippi Law may be applied to a “Redevelopment Project.”

### Defining and Redevelopment Project

Section 21-45-3 of the Mississippi Code Annotated defines a “redevelopment project” and project areas as follows:

#### **Redevelopment Project (See Exhibit I, Mississippi Code Annotated at 21-45-3 (b), (i), (ii), and (iii))**

(a) A “redevelopment project” may include any work or undertaking by a municipality:

- (i) to acquire project areas or portions thereof, including lands, structures, or improvements the acquisition of which is necessary or incidental to the proper clearance, development or redevelopment of such blighted areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight;
- (ii) to clear any such areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct or reconstruct streets, utilities, bulkheads, boat docks, and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan and public improvements to encourage private redevelopment in accordance with the redevelopment plan; or,
- (iii) to sell or lease property acquired by a municipality as part of a redevelopment project for not less than its fair value for uses in accordance with such redevelopment plan to retain property or public improvements for public use in accordance with the redevelopment plan.

“Redevelopment project” may also include the preparation of a redevelopment plan, the planning, survey, and other work incident to a redevelopment project and the preparation of all plans and arrangements for carrying out a redevelopment project, relocation of businesses and families required under applicable law, and upon a determination, by resolution of the governing body of the municipality in which such land is located, that the acquisition and development of additional real property not within a project area is essential to the proper clearance or redevelopment of a blighted area or a necessary part of the general slum clearance program of the municipality, the acquisition, planning, preparation for development or disposal of such land shall constitute a redevelopment project.

The Tax Increment Financing Act allows the use of Tax Increment financing for an individual project that lies within a “Redevelopment Project Area”. For the purposes of the Redevelopment Plan, project areas are defined as follows (see attached Exhibit I, Mississippi Code Annotated 21-45-3 (a), (i), (ii), (iii), and (iv)):

- (a) “Project area” includes:
  - (i) areas in which there is a significant amount of buildings or improvements, which by reason of dilapidation, deterioration, age, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding or the existence of conditions that endanger life or property by fire and other causes, or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and are detrimental to the public health, safety, morals, or welfare;
  - (ii) areas which are of important value for purposes of historical preservation, as designated by the Department of Archives and History;
  - (iii) areas which by reason of a significant amount of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site improvements, diversity of ownership, tax delinquency, defective or unusual conditions of title, improper subdivision or obsolete platting or the existence of conditions, which endanger life or property by fire or other causes, or any combination of such factors, substantially impair or arrest the sound growth of the community, retard the provision of housing accommodations or constitute an economic or social liability and are a menace to the public health, safety, morals, or welfare in their present condition and use; or,
  - (iv) areas in which the construction, renovation, repair, or rehabilitation of property for residential, commercial, or other uses are in the public interest.

**Establishing a TIF Redevelopment Project Plan**

This Redevelopment Plan shall be implemented primarily by the City, exercising the Redevelopment Project powers conferred upon the City of Diamondhead; by the Tax Increment Financing Act.

The techniques to be used to meet the goals and objectives of the Redevelopment Plan include rehabilitation and renovation, expansion of existing buildings, acquisition of real property, demolition and removal of buildings, construction of improvements, new development and redevelopment, consolidation of title, elimination of environmental deficiencies and blighting influences, construction of off-street public and private parking facilities, and encouragement of rehabilitation, renovation, new development and redevelopment by private enterprise. For projects located within the legal boundary limits of the City of Diamondhead Mississippi (the “City”), the codes, standards, and ordinances of the City shall apply.

A brief summary description of each component or technique of the Plan follows:

1. **Rehabilitation and Renovation**

This Redevelopment Plan provides for the utilization of the Tax Increment Financing powers of the City to rehabilitate and renovate structures, which are:

- a. Substandard structures on which rehabilitation or renovation is practical in the judgment of the owners thereof.
- b. Structures in which, in the judgment of the owner thereof, rehabilitation will result in a higher and better use for the property on which such structure is located.

A substandard structure is a structure that does not conform to the building and related codes of the City as are enforced and are in effect from time to time, whichever may apply.

2. **Acquisition of Real Property**

Real property shall be acquired as provided in Article IX of the Redevelopment Plan.

