



Commissioner Flowers
Commissioner Layel
Commissioner Debrow
Commissioner Torguson
Commissioner Hector

AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, August 23, 2022
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

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

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of June 28, 2022 minutes.

New Business

3. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is the requirement to submit the facades of proposed structures to determine compatibility. The Case File Number is 202200360. The proposed changes will be in Article 12.8.1 Architectural Compatibility adding sub-section D. Add text Article 12.8.1 D. Any developer, builder and/or person who develops and plats subdivisions shall submit the facades (elevations) for all sides of the structure depicting the above building design items listed in 12.8.1 C. This information shall be submitted before any building permits are reviewed and issued. Based on the number of proposed platted lots, the developer, builder and/or person shall submit the minimum number of required different facades in sufficient detail to determine compatibility with the surrounding neighborhood.

Number of lots	Required Plans
1-10	5
11-20	10
21-30	15
31-40	20
40 plus	25

4. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text/map amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text/map amendment would set the required minimum square footage for residential structures for selected areas that were not established when the Zoning Ordinance was adopted on October 15, 2012. The Case File Number is 202200361.
5. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is to create Zoning Districts and Use Regulations for Medical Cannabis Facilities. The proposed changes are Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2: Chart of Determinate Uses, Other Non Residential Uses, add “Medical Cannabis Cultivation Facility17”, and “Medical Cannabis Processing Facility17”, Use by Right in I and not allowed in other zoning classifications; “Medical Cannabis Dispensary Facility17,18”, “Medical Cannabis Research Facility17” and “Medical Cannabis Testing Facility17”, Use by Right in C-1 and C-2 and not allowed in other zoning classifications; “Medical Cannabis Transportation Facility17”, Use by Conditional Use in I and not allowed in other zoning classifications; add conditions as note “17” after Table 4.2 “17. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required.” and note “18. No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095. The Case File Number is 202200359.

Unfinished Business

6. Presentation of the final draft for Short Term Rental Ordinance.

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

7. The next City Council Meeting is Tuesday, September 6, 2022.
The next Planning Commission meeting is Tuesday, September 27, 2022.

Adjourn or Recess



Commissioner F
Commissioner Item No.2.
Commissioner Debrow
Commissioner Torguson
Commissioner Nicaud
Commissioner Bennett

MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, June 28, 2022
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Commissioner Torguson called the meeting to order at 6:03 p.m.

Statement of Purpose

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

Commissioner Bennett read the Statement of Purpose

Pledge of Allegiance

Commissioner Nicaud led the Pledge of Allegiance.

Roll Call

Commissioner Nicaud, Layel, Bennett, Torguson. Absent : Flowers, Debrow,

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

Confirmation or Adjustments to Agenda

A motion was made by Commissioner Bennett, second by Commissioner Layel to approve the Agenda as presented.

Motion Passed Unanimously

Approval of Minutes

1. Approval of May 24, 2022 minutes.

Commissioner Bennett made a motion, second by Commissioner Layel to table approving the Minutes till next Planning and Zoning July's meeting .

Motion Passed Unanimously

New Business

2. The City of Diamondhead represented by J. Pat Rich, Development Coordinator, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is to add a Short-Term Rental

ordinance. The proposed changes will be in Article 3.2 – Definitions, add “Short-Term Rental. The rental or lease of an attached or detached residential dwelling unit to guests for a duration not to exceed thirty consecutive days.”; Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2, add “Short-Term Rental, Use by Planning Commission Review in R-1, R-2, R-3, R-4 and not allowed in other zoning classifications”; add conditions as note “17” after Table 4.2 “17. Short-Term Rentals shall be required to meet the following minimum standards. This section does not abrogate the application of private covenants and restrictions that may be applicable to a site. a. The owner or designated manager shall permanently reside within the City Limits of Diamondhead. b. Short-Term Rentals shall be separated by 1000 feet except in R-3 and R-4. c. The minimum stay in a short-term rental shall be two nights. d. No accessory structure shall be permitted for use as a Short-Term Rental. e. Occupancy shall be limited to a maximum of 2 persons per bedroom. f. All parking shall be provided off-street. Parking in any yard, except on a paved drive is prohibited. g. The outward appearance of a Short-Term Rental shall be indistinguishable from that of residence. Signage related to the activity is prohibited. h. Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure shall be supplied. i. Annual compliance inspection. j. Current privilege license issued by the City. k. Payment of all applicable taxes.” The Case File Number is 202200281.

Development Coordinator, Pat Rich refreshed everyone on how we got to this point on Short Term Rentals, and answered questions from the Commissioners.

Commissioner Torguson asked for any Public Comments.

Don Walters, Diane Brown, Angela Morgan spoke to Commissioners , they asked and answered questions.

A motion was made by Commissioner Bennett , second by Commissioner Nicaud to table the request so the staff can get clarification and consider concerns of residents.

Motion Passed Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

Communication / Announcements

- 3. The next City Council meeting is Tuesday, July 5, 2022.
- The next Planning Commission meeting is Tuesday, July 26, 2022.

Adjourn or Recess

Commissioner Torguson made a motion, second by Commissioner Bennett to adjourn the meeting at 6:46 p. m.

Motion passed Unanimously

H. Flowers, Chairman
Planning & 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 in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is the requirement to submit the facades of proposed structures to determine compatibility. The proposed changes will be in Article 12.8.1 Architectural Compatibility adding sub-section D. The Case File Number is 202200360.

Add text Article 12.8.1 D:

D. Any developer, builder and/or person who develops and plats subdivisions shall submit the facades (elevations) for all sides of the structure depicting the above building design items listed in 12.8.1 C. This information shall be submitted before any building permits are reviewed and issued. Based on the number of proposed platted lots, the developer, builder and/or person shall submit the minimum number of required different facades in sufficient detail to determine compatibility with the surrounding neighborhood.

Number of lots	Required Plans
1-10	5
11-20	10
21-30	15
31-40	20
40 plus	25

In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, August 23, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on:

<https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/featured>

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 228-242-1613.

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

Text amendment

APPLICATION FOR ZONING CHANGE

CASE NO. 202700360

DATE 7-21-22

APPLICANT: City of Diamondhead - Ronald Jones, Building Official

APPLICANT'S ADDRESS: 5000 DH Circle

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) 228-222-4626

PROPERTY OWNER: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: (HOME) _____ (WORK) _____

TAX ROLL PARCEL NUMBER: NA

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: NA

ZONING CHANGE (FROM) NA (TO) _____

STATE PURPOSE OF REZONING: text amendment - insert new (additional) text

under Article 12.8.1 Architectural Compatibility sub-section D
Sub-section D shall require developers to submit a minimum
number of different facades for proposed structures to
determine compatibility with the surrounding neighborhood.
See attached notice of public hearing.

STATEMENT OF UNDERSTANDING

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

The application fee of ~~\$600.00~~ ^{200.00} 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 designated 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 change 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 Tuesday, August 23, 2022 at 6:00 p.m. in the Council Chambers of the Diamondhead City Hall.

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

Ronald R. Jones
Signature of Applicant

Signature of Property Owner

For Official Use Only

- ~~\$600.00~~ ^{200.00}
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ()

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

7/19/22

utility easement on the front of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The physical address is 87120 Highpoint Dr.; parcel number 067K-2-36-216.001. (Levy)

- 7. **2022-258:** Motion to adopt Resolution 2022-050 finding and determining that the Resolution declaring intent of the Diamondhead City Council to either issue General Obligation Bonds of the City, Issue a General Obligation Bond of the City for Sale the the Mississippi Development Bank or enter into a loan with the Mississippi Development Bank, all in the aggregate principal amount of not to exceed \$6,000,000 and adopted on June 7, 2022, was published as required by Law, that no petitions or other objections of any kind or character against the issuance of General Obligation Bonds of the city, or the Issuance of a Qualified Obligation Bond of the City for purchase by the Mississippi Development Bank or for the City to borrow funds by entering in to a loan with the Mississippi Development Bank, all described in said resolution was filed, and authorizing said bonds and loan to be issued or entered into, as the case may be.
- 8. **2022-260:** Motion to adopt Resolution 2022-051 authorizing application to Mississippi Development Authority for FY22 Gulf Coast Restoration Fund project funding.

