



Mayor Depreo  
Councilmember Maher At-Large  
Councilmember Finley Ward 1  
Councilmember Liese Ward 2  
Councilmember Cumberland Ward 3  
Councilmember Clark Ward 4

**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**Tuesday, May 07, 2024**  
**6:00 PM CST**  
Council Chambers, City Hall  
and via teleconference, if necessary

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**Call to Order.**

Invocation  
Pledge of Allegiance  
Roll Call  
Confirm or Adjust Agenda Order

**Presentation Agenda.**

- a. The next Regular Meeting of the City Council will be held Tuesday, May 21, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Proclamation - Better Hearing Month
- c. Proclaiming Brain Cancer Awareness Month - "Go Gray in May"
- d. Kodie Koenenn - MDOT Project Update
- e. Machado Patano - Ben Sellers - Hilo Project Update
- f. Covington Civil and Environmental - Kolo Court and Turnberry Project Presentations
- g. Orion Planning - Bob Barber - Zoning Code Re Write

City Manager's Report.

Public Comments on Agenda Items.

Council Comments.

**Policy Agenda.**

**Minutes:**

1. Motion to approve the April 16, 2024 Regular Meeting Minutes.

**Tabled Matters:**

2. **2023-274:** Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance. (Finley)
3. **2023-408:** Discussion on whether or not donations that were made for the Diamondhead Dog Park Twin Lakes location can be refunded to the donors as it was stated at a prior city council meeting. (Depreo)

## Resolutions:

- [4.](#) **2024-106:** Motion to adopt Resolution 2024-020 to apply for HUD-EDI Grant in the amount of 2.2 Million for Kalani Drive.
- [5.](#) **2024-112:** Motion to adopt Resolution 2024-021 thereby acquiring by donation certain easement from Brian LeBourgeois for drainage purposes.

## Consent Agenda:

- [6.](#) **2024-096:** Motion to approve MOA with Govdeals for the sale of surplus equipment.
- [7.](#) **2024-097:** Motion to authorize City Attorney and City Manager to negotiate with owners of properties in the commercial district for acquisition of property for the location and construction of additional new right-of-ways to promote commercial development. All negotiated acquisitions must be approved by the City Council prior to final acceptance by the City.
- [8.](#) **2024-098:** Motion to approve Change Order No. 2 to the contract with Bottom 2 Top Construction, LLC in the net amount of -\$300.08 for a total contract amount of \$4,135,461.48 and for an additional 39 contract days due to weather delays for the Commercial District Transformation Project Phase 1.
- [9.](#) **2024-099:** Motion to adopt Seasonal Employee Policy and to establish an hourly rate of \$12.00 per hour for seasonal employees.
- [10.](#) **2024-100:** Motion to approve the Federal Procurement and Purchasing Policy.
- [11.](#) **2024-102:** Motion to approve Master Agreement Work Assignment in the amount of \$20,000.00 with Covington Civil & Environmental to serve a City Traffic Engineer.
- [12.](#) **2024-103:** Motion to approve the FY2025 Budget Timeline.
- [13.](#) **2024-104:** Motion to approve budget amendments.
- [14.](#) **2024-105:** Motion to declare surplus Public Works equipment and proceed with disposal via on-line auction managed by GovDeals.
- [15.](#) **2024-107:** Motion to approve and enter into Fire Protection Agreement with Hancock County Board of Supervisors and Diamondhead Fire District for fire protection services and the transfer of annual insurance rebate to Hancock Board of Supervisors solely for the support, operation and equipping Diamondhead Fire Department.
- [16.](#) **2024-116:** Motion to enter into a forty (40) year public trust tidelands lease with the State of Mississippi for the Montjoy Creek Project beginning May 1, 2024.

## Action Agenda.

- [17.](#) **2024-108:** Discussion of the Kaleki Drainage Project. (Depreo)
- [18.](#) **2024-109:** Motion to allow the Diamondhead Lions Club to place their sign of similar size and design next to the Rotary sign in the front and rear of Diamondhead. (Depreo)
- [19.](#) **2024-110:** Motion to authorize city manager to review budget and suggest a budget amendment to provide monthly support to the Friends of the Hancock County Animal Shelter and present the amendment at the May 21, 2024 meeting. (Depreo)

- 20.** **2024-111:** Motion to authorize city manager to notify every resident in a project area when the notice to proceed has been issued to the contractor and the date work will begin in their area with but not limited to, door hangers, Facebook post, and Eblast. (Depreo)
- 21.** **2024-114:** Motion to concur with the Planning Commission recommendation to approve the proposed Text Amendment to the Code of Ordinances Appendix A - Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city's Comprehensive Plan. Case File Number is 202300448.
- 22.** **2024-113:** Motion for discussion of the Beaux Vue Drainage Project. (Liese)
- 23.** **2024-115:** Motion to authorize City Manager to negotiate with Ochsner Medical Center to acquire land necessary to build the Diamondhead Dog Park, to approve a budget amendment to allocate \$50,000.00 from the general fund for the construction of the dog park and to amend the master service agreement work assignment with MP Design to redesign the dog park plans.

**Routine Agenda.**

**Claims Payable**

- 24.** Motion to approve Docket of Claims (DKT231702 - DKT231734) in the amount of \$84,212.23.

**Public Comments on Non-Agenda Items.**

**Closing Council Comments**

**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.*



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**Tuesday, April 16, 2024**  
**6:00 PM CST**  
Council Chambers, City Hall

**Call to Order.**

Mayor Depreo called the meeting to order at 6:02 p.m.

Invocation - Councilmember Cumberland

Pledge of Allegiance

Roll Call

PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Austin Clark

Confirm or Adjust Agenda Order

Motion made by Ward 2 Liese, Seconded by Ward 4 Clark to confirm the agenda.

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

**MOTION CARRIED UNANIMOUSLY**

**Presentation Agenda.**

- a. The next Regular Meeting of the City Council will be held Tuesday, May 7, 2024 at 6:00 p.m. in Council Chambers located at City Hall.
- b. Proclamation - Child Abuse Awareness and Prevention Month - Huey Stockstill

City Manager's Report.

**CITY MANAGER REPORT**

April 16, 2024

1. Park Ten Road -The contract is for 270 Calendar Days with an end date of June 1<sup>st</sup>. The contractor has experienced some weather delays that will require additional days. A change order for the time will be submitted for review at the next council meeting. Currently working on the lighting installation, curb and gutter, sidewalk, and pavers.

2. Noma Drive Restoration – The contract end date is now May 3<sup>rd</sup>. The contractor has the concrete sidewalk installed and will be installing the brick pavers next week.
3. Beaux Vue 2 – The engineer and contractor have agreed on the updated scope of work. I am currently waiting for the schedule and the notice to proceed.
4. Bond Paving Diamondhead Drive – Contractor was to be here last week, but due to the weather, had to reschedule. The engineer will give me an update schedule to complete the punch list items.
5. Noma Drive Phase 1b – The project is out for bid. Bids are due on May 14<sup>th</sup>.
6. Kaleki Way – The contract is for 120 days and ends on August 6<sup>th</sup>. The contractor has started working on this project with silt fencing being installed and opening the road at Amoka Drive between Kaleki Court and Kaleki Place.
7. Bayou Drive – The contractor completed some utility locations in the area. This information was provided to the engineer to determine if plan adjustments were needed. Once done, a schedule will be developed and the notice to proceed will be issued.
8. Hilo Projects – Engineer provided an updated OPC for these four projects. Meeting with the POA to discuss drainage across the golf course to finalize design with engineer.
9. MDOT Roundabout Project – Work began yesterday on the project and will be an estimated two-year timeline. No temporary lighting will be available during the project. There will be a slight incline on our leveling lift when building our roundabouts. This will cause a significant bump in the road. MDOT will be installing “caution bump” signage.
10. MDOT Interstate Widening Project – Notice to proceed was March 14<sup>th</sup>. Contractor has started clearing the multimodal path and soundwall area.
11. Turnberry – Engineer is working on final drawings. Once plans have been finalized, I will be asking to advertise for bids.
12. Kolo Court – Engineer is working on drawings. A meeting with DWSD on site to review plans was held yesterday. I expect to have 90% drawings by the end of the month.
13. Canal Dredging – MDEQ has scheduled a kick-off meeting for the project for April 22<sup>nd</sup>. This meeting will provide a basic overview of the subaward agreement, federal Standard Terms and Conditions, reimbursement process, reporting, and update calls.
14. Dog Park – Neel-Shaffer has returned the updated survey. A few minor changes were requested before finalizing. Once complete, they will request for re-subdivision process. I had discussions with Ochsner regarding the site. They are very excited and willing to partner with the city to develop the park.
15. Ahuli Place – **No updated information this meeting.** Design work is progressing; 60% of drawings are expected from the engineer by the end of the month.
16. Kalae Street -- **No updated information this meeting.** Design work is progressing; 60% of drawings are expected from the engineer by the end of the month.
17. Montjoy Creek – **No updated information this meeting.** USACE is requesting a revised permit application and an RAI response. The engineer is working on the permit and providing the information requested.

- 18. Noma Drive Walking Trail – **No updated information this meeting.** The engineer is continuing to survey the area for walking trail and trailheads. The city has been awarded \$500,000 from the MS Outdoor Stewardship Grant Fund. The city received the grant agreement on Monday and will have it on the next agenda for approval.
- 19. Noma Drive Boardwalk – **No updated information this meeting.** Engineer is working on the drawings for this project. All easements have been recorded. MDEQ is going through the final steps with the MS TIG getting everything approved and will be in touch regarding the subaward.
- 20. Detention Ponds – **No updated information this meeting.** This project has been reduced to two ponds as the other two will be a part of separate larger drainage projects.
- 21. Pelican Cove Drainage Project – **No updated information this meeting.** Engineer has been provided the work assignment and will begin the surveying on this project.
- 22. ARPA/GOMESA Projects – The following projects have been assigned to the engineering firms listed below and are currently in the design phase.

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| a. Coon Branch – Chiniche           | b. Koloa Steet @ Ala Moana – Chiniche |
| c. Lots 7 & 8 – Chiniche            | d. Kome Drive – Covington             |
| e. DH Drive East/Kalani – Covington | f. Fairway Drive – Covington          |
| g. Veterans/Substation – Covington  | h. Anahola Place – Covington          |

**Email Request Received**

- 1. Alakoko Place – Councilmember asked about the rear ditch on this property. A work order was issued to Public Works. Project is on the PW’s list to clean out.
- 2. The Oaks – Councilmember requested several jobs for public works.
  - a. Install three slow kids at play signs in the Oaks. **Signs have been ordered and public works will install the signage.**
  - b. Can we please look at cleaning the intersections to remove the debris that has piled up blocking the drainage from flowing. **Area has been cleaned by public works**
  - c. Can we put up a no parking sign on Noma Drive. **Public works will install necessary signage.**
  - d. Can we sweep the main circle of the Oaks or blow it off to remove all the loose debris? **Public works has cleaned the area.**
  - e. Make sure contractor cleans up all the fallen trees. **All debris created by the contractor has been cleaned. Any remaining debris was existing and outside our right-of-way.**
  - f. Concerns about drainage starting at the circle and going down the east side of Noma. **Once all construction is completed, any remaining drainage issues will be addressed by public works.**
- 3. 6810 Oahu Court – Councilmember asked about standing water in resident’s ditch. Concerned it was sewer. **DWSD found the issue to be a root ball blocking the sewer line.**

4. 8912 Anahola Court – Councilmember asked about drainage around this home as ditches are holding water. I have put in a work order with public works.
5. 7510 Augusta Way – Councilmember asked about the stormwater plan for this new home build. Residents around this site are concerned about the runoff. I have asked the building department to make sure all plans are being followed.
6. 84126 Bayou Drive – Councilmember asked about two lots next to this address that were initially cleared by a contractor but have been left with a few trees and trash on the property. I have asked code enforcement to contact the current lot owner.
7. Bayou Circle & Bayou Court – Councilmember is concerned the turning radius for this area is too small due to residents driving over the median. I will have public works investigate adding asphalt to this area.
8. 10747 Lilnoe Way – Councilmember asked for a compliance check on this address. I turned the request over to the code enforcement officer.
9. East Aloha Drive – Councilmember reported a pothole on East Aloha Drive near Ochsner Medical. A work order was put in for public works.
10. Bayou Drive – Councilmember asked for a load of dirt to be put in the ditch to bring the area back up to grade. Public works will determine what is needed for this area.
11. 6655 Golf Club Drive – Councilmember reported the garage of the home receiving water during the major rain event last Wednesday. A work order was created for public works.
12. 9834 Pokai Way – Councilmember asked for a compliance check at this address. I have forwarded this to code enforcement.
13. 8896 Kipapa Way – Councilmember asked for a compliance check at this address. I have forwarded this to code enforcement.
14. Alfonso Realty – Councilmember reported the building took on water during the rain event last Wednesday. I asked the building official to find out the reason and how it can be avoided in the future.
15. 546 Lakeview Court – Councilmember reported a deep hole in the road. I have asked the public works to determine the cause.

During the City Manager Report, motion was made by Mayor Depreo, Seconded by Ward 2 Liese to amend the agenda to waive the \$150.00 fee for the Activity Center Rental for the Gulf Coast Realtor Association.

Voting Yea: Mayor Depreo, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

Abstain: Councilmember-At-Large Maher

**MOTION CARRIED**

Public Comments on Agenda Items - None

**Policy Agenda.**

**Minutes:**

1. Motion to approve the April 2, 2024 Regular Meeting Minutes.  
Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve the April 2, 2024 Regular Meeting Minutes.  
Voting Yea: Mayor Depreo, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark  
Voting Abstaining: Councilmember-At-Large Maher

**MOTION CARRIED**

**Tabled Matters:**

2. **2023-274:** Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance. (Finley)  
**NO ACTION TAKEN**
3. **2023-408:** Discussion on whether or not donations that were made for the Diamondhead Dog Park Twin Lakes location can be refunded to the donors as it was stated at a prior city council meeting. (Depreo)

Motion made by Ward 1 Finley to remove from the table:

**2023-408:** Discussion on whether or not donations that were made for the Diamondhead Dog Park Twin Lakes location can be refunded to the donors as it was stated at a prior city council meeting.

**MOTION DIED FOR LACK OF SECOND**

**Resolutions:**

4. **2024-090:** Motion to adopt Resolution 2024-019 Resolution of a State or Local Government thereby designating Jeannie Klein, City Clerk, as signatory for Hancock Whitney Bank for the purpose of closing the City's safety deposit box.  
Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland to adopt Resolution 2024-019 Resolution of a State or Local Government thereby designating Jeannie Klein, City Clerk, as signatory for Hancock Whitney Bank for the purpose of closing of the City's safety deposit box.  
Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**Consent Agenda:**

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the following consent items:

5. **2024-091:** Motion to approve Pay Application 5 in the amount of \$85,672.90 to Moran Hauling Inc., for Noma Drive Improvements.

- 6. **2024-092:** Motion to approve payments in the amount of \$881.25 to Digital Engineering for Beaux Vue Phase 2 Drainage Improvements and in the amount of \$4,850.00 for the Bond Paving Project.
- 7. **2024-093:** Motion to approve payments to Chiniche Engineering & Surveying in the amount of \$4,187.50 for Noma Drive Rebid Coordination, in the amount of \$1,302.50 for Tidelands Nature Trail Planning, in the amount of \$3,427.50 for Montjoy Creek Nature Trail/Improvements and in the amount of \$7,610.00 for Coon Branch Drainage.
- 8. **2024-095:** Motion to approve payment in the amount of \$43,800.78 to Covington Civil & Environmental, LLC for the Commercial District Transformation Project.

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

**MOTION CARRIED UNANIMOUSLY**

**Action Agenda.**

- 9. **2024-094:** Motion to authorize the City Manager to add an addendum to all Master Services Agreements with Engineering Firms stating per the requirements of the Council-Manager Form of Municipal Government, neither the mayor nor councilmembers have the authority to individually give orders or exercise any administrative power therefore all communication must be through the City Manager. (Cumberland)

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to authorize the City Manager to add an addendum to all Master Services Agreements with Engineering Firms stating per the requirements of the Council-Manager Form of Municipal Government, neither the mayor nor councilmembers have the authority to individually give orders or exercise any administrative power therefore all communication must be through the City Manager.

Voting Yea: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland  
Voting Nay: Mayor Depreo, Ward 4 Clark

**MOTION CARRIED**

Councilmember-At-Large Maher exited the meeting at 7:03 p.m.

- 9a. Motion made by Ward 2 Liese, Seconded by Mayor Depreo to waive the \$150.00 fee for the Activity Center Rental for the Gulf Coast Realtor Association.

Motion made by Ward 2 Liese, Seconded by Mayor Depreo.

Voting Yea: Mayor Depreo, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark  
Recusals: Councilmember-At-Large Maher

**MOTION CARRIED**

Councilmember-At-Large Maher re-entered the meeting at 7:04 p.m.

**Routine Agenda.**

**Claims Payable**

- 10. Motion to approve Docket of Claims (DKT231658- DKT231701) in the amount of \$308,951.77.

Motion made by Ward 1 Finley, Seconded by Ward 4 Clark to approve Docket of Claims (DKT231658- DKT231701) in the amount of \$308,951.77.

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

**MOTION CARRIED UNANIMOUSLY**

- 11. Motion to approve Payroll Payables DKT231641-DKT231657 in the amount of \$48,682.36, PRCLAIM0001093 in the amount of \$23,395.48, PRCLAIM0001094 in the amount of \$30,074.05 and PRCLAIM000195 in the amount of \$3,048.79.

Motion made by Ward 1 Finley, Seconded by Ward 3 Cumberland to approve Payroll Payables DKT231641-DKT231657 in the amount of \$48,682.36, PRCLAIM0001093 in the amount of \$23,395.48, PRCLAIM0001094 in the amount of \$30,074.05 and PRCLAIM000195 in the amount of \$3,048.79.

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

**MOTION CARRIED UNANIMOUSLY**

**Department Reports**

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to approve the following Department Reports:

- a. Police  
Court  
Code Enforcement  
Building
- b. March 2024 Financials

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

**MOTION CARRIED UNANIMOUSLY**

**Public Comments on Non-Agenda Items.**

Sally Garrett LeBourgeois - Drainage, Development, Property Values, Farmers Market and City-Wide Garage Sale.

Elizabeth Schmidt - Recognized the Mayor as the advocate for the National Organization of Rare Disorders that was passed.

Councilmember-At-Large Maher announced the Open Jam to be held Thursday, April 17, 2024 from 6-8 p.m. at the Gazebo.

Councilmember Clark and Mayor Depreo announced the Kid Fit to be held on Saturday, April 19, 2024 and the Farmers Market and Chalk Our Walk to be held on Sunday, April 20, 2024.

**Executive Session**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to enter closed session to determine the need for executive session.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to go into executive session pursuant to MS Code 25-41-7 4(a) Job Performance of the City Manager.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

**MOTION CARRIED UNANIMOUSLY**

Motion was made by Mayor Depreo, Seconded by Ward 3 Cumberland to exit executive session.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

**MOTION CARRIED UNANIMOUSLY**

Motion made by Mayor Depreo, Seconded by Ward 3 Cumberland to exit closed session.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland

**MOTION CARRIED UNANIMOUSLY**

City Attorney Cusick announced to the public that while in executive session no official action of record was taken.

**Adjourn/Recess.**

At 7:27 p.m. with no further business to come before the Council motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to adjourn.

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

**MOTION CARRIED UNANIMOUSLY**

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Nancy Depreo  
Mayor

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Jeannie Klein  
City Clerk

City of Diamondhead, MS  
Request for Council Action

TO: Mayor/Council/City Clerk

FROM: S. Finley Ward 1

DATE: 07/10/2023

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED

**ORDINANCE/RESOLUTION CAPTIONS or ISSUE:**

Motion to contribute up to \$40,000.00 for the Dog Park from the General Fund Balance.

**REQUIRED SIGNATURE**

REQUESTED BY:



COUNCIL ACTION:

Approved  Denied  Tabled/Deferred  Info Only Completed:

Agenda Item #2023- 408

City of Diamondhead, MS  
**Request for Council Action**

TO: Members of Council  
FROM: Mayor Depreo

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED

ORDINANCE/RESOLUTION CAPTION:

**ORDINANCE/RESOLUTION CAPTIONS or ISSUE:**

Discussion on whether or not donations that were made for the Diamondhead Dog Park Twin Lakes location can be refunded to the donors as it was stated at a prior city council meeting.

**REQUIRED SIGNATURES**

REQUESTED BY:   
City Manager:   
City Attorney:

COUNCIL ACTION:

Approved  Denied  Tabled/Deferred  Info Only Completed:

**RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO CONGRESSMAN MIKE EZELL'S OFFICE FOR FY2025 U.S. DEPARTMENT OF HOUSING AND UBRAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE.**

**WHEREAS**, the U. S. Department of Housing and Urban Development, is accepting grant applications for funds available through the FY25 Economic Development Initiative (EDI) grant program for investment in road, rail, transit and port projects that have significant local or regional impact; an opportunity to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional Department of Housing and Urban Development programs; and

**WHEREAS**, the City of Diamondhead deems it to be in the best interest of the citizens of the City to seek funds necessary through the EDI grant program for a Commercial District Transformational Project that will include new roadway corridors to support commercial frontage roads, improved traffic flow and connect inaccessible segments of the City.

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI, that:**

SECTION ONE: Jon McCraw, City Manager of the City of Diamondhead, is hereby authorized and directed to submit an application to the U. S Department of Housing and Urban Development FY25 EDI grant program funding, and along with said application, all understandings and assurances contained therein and to provide such additional information as may be required; and

SECTION TWO: The City is requesting two million two hundred thousand dollars (\$2,200,000) through the FY25 EDI grant program funding through the U. S. Department of Housing and Urban Development.

SECTION THREE: Jon McCraw, City Manager of the City of Diamondhead, is hereby authorized to publish any and all necessary notices as applicable in accordance with the guidelines governing the FY25 EDI Grant Program; and

SECTION FOUR: Jon McCraw, City Manager of the City of Diamondhead, is hereby authorized to execute any and all documents necessary and pertinent to the application; and

SECTION FIVE: Jon McCraw, City Manager of the City of Diamondhead, is hereby authorized to execute a grant offer and any other documents necessary to the acceptance and implementation of the program should the project be approved.

**RESOLVED**, this the \_\_\_\_ day of May 2024.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Finley	___	___	___
Councilmember Liese	___	___	___
Councilmember Cumberland	___	___	___
Councilmember Clark	___	___	___
Councilmember Maher	___	___	___
Mayor Depreo	___	___	___

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
JEANNIE KLEIN, CITY CLERK

\_\_\_\_\_  
NANCY DEPREO, MAYOR

(SEAL)

**RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO CONGRESSMAN MIKE EZELL'S OFFICE FOR FY2025 U.S. DEPARTMENT OF HOUSING AND UBRAN DEVELOPMENT ECONOMIC DEVELOPMENT INITIATIVE.**

**WHEREAS**, the U. S. Department of Housing and Urban Development, is accepting grant applications for funds available through the FY25 Economic Development Initiative (EDI) grant program for investment in road, rail, transit and port projects that have significant local or regional impact; an opportunity to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional Department of Housing and Urban Development programs; and

**WHEREAS**, the City of Diamondhead deems it to be in the best interest of the citizens of the City to seek funds necessary through the EDI grant program for a Commercial District Transformational Project that will include new roadway corridors to support commercial frontage roads, improved traffic flow and connect inaccessible segments of the City.

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	Aye	Nay	Absent
Councilmember Finley	___	___	___
Councilmember Liese	___	___	___
Councilmember Cumberland	___	___	___
Councilmember Clark	___	___	___
Councilmember Maher	___	___	___
Mayor Depreo	___	___	___

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
JEANNIE KLEIN, CITY CLERK

\_\_\_\_\_  
NANCY DEPREO, MAYOR

(SEAL)

Resolution # 2024- 021

RESOLUTION AUTHORIZING THE CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE "CITY), TO ACQUIRE, BY ACCEPTANCE OF DONATION BY BRIAN LEBOURGEOIS, AN EASEMENT LOCATED WITHIN THE CITY FOR DRAINAGE PURPOSES

WHEREAS, the City Council (the "Governing Body") of the City of Diamondhead, Mississippi (the "City"), acting for and on behalf of the City, hereby finds and determines as follows:

- 1. The City is in need of acquiring certain easements for drainage purposes that are currently owned by individual property owners.
- 2. The City is authorized to acquire property pursuant to Miss. Code Ann. §21-17-1.
- 3. Brian LeBourgeois has expressed a willingness to convey by donation the easement legally described in the Right of Entry and Permanent Drainage Easement attached hereto as Exhibit "A" to this resolution.
- 4. The City is willing to accept the donation of the aforementioned easement.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will accept the donation of the aforementioned easement as it is necessary for the public good.

SECTION 2. That the Governing Body of the City does hereby authorize the City Attorney to prepare any and all documentation related to the acquisition of the aforementioned easement, for the City Manager to execute any necessary documentation to effectuate the acquisition of the subject easement and to execute the documents on behalf of the City attached collectively hereto as Exhibit "A."

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_ and the question being put to a roll call vote, the result was as follows:

	Aye	Nay	Absent
Councilmember Finley	—	—	—
Councilmember Liese	—	—	—
Councilmember Cumberland	—	—	—
Councilmember Clark	—	—	—
Councilmember Maher	—	—	—
Mayor Depreo	—	—	—

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

(SEAL)

Grantor:

Brian LeBourgeois  
77109 Golf Club Drive  
Diamondhead, MS 39525  
(504) 598-1455

Grantee:

City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525  
(228) 222-4626

Prepared by and Return to:

Derek R. Cusick, Esq.  
Cusick & Williams, PLLC  
Post Office Box 4008  
Gulfport, MS 39502  
(228) 206-3819

**STATE OF MISSISSIPPI**  
**COUNTY OF HANCOCK**

**INDEXING INSTRUCTIONS**

**Part of the Lot 7, Block 2, Unit 7,  
Diamondhead, Phase 1, Hancock  
County, Mississippi  
TITLE NOT EXAMINED**

**RIGHT OF ENTRY AND PERMANENT DRAINAGE EASEMENT**

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, I, Brian LeBourgeois, the owner of the property listed above, hereby grant a Right of Entry and a Permanent Drainage Easement to CITY OF DIAMONDHEAD, MISSISSIPPI for the construction and maintenance of said drainage

easement. The Permanent Drainage Easement shall be described as follows:

See Exhibit "A".

See also attached survey thereto incorporated herein by reference as part of Exhibit "A".

I also hereby further grant a Right of Entry for the property to CITY OF DIAMONDHEAD, MISSISSIPPI, its agents or assigns, for the construction and maintenance of said drainage easement.

I hereby further agree not to construct, plant or place anything within the Permanent Drainage Easement that will interfere with the CITY OF DIAMONDHEAD, MISSISSIPPI=S subservient rights. This Permanent Drainage Easement shall be limited to and for the exclusive use of CITY OF DIAMONDHEAD, MISSISSIPPI, its agents or assigns, for its drainage needs.

Said new drainage easement will be for subsurface drainage to the City's existing drainage easement on Gulf Club Drive.

It is further acknowledged that the drafter of this instrument performed no title search prior to preparing this instrument.

WITNESS my signature on this the \_\_\_\_ day of \_\_\_\_\_, 2024.

BRIAN LEBOURGEOIS

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STATE OF MISSISSIPPI

COUNTY OF HANCOCK

PERSONALLY APPEARED BEFORE ME, the undersigned authority, a notary public in and for the aforesaid jurisdiction, the within named BRIAN LEBOURGEOIS, who acknowledge that he signed, executed, and delivered the above and foregoing instrument on the day and year therein set forth and mentioned.

GIVEN UNDER MY HAND, and official seal of the office this the \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

(SEAL)

**PROPERTY DESCRIPTION**

Item No.5.

Being a 1,250 square feet tract of land situated in the southeast quarter of the northeast quarter of Section 35, and the southwest quarter of the northwest quarter of Section 36, Township 7 South, Range 14 West, Hancock County, Mississippi, and being a portion of that land conveyed to Brian LeBourdeois, as recorded in Deed Book 2022, Page 19746, Deed Records, Hancock County, Mississippi, also being a portion of Lot 7, Block 2, Unit 7, Diamondhead, Phase 1, as recorded in Plat Book A, Page 263, Plat Records, Hancock County, Mississippi, as shown on survey by Paul D. Pitts, Jr., dated April 18, 2024, whose basis of bearings is the Mississippi State Plane Coordinate System, East Zone (2301), NAD 83 (2011 Epoch 2010.00), Geoid 18, grid values, using a scale factor of 0.999981392 and a convergence angle of (Neg) 00 degrees 15 minutes 56.22 seconds as determined specifically for this project using GPS methods from a base station located at N300,836.3650, E828,874.6120 obtained from a USM Network, and being more particularly described as follows:

Commencing at a 3/8 inch iron rod found for the southernmost corner of said Lot 7, having Mississippi State Plane coordinates of N324,836.2540, E818,694.2630, said point being on the north right of way line of Golf Club Drive (50' right of way);

Thence, along said north right of way line and a curve to the right, having a central angle of 00 degrees 28 minutes 29 seconds, a radius of 603.40, an arc length of 5.00 feet, and a chord of 5.00 feet, which bears North 50 degrees 34 minutes 36 seconds East, to a 1/2 inch iron rod set for the Point of Beginning of the herein described tract;

Thence, 5 feet from and parallel with the southwest line of said Lot 7, North 39 degrees 39 minutes 38 seconds West a distance of 125.00 feet, to a 1/2 inch iron rod set on the northwest line of said Lot 7, and being on a curve to the right having a central angle of 00 degrees 47 minutes 12 seconds, a radius of 728.40, and a chord of 10.00 feet, which bears North 51 degrees 07 minutes 34 seconds East;

Thence, along said northwest line of Lot 7 for an arc length of 10.00 feet, to a 1/2 inch iron rod set for corner;

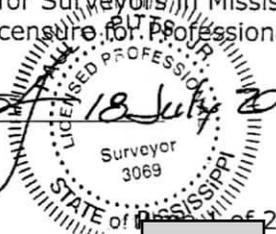
Thence, South 39 degrees 39 minutes 38 seconds East a distance of 125.03 feet, to a 1/2 inch iron rod set on the aforementioned north right of way line of Golf Club Drive, said point being on a curve to the left having a central angle of 00 degrees 56 minutes 59 seconds, a radius of 603.40, and a chord of 10.00 feet, which bears South 51 degrees 17 minutes 20 seconds West;

Thence, along said north right of way line and said curve to the left for an arc length of 10.00 feet, to the Point of Beginning and containing 1,250 square feet of land.

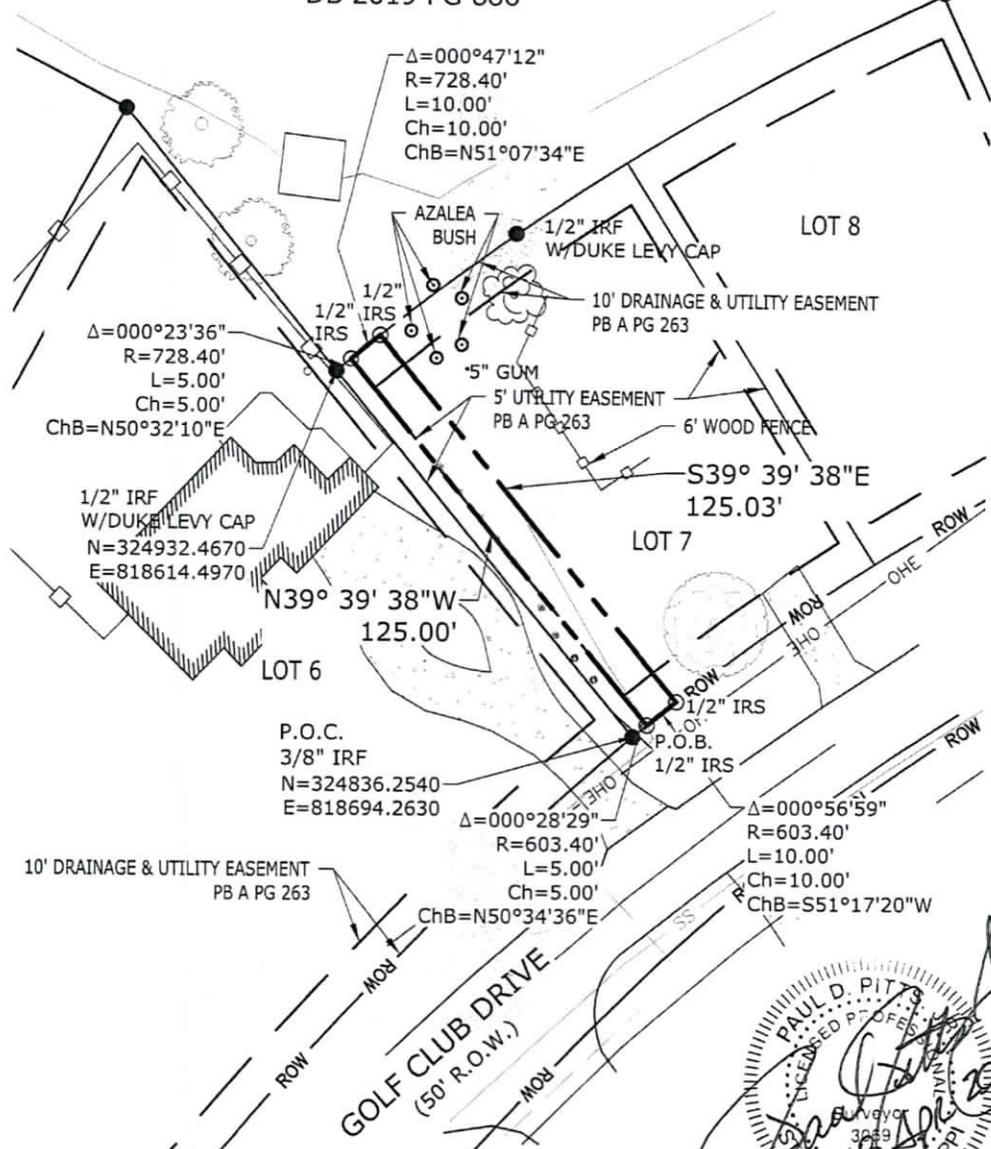
(A plat of even survey date herewith accompanies this description.)

The undersigned, Professional Licensed Surveyor, hereby certifies that the foregoing description and accompanying survey was made on the ground under my direct supervision and meets or exceeds the requirements of the Standards of Practice for Surveyors in Mississippi as adopted by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

*Paul D. Pitts, Jr.*  
Paul D. Pitts, Jr.  
MS PLS No. 3069



STRUCTURES OF  
DIAMONDHEAD, INC.  
DB 2019 PG 886



**GENERAL NOTES**

1. The basis of bearings for this survey is the Mississippi State Plane Coordinate System, East Zone (2301), NAD 83 (2011 Epoch 2010.00), Geoid 18, grid values, using a scale factor of 0.999981392 and a convergence angle of (Neg.) -00 degrees 15 minutes 56.22 seconds determined specifically for this project using G.P.S. methods from a base station located at N300,836.3650, E828,874.6120 obtained by the USM Network.
2. This survey was prepared without the benefit of a Title Search.
3. Date of this Mississippi Standards Class B Survey is April 18, 2024.
4. Reference Material: DB 2008 PG 21972, DB 2019 PG 886, DB 2022 PG 19746, Deed Records, Hancock County, Mississippi and PB A PG 263 Plat Records, Hancock County, Mississippi.

1,250 SQ. FT.  
LOCATED IN SECTION 35  
TOWNSHIP 7 SOUTH, RANGE 14 WEST  
HANCOCK COUNTY, MISSISSIPPI

**COVINGTON**  
CIVIL AND ENVIRONMENTAL  
2300 14TH STREET  
GULFPORT, MISSISSIPPI 39501  
Office: (228)396-0486

# Liquidity Services Operations LLC dba GovDeals

Item No.6.

## Online Auction Memo of Understanding

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This Online Auction Memo of Understanding (MOU) is between Liquidity Services Operations LLC dba GovDeals, a Delaware corporation having its principal place of business at 6931 Arlington Road – Suite 460 – Bethesda, Maryland 20814 and the City of Diamondhead (“Client”), having its principal place of business 5000 Diamondhead Circle – Diamondhead, Mississippi 39525.

- 1.0 Description of Services:** GovDeals provides a means for Client to post assets for sale and for potential buyers to bid on these assets via an online auction system. Although GovDeals provides system access for Client to list assets, GovDeals is not a party to the actual sale and has no control over the listed information or the ability of the buyer and Client to complete the transaction.
- 2.0 GovDeals’ Responsibilities:** In addition to maintaining and operating an online auction system, GovDeals will provide Client with the following services for the period agreed to in **5.0** below:
  - 2.1** Access to a GovDeals online “Seller Asset Management” (SAM), which will allow Client to load assets to the online auction system, maintain information about assets and view and run reports. The SAM will provide Client with the following capabilities:
    - Accept descriptive information concerning an asset including unlimited photos
    - Allow different auction phases based upon dates and times
    - Allow Client to set minimum starting prices, bid increments and reserves
  - 2.2** Training and support services to assist Client in implementing the GovDeals online auction system, which will include:
    - Familiarization with the nature and operation of SAM
    - Guidance in the posting of assets and provide ongoing support
    - Procedures for taking and posting pictures of assets
    - Based on mutual agreement between GovDeals and Client, training and support services will be provided on-site or via telephone or Internet
  - 2.3** Help Desk support available via telephone or email during normal business hours, except announced holidays.
  - 2.4** Provide marketing of assets posted to the online auction site and promote use of the site to potential buyers.
    - Work with Client to identify items that may benefit from marketing attention.
    - Provide documented proof of all marketing efforts made on behalf of Client.
    - Assist in determining values and starting prices for unique and high value assets.
- 3.0 Fees:** The Client pays 0% and the winning bidder pays a 12.50% Buyers Premium.
- 4.0 Payment:**
  - 4.1** GovDeals will collect auction proceeds electronically via PayPal, credit card or wire transfer please review and complete **Exhibit A.**

4.2 Client shall promptly, but no more than fifteen (15) business days after the auction end date, notify GovDeals of any transaction that was not completed. The fees for said transaction shall be credited to Client during the next invoice period.

5.0 **Term of MOU:** This MOU shall commence on the date it is signed by the second party and will continue for a period of twelve months unless otherwise terminated upon sixty days written notice by either party. This MOU shall automatically extend for additional one-year periods, unless either party notifies the other in writing of its intent not to renew at least sixty days prior to the anniversary date.

6.0 **Terms and Conditions:** Please find **Exhibit B** attached as an example of suggested Client Terms and Conditions. At any time during the term of this MOU, Client may modify the Terms and Conditions. Any substitutions or modification must be submitted to GovDeals in writing before posting assets to the GovDeals auction site.

7.0 **Governance:** This MOU will be governed, interpreted, construed and enforced in accordance with the laws of the State of Mississippi.

8.0 **Non-Exclusive Engagement:** This MOU is not exclusive. Client may utilize other approaches, including traditional auctioneer services or sealed bids. However, it is understood and agreed that Client will not utilize other disposal approaches for an asset at the same time the asset is listed on the GovDeals online auction site or sell by some other means to a prior bidder any item currently or previously listed on the GovDeals site for the purpose of avoiding payment of the GovDeals fee. Client agrees to not manipulate or interfere with the bidding process on the GovDeals site.

**This online auction memo of understanding is agreed to by:**

**GovDeals**  
Signature: \_\_\_\_\_  
Print Name: Scott Starcher  
Title: Vice President of Operations  
Date: \_\_\_\_\_

**Client: City of Diamondhead**  
**Signature:** \_\_\_\_\_  
**Print Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**Memo of Understanding Contact:**

Attention: Sales Support  
6931 Arlington Road – Suite 460  
Bethesda, Maryland 20814  
Telephone Number: 866.377.1494  
Fax Number: 334.226.4415  
Email: [salesupport@govdeals.com](mailto:salesupport@govdeals.com)

## EXHIBIT A - Online Auction Memo of Understanding

### Financial Settlement Services (FSS)

It is understood the Client elects GovDeals to collect all proceeds due the Client from the winning bidder and remit the proceeds to the Client less the GovDeals fee

GovDeals will charge the winning bidder a "Buyer's Premium", therefore, the Client is not allowed to charge the winning bidder an additional "Buyer's Premium".

GovDeals will collect all proceeds from the winning bidder, including the "Buyer's Premium" through PayPal, credit card or wire transfer. This is the only means of payment by the bidder.

The Client will not release an asset to the winning bidder until the Client has received verification from GovDeals that payment has been received from the winning bidder. Prior to an item being released to the winning bidder, the Client will ensure the winning bidder or his/her agent has signed a "Bill of Sale" containing the following notation: "Asset is sold as is, where is and without warranty. Once the asset is removed from the seller's premises there is no refund of monies previously paid". The Bill of Sale must be printed from the Seller Asset Management (SAM). Any other "Bill of Sale" used by the Client must be submitted to GovDeals for approval.

No proceeds will be remitted to the Client for any asset sold without verification of payment from GovDeals and verification from the Client the item has been picked up by the winning bidder. Approved payment from the winning bidder through PayPal, credit card or wire transfer will be noted in SAM. It is the Client's responsibility to notify GovDeals when an item has been picked up, which is accomplished by the Client accessing SAM and selecting the "Picked Up" option from the "Paid, not picked up" report.

GovDeals will remit all proceeds collected, less the "Buyer's Premium" and the GovDeals fee to the Client on a weekly basis for all assets marked in SAM as 'Picked Up'. All proceeds will be remitted electronically by Automatic Clearing House (ACH). A detailed backup will be submitted to the Client to support the amount remitted.

Under no circumstance will the Client collect any proceeds directly from the winning bidder and if requested to do so, the Client should refer the winning bidder directly to GovDeals for payment instructions.