3. **Demolition and Removal of Structures**

This Redevelopment Plan shall be implemented in some instances through the demolition and removal of structures. The Plan provides for the demolition and removal of the following structures, if necessary and appropriate:

- a. substandard structures, which in the judgment of the owner thereof, rehabilitation is not practical;
- b. structures, which in the judgment of the owner thereof, are economically obsolete;

- c. structures, which in the judgment of the owner thereof, prevent maximum utilization of the property on which such structures are located;
- d. structures that have been acquired by the City and that the Governing Body of the City determines to be economically obsolete; and,
- e. structures that have been acquired by the City and that the Governing Body determines prevent the maximum utilization of the property on which such structures are located.

4. **Construction of Improvements**

This Redevelopment Plan provides for the construction of new improvements for uses on vacant or cleared land within the redevelopment area (any lands lying within the boundaries of the City). Such construction shall be in accord with the City of Diamondhead Comprehensive Plan adopted in 2012 or as amended, Official Zoning Ordinance, Subdivision Regulations, building and related codes, and other applicable codes and ordinances of the City, whichever may apply.

5. **Development and Redevelopment**

Under the provisions of this Redevelopment Plan, vacant or cleared land held by the City may be disposed of by private parties for new development or redevelopment. Such disposition of land by the City shall be in accordance with the Redevelopment Plan and applicable law.

This Redevelopment Plan encourages the new development or redevelopment of vacant or cleared land, which is acquired by private enterprises.

6. **Consolidation of Title**

This Redevelopment Plan provides for the elimination of diverse patterns of ownership, which prevent or restrict development of large tracts of land.

In the event that the City determines that optimum utilization of a particular tract of land cannot be attained because of diversity of ownership, and that action by the City is likely to enhance the possibility of development of such tracts, the City's Mayor and City Council may take such actions as it determines to be necessary to consolidate title to such tracts of land.

7. **Elimination of Environmental Deficiencies and Blighting Influences**

This Redevelopment Plan provides for the City to undertake to determine any and all factors, which prevent or restrict new development or redevelopment within the redevelopment area. The Governing Body of the City shall take such action, as it deems necessary to reduce or eliminate such factors or the effects thereof.

Environmental deficiencies and blighting influence’s the City may deem necessary to reduce or eliminate include, but are not necessarily limited to, physical conditions, ownership patterns, non-conforming land uses, improper development, etc.

8. **Construction of Off-Street Parking Facilities**

This Redevelopment Plan provides for the construction of public and private off-street parking facilities to serve the demand within the redevelopment area (all lands lying within the boundaries of City of Diamondhead).

Off-street public and private parking facilities shall be constructed in accord with the City of Diamondhead General Plan, the Official Zoning Ordinances, and other applicable codes and ordinances of the City, whichever may apply.

9. **Encouragement of Rehabilitation, Renovation, New Development and Redevelopment by Private Enterprise**

This Redevelopment Plan provides that the City shall, to the greatest extent feasible, afford maximum opportunity to encourage the rehabilitation, renovation, new development and redevelopment of the redevelopment area (all lands lying within the boundaries of City of Diamondhead) by private enterprise.

In order to utilize appropriate private and/or public resources to eliminate and prevent the development, or spread of slums and urban blight, to encourage needed urban rehabilitation and renovation, to provide for the redevelopment of slum and blighted areas, to provide for and encourage the new development or redevelopment of vacant or cleared lands, the City shall encourage rehabilitation, renovation, clearance, new development or redevelopment within the redevelopment area by:

- a. Carrying out a program of voluntary repair, renovation, and rehabilitation of buildings or other improvements in accordance with this Redevelopment Plan, including making loans to defray all or part of the costs (including costs of acquiring real estate) of repairing and rehabilitating buildings or other improvements in accordance with this Redevelopment Plan.



- b. Making loans to defray all or part of the costs of acquiring real property, demolishing and removing buildings and improvements and constructing improvements (including buildings) in the redevelopment area in accordance with this Redevelopment Plan.

Such loans shall be made only from the proceeds of revenue bonds, notes, or similar debt instruments of the City secured solely by the City's rights in connection with such loans; shall be made upon such terms and conditions as the City of Diamondhead's Mayor and City Council shall determine, and shall be subject to such additional requirements as the City shall impose.

## Section 9 – Conformity with the City’s Development Codes Required

1. **Land Uses/Zoning Ordinance**

To the extent that it is practical, and authorized, this Redevelopment Plan will encourage development and redevelopment of projects that are compatible with adjoining, and nearby land uses and conform to City zoning controls.