Consent Agenda:

- 9. **2022-247:** Motion to accept FY21 Audit Engagement Letter with Necaise & Company.
- 10. **2022-248:** Motion to approve payment to Machado Patano in the amount of \$1,462.50 for professional services relating to the Hilo Way Drainage Project.
- 11. **2022-249:** Motion to approve payment to Digital Engineering for professional services in the amount of \$1,160.00 for GIS Maintenance, \$3,187.50 Paving Phase 4 and \$1,917.50 for Beaux Vue Phase 2 Drainage.
- 12. **2022-250:** Motion to approve the Memorandum of Understanding with the Mississippi Department of Marine Resources for FY22 GOMESA Funding Award.
- 13. **2022-252:** Motion to approve payment to Compton Engineering in the amount of \$2,777.50 for professional services relating to Anahola and Hana Place Drainage.
- 14. **2022-257:** Motion to approve payment to Rostan Solutions in the amount of \$4,427.50 for professional services for the period June 1 - 30, 2022 relating Grant Administration DR4576 (Zeta).

Action Agenda.

- 15. **2022-246:** Motion to approve Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.
- 16. **Motion 2022-255:** Motion to authorize the Planning Commission to publish and hold a public hearing for the purpose of creating zoning districts and use regulations for Medical Cannabis facilities. *opt out note?*
- 17. **2022-256:** Motion to accept the form of the FY23 Budget (department level), set the public hearing for August 23, 2022 and approve the advertisement providing public notice of same.
- 18. **2022-259:** Motion to authorize the Planning Commission to hold a public hearings to consider a Text Amendment to the Zoning Ordinance and/or Subdivision Regulations to require a specified number of home designs.

Approved if -

Approved 5-0

The Sea Coast Echo

POST OFFICE BOX 2009
BAY SAINT LOUIS, MS 39521-2009

PROOF OF PUBLICATION

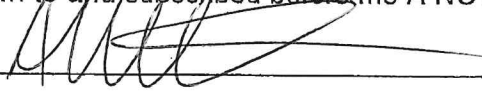
STATE OF MISSISSIPPI
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State, GEOFF BELCHER, General Manager of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 weeks to-wit:

On the 3 day of August 2022
On the _____ day of _____ 2022
On the _____ day of _____ 2022
On the _____ day of _____ 2022


General Manager

Sworn to and subscribed before me A NOTARY PUBLIC



This 3 day of August 2022



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 in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is the requirement to submit the facades of proposed structures to determine compatibility. The proposed changes will be in Article 12.8.1 Architectural Compatibility adding sub-section D. The Case File Number is 202200360.
Add text Article 12.8.1 D:
D. Any developer, builder and/or person who develops and plats subdivisions shall submit the facades (elevations) for all sides of the structure depicting the above building design items listed in 12.8.1 C. This information shall be submitted before any building permits are reviewed and issued. Based on the number of proposed platted lots, the developer, builder and/or person shall submit the minimum number of required different facades in sufficient detail to determine compatibility with the surrounding neighborhood.
Number of lots and sublots Required Plans
1-10 sublots 5
11-20 10
21-30 15
31-40 20
40 plus 25
In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning. The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on Tuesday, August 23, 2022, at 6:00 p.m. The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on: <https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczlOoMQ/> featured
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 228-242-1613.
Publish Dates: Aug. 3, 2022

**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/map amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text/map amendment would set the required minimum square footage for residential structures for selected areas that were not established when the Zoning Ordinance was adopted on October 15, 2012. The Case File Number is 202200361.

In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, August 23, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on:
<https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/featured>.

If you have any questions or comments or would like to review the application and the proposed map, you may contact the Building Department at the above address and/or at 228-242-1613.

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR ZONING CHANGE

Text Amendment

CASE NO. 202200361

DATE 7/20/22

APPLICANT: Ronald Jones, BO

APPLICANT'S ADDRESS: 5000 DH Cir.

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) 228-222-4626

PROPERTY OWNER: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: (HOME) _____ (WORK) _____

TAX ROLL PARCEL NUMBER: N/A

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: _____

ZONING CHANGE (FROM) Text Amendment (TO) _____

STATE PURPOSE OF REZONING: Text/Map Amendment to set required
Minimum square footage for residential structures in
selected areas that are not established.

STATEMENT OF UNDERSTANDING

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

The application fee of ~~\$600.00~~ ^{200.00} 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 designated 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 change 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 August 23, 2022 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

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

J. P. [Signature]
Signature of Applicant

Signature of Property Owner

_____ For Official Use Only _____

- ~~N/A~~ ^{200.00} ~~\$600.00~~
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ()

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

7/19/20

Table
5-0

- 19. **2020-261:** Motion to adopt the Final Plat-Diamondhead Lakes, Phase 1 subject to (1) the identification of drainage and utility easements on the rear lots adjacent to the golf course; (2) the identification of 5' drainage and utility easements along all side lot lines; (3) submission of letter from Cara Wagner of Pickering Firm, engineer of record, regarding construction of subdivision in accordance with approved plans; (4) submission of letter from Ben Benvenuti, City Engineer, regarding construction of subdivision in accordance with approved plans; (5) approval of final inspection of the improvements of the subdivision; (6) submission of appropriate maintenance bond or surety; (7) the construction of ditches along the street frontage for selected lots; (8) the installation of a cross culvert to carry water surface runoff to the detention pond; (9) the ditches and cross culvert shall be installed in accordance with plans to be inspected and approved by the City Engineer, all conditions must be completed to the satisfaction of the City before any building permit(s) shall be issued.

Routine Agenda. 19a. min sq footage Approved 5-0

Claims Payable

- 20. Motion to approve Docket of Claims (DKT159812-159851DKT) in the amount of \$148,446.40.

Department Reports

- a. Police Department
- Building Department
- Code Enforcement
- Privilege License
- Court Department

Public Comments on Non-Agenda Items.

Executive Session - If Necessary

Adjourn/Recess.

NOTE: THE CITY OF DIAMONDHEAD WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD INDIVIDUALS WITH DISABILITIES AN EQUAL OPPORTUNITY TO SERVICES AND ACTIVITIES OF THE CITY. A WRITTEN REQUEST BY OR ON BEHALF OF QUALIFYING INDIVIDUALS SHALL BE SUBMITTED IN A TIMELY MANNER TO THE CITY CLERK.

The Sea Coast Echo

POST OFFICE BOX 2009
BAY SAINT LOUIS, MS 39521-2009

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
HANCOCK COUNTY

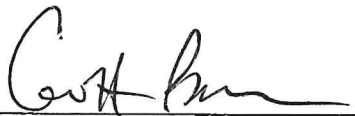
PERSONALLY appeared before me the undersigned authority in and for said County and State, GEOFF BELCHER, General Manager of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 weeks to-wit:

On the 3 day of August 2022

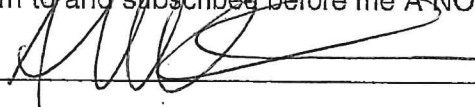
On the _____ day of _____ 2022

On the _____ day of _____ 2022

On the _____ day of _____ 2022


General Manager

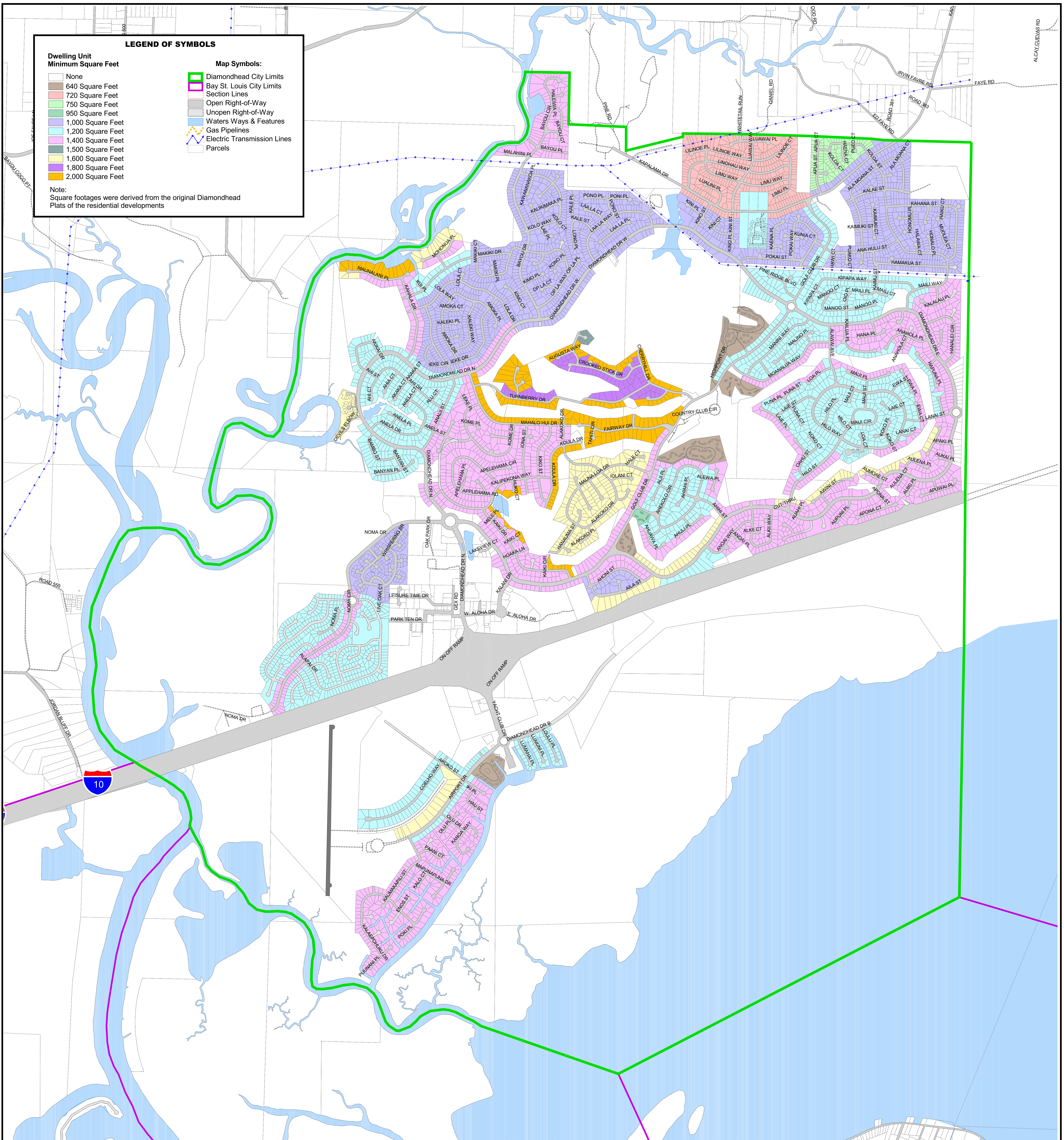
Sworn to and subscribed before me A NOTARY PUBLIC