GovDeals will absorb all costs of Charge Backs by PayPal or a credit card company where an item is released to the winning bidder after the Client receives proper payment notification from GovDeals, GovDeals receives proper pickup notification from the Client and the Client obtained and retained a signed "Bill of Sale" from the winning bidder.

GovDeals will refund proceeds collected to the winning bidder in those rare occasions where the winning bidder pays for an asset but never picks it up and subsequently convinces PayPal or the credit card company to withdraw the amount from GovDeals' bank account. It is the Client's responsibility to request a credit on the asset paid for but not picked up as soon as the allowable pick up time passes. By taking the credit, it insures GovDeals will not charge the Client a fee and will allow the Client to resell the asset. If the asset is mistakenly placed in 'picked up' status by the Client and GovDeals has remitted payment, the Client agrees to refund this amount back to GovDeals.

A GovDeals' Client Services Representative or a GovDeals Help Desk Representative will train the Client on how to effectively use the Financial Settlement Services feature and provide ongoing support as needed. There are no additional costs to the Client for training and support.

GovDeals is covered by a Crime Insurance Policy with a limit of \$5,000,000, which will protect the Client against any loss of funds.

## Financial Settlement Services (FSS) Remittance Information

**Please complete information below:**

**This section must be completed when submitting the signed MOU back to GovDeals,** as this is where GovDeals Payments to the Client will be made.

Accounting Contact: \_\_\_\_\_  
(Person to receive invoices) Name and Title

E-Mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Please provide the required information:

Name of Bank	
County of Bank	
Name of Client: (Name on bank account)	
Bank Routing Number	
Bank Account Number	
Checking/Savings	

## EXHIBIT B - Online Auction Memo of Understanding

# City of Diamondhead

## Diamondhead, Mississippi

### Online Sales - Terms and Conditions

**All bidders and other participants of this service agree they have read and fully understand these terms and agree to be bound thereby.**

**Guaranty Waiver.** All assets are offered for sale “AS IS, WHERE IS.” City of Diamondhead (Seller) makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.

**Description Warranty.** Seller warrants to the Buyer the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If Seller confirms the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the Seller shall not exceed the actual purchase price of the property. **Please note upon removal of the property, all sales are final.**

**Personal and Property Risk.** Persons attending during exhibition, sale, or removal of goods assume all risks of damage of or loss to person and property and specifically release the Seller and GovDeals from liability therefore.

**Consideration of Bid.** Seller reserves the right to reject any and all bids and to withdraw from sale any of the assets listed at any time until the Seller has received payment in full for the assets and Buyer has removed the assets from the Seller's premises in their entirety.

**Buyer's Certificate.** If applicable, successful bidders will receive a Buyer's Certificate by email from GovDeals as their notice of award.

**Buyer's Premium & Additional Fees.** If a Buyer's Premium and/or Additional Fees are shown on the auction page Bid Box, then that amount (expressed as a percentage of the final selling price or a specified amount) will be added to the final selling price of all items in addition to any taxes imposed.

**Payment.** Payment in full is due not later than **5 business days** from the time and date of the close of the auction. Please refer to the payment instructions listed on the auction page for complete payment terms and methods. Please refer to the Bid Box for all fees and taxes that may be associated with the auction.

**State/Local Sales and/or Use Tax.** Buyers may be subject to payment of State and/or local sales and/or use tax. Please review the Payment Instructions for all information related to Sales Tax and Tax Exemptions.

**Removal.** All assets must be removed within **ten (10) business days** from the time and date of the close of the auction. Purchases will be released only upon receipt of payment as specified. Successful buyers are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Seller** assume responsibility for packing, loading or shipping. See instructions on each auction page for complete removal details. A daily storage fee of \$25.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

**Vehicle Titles.** **Seller** will issue a title or certificate upon removal of the vehicle. Titles may be subject to restrictions as indicated in the asset description on the website.

**Approval.** Some Auctions/Sales are subject to Seller approval prior to award to the high bidder. Please review the auction/sale page for full terms of the sale and whether the final bid/sale is subject to approval.

**Default.** Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. **Seller** reserves the right to reclaim and resell all items not removed by the specified removal date.

**Acceptance of Terms and Conditions.** By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are available for review in the bid box at the top of each page of each asset listed on **GovDeals**. Specific Instructions (Payment, Removal, and Special) appearing on the asset page will override certain sections of these Terms and Conditions.

**Sales to Employees.** Employees of the **Seller** may bid on the property listed for auction, so long as they do NOT bid while on duty.



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April 23, 2024

Mr. Jon McCraw  
City Manager  
City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525

**Re: Change Order #2  
Commercial District Transformation Project Phase I  
Bottom 2 Top Construction, LLC**

Dear Mr. McCraw:

For consideration by the Council, I have enclosed Change Order #2 for this project.

The justification for the Change Order is based on the following:

- Paver quantity is reduced based on utilizing a smaller common paver size and therefore less area of pavers is required.
- Poor quality soils and groundwater have been encountered requiring the use of geotextiles and french drains.
- A casing for the gravity sewer was needed for utility protection due to the channel excavation and resulting reduction in buried depth to the utility.

These updated quantities are shown on the enclosed Summary of Amended Quantities and Totals

Based on this Change Order, the Contract Value will be a net decrease of \$300.08 resulting in a new total of \$4,135,461.48.

This Change Order also serves to increase Contract Time by 39 days to account for the weather delays experienced to date resulting in a Substantial Completion date of July 10, 2024.



Therefore, I recommend that the Council approve this Change Order #2.

Should you have any questions, please do not hesitate to contact me at 228-396-0486 or [andrew@ccellc.us](mailto:andrew@ccellc.us).

Sincerely,

**COVINGTON CIVIL & ENVIRONMENTAL, LLC**

Andrew Levens, P.E.  
*Engineering Manager*



4/23/2024

Enclosures: Change Order 2 Signed  
Summary of Amended Quantities and Totals

**CHANGE ORDER**

**OWNER:**  
City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525

**CHANGE ORDER NO.** 2  
**DATE:** April 22, 2024

**CONTRACTOR:**  
Bottom 2 Top, Inc.  
16708 Hwy 67  
Biloxi, MS 39532

**ENGINEER:** Covington Civil &  
Environmental  
**PROJECT:** Commercial District  
Transformation Project Ph I

**SUMMARY:**

This change order serves to adjust the Contract Amount.

Paver quantity is reduced based on utilizing a smaller common paver size and therefore less area of pavers is required.

Poor quality soils and groundwater have been encountered requiring the use of geotextiles and french drains.

A casing for the gravity sewer was needed for utility protection due to the channel excavation and resulting reduction in buried depth to the utility.

Time is being added to the contract to account for weather delays experienced to date.

A detailed summary of the quantity adjustments is included with this Change Order.

The Net Change to the Contract Amount will therefore be minus. (\$300.08)

**THE CONTRACT IS AMENDED AS SHOWN BELOW:**

**(Not valid until executed by the Owner, Engineer, and Contractor)**

The original Contract Sum:	\$4,173,187.31
Net Change by previously authorized Change Orders:	(\$37,425.75)
The Contract Sum prior to this Change Order was:	\$4,135,761.56
The Contract Sum will now Change (-):	(\$300.08)
The New Contract Sum including this Change Order will be:	\$4,135,461.48
The original Contract Time:	9/5/2023
Net Change by previously authorized Change Orders:	0
The Date of Substantial Completion prior to this Change Order:	6/1/2024
The Contract Time will now Change by (+) days:	39
The New Date of Substantial Completion will be:	7/10/2024

<b>CONTRACTOR:</b>	<b>ENGINEER:</b>	<b>OWNER:</b>
By: <u>Joseph R. Ruffolo</u>	By: <u>Andre Perce</u>	By: _____
Date: <u>4-23-24</u>	Date: <u>4/23/2024</u>	Date: _____

**COMMERICAL DISTRICT TRANSFORMATION PROJECT PHASE I**  
**CITY OF DIAMONDHEAD**  
**CITY PROJECT NUMBER: 00229406**  
**CHANGE ORDER #2**  
**SUMMARY OF AMENDED QUANTITIES AND TOTALS**

Bid Item No.	Description	Contract Information				Amended Quantities				DELTA
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	INCREASE	DECREASE	NEW QUANTITY	NEW EXTENSION (\$)	
<b>Original Contract</b>						<b>AMENDED QUANTITIES</b>		<b>CONTRACT REVISIONS</b>		
L00091	STONE PAVERS, PER PLANS	14,869	SF	\$ 22.20	330,091.80		(2,000.00)	12,869.00	285,691.80	(44,400.00)
CO2-1	16" SPLIT STEEL CASING	-	LS	\$ 4,777.10	-	1.00		1.00	4,777.10	4,777.10
CO2-2	GEOTEXTILE FABRIC	-	LF	\$ 9.66	-	950.00		950.00	9,177.00	9,177.00
CO2-3	GEOTEXTILE GRID	-	LF	\$ 10.06	-	950.00		950.00	9,559.38	9,559.38
CO2-4	ELECTRICAL PULL BOX RELOCATION	-	LS	\$ 1,061.45	-	1.00		1.00	1,061.45	1,061.45
CO2-5	6" PERFORATED PIPE WITH STONE AND FABRIC	-	LF	\$ 35.50	-	550.00		550.00	19,525.00	19,525.00

TOTAL CONTRACT CHANGE (DECREASE) (300.08)

# CITY OF DIAMONDHEAD

## SEASONAL EMPLOYMENT

I. PURPOSE

The City of Diamondhead desires to establish a seasonal employment program. Program benefits include, but are not limited to, 1) the opportunity for young adults to gain work experience, skills, work habits and increase family income; 2) allow the City to employ additional workforce on a temporary basis.

II. POLICY

The Seasonal Employment Program shall begin April 1 and end August 31. Any employee hired pursuant to the Seasonal Employment Program shall be classified as temporary, subject to Fair Labor Standards Act and subject to employment processing in the same manner as full-time employees, unless otherwise indicated herein:

- a. Seasonal Employees shall be 17 year of age or older on or before the first day of employment and shall be a full-time student enrolled in high school and/or college-level study.
- b. Prospective Seasonal Employees shall not be subject to criminal background inquiry but rather must provide two (2) letters of recommendation from non-family adults (school administrator, teacher, neighbor, family friend, etc.)
- c. Applicants must be in good academic standing and shall adhere to all applicable policies, including but not limited to, conduct and social media, in the same manner as full-time employees.
- d. Seasonal employees are not eligible for voluntary or involuntary benefits.

Seasonal Employment Program  
Proposed to Council 5/7/2024

- e. Seasonal Employees are permitted to work up to, but in no case exceed, 40 work hours weekly.
- f. Employees hired pursuant to this policy shall not operate city-owned vehicles and other equipment exclusive of lawnmowers and other lawn care equipment.
- g. Seasonal Employees shall be paid an hourly rate established by the City Manager and approved by the City Council. Compensation shall be made to Seasonal Employees for actual hours worked; there shall be no compensation for holidays, sick leave, vacation leave or instances in which the City has delayed, released early or cancelled work due to acts of nature or any other unforeseen event.

FEDERAL PURCHASING AND PROCUREMENT

City of Diamondhead

The City of Diamondhead, shall strictly adhere to guidance and rules outlined by the Office of Management and Budget (OMB). Contracts funded with federal grant or loan funds shall be procured in a manner that conforms with all applicable Federal laws, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200).

This includes, but it not limited to, the following:

2 CFR Part 200-318; General Procurement Standards

2 CFR Part 200-319: Competition

2 CFR Part 200-320: Methods of Procurement to be Followed

2 CFR Part 200-321: Contracting with Small and Minority Businesses, Women's Business Enterprises and Labor Surplus Area Firms

2 CFR Part 200-322: Domestic Preferences for Procurement

2 CFR Part 200-323: Procurement of Recovered Materials

2 CFR Part 200-324: Contract Cost and Price

2 CFR Part 200-325: Federal Award Awarding Agency or Pass-through Entity Review

2 CFR Part 200-326: Bonding Requirements

2 CFR Part 200-327: Contract Provisions

**EXHIBIT "C"****WORK ASSIGNMENT  
WORK ASSIGNMENT NO 30**

PROJECT NUMBER: - Traffic Engineer Services FY 2024

This Work Assignment is executed in accordance with the Master Services Agreement entered into by the City of Diamondhead, Mississippi and Covington Civil and Environmental, LLC on the 29<sup>th</sup> day of October 2021.

WHEREAS, each of said parties represents that it continues to have authority to execute this Work Assignment and that all certifications previously made in said Agreement remain in effect;

NOW THEREFORE, the parties hereto do further contract and agree to add the following items of work to the above Agreement under the additional terms and conditions as are hereinafter stated:

SPECIFIC SCOPE OF WORK FOR THIS WORK ASSIGNMENT OR  
PHASE

The City of Diamondhead has the need for a traffic engineer to provide periodic engineering services when requested by the City Manager. Services will include but will not be limited to surveying, studies, design and reporting. When services are requested, the engineer shall submit a task order form (attached) which will identify the scope and budget of services.

The engineer has not and will not, unless specifically directed by the City Manager, reviewed traffic installation and proper timing and maintenance of traffic control devices, conducted engineering analyses of traffic accidents and devise remedial measures, conducted engineering investigations of traffic conditions, planned the operation of traffic on the streets, roadways and highways of the city for the purpose of making recommendations to the board of mayor and councilmen in regard thereto, to cooperate with other city officials in the development of ways and means to improve traffic conditions. Furthermore, Covington is not liable and does not accept responsibility for existing or future traffic conditions throughout the City of Diamondhead outside of any task order issued under this agreement.

WORK ASSIGNMENT TERM [No new Work Assignments shall be executed after *September 30, 2024.*]

This WORK ASSIGNMENT shall be effective upon the latest date of execution hereof and continue until *September 30, 2024*, at 11:59 P.M. CDT.

**DBEGOAL**

*The DBE goal established for this Work Assignment shall be 0 %*

**KEY PERSONNEL**

CITY

CONSULTANT PROJECT  
MANAGER: (Certified as a  
Professional Engineer to do  
business in the State of Mississippi)

Jon McCraw, City Manager

Ben Benvenuti, P.E., Principal Engineer

**MAXIMUM ALLOWABLE COST**

Contract Maximums:

Under no circumstances shall the amount payable by the City for this assignment exceed \$20,000.00 (Total of all Charges) without the prior written consent of both parties.

Both parties hereto represent that they have authority to enter into Work Assignment No. 30, as "Exhibit C" of the Agreement executed by and between the City and Engineer to which is now made a part of said Agreement.

SO EXECUTED AND AGREED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ -

City of Diamondhead

\_\_\_\_\_  
Signature

Covington Civil and Environmental



\_\_\_\_\_  
Signature

WITNESS this my signature in execution hereof, this the \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST: \_\_\_\_\_

**TASK ORDER REQUEST  
CITY OF DIAMONDHEAD**

Date: \_\_\_\_\_

Description of Requested Work:

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To be provided by Engineer (Use additional sheets if needed)

Cost of Work: \$ \_\_\_\_\_

Estimated Date of Completion \_\_\_\_\_

Engineer's Signature \_\_\_\_\_

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Information to be provided by Owner

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Deliverable to be provided by Engineer

Date Accepted: \_\_\_\_\_ Owners Signature: \_\_\_\_\_



## Timeline for **FY2025** Budget

Date	Action
May 2 -31	Meet with department heads to discuss current budget and future needs
May 7	Adopt timeline for FY25 Budget process; (Regular Council Meeting)
June 18	City Manager -FY24 Year End Projections and FY25 Proposed Budget (Regular Council Meeting)
July 2	Budget Workshop to discuss/formulate FY25 Budget (5:00/5:30 p.m. Recess Meeting)
July 16,	if necessary, Workshop to discuss/formulate FY25 Budget (5:00 /5:30 p.m. Recess Meeting)
August 6	Council <b>accepts</b> FY25 Budget/authorizes necessary publications & hearing (Regular Council Meeting)
August 8	First Advertisement for Public Hearing ( <i>§27-39-203</i> ) <ul style="list-style-type: none"> <li>• Advertise the adoption of the tax levy</li> <li>• Meeting must be set after business hours</li> <li>• Meeting must not be the same time as any other taxing entity in the county</li> </ul>
August 15	Second Advertisement Public Hearing ( <i>§27-39-203</i> )
August 20	Public Hearing (Regular Meeting) <ul style="list-style-type: none"> <li>• Accept FY25 Budget</li> <li>• Adopt/Set Millage by Resolution (<i>§21-33-45</i>)</li> <li>• Immediately send certified copy of resolution to county tax collector and state tax commission; certified copy of resolution must be available to the public (<i>§21-33-47</i>)</li> <li>• Announce Date of Adoption of FY25 Budget to be September 3, 2024; announcement must be a part of the agenda</li> </ul>
Sept 3	Meeting to Adopt the FY25 Budget ( <i>§21-35-5 &amp; §21-33-47</i> ) (Regular Council Meeting) <ul style="list-style-type: none"> <li>• Give public notice of availability of FY25 Budget for inspection; include as announcement on the <b>August 6<sup>th</sup> &amp; 20<sup>th</sup></b> Meeting Agenda</li> <li>• Publish Resolution in paper within 10 days after adoption (<i>§21-33-47</i>)</li> </ul>

**\* NOTE -ALL DATES ARE DETERMINED APPLYING STATE STATUTE SET FOR NO INCREASE IN MILLAGE \***

BUDGET WORKSHOPS scheduled for Recess Meetings beginning at 5:00 p.m. or 5:30 p.m. immediately preceding the Regular Meeting.

**City of Diamondhead**  
**Budget Adjustments**  
**For the Fiscal Year Ending September 30, 2024**

<b>Budget Entry</b>				<b>Adjustment Amount</b>		
<u>No. (InCode)</u>	<u>Account</u>	<u>Account Name</u>	<u>Acct Type</u>			<u>Description</u>
2024-001	001-000-354.00	Other Revenue	Revenue	-		
	001-301-912.00	Capital Outlay Streets & Drainage	expense	88,641.75	(97,641.75)	Makiki Dr. Performance Bond Claim
	001-301-602.00	Professional Fees-Engineering	expense	9,000.00		Makiki Drive Post Claim Project completion
	001-301-602.00	Professional Fees-Engineering	expense	7,500.00		Standard Specs and Drawings Agreement
	001-301-602.00	Professional Fees-Engineering	expense	18,800.00		Standard Specs and Drawings Agreement
	001-301-602.00	Professional Fees-Engineering	expense	20,000.00		Gex Drive Lighting
	001-301-602.00	Professional Fees-Engineering	expense	20,000.00		Unit Price Contract Agreement
	001-301-602.00	Professional Fees-Engineering	expense	20,000.00		City Traffic Engineer
	001-301-602.00	Professional Fees - Engineering	expense	35,000.00		On-Call Services
					(101,300.00)	Reduce FY24 Fund Balance
				198,941.75	(198,941.75)	



**City of Diamondhead, MS**  
 5000 Diamondhead Circle  
 Diamondhead, MS 39525

### Equipment Disposition Request

Department : Public Works

Fixed Asset #	Description of Item	QTY Dipped	Month/Yr Purchased	Asset Tag #	Unit Cost	Net Asset Value	Equipment Condition	Recommended Disposition Method/Action
071	Single Axle Trailer	1	11/2022	071	0.00	0.00	F	on-line auction
394	Kobelco Excavator	1	12/2016	359	1,450.00	100,000.00	G	on-line auction
402	2017 Kaufmann 30' ft trailer	1	12/2016	366	19,875.00	12,000.00	G	on-line auction
403	International 7500 Dump Truck	1	02/2017	367	94,200.00	65,000.00	G	on-line auction
086	Bush Hog 2610 Legend Batwing Mower	1	01/2024	086	1,300.00	0.00	P	on-line auction
522	John Deere Mower Z997R	1	11/2019	522	19,619.00	0.00	P	on-line auction
267	Kobata Mower 326 RP-60" EQ035	1	03/2015	255	11,500.00	0.00	P	on-line auction
266	Kobata Mower 100" Flex Deck EQ036	1	03/2015	254	28,600.00	0.00	P	on-line auction
336	John Deer Gator TS PR15	1	03/2015	317	6,822.00	0.00	P	on-line auction

Approval Signature

Date

Department Head : \_\_\_\_\_

FA Coordinator : \_\_\_\_\_

City Manager : \_\_\_\_\_

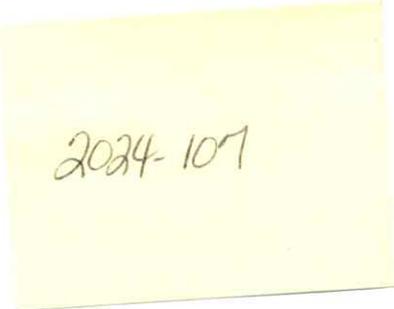
*Handwritten signature of Jamie Klein*

4/30/24

**Physical Condition Guide:**

- P - Poor
- F- Fair
- G- Good
- E- Excellent

FIRE PROTECTION AGREEMENT  
BETWEEN  
CITY OF DIAMONDHEAD, MISSISSIPPI,  
HANCOCK COUNTY BOARD OF SUPERVISORS  
AND  
THE DIAMONDHEAD FIRE DISTRICT



The City of Diamondhead and Hancock County, recognizing the necessity and wisdom of cooperation in fire protection, do hereby agree to assist each other as described below and in furtherance to and pursuant to the terms of the Interlocal Cooperation Agreement between the City of Diamondhead and Hancock County.

The Diamondhead Fire District of Diamondhead, Mississippi provides fire protection services to the residents of the City of Diamondhead, and recognizes that fire protection to such residents and areas of Diamondhead is best provided at this time by cooperative agreements between fire protection districts and municipalities, State agencies other entities located within the County.

The Diamondhead Fire District agrees to respond to fires in the City of Diamondhead corporate limits as well as other agreed response areas established by the parties hereto and shown on map maintained by the Diamondhead Fire District Fire Chief. The geographic area shall hereafter be referred to as the "agreed response area". It is understood between the parties that, except as otherwise hereafter provided, the Diamondhead Fire District has a first responsibility to provide fire protection to its Diamondhead municipal residents. The Diamondhead Fire District further agrees to respond to rural fires beyond the agreed response area as it feels necessary and proper.

In accordance with the provisions of the Mississippi Code, the Hancock County Board of Supervisors has appointed the Hancock County Emergency Management Director as County Fire Coordinator to act as a liaison between the City of Diamondhead, Diamondhead Fire District, State Coordinator, the Commissioner of Insurance and The State Rating Bureau and entities providing fire protection services to City of Diamondhead, including the City signatory to the contract. This duties of the Fire Coordinator include administrative functions, including securing of documents and reports necessary to secure rebate funds through the Department of Insurance. City of Diamondhead, Diamondhead Fire District and Hancock County Board of Supervisors agree the County Fire Coordinator shall be the initial County representative for receipt of documents and reports required hereunder related to inspection, maintenance and use of fire equipment, and for certificates of insurance and other documentation required by the Commissioner of Insurance for release of fire rebate funds.

In return for provision of fire protection services for the residents of the corporate city limits of Diamondhead, the governing body of the City of Diamondhead agrees to transfer to the Hancock County Board of Supervisors all annual insurance rebate allocations which funds shall be earmarked and solely expended for the support, operation, maintenance and equipping of the Diamondhead Fire District for

the purpose of providing fire protection within the corporate limits of the City of Diamondhead; as is provided by State Law under the provision of Section 83-1-39 of the Mississippi Code. The Diamondhead Fire District and the Hancock County Board of Supervisors further agree to follow and comply with guidelines established by the Commissioner of Insurance in the compliance with Section 45-11-7 of the Mississippi Code, and to establish and maintain a system of record keeping and reports related to the receipt and expenditure of fire protection funds, the training of fire personal and the submission of other data reasonably related to local fire protection responsibilities. Such information and reports shall be provided on a monthly basis to County Fire Coordinator.

Date: _____	City of Diamondhead, Mississippi BY: _____ Nancy Depreo, Mayor
DATE: _____	Hancock County Board of Supervisors BY: _____ Scotty Adam, Board President
DATE: _____	Diamondhead Fire District BY: _____ Board President
DATE: _____	Approved _____ Commissioner of Insurance



**Michael Watson**  
SECRETARY OF STATE

**Via USPS Mail & Email**

[Jason@chiniche.com](mailto:Jason@chiniche.com)  
Jason Chiniche  
407 Highway 90  
Bay St. Louis, MS 39520

May 2, 2024

Re: Proposed Public Trust Tidelands Lease  
City of Diamondhead, Mississippi  
(Montjoy Creek Bird Observatory) (Rotten Bayou – Diamondhead, Hancock County, MS)

Dear Mr. Chiniche:

Enclosed please find the proposed rent exempt Lease to the City of Diamondhead, MS for the area of Public Trust Tidelands and submerged lands supporting the Montjoy Creek project. Many of the provisions of the lease are standard or required by statute; other terms are particular to the City of Diamondhead's use. The lease term is 40 years beginning May 1, 2024, with an option to renew for an additional 25 years.

Please have the appropriate City of Diamondhead representative execute the document and return it to our Biloxi office located at 1141 Bayview Avenue, Suite 120, Biloxi, MS 39530. Our office will forward to Jackson for signatures and submit the document for recording.

Thank you for your courtesy and cooperation throughout this process. Should you have any questions, please contact me.

Sincerely,

RAYMOND D. CARTER  
Assistant Secretary of State  
for the Gulf Coast

/klf

Encl.

Cc: Jon McCraw, City of Diamondhead, MS – City Manager (Via Email)  
[Jmccraw@diamondhead.ms.gov](mailto:Jmccraw@diamondhead.ms.gov)

**T-03681 (DMR #22-000027)**

DO NOT WRITE ABOVE THIS SPACE	
<p><b>Document Prepared by</b></p> <p>Office of the Secretary of State  Raymond D. Carter  Assistant Secretary of State for the Gulf Coast  1141 Bayview Avenue  Suite 120  Biloxi, MS 39530  (228) 432-0541</p> <p><input type="checkbox"/> Not a Mississippi Attorney  <input checked="" type="checkbox"/> Mississippi Attorney Bar No. 8444</p>	<p><b>Return Original Document to</b></p> <p>Office of the Secretary of State  1141 Bayview Avenue  Suite 120  Biloxi, MS 39530  (228) 432-0541</p> <p><i>If left blank, original document will be returned to document preparer.</i></p>
<p><b><u>PUBLIC TRUST TIDELANDS LEASE</u></b>  <b>CITY OF DIAMONDHEAD, MISSISSIPPI</b>  <b>(Montjoy Creek Bird Observatory)</b>  <b>(Rotten Bayou – Diamondhead, Hancock County, Mississippi)</b></p>	
<p><b>Lessor</b></p> <p><b>State of Mississippi</b>  c/o Secretary of State  Public Lands Division  Post Office Box 136  Jackson, Mississippi 39205-0136  (601) 359-1350</p>	<p><b>Lessee</b></p> <p><b>City of Diamondhead, Mississippi</b>  By the City Council  c/o <del>Mayor</del> <i>City Manager</i>, City of Diamondhead, Mississippi  5000 Diamondhead Circle  Diamondhead, Mississippi 39525  (228) 222-4626</p>
<p><b>Indexing Instructions</b></p> <p>Section 34, Township 7 South, Range 14 West, City of Diamondhead, Hancock County, Mississippi.</p>	
<p>This document contains <u>16</u> pages with the cover page(s) included as an integral part of the document.  If there is not enough space for all required information on this page, continue to the next page.</p>	

**PUBLIC TRUST TIDELANDS LEASE**  
**CITY OF DIAMONDHEAD, MISSISSIPPI**  
**(Montjoy Creek Bird Observatory)**  
**(Rotten Bayou – Diamondhead, Hancock County, Mississippi)**

THIS AGREEMENT is made and entered into this the 1st day of May 2024, by and between:

THE STATE OF MISSISSIPPI, by and through the  
Secretary of State  
Public Lands Division  
125 S. Congress Street  
Suite 1600  
Jackson, Mississippi 39201  
Telephone: (601) 359-1350

with approval of the Governor (‘‘STATE’’ or ‘‘LESSOR’’)

And

CITY OF DIAMONDHEAD, MISSISSIPPI  
By the City Council  
*City Manager*  
c/o Mayor, City of Diamondhead, Mississippi  
5000 Diamondhead Circle  
Diamondhead, Mississippi 39525  
Telephone: (228) 222-4626

‘‘LESSEE’’

**WITNESSETH:**

PURSUANT to the authority of Miss. Code Ann. §29-1-107 (as amended), and §29-15-13 (as amended) STATE hereby leases to City of Diamondhead, Mississippi, and City of Diamondhead, Mississippi does hereby lease the following described submerged lands, fastlands, or tidelands, hereinafter referred to as LEASE PREMISES, to-wit:

A parcel of State-owned submerged lands, fastlands, or tidelands containing approximately 1,600 square feet, (0.03673095 acres), more or less, and located within the described area in Section 34, Township 7 South, Range 14 West, Hancock County, Mississippi, along Rotten Bayou, in the City of Diamondhead, Hancock County, Mississippi; and further illustrated and depicted as areas on the Project Location Map attached hereto as Exhibit ‘‘1’’ (1 Page), S.O.S. Lease Survey attached hereto as Exhibit ‘‘2’’ (1 Page), and Easement Exhibit of Montjoy Creek Natural Trail attached hereto as Exhibit ‘‘3’’ (1 Page) provided by LESSEE and incorporated as a part of this LEASE.

**1. TERM.**

1.1 The PRIMARY TERM of this lease shall be for forty (40) years, beginning on the

1st day of May 2024, and terminating on the 30th day of September 2064.

1.2 At the expiration of the PRIMARY TERM, LESSEE shall have the right to extend LEASE for a SECONDARY TERM of an additional twenty-five (25) years.

1.3 At the expiration of the SECONDARY TERM, LESSEE shall have the prior right, exclusive of all others to re-lease LEASE PREMISES subject to terms and provisions consistent with this LEASE, or as may then be agreed upon by STATE and LESSEE.

**2. USE OF LEASE PREMISES**

2.1 LESSEE will use LEASE PREMISES for the purpose of a timber piling supported two story observatory deck and any other use permitted by Mississippi Statute except as may be limited by this LEASE, all of which shall serve a higher public purpose of promoting the public access to and public use of the public trust tidelands, fastlands, and submerged lands and the waters of the State of Mississippi.

2.2 STATE and LESSEE agree gaming operations and casinos (Gaming) are not a permitted USE under the terms of LEASE.

**3. CONSIDERATION.**

3.1 LESSEE and STATE agree LEASE PREMISES contains approximately 1,600 square feet, (0.03673095 acres), more or less, of submerged lands, fastlands, and tidelands, as are more fully described on Exhibits "1," "2," and "3" attached to this LEASE and made a part hereof.

3.2 LESSEE shall be exempt from use or rental fees pursuant to Miss. Code Ann. §29-15-13 (as amended).

**4. TRANSFERABILITY OF LEASE.**

4.1 Except for USES, LESSEE shall not transfer its rights or obligations under LEASE.

**5. PUBLIC ACCESS**

5.1 LEASE PREMISES will be operated subject to rules and regulations LESSEE determines reasonably necessary to ensure the safety and convenience of USE and normal operations.

**6. DEFAULT.**

6.1 In the event of a claimed default of a term, provision, covenant or condition of LEASE, the aggrieved Party shall give written notice to the other Party of the alleged default. The Parties shall have three hundred sixty-five (365) days from receipt of the written notification to negotiate a resolution or seek a judicial determination of the existence of the default(s). Should

neither Party seek a judicial determination, the aggrieved party may cancel the LEASE.

**7. IMPROVEMENTS, MAINTENANCE AND FUTURE DEVELOPMENT.**

7.1 STATE acknowledges improvements which exist on LEASE PREMISES on the effective date of LEASE, or which may be constructed on LEASE PREMISES by LESSEE under the terms of LEASE are not property of STATE unless forfeited pursuant to Paragraph 25.

7.2 STATE and LESSEE share in the public interest in establishing and maintaining an attractive view of the waterfront on the Mississippi Sound.

**8. ZONING.**

8.1 All zoning, and related permits, variances or exceptions must support USE.

**9. RESTRICTIONS.**

9.1 LESSEE shall not construct any structure on State property adjacent to or adjoining LEASE PREMISES.

9.2 LESSEE shall maintain LEASE PREMISES in a clean and orderly condition and keep the structures and equipment located thereon in a good state of repair.

**10. FEE SIMPLE TITLE.**

10.1 Fee simple title to LEASE PREMISES is vested in STATE.

10.2 LEASE does not authorize use of adjoining STATE held Public Trust Tidelands.

**11. CATASTROPHIC DESTRUCTION.**

11.1 In the event of catastrophic destruction to LESSEE owned improvements on LEASE PREMISES, LESSEE may cancel LEASE, provided LESSEE removes all debris from the LEASE PREMISES.

11.2 In the event of catastrophic destruction to LESSEE owned improvements on LEASE PREMISES, LESSEE may restore or replace any portion of such improvements lost or damaged, but LESSEE shall not be obligated to do so.

11.3 STATE reserves the right to cancel LEASE with three hundred sixty-five (365) days' written notice unless LESSEE notifies STATE within five (5) years after catastrophic destruction of its intent to rebuild. If within three hundred sixty-five (365) days of receiving written notice of cancellation, LESSEE provides STATE with a notice of intent to rebuild and resume permitted USE of LEASE PREMISES and undertakes and continues, without unreasonable delay, work to rebuild and resume USE, then STATE shall not cancel AMENDED LEASE.

11.4 If LEASE is canceled by STATE under this Paragraph, LESSEE will remove all debris from LEASE PREMISES.

11.5 The parties agree LESSEE’S ability to rebuild after catastrophic damage to improvements depends on availability of federal funding. The timing of the availability of that funding for reconstruction is beyond the control of either party. For purposes of this Paragraph the time beginning when LESSEE files for federal funds or grants for the reconstruction of LEASE PREMISES improvements to the time the federal government either grants or denies funding, LESSEE shall be considered to have undertaken work to rebuild and resume use.

**12. PROTECTION OF LEASE PREMISES.**

12.1 LESSEE shall exercise due diligence to protect LEASE PREMISES.

**13. QUIET AND PEACEFUL POSSESSION.**

13.1 LESSEE shall have quiet and peaceful possession of LEASE PREMISES subject to the provisions of this LEASE and applicable Mississippi law.

**14. RIGHT OF ENTRY AND INSPECTION.**

14.1 STATE’S authorized representative shall have the right to enter LEASE PREMISES to verify compliance with the LEASE terms and provisions.

14.2 LESSEE grants STATE ingress and egress to LEASE PREMISES in, over, across and through LESSEE owned or controlled uplands for the purpose of this Paragraph.

**15. STATE NOT RESPONSIBLE.**

15.1 Subject to Paragraph 16, STATE is not responsible for LESSEE’S use of LEASE PREMISES.

**16. LEASE LIABILITY.**

16.1 STATE and LESSEE are subject to The Mississippi Tort Claims Act (Miss Code Ann.§ 11-46-1 et seq.). Nothing in this LEASE will be construed to conflict with the Act.

16.2 LESSEE may maintain during the LEASE term insurance against accidents, death, bodily injury, or loss or damage to property occurring on or in connection to LEASE PREMISES in a coverage amount LESSEE deems appropriate.

**17. RELIANCE.**

17.1 In executing this LEASE, STATE is relying on a legal description, survey, and/or map depiction (See Exhibit “1,” Exhibit “2,” and Exhibit “3”) provided by or adopted by the LESSEE.

**18. RESERVATION OF MINERAL RIGHTS.**

18.1 LEASE does not include mineral, oil, gas, coal, lignite, or other subterranean rights.

**19. WAIVER NOT A DISCHARGE.**

19.1 No failure, or successive failures, on the part of STATE or LESSEE to enforce any term or provision of LEASE, nor any waiver or successive waivers by STATE or LESSEE of any term or provision of LEASE, shall operate as a discharge thereof or render the same inoperative or impair the right of STATE or LESSEE to enforce the same in the event of subsequent or continuing breach or breaches or upon any renewal thereof.

**20. NOTICE.**

20.1 All notifications or submissions required under the terms of this LEASE shall be made by U.S. Mail, or by rapid delivery courier service to the parties at the following addresses:

Secretary of State:	Public Lands Division  (By U. S. Mail) Post Office Box 136 Jackson, MS 39205-0136  (By Courier) 401 Mississippi Street Jackson, MS 39201  Telephone: (601) 359-1350 Facsimile: (601) 359-1461
---------------------	--

City of Diamondhead:	c/o <del>Mayor</del> <i>City Manager</i>  (By U. S. Mail or Courier) 5000 Diamondhead Circle Diamondhead, MS 39525  Telephone: (228) 222-4626
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20.2 Notices shall be effective upon receipt by the receiving party. On written request, STATE and LESSEE agree they will promptly acknowledge in writing receipt of a notice received.

20.3 STATE or LESSEE may change the identity of the party designated to receive notices by delivering notification of change in the manner provided in this Paragraph.

**21. LAWS OF MISSISSIPPI TO GOVERN.**

21.1 The laws of the State of Mississippi shall govern:

- (a) LEASE interpretation and performance.
- (b) Jurisdiction and venue.

**22. INVALIDATION OF TERM.**

22.1 In the event of invalidation of any material LEASE provision by a final, non-appealable court judgment or order, within ninety (90) days of entry of such judgment or order, STATE or LESSEE may renegotiate LEASE on mutually agreeable terms not in conflict with the judgment or order.

**23. CANCELLATION FOR ABANDONMENT OF USE.**

23.1 Except as provided in Paragraph 9, if LESSEE abandons all permitted USE of LEASE PREMISES for a period of more than five (5) years, then STATE may cancel LEASE on three hundred sixty-five (365) days' written notice. After receiving notice of cancellation, if LESSEE within three hundred sixty-five (365) days provides STATE with a reasonable plan for resumption of permitted USE of LEASE PREMISES, then LEASE shall not be cancelled.

**24. TERMINATION OF LEASE.**

24.1 If not sooner cancelled, LEASE shall terminate at 11:59 P.M. central (standard or daylight savings) time on the last day of PRIMARY TERM, or if renewed pursuant to Paragraph 1.2, then LEASE shall terminate at 11:59 P.M. central (standard or daylight savings) time on the last day of SECOND TERM.

**25. CANCELLATION OR TERMINATION OF LEASE.**

25.1 Subject to the provisions of Paragraph 6, Paragraph 11, and Paragraph 23, on cancellation or termination of LEASE, STATE shall be entitled to take possession of LEASE PREMISES, custom and usage to the contrary notwithstanding.

25.2 On final cancellation or termination pursuant to this Paragraph, LESSEE shall have three hundred sixty-five (365) days to remove LESSEE'S improvements, structures, and equipment or sell, transfer, or convey the improvements to another entity contingent on that entity entering a Public Trust Tidelands Lease with STATE. If for any reason LESSEE does not remove the improvements, structures or equipment or does not sell, transfer, or convey the same, then the improvements, structures and equipment will be deemed forfeited by LESSEE, and become the property of the STATE. In the event of such forfeiture by LESSEE, STATE shall not be obligated to remove said improvements, structures and equipment or bear any liability to LESSEE in the event same are not removed. The manner and time of any removal or sale and the price for which said improvements, structures, materials, and equipment may be sold shall be in the discretion of STATE. If at the time of cancellation or termination of LEASE, LESSEE is

entitled to receive funds from the federal government or from the state for such removal and thereafter receives such funds, then said funds shall be used for the removal of said improvements, structures and equipment and restoration of LEASE PREMISES, notwithstanding LEASE having been previously terminated.

**26. MISCELLANEOUS.**

26.1 LESSEE and STATE each covenant and bind itself, its successors, and its assigns to the extent allowed by the laws of the state of Mississippi to faithfully and timely comply with all the terms and provisions of this LEASE.

26.2 LESSEE and STATE agree they will execute and deliver, at the request of the other, all such documents or other written instruments as may be reasonably necessary or appropriate to carry out and effectuate the intent and purpose of this LEASE.

26.3 No amendments or additions to the LEASE shall be binding unless in writing and signed by all parties.

26.4 All covenants and agreements herein shall bind and inure to the benefit of the parties hereto and to their successors and assigns.

26.5 This instrument constitutes the entire agreement between LESSEE and STATE and supersedes all prior understandings, previous negotiations, and any memoranda of understanding with respect to the subject matter hereof.

26.6 Each individual executing LEASE on behalf of LESSEE represents and warrants that he is duly authorized to do so on behalf of the said LESSEE, and LESSEE shall, at STATE'S request, deliver a certified copy of its Council's resolution authorizing said execution.

26.7 The remedies set forth in this LEASE are not exclusive, and the election of one remedy by LESSEE or STATE shall not be deemed or construed as a waiver of any other remedy available to LESSEE or STATE. In addition to the remedies provided in this LEASE, LESSEE and STATE shall be entitled to whatever remedies it may have otherwise at law or in equity.

26.8 LESSEE and STATE, or all purposes under this LEASE, accept the description and depiction of LEASE PREMISES attached hereto as Exhibits "1," "2," and "3".

**27. DEFINITIONS.**

27.1 LESSEE shall mean the City of Diamondhead, Mississippi and shall be the LESSEE.

27.2 USE shall have the meaning set forth in Paragraph 2.

27.3 LEASE shall mean that lease agreement by and between the State of Mississippi, by the Secretary of State, with the approval of the Governor, and the City of Diamondhead,

Mississippi, effective May 1, 2024, for LEASE PREMISES.

27.4 LEASE PREMISES shall mean all the submerged lands, fastlands, and tidelands as described and/or depicted in Exhibits "1," "2," and "3" attached to this LEASE.

27.5 PRIMARY TERM shall have the meaning set forth in Paragraph 1.1.

27.6 SECONDARY TERM shall have the meaning set forth in Paragraph 1.2.

27.7 STATE shall mean the State of Mississippi, acting by and through the Secretary of State with the approval of the Governor, and shall be the LESSOR.