For projects located within the boundaries of the City, and within its zoning jurisdiction; land- use in the redevelopment area shall be regulated by the Official Zoning Ordinance of the City.

The Official Zoning Map delineating defined zoning areas is on file in the office of the City of Diamondhead’s City Clerk.

2. **Maximum Densities/Zoning Ordinance**

For Tax Increment Financing projects located within the corporate limits of the City, the Zoning Ordinances of the local community as applicable shall regulate maximum development densities in the redevelopment area.

For these projects lying in portions of the City, outside the corporate limits of any municipality, this Redevelopment Plan calls for adherence to the goals and objectives of this Redevelopment Plan.

3. **Land Development/Subdivision Regulations**

This Redevelopment Plan shall require that any development assisted with Tax Increment Financing be developed in conformity with regulations and standards of the community, or municipality governing the subdivision of land, namely the Subdivision Regulations of the municipality. Redevelopment projects lying outside the corporate limits of the municipalities shall adhere to the City Subdivision Regulations.

4. **Building Requirements/Building and Related Codes**

This Redevelopment Plan requires that any new construction and any rehabilitation shall meet the requirements of the building and related codes of this City and any applicable requirements of the community as applicable, as may be in effect from time to time, whichever is appropriate.

5. **Circulation and Traffic Control**

For the purposes of Tax Increment Financing projects located in the incorporated areas of the City, this Redevelopment Plan shall be implemented in conformity with the standards and policies governing transportation routes in the City. The Subdivision Regulations, street design, and construction standards of the City of Diamondhead govern street widths, ingress, and egress patterns, designated turning lanes, turn restrictions, and vehicle limitations established by weight. These regulations, along with realignment, widening, and overlaying of existing streets, will achieve improved traffic circulation and flow for the municipality as applicable, or county and pass-through traffic. Traffic control and circulation in the redevelopment area will utilize electronic signalization and will provide optimum access to existing and proposed off-street parking. This Redevelopment Plan will be implemented so as to efficiently integrate traffic circulation flow into the general circulation patterns of the community.

6. **Off Street Parking and Loading**

For the purposes of Tax Increment Financing projects in the City of Diamondhead, this Redevelopment Plan conforms to the City’s Official Zoning Ordinance, other codes, and State and Federal ordinances wherein off-street parking, loading and unloading space requirements shall be regulated and controlled.

7. **Minimum Requirements**

For the purposes of this Redevelopment Plan, regulations referred to shall be interpreted and applied as minimum requirements. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

8. **Waiver**

Any requirement, or condition contained in this Redevelopment Plan may, upon request; and for good cause shown, be waived or modified by the City to the extent permissible under law.