This 3 day of August 2022

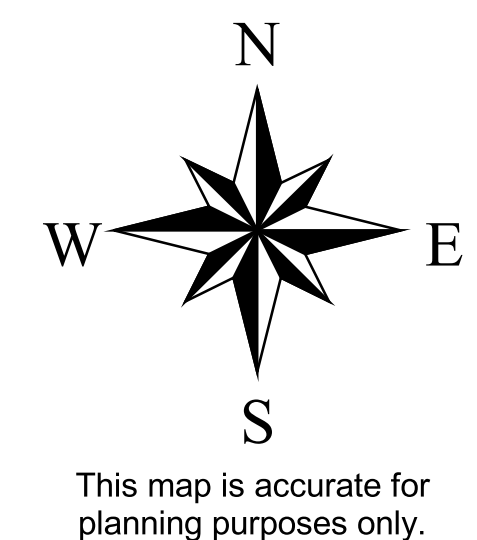


NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS
The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text/map amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text/map amendment would set the required minimum square footage for residential structures for selected areas that were not established when the Zoning Ordinance was adopted on October 15, 2012. The Case File Number is 202200361.
In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.
The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on Tuesday, August 23, 2022, at 6:00 p.m. The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on: <https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczlOoMQ/> featured.
If you have any questions or comments or would like to review the application and the proposed map, you may contact the Building Department at the above address and/or at 228-242-1613.
Publish Dates: Aug. 3, 2022



BRIDGE & WATSON, INC.
 URBAN AND REGIONAL PLANNING CONSULTANTS AND LAND PLANNERS
 608 McCLARY ROAD
 POST OFFICE BOX 1482
 OXFORD, MS 38655
 TEL: (662) 234-0958
 FAX: (662) 234-0997
 MAILBOX@PLANNING-CONSULTANTS.COM

Map of Minimum Square Footage Requirements Diamondhead, Mississippi



Data Sources:
 MARIS (MSTM) data;
 US Census Bureau 2010 TIGER Data

September 27, 2012

Adopted by the Mayor and City Council Monday, October 15, 2012

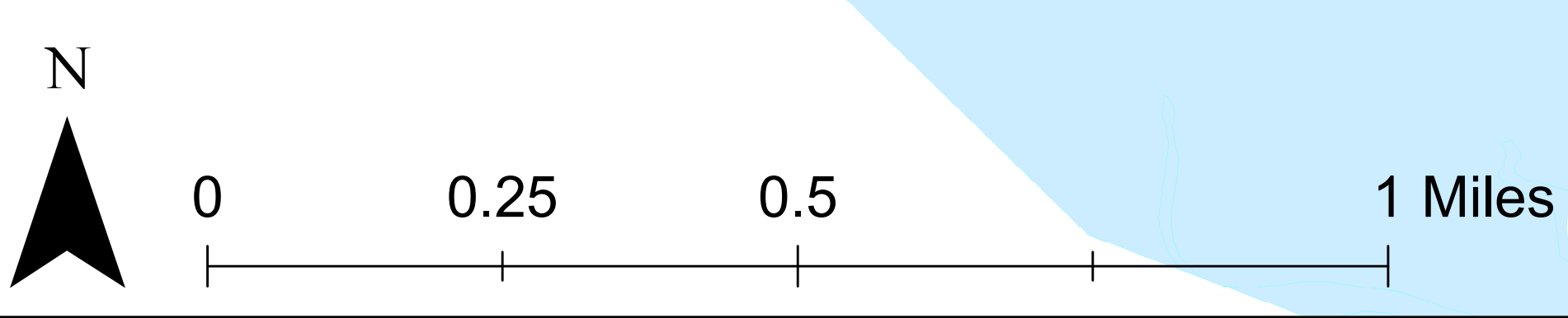
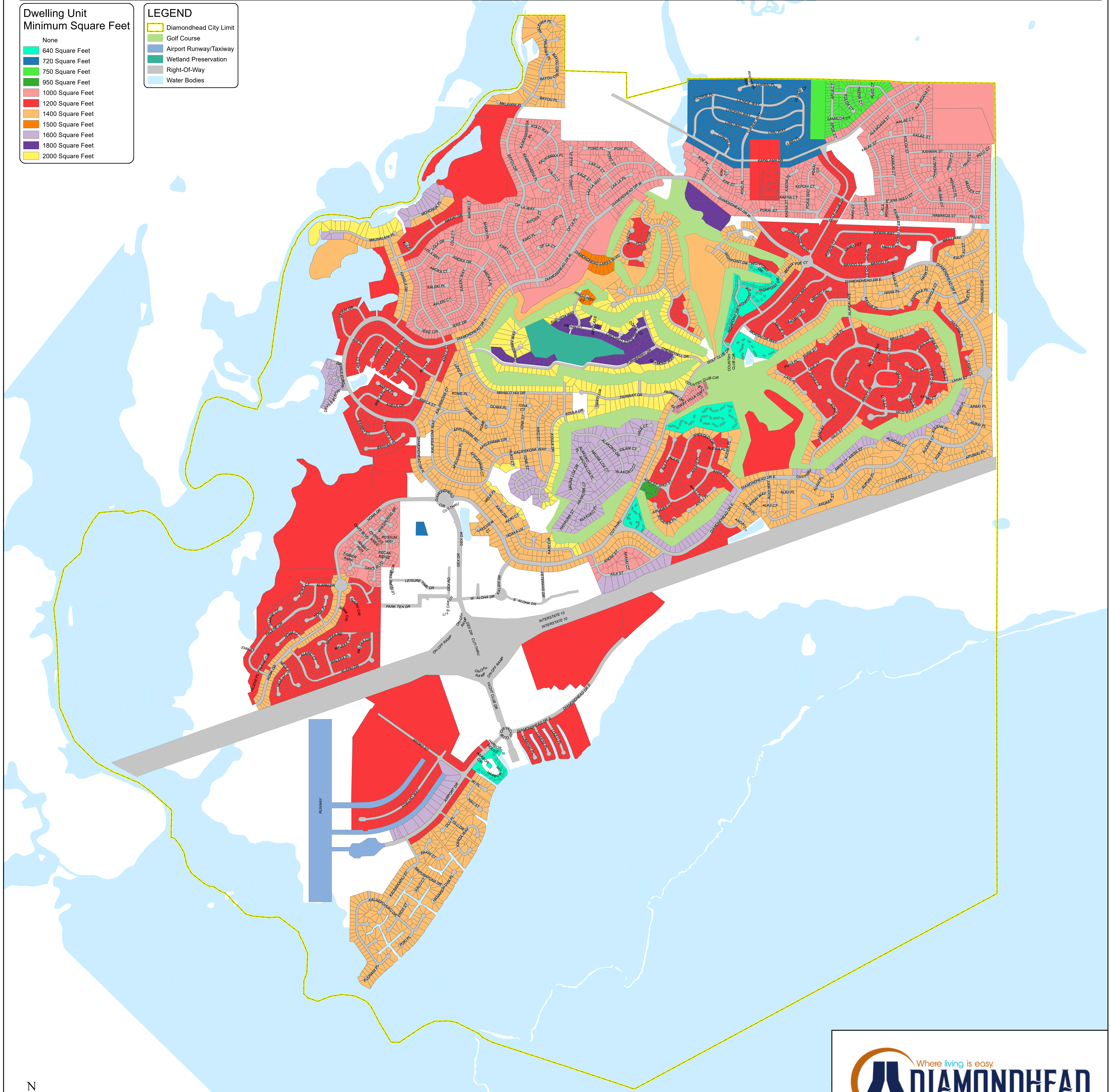
Minimum Square Footage Requirements City of Diamondhead, Mississippi