IN WITNESS WHEREOF, this LEASE is executed by LESSEE, this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

**LESSEE:**  
**CITY OF DIAMONDHEAD,**  
**MISSISSIPPI**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, within my jurisdiction the within named \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of the CITY OF DIAMONDHEAD, MISSISSIPPI, who acknowledged that he/she executed the above and foregoing LEASE as the act and deed of said Agency, on the date and for the purposes therein stated, being first duly authorized to so do.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

IN WITNESS WHEREOF, this LEASE is executed by LESSOR, this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

**LESSOR:**  
**STATE OF MISSISSIPPI**

**BY:** \_\_\_\_\_  
**MICHAEL D. WATSON, JR.**  
Secretary of State  
State of Mississippi

STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, within my jurisdiction the within named MICHAEL D. WATSON, JR., personally known to me to be the SECRETARY OF STATE of the STATE OF MISSISSIPPI, who acknowledged that he executed the above and foregoing LEASE as the act and deed of said SECRETARY OF STATE for and on behalf of the STATE OF MISSISSIPPI, on the date and for the purposes therein stated, being first duly authorized to so do.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

APPROVED BY THE GOVERNOR of the State of Mississippi on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
**TATE REEVES**  
Governor

STATE OF MISSISSIPPI  
COUNTY OF \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, within my jurisdiction the within named TATE REEVES, personally known to me to be the GOVERNOR of the STATE OF MISSISSIPPI, who acknowledged that he executed the above and foregoing LEASE as the act and deed of said GOVERNOR for and on behalf of the STATE OF MISSISSIPPI, on the date and for the purposes therein stated, being first duly authorized to so do.

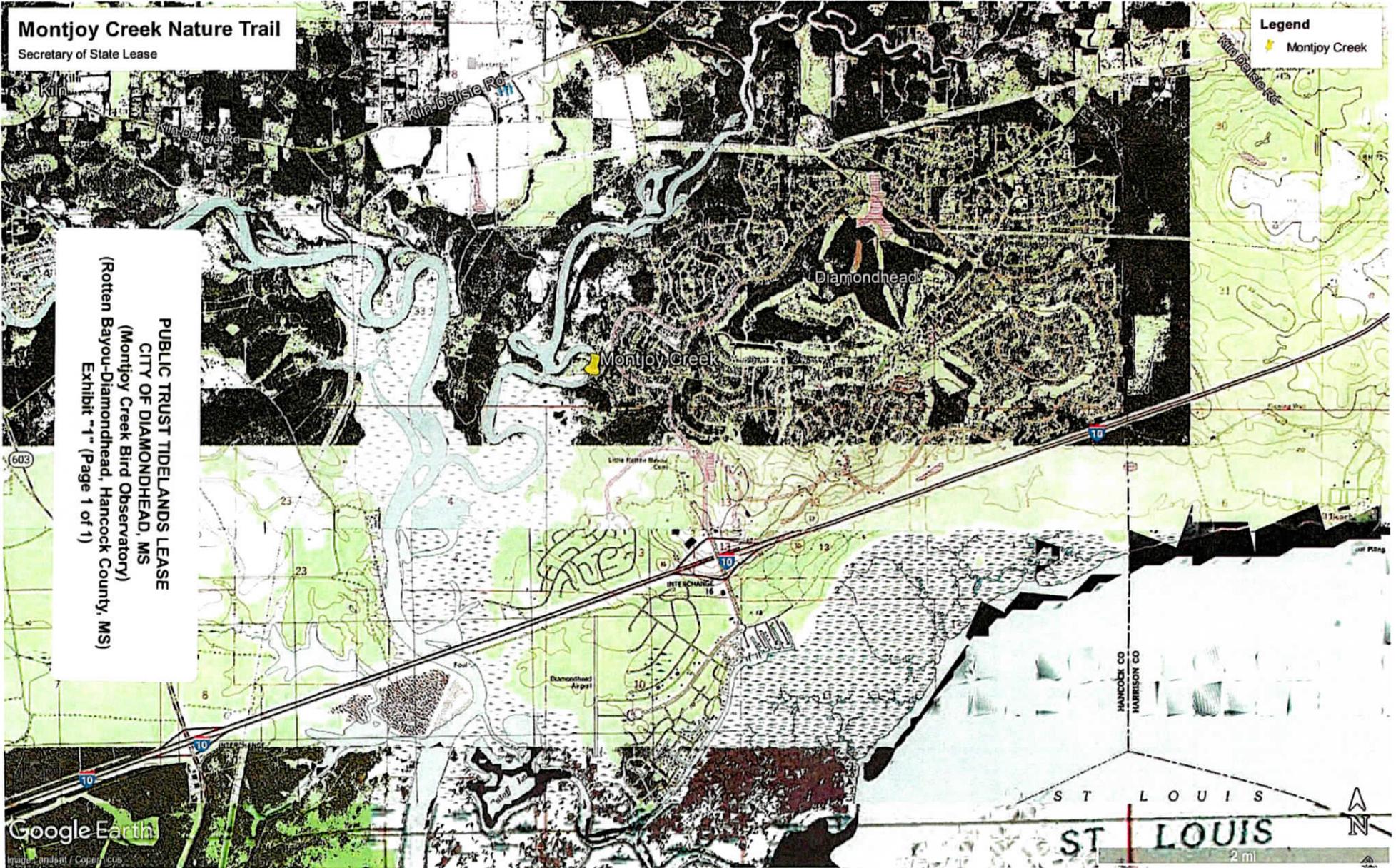
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_

**PUBLIC TRUST TIDELANDS LEASE**

**CITY OF DIAMONDHEAD, MISSISSIPPI  
(Montjoy Creek Bird Observatory)  
(Rotten Bayou – Diamondhead, Hancock County, Mississippi)**

Exhibit “1” (1 page)  
(Project Location Map of Lease Area Provided by LESSEE)



**PUBLIC TRUST TIDELANDS LEASE**

**CITY OF DIAMONDHEAD, MISSISSIPPI  
(Montjoy Creek Bird Observatory)  
(Rotten Bayou – Diamondhead, Hancock County, Mississippi)**

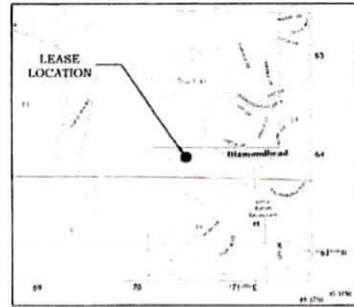
Exhibit “2” (1 page)  
(S.O.S. Lease Survey of A Part of Government Lot 3, Section 34, T-7-S, R-14-W,  
Hancock County, MS, of Lease Area Provided by LESSEE)

**PUBLIC TRUST TIDELANDS LEASE  
CITY OF DIAMONDHEAD, MS  
(Montjoy Creek Bird Observatory)  
(Rotten Bayou-Diamondhead, Hancock County, MS)  
Exhibit "2" (Page 1 of 1)**

Z:\1-Engineering Jobs\3 - 2017 Jobs\17-057 Diamondhead Master Services\17-057-003 Montjoy Creek Nature Trail 2020\01 Design\Survey\CAD\17-057-003\_MJ-NatureTrail-SOS-Lease.dwg, 4/11/2024 4:25



GRID COORDINATES			
POINT	NORTHING	EASTING	ELEV.
A	321934.96	816317.23	1.34
B	322802.97	809262.18	0.50



VICINITY MAP

**LEGEND:**

- IRF = 1/2" IRON ROD FOUND
- IPF = IRON PIPE FOUND
- CIRF = CAPPED 1/2" IRON ROD FOUND
- CIRS = CAPPED 1/2" IRON ROD SET
- IFP = IRON FENCE POST
- TFP = "T" POST FOUND
- IBF = IRON BAR FOUND
- AIF = ANGLE IRON FOUND
- WFP = WOOD FENCE POST
- MNF = MAGNETIC NAIL FOUND
- MNS = MAGNETIC NAIL SET
- REF. = REFERENCE
- O/S = OFFSET
- R/W = RIGHT-OF-WAY
- O/H/U = OVERHEAD UTILITIES
- PP = POWER POLE
- LP = LIGHT POLE
- TP = TELEPHONE PEDESTAL
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- TBM = TEMPORARY BENCH MARK
- FFE = FINISH FLOOR ELEVATION
- TOB = TOP OF BANK
- RCP = REINFORCED CONCRETE PIPE
- CMP = CORRUGATED METAL PIPE
- HDPE = HIGH DENSITY POLYETHYLENE PIPE
- FH = FIRE HYDRANT
- WM = WATER METER
- SMH = SEWER MAN HOLE
- CO = CLEAN OUT
- GP = GRINDER PUMP
- C/L = CENTERLINE
- EOA = EDGE OF ASPHALT
- EOG = EDGE OF GRAVEL
- (P) = PLAT OF RECORD
- (D) = DEED OF RECORD
- (R) = RECORD
- 0.00 = GROUND ELEVATION

**LEASE DESCRIPTION:**

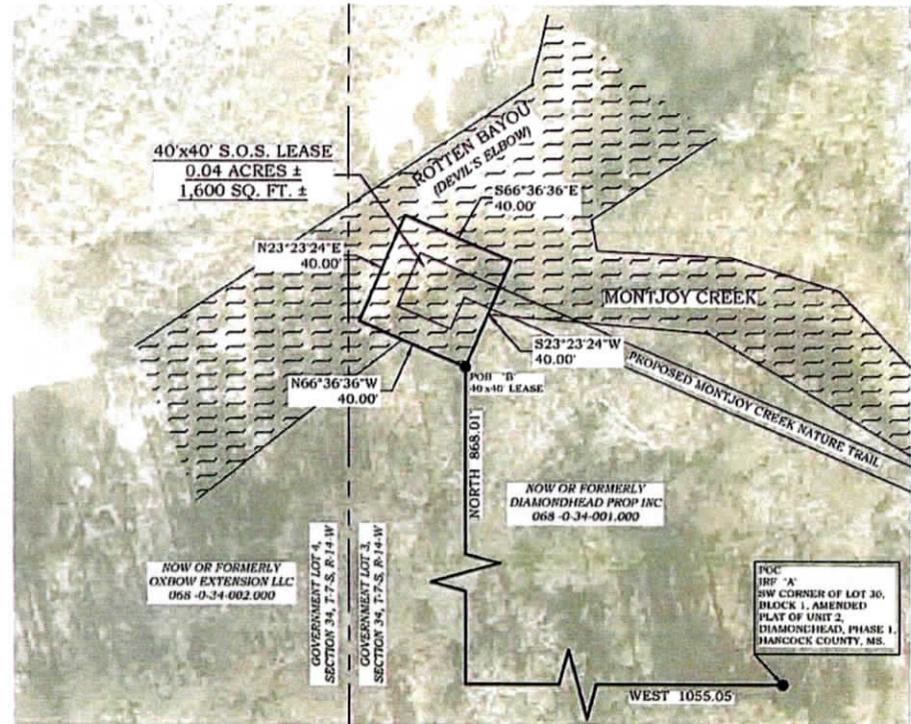
COMMENCING AT A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF LOT 30, BLOCK 1, AMENDED PLAT OF UNIT 2, DIAMONDHEAD, PHASE 1, HANCOCK COUNTY, MISSISSIPPI AND RUN WEST FOR 1055.05 FEET; THENCE RUN NORTH FOR 865.01 FEET TO THE POINT OF BEGINNING. THENCE RUN N66°36'36"W FOR 40.00 FEET; THENCE RUN N23°23'24"E FOR 40.00 FEET; THENCE RUN S66°36'36"E FOR 40.00 FEET; THENCE RUN S23°23'24"W FOR 40.00 FEET BACK TO THE POINT OF BEGINNING. SAID LEASE IS A PART OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 7 SOUTH, RANGE 14 WEST, HANCOCK COUNTY, MISSISSIPPI AND CONTAINING 0.04 ACRES, MORE OR LESS.

**REFERENCES:**

1. HANCOCK COUNTY TAX MAP #068
2. AMENDED PLAT OF UNIT 2, DIAMONDHEAD PHASE 1 SUBDIVISION PLAT
3. DEED BOOK V-2, PAGE 579
4. DEED BOOK 2016, PAGE 7136

**NOTES:**

1. LOT LOCATION & ORIENTATION ARE BASED ON RECORDED DATA AND MONUMENTATION FOUND AVAILABLE.
2. BEARINGS REFERENCE GRID, GEOID G2018U7 NAD '83 STATE PLANE ZONE MISSISSIPPI EAST BY GPS OBSERVATION. UTILIZING EARL DUDLEY'S VIRTUAL REFERENCE NETWORK, INET. HAVING A CONVERGENCE ANGLE OF -0°16'44.44" AND A COMBINATION FACTOR OF 0.999988935.
3. SURVEY CONSIDERED A CLASS "B" SURVEY.
4. ONLY VISIBLE ROADS, LANES, DRIVEWAYS, DRAINS, UTILITIES, ETC., OVER AND ACROSS SAID PREMISES ARE SHOWN HEREON.
5. THIS SURVEY WAS PREPARED WITHOUT A CURRENT TITLE REPORT NOR WERE COUNTY RECORDS RESEARCHED FOR EASEMENTS BY THIS SURVEYOR.
6. MAY BE SUBJECT TO MISSISSIPPI PUBLIC TRUST TIDELANDS.



**CERTIFICATE:**

THIS IS TO CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE ON THE PROPERTY LINES SHOWN ON THIS PLAT, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Michael R. McGinnis*  
 MICHAEL RAYMOND MCGINNIS PLS-02827  
 PROFESSIONAL SURVEYOR  
 P.L.S. - #02827  
 STATE OF MISSISSIPPI  
 DATE: 4/11/2024

**GRAPHIC SCALE**



( IN FEET )  
1 INCH = 40 FEET

REV. #2 DATE:	
REV. #1 DATE:	
DATE: 04.10.2024	
SCALE: 1" = 40'	
CREW: D. LUCKY/G. GOETZ	
DRAWN BY: MRM	



OFFICE - (228) 467-6755  
 EMAIL - admin@chiniche.com  
 WEBSITE - www.chiniche.com  
 407 HWY. 90  
 BAY ST. LOUIS, MS 39520

S.O.S. LEASE SURVEY OF  
 A PART OF GOVERNMENT LOT 3,  
 SECTION 34, T-7-S, R-14-W,  
 HANCOCK COUNTY, MS.

FOR: DIAMONDHEAD SHEET 1 OF 1 JOB #: 17-057-003  
 DWG #: 17-057-003\_MJ-NatureTrail-SOS-Lease

**PUBLIC TRUST TIDELANDS LEASE**

**CITY OF DIAMONDHEAD, MISSISSIPPI  
(Montjoy Creek Bird Observatory)  
(Rotten Bayou – Diamondhead, Hancock County, Mississippi)**

Exhibit “3” (1 page)  
(Easement Exhibit of Montjoy Creek Natural Trail Provided by LESSEE)

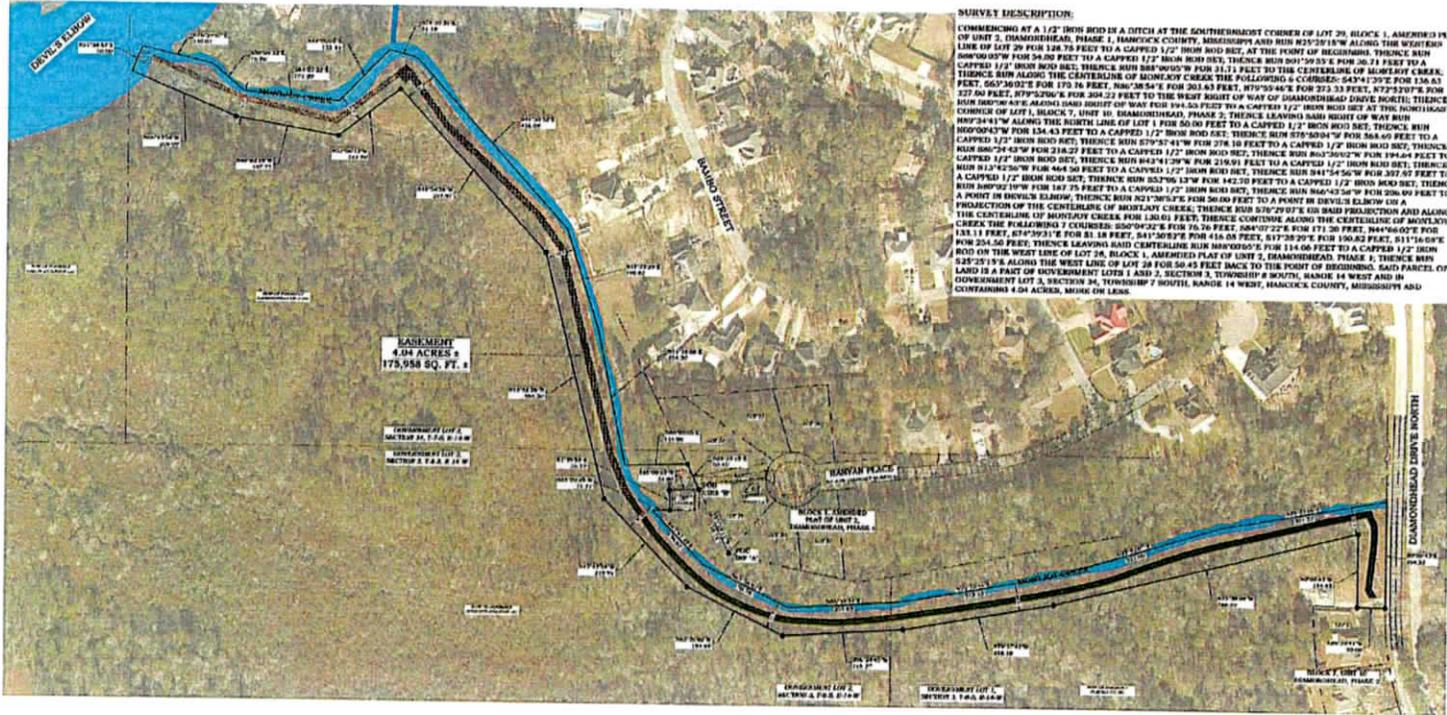
**PUBLIC TRUST TIDELANDS LEASE  
CITY OF DIAMONDHEAD, MS  
(Montjoy Creek Bird Observatory)  
(Rotten Bayou-Diamondhead, Hancock County, MS)  
Exhibit "3" (Page 1 of 1)**



**GRID COORDINATES**

POINT	NORTING	EASTING	ELEV.
1*	2319.84	4161.17	23.134
2*	2295.24	4126.16	1.93

- LEGEND**
- 1/2" IRON ROD FOUND
  - 1/2" IRON PIPE FOUND
  - CBP - CAPPED 1/2" IRON ROD FOUND
  - CRS - CAPPED 1/2" IRON ROD SET
  - IRP - IRON PIPE POINT
  - TP - T POINT
  - IRP - IRON PIPE POINT
  - AP - ANGLE IRON POINT
  - RP - ROUND IRON POINT
  - MNP - MAGNETIC NAIL FOUND
  - MNS - MAGNETIC NAIL SET
  - REF - REFERENCE
  - 1/2" - OFFSET
  - 1/2" - POINT OF WAY
  - O/H/U - OVERHEAD UTILITY
  - FP - POWER POLE
  - LP - LIGHT POLE
  - TP - TELEPHONE PEDIESTAL
  - POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - TM - TEMPORARY MARK OR MARK
  - PFE - FINISH FLOOR ELEVATION
  - TIB - TOP OF BANK
  - ICP - REINFORCED CONCRETE PIPE
  - CFP - CORRUGATED METAL PIPE
  - HP - HIGH DENSITY POLYETHYLENE PIPE
  - FI - FIRM IRONWATER
  - SMH - SINKER MAN HOLE
  - CA - CENTERLINE
  - EA - EDGE OF ASPHALT
  - EO - EDGE OF DRIVE
  - RP - PLAT OF RECORD
  - CR - DEED OF RECORD
  - R - RECORD
  - 0.00 - GROUND ELEVATION
  - - TREE



**SURVEY DESCRIPTION:**  
COMMENCING AT A 1/2" IRON ROD IN A DITCH AT THE SOUTHWEST CORNER OF LOT 20, BLOCK 1, AMENDED PLAT OF UNIT 2, DIAMONDHEAD, PHASE 1, HANCOCK COUNTY, MISSISSIPPI AND RUN N23°29'15"W ALONG THE WESTERLY LINE OF LOT 20 FOR 128.75 FEET TO A CAPPED 1/2" IRON ROD SET, AT THE POINT OF BEGINNING, THENCE RUN S69°00'57"W FOR 54.20 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S01°09'23"E FOR 26.11 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S88°00'00"W FOR 31.11 FEET TO THE CENTERLINE OF MONTJOY CREEK, 272.00 FEET, S77°20'00"W FOR 20.23 FEET TO THE WEST RIGHT OF WAY OF DIAMONDHEAD DRIVE NORTH, THENCE S01°09'23"E ALONG THE CENTERLINE OF MONTJOY CREEK THE FOLLOWING COURSES: S47°14'37"E FOR 158.83 FEET, S67°30'27"E FOR 170.76 FEET, S66°38'54"E FOR 203.43 FEET, N77°00'45"E FOR 273.33 FEET, N73°29'27"E FOR 100.00 FEET, S89°00'00"W FOR 170.76 FEET TO THE WEST RIGHT OF WAY OF DIAMONDHEAD DRIVE NORTH, THENCE COURSE OF LOT 1, BLOCK 7, UNIT 10 DIAMONDHEAD, PHASE 2, THENCE LEAVING SAID RIGHT OF WAY RUN N07°24'41"W ALONG THE NORTH LINE OF LOT 1 FOR 50.00 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN N07°24'41"W FOR 154.43 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S78°50'04"W FOR 58.40 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S78°50'04"W FOR 278.10 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN N00°29'49"W FOR 218.22 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S47°14'37"E FOR 307.77 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S47°14'37"E FOR 219.91 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN N13°42'56"W FOR 464.50 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S04°50'02"W FOR 194.64 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S57°06'13"W FOR 442.10 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S04°50'02"W FOR 181.75 FEET TO A CAPPED 1/2" IRON ROD SET, THENCE RUN S47°14'37"E FOR 307.77 FEET TO A POINT IN DEVILS ELBOW, THENCE RUN N21°30'57"E FOR 50.00 FEET TO A POINT IN DEVILS ELBOW ON A PROJECTION OF THE CENTERLINE OF MONTJOY CREEK, THENCE RUN S78°29'27"E ON SAID PROJECTION AND ALONG THE CENTERLINE OF MONTJOY CREEK FOR 130.00 FEET, THENCE CONTINUE ALONG THE CENTERLINE OF MONTJOY CREEK THE FOLLOWING COURSES: S07°02'28"E FOR 76.26 FEET, S88°07'22"E FOR 171.26 FEET, S64°06'02"E FOR 131.11 FEET, S74°39'31"E FOR 81.18 FEET, S41°58'27"E FOR 416.08 FEET, S17°30'25"E FOR 190.82 FEET, S11°15'06"E FOR 204.50 FEET, THENCE LEAVING SAID CENTERLINE RUN S88°00'00"E FOR 114.00 FEET TO A CAPPED 1/2" IRON ROD ON THE WEST LINE OF LOT 18, BLOCK 1, AMENDED PLAT OF UNIT 2, DIAMONDHEAD, PHASE 1, THENCE RUN S25°25'19"E ALONG THE WEST LINE OF LOT 20 FOR 50.45 FEET BACK TO THE POINT OF BEGINNING. SAID PARCEL OF GOVERNMENT LOT 3, SECTION 24, TOWNSHIP 7 NORTH, RANGE 14 WEST, HANCOCK COUNTY, MISSISSIPPI AND CONTAINING 4.04 ACRES, BEING OR LESS.

- NOTES:**
1. LOT LOCATION & ORIENTATION ARE BASED ON RECORDED DATA AND DOCUMENTATION FOUND AVAILABLE.
  2. DRAWINGS REFERENCE GRID, QUAD 1404047 AND 83 STATE PLANE ZONE MISSISSIPPI EAST BY GCS UTM/UTM, UTM/UTM EAST, UTM/UTM VIRTUAL REFERENCE NETWORK, BUT, HAVING A CONVERSION ANGLE OF 27°16'44" AND A CONVERSION FACTOR OF 0.99996335.
  3. SURVEY CONSIDERED A CLASS "B" SURVEY.
  4. ONLY VISIBLE BOUNDARIES, DRIVEWAYS, DRAINS, UTILITIES, ETC., OVER AND ACROSS SAID PREMISES ARE SHOWN HEREIN.
  5. THIS SURVEY WAS PREPARED WITHOUT A CURRENT TITLE REPORT FOR WALK COUNTY RECORDS RESEARCHED FOR EASEMENTS BY THIS SURVEYOR.
  6. ATTENTION IS CALLED TO THE VARIANCE BETWEEN THE PLATTED CALLS AND THE CORNERS RECOVERED WITHIN SAID SURVEY.
  7. OWNER RESPONSIBLE FOR CERTIFICATION OF TREE SPECIES AND SIZE IN COORDINATION WITH LOCAL ENTITY FOR TREES DESIGNATED AS PROTECTED.
  8. MAY BE SUBJECT TO MISSISSIPPI PUBLIC TRUST TIDELANDS.
  9. ALL CORNERS ARE CAPPED 1/2" IRON ROD SET, UNLESS OTHERWISE NOTED.

- REFERENCES:**
1. HANCOCK COUNTY TAX MAPS BOOK, P.152 AND P.153A.
  2. UNIT 2, DIAMONDHEAD, PHASE 1 SUBDIVISION PLAT.
  3. UNIT 10, DIAMONDHEAD, PHASE 2 SUBDIVISION PLAT.
  4. DEED BOOK 44-45, PAGE 31.
  5. DEED BOOK 7, PAGE 879.
  6. SURVEY BY J. TERGARDER, DATED 12/11/2012.



**CERTIFICATE:**  
THIS IS TO CERTIFY THAT I HAVE CAUSED A SURVEY TO BE MADE FOR THIS PROPERTY CORNERS SHOWN ON THIS PLAT, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Michael R. M...*  
MICHAEL RAYMOND MORGAN  
PROFESSIONAL SURVEYOR  
P.L.S. - 00827  
STATE OF MISSISSIPPI

12/14/2023  
DATE

DATE OF SURVEY	12/14/2023
DRAWN BY	DAVID J. BROWN
CHECKED BY	DAVID J. BROWN
SCALE	1" = 100'
DRAWN BY	DAVID J. BROWN
CHECKED BY	DAVID J. BROWN



**EASEMENT EXHIBIT OF  
MONTJOY CREEK NATURE TRAIL,  
DIAMONDHEAD, MS 39025  
HANCOCK COUNTY, MS**

ADD 111 2ND AND 3RD STS OF E. FROM DIAMONDHEAD  
PHONE: 1703-932-3836. LICENSE NO. 2512

Agenda Item #2024- 108

City of Diamondhead, MS  
**Request for Council Action**

TO: Members of Council  
FROM: Mayor Depreo

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED

ORDINANCE/RESOLUTION CAPTION:

**ORDINANCE/RESOLUTION CAPTIONS or ISSUE:**

Discussion of the Kaleki Drainage Project.

**REQUIRED SIGNATURES**

REQUESTED BY:   
City Manager:   
City Attorney:

COUNCIL ACTION:  Approved  Denied  Tabled/Deferred  Info Only Completed:

Agenda Item #2024- 109

City of Diamondhead, MS  
**Request for Council Action**

TO: Members of Council  
FROM: Mayor Depreo

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED

ORDINANCE/RESOLUTION CAPTION:

**ORDINANCE/RESOLUTION CAPTIONS or ISSUE:**

Motion to allow the Diamondhead Lions Club to place their sign of similar size and design next to the Rotary sign in the front and rear of Diamondhead.

**REQUIRED SIGNATURES**

REQUESTED BY:   
City Manager:   
City Attorney:

COUNCIL ACTION:  Approved  Denied  Tabled/Deferred  Info Only Completed:

Agenda Item #2024- 110

City of Diamondhead, MS  
**Request for Council Action**

TO: Members of Council  
FROM: Mayor Depreo

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED

ORDINANCE/RESOLUTION CAPTION:

**ORDINANCE/RESOLUTION CAPTIONS or ISSUE:**

Motion to authorize city manager to review budget and suggest a budget amendment to provide monthly support to the Friends of the Hancock County Animal Shelter and present the amendment at the May 21, 2024.

**REQUIRED SIGNATURES**

REQUESTED BY:   
City Manager:   
City Attorney:

COUNCIL ACTION:  Approved  Denied  Tabled/Deferred  Info Only Completed:

Agenda Item #2024- 111

City of Diamondhead, MS  
**Request for Council Action**

TO: Members of Council  
FROM: Mayor Depreo

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED May 7, 2024

ORDINANCE/RESOLUTION CAPTION:

**ORDINANCE/RESOLUTION CAPTIONS or ISSUE:**

Motion to authorize city manager to notify every resident in a project area when the notice to proceed has been issued to the contractor and the date work will begin in their area with but not limited to, door hangers, Facebook post, and eblast.

**REQUIRED SIGNATURES**

REQUESTED BY: *Mayor Nancy Depreo*

City Manager:

City Attorney:

COUNCIL ACTION:  Approved  Denied  Tabled/Deferred  Info Only Completed:



TO: City Council and City Manager

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

DATE: May 1, 2024

SUBJECT: Recommendation from Planning Commission for Text Amendment to the Code of Ordinances Appendix A - Zoning. Zoning Code re-write.

- Identified as immediate action item in Envision Diamondhead 2040.
- Consolidation of uses (60% reduction).
- Reformatting (55% reduction).
- Simplify (hyperlinks)

At its meeting on March 26, 2024, the Planning Commission voted 5-0 to recommend approving the Text Amendment as amended.



Commissioner Bennett  
Commissioner Brewer  
Commissioner Debrow  
Commissioner Flowers  
Commissioner Harwood  
Commissioner Parrish  
Commissioner Nicaud

**AGENDA**  
**PLANNING AND ZONING COMMISSION**  
**Tuesday, March 26, 2024**  
**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 February 27,2024 minutes.

**New Business**

3. Lemous Thompson, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 10' of the principal residence. The property address is 7336 Anela Place. The tax parcel number is 068R-3-41-090.000. The property is in the R-2 zoning district. The setback from the principal residence is 8'. The variance requested is 2'. The Case File Number is 202400069.

*Approved  
as amended  
5-0*

4. Revised draft of proposed Text Amendment to the Code of Ordinances Appendix A - Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city's Comprehensive Plan. Case File Number is 202300448.

**Unfinished Business**

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

**Commissioners' Comments**

**Communication / Announcements**

**Adjourn or Recess**

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

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Code of Ordinances Appendix A – Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city’s Comprehensive Plan.

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, March 26, 2024, 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 on the for your convenience. The proposed revision is available for review on the City’s website or at City Hall.

If you have any questions or comments or would like to review the application, you may contact Pat Rich, Development Coordinator at [p\\_rich@diamondhead.ms.gov](mailto:p_rich@diamondhead.ms.gov) or 228-242-1613.

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

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Code of Ordinances Appendix A – Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city’s Comprehensive Plan.

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, February 27, 2024, 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 on the for your convenience. The proposed revision is available for review on the City’s website or at City Hall.

If you have any questions or comments or would like to review the application, you may contact Pat Rich, Development Coordinator at [p\\_rich@diamondhead.ms.gov](mailto:p_rich@diamondhead.ms.gov) or 228-242-1613.

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

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Code of Ordinances Appendix A – Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city’s Comprehensive Plan.

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, October 24, 2023, 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 on the for your convenience. The proposed revision is available for review on the City’s website or at City Hall.

If you have any questions or comments or would like to review the application, you may contact Pat Rich, Development Coordinator at [p\\_rich@diamondhead.ms.gov](mailto:p_rich@diamondhead.ms.gov) or 228-242-1613.

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

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Code of Ordinances Appendix A – Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city’s Comprehensive Plan.

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, September 26, 2023, 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 on the for your convenience.

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.

# CITY OF DIAMONDHEAD ZONING ORDINANCE

Review Draft

04.19.24 Draft

As recommended by  
Planning and Zoning Commission

03.26.24



**envision**  
**DIAMONDHEAD**  
**2040**



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ARTICLE  
1

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Review Draft

## ARTICLE 1 - INTRODUCTORY PROVISIONS

### 1.1 TITLE

This Ordinance shall be known as and may be cited as the "City of Diamondhead Zoning Ordinance."

### 1.2 SCOPE AND AUTHORITY

1.2.1 This Ordinance is hereby adopted in accordance with the following:

- a) The requirements of Title 17, Chapter 1 of the Mississippi Code, 1972, Annotated,
- b) The goals and objectives of Envision Diamondhead 2040 Comprehensive Plan,
- c) Consideration for the character of Diamondhead, its various parts, and the peculiar suitability of the various parts for particular uses,
- d) A view to conserving the value of land and buildings and the sense of community existing within the city and encouraging the most appropriate use of land throughout the City of Diamondhead.

1.2.2 This Ordinance regulates the following under 17-1-3 General Powers of the Mississippi Code, 1972, Annotated:

- a) The height, number of stories and size of building and other structures.
- b) The percentage of lot that may be occupied, the size of the yards, courts and other open spaces.
- c) The density of population.
- d) The location and use of buildings, structures and land for trade, industry, residence or other purposes.
- e) Accessory and incidental land uses which may be constructed and associated with a primary use of land.
- f) The appropriateness of design, layout, arrangement, location, materials, lighting, landscaping, noise, glare, and other characteristics of land

development within the City of Diamondhead.

1.2.3 In addition to carrying out the objectives of the Comprehensive Plan, this ordinance is further designed to:

- a) lessen congestion in the streets,
- b) to secure safety from fire, panic and other dangers,
- c) to provide adequate light and air; to prevent the overcrowding of land,
- d) to avoid undue concentration of population,
- e) to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

### 1.3 CONFORMITY REQUIRED

1.3.1 **Conformity.** No building, structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this ordinance.

### 1.3.2 Issuance of Permits, Certificates, and Licenses.

- a) No building or other permit, certificate or other document of approval or license, the use of which may be subject to the provisions of this ordinance, shall be issued by any department, agency, or board of the municipality until the Development Coordinator has certified that the use to be made of the permit, certificate, or other document or license, is in compliance with the provisions of this ordinance.
- b) No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Development Coordinator.
- c) No building permit shall be issued by the Development Coordinator except in conformity with the provisions of this ordinance unless they receive a written order from the Planning Commission or approved by the City Council, in the form of an administrative review, conditional use, or variance, as

approved according to this ordinance.

#### **1.4 INTERPRETATION**

The provisions of this ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its sources.

#### **1.5 SEVERABILITY**

If a court of competent jurisdiction declares any provisions of this ordinance to be invalid or ineffective in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of the ordinance shall continue to be separately and fully effective.

#### **1.6 REPEALER**

All other ordinances of the City of Diamondhead, or parts thereof, that were adopted prior to this ordinance and are in conflict with this ordinance are hereby repealed.

#### **1.7 ENACTMENT AND EFFECTIVE DATE**

- 1.7.1** This ordinance shall become effective in accordance with the laws of the State of Mississippi.
- 1.7.2** This ordinance is enacted by legislation adopted [DATE] by the Diamondhead City Council.

ARTICLE  
2

Review Draft



**IN THIS ARTICLE:**

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## ARTICLE 2 - GENERAL RULES AND EXCEPTIONS

### 2.1 GENERAL RULES AND EXCEPTIONS.

This article sets forth the general rules and exceptions that generally apply throughout all districts.

### 2.2 LIMIT OF ONE PRINCIPAL USE.

No more than one principal use shall be permitted on a lot, unless specifically permitted by this ordinance.

### 2.3 PRINCIPAL BUILDINGS.

**2.3.1 Street Frontage Required.** Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet minimum standards set forth in the subdivision regulations for the City of Diamondhead.

### 2.3.2 Two or More Buildings On a Lot.

- a) Where two or more principal buildings occupy a lot, the same shall conform to the following:
- i. The requirements of this ordinance which would apply to each building if each were on a separate lot; and

- ii. The standards and improvements required for land development by the Subdivision Regulations.

### 2.4 EXCEPTIONS TO HEIGHT LIMITATIONS.

**2.4.1 In General.** The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article 3 related to height.

- a) Chimneys, elevators, poles, spires, steeples, tanks, towers, and other projections not used for human occupancy may extend above the district limitations for height. However, should the height be in excess of 50 percent of the specific district limitations, a conditional use shall be required.
- b) Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required are increased one foot for each two feet the structure exceeds the prescribed limit.
- c) To maintain neighborhood continuity, the building height of new residential construction may exceed 35 feet when the existing primary buildings of the adjoining properties exceed 35 feet. In no case shall this provision allow a new residential building to exceed the height of a

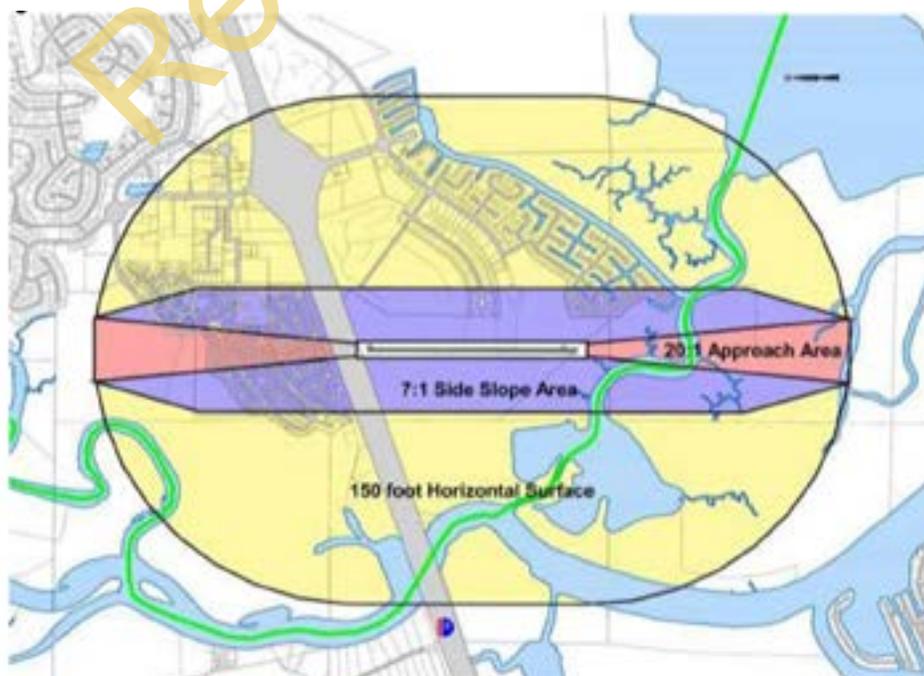


Figure 2.1 - Airport Height Restrictions

residential structure on adjoining property.

**2.4.2 Airport Height Restrictions.**

- a) Airport height restrictions exist to protect the approach zones and clear areas around the Diamondhead airport and the methodology for such height restrictions are promulgated by the Federal Aviation Administration (FAA). In no case shall the Airport Height Restrictions allow a building or structure to exceed the height limits imposed within each zoning classification of this ordinance.
- b) Buildings or other structures located within the FAA Imaginary Surfaces of the airport as shown in Figure 2.1 shall not exceed the elevation limits as set forth by the FAA in 14 CFR Part 77 Surfaces. The elevation limits in these areas shall be calculated as outlined in items c, d, and e below or as otherwise required by the FAA. The distances and calculations shall be confirmed by the Development Coordinator prior to issuing a building permit.
- c) **Lots located in the 20:1 runway approach.**
  - i.  $((D - 200)/20) + ER = E \text{ MAX}$
  - ii. D = Distance from end of runway to building location

- iii. ER = Elevation of runway
- iv. E MAX = Maximum structure elevation
- d) **Lots located within the 7:1 side slope area.**
  - i.  $((D - 125)/7) + ER = E \text{ MAX}$
  - ii. D = Distance from end or edge of runway to building location
  - iii. ER = Elevation of runway
  - iv. E MAX = Maximum structure elevation
- e) **Lots located within the 150 feet Horizontal Surface.** No structure shall exceed a maximum elevation of 150 feet above the elevation of the airport runway.

**2.5 SPECIAL LOT AND YARD REQUIREMENTS.**

**2.5.1 In General.**

- a) The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this ordinance.
- b) No required lot area or yard shall include any property (the ownership of which has been transferred subsequent to the effective date of this ordinance), if such property was part of the area required

**Figure 2.2 - Irregularly shaped lots**

	<p>If the minimum width is required to be 100' the width at line AB must be at least 70'.</p>
	<p>If the minimum width is required to be 100' the width at line AB must be at least 40'.</p>

for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

### 2.5.2 Exceptions to Minimum Lot Areas, Lot Widths and Yards.

- a) **Nonconforming Lots.** See Section 2.7.
- b) **Irregularly Shaped Lots.** In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the front lot line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than 70% percent of the required minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than 300' feet radius where the lot frontage measured at the street right-of-way line shall not be less than 40% of the minimum lot width. (See Figure 2.2)
- c) **Through Lots.** Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots. The presence of an alley shall not constitute a through lot.
- d) **Corner Lots.** Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots (but shall not be less than ten feet).
- e) **Front yard depth reduction.** The front yard of a lot between two lots each having a principal building within 20 feet of the lot may be reduced to a depth equal to that of the greater of the two adjoining lots, except that the front yard shall not be less than ten feet. (See Figure 2.3)
- f) **Projections into Yards.**
  - i. No projection into required yard areas permitted in sections II. and III. below, except for patios, in a Low Density Residential District or Medium Density Residential District shall be less than 10 feet from any side or rear lot line or 15 feet from any front lot line.
  - ii. Bay windows, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, marquees, eaves or other architectural features not required for structural support may project into the required side, front or rear yard not more than two feet.
  - iii. Patios may be located in the required side and rear yards not closer than three feet to any adjacent property line.
- g) **Side Yard Variation under Diamondhead Property Owners Association Approval.** Although the provisions of this ordinance are specific as they relate to side yard setbacks, the City of Diamondhead recognizes that certain side yard variations were allowed and granted by the Diamondhead Property Owners' Association over the course of time

Figure 2.3 - Front yard depth reduction



preceding the adoption of this ordinance. Therefore, any residential lot having been previously platted, approved or developed with a side yard setback less than that required by this ordinance shall hereafter develop in conformance with those side yard setbacks as heretofore approved. In no case, however, shall a side yard be less than five feet unless otherwise specifically allowed by this ordinance.