## Section 10 – The Acquisition of Real Property

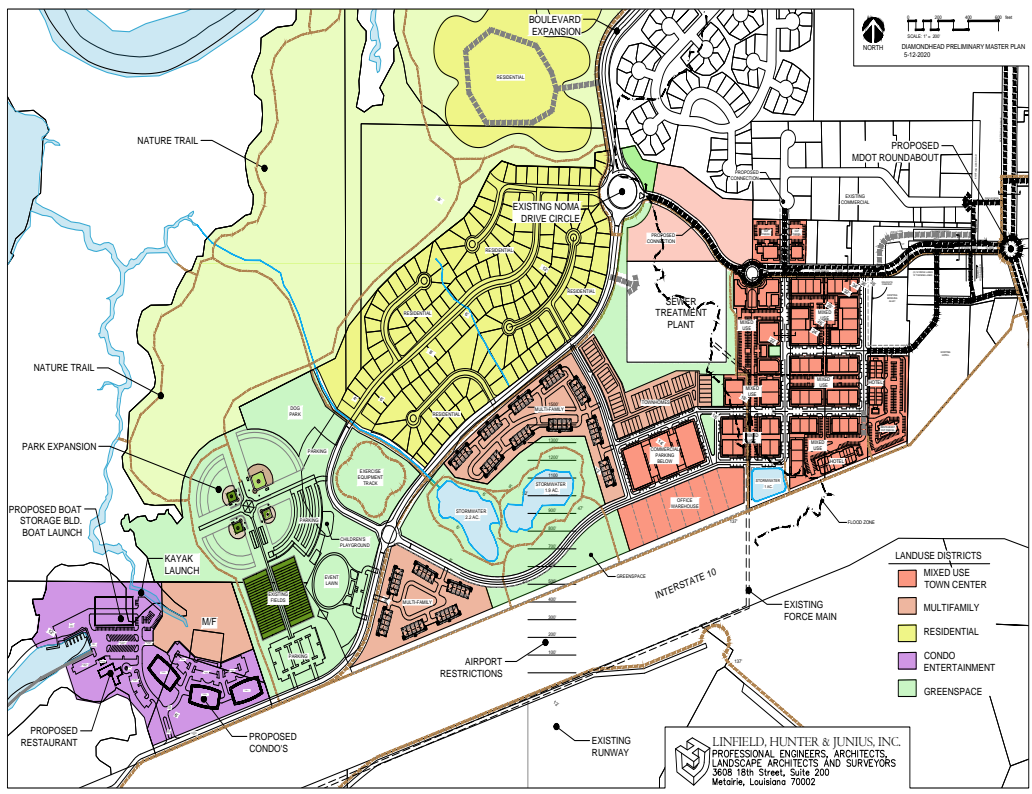
### 1. Procedures

This Redevelopment Plan requires that all property acquisitions by the City of Diamondhead Mississippi shall be made in accordance with Title 21, Chapter 45, of the Mississippi Code of 1972. Discrimination of any kind shall be prohibited. Race, color, creed, national origin, age, and sex shall in no way affect any aspect of the land acquisition process.

### 2. Property to Be Acquired

Under the provisions of this Redevelopment Plan, the City of Diamondhead’s Mayor and City Council may, at its discretion, acquire real property (as defined in the act) for needed public facilities within the redevelopment area.

Where necessary to eliminate unhealthy, unsanitary, or unsafe conditions, lessen density, eliminate obsolete, or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration; the City may, from time to time in its discretion, acquire mortgages made to finance costs of (1) acquiring real property, (2) demolishing and removing buildings and improvements, and (3) constructing improvements in the redevelopment area in accordance with this Redevelopment Plan.



## Section 11 – General Intent

As related to land uses, improved mobility, public transportation, public utilities, recreational and community facilities, and other public improvements; the objectives and purposes of the Tax Increment Financing Redevelopment Plan is interrelated with the overall planning policies of the City of Diamondhead.

The Redevelopment Plan seeks to encourage redevelopment for capital investment that will increase the tax-base, increase retail sales tax rebates, and increase job opportunities in the community.

The Redevelopment Plan seeks to encourage revitalization of the redevelopment area by inducing new developments, and redevelopment. Public facilities and services will be improved and properly maintained as a result of implementation of this Redevelopment Plan.

## Section 12 – Redevelopment Plan Amendments

This Redevelopment Plan may be modified by the Governing Body of the City of Diamondhead in accordance with the provisions of Title 21, Chapter 45, Mississippi; Code of 1972, as amended.

## Exhibit I

### Tax Increment Financing Plan

A. The Tax Increment Financing Plan is a financial tool for the implementation of the Redevelopment Plan objectives and purposes. The Tax Increment Financing Plan for a redevelopment project requires the following:

I. **Redevelopment Project Description**

- a. Location, legal description, environmental characteristics and zoning
- b. Building type and proposed use(s)

II. **Developer(s) Information**

- a. Name(s), and/or entity name
- b. Address: Local and out-of-state
- c. Tax identification number
- d. Local contractors or agents

III. **Economic Development Impact Description**

- a. Job creation – permanent and temporary
- b. Financial benefit to the community

IV. **A Statement of the Objectives for the Tax Increment Financing Plan**

- a. *Construction of Improvements:*  
New improvements shall be constructed for uses in accordance with the Redevelopment Plan on vacant or cleared property within the redevelopment area. Such construction shall be in accordance with the requirements of the City's building and related codes as in force and effect from time to time.
- b. *Redevelopment:*  
Property held by the City of Diamondhead may be disposed of in favor of private parties for development or redevelopment in accordance with the provisions of this Redevelopment Plan and applicable law.
- c. *Consolidation of Title:*  
In order to eliminate diverse patterns of ownership that prevent or restrict development of large tracts of land, in the event that the City determines that optimum utilization of a particular tract of land cannot be attained because of diversity of ownership and that action by the City is likely to enhance the possibility of development of such tract, the Governing Body of the City, shall take such actions as it determines to be desirable to consolidate title to such tract of land.

V. A statement indicating the need and proposed use of the Tax Increment Financing Plan in relationship to the Redevelopment Plan.