**Dwelling Unit
Minimum Square Feet**

None
640 Square Feet
720 Square Feet
750 Square Feet
950 Square Feet
1000 Square Feet
1200 Square Feet
1400 Square Feet
1500 Square Feet
1600 Square Feet
1800 Square Feet
2000 Square Feet

LEGEND

	Diamondhead City Limit
	Golf Course
	Airport Runway/Taxiway
	Wetland Preservation
	Right-Of-Way
	Water Bodies



ADOPTED BY THE MAYOR AND CITY COUNCIL ON [INSERT MONTH, DAY], 2022



**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 in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is to create Zoning Districts and Use Regulations for Medical Cannabis Facilities. The proposed changes are Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2: Chart of Determinate Uses, Other Non Residential Uses, add “Medical Cannabis Cultivation Facility¹⁷”, and “Medical Cannabis Processing Facility¹⁷”, Use by Right in I and not allowed in other zoning classifications; “Medical Cannabis Dispensary Facility^{17,18}”, “Medical Cannabis Research Facility¹⁷” and “Medical Cannabis Testing Facility¹⁷”, Use by Right in C-1 and C-2 and not allowed in other zoning classifications; “Medical Cannabis Transportation Facility¹⁷”, Use by Conditional Use in I and not allowed in other zoning classifications; add conditions as note “17” after Table 4.2 “17. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required.” and note “18. No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095.

The Case File Number is 202200359.

In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, August 23, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on:

<https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/featured>

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 228-242-1613.

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

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Uses	Zoning Classification										
	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
OTHER NON RESIDENTIAL USES											
Medical Cannabis Cultivation Facility ¹⁷	-	-	-	-	-	-	-	-	R	-	-
Medical Cannabis Dispensary Facility ^{17,18}	-	-	-	-	-	R	R	-	-	-	-
Medical Cannabis Processing Facility ¹⁷	-	-	-	-	-	-	-	-	R	-	-
Medical Cannabis Research Facility ¹⁷	-	-	-	-	-	R	R	-	-	-	-
Medical Cannabis Testing Facility ¹⁷	-	-	-	-	-	R	R	-	-	-	-
Medical Cannabis Transportation Facility ¹⁷	-	-	-	-	-	-	-	-	C	-	-

Notes:

¹⁷ The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required.

¹⁸ No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095.

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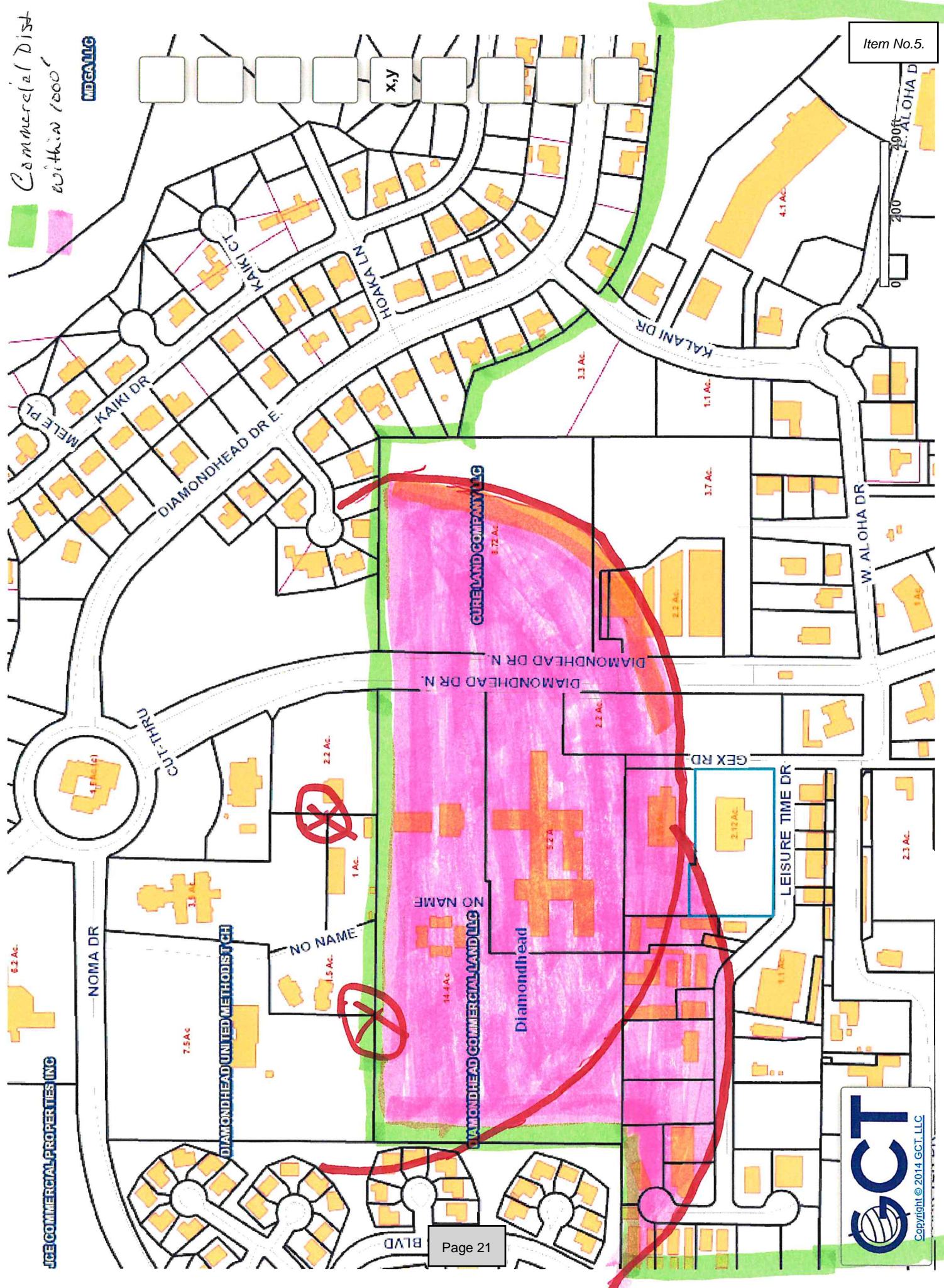
<https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/featured>

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 228-242-1613.

Church
Commercial Dist
within 1000'

MDGALIC

Item No.5.