**2.5.3 Traffic Visibility Across Corners.**

**a) Sightlines at Intersections of Streets.**

- i. A triangular area as defined in paragraph 2.5.3 a) iii. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten feet above the centerline grades of the intersecting streets is not obscured.
- ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting streets within the triangular area defined in herein.
- iii. Such triangular area shall be bound at street intersections as measured along the back of curb on both streets for a distance of 50 feet from the point of intersection of the curb line. In the

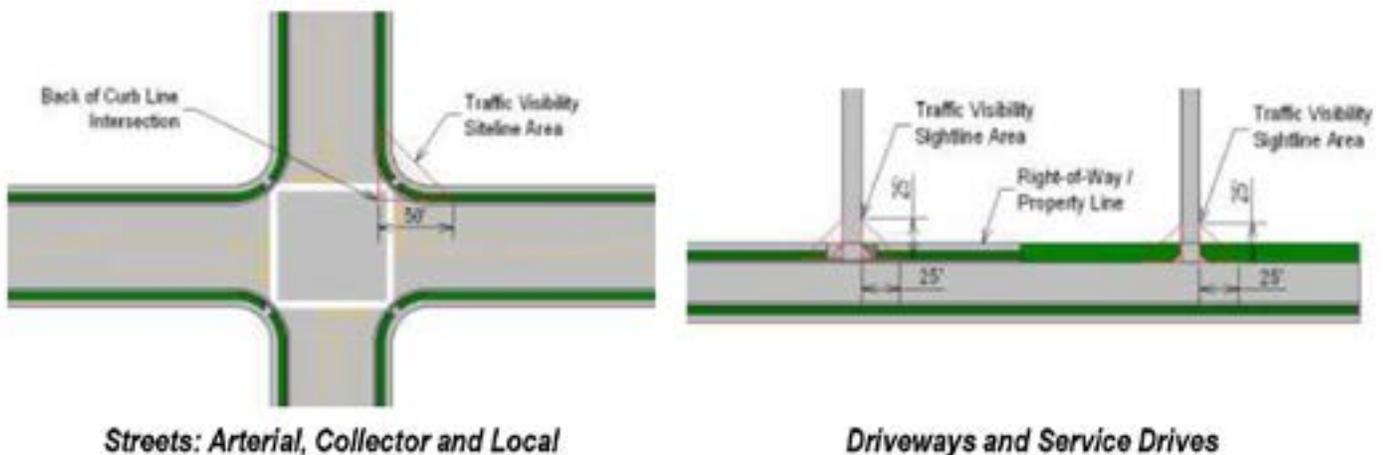
absence of curb, the triangular area shall be measured 50 feet from intersection of the projection line of the edge of pavement.

**b) Sightlines at Intersections of Driveways or Access ways with Streets.**

- i. A triangular area as defined in paragraph 2.5.3 b) iii. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten feet above the centerline grades of the intersecting driveway, access way, or streets is not obscured.
- ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting driveway, access way, or streets within the triangular area defined in Section 2.5.3.b) iii.
- iii. Such triangular area shall be bound by the intersecting driveway, access way, or street centerlines and a diagonal connecting two points as measured along the back of curb on both streets and driveways for a distance of 25 feet

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**Figure 2.4 - Sight Lines at Intersections**



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

#### 2.5.4 Buffer Yards.

- a) **Scope.** Any non-residential use which borders any property zoned or used for residential purposes shall provide buffer yards which comply with the standards of the section.
- b) **Size, Location.**
- i. A 15 foot buffer yard shall be required, unless otherwise indicated in this Ordinance. A 25 foot buffer yard shall be required when any non-residential use borders any property zoned as R-10 or R-6. Additionally, the Planning Commission may require additional buffer area upon the determination that the proposed non-residential use will generate noise, light, glare, dust, odor, appearance, or other noxious characteristics which warrant additional separation or screening techniques.
  - ii. The buffer yard shall be measured from the property line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.
  - iii. The buffer yard may be coterminous with a required front, side, or rear yard, provided the larger yard requirements shall apply in case of conflict.
- c) **Characteristics.**
- i. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
  - ii. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than 12 inches in height, or weeds.
- d) **Planting Screen.**
- i. Each buffer yard shall include a planting screen of trees, shrubs, and other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
  - ii. Each Planting Screen shall be in accordance with the following requirements:
    - a. Plant materials used in the Planting Screen shall be of such species and size as will produce, within two years, a complete year-round visual screen of at least eight feet in height.
    - b. The Planting Screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one year.
    - c. The Planting Screen shall be so placed that at maturity it will be at least three feet from any street or property line.
    - d. The Planting Screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 2.5.3.
  - iii. In circumstances where it is impractical for a planting screen to meet all the requirements of this Section or would create an undue hardship, the Planning Commission may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements. Planning Commission review shall be in accordance with Section 9.8 of this Ordinance.
- e) **Plans.**
- i. Prior to the issuance of any Zoning approval, the applicant shall submit plans which graphically indicate, in both drawing and text where appropriate, the following:
    - a. The location and arrangement of each buffer yard.
    - b. The placement, species, and size of all plant materials; and
    - c. The placement, size, materials and type of all fences to be placed in such buffer yard.

- ii. Such plans shall be reviewed by the Development Coordinator to ascertain that the plans are in conformance with the terms of this ordinance.

## **2.6 ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTH FOR ROADS.**

### **2.6.1 Purpose and Establishment.**

- a) All front yards and other appropriate yards shall be measured from minimum future right-of-way line indicated in Section 2.6.2 where existing right-of-way is less than that required for the class of road on which a property abuts.

### **2.6.2 Measurement.**

- a) The future right-of-way shall be measured from the centerline of the existing road.
- b) The specific classification of each road is shown on the Future Mobility Network Map Map set forth in Envision Diamondhead 2040 or within this code.

## **2.7 NONCONFORMING BUILDINGS, STRUCTURES, LOTS, AND USES OF LAND.**

**2.7.1 Nonconforming Buildings and Structures.** A nonconforming building, structure, or land use existing at the time of adoption of these regulations may be continued and maintained except as otherwise provided in this Section.

### **2.7.2 Alteration or Enlargement and Repair of Buildings and Structures.**

- i. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions or enlargements and use is made to conform to all of the regulations of the district in which it is located and no additional structures not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming uses of land.
- ii. Should a nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to these regulations for the district in which it is located after it is moved.
- iii. Any repairs of damage or destruction sustained by a nonconforming use shall

return the structure to no less than the true value as determined by the Hancock County Tax Assessor which existed prior to the damage or destruction.

### **a) Building or Land Vacancy.**

- i. Nonconforming building, structure, dwelling, or land use, or portion thereof, existing at the time of adoption of these regulations which is or hereafter becomes vacant for any reason, for a period in excess of 6 months shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

### **b) Change In Use.**

- i. A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.
- ii. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- iii. Nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Planning Commission after the applicant has shown that the proposed change will be less objectionable in external effects than the existing nonconforming use with regard to the following at a minimum:
  - a. Traffic generation and congestion (including truck, passenger car, bicycle, and pedestrian traffic);
  - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration;
  - c. Storage and waste disposal; and
  - d. Appearance.

### **2.7.3 Nonconforming Lots of Record.**

- a) A building may be constructed on a nonconforming lot provided the yard requirements of this Ordinance are observed.
- b) Contiguous nonconforming lots under common ownership shall be considered one lot.

- 2.7.4 Restoration.** Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of 50 percent of the true value as determined by the Hancock County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances.
- 2.7.5 Ownership.** Whenever a nonconforming structure or lot is sold to a new owner, such sale shall have no effect on the nonconforming status of the structure or lot. A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner.
- 2.7.6 District Changes.** Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structure existing in the district to which the area was transferred.
- 2.7.7 Repairs and Maintenance.** Ordinary repairs and replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed, provided that the nonconforming structure shall not be increased in size.
- 2.7.8 Uses Requiring Planning Commission Review and Conditional Use Procedures.** Any lawful use existing on the effective date of this ordinance or amendment thereto, and which would be a conditional use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions. However, any alteration to the site, building, nature of the operations, or any other aspect of the use shall require a conditional use..
- b) Such structure or use shall be removed completely upon expiration of the permit.
- c) The Development Coordinator shall not issue a temporary permit for any use or activity which is otherwise prohibited within the City.
- 2.8.2** Temporary permits may be issued for outdoor sale of goods not associated with farm produce, firewood, or seafood only after review and approval by the Planning Commission provided:
- a) Written concurrence from the property owner is obtained.
- b) Sale periods are limited to conditions established by the Planning Commission.
- c) Suitable safety precautions are taken in accordance with conditions approved by the Development Coordinator to insure that human health and welfare are not jeopardized.
- 2.8.3** The Development Coordinator may, at their discretion, elect to take any request for temporary permits before the Planning Commission for review and action.

## **2.8 TEMPORARY STRUCTURE OR USE.**

- 2.8.1** A temporary permit may be issued by the Development Coordinator for structures or uses necessary during construction or other seasonal or special circumstances of a nonrecurring nature subject to the following additional provisions:
- a) The life of such permit shall not exceed one year and may be renewed for an aggregate period of not more than two years.

Review Draft

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ARTICLE  
3

Review Draft

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## ARTICLE 3 - DISTRICTS

### 3.1 DISTRICTS ESTABLISHED.

- 3.1.1** For the purpose of this Ordinance, zoning districts are hereby established as illustrated in Table 3.1, Diamondhead Zoning Districts.
- 3.1.2** For the purposes of this Ordinance, the zoning districts named in Table 3.1 shall be of the number, size, shape, and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

### 3.2 APPLICATION OF DISTRICT REGULATIONS.

- 3.2.1** Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- 3.2.2** The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- 3.2.3** No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- 3.2.4** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 3.2.5** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 3.2.6** Any territory which may hereafter be annexed into the City of Diamondhead shall maintain the zoning classification assigned by the county prior to the annexation. The

annexed land shall be rezoned according to the City of Diamondhead zoning regulations at a public hearing at a time designated by the Planning Commission. In the event the annexed territory is without a zoning classification at the time of annexation, then such annexed territory shall remain un-zoned until otherwise classified by the City of Diamondhead.

### 3.3 ZONING MAP.

- 3.3.1** A map entitled, "Official Zoning Map—City of Diamondhead Mississippi" accompanies this Ordinance and is declared a part of this Ordinance.
- 3.3.2** The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the adoption date of this Ordinance and the seal of the City of Diamondhead under the following words: "This is to certify that this is the Official Zoning Map adopted [DATE], as part of the City of Diamondhead Zoning Ordinance."
- 3.3.3** Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- 3.3.4** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Diamondhead City Hall and shall be the final authority on boundaries and districts.
- 3.3.5** Replacement of Official Zoning Map.
- a) If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
  - b) The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
  - c) The new Official Zoning Map shall be identified by the signatures of the Mayor, attested by the City Clerk, and bearing the following words: "This is to certify that

Table 3.1. Diamondhead Zoning Districts		
District	Description	Corresponding Placetype from Envision Diamondhead 2040
<b>Residential Districts</b>		
R-10	Single Family Low Density Residential	First Diamondhead and Suburban Neighborhoods
R-6	Single Family Medium Density Residential	First Diamondhead and Suburban Neighborhoods
RHD-5	Single Family High Density Residential	First Diamondhead and Suburban Neighborhoods
RM-5	Multiple-family Residential	First Diamondhead and Suburban Neighborhoods
MH	Manufacture Home Residential	First Diamondhead and Suburban Neighborhoods
<b>Commercial Districts</b>		
C-1	General Commercial	Suburban Centers and Suburban Retrofit
C-2	Interstate Commercial/Gaming/Resort	Suburban Centers, Suburban Retrofit, Resort Waterfront
<b>Mixed-Use Districts</b>		
AD	Aloha District	Aloha District
TND	Traditional Neighborhood	Traditional Neighborhood
<b>Employment Districts</b>		
TC	Technology	Technology and Industry
I	Industrial	Technology and Industry
<b>Special and Overlay Districts</b>		
PUD	Planned Unit Development	Applicable to all placetypes
EP	Environmental Preservation	Parks, Open Spaces, Amenities and Natural Waterfront
PFR	Public Facilities and Recreation	Parks, Open Spaces, Amenities and Natural Waterfront

this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Diamondhead Zoning Ordinance."

- d) Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

**3.4 RULES FOR INTERPRETING DISTRICT BOUNDARIES.**

- 3.4.1 Zoning boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving with the actual centerline.
- 3.4.2 Boundaries approximately following property lines shall be construed as

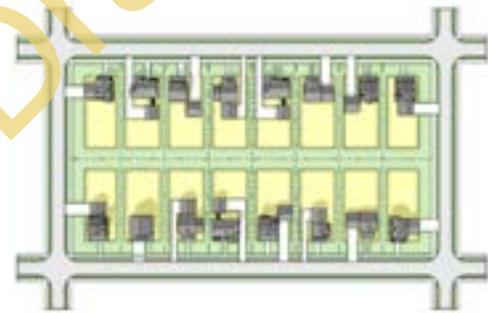
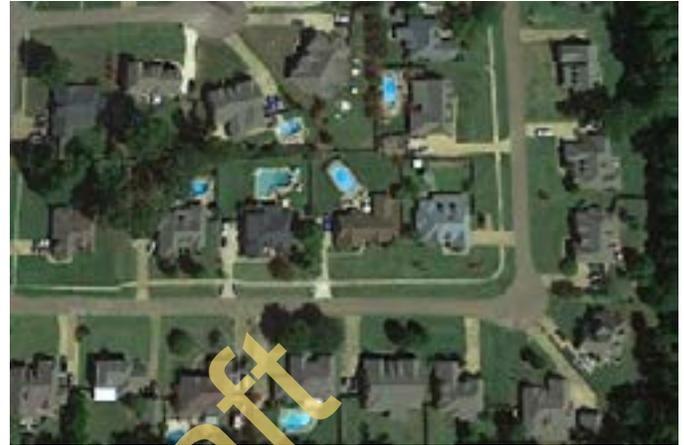
following such property lines.

- 3.4.3 Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- 3.4.4 Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 3.4.1 through 3.4.3 above, the Planning Commission shall interpret the district boundaries.
- 3.4.5 Where any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.
- 3.4.6 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the City may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

### 3.4.7 Residential R-10 – Low Density Single-Family District

The district is intended to implement the First Diamondhead and Suburban Neighborhood Placetypes set out in Envision Diamondhead 2040 Comprehensive Plan. The district is to recognize and promotes the character of these areas in Diamondhead as low density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	10,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	80'
Front Yard (min/max)	20'/none
Side Yard	10'
Rear Yard	20'
2. Use and Intensity	
Permitted Primary and Accessory Uses	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	4 Dwellings/Acre
Impervious Surface Ratio	0.45
Floor Area Ratio	None
Maximum Structure Height <sup>2</sup>	35'
Minimum Dwelling Size	See Map of Minimum Square Footage Requirements
3. Site Specific Design Standards	
Mobility and Parking Standards	<a href="#">See Article 6</a>
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	



Plan view illustration of typical development configuration



Perspective view of typical development configuration

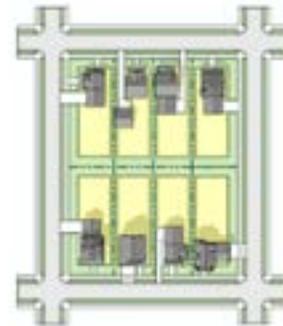
### 3.4.8 Residential R-6 – Medium Density Dwelling District

The district is intended to implement the First Diamondhead and Suburban Neighborhood Placetypes set out in Envision Diamondhead 2040 Comprehensive Plan. The district is to recognize and promotes the character of these areas in Diamondhead as medium density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

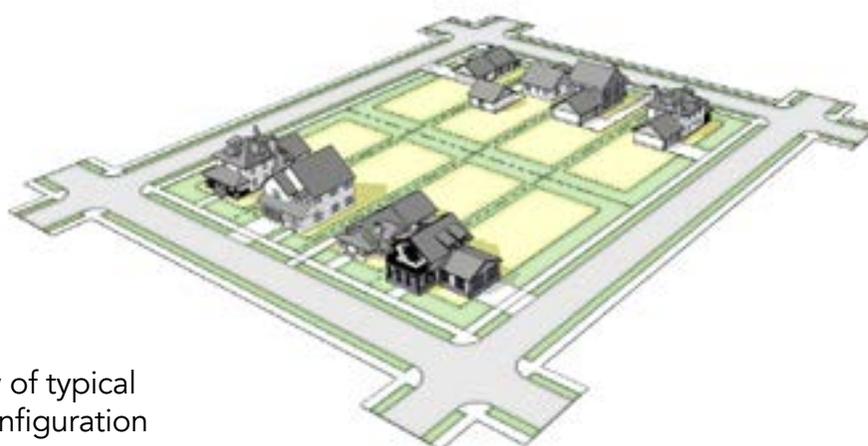
1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	6,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	60'
Front Yard (min/max)	20'/none
Side Yard	10'
Rear Yard	20'
2. Use and Intensity	
Permitted Land Use	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	7 Dwellings/Acre
Impervious Surface Ratio	0.45
Floor Area Ratio	None
Maximum Structure Height <sup>2</sup>	35'
Minimum Dwelling Size	See Map of Minimum Square Footage Requirements
3. Site Specific Design Standards	
Mobility and Parking Standards	<a href="#">See Article 6</a>
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

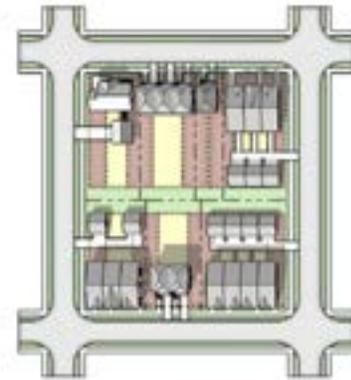
### 3.4.9 Residential RHD5 – High Density Single-family Dwelling District

The district is intended to implement the First Diamondhead and Suburban Neighborhood Placetypes set out in Envision Diamondhead 2040 Comprehensive Plan. The district is to recognize and promote the character of these areas in Diamondhead as high density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities. The district functions to preserving existing low or medium density single-family neighborhoods from nearby non-residential uses by serving as a transitional land use. The district is to recognize and promote the character of these areas in Diamondhead as high density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area <sup>1</sup>				
Minimum Lot Size	Zero-lot line	5,000 (sf)		
	Attached Townhouse	6,000 (sf) first 2 units, 1,800 each added unit		
	All other uses	6,000 (sf)		
Minimum Lot Frontage		40'		
Lot width at the building line	Detached	60'		
	Townhome	14'		
	All other uses	60'		
Yards	Unit Type	Front	Side	Rear
	Detached	20'	5'	20'
	Zero-lot or Townhome		0, 10' on end	
	All other uses		10'	
2. Use and Intensity				
Permitted Land Use		<a href="#">See Article 4, Table 4.1, Use Matrix</a>		
Residential Intensity		8.5 Dwellings/Acre		
Impervious Surface Ratio	Single-Family Detached	0.60		
	Single-Family Attached	0.70		
Floor Area Ratio		None		
Maximum Structure Height <sup>2</sup>		35'		
Minimum Dwelling Size		See Map of Minimum Square Footage Requirements		
3. Site Specific Design Standards				
Mobility and Parking Standards		<a href="#">See Article 6</a>		
4. Review and Approval Processes				
Subdivision Standards		See Subdivision Regulations		
Building, Site, and Design Standards		<a href="#">See Article 5</a>		
5. District Exceptions and Notes				
<sup>1</sup> See methods for dimensional measurements				
<sup>2</sup> See exceptions to height limitations				



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

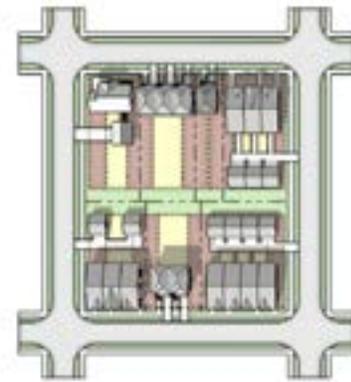
### 3.4.10 Residential RM5 – Multi-Family High Density Dwelling District

The district is intended to implement the First Diamondhead and Suburban Neighborhood Placetypes set out in Envision Diamondhead 2040 Comprehensive Plan. The district is to recognize and promote the character of these areas in Diamondhead as high density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities. The district functions to preserving existing low or medium density single-family neighborhoods from nearby non-residential uses by serving as a transitional land use. The district is to recognize and promote the character of these areas in Diamondhead as high density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area <sup>1</sup>				
Minimum Lot Size	SF Detached	5,000(sf)		
	Attached Townhouse	6,000(sf) first 2 units, 1,800 each added unit		
	Multi-family	9,600(sf) for up to three units; 800 each added unit		
	All other uses	6,000 (sf)		
Minimum Lot Frontage		40'		
Lot width at the building line	Detached	50'		
	Townhome	14'		
	Two-family	60'		
	Multi-family	80'		
Yards	Unit Type	Front	Side	Rear
	Detached	20'	5'	20'
	Zero-lot or Townhome		0, 10' on end unit	
	All other uses		10'	
2. Use and Intensity				
Permitted Land Use		<a href="#">See Article 4, Table 4.1, Use Matrix</a>		
Residential Intensity	SF and Two-family	8.5 Dwellings/Acre		
	Multi-family	20 Dwelling/Acre		
Impervious Surface Ratio	SF Detached	0.60		
	Townhouse	0.70		
	Multi-family	0.50		
	All Others	0.60		
Floor Area Ratio		None		
Maximum Structure Height <sup>2,3</sup>		35'		
Minimum Dwelling Size		See Map of Minimum Square Footage Requirements		
3. Site Specific Design Standards				
Mobility and Parking Standards		<a href="#">See Article 6</a>		
4. Review and Approval Processes				
Subdivision Standards		See Subdivision Regulations		
Building, Site, and Design Standards		<a href="#">See Article 5</a>		
5. District Exceptions and Notes				
<sup>1</sup> See methods for dimensional measurements				
<sup>2</sup> See exceptions to height limitations				
<sup>3</sup> 50 feet shall be allowed with conditional use approval				



Aerial precedent image



Plan view illustration of typical development configuration

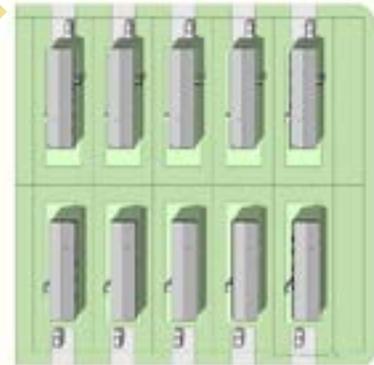


Perspective view of typical development configuration

### 3.4.11 Residential MH – Manufactured Home Dwelling District

The district is intended to implement the First Diamondhead Placetype set out in Envision Diamondhead 2040 Comprehensive Plan. The district is designed to accommodate manufactured home communities and manufactured home parks, either as subdivisions or as rental parks, in certain areas of the city. This district may also accommodate related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	3 acre site, minimum of 17 lots of 5,000(sf)
Minimum Lot Frontage	40'
Lot width at the building line	80'
Front Yard (min/max) <sup>3</sup>	20'/none
Side Yard <sup>3</sup>	10', 20' on street side of corner
Rear Yard <sup>3</sup>	20'
Minimum Unit Separation	16'
2. Use and Intensity	
Permitted Primary and Accessory Uses	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	8 Dwellings/Acre
Impervious Surface Ratio	0.60
Floor Area Ratio	None
Maximum Structure Height <sup>2</sup>	35'
Minimum Dwelling Size	See Map of Minimum Square Footage Requirements
3. Site Specific Design Standards	
Mobility and Parking Standards	<a href="#">See Article 6</a>
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	
<sup>3</sup> See use conditions for additional dimensional requirements	



Plan view illustration of typical development configuration



Perspective view of typical development configuration

### 3.4.12 C-1 General Commercial District

The district is intended to implement the Suburban Commercial and Suburban Redevelopment set out in Envision Diamondhead 2040 Comprehensive Plan. The district is designed to provide for the retail and personal service needs at a community level scale as well as those traveling to and through Diamondhead.

1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	none
Minimum Lot Frontage	40'
Lot width at the building line	100'
Front Yard (min/max)	25'/none
Side Yard	5' or 0' when sites are simultaneously developed facade is continuous and
Rear Yard	10'
2. Use and Intensity	
Permitted Primary and Accessory Uses	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	n/a
Impervious Surface Ratio	0.75
Floor Area Ratio	None
Maximum Structure Height <sup>2,3</sup>	35'
Minimum Dwelling Size	See Map of Minimum Square Footage Requirements
3. Site Specific Design Standards	
Mobility and Parking Standards	<a href="#">See Article 6</a>
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	
<sup>3</sup> 50 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

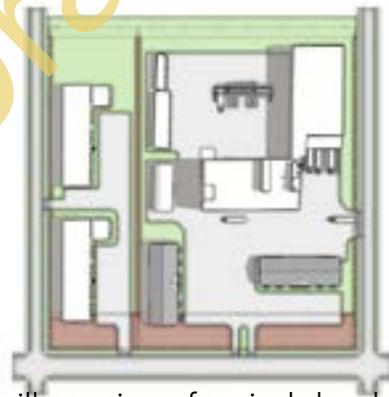
### 3.4.13 C-2 Interstate Commercial/Gaming/Resort District

The district is intended to implement the Suburban Centers, Suburban Redevelopment, and Resort Waterfront placetypes set out in Envision Diamondhead 2040 Comprehensive Plan. The district is designed to provide for land uses that require higher traffic volumes and serve both the residents of the Diamondhead community and those within the region.

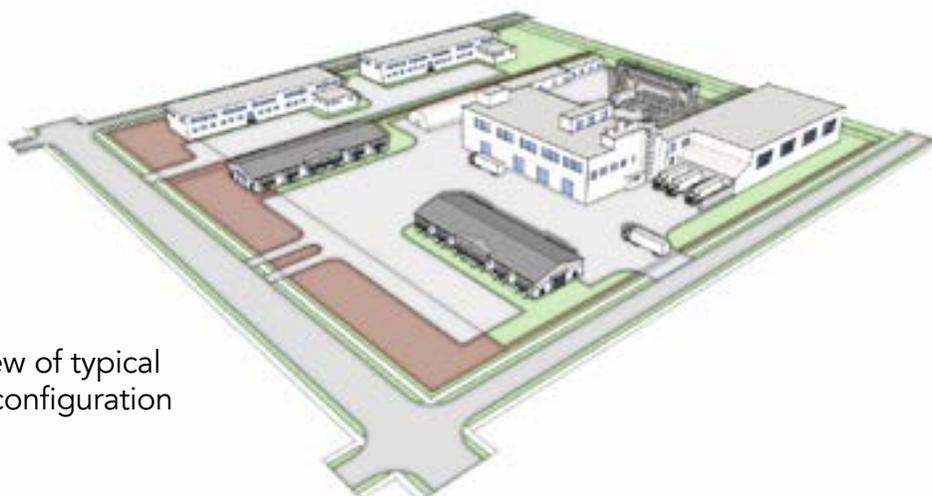
1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	none
Minimum Lot Frontage	40'
Lot width at the building line	100'
Front Yard (min/max)	25'/none
Side Yard	5' or 0' when sites are simultaneously developed and facade is continuous
Rear Yard	10'
2. Use and Intensity	
Permitted Primary and Accessory Uses	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	n/a
Impervious Surface Ratio	0.50
Floor Area Ratio	??
Maximum Structure Height <sup>2,3</sup>	50'
Minimum Dwelling Size	n/a
3. Site Specific Design Standards	
Mobility and Parking Standards	<a href="#">See Article 6</a>
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	
<sup>3</sup> 100 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

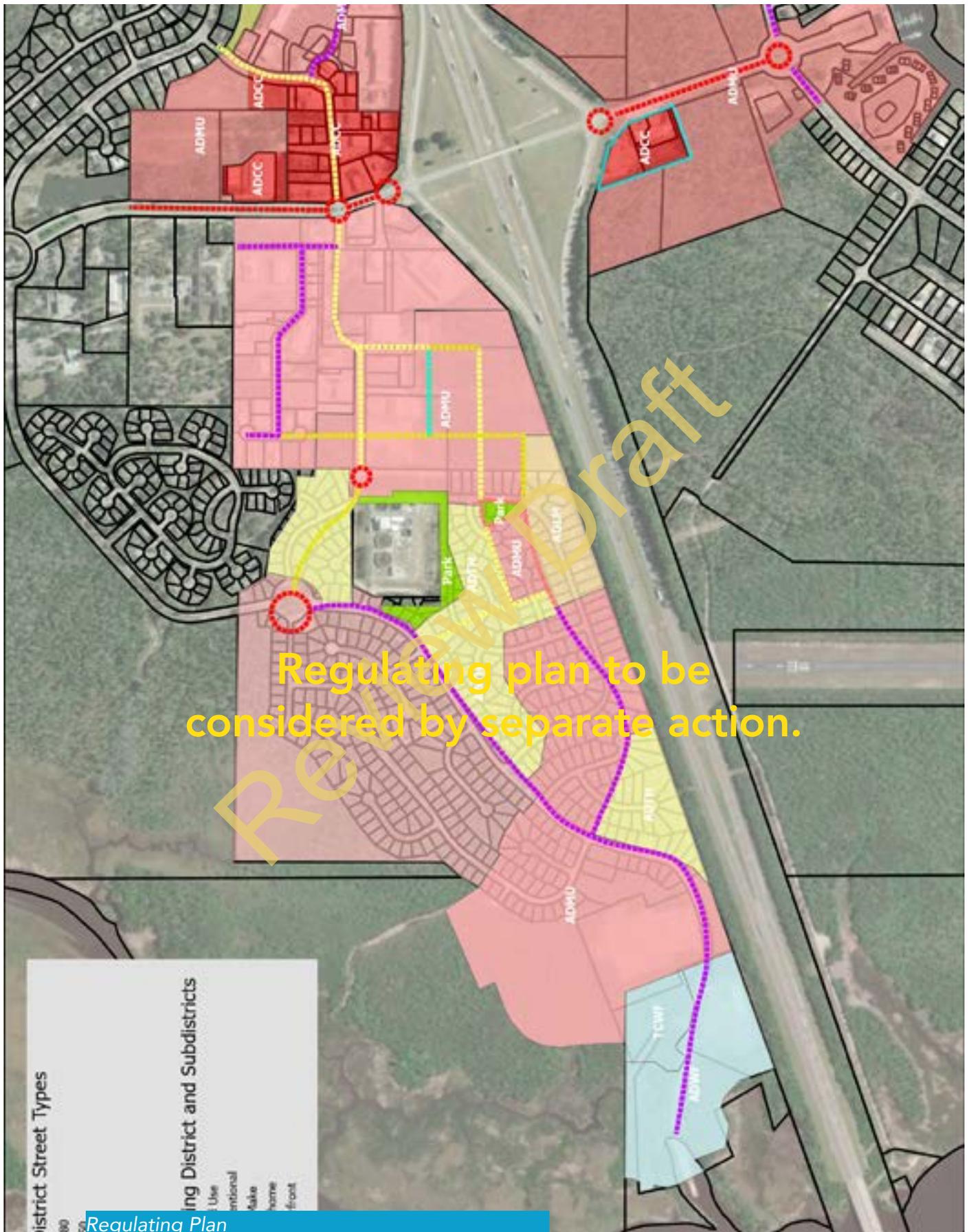
### 3.4.14 Diamondhead Aloha District (AD)

1. Purpose. The purpose of the Diamondhead Aloha District is to provide for and promote the development of a compact mixed use town center reflecting the timeless building patterns of traditional downtowns. These characteristics include design features that prioritize pedestrian activity, human scales outdoor environments, abundant landscape and natural features, and quality architecture. The district accommodates a range of commercial, residential, small scale production, open space and recreational activities. While land use is a very important element in the district, building form, lot placement, and streetscape take precedent in creating the desired environment.
2. Development Principles. The general development principles of the Aloha District are to:
  - a. Promote a pedestrian-oriented urban form. In contrast to conventional zoning standards that place a primary emphasis on the regulation of land uses, Form-Based mixed-use development standards and guidelines focus on promoting a walkable, urban form of development, consistent with traditional downtown and commercial centers. The focus on form promotes buildings that conform to tested urban design principles.
  - b. Require excellence in the design of the public realm and of buildings that front public spaces. The most successful and memorable urban environments are those in which walking down the street is appealing. Streets, plazas, parks, and other public spaces should be comfortable and inviting, and buildings fronting those spaces should be active and visually interesting at the pedestrian level.
  - c. Encourage creativity, architectural diversity, and exceptional design. The Form-Based District is intended to promote high quality design, and the development review process for mixed-use projects is intended to promote flexibility. Standards and guidelines, as well as the development review process, are intended to support creativity and exceptional design while discouraging uniformity.
3. District Organization. The Aloha District's provisions are presented in an organizational pattern distinct from the standard districts in the Diamondhead Zoning Ordinance and are organized under the following headings:
  - a. District regulating plan
  - b. Building types and locations
  - c. Building type arrays
  - d. Land uses
  - e. Site standards
4. Regulating Plan The Diamondhead Aloha District (DAC) is illustrated on the following map. The district consists of



that portion of Diamondhead identified as having strong potential for development consistent with the purposes of the district and its development principles. The overall district is divided into the following sub districts:

- a. ADMU - Mixed Use Subdistrict
  - b. ADLM - Live-Make Subdistrict
  - c. ADTH - Townhome Subdistrict
  - d. ADWF - Waterfront Subdistrict
  - e. ADCC - Conventional Commercial Subdistrict
5. Building Typres. While other districts in this ordinance do not define building types, this district requires that building types be defined to achieve the purposes of the district. The following building types are hereby established and defined in Table 1.
    - a. Mixed-Use Building
    - b. Civic Building
    - c. Low-Rise Dwelling
    - d. Mid-Rise Dwelling
    - e. Live-Work Attached
    - f. Townhome Dwelling-Attached
    - g. Live-Make Attached
    - h. Shopfront - Single Story
    - i. Office Showroom Warehouse
    - j. Office
    - k. Water-Based Recreation



6. Building Type by Subdistrict

- - Permitted
- - Conditional
- - Not Permitted

ADMU  
ADLM  
ADTH  
ADWF  
ADCC

	<p><b>Mixed-Use Building</b> A multi-story building type that typically accommodates ground floor retail and office uses with upper-story residential or commercial use. Not intended for ground floor residential use.</p>	■	•	■	•	■
	<p><b>Civic Building</b> A building constructed to accommodate civic uses such as libraries, community activity centers, town halls and government offices, landmarks, concert halls, performance venues, worship spaces and other places of assembly.</p>	■	■	■	•	■
	<p><b>Low-Rise Dwelling</b> A building that accommodates 5 or more dwelling units including condominiums and hotels vertically and horizontally integrated and are 3 stories tall or less.</p>	•	□	□	□	•
	<p><b>Mid-Rise Dwelling</b> A building that accommodates multiple dwelling units including condominiums and hotels, vertically and horizontally integrated, typically 4-5 stories tall.</p>	■	•	□	□	■

6. Building Type by Subdistrict

- - Permitted
- - Conditional
- - Not Permitted

ADMU  
ADLM  
ADTH  
ADWF  
ADCC

	<p><b>Live-Work - Attached</b> A building comprised of attached studio or loft units consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. Multiple units are attached and share a common wall.</p>	<p>□</p>	<p>■</p>	<p>□</p>	<p>□</p>	<p>·</p>
	<p><b>Townhome Dwelling - Attached</b> A building type that accommodates 2 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.</p>	<p>□</p>	<p>■</p>	<p>■</p>	<p>■</p>	<p>·</p>
	<p><b>Live-Make - Attached</b> A building comprised of 4 or more attached units consisting of commercial, office, manufacturing or repair and a residential component that is occupied by the same resident. The live-make unit shall be the primary dwelling of the occupant. Multiple units are attached and share a common wall.</p>	<p>·</p>	<p>■</p>	<p>□</p>	<p>·</p>	<p>·</p>
	<p><b>Shopfront - Single-Story</b> A single-story building that typically accommodates retail or commercial uses.</p>	<p>·</p>	<p>■</p>	<p>·</p>	<p>■</p>	<p>■</p>

6. Building Type by Subdistrict

- - Permitted
- Conditional
- Not Permitted

ADMU    ADLM    ADTH    ADWF    ADCC

	<p><b>Office Showroom Warehouse</b> A commercial or industrial building that offers a multi-purpose work space, typically with separate manufacturing, warehouse and office areas.</p>	•	■	•	•	•
	<p><b>Office</b> A building type that typically occupied by entities that provide professional services, are engaged in the production of intellectual property, or provide medical consultation or minor medical services.</p>	•	•	•	•	■
	<p><b>Water-Based Recreation</b> A building type that typically accommodates a range of uses commonly associated with water-based recreation including boat launch, boat storage, associated offices, accessory structures, and bait and tackle shop.</p>	•	•	•	■	•

Review Draft

Review Draft

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## 8. Building Type Requirements

Building type requirements are set forth in the following section.

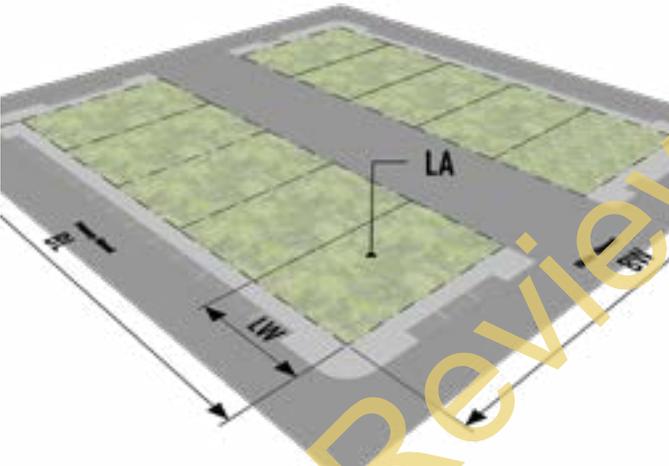
## 7. Mixed-Use Building



### Mixed-Use Building

A multi-story building type that typically accommodates ground floor retail and office uses with upper-story residential or commercial use. Not intended for ground floor residential use.

### a. Lot



### b. Placement



#### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

#### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	20'
<b>LW</b>	Lot Width (max)	40'

#### i. Building Setbacks

<b>PSMI, PSMA</b>	Primary Street (min/max)	5'/15'
<b>SSMI, SSMA</b>	Side street (min/max)	5'/10'
<b>RS</b>	Rear (min/max)	30'/36'

#### ii. Build-to Zone (BTZ)

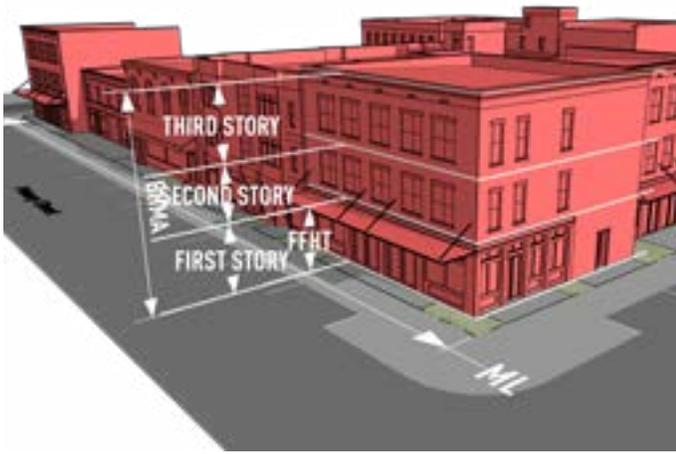
<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	70%
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#### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Mixed-Use Building

c. Height and Mass



e. Activation



d. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40' 35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

i. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

ii. Massing Length

<b>ML</b>	Up To Entire Block
-----------	--------------------

f. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	70%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

i. Pedestrian Access

<b>PE</b>	Entrance facing primary street (each ground floor unit)	Required
-----------	---	----------

ii. Building Elements Required

Porch	No
Stoop	No
Balcony	Yes
Awning/Canopy	Yes
Forecourt	Optional

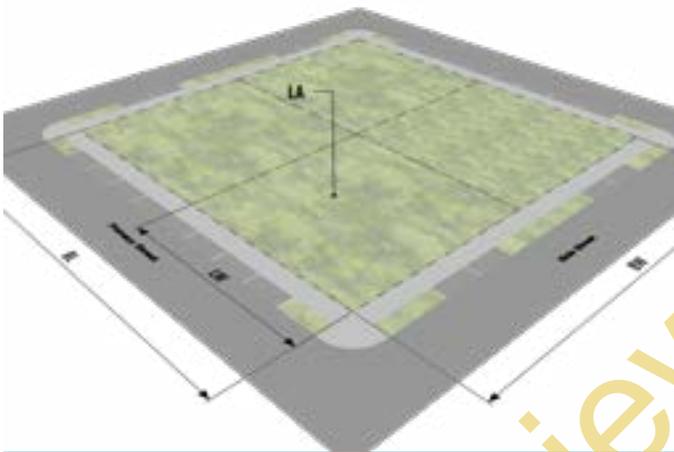
## 9. Civic Building



### Civic Building

A building constructed to accommodate civic uses such as libraries, town halls and government offices, community activity centers, landmarks, concert halls, performance venues, worship spaces, and other places of assembly.