- VI. A statement containing the cost estimates of the redevelopment project and the projected sources of revenue to be used to meet the costs including estimates of tax increments and the total amount of indebtedness to be incurred.
- VII. A list of all real property to be included in the Tax Increment Financing Plan.
- VIII. The duration of the Tax Increment Financing Plan's existence.
- IX. A statement of estimated impact of the Tax Increment Financing Plan upon the revenues of all taxing jurisdictions in which a redevelopment project is located.
- X. The Governing Body shall by resolution, from time to time, determine (i) the division of ad valorem tax receipts, if any, that may be used to pay for the cost of all or any part of a redevelopment project, (ii) the duration of time in which such taxes may be used for such purposes, (iii) if the City's Mayor and City Council shall issue bonds for such redevelopment project, and (iv) such other restrictions, rules and regulations as in the sole discretion of the Governing Body of the City shall be necessary in order to promote and protect the public interest.



## Exhibit II

### The Tax Increment Financing Act

- Tax Increment Financing is a legal, constitutionally accepted financing mechanism to accomplish **DEVELOPMENT** and **REDEVELOPMENT** of municipalities and counties throughout the State of Mississippi. The Tax Increment Financing Act was adopted by the Mississippi Legislature in 1986 and can be found at Sections 21-45-1 et seq., in the Mississippi Code of 1972, as amended. (Attached as Exhibit I)
- Over thirty (30) states have adopted Tax Increment Financing Laws ("TIF"), the first of which was adopted in 1969.
- **TIF** is a tool that can be used to induce or encourage major economic development in Mississippi cities and counties. A municipality and county can undertake joint TIF projects, under the Regional Economic Development Act (REDA) as amended. Attached as **Exhibit V** herein.
- Cities and counties everywhere have used the Economic Development Administration, Community Development Block Grants, Special Assessments, and Industrial Revenue Bond programs to encourage economic development. **TIF** is one more method that should be used.
- The City of Diamondhead will use **TIF** to expand and complement aggressive economic development policies. The program is a local program that can be accessed, and used through the City's own initiative. Federal and state governmental approvals are not required.
- Tax Increment Bonds, notes, or other similar debt obligations are issued by the City to construct improvements that will induce development activity, and the City pledges all or part of the increase in ad valorem taxes generated on assessment of the real and/or personal property constituting the project to retire the bonds. The municipality may elect to pledge increases in retail sales tax rebates generated by the project and received from the State to service TIF bonds.
- In most cases, Tax Increment Financing is used to construct public infrastructure improvements (i.e., roads, utilities, drainage, parking, etc.) even though it can be used for other purposes.
- Bonds are issued by the City to construct the improvements, and increased ad valorem taxes generated on assessment of the real and/or personal property constituting the project can be used to retire the bonds. The municipalities may elect to pledge sales tax rebate increases generated by the project and received by the State to service the TIF debt.
- School taxes **will not** be used to retire the bonds. The schools can use those funds in their normal operations.
- There is **NO** financial obligation on the part of the county or the municipality if Tax Increment Financing Revenue Bonds, notes or other similar debt instruments are issued, other than the pledge of the increase in ad valorem tax revenues on real and personal property and/or sales tax rebates received from the State if applicable. The law emphatically states that the TIF bonds are secured solely by increases in ad valorem tax revenues, and/or rebated sales taxes received from the State, and are **NOT** general obligations secured by the full faith, credit, and taxing power of the City, or the County.

## Exhibit III

# The Tax Increment Financing Process

### Tax Increment Financing Redevelopment Plan

- Preparation of a Tax Increment Financing Redevelopment Plan designating all, or part of the City "a redevelopment project area"
- Adoption of a Resolution by the City of Diamondhead's Mayor and City Council (the "Governing Body") determining the necessity for Tax Increment Financing and setting a public hearing in connection with the Redevelopment Plan
- Publication of a Notice of Public Hearing
- Conduct a Public Hearing at which time the Redevelopment Plan and related matters are presented to the public, and citizens are given an opportunity to comment
- Passage of a Resolution adopting and authorizing the Tax Increment Financing Redevelopment Plan