JCE COMMERCIAL PROPERTIES INC

DIAMONDHEAD UNITED METHODIST CH

DIAMONDHEAD COMMERCIAL LAND LLC

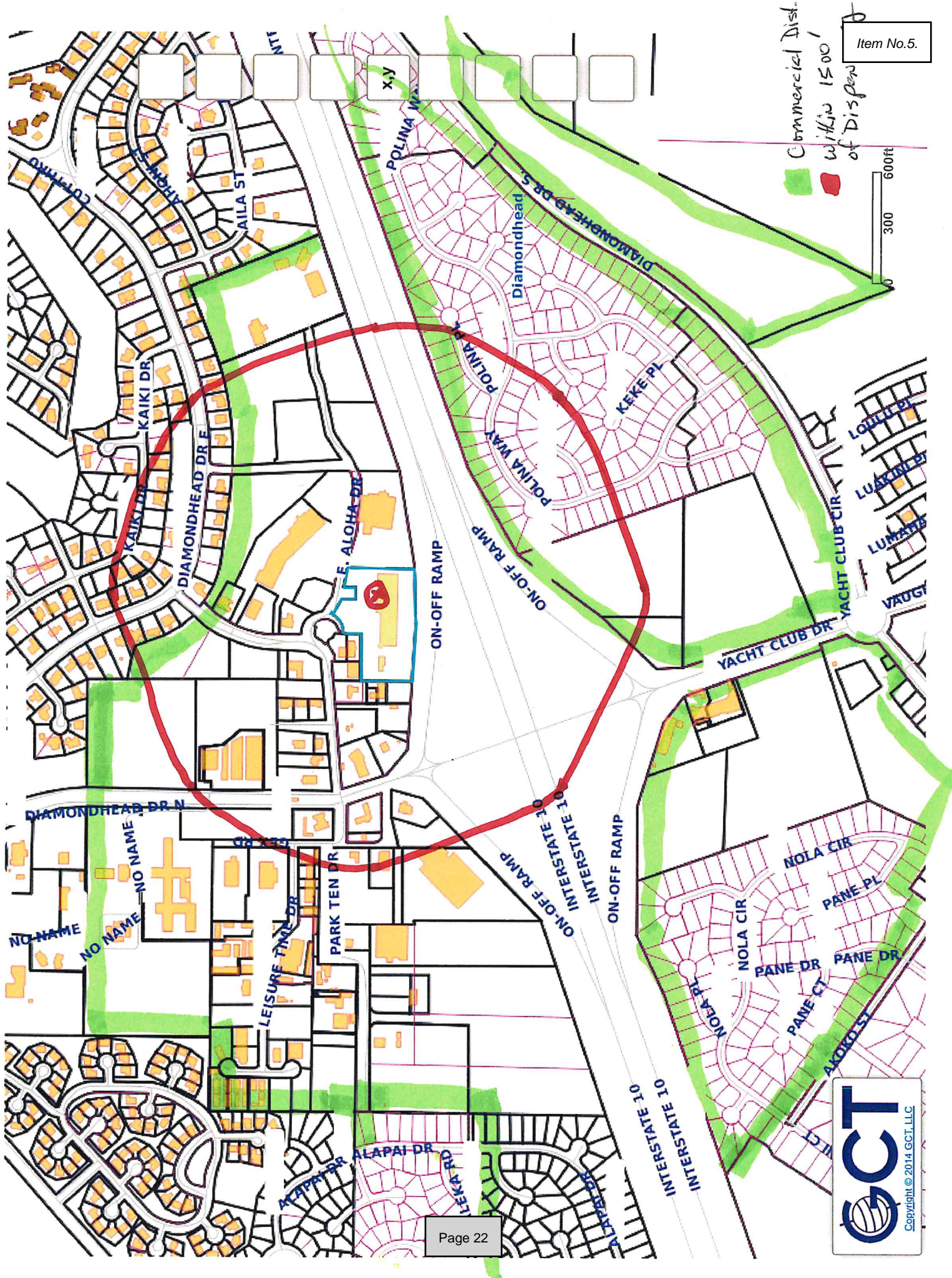
CURELAND COMPANY LLC

Diamondhead

NO NAME

NO NAME





Commercial Dist.
within 1500'
of Dispens

Item No.5.



MISSISSIPPI LEGISLATURE

2022 Regular Session

To: Public Health and Welfare

By: Senator(s) Blackwell, Barnett, Butler (36th), Butler (38th), DeLano, Hickman, Horhn, Jackson (11th), Simmons (12th), Simmons (13th)

Senate Bill 2095

(As Sent to Governor)

AN ACT TO ENACT THE MISSISSIPPI MEDICAL CANNABIS ACT; TO AUTHORIZE MEDICAL CANNABIS USE BY CERTAIN PATIENTS WHO HAVE DEBILITATING MEDICAL CONDITIONS; TO REQUIRE A PATIENT TO RECEIVE A WRITTEN CERTIFICATION FROM A QUALIFIED PRACTITIONER TO QUALIFY FOR A REGISTRY IDENTIFICATION CARD FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE PROCESS BY WHICH A PATIENT MAY REGISTER AS A CARDHOLDER FOR THE USE OF MEDICAL CANNABIS; TO PROVIDE CERTAIN PROTECTIONS TO PATIENTS, CAREGIVERS, MEDICAL PROVIDERS AND MEDICAL CANNABIS ESTABLISHMENTS FOR THE MEDICAL USE OF CANNABIS; TO PROVIDE FOR THE ALLOWABLE AMOUNT OF MEDICAL CANNABIS BY A QUALIFIED PATIENT; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH WILL ISSUE REGISTRY IDENTIFICATION CARDS TO QUALIFYING PATIENTS AND REGISTRATIONS TO QUALIFYING FACILITIES; TO ALLOW FOR A DEDUCTION FROM INCOME TAXES FOR ALL OF THE ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A BUSINESS AS A MEDICAL CANNABIS ESTABLISHMENT; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF HEALTH SHALL HAVE THE ULTIMATE AUTHORITY FOR OVERSIGHT OF THE ADMINISTRATION OF THE MEDICAL CANNABIS PROGRAM; TO REQUIRE THE DEPARTMENT OF HEALTH TO LICENSE CANNABIS CULTIVATION FACILITIES, CANNABIS PROCESSING FACILITIES, CANNABIS TRANSPORTATION ENTITIES, CANNABIS DISPOSAL ENTITIES, CANNABIS TESTING FACILITIES AND CANNABIS RESEARCH FACILITIES; TO REQUIRE THE DEPARTMENT OF REVENUE TO LICENSE MEDICAL CANNABIS DISPENSARIES; TO REQUIRE THE DEPARTMENT OF HEALTH TO REGISTER QUALIFIED PRACTITIONERS AND GRANT REGISTRY IDENTIFICATION CARDS TO QUALIFIED PATIENTS AND DESIGNATED CAREGIVERS; TO PROVIDE FOR A STATEWIDE SEED-TO-SALE TRACKING SYSTEM; TO PROVIDE FOR DEADLINES FOR THE IMPLEMENTATION OF THE PROGRAM; TO PROVIDE FOR CERTAIN LIMITATIONS OF THE APPLICATION OF THE ACT; TO PROVIDE THAT THE ACT DOES NOT AUTHORIZE ANY INDIVIDUAL TO ENGAGE IN NOR PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR CERTAIN ACTS RELATED TO THE USE OF MEDICAL CANNABIS; TO PROVIDE THAT CERTAIN DISCRIMINATORY ACTS AGAINST MEDICAL CANNABIS CARDHOLDERS ARE PROHIBITED; TO PROVIDE FOR PROCESS OF THE ADDITION OF DEBILITATING MEDICAL CONDITIONS BY THE DEPARTMENT OF HEALTH; TO PROVIDE THAT NOTHING IN THE ACT PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MEDICAL CANNABIS IN THE WORKPLACE OR FOR WORKING WHILE UNDER THE INFLUENCE OF MEDICAL CANNABIS; TO PROVIDE THAT NOTHING IN THE ACT REQUIRES A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MEDICAL CANNABIS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO PROVIDE ANNUAL REPORTS TO THE GOVERNOR

1000' ft.