#### a. Lot



##### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

##### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	20'
<b>LW</b>	Lot Width (max)	40'

#### b. Placement



##### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/15'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/10'
<b>RS</b>	Rear (min/max)	30'/36'

##### ii. Build-to Zone (BTZ)

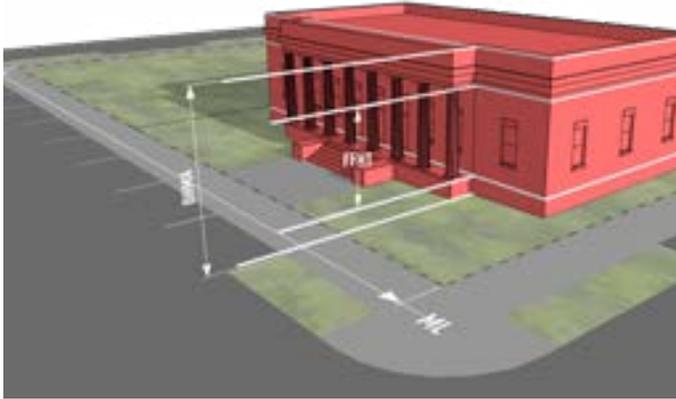
<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	70%
------------	---	-----

##### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Civic Building

c. Height and Mass



d. Activation



i. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	Entire Block
-----------	--	--------------

i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	30%
<b>PTU,STU</b>	Upper Story street facing facade (min)	20%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street	Required
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iii. Building Elements Required

Porch	No
Stoop	No
Balcony	Optional
Awning/Canopy	Optional
Forecourt	Optional

## 10. Low-Rise Dwelling



### Low-Rise Dwelling

A building that accommodates 5 or more dwelling units, including condominiums and hotels, vertically and horizontally integrated and are 3 stories tall or less.

#### a. Lot



#### b. Placement



#### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

#### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	20'
<b>LW</b>	Lot Width (max)	40'

#### i. Building Setbacks

<b>PSMI, PSMA</b>	Primary Street (min/max)	5'/15'
<b>SSMI, SSMA</b>	Side street (min/max)	5'/10'
<b>RS</b>	Rear (min/max)	30'/36'

#### ii. Build-to Zone (BTZ)

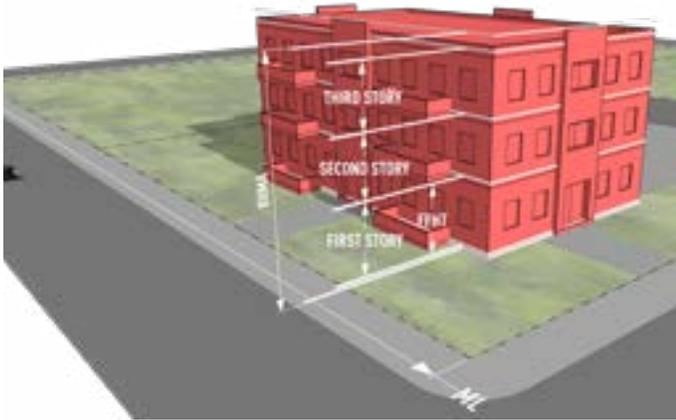
<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	70%
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#### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Low-Rise Dwelling

c. Height and Mass



d. Activation



i. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	Entire Block
-----------	--	--------------

i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	70%
<b>PTU,STU</b>	Upper Story street facing facade (min)	20%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street (each ground floor unit)	Required
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iii. Building Elements Required

Porch	No
Stoop	No
Balcony	Optional
Awning/Canopy	Yes
Forecourt	Optional

## 11. Mid-Rise Dwelling



### Mid-Rise Dwelling

A building that accommodates multiple dwelling units including condominiums and hotels, vertically and horizontally integrated, typically 4 to 5 stories tall.

#### a. Lot



##### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	200'/240'

##### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	n/a
<b>LW</b>	Lot Width (min)	50'
<b>LW</b>	Lot Width (max)	120'

#### b. Placement



##### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	20'/30'
<b>SSMI,SSMA</b>	Side street (min/max)	15'/20'
<b>RS</b>	Rear (min/max)	30'/36'

##### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	50%
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##### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Mid-Rise Dwelling

c. Height and Mass



i. Building Height

<b>BHMA</b>	Building Height (max)	5 stories / 65'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	n/a
-----------	--	-----

d. Activation



i. Transparency

<b>PTG, STG</b>	Ground Story, primary/side (min)	70%
<b>PTU, STU</b>	Upper Story street facing facade (min)	70%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street (each ground floor unit)	Required
-----------	---	----------

iii. Building Elements Required

Porch	No
Stoop	No
Balcony	Optional
Awning/Canopy=	Yes
Forecourt	Yes

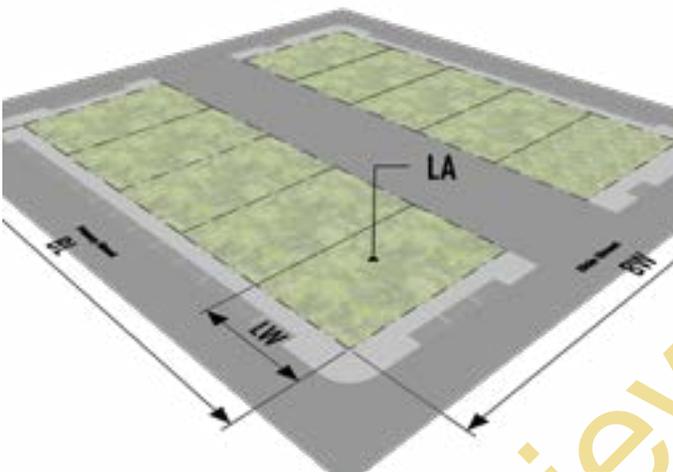
## 12. Live-Work Attached Building



### Live Work - Attached

A building comprised of attached studio or loft units consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. Multiple units are attached and share a common wall.

#### a. Lot



##### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

##### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	25'
<b>LW</b>	Lot Width (max)	35'

#### b. Placement



##### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

##### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	0%
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##### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Live-Work Attached Building

c. Height and Mass



i. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40'-35'
<b>A</b>	Accessory structure	None

**General Note**

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	6
-----------	--	---

d. Activation



i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street (each ground floor unit)	Required
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iii. Building Elements Required

Porch	Yes
Stoop	Yes
Balcony	Optional
Awning/Canopy	Required
Forecourt	No

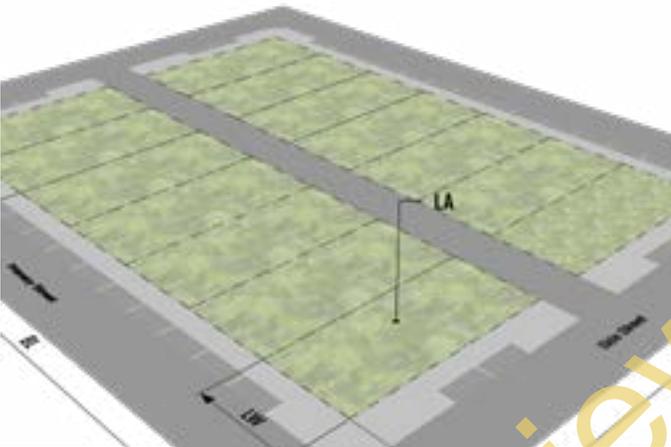
### 13. Townhome Dwelling - Attached



#### Townhome Dwelling

A building type that accommodates 2 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.

#### a. Lot



##### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

##### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	16'
<b>LW</b>	Lot Width (max)	35'

#### b. Placement



##### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

##### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	0%
------------	---	----

##### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Townhome Dwelling-Attached

d. Height and Mass



c. Activation



i. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
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iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	6
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i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street (each ground floor unit)	Required
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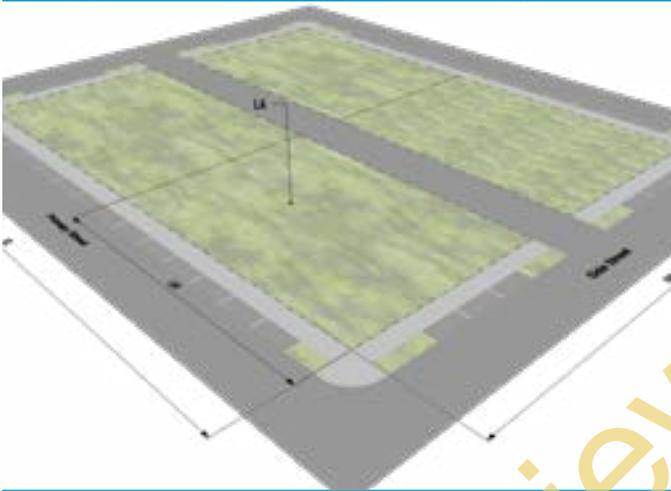
iii. Building Elements Required

Porch	Yes
Stoop	Yes
Balcony	No
Awning/Canopy	No
Forecourt	No

## 14. Live-Make Attached Building



### a. Lot



#### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

#### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	25'
<b>LW</b>	Lot Width (max)	35'

### Live Make - Attached

A building comprised of 4 or more attached units consisting of commercial, office, manufacturing or repair and a residential component that is occupied by the same resident. The live/make unit shall be the primary dwelling of the occupant. Multiple units are attached and share a common wall.

### b. Placement



#### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

#### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	0%
------------	---	----

#### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Live-Make Attached Building

c. Height and Mass



d. Activation



i. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	6
-----------	--	---

i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street (each ground floor unit)	Required
-----------	---	----------

iii. Building Elements Required

Porch	Yes
Stoop	Yes
Balcony	No
Awning/Canopy	No
Forecourt	No

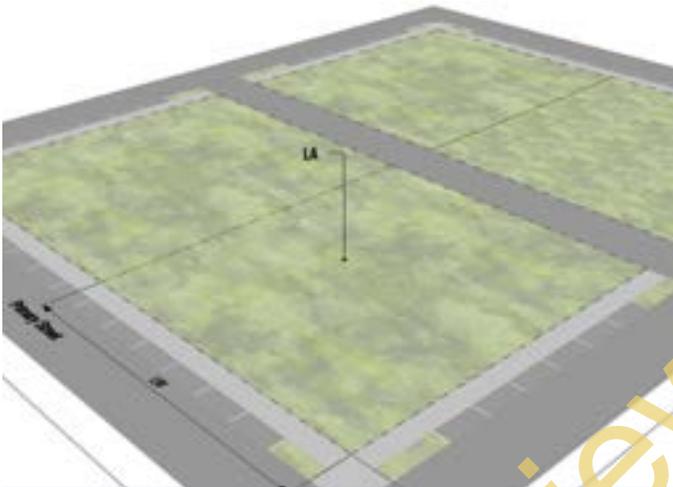
## 15. Shopfront - Single Story Building



### Shopfront - Single-Story

A single-story building that typically accommodates retail, restaurant or commercial uses.

#### a. Lot



#### b. Placement



#### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

#### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	25'
<b>LW</b>	Lot Width (max)	35'

#### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

#### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	50%
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#### iii. Parking Location

<b>PZ</b>	On site parking to side and rear of building
-----------	--

## Shopfront - Single Story Building

## c. Height and Mass



## i. Building Height

<b>BHMA</b>	Building Height (max)	35'
<b>A</b>	Accessory structure	None

## General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

## ii. Story Height

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

## iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	n/a
-----------	--	-----

## d. Activation



## i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

## ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street	Required
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## iii. Building Elements Required

Porch	No
Stoop	No
Balcony	No
Awning/Canopy	Yes
Forecourt	Optional

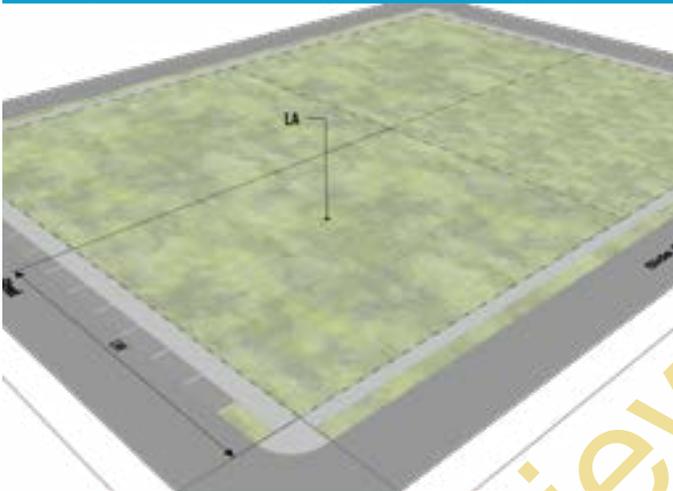
## 16. Office Showroom Warehouse Building



### Office Showroom Warehouse

A commercial or industrial building that offers a multi-purpose work or office space, typically with separate manufacturing, warehouse

#### a. Lot



##### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

##### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	25'
<b>LW</b>	Lot Width (max)	35'

#### b. Placement



##### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

##### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	50%
------------	---	-----

##### iii. Parking Location

<b>PZ</b>	On site parking to side and rear of building
-----------	--

Office Showroom Warehouse Building

**c. Height and Mass**



**d. Activation**



**i. Building Height**

<b>BHMA</b>	Building Height (max)	40'-35'
<b>A</b>	Accessory structure	None

**General Note**

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

**ii. Story Height**

<b>FFHT</b>	First Floor (min)	12'
-------------	-------------------	-----

**iii. Massing Length**

<b>ML</b>	Number of buildings permitted in any one row (max)	n/a
-----------	--	-----

**i. Transparency**

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

**ii. Pedestrian Access**

<b>PE</b>	Entrance facing primary street	Required
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**iii. Building Elements Required**

Porch	No
Stoop	No
Balcony	No
Awning/Canopy	Yes
Forecourt	No

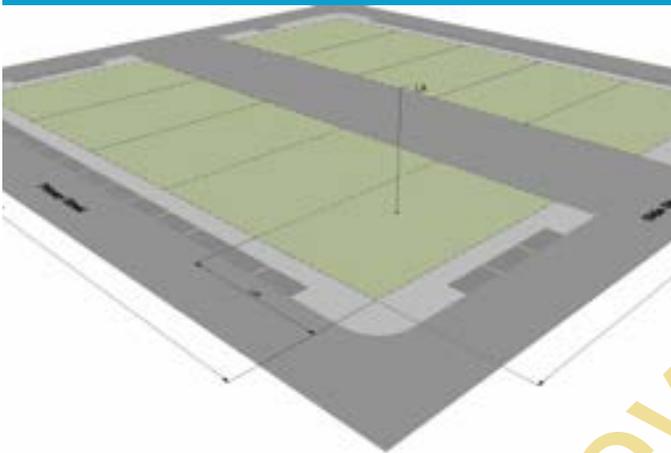
## 17. Office Building



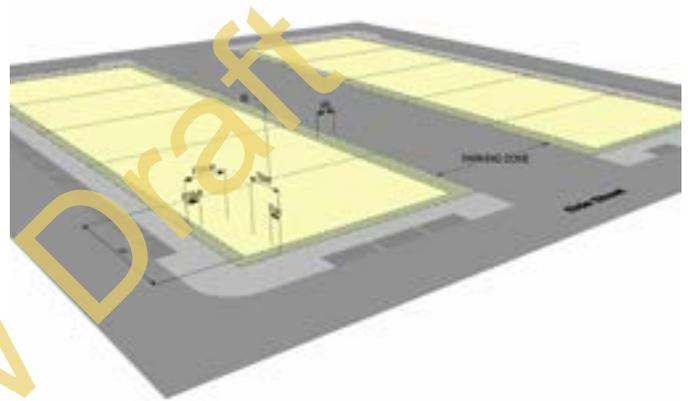
### Office

A building type that typically occupied by entities that provide professional services, are engaged in the production of intellectual property, or provide medical consultation or minor medical services.

### a. Lot



### b. Placement



#### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

#### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	25'
<b>LW</b>	Lot Width (max)	35'

#### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

#### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	0%
------------	---	----

#### iii. Parking Location

<b>PZ</b>	On site parking in rear of building
-----------	-------------------------------------

Office Building

c. Height and Mass



i. Building Height

<b>BHMA</b>	Building Height (max)	40'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	10'
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	n/a
-----------	--	-----

d. Activation



i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

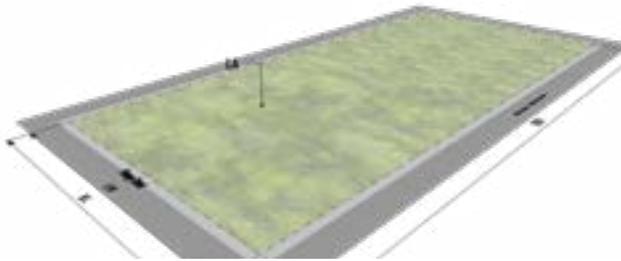
ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street	Required
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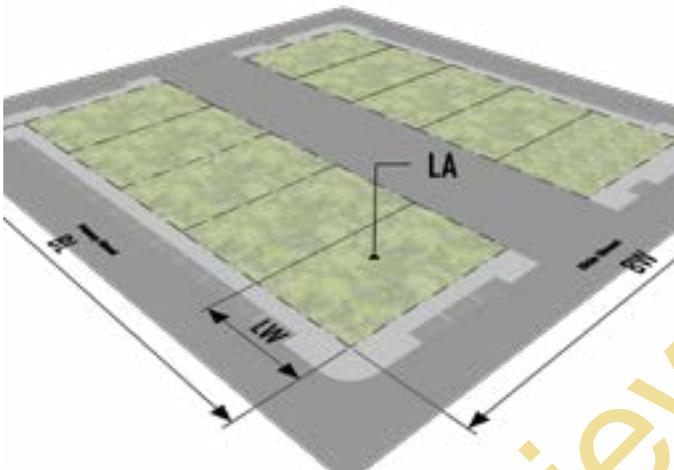
iii. Building Elements Required

Porch	No
Stoop	No
Balcony	No
Awning/Canopy	Yes
Forecourt	No

## 18. Water-Based Recreation Building



a. Lot



### i. Block Dimensions

<b>BL</b>	Block Length (min/max)	400'/600'
<b>BW</b>	Block Width (min/max)	160'/180'

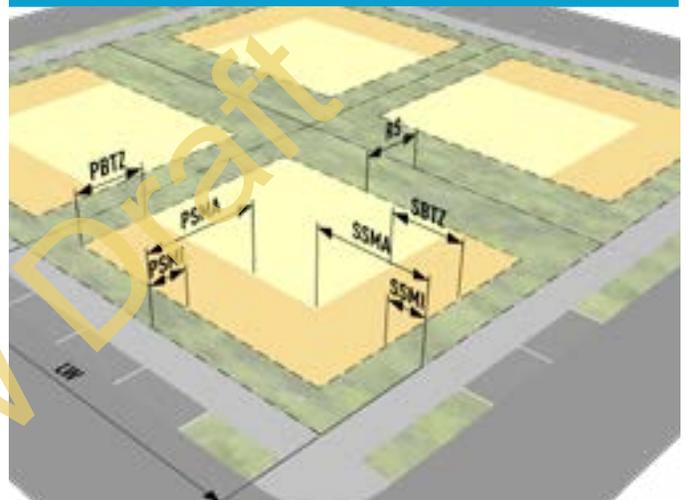
### ii. Lot Dimensions

<b>LA</b>	Lot area (min)	3000 sf
<b>LW</b>	Lot Width (min)	25'
<b>LW</b>	Lot Width (max)	35'

### Water-Based Recreation

A building type that typically accommodates a range of uses commonly associated with water-based recreation including boat launch, boat storage, associated offices, accessory structures, and bait and tackle shop.

b. Placement



### i. Building Setbacks

<b>PSMI,PSMA</b>	Primary Street (min/max)	5'/10'
<b>SSMI,SSMA</b>	Side street (min/max)	5'/8'
<b>RS</b>	Rear (min/max)	25'/35'

### ii. Build-to Zone (BTZ)

<b>BTZ</b>	Facade required in front BTZ (min % of lot width)	0%
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### iii. Parking Location

<b>PZ</b>	On site parking
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Water-Based Recreation Building

c. Height and Mass



d. Activation



i. Building Height

<b>BHMA</b>	Building Height (max)	3 stories / 40'-35'
<b>A</b>	Accessory structure	None

General Note

Where impacted by the flood zone, number of stories and building height shall be measured from finished floor elevation of the lowest floor above the 100 year flood elevation.

ii. Story Height

<b>FFHT</b>	First Floor (min)	n/a
-------------	-------------------	-----

iii. Massing Length

<b>ML</b>	Number of buildings permitted in any one row (max)	n/a
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i. Transparency

<b>PTG,STG</b>	Ground Story, primary/side (min)	50%
<b>PTU,STU</b>	Upper Story street facing facade (min)	50%

ii. Pedestrian Access

<b>PE</b>	Entrance facing primary street	n/a
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iii. Building Elements Required

Porch	No
Stoop	No
Balcony	No
Awning/Canopy	No
Forecourt	No

### 19. Building and Land Use

1. Building and land use for the Aloha District is indicated in [Article 4, Table 4.1, Use Matrix](#).
2. In the Townhome Subdistrict, apartment units are limited to 25 percent of the permitted density.

### 20. Parking Standards

Uses within the Aloha District shall be exempt from the parking standards set out in Section 8.2. However, a parking plan shall be submitted demonstrating parking sufficient to accommodate the needs of the proposed development and conforming to parking standards set out in each building type specification.

### 21. Landscaping and Screening

Landscaping and screening shall conform to the landscape design standards in the Diamondhead Zoning Ordinance.

### 22. Signage

A common sign plan shall be submitted for all proposed developments within the Aloha District and upon approval, signs shall conform to that plan.

The applicant must propose standards of consistency of all signs in the district related to the following elements:

1. Letter/graphics style
2. Location of each sign
3. Materials used in sign construction; and
4. Maximum dimensions and proportion.

Signs shall conform to the overall dimensional and placement requirements of Article 8.

### 23. Street Types in the Aloha District

Street frontage conditions are integral to the overall purposes of the Diamondhead Aloha District. Street

types with specific design standards have been identified to help achieve, support and reinforce the intended character of the district. Specific street types have been developed for this purpose. These street types are:

- a. Main Street with 100' ROW (MS-100)
- b. Boulevard with 80' ROW (BV-80)
- c. Aloha District with 60' ROW (AD-60)
- d. Aloha District with 55' ROW (AD-55)
- e. Aloha District with 50' ROW (AD-50)
- f. Social Street with 50' ROW (SS-50)
- g. Local Street with 50' ROW (LS-50)
- h. Alley

### 24. Application of Street Types

Street types shall be constructed according to the design parameters that follow. Application shall be governed as indicated on the Aloha District Regulating Plan (see section 4.16.4.1).

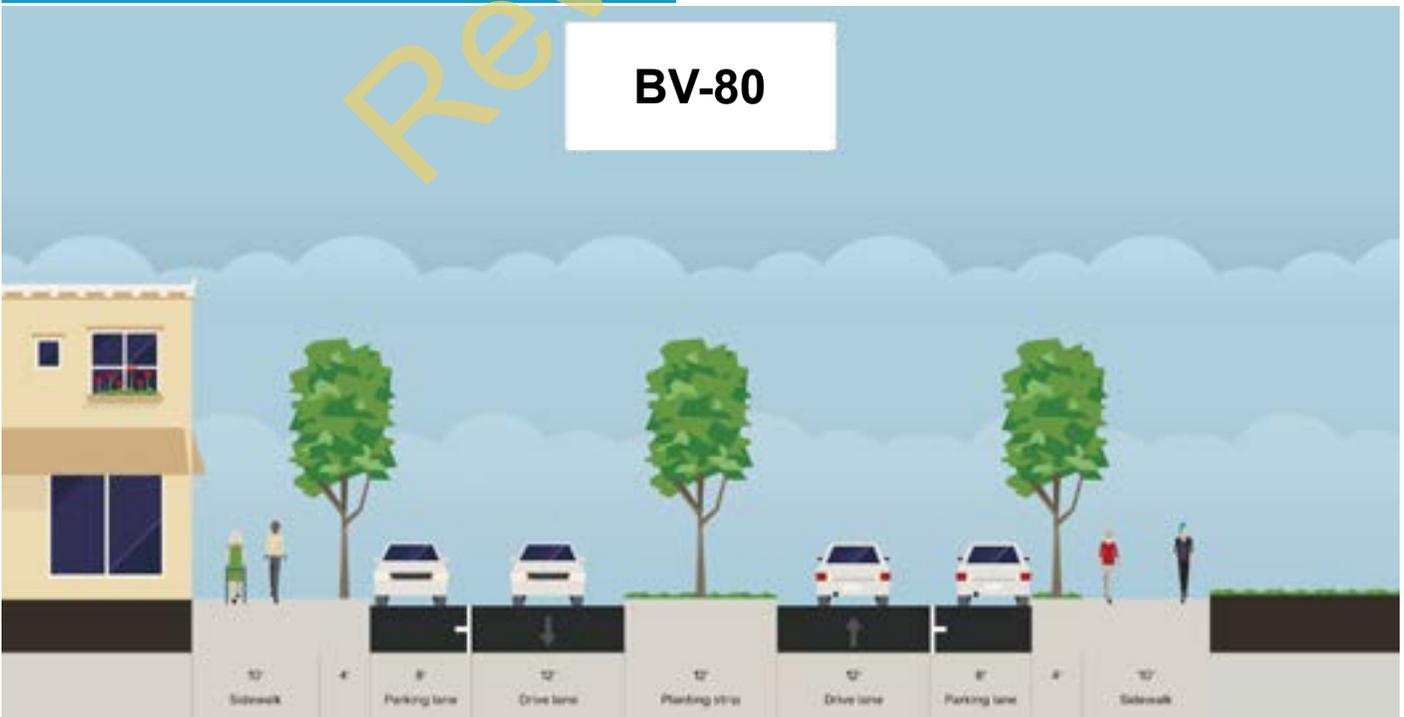
MS-100



a. MS - 100 Street Type

b. BV - 80 Street Type

BV-80



# AD-60



c. AD - 60 Street Type

d. AD - 55 Street Type

# AD-55





TC-50

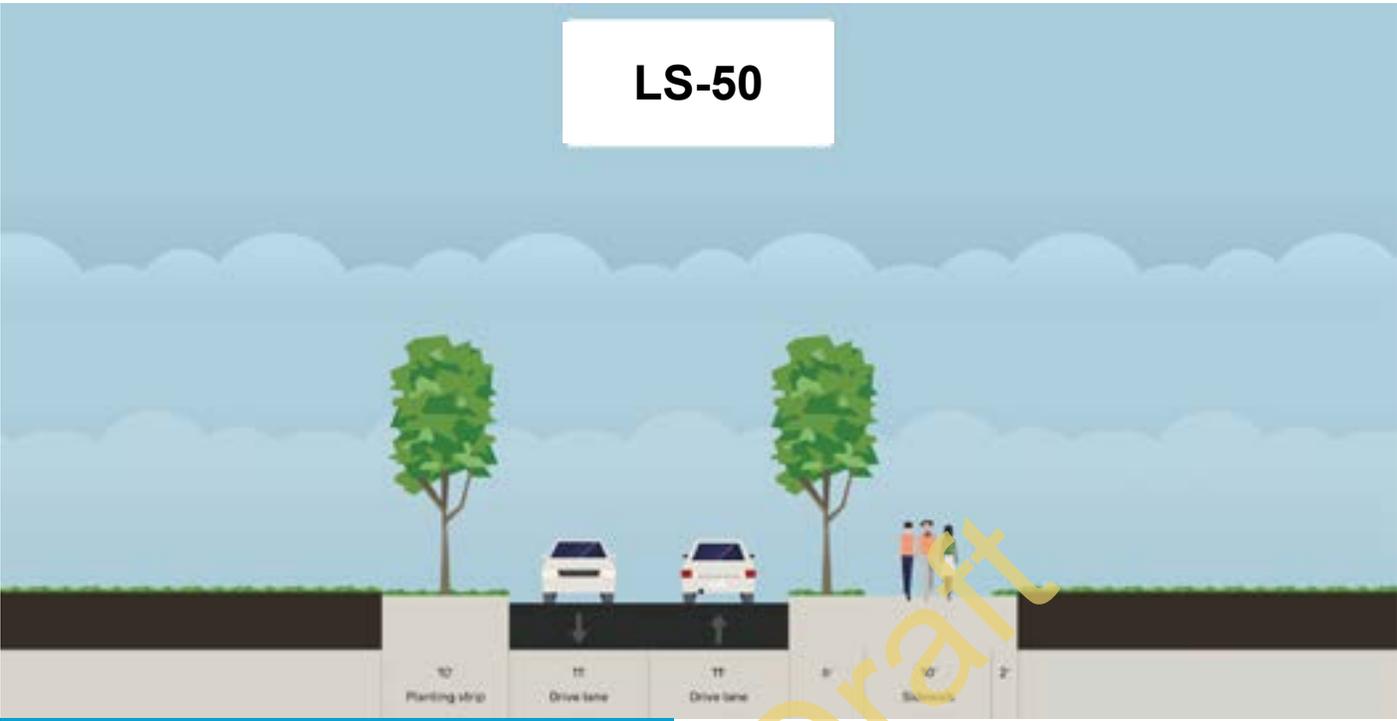
f. AD - 50 Street Type

e. SS-50 Street Type



SS 50

# LS-50



g. LS - 50 Street Type

h. Alley

# Alley



### 3.4.15 Traditional Neighborhood District (TND)

The Traditional Neighborhood District is intended to implement the Traditional Neighborhood placetype in Envision Diamondhead 2040 Comprehensive Plan. Traditional neighborhoods feature mixed-use design, including parks, schools or other public facilities. Neighborhoods should be walkable with important features within a 20-minute walk. They are pedestrian friendly and accessible for all modes of transportation. Buildings are built close to the street at a human scale, with abundant transparency on the ground floor of buildings. A wide variety of housing types are provided, both in size and affordability, and active public open space for recreation and community activities is prioritized.

1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	See Table 3.1
Minimum Lot Frontage	See Table 3.2
Lot width at the building line	
Front Yard (min/max)	
Side Yard	
Rear Yard	
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	4 Dwellings/Acre
Impervious Surface Ratio	0.75
Floor Area Ratio	None
Maximum Structure Height <sup>2</sup>	See Table 3.1
Minimum Dwelling Size	See Map of Minimum Square Footage Requirements
3. Site Specific Design Standards	
Mobility and Parking Standards	See standards that follow and <a href="#">Article 6</a>
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	



Plan view illustration of typical development configuration

Perspective view of typical development configuration



### 1. General Access and Layout.

- a. Streets. If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an avenue or main street type, the following criteria shall apply:
  - i. The internal streets providing access to the TND are to be aligned perpendicular to the local, collector or higher order street.
  - ii. The buildings or structures that take access from the internal streets are to face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) are to be provided on both streets.
  - iii. A continuous system of sidewalks are to connect the Neighborhood Core with streets and lanes that provide access to dwelling units.
- b. Variable Block Lengths. Blocks are to have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.

### 2. Lot Arrangement. All lots are to include frontage abutting a street, park or plaza (a public square, marketplace, or similar open space in city or town). A substantial percentage of the dwelling units are to be located within a 5-minute walk (1,320 feet) from the perimeter of a plaza or park as noted below:

- a. For a proposed TND less than 80 acres in size, at least 90%
- b. For a proposed TND of 80 to 90 acres in size, at least 70%
- c. For a proposed TND of 90 to 100 acres in size, at least 50%

### 3. Neighborhood Structural Element Standards.

- a. Neighborhood Core.
  - i. Parks, plazas and open spaces are to be sited to provide community focal points and public gathering places.
  - ii. The focal area must have a minimum area of 30,000 square feet. The neighborhood core may face or surround the plaza or square.
- b. Transition Area. The generally residential area, which may have limited commercial uses, but is primarily a mix of residential types, located between the core and edge areas.
- c. Edge Area. A greenbelt (a substantial area of woods, parks, or open land surrounding a community on which building is restricted) shall be sited that will provide a clear edge to the community, open space for community residents, and natural areas for stormwater management.
- d. Common Area. Common areas may include, but are not limited to, roads, sidewalks, stormwater management facilities, playgrounds, club houses and other amenities, parks, green spaces, and conservation land.

### 4. Unit Density and Intensity Standards. The requested densities, in terms of floor area ratios (FAR) and number of units per gross residential acre and total number of dwelling units, are to be established in the traditional neighborhood master plan and are to comply with the density parameters.

### 5. General Access and Layout.

- a. Streets. If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an avenue or main street type, the following criteria shall apply:
  - i. The internal streets providing access to the TND are to be aligned perpendicular to the local, collector or higher order street.
  - ii. The buildings or structures that take access from the internal streets are to face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) are to be provided on both streets.
  - iii. A continuous system of sidewalks are to connect the Neighborhood Core with streets and lanes that provide access to dwelling units.
- b. Variable Block Lengths. Blocks are to have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.

### 6. Unit Density and Intensity Standards. The requested densities, in terms of floor area ratios (FAR) and number of units per gross residential acre and total number of dwelling units, are to be established in the traditional neighborhood master plan and are to comply with the density parameters.

TND Table 3.1 - Density and Area Allocation Standards

Use Category	Minimum Land Allocation	Max. Land Allocation	Min. Density (per acre)	Max. Density (per acre)	Min./Max. Intensity (FAR)	Minimum Height (feet)	Maximum Height (feet)
Parks and open space	10%	-	-	-	-	-	-
Civic uses	2.5%	20%	-	-	2/4	-	3 stories <sup>2</sup> / 45'
Retail <sup>4</sup> , office uses, lodging	2.5%	20%	-	-	1.5/3	2 stories <sup>1</sup>	3 stories <sup>2</sup> / 45'
Upper-floor dwellings for retail and office uses <sup>8</sup>	-	-	-	22	1.5/3	-	3 stories <sup>2</sup> / 45'
Multi-family dwellings (not part of a mixed-use structure) <sup>6</sup>	5%	15%	15	22	1.5/4	2 stories <sup>1</sup>	3 stories/ 45'
Single-family attached <sup>5</sup> and detached dwellings <sup>7</sup>	15%	50%	6	12	-	-	2 stories <sup>3</sup> / 35'
Single family detached dwellings <sup>7</sup>	25%	50%	4	6	-	-	2 stories <sup>3</sup> /35'

“. ” = not applicable; “FAR” = floor area ratio  
<sup>1</sup> 1 story by special exception  
<sup>2</sup> 4 stories by special exception  
<sup>3</sup> 3 stories by special exception  
<sup>4</sup> Single store footprint limited to 25,000 square feet, greater by special exception  
<sup>5</sup> Single family attached dwellings are single structures containing 2-4 dwelling units. A minimum mix of 15% of either unit type is required  
<sup>6</sup> Not more than 25 percent are permitted as four bedroom units  
<sup>7</sup> Accessory dwelling units allowed by special exception meeting other standards of Sec. 3.5.6.  
<sup>8</sup> First floor residential by special exception

TND Table 3.2 - Setback for Principal Buildings

Location by Street Type	Minimum Frontage (feet)	Maximum Average Frontage (feet)	Minimum Front Setback (feet)	Maximum Front Setback (feet)	Minimum Side Setback (feet)	Maximum Side Setback (feet)	Minimum Rear Setback (feet)
Parkways	80	-	10	30	5	-	20
Boulevard	40	80	5	30	5	20	20
Main street	-	40	-	10	-	5	5
Avenue	20	40	5	20	5	-	20
Local	20	70	5	30	5	-	20
Public alley or lane	20	70	5	30	5	-	10
Private alley	20	70	5	30	5	-	7 <sup>1</sup>

“. ” = not applicable  
<sup>1</sup> If no parking allowed

TND Table 3.3 - Traditional Neighborhood Development Use Location

Street Type	Civic Uses	Retail or Service Uses	Multi-family Uses	Single-family Uses
Arterial	x	x	x	-
Collector	x	x	x	-
Mixed-use Local	x	x	x	-
Local	-	-	x	x
Alley or Lane	-	-	-	x

“x” = permitted; “-” = not permitted.

## 7. Prominent Sites and Vistas.

- a. Prominent sites are reserved for the following building types.
  - i. Civic buildings, such as but not limited to, government offices, libraries, museums, schools, or churches;
  - ii. Hotels; or office buildings;
- b. Buildings located on a prominent site shall be at least two stories high.
- c. A “prominent site” may include a location along a main street, or the termination of a vista running from a main street, boulevard, or avenue and its intersection with an equal or lower-order street.

## 8. Frontage and Siting Standards.

- a. Location of Uses. The location of uses are to be governed by street frontage as shown in Table 3.1.
- b. Building Lines. The setback for principal buildings are to be as established in Table 3.2. Setbacks for accessory structures or accessory dwellings must comply with that for Accessory Uses and Structures.
- c. Frontage and Setback Requirements. Frontage and setback requirements do not apply to parks and open space. In order to allow for setback variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements along a street segment are to be computed as an average.

## 9. Building Design.

- a. Entrance. The principal entrance of all buildings must open to a street (excluding outbuildings).
- b. Building Orientation. All principal buildings are to be oriented to parks and open space or to a street. Loading areas must not be oriented to a street. Buildings that abut both a street and parks or open space are to be oriented to both features.
- c. Front Porches. Front porches are to be provided on at least 50% of all dwelling units within the single-family land-use allocation. Porches are to be constructed of masonry or wood materials. Architectural metal may be used if it is consistent with the exterior or roofing materials of the primary building. The seating area must have a minimum width of nine feet and a minimum depth of six feet.

## 10. Mixed-Use Buildings.

- a. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use.
- b. The submitted floor plans must identify the use of each room.
- c. Uses may abut at side or rear lot lines, or face across streets or parks. This applies regardless of whether they are in the same or a different land-use category.
- d. No single building footprint may exceed 25,000 square feet unless authorized by a special exception.

## 11. Landscaping and Screening.

- a. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail, service, or civic land uses are not to be separated from multi-family or single-family land uses within the TND by berms or buffers unless a trail or sidewalk is established that provides a direct connection between the uses.
- b. A plan for the landscaping, buffering, and tree mitigation elements must be provided as described in Section 3.6.13.13.c.
- c. Adherence to the Streetscape and Parking lot landscaping standards found in Article 5 is required for a TND.

## 12. Parking.

- a. Adequate parking is to be provided to service all site uses. In order to achieve the intent of the TND District, minimum parking space requirements are to serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The applicant shall demonstrate adequate parking.
- b. The maximum number of parking spaces for non-residential uses in a mixed-use structure shall be no more than 80% of the standard requirement, and the minimum number of spaces shall be no less than 60% of the standard requirement in Article 3. Residential uses shall meet or exceed the standard requirement.
- c. Parking lots are to be located at the rear of principal buildings or in mid-block locations. A landscape island a minimum of 9 feet wide and totaling 360 square feet must be provided for every ten spaces.
- d. Parking lots and parking garages must not abut street intersections or civic use lots.
- e. Parking lots must not be located adjacent to parks or open space.

- f. Parking lots must not occupy lots that terminate a street vista.
  - g. Parking lots are to be located in the interior of a block or shall take access from an alley.
13. Property Owner's Association.
- a. A plan for a Traditional Neighborhood District must be accompanied by provisions for a property owners' association that include the following:
    - i. Projected date of organization.
    - ii. Organizational structure, including structure of planned timeline for transfer of control from the developer to the association.
    - iii. Diagram of areas to held in common by the property owner's meeting.
    - iv. Initial estimated fees for the proper functioning of the property owners' association.
    - v. Plan for collective shared maintenance of common areas including stormwater management facilities.
  - b. Before building permits are issued for any building in an approved TND, a property owner's association, as applicable, must be incorporated and recorded.
14. Zoning Approval Process.
- a. A Traditional Neighborhood Development may be established upon application through the requirements and procedures for rezoning land and shall require submittal of a master regulating plan and overall landscaping plan as described below.
  - b. Approval of a rezoning to Traditional Neighborhood Development and its regulating plan will be valid for two years before construction must begin. The ordinance enacting any such rezoning shall contain a condition stating that the district shall revert to its prior underlying zoning if construction has not begun within two years after the date of approval.
15. Master Regulating Plan Requirements. Application for a Traditional Neighborhood is to be accompanied by a master regulating plan developed in accordance with the intent, principles and standards of the district. The master regulating plan elements at a minimum, the following.
- a. A topographic survey and stormwater management plan.
  - b. The layout and location and hierarchy of streets and public open spaces and parking areas. This should include the proposed location of all designated prominent sites and vistas.
  - c. Layout and location of residential, commercial, mixed-use and civic building lots.
  - d. Plan data and statistics that include densities (dwelling units/acre) or intensities (floor area ratio), building types, setbacks, and other descriptive information required to determine compliance.
  - e. A list of uses by neighborhood section.
  - f. A master sign plan.
  - g. A series of architectural renderings which convey the overall character of the development.
  - h. Architectural design regulating covenants for all site elements and buildings.
  - i. An open space plan indicating proposed improvements thereon and the conditions at the project edges.
  - j. A proposed staging plan for the three primary required areas: core, transition and edge.
  - k. A stormwater management plan that shows integration of stormwater management facilities in to the overall project design.
  - l. An overall landscaping plan for the entire development which must include:
    - i. Tree survey plan with tree inventory counts. Should include identification of the location of vegetation to be preserved including the species, and size range of existing trees to be preserved, and a clearing plan for any areas where tree removal is proposed. Full tree mitigation is required.
    - ii. Scaled drawing of the site, with north arrow, indicating areas for preservation, location and spacing of new trees and shrubs proposed for use; and existing and proposed one-foot contours to ten feet beyond the site boundary.
    - iii. Construction details and cross-sections sufficient to explain specific site conditions and solutions. Possible conditions include berms, retaining walls, screen walls, fences, tree wells to preserve existing trees, or culverts to maintain natural drainage patterns.
    - iv. A plant list of all proposed landscape materials including trees, shrubs, and grasses. Showing (for trees) caliper sizes,

- root type (bare root, balled and burlapped, container size), height of material, botanical and common name.
- v. Planting and staking details to ensure proper installation and establishment of proposed plant materials. To include type and amount of mulch, ground cover and grasses. Should include irrigation plan, if appropriate, or water outlets.
  - vi. Proposed location of light poles, refuse container enclosures, walls, fences, protective curbing, mechanical equipment, and other hard landscaping materials.
  - vii. A landscape maintenance plan including a statement that all diseased, damaged, or dead material shall be replaced in accordance with the landscape ordinance.
- m. A phasing plan for the entire development along with projected implementation schedule, to include triggers for initiating subsequent phases.
  - n. A storm water management plan that shows integration of storm water management facilities into the overall project design.
16. Administrative Process.
- a. Approval of development within phases designated on the approved master regulating plan will follow the processes for site plan and subdivision approval as appropriate.
  - b. Conflict with other Provisions. Where the provisions of a TND conflict with other ordinance provisions, the provisions of this district shall apply with the exception of any health or safety regulations which must be met.
  - c. Modifications to a TND Master Regulating Plan. From time to time it may be necessary or desirable to modify elements of the approved master regulating plan for a TND. Such elements may include the geographic areas of the core, transition, and edge areas; the phasing plan for development; the stormwater management drainage plan; the layout, location, and hierarchy of streets, public open spaces, and parking areas; the plan for improvements to open space areas; the layout and location of residential, commercial, mixed-use, and civic building lots; proposals for intended densities and intensities, proposed uses in each neighborhood section; the master signage plan; architectural renderings to convey the overall character of the development; and architectural design-regulating covenants for all site elements and buildings. The procedure for changes shall be:
    - i. For modifications that are more technical than substantial the Development Coordinator will make a recommendation regarding the request to the City Council who will determine whether to grant the modification.
    - ii. For modifications that the Development Coordinator determines to be substantial the Planning Commission, with a recommendation from the Development Coordinator, will make a recommendation regarding the request to the City Council who will determine whether to grant the modification.