### Tax Increment Financing Plan

- Preparation of a Tax Increment Financing Plan for a specific economic development project.
- Adopting a resolution acknowledging the availability of the Plan, identifying the specific project, the proposed use of the funds from Tax Increment Financing, and other matters. The Resolution sets a Public Hearing
- The City's Mayor and City Council conducts a Public Hearing at which time the Tax Increment Financing Plan is presented to the public and citizens are given an opportunity to comment
- The Governing Body of the City of Diamondhead vote in favor of the passage of a resolution to adopt and authorize the Tax Increment Financing Plan
- Bond Counsel (Attorney) proceeds with the bond issue process

**Exhibit IV**

**Summary Reference of the Tax increment Financing - Mississippi code,  
21 - 45 as amended**

## Chapter 45 - Tax Increment Financing

### § 21-45-21. Assessment of value of real property described in tax increment financing plan; retention and distribution of captured assessed value; approval of redevelopment plan; certification of amount of sales tax collected

**Universal Citation:** MS Code § 21-45-21 (2016)

(1) After adoption of a redevelopment plan containing a tax increment financing plan the clerk shall certify the assessed value of the real property, including personal property located thereon, described in the tax increment financing plan. Property taxable at the time of the certification shall be included in the assessed value at its most recently determined valuation.

Property exempt from taxation at the time of the request shall be included at zero unless it was taxable when the tax increment financing plan was approved, in which case its most recently determined assessed valuation before it became exempt shall be included. These assessed values shall be, and will be referred to as, the "original assessed value."

(2) Each year thereafter, the clerk and the State Tax Commission, if applicable, shall certify the amount by which the assessed value of real property, including personal property located thereon, described in the tax increment financing plan has increased or decreased from the original assessed value. These assessed values shall be, and will be referred to as, the "current assessed value."

(3) Any amount by which the current assessed value of the real property, including personal property located thereon, described in the redevelopment plan exceeds the original assessed value shall be referred to as the "captured assessed value." The clerk shall certify the amount of the captured assessed value to the municipality each year for the duration of the tax increment financing plan. A municipality may choose to retain all or a portion of the captured assessed value for purposes of tax increment financing if the plan provides that all or a portion of the captured assessed value is necessary to finance the redevelopment project, including the cost of establishing necessary reserves to insure payment of revenue bonds.

If the tax increment financing plan provides that only a portion of the captured assessed value is necessary to finance the redevelopment program, only that portion shall be set aside and the remainder shall be apportioned to the various municipal tax levy funds and the various county tax levy funds.

The amount of captured assessed value that a municipality intends to use for purposes of tax increment financing must be clearly stated in the tax increment financing plan.

(4) After adoption of a redevelopment plan containing a tax increment financing plan which includes a portion of the municipality sales tax diversion, the State Tax Commission shall certify the amount of sales tax collected by the state within the boundaries of the redevelopment area and diverted to the municipality in the twelve-month period ending on the last day of the month before the effective date of approval of the plan. Any increase in the amount collected within the boundaries shall be set aside by the municipality in the fund created by the tax increment financing plan.

Each redevelopment plan shall be approved in the same manner and at the same times provided in Section 43-35-13 for the approval of urban renewal plans. Any tax increment financing plan shall become effective on the same date as the redevelopment plan is approved.

**Exhibit V****Summary Reference of the Regional Economic Development Act  
(REDA) Mississippi code 57 - 64 as amended****2013 Mississippi Code****Title 57 - PLANNING, RESEARCH AND DEVELOPMENT****Chapter 64 - REGIONAL ECONOMIC DEVELOPMENT****§ 57-64-29 - Authority of member of regional economic development alliance to negotiate purchase option for real property; preliminary engineering, environmental and related studies; costs**

**Universal Citation:** [MS Code § 57-64-29 \(2013\)](#)

A county that is a member of a regional economic development alliance created under the Regional Economic Development Act is authorized to negotiate a purchase option for real property to be used for the purposes of the alliance. A county may pay all costs incurred for the acquisition of such an option regardless of whether the county exercises the option at a later date. As a part of any such option, a county may negotiate the right to enter upon the real property before the purchase for the purpose of conducting any preliminary engineering, environmental and related surveys or studies necessary to effectuate the option. A county may pay all costs incurred for such surveys or studies regardless of whether the county exercises the option at a later date.