AND CERTAIN MEMBERS OF THE LEGISLATURE; TO REQUIRE THE DEPARTMENT OF HEALTH TO MAINTAIN A CONFIDENTIAL LIST OF REGISTRY IDENTIFICATION CARDS; TO REQUIRE CERTAIN NOTIFICATIONS FROM QUALIFYING PATIENTS; TO PROVIDE FOR THE FEES FOR LICENSES OF MEDICAL CANNABIS ESTABLISHMENTS; TO ALLOW MUNICIPALITIES AND COUNTIES TO ENACT ORDINANCES OR REGULATIONS NOT IN CONFLICT WITH THE ACT; TO PROHIBIT MEDICAL CANNABIS ESTABLISHMENTS FROM BEING LOCATED WITHIN 1,000 FEET OF THE NEAREST BOUNDARY LINE OF ANY SCHOOL, CHURCH OR CHILD CARE FACILITY UNLESS IT HAS RECEIVED A WAIVER; TO PROVIDE CERTAIN REQUIREMENTS, PROHIBITIONS AND PENALTIES FOR MEDICAL CANNABIS ESTABLISHMENTS; TO PROVIDE THAT NO MEDICAL CANNABIS ESTABLISHMENT SHALL SELL CANNABIS FLOWER OR TRIM THAT HAS A POTENCY OF GREATER THAN 30% TOTAL THC; TO REQUIRE ALL MEDICAL CANNABIS PRODUCTS TO CONTAIN A NOTICE OF HARM REGARDING THE USE OF MEDICAL CANNABIS; TO PROVIDE FOR THE WEEKLY AND MONTHLY ALLOWABLE AMOUNT OF MEDICAL CANNABIS; TO PROVIDE THE POSSESSION LIMIT OF MEDICAL CANNABIS FOR RESIDENT AND NONRESIDENT CARDHOLDERS; TO REQUIRE THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF REVENUE TO ESTABLISH AND PROMULGATE RULES AND REGULATIONS RELATING TO THE PROGRAM; TO ESTABLISH VIOLATIONS RELATED TO THE USE OF MEDICAL CANNABIS AND THE PROGRAM; TO PROVIDE FOR FINES, SUSPENSIONS AND REVOCATIONS FOR VIOLATIONS OF THE ACT; TO PROVIDE THAT BANKS SHALL NOT BE HELD LIABLE FOR PROVIDING FINANCIAL SERVICES TO A MEDICAL CANNABIS ESTABLISHMENT; TO IMPOSE AN EXCISE TAX ON MEDICAL CANNABIS CULTIVATION FACILITIES AT A RATE OF 5% OF THE SALE PRICE OF CANNABIS TRIM OR CANNABIS FLOWER; TO REQUIRE DISPENSARIES TO COLLECT AND REMIT THE SALES TAX LEVIED IN SECTION 27-65-17(1) (a) FROM THE GROSS PROCEEDS OF EACH SALE OF MEDICAL CANNABIS; TO ALLOW THE GOVERNING AUTHORITIES OF MUNICIPALITIES AND BOARD OF SUPERVISORS OF COUNTIES TO OPT OUT OF ALLOWING THE PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE ACT; TO PROVIDE FOR THE REFERENDUM PROCESS FOR A MUNICIPALITY OR COUNTY TO OPT INTO ALLOWING THE CULTIVATION, PROCESSING, SALE AND DISTRIBUTION OF MEDICAL CANNABIS IN A MUNICIPALITY OR COUNTY THAT HAS OPTED OUT; TO PROVIDE FOR THE JUDICIAL REVIEW FOR THOSE AGGRIEVED BY A FINAL DECISION OR ORDER RELATED TO THE MEDICAL CANNABIS PROGRAM; TO REQUIRE ALL FINES AND FEES COLLECTED BY THE DEPARTMENT OF HEALTH AND DEPARTMENT OF REVENUE TO BE DEPOSITED INTO THE STATE GENERAL FUND; TO ESTABLISH A MEDICAL CANNABIS ADVISORY COMMITTEE; TO AMEND SECTION 25-53-5, MISSISSIPPI CODE OF 1972, TO TEMPORARILY EXEMPT ACQUISITIONS OF INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES MADE BY THE MISSISSIPPI DEPARTMENT OF HEALTH AND THE MISSISSIPPI DEPARTMENT OF REVENUE FOR THE PURPOSES OF IMPLEMENTING, ADMINISTERING AND ENFORCING THE PROVISIONS OF THE MISSISSIPPI MEDICAL CANNABIS ACT, FROM MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES PROCUREMENT LAWS, RULES, AND REGULATIONS; TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH, STATE DEPARTMENT OF REVENUE, AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE MEDICAL MARIJUANA PROGRAM ESTABLISHED BY THIS ACT; TO AMEND SECTION 37-11-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERM

Sales Tax

DEFINITION OF THE TERM "PRIVATE COMPANY" UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "QUALIFIED BUSINESS OR INDUSTRY" UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT; TO AMEND SECTION 57-69-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "MINORITY BUSINESS ENTERPRISE" AND "MINORITY BUSINESS ENTERPRISE SUPPLIER" UNDER THE MISSISSIPPI MINORITY BUSINESS ENTERPRISE ACT; TO AMEND SECTION 57-71-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF PRIVATE COMPANY; TO AMEND SECTION 57-73-21, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEDICAL CANNABIS ESTABLISHMENTS ARE NOT ELIGIBLE FOR CERTAIN INCOME TAX CREDITS AUTHORIZED BY SUCH SECTION; TO AMEND SECTION 57-80-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE GROWTH AND PROSPERITY ACT; TO AMEND SECTION 57-85-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "PROJECT" AND "RURAL BUSINESS" UNDER THE MISSISSIPPI RURAL IMPACT ACT; TO AMEND SECTION 57-91-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERM "BUSINESS ENTERPRISE" UNDER THE ECONOMIC REDEVELOPMENT ACT; TO AMEND SECTION 57-117-3, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HEALTH CARE INDUSTRY FACILITY" AND "QUALIFIED BUSINESS" UNDER THE MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT; TO AMEND SECTION 57-119-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE FROM THE GULF COAST RESTORATION FUND FOR PROJECTS THAT ARE MEDICAL CANNABIS ESTABLISHMENTS OR PROJECTS RELATED TO MEDICAL CANNABIS ESTABLISHMENTS; TO AMEND SECTION 65-4-5, MISSISSIPPI CODE OF 1972, TO EXCLUDE MEDICAL CANNABIS ESTABLISHMENTS FROM THE DEFINITION OF THE TERMS "HIGH ECONOMIC BENEFIT PROJECT" AND "PRIVATE COMPANY" UNDER THE ECONOMIC DEVELOPMENT HIGHWAY ACT; TO AMEND SECTIONS 69-2-11 AND 69-2-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT PROVIDE FINANCIAL ASSISTANCE TO MEDICAL CANNABIS ESTABLISHMENTS UNDER THE MISSISSIPPI FARM REFORM ACT OF 1987; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Title. This chapter shall be known and may be cited as the "Mississippi Medical Cannabis Act."

SECTION 2. Definitions. For purposes of this chapter, unless the context requires otherwise, the following terms shall have the meanings ascribed here

(a) "Allowable amount of medical cannabis" means an amount not to exceed the maximum amount of Mississippi Medical Cannabis Equivalency Units ("MMCEU").

(b) "Bona fide practitioner-patient relationship" means:

(i) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner, within his or her scope of practice, has completed an in-person assessment of the patient's medical history and current mental health and medical condition and has documented their certification in the patient's medical file;

(ii) The practitioner has consulted in person with the patient with respect to the patient's debilitating medical condition; and

(iii) The practitioner is available to or offers to provide follow-up care and treatment to the patient.

(c) "Cannabis" means all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts.

Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.

(d) "Cannabis cultivation facility" means a business entity licensed and registered by the Mississippi Department of

Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

(e) "Cannabis disposal entity" means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

(f) "Cannabis processing facility" means a business entity that is licensed and registered by the Mississippi Department of Health that:

(i) Acquires or intends to acquire cannabis from a cannabis cultivation facility;

(ii) Possesses cannabis with the intent to manufacture a cannabis product;

(iii) Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and

(iv) Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.

(g) "Cannabis products" means cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD)

except those products excluded from control under Sections 41-29-113 and 41-29-136.

(h) "Cannabis research facility" or "research facility" means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

(i) "Cannabis testing facility" or "testing facility" means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

(j) "Cannabis transportation entity" means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

(k) "Canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered

(b) The involvement of the Mississippi Band of Choctaw Indians or any entity owned or operated by the Mississippi Band of Choctaw Indians as an owner or co-owner of such license, provided that such license shall be subject to revocation for material noncompliance with this chapter on the same basis as any other license.

(20) A cannabis processing facility that produces edible cannabis products shall hold a permit to operate as a food establishment and shall comply with all applicable requirements for food establishments as set by the MDOH.

(21) Denial of an application or renewal is considered a final MDOH or MDOR action, subject to judicial review in accordance with Section 31 of this act.

SECTION 19. Local ordinances. (1) A municipality or county may enact ordinances or regulations not in conflict with this chapter, or with regulations enacted under this chapter, governing the time, place, and manner of medical cannabis establishment operations in the locality. A municipality or county may establish penalties for violation of an ordinance or regulation governing the time, place and manner of a medical cannabis establishment that may operate in the municipality or county.

(2) No municipality or county may prohibit dispensaries either expressly or through the enactment of ordinances or regulations that make their operation impracticable in the jurisdiction. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000)

feet of the nearest property boundary line of any school, church or child care facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church or child care facility and by applying for a waiver with its respective licensing agency, provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church or child care facility.

(3) A dispensary, cannabis research facility or cannabis testing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that it being located there does not violate any other provisions of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as agricultural or industrial or for which agricultural or industrial use is otherwise authorized or not prohibited, provided that it being there does not violate any other provision of this chapter. A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited, provided that the municipality or county has authorized the entity to be located in such area and that it being there does not violate any other provision of this chapter. The municipality of

granting a variance to an existing zoning ordinance or by adopting a change in the zoning ordinance that allows for those entities to be located in specific commercial areas.

(4) A municipality or county may require a medical cannabis establishment to obtain a local license, permit or registration to operate, and may charge a reasonable fee for the local license, permit or registration, provided that this fee is consistent with fees charged to businesses that are not involved in the cannabis industry.