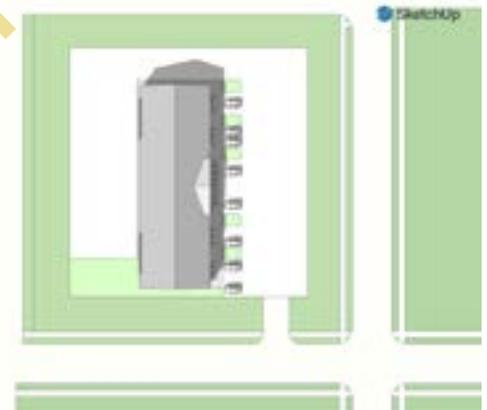
### 3.4.16 Technology District (TC)

This district is designed to implement the Special Areas - Technology placetype in Envision Diamondhead 2040 comprehensive plan. The district is designed to accommodate professional or corporate office activity engaging in research and technology resulting in the development of intellectual or technical property, procedures, or related devices or components, particularly as it relates to the aerospace industry.

1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	50'
Front Yard (min/max)	25'
Side Yard	10'
Rear Yard	5'
2. Use and Intensity	
Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	0.9
Floor Area Ratio	2.5
Maximum Structure Height <sup>2</sup>	35'
3. Site Specific Design Standards	
Mobility and Parking	<a href="#">See Article 6</a>
4. Required Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	
<sup>3</sup> 50 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

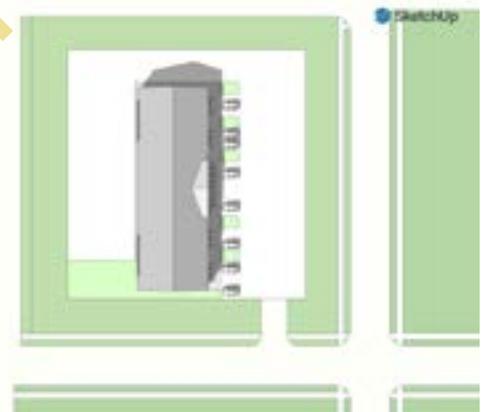
### 3.4.17 Industrial District (I)

This district is designed to implement the Special Areas - Industry placetype in Envision Diamondhead 2040 comprehensive plan. The district recognizes the importance of industry, reserving areas for the use that might otherwise be developed as non-industrial use. The district is designed to encourage industrial park development and promote landscaping of industrial enterprises, to improve compatibility with adjacent development.

1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	None
Minimum Lot Frontage	100'
Lot width at the building line	50'
Front Yard (min/max)	25'
Side Yard	5' or 0' when sites are simultaneously developed and facade is continuous
Rear Yard	5'
2. Use and Intensity	
Permitted Land Use	See Article 5, Table 5.1, Use Matrix
Residential Intensity	Not applicable
Impervious Surface Ratio	0.9
Floor Area Ratio	2.5
Maximum Structure Height <sup>2</sup>	35'
3. Site Specific Design Standards	
Mobility and Parking	<a href="#">See Article 6</a>
4. Required Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	
<sup>3</sup> 50 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

### 3.4.18 Environmental Preservation District (EP)

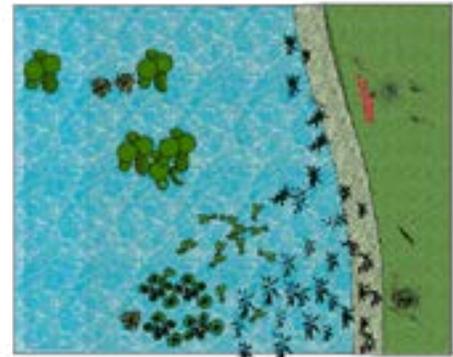
This district is intended to implement the Natural Waterfront placetype in the Envision Diamondhead 2040 comprehensive plan and to protect and preserve environmentally sensitive lands including:

- a. Wetlands, water courses, and lands reserved or maintained for stormwater management;
- b. Lands that serve as natural wildlife refuge areas;
- c. Environmentally sensitive lands and lands possessing great natural or historical resources;
- d. Lands that are reserved for open space and future active or passive parks and recreational areas.

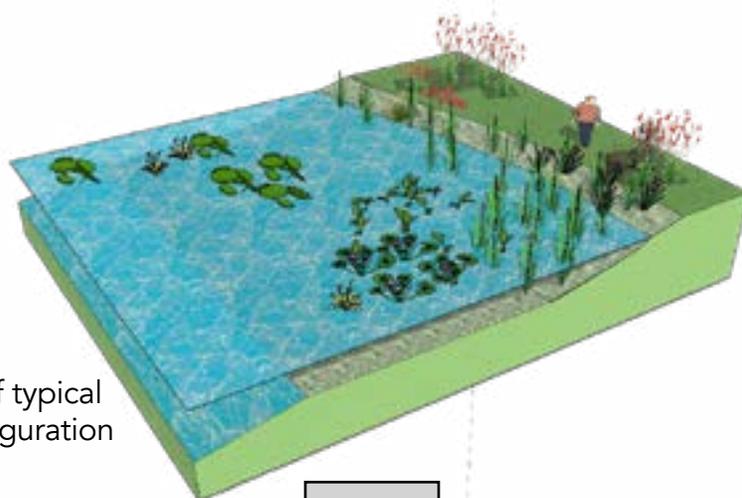
1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	None
Front Yard (min/max)	25'
Side Yard	5'
Rear Yard	5'
2. Use and Intensity	
Permitted Land Use	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	n/a
Impervious Surface Ratio	None
Floor Area Ratio	None
Maximum Structure Height <sup>2</sup>	35'
3. Site Specific Design Standards	
Mobility and Parking	<a href="#">See Article 6</a>
4. Required Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

### 3.4.19 Public Facilities and Recreation District (PFR)

This district is intended to implement the Parks, Open Spaces, Amenities, and Natural Waterfront placetype in Envision Diamondhead 2040 Comprehensive Plan. The district is designed to provide areas for the continuation and further development of both public and semi-public land uses within the community. Specifically, the semi-public land uses expected are those amenities which are owned and operated by the Diamondhead Property Owners Association and form the foundation of recreation and social interaction within Diamondhead.

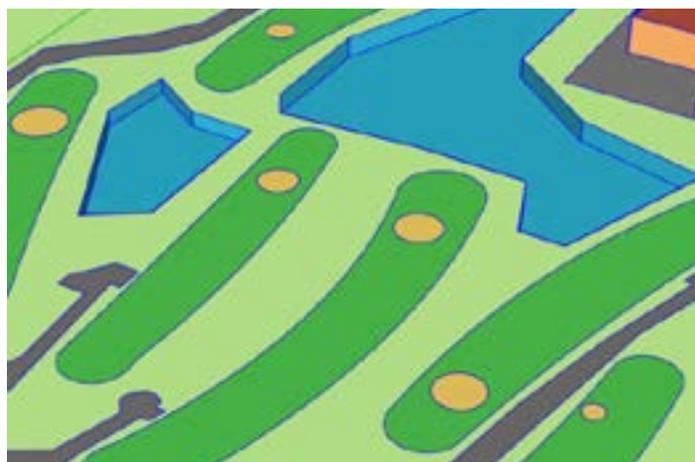
1. Lot Standards and Buildable Area <sup>1</sup>	
Minimum Lot Size	None
Minimum Lot Frontage	None
Lot width at the building line	None
Front Yard (min/max)	25'
Side Yard	10'
Rear Yard	20'
2. Use and Intensity	
Permitted Land Use	<a href="#">See Article 4, Table 4.1, Use Matrix</a>
Residential Intensity	n/a
Impervious Surface Ratio	None
Floor Area Ratio	None
Maximum Structure Height <sup>2,3</sup>	35'
3. Site Specific Design Standards	
Mobility and Parking	<a href="#">See Article 6</a>
4. Required Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	<a href="#">See Article 5</a>
5. District Exceptions and Notes	
<sup>1</sup> See methods for dimensional measurements	
<sup>2</sup> See exceptions to height limitations	
<sup>3</sup> 50 feet shall be allowed with conditional use approval	



Aerial precedent image



Plan view illustration of typical development configuration



Perspective view of typical development configuration

### 3.4.20 Planned Unit Development District (PUD)

The purpose of the planned unit development district is to provide for the development of planned communities that provide a wide range of land use types designed to function well in relation to one another. The PUD district offers an opportunity to use innovative and unique design elements in creating a planned total community that may not be achievable with other zoning classifications. For purposes of this title, any proposed planned unit development shall consist of at least ten acres in area unless otherwise authorized by the governing authority. A planned unit development should be planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

<b>6. Lot Standards and Buildable Area</b>	
Minimum Lot Size/ Frontage	See Design Standards that follow
Minimum Lot Frontage	
Lot width at the building line	
Front Yard (min/max)	
Side Yard (min/max)	
Rear Yard	
<b>7. Use and Intensity</b>	
Permitted Land Use	Permitted uses within a PUD District are not subject to the Table of Uses. A PUD shall propose a use list of uses composed from Table 4.1, Use Matrix. Uses shall be defined as by the definitions of this code unless an alternative is provided.
Development Intensity	See Design Standards that follow
Impervious Surface Ratio	
Maximum Structure Height	
<b>8. Site Specific Design Standards</b>	
Mobility and Parking	As approved in a Master Plan
<b>9. Required Review and Approval Processes</b>	
See Article 9, Administration	
<b>10. District Exceptions and Notes</b>	
1. See exceptions to height limitations	
2. See methods for dimensional measurements	
<b>11. Typical Development Configuration</b>	



<b>12. Eligibility Criteria</b>	
In order to qualify as a PD District a project request shall meet the following requirements:	
<ul style="list-style-type: none"> <li>a. The site shall be in single ownership or control, or if in several ownerships, the application for amendment to this Chapter shall be filed jointly by all of the owners.</li> <li>b. The site shall contain not less than ten acres.</li> <li>c. The proposed development shall be consistent with the Comprehensive Plan.</li> <li>d. The applicant shall demonstrate that the proposed development accomplishes the objectives of §1.2 of this Chapter to a greater extent than land developed under any other zoning district, including a base zoning district or a TND District</li> </ul>	
<b>13. Planned Development Design Standards</b>	
Design Generally	<ul style="list-style-type: none"> <li>a. PUD District zoning is intended to permit flexibility in the design, construction, and processing of mixed use developments of a quality that could not be achieved by complying with the design and development standards of another zoning district. However, the design elements as set forth in Article 5 shall be adhered to in the design of a Planned Development and shall be used in the city's review of proposed PUD District projects</li> <li>b. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. A variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.</li> </ul>
	<p>A PUD District is not subject to any prescribed dimensional or density provisions but shall conform to the following, unless a different standard approved:</p> <ul style="list-style-type: none"> <li>a. Maximum height is forty-five (45) feet, except where otherwise permitted by the Comprehensive Plan.</li> <li>b. Maximum gross density is twenty-four (24) residential units per gross acre.</li> <li>c. A minimum of ten percent and a maximum of 70 percent of the total project floor area shall be reserved for non-residential uses.</li> <li>d. The maximum Impervious Surface Ratio is sixty percent (60%) of the total site area.</li> </ul>
Lot Standards and Buildable Area	<p>Minimum of 25 percent of the total site area. Portions of street rights-of-way that include street trees, sidewalks, and landscaped areas may be counted toward meeting open space requirements</p>
Architectural Elements	<ul style="list-style-type: none"> <li>a. Building height, rhythm, articulation, massing, and bulk shall be compatible with the individual site attributes and with the surrounding neighborhoods.</li> <li>b. Distinctive architectural details such as covered front entryways, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling or principal structure.</li> <li>c. Garage fronts shall be deemphasized and shall not be the most prominent architectural feature of a house. This can be accomplished by providing side access garages, detached garages, and/or L-shaped floor plans. Front access garages shall be recessed from the front elevation of the structure at least 10 feet in order to provide interest and relief from the street. The garage area may not exceed 40% of the front facade of the structure. The front elevation shall include a porch or similar entrance designed for people rather than automobiles.</li> </ul>
	<ul style="list-style-type: none"> <li>a. A minimum total area of ten percent of the gross residential area shall be set aside as parks and playgrounds. Of this ten percent, a maximum of one-half may be covered with water. A maximum of five percent of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use, but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.</li> </ul>
	Recreational Elements

Recreational Elements	b. At least 20% of the residential units shall be located within 1,000 feet of an open space, park, or Greenway.
	c. Recreation and open space facilities shall be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans.
	d. When provided, neighborhood scale recreation facilities and amenities should be functional. If detention or retention areas are used for recreational amenities, they shall be designed to have the appearance of natural ponds or hillsides rather than stormwater management facilities. Such areas shall include natural vegetation, turf, or landscaping within all areas not permanently covered with standing water.
Additional Elements (at least 2)	a. Bicycle lanes should be included along at least 70 percent of the linear frontage of all planned collector or arterial streets within or adjacent to the development.
	b. Bicycle parking facilities should be provided for all uses except single-family detached and duplex residences.
	c. A customized entrance may be provided at the entry street intersecting an arterial or collector street that features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, or other similar treatment.
Parking	a. Parking, areas designated for parking shall be physically separated from public streets and shall be designed in a manner conducive to safe ingress and egress. Access points to internal public streets or internal circulation drives should be no more than three hundred (300) feet apart.
Landscaping and Stormwater Management	a. Buffer yards or landscaping may be required by the Planning Commission between uses within any PUD District or along the perimeter of the District.
	b. A means of on-site drainage retention shall be provided to control stormwater runoff so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer and the governing authority.
Urban Design	a. Urban design standards applicable to all proposed structures are required and shall be submitted in conjunction a planned development application. The design elements specified in this section shall be incorporated into the required urban design standard.

Review Draft

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ARTICLE  
**4**

Review Draft

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4.12	Utility Uses and Structures	101

**Annotation Key**

Proposed adjustment in ~~strikeout~~ and Red Underline replacement.

Proposed action or consideration in **Red**.

## ARTICLE 4 - USES AND USE CONDITIONS

### 4.1 PERMITTED USES IN ZONING DISTRICTS

**4.1.1 Generally.** Property lying within each of the districts as reflected on the official zoning map shall be used only for the purpose as hereinafter set forth, and in accordance with the provisions of this ordinance. The uses permitted in each of the types of districts shall be those uses listed in Table 4.1, Use Matrix.

For any use not specifically listed, the zoning authority shall make a determination of the appropriate zoning district in which such use shall be permitted either by right, ~~by Planning Commission review~~, or by conditional use. If the Development Coordinator cannot reach a determination, then the matter shall come before the Planning Commission for such determination.

#### 4.1.2 Accessory and Temporary Uses.

Permitted accessory uses and permitted temporary uses are set forth in the Table 4.1, Use Matrix and Section 4.3. If a use is listed as prohibited but is permitted as an accessory use, the use is permitted only as an accessory use to a principal use or principal building on the same lot, tract, or parcel. Such uses cannot be established unless and until there is a principal use or principal building on the same lot, tract, or parcel to which that use is accessory.

**4.1.3 PD Districts.** Uses in a PD - Planned Development district are governed by their respective sections in this Article, and are not subject to Table 4.1, Use Matrix unless otherwise specifically referenced in the district text.

**4.1.4 Use Interpretation.** The Development Coordinator shall decide whether any proposed use is permitted within the city's zoning jurisdiction based on the uses listed in the Use Matrix. When unclear if a proposed use is permitted, the Development Coordinator shall consider the following criteria and may consult the most recent edition of the North American Industrial Classification System (NAICS) and similar guides. Any use not specifically listed

in the Use Matrix or substantially like a listed use, as determined by the Development Coordinator, is prohibited.

- a) The characteristics of the activity in relationship to the stated intent of the district.
- b) The expected amount of site area or floor space and equipment devoted to the activity.
- c) Expected sales from each activity.
- d) The expected customer type for each activity (e.g., retail, service, wholesale, and individuals vs. groups).
- e) The expected number of employees in each activity.
- f) The hours of operation and expected outdoor activity.
- g) The required or anticipated building type, design, and site arrangement.
- h) The type of vehicles used with the activity and expected number of trips. The proposed use shall not generate average daily trips exceeding other uses proposed in the zoning district by more than 10 percent, as determined by the most recent edition of the Institute of Transportation Engineers, Trip Generation (11th ed., 2021) (ITE Manual), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, the use shall be considered materially similar. The Director may also refer to similar local traffic studies to determine trip generation and average daily trips.
- i) The number, type, and location of signage and other accessory structures normally associated with the use.

#### 4.1.5 Determination of Principal Use

- a) If multiple uses exist on or are proposed for a site, the Development Coordinator shall determine which of the uses is or will be the principal use of the property for the purposes of applying this code.
- b) When it is determined that multiple principal uses exist on or are proposed for a site, each principal use shall separately be subject to all applicable regulations for that use as indicated in the Use Matrix and any conditions or development standards related to that use.
- c) Any use that is not determined to be

a principal use of the property shall be subject to all applicable regulations for accessory uses as indicated in the Use Matrix and any specific conditions listed in §5-4 – Conditional Uses and Special Exceptions.

#### 4.1.6 Interpreting the Use Matrix

- a) The Use Matrix is organized by zoning districts and uses. Each zoning district is grouped by district type and color coded for ease of reference. Each use is grouped by use category under separate headings. Certain use conditions and development standards may be tied to either the type of zoning district (e.g., agricultural districts, residential districts, etc.) or use category (e.g., commercial uses, industrial uses, etc.) or both.
- b) Symbols within the Use Matrix indicate how individual uses are regulated. Permitted uses shall be governed by conditions set out in the three categories as follows:
  - c) **Uses by Right.** The land uses contained within the Schedule of Uses set forth herein and denoted with an "R" are considered permitted uses without further approval of the City of Diamondhead, unless otherwise required by this or any other ordinance or requirement of the City. Uses by Right are subject to any permits or administrative approvals required by the City of Diamondhead.
  - d) **Uses Requiring Planning Commission Review.** The land uses contained within the Schedule of Uses set forth herein and denoted with a "P" are considered permitted uses with the review and approval in accordance with the Planning Commission review provisions set forth in Section 2.4 of this ordinance.
  - e) **Conditional Uses.** The land uses contained within the Schedule of Uses set forth herein and denoted with a "C" are considered conditional uses and require the review and approval in accordance with the conditional use provisions set forth in Section 2.5 of this ordinance. Additionally, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered on an individual case and shall be subject to conditions imposed thereon for the

protection of the health, safety and general welfare of the City of Diamondhead.

- f) The schedule of uses shall be as shown in Table 4.2.

#### 4.2 USE CONDITIONS GENERALLY.

- a) The requirements of the following sections shall apply to all conditional uses as listed in Table 4.1, Use Matrix for the same use and in the same manner.
- b) Requests for permitted uses shall be submitted to the Director, who shall approve the use if all conditions and requirements herein are satisfied.
- c) Requests for conditional uses shall be submitted to the Director and reviewed per the requirements of conditional uses.
- d) All conditions in this section shall be applied in addition to any applicable requirements of the zoning district and other requirements of this code including the general findings and necessary ad hoc conditions required for approval of a special exception as well as applicable appendices.
- e) The process and requirements for approval of a conditional uses are provided in Article 9. The following is a list of use-specific criteria that set forth standards in addition to other requirements of this ordinance. Conditional uses must also meet additional

Table 4.1. Use Matrix																	
Uses	Conventional Districts										Aloha District					Use Condition	
	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH	ADWF		ADCC
■ - By Right; □ - Conditional Use																	
<b>Accessory and Temporary Uses</b>																	
Accessory structure	■	■	■	■	■	□	□	♦	♦	♦	♦	♦	♦	♦	♦	♦	4.3.7
Automated teller machine	♦	♦	♦	♦	♦	■	■	♦	♦	♦	■	♦	♦	♦	♦	♦	4.3.2
Carnival circus locations (temporary)	♦	♦	♦	♦	♦	♦	□	♦	□	□	□	♦	♦	♦	♦	♦	-
Drive-through facility or window	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	♦	♦	♦	♦	♦	4.3.3
Fences	■	■	■	■	■	■	■	■	■	■	■	♦	♦	♦	♦	♦	4.3.10
Temporary, seasonal sales	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	♦	♦	♦	♦	♦	-
<b>Accommodation and Group Living</b>																	
Continuing Care Retirement Communities	□	□	□	♦	♦	■	■	♦	♦	♦	□	♦	♦	♦	♦	♦	4.4.1
Bed and breakfast	□	□	□	♦	♦	♦	♦	♦	♦	♦	□	-	□	♦	♦	♦	4.4.2
Group home	♦	□	□	□	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	
Hotel, motel with accessory uses such as lounges and restaurants	♦	♦	♦	♦	♦	□	■	♦	□	♦	♦	■	♦	♦	♦	♦	4.4.3
Recreational vehicle (RV) park	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	□	♦	♦	♦	□	♦	4.4.4
<b>Assembly, Recreation, and Entertainment</b>																	
Amusement center (indoors)	♦	♦	♦	♦	♦	□	□	♦	□	♦	□	□	♦	♦	♦	♦	4.5.1
Amusement facilities (outdoors)	♦	♦	♦	♦	♦	□	□	♦	□	♦	□	♦	♦	♦	♦	♦	-
Auditorium/civic center	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	■	♦	♦	♦	♦	-
Baseball park and stadium	♦	♦	♦	♦	♦	□	■	♦	♦	♦	□	♦	♦	♦	♦	♦	-
Places of worship, small scale	■	■	□	□	■	□	□	■	■	♦	□	■	♦	♦	♦	♦	4.5.2
Places of worship, large scale	□	□	□	□	□	■	■	■	■	♦	□	□	-	-	-	■	4.5.3
Convention center or similar	♦	♦	♦	♦	♦	□	□	♦	□	♦	□	□	♦	♦	♦	♦	-
Day care centers or similar	□	□	□	□	□	■	■	♦	♦	♦	♦	□	♦	♦	♦	♦	4.5.4
Funeral homes, mortuary, undertaking establishment	♦	♦	♦	♦	♦	□	■	♦	■	♦	♦	■	♦	♦	♦	♦	-
Golf course and driving range (excluding miniature golf)	□	□	□	□	□	■	■	♦	■	♦	■	♦	♦	♦	♦	♦	-
Health, fitness clubs, dance studio	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	■	♦	♦	♦	♦	-
Lodge or assembly hall	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	□	♦	♦	♦	♦	4.5.5
Nightclub, bar or similar	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	□	♦	♦	♦	♦	4.5.6
Private parks and playgrounds (incidental to the immediate area)	□	□	□	□	□	♦	♦	♦	♦	♦	♦	■	■	■	■	♦	-

Table 4.1. Use Matrix																	
Uses	Conventional Districts											Aloha District				Use Condition	
	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH	ADWF		ADCC
■ - By Right; □ - Conditional Use																	
Public parks/recreation facilities	■	■	■	■	■	■	■	◆	■	■	■	■	■	■	■	■	-
Riding academy	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	◆	◆	-
Theaters (indoors)	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	◆	◆	◆	◆	-
Wildlife sanctuary	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	◆	-
Yacht club, w/w/o marina	◆	◆	◆	◆	◆	◆	■	◆	◆	■	■	□	◆	◆	■	◆	-
YMCA, YWCA, and similar institutions	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	◆	◆	◆	◆	-
<b>Commercial Retail and Wholesale</b>																	
Auto dealership (new car)	◆	◆	◆	◆	◆	□	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.6.1</a>
Auto dealership (used car)	◆	◆	◆	◆	◆	□	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.6.1</a>
Auto filling station	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.6.2</a>
Brewery	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	■	◆	◆	◆	◆	-
Catering establishments	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	◆	◆	◆	◆	-
Convenience stores (w/w.o. gas)	◆	◆	◆	◆	◆	□	□	◆	□	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.6.2</a>
Dress making, tailor shops	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	◆	◆	◆	◆	-
Drive-in restaurants	◆	◆	◆	◆	◆	■	■	◆	□	◆	◆	◆	◆	◆	◆	◆	-
Dry cleaning facilities (drop off/pick up)	◆	◆	◆	◆	◆	■	■	◆	□	◆	◆	■	◆	◆	◆	◆	-
Farm supply stores (including equipment)	◆	◆	◆	◆	◆	◆	□	◆	■	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.3.11</a>
Liquor store	◆	◆	◆	◆	◆	■	■	◆	■	◆	◆	■	◆	◆	◆	◆	<a href="#">4.6.3</a>
Machinery sales (new)	◆	◆	◆	◆	◆	□	■	◆	■	◆	◆	◆	◆	◆	◆	◆	-
Machinery sales (used)	◆	◆	◆	◆	◆	□	■	◆	■	◆	◆	◆	◆	◆	◆	◆	-
Newspaper company or similar	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	□	◆	◆	◆	◆	-
Restaurant (no lounges)	◆	◆	◆	◆	◆	■	■	◆	■	◆	■	■	□	◆	■	◆	-
Restaurant w/lounge	◆	◆	◆	◆	◆	□	■	◆	■	◆	■	■	□	◆	■	◆	<a href="#">4.6.5</a>
Retail Sales - Inside Only	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	◆	◆	◆	◆	-
Retail Sales - Inside or outside	◆	◆	◆	◆	◆	■	□	◆	◆	◆	◆	■	◆	◆	◆	◆	<a href="#">4.3.11</a>
Sporting goods (including outside storage)	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	◆	◆	◆	■	◆	<a href="#">4.3.11</a>
Wholesale sales, Inside only	◆	◆	◆	◆	◆	◆	■	◆	■	◆	◆	◆	◆	◆	◆	◆	-
Wholesale sales, Inside or outside	◆	◆	◆	◆	◆	◆	□	◆	□	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.3.11</a>
<b>Commercial Service</b>																	
Auction business/yard	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.3.11</a>
Vehicle Service and Repair (small scale)	◆	◆	◆	◆	◆	□	□	◆	□	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.7.1</a>
Vehicle Service and Repair, (large scale)	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.7.1</a>
Building material products and supplies	◆	◆	◆	◆	◆	□	□	◆	◆	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.3.11</a>
Business machine sales/service	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	■	◆	◆	◆	◆	-

Table 4.1. Use Matrix																
Uses	Conventional Districts										Aloha District					Use Condition
	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH	ADWF	
■ - By Right; □ - Conditional Use																
Job shop (small scale)	♦	♦	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	□	♦	♦	♦
Job shop (large scale)	♦	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	♦	♦	♦	♦
Vehicle wash (all types)	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Commercial laundry facilities (including linen supply)	♦	♦	♦	♦	♦	□	♦	■	♦	♦	♦	♦	♦	♦	♦	♦
Equipment sales, rental and service (small scale)	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Equipment sale, rental and service (large scale)	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Greenhouse and plant nurseries	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	-	□			
Ice plant, including storage	♦	♦	♦	♦	♦	■	■	♦	■	♦	♦	♦	♦	♦	♦	♦
Landscape garden sales	♦	♦	♦	♦	♦	■	■	♦	■	♦	♦	-	□	♦	♦	♦
Laundromats	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	♦	♦	♦	♦	♦
Marble and stone sales	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	-	□	♦	♦	♦
Marine sales and services	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	■	♦	♦
Meat processing	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	♦	♦	♦	♦	♦
Mini-warehouse or similar	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Manufactured home sales and service	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦
Moving and storage company	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Pawnshops	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	♦	♦	♦	♦	♦
Contractors, Indoor only	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Contractors, Indoor and outdoor	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦
Tattoo parlor or shop-	♦	♦	♦	♦	♦	♦	□	♦	□	♦	♦	■	□	♦	♦	♦
<b>Industrial and Warehouse Uses</b>																
Butane, propane storage/sales	♦	♦	♦	♦	♦	□	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Industrial Contractors or Freight yard (operations and storage)	♦	♦	♦	♦	♦	♦	□	♦	■	♦	♦	♦	♦	♦	♦	♦
Gravel and similar, bulk storage	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	□	♦	♦	♦	♦	♦
Manufacturing and processing of goods and materials conducted indoors or outdoors or with outside storage. Limited to non-hazardous and non-explosive goods or materials	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦

Table 4.1. Use Matrix																	
Uses	Conventional Districts											Aloha District				Use Condition	
	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH	ADWF		ADCC
■ - By Right; □ - Conditional Use																	
Manufacturing and processing of goods and materials conducted indoors with no outside storage. Limited to non-hazardous and non-explosive goods or materials	♦	♦	♦	♦	♦	♦	♦	♦	■	♦	♦	♦	□	♦	♦	♦	4.8.1
Mineral extraction, including oil drilling	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	4.8.2
Truck fleet maintenance etc.	♦	♦	♦	♦	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	A
Warehouse storage and sales	♦	♦	♦	♦	♦	♦	♦	♦	■	♦	♦	-	□	-	♦	♦	-
<b>Miscellaneous</b>																	
Adult bookstores	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	4.9.1
Adult live entertainment	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	4.9.1
Adult theaters	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	4.9.1
Adult novelty stores	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	4.9.1
Adult video stores	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	4.9.1
Farmers market	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	■	■	♦	♦	■	-
Massage parlors or similar	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	■	♦	♦	♦	□	4.9.2
Mobile food vendor	♦	♦	♦	♦	♦	□	■	♦	■	♦	♦	■	♦	♦	■	♦	4.9.3
Radio, cellular, TV towers, or similar	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	■	■	■	■	■	-
Snowball stand	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	■	-
Urban bank (without outside storage)	♦	♦	♦	♦	♦	♦	□	♦	□	♦	♦	♦	♦	♦	♦	♦	-
Urban bank (with outside storage)	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	-
<b>Public, Institutional, Professional, Community</b>																	
Ambulance facility	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	♦	♦	♦	■	-
Ambulance service	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	♦	♦	♦	■	-
Animal clinics/hospital	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	□	♦	♦	♦	♦	4.10.1
Art studios, galleries, and museums	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	■	■	-	♦	♦	-
Business schools, other schools	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	□	♦	♦	♦	♦	-
Cemeteries, mausoleums	□	□	□	□	□	□	□	♦	□	♦	□	-	♦	♦	♦	♦	-
City municipal building and facilities	■	■	■	■	■	■	■	■	■	♦	■	■	♦	♦	♦	♦	-
Civic, cultural or community center	□	□	□	□	□	■	■	□	■	♦	○	■	♦	♦	♦	♦	-
Correctional facilities	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	-
Dog pound/kennel	♦	♦	♦	♦	♦	♦	□	♦	□	♦	♦	♦	♦	♦	♦	♦	4.10.1
Drive-in banks and similar	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	-
Fairgrounds and rec. facilities	♦	♦	♦	♦	♦	■	■	♦	♦	♦	■	♦	♦	♦	♦	♦	-
Fire and police stations	■	■	■	■	■	■	■	♦	■	♦	■	■	♦	♦	♦	■	-
Hospitals, sanitariums	♦	♦	♦	♦	♦	■	■	♦	♦	♦	□	♦	♦	♦	♦	■	-

Table 4.1. Use Matrix																	
Uses	Conventional Districts										Aloha District					Use Condition	
	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH	ADWF		ADCC
■ - By Right; □ - Conditional Use																	
Laboratory	♦	♦	♦	♦	♦	□	□	□	■	♦	♦	□	□	-	-	■	-
Libraries	□	□	□	□	□	■	■	♦	■	♦	■	■	♦	♦	♦	■	-
Medical and dental clinics	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	■	-
Medical and dental laboratories	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	□	♦	♦	♦	■	-
Professional offices, studios and banks	♦	♦	♦	♦	♦	■	■	□	♦	♦	♦	■	■	♦	♦	■	-
Schools (public)	□	□	□	□	□	■	■	■	♦	■	□	□	♦	♦	♦	-	-
School (private)	♦	♦	♦	♦	♦	□	□	□	■	♦	♦	□	□	♦	♦	♦	<a href="#">4.10.2</a>
Trade school	♦	♦	♦	♦	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	-
<b>Residential Uses</b>																	
Agricultural Use (General)	♦	♦	♦	♦	♦	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	-
Single-family unit	■	■	■	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	-
Two-family units (duplex)	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.1</a>
Multi-family units (apartment)	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	<a href="#">4.11.2</a>
Condominium units	♦	♦	■	■	♦	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	<a href="#">4.11.2</a>
Townhouse unit	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	■	♦	♦	<a href="#">4.11.3</a>
Zero lot line unit (patio homes)	♦	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.4</a>
Accessory Dwelling Unit	□	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.5</a>
Manufactured homes	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.6</a>
(single wide)	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.6</a>
(double wide)	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.6</a>
Manufactured home park or subdivision	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	<a href="#">4.11.6</a>
Modular home	♦	♦	♦	♦	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	-
Short Term Rental	■	■	■	■	■	♦	♦	♦	♦	♦	■	■	■	♦	♦	♦	<a href="#">4.11.7</a>
<b>Resort Uses</b>																	
Casino gaming	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	♦	♦	♦	♦	♦	-
Marina w/accessory uses	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	■	-	-	-	■	♦	-
<b>Technology Uses</b>																	
Research, development and assembly of electronics related to aerospace, aviation, security or communication	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	■	■	♦	♦	■	-	-
Geospatial and other data collection, analysis and processes	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	■	■	♦	♦	■	-	-
Computer software development and simulation	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	■	■	♦	♦	■	-	-
<b>Transportation Uses and Structures</b>																	

Table 4.1. Use Matrix																
Uses	Conventional Districts										Aloha District				Use Condition	
	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH		ADWF
■ - By Right; □ - Conditional Use																
Auto storage (parking and rental, etc.)	◆	◆	◆	◆	◆	■	■	◆	◆	◆	◆	◆	◆	◆	◆	-
Parking garage	◆	◆	◆	◆	◆	■	■	◆	■	◆	■	◆	◆	◆	◆	-
Pier, dock, boat livery, boat launch area, and related recreational facilities	◆	◆	□	□	□	■	■	◆	◆	■	■	◆	◆	◆	■	-
Private pier, boathouse, slip, dock, wharf, boat launch and airplane hangar (accessory uses)	■	■	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	-
Public parking lots	◆	◆	◆	◆	◆	■	■	◆	■	◆	◆	□	◆	◆	◆	-
Vehicle storage lot (not salvage)	◆	◆	◆	◆	◆	◆	□	◆	□	◆	◆	◆	◆	◆	◆	-
Airports, heliports	◆	◆	◆	◆	◆	◆	◆	◆	□	◆	◆	◆	◆	◆	◆	-
Truck terminals	◆	◆	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	◆	◆	◆	-
<b>Utility Uses and Structures</b>																
Electric substations	□	□	□	□	□	□	◆	■	□	□	◆	◆	◆	◆	◆	-
Gas regulator stations	□	□	□	□	□	□	◆	□	◆	□	◆	◆	◆	◆	◆	-
Sewage disposal plant	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	◆	-
Telecommunication facilities	◆	◆	◆	◆	◆	□	□	□	◆	◆	◆	◆	◆	◆	◆	<a href="#">4.12.1</a>
Utility structures	□	□	□	□	□	◆	◆	◆	◆	■	■	◆	◆	◆	◆	-
Water distillation	◆	◆	◆	◆	◆	◆	◆	◆	■	◆	◆	◆	◆	◆	◆	-
Water or sewage pumping station	■	■	■	■	■	■	■	■	◆	◆	■	■	■	■	■	-
Water (elevated) storage facilities	■	■	■	■	■	■	■	■	■	■	■	◆	◆	◆	◆	-

criteria included in Section 4.3 through Section 4.12.

**4.3 ACCESSORY AND TEMPORARY USES.**

**4.3.1 Accessory Uses.**

- a) **In General.** An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right. Yard Requirements. Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.
- b) **Special Standards.** Each accessory use shall comply with all of the standards listed for that use.

**4.3.2 Automated Teller Machine.** Where permitted automatic teller machines shall be

subject to the following conditions:

- a) Setback. Minimum from an adjacent street, curblin, or alley of 7 feet from adjacent street or curblin.
- b) Location so as not to not eliminate or substantially reduce required landscaped areas.
- c) Drive through access is not permitted.
- d) Design. Construction shall be completed in conformance with all applicable design standards.
- e) Lighting. Each exterior ATM shall be provided with security lighting in compliance with lighting standards.
- f) Each ATM shall be provided with receptacles sufficient in size and number to accommodate refuse materials.

**4.3.3 Drive-in window or drive-through facility where principal use is**

**permitted.** Where permitted, drive-in windows or drive-through facilities shall be subject to the following conditions:

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

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

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

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

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

or premises or other visible evidence of the conduct of such home occupation or home professional office.

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

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

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

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

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

five feet from a side lot line, nor within 10 feet of a rear lot line. If the height exceeds 15 feet, the accessory structure shall meet the required setbacks of the primary structure.

vi. **Types of Materials:** To insure architectural compatibility, building design shall be in keeping with the design patterns and architectural features consistent with the primary structure.

vii. **Number of structures:** There shall only be one accessory structure on a property.

c) **Fences and Walls.** ~~Fences and walls to be located on a lot shall be in conformance with the requirements of Article 9 of this ordinance.~~

d) **Aircraft Hangers.** Where permitted, residential accessory buildings, structures, or uses shall be subject to the following conditions:

- i. Aircraft hangars and airplane storage areas shall be allowed as an accessory use upon any residential lot which is adjacent to and has direct access for aircraft to taxi to the Diamondhead Airport.
- ii. Aircraft hangars and airplane storage areas shall not be limited in size, provided the structure is used exclusively and is sized only for the storage of an airplane.

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

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

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

- i. Limited to two per year per property.
- ii. Each sale shall not exceed three consecutive days.
- iii. A garage or yard sale permit shall be required and displayed conspicuously on the the subject site so as to be visible from a public displayed
- iv. Advertising signs shall be subject to

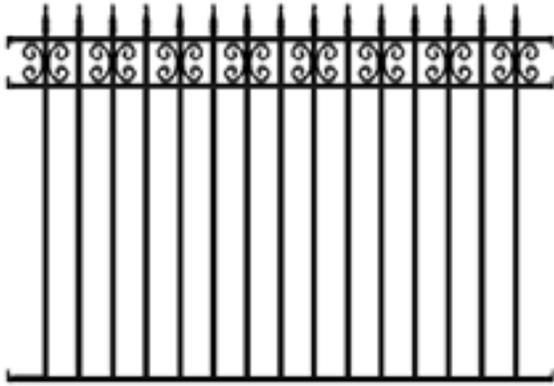
Article 8. Such signs may be placed adjacent to public the rights-of-way, subject to the approval of the property owner. Signs may be displayed a maximum of three days.

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

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

elapsed time does not exceed 180 days in which case the permittee shall pay a new full permit fee in order to renew the permit.

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



the required front yard building setback area of R-1, R-2, R-3, R-4, MH, C-1, C-2, T, I, PR, or PFR zoning districts. In the situation of a corner lot, each street-side frontage shall be considered as a front yard. In the case of the primary structure being set back further than the required front yard setback, no fence shall be constructed closer to the street than the building façade.

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

vii. Lighting shall comply with the lightning standards of this code.

b) **Outdoor Sales.**

i. No goods shall be sold or peddled out of trucks, cars, vans, shacks, or any object or structure that does not meet building codes or setbacks, except that farm produce, firewood, and seafood which is in as harvested form, may be sold in an outdoor venue subject to the following provisions:

- a. Sales vehicles or sales facilities shall be placed and sales shall only occur within Commercial Districts. B. Sales vehicles or sales facilities shall be placed no earlier than 7:00 a.m. and shall be removed daily no later than 7:00 p.m.
- b. Any authorized sales must not take place on public roads, rights of way or other public property. Use of private property without written permission of the owner is prohibited.
- c. Excluded from these provisions shall be any charitable or non-profit entity operating under a 501(c)(3) non-profit designation.

ii. **Additional Sales as Conditional Use.**

- a. Other activities and/or products that may be associated with the sale or peddling of farm produce, firewood, and seafood, may be permitted as a Conditional Use upon findings and recommendations by the Planning Commission that under the particular circumstances such use is in harmony with the principal permitted uses of the zoning district.
- b. Such uses shall be limited to the preparation and sale of human food stuffs only.
- c. Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the state board of health.
- d. Suitable safety precautions shall be taken in accordance with any conditions approved by the Development Coordinator to insure that human health and welfare are not jeopardized.

e. Written concurrence is provided by the property owner for the proposed use permit.

iii. **Effect of Establishment of Farmer's Market.**

- a. It is the intent of the City of Diamondhead to provide a venue for the outdoor sale of goods, provided such outdoor sales are organized and carried out in a way that is not contrary to the public health, safety and general welfare. Further, it is desirable that the outdoor sale of goods occur in conjunction with an established farmers market in appropriate facilities.
- b. Therefore, the allowance for outdoor sale of goods as provided in above shall expire upon the establishment of a farmer's market facility, whether public or private.