---

# ***REGIONAL ECONOMIC DEVELOPMENT ACT***

## **MISSISSIPPI CODE OF 1972** *As Amended*

---

### **Index for Chapter 064 of Title 57**

- [57-64-1.](#) Short title.
  - [57-64-3.](#) Declaration of public policy.
  - [57-64-5.](#) Purpose.
  - [57-64-7.](#) Definitions.
  - [57-64-9.](#) Certificate of public convenience and necessity.
  - [57-64-11.](#) Issuance of bonds.
  - [57-64-13.](#) Joint exercise of power and authority by local governments.
  - [57-64-15.](#) Powers with regard to issuance of bonds.
  - [57-64-17.](#) Promulgation of rules and regulations.
  - [57-64-19.](#) Intergovernmental cooperation and coordination
  - [57-64-21.](#) Agreements under this chapter to include certain provisions.
  - [57-64-23.](#) Agreements under this chapter to be approved by certain officers; agree
  - [57-64-25.](#) Applicability of existing laws.
  - [57-64-27.](#) Powers and authorities granted by this chapter additional and suppleme  
proceed with a project utilizing methods not included in this chapter.
  - [57-64-29.](#) Authority of member of regional economic development alliance to neg
  - [57-64-31.](#) Eminent domain.
  - [57-64-33.](#) Repealed.
-

**Exhibit VI**

**Legal Description, and Boundary Map of City of Diamondhead,  
Mississippi**

## Section 2 – Need for Redevelopment in Diamondhead Established

The City of Diamondhead 25 Year Comprehensive Plan adopted in 2012 states in the following excerpts that provide for the need for new development and redevelopment using good planning techniques to manage land use:

### LAND USE GOALS

**Goal 1: To provide for the orderly and logical spatial arrangement of development or redevelopment in the city of Diamondhead.**

**Objective 1.1:** Avoid the creation of incompatible land uses as Diamondhead develops or redevelops, and to remedy over time the existing incompatible land uses that have occurred.

**Objective 1.2:** To encourage the development or redevelopment of the existing commercial area of Diamondhead into a more coherent and organized pattern of development.

**Objective 1.3:** Ensure the protection and betterment of the public health, safety, and general welfare, including the provision for adequate light, air and circulation, separation and open space between land uses, prevent overcrowding, protection of the value of property and the protection of the integrity of the various neighborhoods within the City of Diamondhead.

**Policy 2.1.2:** The City of Diamondhead will develop a means within its regulations to provide density or intensity bonuses, or a reduction in development requirements, for developments which work toward the implementation of this goal and objective.



**Goal 3: Guide and direct development to locations that allow for the most efficient utilization of existing investment in public infrastructure and public facilities.**

**Objective 3.1: Minimize the public investment necessary to provide municipal services to future developments within Diamondhead.**

**Policy 3.1.1: The City of Diamondhead will encourage development to first locate in areas that are served with adequate utilities and require no further costly utility extensions or improvements.**

**Policy 3.1.2: The City of Diamondhead will assess the intensity of development and encourage its location with respect to available service facilities and capabilities. Developments will be guided to areas to best accommodate the service demands including, but not limited to, water supply, wastewater demands, fire protection requirements, traffic generation, and access to transportation routes.**

The Comprehensive Plan (adopted in 2012) further states:

Although Diamondhead is primarily planning for growth within its current corporate limits, the long range planning area includes a slightly larger extraterritorial area. The territory incorporated is smaller than the Diamondhead Census Designated Place (CDP). To have an understanding of census reported data, which is consistent with the boundaries of the CDP, the planning area includes the balance of the CDP which was not incorporated. Map 1.2 illustrates this geography.

**Policy 2.1.2: The City of Diamondhead will develop a means within its regulations to provide density or intensity bonuses, or a reduction in development requirements, for developments which work toward the implementation of this goal and objective.**

**Objective 10.3:** Ensure there is a logical and compatible relationship between service facilities / capabilities and land uses.

**Policy 10.3.1:** Diamondhead will evaluate development proposals with regard to the intensity of service demands (police, fire, water, sewer, etc.) and compare the same to the capability and impact of providing the required services.

**Policy 10.3.2:** Diamondhead will discourage development proposals with such an intensity of service demands (police, fire, water, sewer, etc.) that, if approved, could have a negative impact upon the level of services for existing city residents; unless, however, there is an adequate plan to provide the necessary services.

**Policy 10.3.3:** Diamondhead will encourage developers to aid in enhancing services and quality of life in Diamondhead by participating in and contributing to improvements to the community, financial or otherwise. Diamondhead will develop and utilize a method whereby agreements identifying specific improvements or performance are developed, followed and enforced.