(5) No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary. If the sole basis of denial by the licensing agency in refusing to issue the medical cannabis dispensary a license to operate is that the dispensary fails the distance requirement of this subsection (5), then the licensing agency may refund all or part of the license application fee in Section 18(5) of this act to the applicant.

SECTION 20. Requirements, prohibitions and penalties.

(1) Medical cannabis establishments shall conduct a background check into the criminal history of every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at or for the medical cannabis establishment.

(2) A medical cannabis establishment may not employ any person who:

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR ZONING CHANGE

Text Amendment

CASE NO. 2022 00359

DATE 7/20/22

APPLICANT: City of Diamondhead / Ronald Jones, BO.

APPLICANT'S ADDRESS: 5000 DH Circle

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) 228-222-4626

PROPERTY OWNER: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: (HOME) _____ (WORK) _____

TAX ROLL PARCEL NUMBER: N/A

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: N/A

ZONING CHANGE (FROM) N/A (TO) _____

STATE PURPOSE OF REZONING: Text Amendment to add Medical Cannabis Uses Regulations + Zoning Districts

STATEMENT OF UNDERSTANDING

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

The application fee of ~~\$600.00~~ ^{200.00} 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 designated 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 change 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 August, 23, 2022 at 6:00 p.m. in the Council Chambers of the Diamondhead City Hall.

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

[Signature]
Signature of Applicant

N/A
Signature of Property Owner

_____ For Official Use Only _____

- NA () ~~\$600.00~~ ^{200.00}
- () Copy of Deed, Lease or Contract
- () Site Plan
- () Parking Spaces
- () List of Property Owners NA ()

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

7/19/22

utility easement on the front of the property of Lot 1, Beaux Vue Subdivision, Phase 1 and Lot A, The Preserve Subdivision, Phase 1. The physical address is 87120 Highpoint Dr.; parcel number 067K-2-36-216.001. (Levy)

- 7. **2022-258:** Motion to adopt Resolution 2022-050 finding and determining that the Resolution declaring intent of the Diamondhead City Council to either issue General Obligation Bonds of the City, Issue a General Obligation Bond of the City for Sale the the Mississippi Development Bank or enter into a loan with the Mississippi Development Bank, all in the aggregate principal amount of not to exceed \$6,000,000 and adopted on June 7, 2022, was published as required by Law, that no petitions or other objections of any kind or character against the issuance of General Obligation Bonds of the city, or the Issuance of a Qualified Obligation Bond of the City for purchase by the Mississippi Development Bank or for the City to borrow funds by entering in to a loan with the Mississippi Development Bank, all described in said resolution was filed, and authorizing said bonds and loan to be issued or entered into, as the case may be.
- 8. **2022-260:** Motion to adopt Resolution 2022-051 authorizing application to Mississippi Development Authority for FY22 Gulf Coast Restoration Fund project funding.

Consent Agenda:

- 9. **2022-247:** Motion to accept FY21 Audit Engagement Letter with Necaise & Company.
- 10. **2022-248:** Motion to approve payment to Machado Patano in the amount of \$1,462.50 for professional services relating to the Hilo Way Drainage Project.
- 11. **2022-249:** Motion to approve payment to Digital Engineering for professional services in the amount of \$1,160.00 for GIS Maintenance, \$3,187.50 Paving Phase 4 and \$1,917.50 for Beaux Vue Phase 2 Drainage.
- 12. **2022-250:** Motion to approve the Memorandum of Understanding with the Mississippi Department of Marine Resources for FY22 GOMESA Funding Award.
- 13. **2022-252:** Motion to approve payment to Compton Engineering in the amount of \$2,777.50 for professional services relating to Anahola and Hana Place Drainage.
- 14. **2022-257:** Motion to approve payment to Rostan Solutions in the amount of \$4,427.50 for professional services for the period June 1 - 30, 2022 relating Grant Administration DR4576 (Zeta).

Action Agenda.

- 15. **2022-246:** Motion to approve Change Order No. 3 to East Aloha Improvements Phase 1 adding 50 calendar days for project completion at with no change in project cost.
- 16. **Motion 2022-255:** Motion to authorize the Planning Commission to publish and hold a public hearing for the purpose of creating zoning districts and use regulations for Medical Cannabis facilities. *Approved if -*
- 17. **2022-256:** Motion to accept the form of the FY23 Budget (department level), set the public hearing for August 23, 2022 and approve the advertisement providing public notice of same. *Approved 5-0*
- 18. **2022-259:** Motion to authorize the Planning Commission to hold a public hearings to consider a Text Amendment to the Zoning Ordinance and/or Subdivision Regulations to require a specified number of home designs. *Approved 5-0*

The Sea Coast Echo

POST OFFICE BOX 2009
BAY SAINT LOUIS, MS 39521-2009

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State, GEOFF BELCHER, General Manager of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 weeks to-wit:

On the 3 day of August 2022

On the _____ day of _____ 2022

On the _____ day of _____ 2022

On the _____ day of _____ 2022

General Manager

Sworn to and subscribed before me A NOTARY PUBLIC

This 3 day of August 2022



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 in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure. The proposed text amendment is to create Zoning Districts and Use Regulations for Medical Cannabis Facilities. The proposed changes are Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2: Chart of Determinate Uses, Other Non Residential Uses, add "Medical Cannabis Cultivation Facility17", and "Medical Cannabis Processing Facility17", Use by Right in I and not allowed in other zoning classifications; "Medical Cannabis Dispensary Facility17,18", "Medical Cannabis Research Facility17" and "Medical Cannabis Testing Facility17", Use by Right in C-1 and C-2 and not allowed in other zoning classifications; "Medical Cannabis Transportation Facility17", Use by Conditional Use in I and not allowed in other zoning classifications; add conditions as note "17" after Table 4:2 "17. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church, or childcare facility. A medical cannabis establishment may receive a waiver to this distance restriction by receiving approval from the school, church, or childcare facility and by applying for a waiver with its respective licensing agency, provided the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary line of any school, church, or childcare facility in accordance with Mississippi Senate Bill 2095. A business privilege license is required." and note "18. No medical cannabis dispensary may be located within a one thousand five hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary in accordance with Mississippi Senate Bill 2095.

The Case File Number is 202200359. In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council

on Text Amendments and Rezoning. The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on Tuesday, August 23, 2022, at 6:00 p.m. The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience on: <https://www.youtube.com/channel/UCeVCwwZhvNqXCWXPczIOoMQ/> featured. 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 228-242-1613. Publish Dates: Aug. 3, 2022

ARTICLE ____ - SHORT TERM RENTAL UNITS

Sec. _____ - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Licensed premises means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is permitted to provide a short-term rental in accordance with the provisions of this article.

Local contact person means the person designated by the owner or the owner’s authorized agent or representative who is responsible for the day-to-day operations of the short-term rental unit living within 25 miles of the unit and who may be contacted and will be available 24 hours per day, seven days per week for the purpose of:

- (1) Responding within 60 minutes in person to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and
- (2) Taking remedial action to resolve any such complaints within a reasonable period of time after notification by a city, water & sewage or fire department representative.

The local contact person may be the owner or agent of the owner. As shall be appropriate under the circumstances the local contact person (in addition to the owner) shall be subject to any enforcement action as shall be commenced by the city. The local contact person shall be required to adhere to all laws and regulations of the city, county and state as shall be applicable to their activities in this regard.

Owner means the persons or entities that hold legal and/or equitable title to the licensed premises.

Premises means the same as the term “dwelling,” which is a room or suite of rooms with a single kitchen used for the residential use and occupancy of one family, including a single-family residence or residential condominium unit or any other residential real estate improvement that is located in a zoning district within which short-term rental is allowed pursuant to the ordinances of the city, and which is rented to persons other than the owner.

Short-term rental unit means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or compensation for a period of less than 30 consecutive days. The term “short-term rental” does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any similar facility

associated with a hospital providing rooms for medical patients and their families. The term “short-term rental unit” shall also not include mobile homes, manufactured homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or similar type of structures and does not include a bed and breakfast facility that is permitted separately by city ordinance. Proof of ownership of the premises may be established via warranty deed, quitclaim deed, or property tax statement. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited. Short-term rental units will not be allowed to be used as an outdoor venue for weddings, receptions, parties, or similar activities or functions, except in such zones where otherwise allowed in the city’s code.

(Ord. No. ____ Sec. _____)

Sec. _____ - Permit required.