#### **4.4 ACCOMMODATION AND GROUP LIVING USES**

##### **4.4.1 Continuing Care Retirement**

**Communities.** Where permitted, continuing care retirement communities shall be subject to the following conditions:

- a) A minimum of three acres shall be required. All land used for the community shall be contiguous and shall not be divided or transected by public roads, private roads granting easements to tracts of land not included within the community, or natural features which would visually or functionally divide the development.
- b) Accessory buildings shall only include amenities, physical plants, dining halls, maintenance buildings, or similar facilities. All other buildings shall be principal buildings the use of which shall be for single family dwellings, multi-family dwellings, congregate or nursing care.
- c) All dwelling units shall be limited in occupancy to persons aged 55 years or older, the physically handicapped, and their spouses or primary care giver, except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
- d) Driveway access to accessory building shall be through the main entrance to the

community.

- e) The community shall be designed to include common facilities (e.g., meeting rooms, recreation rooms, dining halls, club houses, and similar facilities, etc.).
- f) The community may include accessory uses that provide personal services and retail shops limited to the residents of that facility provided they are integrated into buildings providing residential or community amenities (e.g., club house or recreation facility).
- g) Security lighting approved by the city shall be installed along all mobility routes, parking areas, and at building entrances.
- h) Transit facilities shall be integrated into the community mobility plan and must include transit stops and areas for private shuttles, if used. All transit facilities must be approved by the County.
- i) Paved exterior walkways shall be provided between all buildings and all common facilities such as dining halls and recreation centers.
- j) No individual building shall be greater than 40,000 square feet if located within 500 feet, as measured in a straight line between the closest point of each lot property line, from an adjacent lot in a residential zoning district.
- k) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the continuing care retirement community.
- l) No site shall have a density greater than eight units per acre for accessory single-family dwellings. For the purposes of calculating density all land lying underneath any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

**4.4.2 Bed and Breakfast.** Where permitted, bed and breakfast facilities shall be subject to the following conditions:

- a) Guest bedrooms shall be limited to a maximum of three.
- b) Minimum stay is two nights

- c) Minimum site size for the use shall be one acre.
- d) The minimum house size for the use shall be 2,500 square feet heated.
- e) The use shall not create noise, light, traffic, or other conditions that constitute a nuisance to surrounding properties.
- f) The business owner shall comply with all tax, business license, and revenue collection ordinances of the City and State.
- g) A site plan shall be submitted for approval that shows, at a minimum, the following information:
  - i. Off-street and overflow parking. Parking must comply with the applicable requirements of this Code.
  - ii. Locations of outdoor facilities including tents, stages, or other structures and facilities that may be used for any temporary or permanent events.
  - iii. Any other items as determined required.
- h) All driveways and parking areas shall be paved.
  - i) The structure used for the Bed and Breakfast must be existing and may be modified only as necessary to meet building codes or assure the safety of any structure on site for the purpose of accommodating allowed uses.
  - j) The structure shall be and remain single-family residential in character.
  - k) Retail sales are limited to incidental items associated with the Bed and Breakfast only for guests only.
  - l) Accessory buildings may be used for related activities as approved on the site plan or determined by the Development Coordinator.
- m) Exterior lighting shall not exceed the level of lighting normally provided a single-family residence.

**4.4.3 Hotel.** Where permitted, hotels shall be subject to the following conditions:

- a) The building shall not be located within 200 feet of an exclusively residential zoning district.
- b) Liquor sales associated with the use shall conform to the requirements of Mississippi Code Annotated Section 67-1-51.

**4.4.4 Recreational Vehicle (RV) Park.** Where permitted, RV Parks shall be subject to the following conditions:

- a) Sites shall be a minimum of 3 acres
- b) All recreational vehicle parks shall be serviced by central sewer.
- c) The park shall provide proper drainage as approved by the City.
- d) Parks shall be restricted to vehicles that conform to applicable Mississippi Department of Transportation regulations.
- e) Lot Sizes.
  - i. Minimum lot area shall be 1,600 square feet.
  - ii. Minimum lot width: 30 feet.
  - iii. Maximum grade for any lot shall be 2%.
- f) Driveways.
  - i. Minimum: 20 feet for two-way traffic; twelve feet for one-way traffic.
  - ii. Surface requirements: Minimum eight-inch sub-base with paved surface surface.
  - iii. Adequate turn-arounds shall be provided with no dead-end streets.
- g) Electrical Requirements.
  - i. Electrical outlets shall meet the minimum standards of the building and electrical codes adopted by the City of Diamondhead.
  - ii. Washrooms or toilet facilities shall remain lighted at night.
  - iii. Outdoor lighting is required along pathways to rest rooms at a maximum of 100 feet apart, not exceeding 3 feet aboveground and reflected downward.
- h) Ancillary Facilities. Recreational vehicle parks may contain facilities regularly found in such parks, (i.e. bathhouses, restrooms, laundry rooms, offices, stores, conference facilities, recreation facilities, marinas, lodging facilities, retirement communities, restaurants, etc.), as approved by the City. One residence is allowed on site for occupancy by the owner or operator only, for each one hundred 100 spaces or portion thereof.
- i) The Planning Commission shall have the

right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience, and general welfare of the public.

#### **4.5 ASSEMBLY, RECREATION, AND ENTERTAINMENT**

- 4.5.1 Amusement Center, Indoor.** Where permitted, an indoor amusement center shall be subject to the following conditions:
- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
  - b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
  - c) Liquor sales associated with the use shall conform to the requirements of Mississippi Code Annotated Section 67-1-51. Permits; distance regulations; prohibition on ownership of more than one package retailer's permit; prohibition on ownership of additional permits by persons living in same household.
- 4.5.2 Places of Worship, Small Scale.** Where permitted, a small scale place of worship shall be subject to the following conditions:
- a) Buildings shall be limited to 6,6000 square feet in size
  - b) Associated activities uses shall be limited to indoor assembly, outdoor playgrounds, and support offices.
- 4.5.3 Places of Worship, Large Scale.** Where permitted, a small scale place of worship shall be subject to the following conditions:
- a) Minimum site size shall be three acres.
  - b) Buildings shall not be limited in size.
  - c) Associated institutional activities and uses such as schools, day care, and recreational facilities are permitted.
- 4.5.4 Day Care Centers.** Where permitted, a day care centers shall be subject to the following conditions:
- a) Day Care Centers shall be allowed as a conditional use in the residential zoning districts only as a home occupation.
  - b) No separate, freestanding building shall be

located in the residential zoning districts and utilized exclusively for Day Care Centers.

**4.5.5 Lodge or Assembly Hall.** Where permitted, lodges or assembly halls shall be subject to the following conditions:

- a) The use shall exclude activities are providing services customarily carried on as a business.
- b) A site plan, subject to the site plan approval process, shall be required illustrating parking lot design and location.

**4.5.6 Nightclub, bar or similar.** Where permitted, nightclubs, bars or similar uses shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
- c) Establishments shall conform to the requirements of Mississippi Code Annotated Section 67-1-51.

**4.5.7 Pool Hall.** Where permitted, pool halls shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
- c) Liquor sales associated with the use shall conform to the requirements of Mississippi Code Annotated Section 67-1-51.

## **4.6 COMMERCIAL RETAIL AND WHOLESALE**

### **4.6.1 Auto Dealership, New and Used.**

Where permitted, auto dealerships for new and used vehicles shall be subject to the following conditions:

- a) Where Vehicle service and repair is proposed as accessory use to the dealership, the conditions listed in 4.7.1 shall apply.

**4.6.2 Auto filling station.** Where permitted, auto filling stations shall be subject to the following conditions:

- a) The use's primary function shall be the retail sale of fuel, accessories, washing, polishing, and tune-up.
- b) All standards that apply to service stations as primary uses also apply to service stations as accessory uses.
- c) Pump areas on corner lots districts must be located to the side or rear of the retail facility, not in a front yard unless the lot backs into a residential use area.
- d) All fuel pumps shall be located a minimum of 20 feet from property lines.
- e) Storage of wrecked, partially dismantled, or inoperative vehicles is prohibited.
- f) The pump island shall be situated to provide stacking space for a minimum of one vehicle behind the vehicle parked at the pump closest to the entrance or exit driveway without impeding onsite circulation.
- g) All elements of the pump island or canopy that are not operational shall be architecturally integrated by use of color, material, and architectural detailing.
- h) The design of pump islands shall be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing.
- i) All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- j) Canopy columns shall be wrapped with architectural facing of stone, brick, tile, or other natural materials.
- k) All lighting must meet the standards of this ordinance with fully recessed lighting under the canopy.

**4.6.3 Liquor Store.** Where permitted, a liquor stores shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or

any school.

- c) Liquor stores shall conform to the requirements of Mississippi Code Annotated Section 67-1-51. Machinery sales, new or used.

**4.6.4 Restaurant w/lounge.** Where permitted, restaurants with lounges shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
- c) Liquor sales shall conform to the requirements of Mississippi Code Annotated Section 67-1-51.

**4.7 COMMERCIAL SERVICE**

**4.7.1 Vehicle Service and Repair, small and large scale.** Where permitted, vehicle service and repair (small or large scale) shall be subject to the following conditions:

- a) Small scale vehicle service and repair is limited to service for personal, light duty or medium duty vehicles not requiring a commercial driving license.
- b) Large scale vehicle service and repair includes service and repair of vehicles that require a commercial drivers license and are subject to the conditions listed.
- c) The number of outside stored vehicles awaiting repair is limited to no more than 5, or 1 per service bay, whichever is greater. Stored vehicles must have a current tag.
- d) Accessory junkyards including the storage of vehicles used for parts are prohibited.
- e) All vehicles for repairs shall be screened from view by enclosing them within a building or a rear yard area. Outdoor storage must be screened by a six-foot solid screening fence or six-foot solid screen evergreen hedge along the side and rear property lines.
- f) No sales of vehicles are permitted on the premises.

**4.7.2 Washes, Automatic and Full Service.** Where permitted, automatic and full service

washes shall be subject to the following conditions:

- a) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.
- b) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- c) Washes, vacuums, and similar service devices shall be located a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a conforming residential use for facilities. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district or lot containing a conforming residential use.
- d) Car washes accessory to a principal use shall be located in the side or rear yard only.
- e) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

**4.7.3 Marine Sales and Service.** Where permitted, marine sales and service shall be subject to the following conditions:

- a) No merchandise may be stored or displayed within the setback abutting any street.
- b) The conditions of 4.21.1 shall apply as applicable.

**4.7.4 Mini-warehouse facilities.** Where permitted, mini-warehouses shall be subject to the following conditions:

- a) Site Layout
  - i. The minimum lot area shall be one acre.
  - ii. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.
- b) Operation
  - i. Commercial activity on-site shall be limited to the rental of storage bays, pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any

- other commercial or industrial activity on the site.
- ii. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.
  - iii. No more than one security or caretaker quarters may be developed on the site and shall be integrated into the building's design.
  - iv. Except as otherwise authorized in this section, all property stored on the site shall be contained entirely within enclosed buildings.
  - v. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.
- c) Storage of Recreational Vehicles and Boats. Open storage of recreational vehicles (RVs) and boats for personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:
- i. The storage shall occur only within a designated area, which shall be clearly delineated,
  - ii. The size of the storage area shall not exceed 25 percent of the buildable area of the site,
  - iii. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall at least eight feet high;
  - iv. Storage shall not occur within required minimum yards,
  - v. Vehicles shall be allowed on the premises overnight for storage only.
- d) Parking and Circulation
- i. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet for one-way traffic and 30 feet for two-way traffic.
  - ii. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
  - iii. All access ways shall be paved with asphalt, concrete, or comparable paving materials.
- e) Building Appearance
- i. Garage doors serving individual storage units shall be perpendicular to a street so as to not be visible from adjacent streets.
  - ii. With the exception of a structure used as a security guard or caretaker quarters or for dry stacking of boats, the maximum height of a self-service storage facility shall be 20 feet.
  - iii. Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with the requirements of the design standards of this code.
  - iv. The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, and painting of surfaces. Colors used shall be compatible with the character of the surrounding area. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.
- 4.7.5 Manufactured Home Sales and Service.** Where permitted, mobile home sales and service shall be subject to the following conditions:
- a) No merchandise may be stored or displayed within the yard setback abutting any street.
  - b) The conditions of 4.21.1 shall apply as applicable.
- 4.7.6 Tattoo Parlor or Shop.** Where permitted, a tattoo parlor or shop shall be subject to the following conditions:
- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
  - b) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
- 4.7.7 Equipment sales, rental and service (small scale and large scale).** Where permitted, equipment sales, rental and

service (small and large scale) shall be subject to the following conditions:

- a) Equipment sales, rental and service (small scale) is limited to service for personal, light duty or medium duty equipment generally rated for non-professionals and not requiring special licensing.
- b) Equipment sales, rental and service (large scale) use includes equipment generally rated for professional use or requiring special licensing.
- c) The use shall be subject to the outdoor storage and sales conditions contained in 4.17.11.

**4.7.8 Greenhouses.** Where permitted, greenhouses shall be subject to the following conditions:

- a) Greenhouses, hoop houses, sheds, and shelters shall have a maximum height of 15 feet, shall be setback a minimum of 10 feet from any property line.
- b) Site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent properties or into a public street.
- c) When located outdoors, compost piles must be located a minimum of 15 feet from an adjoining lot or meet accessory structure setback requirements, whichever is greater.
- d) No outdoor operations that involve power equipment shall be used between sunset and sunrise.
- e) All materials, equipment, and structures must be maintained in a neat, orderly, and sanitary condition to prevent offsite odors, dust, noise, or the attraction of rodents or other pests.

#### **4.8 INDUSTRIAL AND WAREHOUSE USES**

**4.8.1 Manufacturing and processing.** Where permitted, manufacturing and processing shall be subject to the following conditions:

- a) No excessive dust, fume, noise, vibration, or other nuisance shall be detected at the property line of the site.

**4.8.2 Mineral extraction, including oil drilling.** Where permitted, mineral extraction shall be subject to the following conditions:

- a) Sites shall maintain a buffer of 100 feet from

adjacent properties.

- b) Haul routes shall be established and shall not traverse and residential zone .
- c) Hours of operations shall be limited to that established in the approval process.
- d) No excessive dust, fume, noise, vibration, or other nuisance shall be detected at the property line of the site.

#### **4.9 MISCELLANEOUS**

##### **4.9.1 Adult Bookstore, Adult live entertainment, Adult theatres, Adult novelty stores, Adult video stores.**

Where permitted, these uses shall be subject to the following conditions:

- a) The building containing the use shall not be located within 200 feet of an exclusive residential zoning district.
- b) The use shall not be located within a 500 radius of any other regulated use.
- c) No building containing a use of this nature shall be established within 400 feet of any church, temple, synagogue, or other regularly established place of worship, or any school.

**4.9.2 Massage Parlors and similar.** Where permitted, massage parlors shall be subject to the following conditions:

- a) Applicants for businesses permits shall provide proof of licensing and certification by a nationally recognized school of massage therapy.
- b) No person other than a licensed therapist or student in the process of obtaining a massage therapy license may provide services while under the supervision of a certified therapist.
- c) All massage therapy towels, linens, and related devices shall be sterilized by a modern and approved method of sterilization before initial use and after having been used upon one patron prior to using the same upon another patron.
- d) No person suffering from an infectious or communicable disease shall work or be employed in a massage establishment nor shall such person be accommodated as a patron within a massage establishment.

**4.9.3 Mobile food vendor.** Where permitted,

mobile food vendors shall be subject to the following conditions:

- a) Mobile food vendors are permitted in the districts indicated in the chart of uses where there is an existing principle commercial use on site.
- b) Bathrooms must be accessible to the mobile food vendor operators.
- c) Mobile food vendors shall have the written permission of the property owner.
- d) Mobile food vendors shall also be permitted on construction sites with an active building permit and on-going construction activity.
- e) Mobile food vendors shall operate for a maximum of ten consecutive days and no more than thirty days in a ninety day period.
- f) A maximum of three mobile food vendors shall be permitted at any one location at the same time
- g) Mobile food vendors shall not be located in any fire lane, travel lane, entrance/exit or in any required parking space.
- h) Mobile food vendors shall be located on a level, paved, or gravel surface with safe pedestrian access.
- i) The vicinity around the mobile food vendor shall be kept clean and free of debris and trash receptacles shall be provided.
- j) Amplified music or other sounds from any mobile food vendor may not unreasonably disturb nearby businesses, pedestrians, or vehicles.
- k) The area of a mobile food vendor operation shall be kept neat and orderly.
- l) Mobile food vendors are prohibited from being stored in any residential zone.
- m) Mobile food vendors associated with a city sponsored special event shall be exempt from these use conditions

#### **4.10 PUBLIC, INSTITUTIONAL, PROFESSIONAL, COMMUNITY**

##### **4.10.1 Animal Hospital with accessory kennel.**

Where permitted, animal hospitals with accessory kennels shall be subject to the following conditions:

- a) Kennels with outdoor runs must be located on a minimum two-acre lot.

- b) Kennels are limited to no more than 20 runs.
- c) All exterior exercise areas and runs must be fenced for the safe confinement of animals.
- d) No animal runs shall be permitted within 200 feet of the closest portion of any adjacent residential district or legal, conforming residential use, except where the adjoining property is owned or occupied by the operator of the kennel.
- e) The use of outdoor space, including outdoor kennels or runs, shall be prohibited between 10:00 P.M. and 6:00 A.M.

**4.10.2 Private Schools.** Where permitted, private schools shall be subject to the following conditions:

- a) Private schools offering general courses of study are permitted.
- b) Business or commercial schools or college are not be permitted.

#### **4.11 RESIDENTIAL USES**

**4.11.1 Duplexes.** Where permitted, duplexes shall be subject to the following conditions:

- a) Duplexes dwellings must have an architectural appearance and massing like a large single family home common to the neighborhood in which they are located.
- b) The main entrance to attached dwelling units shall be directly accessed from and face the street. Second story units may be accessed through the main entrance or by an exterior stairway that does not face a public street. Duplexes on corner lots may be designed so that each side facing the public street is a front facade, and each dwelling has primary pedestrian and automobile access from a different street.
- c) Trash and recycling receptacles must be located on a portion of the lot not visible from the public street.

**4.11.2 Multiple-family.** Where permitted, multiple-family shall be subject to the following conditions:

- a) Trash and recycling receptacles must be located on portions of the site not visible from the public street and screened from dwelling units on at least three sides.
- b) On infill development sites in residential districts or when abutting an established

residential area sharing a public street, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks..

- c) Site design. Site designs shall create a sense of "neighborhood" and shall meet all the following requirements.
- i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots. In no case shall rear garages and rear facades face primary streets.
  - ii. An internal vehicular circulation system for private streets, when included, shall be reflective of a single-family residential street system.
  - iii. Parking lots shall be located behind or under buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district of lower density.
  - iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
  - v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located when provided.
- d) Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting a residential district.

**4.11.3 Townhome.** Where permitted, townhomes shall be subject to the following conditions:

- a) Townhomes shall have no more than six contiguous attached units built in a row.
- b) Unless a greater setback is required with a zoning district, a minimum setback of 50 feet is required from any side and rear property lines abutting a residential district.

**4.11.4 Patio Homes.** Where permitted, patio homes shall be subject to the following conditions:

- a) Where adjacent dwellings are not constructed against a common lot line, the developer must provide a perpetual wall maintenance easement measuring five feet along the adjacent lot and parallel with such wall. In no case may a zero lot line dwelling be built closer than 10 feet to the lot line of a lot zoned in a different residential district.
- b) No window or door openings shall be permitted along the exterior wall of the structure facing a side yard.
- c) Rooflines may not overhang the property line.

**4.11.5 Accessory Dwelling.** Where permitted, accessory dwellings shall be subject to the following conditions:

- a) The accessory dwelling unit cannot exceed 50% of the gross floor area of the principal dwelling or 1,000 square feet, whichever is less, or contain more than two bedrooms.
- b) The accessory dwelling must be a complete living space with kitchen and bathroom facilities.
- c) No more than two persons may reside in an accessory dwelling unit.
- d) The accessory dwelling may be accessory only to a detached single-family dwelling and not more than one such dwelling shall be allowed per principal dwelling.
- e) All accessory dwelling units shall conform to the applicable side and rear setback requirements of this code for accessory structures. They shall also conform to all use, design and landscaping standards applicable to the primary dwelling and structure except that where accessed by an alley, the structure may be located 15 feet from the rear property line. When an existing legal and conforming accessory structure is being converted into an ADU, the new ADU must meet all applicable building and fire code requirements.
- f) The design of the accessory dwelling shall be in harmony with the principal dwelling regarding massing, materials, and location.
- g) If located in an accessory structure, the accessory dwelling must be in the rear yard and meet the side and rear yard requirements of the district.
- h) The lot must be over 8,000 square feet. The use may be proposed on a lot of 5,000 to 8,000 square feet by Special Exception.

- i) The accessory dwelling shall not be separately metered unless required by the electric utility provider.
- j) The primary dwelling must be owner occupied and evidence must be presented such as a homestead exemption certificate that the dwelling is the primary residence of the owner.
- k) Application requires a restrictive covenant registered with the Chancery Clerk stating that the use will comply with the applicable standards of this Code, that the primary dwelling on the property will be owner occupied.
- l) The Department of Planning and Zoning shall keep a record of all approved Accessory Dwelling Unit permits.

**4.11.6 Manufactured Homes.** Where permitted, manufactured homes shall be subject to the following conditions:

- a) **Uses.** Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, are permitted provided structures do not constitute over 10 percent of the total site area of the park, and that they be exclusively for the use of the residents of the manufactured home park.
- b) **Foundations and Anchors.**
  - i. A manufactured home and/or mobile home stand (pad) is required for each manufactured home and/or mobile home lot. Each pad shall be well drained, uniformly graded and compacted as approved by the Building Official.
  - ii. Foundations and anchor systems shall be installed according to State Law. Every manufactured home shall be installed in accordance with the manufacturer's "owner's manual" or at a minimum, the Uniform Standard Code for Factory Manufactured Homes Act and the rules and regulations of the Manufactured Home Division of the Mississippi State Fire Marshal's Office.
  - iii. All tie down straps shall be 1.25" -x 0.035" -galvanized steel conforming to ASTM standard specifications 10-3953-91. Tie down straps to be Type I, Finish B, Grade 1 steel strapping certified by a registered professional engineer. Strap to

have an ultimate load capacity of 4,725 lbs. and an allowable working load of 3,150 lbs. minimum.

- iv. Ground anchors shall be cable of resisting a tensile load of 5,000 lbs. and an angle load (45 degrees) of 4,000 lbs. minimum per anchor. Anchors shall be installed full depth, below frost line and 12" minimum above water table. Minimum anchor capacity required is as noted and indicated on P.E. Certified Pier and Tie Down details. Anchors should be certified by a professional engineer, architect, or a nationally recognized testing laboratory as to their resistance, based on the maximum angle or diagonal tie and/or vertical tie loading and angle of anchor installation and type of soil in which the anchor is to be installed. Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.
- v. The frame tie down straps shall be installed on the outermost I-Beam of the home using the spacing shown in the "owner's manual."
- vi. Strap installation to anchors must be in accordance with "owner's manual."
- vii. Tie down straps must be tightened alternately on opposite sides of the home or the home may be pulled off its supports. Stabilizer plates shall be installed to provide added resistance to overturning or sliding forces.
- viii. Where a vertical tie and a diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loads simultaneously.
- ix. This aforementioned system is based on the assumption that the home itself is constructed to resist the design load reference above, if not, owner must present to the Building Official a certified professional engineer's plans for the anchoring of said manufactured and/or mobile home in accordance with HUD Wind Zone II regulations.
- x. Furthermore, any person responsible

for placing a manufactured home in a manufactured home park shall comply with the tie down standards and all applicable building codes as adopted by the City of Diamondhead.

### 3. Traffic Circulation.

- i. Direct vehicular access to the land lease community and/or manufactured home park shall be provided by means of an abutting improved public street. Each development shall be provided with one or more major interior thoroughfares for complete and uninterrupted traffic circulation within its boundaries. These major thoroughfares shall be directly related or connected to the major point or points of ingress and egress. Minor streets may extend from the major thoroughfares as necessary to serve the traffic circulation needs of the development. On-street parking is prohibited. The following minimum requirements shall apply to major thoroughfares:
  - a. For developments designed to accommodate 100 sites or more, 30 feet wide paved driving surface with curbing as may be required by the Development Coordinator.
  - b. For developments designed to accommodate less than one hundred (100) sites - twenty-two feet wide paved driving surface with curbing as may be required by the Development Coordinator.
- ii. Minor streets shall be those streets serving a minimum number of sites, clusters of sites, cul-de-sacs, parking bays, or similarly arranged manufactured homes within the overall plan. Minor streets shall be provided with a 20 feet wide paved driving surface with curbing as may be required by the Development Coordinator. On-street parking shall be prohibited.
- iii. Cul-de-sacs shall have a minimum diameter of 90 feet with a minimum paved driving surface of 20 feet width and curbing as may be required by the Development Coordinator on the perimeter of the cul-de-sac paved surface.
- iv. Street intersection center lines shall
  - v. All streets shall be constructed to meet the minimum requirements of the Subdivision Regulations of the City and amendments thereof, except minimum widths as specified herein shall apply.
  - vi. Automotive parking shall all be off street and in parking stalls or bays of 10 feet by 20 feet minimum. Two off-street parking spaces shall be provided for each manufactured home. One such parking space shall be provided at each site. The second space may be located in parking bays not more than 150 feet from the site.

### d) Open Space and Recreational Areas.

- i. A minimum of 10 percent of the gross manufactured home park area shall be set aside and developed as common use areas for open or enclosed recreational facilities.
  - ii. No street, storage area, manufactured home lot or utility site shall be included in meeting recreational purposes.
  - iii. No area to be computed as recreation space shall have a dimension less than 20 feet measured in any direction.
- e) **Setbacks and Screening.** Each manufactured home park shall have set aside along the perimeter of the property line the following areas which shall be landscaped and used for no other purpose:

- i. Minimum park front setback. 30 feet, except when the park abuts a designated major thoroughfare, then the minimum shall be 50 feet.
- ii. Minimum side setback. When abutting residential districts, the side setback shall be 25 feet; when abutting a dedicated public right-of-way, the side setback shall be 30 feet on the side street; when abutting a designated major thoroughfare, the minimum shall be 50 feet; when abutting any other zoning district, the side setback shall be 25 feet along the interior lot line.
- iii. Minimum park rear setback. 25 feet,

except when the rear yard abuts a dedicated public right-of-way, the minimum shall be 30 feet. If the rear yard abuts a designated major thoroughfare, the minimum rear setback shall be 50 feet.

- iv. Where needed to enhance aesthetics or to ensure public safety, the park grounds shall be enclosed by a fence, wall, landscape screening, earth mounds or by other designs approved by the Planning Commission which will complement the landscape and ensure compatibility with the adjacent environment.
  - v. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the Manufactured Home park or subdivision.
- f) **Utilities.** Privies, septic tanks, underground absorption fields, sewerage lagoons, the use of "honey wagons," package-type treatment facilities and other types of private wastewater treatment systems are strictly prohibited. Also prohibited is the use of private water supply systems. The land lease community and/or manufactured home park shall under all circumstances connect to the water supply and wastewater disposal systems serving the City of Diamondhead. Stormwater sewers shall be separate and apart from any sewers intended for the conveyance of sanitary sewerage. All utilities shall be approved by the appropriate agency having responsible charge for the operation of such utilities.
- i. **Electrical and Gas Supply Systems.** All electrical and gas equipment installations within a manufactured home land lease community and/or manufactured home park shall be in compliance with the codes and the City of Diamondhead, Mississippi, governing the same.
  - ii. **Lighting.** Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use. Exterior illumination shall be provided in accordance with Article 5 and as follows:
    - a. **Streets.** An average illumination level of six tenths (0.6) of a foot-candle and a minimum level one-tenth (0.10) of a foot-candle.
    - b. **Service Buildings.** Illumination levels of at least five foot-candles shall be maintained at the entrance.
    - c. **Common Parking Areas Illumination** levels for commercial or industrial zoned property shall not exceed two foot-candles and two-tenths (0.2) foot-candles along the property line when adjoining property is zoned for residential uses.
  - iii. **Swimming Facilities.** If provided, such facilities shall be designed in accordance with the codes of the City of Diamondhead governing the same and applicable regulations of the Mississippi State Board of Health and/or the Mississippi Department of Environmental Control.
- g) **Refuse Disposal.**
- i. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
  - ii. Durable, watertight, easily cleanable refuse container, sufficient to contain all the refuse, shall be provided at each service building, or at a central storage area readily accessible and located not more than 300 feet from any lot unless provided at the lot. Refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five lots or the equivalent thereof if containers are provided at individual lots.
  - iii. All solid waste generated by a land lease community and/or mobile home park shall be stored and disposed of in accordance with the Mississippi State Board of Health Regulations governing solid waste management and codes of the City of Diamondhead, Mississippi, governing the same.
- h) **Fire Protection.** All manufactured home parks shall have fire hydrants connected to six-inch (6") water mains and located within 500 feet of every manufactured home lot or space. The required five-hundred-foot distance is measured along the street or drive areas or otherwise to the specific hose layout per fire department requirements.
- i) **Service Building.** Management

headquarters, recreational facilities, coin-operated laundry facilities, service buildings and other buildings and other accessory structures permitted by the Planning Commission are allowed as accessory uses to the park.

- i. One or more service buildings shall be provided at such locations as to be reasonably accessible to residents of the park.
  - ii. Service buildings shall include space and separation for a park manager's office, storage and maintenance equipment and supplies and recreational management.
  - iii. Service buildings space shall also be provided for tenant active storage of outdoor equipment, furniture and tools and for inactive storage of such material as is used only seasonally or infrequently.
  - iv. A minimum of one 150 cubic feet for general storage for each manufactured home and/or manufactured home lot shall be provided on the lot or within 100 feet of the lot.
  - v. Storage facilities shall be constructed of suitable weather-resistant materials.
  - vi. No service building shall be located closer than five feet to any manufactured home or other structure and shall not be placed over any collector sewer or sewage disposal facility.
  - vii. The accessory uses and structures are intended to serve only the residents of the park.
- j) **Walking Areas, Patios, Decks, Etc.** A walking area such as a patio, deck, etc., shall be placed in front of the manufactured home and/or mobile home entrance. The walking area shall be constructed of concrete or other suitable material as approved by the Planning Commission and shall be a minimum of eight (8) feet wide by ten (10) feet long. If desired, an awning or other cover may be provided for the walking area and/or other cover must be attached to the manufactured home and/or mobile home and shall not be enclosed on the sides. In regard to yard setback requirements, except for the yard on the street side, this cover shall not be considered as a structure.

k) **Exterior Appearance of Manufactured Homes.** Each manufactured home hereafter placed within the City of Diamondhead shall comply with the following requirements for exterior appearance:

- i. Each manufactured home shall have the space between the bottom of the exterior walls and the ground covered, or screened, with material which matches the exterior finish of the manufactured home, or a heavier material in appearance.
- ii. The exterior finish of all manufactured homes shall be of an approved siding material.
- iii. No manufactured home shall have a flat roof.

#### 4.11.7 Short Term Rental

- a) short-term rental permit is required for each short-term rental unit.
- b) Applications may be made for short-term rental and permits granted as indicated in the zones in Table 4.1, Use Matrix where appropriate, as identified in the city's zoning maps and ordinances implementing same. In all R-10, R-6 and MH zones, short term rentals shall not be within 1,000 linear feet from property to property of another short-term rental.
- c) The permit process requires an application completed in accordance with the following which may be obtained at the Building Department:
  - i. 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.

- ii. 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.
- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.

- d) 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.
- e) 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.
- f) A renewal permit may be obtained by the payment of \$200.00, 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 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.

- i. 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.)
- ii. 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.
- iii. 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.
- iv. 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.
- v. 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 always available for inspection with the unit. 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.
- vi. 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 a permit shall be revoked or renewed.
- g) 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:
  - i. The applicant failed to conform to the conditions set forth herein for the current or previous year.

- ii. 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.
- iii. 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.
- iv. 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.

## 4.12 UTILITY USES AND STRUCTURES

**4.12.1 Telecommunication Facility.** Where permitted, telecommunication facilities shall be subject to the following conditions:

- a) **Review factors**
  - i. Height of the proposed tower or antenna;
  - ii. Proximity of the tower to residential structures and residential district boundaries;
  - iii. Technical or engineering requirements limiting placement of the tower in other areas in order to provide coverage;
  - iv. Nature of uses on adjacent and nearby properties;
  - v. Surrounding topography, tree coverage and foliage;
  - vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
  - vii. Availability of suitable existing towers and other structures; and
  - viii. Use of stealth features designed to disguise such towers or to otherwise cause them to be less visible.
- b) **Performance Standards and requirements.**

Applicants for permits for the placement of telecommunication towers within the City of Diamondhead shall produce certificates from qualified Mississippi registered engineers or architects indicating that proposed towers are designed so as to meet minimum requirements for wind load characteristics as defined by the adopted building code, FAA and/or FCC regulations, and other generally accepted standards designed to assure public safety and well-being as well as protection of the aesthetic environment.

- i. Co-Location Requirements with Existing Towers or Other Structures. Co-location or placement of additional antenna on existing previously approved or grandfathered towers shall be authorized

by the Development Coordinator subject to compliance with applicable conditions set forth herein. Preferences, therefore, are authorized herewith for the installation of such facilities provided that the addition or co-location does not result in further violations of existing regulations by pre-existing non-conforming structures. All new towers erected, constructed, or located within the City shall comply with the following requirements:

- ii. Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
  - iii. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Development Coordinator that no existing tower or other structure can accommodate the applicant's proposed antenna within a one-mile search radius (one-half mile for towers under 120 feet in height, one-quarter mile for towers under 80 feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
    - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
    - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
    - c. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
    - e. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable;
    - f. Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need;
    - g. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
    - iv. Any evidence submitted to the Development Coordinator in order to meet the requirements of Paragraph B shall be documented by a qualified and licensed professional engineer.
- c) Tower Construction Requirements.**
- All towers erected, constructed, or located within the City, and all wiring therefor, shall comply with the requirements set forth by any and all applicable building codes.
- i. Towers and antennas shall be designed to blend into the surrounding environment to the extent possible, through the use of color and camouflaging architectural treatment, unless the FAA or other federal or state authorities require otherwise or that the goal of the co-location would be better served by an alternate design. The use of guyed wires is prohibited.
  - ii. Towers shall be of a monopole design unless the Development Coordinator determines that an alternative design would better blend in to the surrounding environment.
  - iii. Tower Setbacks. Notwithstanding the other provisions of this ordinance, if the Development Coordinator and the City Council determine that the integration

of a tower into an existing or proposed structure such as a church steeple, light standard, power line supports, athletic field lighting supports or other similar structure does not compromise the aesthetic appearance of the property, setback requirements may be waived.

- iv. **Tower Lighting.** Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets, or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas. Lighting shall comply with the design standards of this code. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required.
- v. **Signs and Advertising.** Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and/or unless required by any federal or state regulations.
- vi. **Accessory Utility Buildings and Screening.** All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. Additional screening or design modifications may be required to ensure that the attractiveness and the aesthetic quality of the area is not adversely impacted. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractors' offices, etc., if requested, shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.
- vii. **Abandoned or Unused Towers.** All abandoned, unused or obsolete towers and accompanying accessory facilities shall be removed by the property owner within six months of cessation of use. In the event that a tower and its associated facilities are not removed within six months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- viii. **Proof of Non-Interference.** Applications shall include either a preliminary or a certified statement that the tower, including reception and transmission functions, will not interfere with the radio, television, and public safety communications devices on adjacent properties. When a preliminary statement is submitted, a final certified statement will be provided and approved prior to issuance of a building permit. The certificate shall be certified by a licensed engineer.
- ix. **Radio Frequency Emissions.** Each application must show that any antennae placed on the tower meets state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new or more restrictive standards are adopted, then the antennae shall be made to comply.
- x. **Spacing.** Tower locations may not be closer than one-quarter of a mile.
- xi. **Indemnity:** The owner of the tower and all communications service providers must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Development Coordinator a written indemnification of the City of Diamondhead and proof of liability insurance or financial ability to respond

ARTICLE  
**5**

Review Draft

**IN THIS ARTICLE:**

5.1	Purpose of Building, Site, and Design Standards.	106
5.2	Applicability.	106
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**Annotation Key**

Standards from current code in Table 5.1 are indicated in **Blue**

Proposed standards are indicated in **Black**

Proposed actions or considerations are indicated in **Red**

## ARTICLE 5 - BUILDING, SITE, AND DESIGN STANDARDS

### 5.1 PURPOSE OF BUILDING, SITE, AND DESIGN STANDARDS.

**5.1.1** The purpose of the building, site, and design standards is to make certain the exterior of all new construction and building additions are of high design quality, long-lasting, sustainable and consistent with sound design practice in both existing and newly developing areas. Building and site design and use of materials for the construction of any building shall be subject to the approval of the Administrative Site and Design Review Committee under the procedure of Section 9.8.

**5.1.2** These standards are intended to enhance the visual aspect and livability of the entire city. These standards will foster quality site design, architectural diversity, and visual interest in order to achieve a consistent, sustainable, and high quality built environment.

### 5.2 APPLICABILITY.

#### 5.2.1 Generally.

The following building, site, and design standards shall be applied by zoning district according to Table 5, Building, Site, and Design Standards with the following exceptions:

- a) Routine maintenance related to plumbing, mechanical, or electrical systems of buildings and sites,
- b) All plumbing, mechanical and electrical equipment when such work is entirely within the interior of a building,
- c) Construction or alteration necessary for the compliance with a lawful order of the city, Fire, Police, or Public Works Departments related to immediate public health or safety,
- d) Any interior alterations, repairs, or renovation which do not change the principal use of the structure, or
- e) Demolition or wrecking, repair, construction, reconstruction, alteration,

rehabilitation, moving, demolition, or change in use for either land or buildings within any historic district approved by the Historic Preservation Commission.

**5.2.2 Relation to Overlay Districts.** These standards shall also apply in all overlay districts if the standard would apply to the applicable underlying district, unless an alternative standard is set forth in the overlay district.

**5.2.3 Relation to Aloha District.** These standards shall only apply to the Aloha District Conventional Commercial (ADCC).

### 5.3 ORGANIZATIONAL PRINCIPLES AND DESIGN STANDARDS TABLE.

The development standards are organized in Table 5.1. The symbol "■" means that the standard is required and compliance shall be determined by the Planning and Zoning Department. The symbol "✖" means that the standard is not required. Standards are divided into the following major building and construction elements.