It is unlawful to conduct or operate a short-term rental without having obtained a permit pursuant to the provisions of this article. Therefore:

- (1) A short-term rental permit is required for each short-term rental unit.
- (2) Applications may be made for short-term rental and permits granted, where appropriate, in all R-1, R-2, R-3, R-4, and MH zones, as identified in the city’s zoning maps and ordinances implementing same. In all R-1, R-2 and MH zones, short term rentals shall not be within 1,000 linear feet from property to property of another short term rental.
- (3) The permit process requires an application completed in accordance with the following which may be obtained at the Building Department:
 - a. The application shall contain such information as the Building Department shall from time to time reasonably require, including, but not limited to, the location/address of the short-term rental unit, number of bedrooms, the number of persons the short-term rental proposes to accommodate, the name of the property owner and warranty deed, sales tax collection certificate, and the name, address, email, and telephone number of the local contact person who is available for contact, a copy of the proposed rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by the Building Department), rules applicable to renters, and a plan for waste management.
 - b. The city does not enforce private restrictive covenants. Approval of any short-term rental shall not legalize any use of a structure otherwise prohibited by any restrictive covenant or applicable law as shall be determined by a court of competent jurisdiction.

- c. The application shall include a statement from the building official and fire department affirming that the structure to be rented is otherwise in compliance with all applicable zoning requirements, building and fire codes, including, but not limited to, smoke and carbon monoxide detectors, emergency means of egress, fire extinguishers, GFCI outlets in wet locations, and that all applicable property taxes, fees and other charges have been paid.
 - d. A nonrefundable application fee of \$200.00 or such fee as shall be established by order of the city council hereafter shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, enforcement, and administrative expenses and time affiliated with the processing of the application.
 - e. If the Building Department shall determine that any applicant is not entitled to a permit, the applicant upon receipt of written notification may appeal such decision within 10 days thereof and seek Planning and Zoning Commission approval upon an advertised hearing. The Planning and Zoning Commission shall schedule an advertised hearing of such matter as set forth in the Planning and Zoning Ordinance in the same manner as is set forth for the appeal of a decision of the Building Official.
 - f. As the conclusion of the public hearing, the Planning and Zoning Commission shall approve or disapprove the application and send its decision. If the applicant is aggrieved by the decision of the Planning and Zoning Commission, the applicant, within 10 days thereof may appeal such decision to the City Council to be heard at the next regularly scheduled meeting of the City Council. The appeal before the City Council shall be confined to the record made before the Planning and Zoning Commission unless the City Council decide, in their sole discretion, to receive additional evidence. The City Council shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such. Any aggrieved person may appeal such decision to the circuit court in the time and manner provided by law.
- (4) The short-term rental unit will be considered a residential R-3 occupancy under the city's International Residential (IRC) and International Building (IBC) Codes.
- (5) Each short-term rental permit shall expire one year from the date of issuance of the permit and is non-transferable. Renewal application must be submitted no later than 30 days prior to permit expiration.
- (6) A renewal permit may be obtained by the payment of \$100.00, or such fee as may be established by order of the City Council hereafter and filing an application for

renewal with the Building Department. Permit renewal process will include staff review of city records and other documentation pertaining to complaints, if any, that have been received about the specific short-term rental unit under consideration. Filed complaints that are in violation of zoning codes, building codes, property maintenance codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, state and federal laws or regulations may serve as basis for denying a permit renewal. If permit renewal is denied, the Building Department shall provide notice as to the reasons for denial, and if applicable, the applicant shall be allowed 10 days to correct any deficiencies itemized. At the expiration of 10 days, an applicant may appeal the denial of the permit renewal to the Planning and Zoning Commission. The appeal must be in writing and must be filed within 10 days of receipt of the final denial of the permit renewal. The appeal process thereafter will follow the process set forth herein above for the original permit.

(7) Short-term rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owners shall be required to apply for a new permit in accordance with this article. The new permit shall be for a period of one year from the date approved.

(Ord. No. ____ Sec. _____)

Sec. _____ - Rules and regulations of short-term rental units.

(a) *Occupancy.* The maximum occupancy for each short-term rental shall be as determined by the building official based on the inspection of the premises and applicable codes, laws, and regulations. Each permit shall specify the maximum number of occupants, which may be limited due to building codes and/or parking constraints. A short-term rental unit shall be considered as a residential R-3 occupancy for lodging house (transient) with five or fewer guest rooms and ten or fewer occupants. (See 2018 IBC Section 310.4. Commentary.)

(b) *Number of Vehicles.* The maximum number of vehicles will be determined upon site inspection by the building official. This determination will take into consideration availability of off-street parking conditions and other relevant considerations unique to the site. It is required that the applicant/owner provide off-street parking. Recreational vehicles and campers parked at short-term rental units must not be used for habitation during the rental period and must be parked in accordance with the applicable ordinances of the city.

- (c) *Noise.* Property owners and local contact persons shall ensure that the occupants of the short-term rental are aware of city noise ordinances and state laws regarding disturbing the peace. No radio receiver, musical instrument, phonograph, compact disc player, loudspeaker, karaoke machine, sound amplifier or any machine, device or equipment that produces or reproduces any sound that shall disturb the public peace of the neighborhood shall be played outside of any short-term rental unit or be audible from the usable area of any adjacent residences between the hours of 9:00 p.m. and 7:00 a.m.
- (d) *Premises and garbage management.* It shall be the duty of every local contact person and/or owner to keep all of the rooms in connection with the short-term rental provided for the use of guests in clean and sanitary condition and to provide each guest with affective protection against flies, mosquitoes and other vermin. Each Licensed Premises must provide two garbage containers. Garbage shall be disposed of in covered containers and placed in the rear of the residence until scheduled pick-up locations. No on-site outdoor advertising signs will be permitted on the premises.
- (e) *Posting of permits and rules.* Short-term rental unit permits and rules shall be posted inside the rental unit in a conspicuous location, i.e., the rear of the main entry door, readily visible to all tenants. The rules shall include occupancy; parking limits; noise rules; and garbage management. A written copy of the ordinance from which this article is derived shall be available for inspection with the unit at all times. The current name, address, and telephone number of the local contact person shall also be posted within the unit. No unit shall be rented to an individual that is less than 25 years of age and all renters must be present during the rental period.
- (f) *Complaints and dispute resolutions.* Complaints regarding violation of this article must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party shall contact the Building Department. The city police department shall have an updated list provided by the Building Department of all local contact persons and owners for short-term rental units in case complaints are received after regular city office hours. Verified complaints concerning noncompliance with the terms of this article may be considered in determining whether or not a permit shall be revoked or renewed.

(Ord. No. _____, Sec. _____)

Sec. _____ - Denial, suspension or revocation of a license.

Conditions for denial of permit or revocation of permit to operate a short-term rental unit shall include, but in no way limited to, the following:

- (1) The applicant failed to conform to the conditions set forth herein for the current or previous year.
- (2) Guests and/or users of the property were issued three or more noise ordinance and/or disturbing the peace citations during the previous or current year and the owner/local contact person subsequently failed to take the appropriate corrective action to prevent such disturbances after being notified by the city to do so.
- (3) Any reasonable or rational factors or combination of factors, including, but not limited to, inadequate lot size, inadequate off-street parking, lack of response from owner or local contact person to resolve complaints, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for suspending or denying a permit) where the owner or local contact person failed to take reasonable steps to prevent such violations.
- (4) The Building Department is authorized to revoke permits under the aforementioned circumstances. A permitted owner shall be provided written notice of the reasons the permit is subject to revocation. The applicant shall be allowed 10 days from the date written notice is issued and transmitted to the applicant to correct defective conditions. If the condition is not corrected within 10 days to the reasonable satisfaction of the Building Department, the permit for the short-term rental unit may be revoked by issuing such order. Upon receipt of such by the owner or local contact person, the unit shall immediately cease operation. The owner may appeal the order revoking the permit. The owner’s appeal must be in writing and filed with the Building Department within 10 days of entry of the order. The revocation order shall remain in full force and effect during the pendency of the appeal. The appeal shall be presented to the Planning and Zoning Commission at the next available scheduled meeting following the filing of the appeal. The owner must be afforded notice and the opportunity to be heard. The decision of the Planning and Zoning Commission shall be final unless within 10 days of the issuance of the decision the owner shall file an appeal to the City Council.

(Ord. No. _____, Sec. _____)

Sec. _____ - Violations.

Any persons or users who allow such use of a residential property in violation of this article shall be guilty of a misdemeanor. For the purposes of prosecution of violations of this article, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation. Those found guilty of a first violation of this article shall be fined, for the

first offense, not less than \$300.00 and, for second and subsequent offenses within any 12-month period, not less than \$500.00 and not to exceed \$1,000.00, plus court costs and assessments, if any.

(Ord. No. _____, Sec. _____)

Secs. _____ Reserved.