- i. Parking and Traffic Circulation
- ii. Pedestrian Circulation
- iii. Building Form and Materials
- iv. Lighting and Illumination
- v. Fences, Walls, and Screening
- vi. Landscaping and Low Impact Design

**Table 5.1. Building, Site, and Design Standards**

Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required</p> <p>◆ = Not required</p>													
<b>5.4 PARKING AND TRAFFIC CIRCULATION</b>													
<b>5.4.1 Street Access and Curb Cuts.</b>													
a) Curb cuts shall be located at least 75 feet from the intersection of two streets (measured from the end of the radius nearest the proposed cut). Where the width of the site is less than 75 feet, the curb cut shall be placed the as far as possible from the street intersection. (See Illustration 5.5.1)													
 <p><b>Illustration 5.5.1</b></p>	◆	◆	◆	◆	◆	■	■	■	■	■	◆	◆	■
b) Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line. (See Illustration 5.5.2)	◆	◆	◆	■	■	■	■	■	■	■	■	■	■
c) Curb cuts shall be located directly opposite one another or otherwise separated by a minimum of 150 feet.	◆	◆	◆	◆	◆	■	■	×	■	■	■	■	■
d) Curb cuts shall be limited to 1 per 200 feet of street frontage. Parcels with less than 200 feet of frontage shall be limited to one curb cut per street frontage.	◆	◆	◆	◆	◆	■	■	×	■	■	■	■	■
<b>5.4.2 Parking Lot and Driveway Entrances.</b>													
a) Site entrances and exits shall be located such that parking spaces and traffic aisles do not conflict with entering and exiting traffic. (See Illustration 5.5.2)													
 <p><b>Illustration 5.5.2</b></p>	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■
b)													

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
■ = Required ◆ = Not required													
c) One-way entrances or curb cuts shall be a minimum of 12 feet and a maximum 14 feet wide.	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■
d) Two-way entrances shall be a maximum of 24 feet wide.	◆	◆	◆	◆	■	■	■	■	■	◆	◆	◆	■
e) Three-way entrances shall be a maximum of 36 feet wide.	◆	◆	◆	◆	■	■	■	■	■	◆	◆	■	■
f) Shared driveways are encouraged.	■	■	■	■	■	■	■	■	■	◆	◆	■	■
<b>5.4.3 Interior Design of Parking Lots.</b>													
a) Vehicular and pedestrian cross access to adjacent properties in new development contexts is required. In existing development contexts is encouraged by mutual consent of owners.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
b) The number of spaces shall conform to Article 6.	■	■	■	■	■	■	■	×	■	■	■	■	■
c) Parking areas shall be designed to prevent vehicles from backing into an adjacent public street.	◆	◆	◆	◆	◆	■	■	×	■	■	■	■	■
d) Parking spaces shall be delineated by white pavement striping unless otherwise required by ADA.	◆	◆	◆	◆	■	■	■	■	■	■	◆	◆	■
e) Emergency vehicle access, fire lanes, and rear access shall be provided in accordance with the currently adopted fire code.	◆	◆	◆	◆	◆	■	■	■	■	■	■	■	■
f) Parking and loading areas shall be constructed with permanent concrete curb designed to permit low impact stormwater treatment as approved by the City Engineer. Landscaped areas subject to vehicle encroachment shall be protected by an anchored, cement wheel stop anchored set a minimum of 30 inches back from the edge of pavement.	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■

**Table 5.1. Building, Site, and Design Standards**

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

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
■ = Required ♦ = Not required													
b) Internal crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface, but conforming to the overall color scheme of the development.	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■
<b>5.6 SITE LIGHTING AND BUILDING ILLUMINATION.</b>													
<b>5.6.1 Lighting and Illumination Generally.</b>													
Low-intensity luminaries and fixtures, public street luminaries, emergency lighting, nonconforming fixtures, and fossil-fuel light, shall be exempt. (Retain)	■	■	■	■	■	■	■	■	■	■	■	■	■
Mercury-vapor fixtures and lamps, laser source light, and searchlights for advertising purposes are prohibited. (Retain)	■	■	■	■	■	■	■	■	■	■	■	■	■
a) Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of 3 foot-candles diminishing to zero at the site boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	♦	♦	♦	♦	♦	■	■	■	■	■	■	■	■
b) Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property. (See Illustration 5.6.1)	♦	♦	♦	♦	■	■	■	♦	■	■	■	■	■
c) Unless otherwise exempt, not light shall be emitted skyward above a lighting shield or shade.	♦	♦	♦	♦	■	■	■	♦	■	■	■	■	■
d) No exterior lighting fixture shall be placed or directed so as to interfere with the operation of vehicles.	■	■	■	■	■	■	■	■	■	■	■	■	■

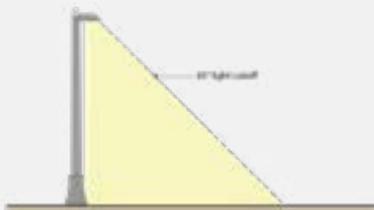
Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required</p> <p>◆ = Not required</p>													
e) No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.	■	■	■	■	■	■	■	■	■	■	■	■	■
f) Lighting fixtures shall be compatible in style with the architecture of their associated buildings and shall otherwise comply with any officially adopted streetscape plan.	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>5.6.2 Luminaries</b>													
a) Pole mounted luminaries shall be full cut-off with shields, reflectors, or refractor panels to direct and cut-off emitted light at 45 degrees or less.													
 <p><b>Illustration 5.6.2</b></p>	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at a 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent). (See Illustration 5.6.2)	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■
<b>5.6.3 Mounting.</b>													
a) Poles in commercial and multiple-family developments, whether mounted upon a building or upon a light standard, shall not exceed 25 feet in height.	◆	◆	◆	◆	■	■	■	x	■	◆	◆	◆	■
b) Lighting fixtures within industrial developments shall not exceed the height of the roof line of the associated building.	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	■	◆	◆
<b>5.7 BUILDING FORM AND MATERIALS.</b>													
<b>5.7.1 Form and Composition.</b>													
Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity. (Eliminate, vague)	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■

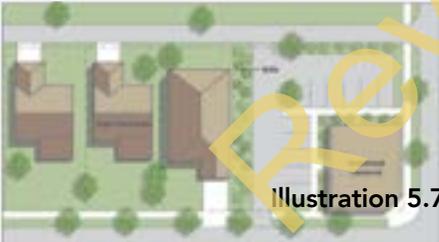
Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required ♦ = Not required</p> <p>Unadorned pre-stressed upright concrete panels, unfinished concrete block, metal siding (such as galvanized or unfinished steel, galvalume, or unfinished aluminum), and pole-type building materials are not permitted as primary exterior building materials. Vinyl siding and aluminum siding shall also be excluded. (Eliminate, covered @ i.)</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
<p>Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building. The rear elevation of a building shall be exempt from this requirement provided the rear of the building is not visible from public view. (Eliminate, partially covered, Eliminate, need 360 degree design)</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
<p>a) When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping. (See illustration 5.7.1)</p>													
 <p>Illustration 5.7.1</p>	♦	♦	♦	♦	♦	■	■	♦	■	♦	♦	■	■
<p>b) Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
<p>c) Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved, buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.</p>	♦	♦	♦	♦	♦	■	■	×	■	♦	♦	■	■

Table 5.1. Building, Site, and Design Standards														
Standard		Zone												
■ = Required ◆ = Not required		R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
d) False or stage-set facades are prohibited. Similar materials and colors used on the street façade shall be used to the sides and rear of the building where visible from a street right-of-way or adjacent residence. (See illustration 5.7.2)														
		◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
Illustration 5.7.2														
e) The maximum, unbroken facade plane shall be 60 feet and should be interrupted by projections, recesses, portals, courtyards, plazas, or other architectural design. Facade plane breaks shall have a minimum depth of six inches.														
		◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
Illustration 5.7.3														
f) No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building as a primary surface material or mansard. Alternatives of equal or better quality may be considered. (See illustration 5.7.4)														
		◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
Illustration 5.7.4														
g) Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.														
		◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
h) Parapets should extend above the highest level of any roof mounted equipment. In no case shall such equipment be visible from adjacent grades at a distance of 75 feet.														
		◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ◆ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
i) Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among brick, cementitious stucco, stone, vertical board and batten, wood or cementations siding and approved architectural concrete masonry unit. EFIS may only be used in banding, decorator strips, cornice lines and wall capping.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
The exterior building finish of two-family and multi-family dwelling units shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. (Retain)	◆	◆	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆
To ensure architectural compatibility with homes in the immediate vicinity of the building site, building design for new construction and additions shall be in keeping with the design patterns and architectural features that exist in the immediate vicinity. (Retain)	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<del>Building design shall conform to the prevailing pattern and materials within the immediate vicinity.</del> Compatibility shall be determined by roof pitch, roof materials, exterior finishes and materials, garage orientation, landscaping, color scheme, mailbox design and construction, driveway and walkway materials, porches, dormers, building orientation and other relevant features. (Retain and combine with above)	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required ◆ = Not required</p> <p>Maintain the average scale of one and two-story buildings along the street. Maintain the similarity of building heights. The apparent height of the primary façade should not exceed two stories. (Eliminate, zones sets height and compatibility provision cover the rest. )</p>	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<p>Use roof forms that are similar in scale and character to the neighborhood and to those used historically. (Eliminate, covered under compatibility)</p>	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<p>Parking on site should be visually subordinate to the residential character of the street.</p>	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<p>Garages, carports, outbuildings, etc., should not be "street forward" shall be recessed from the front facade by a minimum of 6 feet. and of materials and styles that blend with the existing structures and neighborhood.</p>	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
<p>Residential additions shall be compatible and in context with the same general scale, proportion, massing, and detailing as the original structure and should not be a stark contrast. A new addition that creates an appearance inconsistent with the character of the existing building is inappropriate. (Eliminate, covered under compatibility)</p>	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
The design of a new addition shall incorporate the main characteristics of the existing structure and may include: <ul style="list-style-type: none"> <li>the extension of architectural lines from the existing structure to the addition,</li> <li>Repetition of bays, windows, and entrance spacing;</li> <li>Use of harmonizing colors and materials;</li> <li>The inclusion of similar architectural details (e.g., window/door trim, lighting fixtures, and stone/brick decoration). <i>(Eliminate, covered under compatibility)</i></li> </ul>	■	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
<b>5.7.2 Roof Design and Materials</b>													
All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 3:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
Provide a pitched roof on front and side of the building to screen view of any flat roof. <i>(Eliminate, redundant to above)</i>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
Arcades, drive-under canopies, porches, and other features shall be created with a pitched roof. Drive-under canopies for gasoline pumps may have flat roofs with vertical or factory formed facing of finished sheet metal. <i>(Retain)</i>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory-finished sheet metal. <i>(Eliminate, covered under b.)</i>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
Mansard roofs shall have a maximum pitch of 12:12 with a minimum of 12 foot vertical surface length. (Retain)	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
Exposed metal flashing shall be copper or factory-finished sheet metal. (Retain)	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
If factory-finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. (Retain)	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
All buildings with flat roofs should include parapet articulation on the front façades of such building. The parapet articulation should coincide with any roof articulation may be a part of the roof design. (Retain)	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
a) Exposed pitched roofs, as a primary roof form, shall have a slope not less than 5/12. Porches shall be sloped not less than 3/12. (See Illustration 5.7.5)													
 <p><b>Illustration 5.7.5</b></p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
b) Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
<b>5.7.3 Design Detail</b>													
a) Wall surfaces shall be composed of at least 75% a single material and color. With the exception of decorator accents, colors shall consist of subtle, neutral, or earth tones or of a coastal color palette.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
b) Walls that can be seen from an arterial or collector street shall be treated as a building façade.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
c) No less than 40% of the horizontal distance of any building front entrance shall be designed with arcades, windows, entrances, awnings, or similar features. (See Illustration 5.7.6)													
 <p style="text-align: center;"><b>Illustration 5.7.6</b></p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
d) Retail facades shall be glazed with clear glass no less than 40% of the first story. Other uses may provide the authentic appearance of such transparency.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
<b>5.8 ACCESSORY USES AND EQUIPMENT.</b>													
<b>5.8.1 Fences.</b>													
a) Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Fences and walls shall be constructed such that the “finished” part of the fence or wall is located toward and facing the exterior of the property. (See Illustration 5.8.1)													
 <p style="text-align: center;"><b>Illustration 5.8.1</b></p>	■	■	■	■	■	■	■	■	■	■	■	■	■
c) Barbed wire, woven wire or electrical fencing are prohibited except in agricultural applications.	■	■	■	■	■	■	■	■	■	■	■	■	■
d) Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■
e) Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	■
f) Chain link fencing shall be green or black vinyl coated.	♦	♦	♦	♦	■	■	■	■	■	♦	♦	■	■

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
g) The maximum height of walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is six feet.	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>5.8.2 Mechanical Equipment</b>													
Ground mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) by an opaque wall or fence of similar material to that of the principal building or landscaping. (Retain)	♦	♦	■	♦	♦	■	■	■	■	■	■	■	■
All commercial and retail building roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides. (Retain)	♦	♦	■	♦	♦	■	■	■	■	■	■	■	■
<b>5.8.3 Walls.</b>													
a) Retaining walls less than three feet tall may be constructed of treated timbers, split-faced concrete block, flat-faced concrete block, or poured-in-place concrete with either a flat or decorative face.	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Retaining walls three feet or more in height shall only be constructed of split-faced concrete block, modular block keystone systems, or poured-in place concrete with a decorative face.	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>5.8.4 Outside Storage and Waste Collection Facilities.</b>													
a) Masonry walls and buildings, or a combination thereof, shall be used to screen outside storage areas and waste collection facilities. The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is prohibited.	♦	♦	♦	♦	■	■	■	■	■	■	×	■	■
b) Trash containers, oil and grease containers must be visually screened on all sides including gates. Combinations of berming, landscaping, walls, fences and buildings shall be used to screen containers and enclosures.	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required</p> <p>◆ = Not required</p> <p>All dumpsters shall be screened from sight by a fence or wall at least six inches taller than the tallest point on the dumpster. Maximum height is eight feet. (Retain)</p>	◆	◆	■	■	■	■	■	■	■	■	■	■	■
<p>Dumpster fencing shall be constructed of an opaque material made of brick, stucco, split face block, wood, vinyl, or similar material to that of the principal building. Chain-link or chain-link with vinyl slats is prohibited. (Retain)</p>	◆	◆	■	■	■	■	■	■	■	■	■	■	■
<p>c) Wash down areas, where required, shall be connected to the sanitary sewer.</p>	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■
<p>d) Dumpster containers shall be located to the side or rear of principal structures.</p>	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
<p>e) Dumpster containers shall be sited to avoid conflict with vehicular and pedestrian movement.</p>	■	■	■	■	■	■	■	■	■	■	■	■	■
<p>Dumpsters shall be located in the rear yard behind the building they serve, or otherwise in an inconspicuous location. (Eliminate)</p>	■	■	■	■	■	■	■	■	■	■	■	■	■
<p>f) All activities related to non-residential material management, including deliveries and removal, and non-residential waste removal shall be conducted fully onsite and shall not involve the use of public streets for vehicle parking or maneuvering.</p>	◆	◆	◆	◆	■	■	■	■	■	■	■	■	■
<b>5.9 LANDSCAPING.</b>													
<b>5.9.1 Interior Site Landscaping.</b>													
<p>a) There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islandsr 50% of this space to be devoted to Low Impact Deisgn features.</p>	◆	◆	◆	◆	■	■	■	◆	■	◆	◆	■	■

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
b) Parking lot islands shall contain a minimum of one large, shade or canopy tree per island except where low impact design features are incorporated, in which case 50% of the islands shall contain required planting. Parking islands directly abutting buildings shall substitute shrub plantings.	♦	♦	♦	♦	■	■	■	♦	■	♦	♦	■	
c) Landscaped areas shall be covered by at least 75 percent grass or organic ground cover. Low impact design components may substitute for conventional ground coverings. Planting shall be established prior to building occupancy.	♦	♦	♦	♦	■	■	■	■	■	♦	♦	■	
<b>5.9.2 Perimeter Site Landscaping.</b>													
a) A planted verge of at least 10 feet in width shall be established on a site perimeter. Planting shall consist of at least one deciduous tree sized at 3.5 inches in caliper DBH per 60 feet of perimeter. Low impact design components shall be established at site discharge points.	♦	♦	♦	♦	♦	■	■	♦	■	■	■	■	

ARTICLE  
6

Review Draft

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**Annotation Key**

Proposed adjustment in ~~strikeout~~ and Red Underline replacement.

Proposed action or consideration in **Red**.

## ARTICLE 6 - OFF-STREET PARKING AND LOADING

### 6.1 GENERAL PROVISIONS.

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

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

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

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

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

inches in height above grade.

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

#### 6.1.4 Location of Parking Areas.

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

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

## 6.2 REQUIRED NUMBER OF OFF-STREET PARKING SPACES.

### 6.2.1 Minimum and Maximum Requirement.

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

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

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

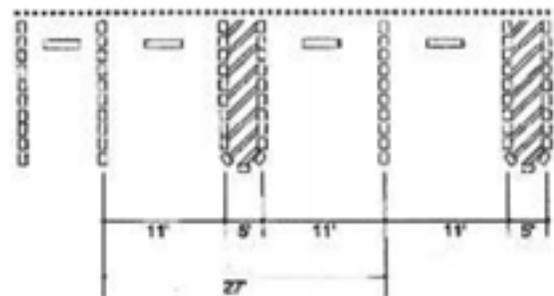
- d) Accessible parking spaces shall be included as parking spaces satisfying the requirements for off-street parking.
- e) One space in every eight spaces shall be van accessible, but not less than one.
- f) Accessible parking spaces shall be not less than 9 feet wide by 19 feet long with a minimum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

## 6.3 GENERAL REGULATIONS APPLYING TO OFF-STREET PARKING FACILITIES.

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

### 6.3.2 Change in Use.

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



Accommodates Accessible Parking Requirement and Vans

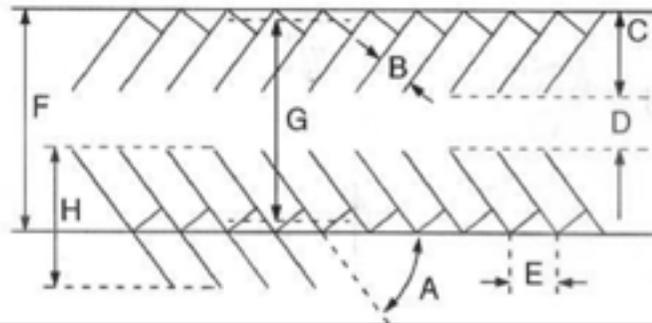
Dwelling, one-family	2 spaces per dwelling unit
Dwelling, two-family	
Dwelling, multi-family	
Barber and Beauty Shop	<del>3 space per chair</del> <b>2 space per chair</b>
Bowling Alleys, Recreation Centers, Swimming Pools, Skating Rinks, and other Recreation and Amusement Facilities	1 space per 5 customers at maximum service capacity; 1 space per 2 employees
Club Houses And Permanent Meeting Places of Veterans, Business, Civic, Fraternal, Labor, and Similar Organizations	<del>1 space per 50 sq. ft. of auditorium, assembly hall, and dining room area;</del> 1 space per 2 employees <b>1 space per 4 seats</b>
Group living quarters, Nursing Homes	1 space per 4 beds occupied at maximum capacity
Assisted living facilities	<del>1 space per room or living unit</del> <b>1/2 space per room or living unit</b>
Food stores, Food/Gas Stores, Convenience Stores, and Convenience/Gas Stores	<del>5.5 spaces per 1,000 sq. ft.; 1 space per business vehicle; 1 space per 2 fuel pumps; 5 spaces minimum</del> <b>1 space per 300 square feet of retail space</b>
Funeral Homes	1 space per business vehicle; 1 space per 2 employees; 1 space per 3 <del>4</del> seats in auditorium/chapel; 5 spaces per parlor
Hospital	<del>1 1/2 space per bed; 1 space per staff doctor; 1 space per 3 employees; 1 space per hospital vehicle</del>
Industrial Plants and Facilities	1 space per business vehicle; 1 space per 2 employees at maximum shift
Libraries, Museums, Post Offices, and Similar Establishments	<del>1 space per 4 seats</del> <b>1 space per 4 seats</b> 7.5 spaces per 1,000 sq. ft.; 1 space per business vehicle
Medical and Dental Offices and Clinics	<del>1 space per 1,000 sq. ft.</del> <b>1 space per examining room; 1 space per 2 employees</b> 7 spaces per 1,000 sq. ft.
Offices	<del>3</del> 5 spaces per 1,000 sq. ft.
Offices and Facilities within the Technology District	1 space per employee (per shift) <del>or business vehicle</del> 5 spaces for visitors
Public Garages	3 spaces per employee; 1 space per business vehicle
Repair shops, plumbing shops, electrical shops, roofing shops, and other service establishments	<del>2</del> 4 spaces per 1,000 sq. ft. excluding storage areas; <del>1 space per business vehicle</del>
Restaurants, without Drive-Thru	<del>1 space per 4 seats</del> 20 spaces per 1,000 sq. ft. of seating area; 2 spaces per 3 employees; 1 space per business vehicle
Restaurants, with Drive-Thru or Drive-In	1 per <del>2</del> 4 seats; (1) 9' x 50' queuing space beginning at pick-up station*  * All queuing shall be contained on private property and shall not be allowed on public streets.
Retail, Indoor	<del>5.5 spaces per 1,000 sq. ft. of usable area; 1 space per business vehicle</del> <b>1 space per 350 sq. ft.</b>
Retail, Outdoor	2 spaces per employee; 1 space per business vehicle
School, Elementary Public and Private and Day Care Centers	1 space per employee; 1 space per classroom
School, Junior High	1 space per <del>3</del> 4 seats of maximum capacity of assembly hall, auditorium, stadium, or gymnasium; <del>or 1 space per employee and 2 space per classroom; Whichever is greater</del>
School, Senior High	1 space per <del>3</del> 4 seats of maximum capacity of assembly hall, auditorium, stadium, or gymnasium; <del>or 1 space per employee and 2 space per classroom; or 1 space per employee, 1 space per 4 sophomore students, 1 space per 3 junior students, and 1 space per 2 senior students; whichever is greater</del>

Self-Service Laundries	1 space per 2 washing machines
Service Station without Vehicle Repair Facilities	<del>3 spaces per employee on the maximum shift; 1 space per business vehicle; 4 spaces minimum</del>
Service Station with Vehicle Repair Facilities	1 space per employee on the maximum shift; <del>1 space per business vehicle</del> ; 5 2 spaces per service bay
Theaters, Auditoriums, Churches, Civic Centers, Stadiums, and Other Places of Public Assembly	1 space per <del>3</del> 4 seats available at maximum capacity in the largest room or hall in the building
Motel and Hotel	1 space per sleeping room; Additional parking to conform to parking requirement for other uses on premises
Transportation Terminals	1 space per 100 sq. ft. of waiting area
Universities, Colleges, Academies, and Similar Institutions of Higher Learning	1 space per 4 seats in assembly hall, auditorium, stadium, or gymnasium of capacity; or 1 space per regular employee; <del>20</del> 10 spaces per class room Whichever is greater
Warehouses, Freight Terminals, and Trucking Terminals	1 space per business vehicle; 2 spaces per employee; 1 space per <del>400</del> 200 sq. ft. office area
Wholesale Business	1 space per business vehicle; 2 spaces per employee; 1 space per <del>400</del> 200 sq. ft. office area

Table 6.2. Casino Off-Street Parking Requirements	
Patron cars	1 per 50 square feet of casino floor area
Employee cars	1 space per 2 employees on largest shift
Buses	5 spaces (10' x 50' each)

Table 6.3. Required ADA Parking Spaces		
Total Spaces	Handicapped Spaces Required	Van Accessible Spaces
1–25	1	1
26–50	2	1
51–75	3	1
76–100	4	1
101–150	5	1
151–200	6	1
201–300	7	1
301–400	8	1
401–500	9	2
501–1,000	2% of total	3
1,001 and over	20 + 1 for each 100 over 1,000	1 in 8 of all accessible spaces

Table 6.4. Parking Space Geometry



	A = Angle of Parking		
	45°	60°	90°
B = Stall Width	9.0'	9.0'	9.0'
C = Vehicle Projection	19.7'	21.0'	19.0'
D = Aisle Width	12.5'	17.5'	22.0'
E = Curb Length per Stall	12.7'	10.5'	9.0'
F = Width of Bay	51.9'	59.5'	60.0'
G = Width of Bay, double	45.6'	55.0'	60.0'
H = Width of double stalls	33.1'	37.5'	38.0'

street parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

separate requirements for each use and not more than 300 feet from the lot on which the main building is located.

## 6.4 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES.

### 6.4.1 General Requirements.

- Every parking facility shall be designed so that it does not constitute a nuisance, hazard, or unreasonable impediment to traffic.
- Every parking area shall be arranged for orderly, safe movement.
- Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single-family or two-family dwelling, a valet parking lot not open for public parking, or attendant directed parking.
- Surfacing of all parking facilities shall be concrete, asphaltic concrete, or asphalt and all parking facilities shall be properly graded for drainage and maintained in a good condition, free of weeds, dust, trash and debris, potholes or other surface failures. Pervious pavement or pervious pavements systems are allowed subject to

- When a building or structure shall undergo any increase in number of dwelling units, gross floor area, seating capacity, or other unit measurement specified herein for required off-street parking or loading facilities, and, further, when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this ordinance thereto, parking and loading facilities shall be increased accordingly.

**6.3.3 Conflict with Other Uses.** No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

**6.3.4 Joint Use.** Off-street parking facilities for different buildings, structures or uses, or for mixed-uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the

**Table 6.5. Off-Street Loading and Unloading Requirements**

Gross Floor Area of Building (square feet)	Size of Loading Space	Minimum Number of Spaces Required
0 to 4,000	None required	None required
4,000 to 8,000	10' x 25'	1
8,000 to 24,000	12' x 40'	1
24,000 to 60,000	12' x 40'	2
Each additional 50,000	10' x 40'	1

the provisions of section 6.4.2.

- e) Wheel guards may be provided and so located that no part of a parked vehicle will extend beyond the parking facility.
- f) Parking spaces shall not be used for the sale, repair, dismantling, or storage of any vehicles, equipment, materials, or supplies.
- g) Parking facilities on more than one level (multiple-level) shall be designed in accord with those standards set out herein for grade-level parking facilities insofar as they are reasonably applicable. The design of such a multiple-level facility shall be subject to approval of the Planning Commission with respect to layout, circulation, accommodations for pedestrians' ingress and egress, and other characteristics affecting safety and convenience.
- h) All parking spaces shall be properly marked by durable paint in stripes a minimum of four (4) inches wide and extending the length of the parking space.

#### 6.4.2 Pervious pavement or pervious pavement systems.

Pervious pavement or pervious pavement systems, capable of carrying a wheel load of 4,000 pounds, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are permitted. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems shall meet the following conditions:

- i. All materials shall be installed per

industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. Documentation that verifies appropriate soils and site conditions shall be provided. For further guidance and technical assistance, please refer to the following source: Georgia Stormwater Management Manual: Volume 2 Technical Handbook.

- ii. All materials shall be maintained per industry and city standards. Damaged areas shall be promptly repaired. Gravel that has migrated from the pervious pavement systems onto adjacent areas shall be swept and removed regularly.
- iii. Pervious pavement or pervious pavement systems, except for pervious asphalt or pervious concrete, shall not be used for accessible parking spaces or the accessible route from the accessible space to the principal structure or use served.
- iv. Pervious pavement or pervious pavement systems shall be prohibited in areas used for the dispensing of gasoline or other engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.
- v. Pervious pavement or pervious pavement systems that utilize turf grass shall be limited to overflow parking spaces that are not utilized for required parking and that are not occupied on a daily or regular basis.
- vi. Pervious pavement or pervious pavement systems used for parking or associated drive aisles or driveways shall count as impervious surface for the purposes of impervious surface coverage in any zoning district that has a maximum impervious surface limit or percentage,

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

- vii. Pervious pavement or pervious pavement systems shall not allow parking spaces, drives aisles, or driveways to be located anywhere not otherwise permitted by the regulations of this zoning ordinance and the district in which it is located.
- viii. Parking areas shall have the parking spaces marked as required by this article except that pervious pavement systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including, but not limited to, markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

#### 6.4.3 Parking Space Geometry.

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

four-foot clear width and such width shall be protected and maintained by curbs or wheel guards. All pedestrian walks shall be paved and maintained free of standing water.

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

#### 6.4.4 Access Drives and Driveways.

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

- e) No access drive or driveway shall be less than 30 feet from any street intersection.
- f) The use of shared access drives shall be encouraged in order to reduce the number of curb cuts and improve the appearance of street corridors in the city.

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

**6.4.6 Nighttime Illumination.**

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

**6.4.7 Landscaping.**

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

single parking rows, and two (2) for double parking rows at a minimum two-and-one-half (2½) inch caliper.

**6.4.8 Screening.**

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

**6.5 SHARED PARKING FACILITIES.**

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

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

as is required by this ordinance or reasonably deemed necessary by the Development Coordinator and shall include plans showing the proposed shared facilities in relation to the uses for which they are to be provided.

- c) In consideration of an application for Conditional Use for shared parking, the Planning Commission shall take into account and hear evidence concerning the nature and hours of operation of each respective use proposing to share parking. Further, the Planning Commission shall receive necessary and enforceable commitments, or otherwise impose appropriate conditions, to ensure that the nature and characteristics of each use proposing to share parking are such that adequate parking will be available for each use.

## 6.6 BICYCLE PARKING

**6.6.1** Generally. The bicycle parking requirements of this Article are intended to encourage the use of bicycles as a means of transportation in the city. Bicycle parking facilities must be located on the same site as the uses they serve.

### 6.6.2 Bicycle Parking Required.

1. Bicycle parking shall be provided for all non-residential and multi-family residential uses, and where there is sufficient need for such parking in a particular case. The Zoning Administrator may reduce the number of bicycle parking spaces required based on the surrounding use and context of the proposed development and the site's accessibility by bicycle.
2. A minimum of one bicycle parking space shall be provided per ten vehicle parking spaces. No more than five bicycle parking spaces shall be required for any primary structure.

### 6.6.3 Design of Spaces.

1. Bike racks shall be located no more than 50 feet from the principal entry to a building or structure, or along a walkway that leads directly to the principal entry. Bike racks shall be located no farther from the principal entrance than the closest motor vehicle

parking space.

2. Each required bicycle parking space shall be on asphalt, concrete or similar all weather surface material.
3. Each space shall be no less than one foot wide by six feet long with a minimum vertical clearance of seven feet. An access aisle not less than five feet wide shall be provided and maintained beside or between each row of bicycle parking.
4. Bicycle parking facilities shall include either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked.
5. Bicycle racks shall be securely anchored to a walkway, parking lot, building or similar permanent structure.
6. Bicycle parking areas shall be designed so that the bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or another pedestrian way when fully occupied.

## 6.7 GOLF CART PARKING

### 6.7.1 Golf Cart Parking Required.

1. Golf cart parking shall be provided for all non-residential and multi-family residential uses.
2. A minimum of one golf cart parking space shall be provided per ten vehicle parking spaces. No more than six golf cart parking spaces shall be required for any primary structure.
3. Any required automobile parking spaces may be reduced for each golf cart space provided.
4. Where designated golf cart spaces are not available, standard automobile spaces shall accommodate golf carts.
5. When automobile spaces are used to accommodate golf carts, such parking should occur in a manner that two golf carts can fit within a vehicle parking space.

**6.7.2 Design of Spaces.** Each golf cart parking space shall be six feet wide and 12 feet long.

## 6.8 OFF-STREET LOADING FACILITIES.

The regulations herein shall govern the design of and the requirements for off-street loading and unloading space in all districts.

### 6.8.1 Required Number of Spaces and Location.

- a) Every building or structure used for business, trade or industry shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or street. Off-street loading and unloading space shall be designed not to obstruct or interfere with the use of any street, alley, or adjoining property. Off-street loading and unloading spaces may not be located on public right-of-way nor within a front yard. The minimum size and number of off-street loading and unloading spaces shall depend upon the size of the building to which they are appurtenant, as found in Table 6.5.
- b) When determination of the number of required off-street loading berths results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one loading space.
- c) No loading space shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid noncombustible fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading space shall be located within 50 feet of the nearest point of intersection of any two streets.

**6.8.2 Construction and Maintenance.** Off-street loading facilities shall be constricted, maintained, and operated in accordance with the following specifications:

- a) An off-street loading space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. Loading spaces may overlap or conflict with required parking spaces when, in the opinion of the Development Coordinator, the required loading space would not

normally be used at the same time as the parking.

- b) They shall be graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris and be free from potholes or other signs of surface failure.
- c) Lighting shall be arranged so that the source of light does not shine directly into adjacent residential properties or into traffic.
- d) Entrances and exits shall be provided and located as to minimize traffic congestion.
- e) Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than 300 vehicles, provision shall be made to maintain separate circulation routes within such facilities.

### 6.8.3 Cooperative Establishment and Use.

Requirements for the provision of off-street truck-loading facilities with respect to two or more structures may be satisfied by the permanent allocation for the requisite number of spaces for each use in a common truck-loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the Development Coordinator, a lesser number of spaces will be adequate, taking into account the respective time of usage of the truck-loading facility by the individual uses, the character of the merchandise, and related factors. In order to eliminate the multiplicity of individual facilities, to conserve space where space is at a premium and to promote orderly development generally, the Development Coordinator is hereby authorized to plan and group off-street truck-loading facilities cooperatively for a number of truck-loading generators within close proximity to one another in a given area in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

## 6.9 SPECIAL PROVISIONS FOR DELIVERY OR OTHER VEHICLES.

- a) Vehicles utilized in the normal operation of a business shall be parked behind or beside the principle building or parked in the most inconspicuous location available relative to its visibility from a public street or right-of-way (if parked at the business location) when said vehicle is not in use. The term "use" shall not include advertising purposes.

#### **6.10 MAINTENANCE REQUIREMENTS FOR PRIVATE STREETS AND DRIVES.**

- a) Any privately-owned street or drive which is open and available for public use and public access, and is reasonably expected to be utilized by the motoring public, shall be maintained in a condition free of weeds, dust, dirt, standing water, trash and debris and be free from potholes or other signs of surface failure. Additionally, such privately owned streets or drives shall be suitably marked and striped in conformance with the Manual on Uniform Traffic Control Devices.

Review Draft

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ARTICLE  
7

Review Draft

**IN THIS ARTICLE:**

7.1	Trees. <del>Replace Section with New Code</del>	138
7.2	Land Alterations and Disturbances	140
7.3	Low Impact Design	142

**Annotation Key**

Proposed adjustment in ~~strikeout~~ and Red Underline replacement.

Other Proposed action or consideration in **Red**.

## ARTICLE 7 - ENVIRONMENTAL PROVISIONS

### 7.1 TREES.

#### 7.1.1 Purpose and Scope

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

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

#### 7.1.2 Residual Tree Density.

1. **Number of Trees Based on Lot Size.** See Table 7.1.
2. **Tree Relocation or Replacement.** As a condition to the granting of a tree removal permit, the applicant may be required to:
  - i. Relocate those protected trees which

would otherwise be destroyed to another location upon the site; or

- ii. Replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site; or
- iii. Replace those protected trees which will be destroyed with suitable replacement trees within a City right-of-way, easement, or public property, upon approval by the City Manager and City Council.

#### 7.1.3 Permit Required for Tree Destruction

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

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

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

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

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

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

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

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

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

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

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

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

**7.1.10 Prohibited Acts.** It shall be unlawful to

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

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

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

person or entity, public or private.

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

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

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

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

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

## 7.2 LAND ALTERATIONS AND DISTURBANCES

**7.2.1 Purpose.** The purpose of this Section is to set forth regulations governing the excavation, clearing, filling, and draining of properties within the City of Diamondhead. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and stormwater volumes and rates beyond that which existed prior to alteration or disturbance.

### 7.2.2 Clearing and Grubbing, Haul Roads, Waste Areas, Plant Sites, or Other Areas Occupied by the Contractor.

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as necessary shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins, or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

No development permit is required for the clearing, grubbing (as to clear by digging up by the roots) or clipping of underbrush.

a) **Excavation.** No excavation of land greater than 1000 square feet shall be made, unless and until a development permit has been secured. Excavations shall be made in an acceptable manner to the Development Coordinator and shall be left in a presentable and acceptable condition when completed:

- i. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property, and entrances and exits shall be submitted.
- ii. Excavations shall be dug on a 3-to-1 slope.
- iii. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.
- iv. Bottom of pits shall be graded in a generally level contour.
- v. Edge of slope at ground level shall be no closer than 35 feet from any property line, nor closer than 300 feet from a public road.
- vi. The maximum depth of the excavation shall be determined by the Development Coordinator.
- vii. Upon approval, a permit for an excavation shall be issued for a one-year period and shall be reviewed and considered for additional periods of time by the Development Coordinator/ Building Official.

### 7.2.3 Land Clearing and Drainage.

- a) **Structures, grading, and other construction.** The contractor shall perform all work in such a manner and with such protective features to control and contain siltation and dust within the limits of the work. The contractor shall prevent or minimize undesirable siltation and dust in connection with excavation and construction. It is the intent of these specifications that the work shall proceed in a manner and sequence to ensure the earliest possible establishment of permanent erosion control items.
- b) **Parcels of land greater than one acre.** No parcel of property in excess of one acre or series of contiguous lots, the combined area of which exceeds one acre, shall be cleared prior to submitting to the Development Coordinator a site-clearing plan. Such plans shall include, but are not limited to, access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control and dust. Plans

of this nature may be included with and made a part of the building permit application.

- c) **Best Practices for Erosion and Sediment Control.** The Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas, Volumes 1-3 (2011) published by the Mississippi Department of Environmental Quality shall be generally accepted as listing best management practices for erosion and sediment control. These may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Development Coordinator. The Development Coordinator may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.
- d) **Parcels of land greater than three acres.** Proposed new developments in excess of three acres shall not be cleared until an overall project plan has been submitted to and approved by the Development Coordinator. Such plans shall, in addition to the above referenced requirements, include detailed stormwater runoff control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of stormwater equal to a 100-year storm based on south Mississippi average rainfalls for urbanized areas. The approximate value for "1" precipitation intensity in inches per hour, shall be obtained from the NOAA Website. This website provides precipitation intensity information. Runoff shall be drained on-site to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.
- e) Provisions for the long-term maintenance of permanent stormwater control facilities shall be determined prior to the finalization of a project, or prior to issuance of a certificate of occupancy

or approval of final plats. Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

- f) All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line.

#### 7.2.4 Filling.

- a) **Fill permit required.** Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit.
- b) **Application to fill land.** An application to fill land shall contain the following:
- i. Plot plan, drawn to scale, showing the following:
    - a. Existing site topography, elevations, and drainage flow,
    - b. Proposed site topography, elevation and drainage flow,
    - c. Volume, type, and area of proposed fill,
    - d. Distances from surrounding property lines and buildings.
  - ii. A statement expressing the purpose of the proposed fill,
  - iii. Additional related information as may be requested by the Development Coordinator/Building Official.
- c) **Fill requirements.** The fill permit application shall demonstrate that the following:
- i. The least amount of fill is proposed to achieve the purposes of the operation;
  - ii. Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines,
  - iii. Fill shall not encroach into any

designated side and rear yard setbacks,

- iv. Fill shall not cause negative impacts to surrounding property.
- d) An application to fill land shall be evaluated by the Development Coordinator/Building Official for compliance with this section. The Development Coordinator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

### **7.3 LOW IMPACT DESIGN**

#### **7.3.1 Low Impact Design (LID) Encouraged.**

For the purposes of this ordinance, low impact design practices are encouraged as a means of implementing environmentally sound stormwater mananement including reduction in stormwater runoff, ground water recharge, and increasing biodiversity.

#### **7.3.2 LID Best Practices.** The Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas, Volumes 1-3 (2011) published by the Mississippi Department of Environmental Quality shall be generally accepted as listing best management practices for low impact design in communities. The practices listed may be employed as appropriate to thier development context and subject to the approval of the City Engineer. The three volumes include:

- a) Volume 1 - Erosion and Sediment Control Practices
- b) Volume 2 - Stormwater Managment
- c) Volume 3 - Appendices: Developing Plans & Designing Best Management Practices

ARTICLE  
8

Review Draft

**IN THIS ARTICLE:**

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**Annotation Key**

Proposed adjustment in ~~strikeout~~ and **Red Underline** replacement.

Proposed action or consideration in **Red**.

## ARTICLE 8 - SIGNS

### 8.1 SCOPE, PURPOSE, AND LEGAL EFFECT.

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located as specified in this Article. For the purpose of this Article, the following sign regulations are established to assure the health, welfare, and safety of the citizens of Diamondhead and to encourage the economy of the city, to protect the public investments in streets and highways to preserve natural beauty, and to protect tax revenues by promoting reasonable, orderly and effective display of outdoor advertising.

### 8.2 DEFINITIONS.

For the purpose of this Article, the words and terms found herein shall have the meanings respectively ascribed in Article 10. All words used in this Article not specifically defined herein shall be given their meanings in normal customary usage.

### 8.3 CONFORMITY AND PERMIT REQUIRED.

All signs hereafter erected on any lot in any district of the City shall conform to the provisions of this ordinance. It shall be unlawful for any person, contractor or entity to erect, enlarge, rebuild, or structurally alter any sign without first obtaining a permit therefor and paying the requisite permit fee unless a sign is exempt from this permit requirement.

### 8.4 PERMITTED SIGN TYPES ESTABLISHED.

The following table establishes, defines and illustrates the allowed sign types in the City of Diamondhead. Signs are generally classified into the following categories:

1. On-Premises Freestanding Signs.
2. On-Premises Attached Signs.
3. Off-Premises Freestanding Signs.

4. Off-Premises Attached Signs.
5. Off-Premises Mobile Signs.

### 8.5 SIGNS PERMITTED BY ZONING DISTRICT.

The permitted location of signs is governed by zoning district. The Table of Permitted Sign Locations sets forth permitted sign location by type. The "■" means a sign permit is required. The symbol "□" means the sign is permitted but exempt from permit. The letter "C" refers to a conditional use approved by the Planning & Zoning Commission. The Preservation District (PFR) shall NOT be considered a residential district.

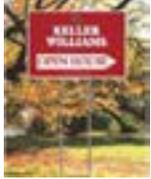
### 8.6 DIMENSIONAL REQUIREMENTS, NUMBER OF SIGNS, AND SPECIAL CONDITIONS.

The dimensional requirements, number of signs permitted and other special conditions are set forth in the Table of Sign Requirements by Sign Type.

### 8.7 EXEMPT SIGNS.

The following types of signs are exempted from the requirements of the Article; except those particular signs that may be classified by the Planning Commission as obscene, dangerous or hazardous, conflicting aesthetically, or that generally do not meet the basic requirements of other Sections of the Article, such as design, maintenance, etc. No permit is required for exempted signs.

- a) Political signs. Any political sign or poster not exceeding three square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issued to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than 60 days prior to such election or referendum and shall be removed with seven days after the referendum, or last such election in which the candidate is eligible. All signs must have the name and contact information for the individual placing the sign.
- b) Vehicle Signs

Table 8.1. Table of Permitted Sign Types	
On-premises Freestanding	
<p>a) <b>Open House Sign or Real Estate Signs.</b> Open house signs announce the availability of open house events. Real estate signs advertise the sale of real estate. The signs are temporary in nature and supported by a metal frame with two ground penetrating supports.</p>	
<p>b) <b>Temporary Special Event Banner.</b> Temporary special events banners announce special community events or occasions on the site of the event.</p>	
<p>c) <b>Development Sign.</b> Development signs identify building, development or construction sites and identify the address, development name, general contractor and owner. The purpose of such sign is to facilitate the delivery of materials and services for the period of construction only</p>	
<p>d) <b>Neighborhood Identification Signs.</b> Neighborhood identification signs include entrance identification for subdivision, multi-family developments, and other similar residential developments. These signs illustrate the development name, description or location only.</p>	
<p>e) <b>Ground-Mounted Monument Signs.</b> A sign which is generally a low profile sign supported by a base having a width of 80% of the sign width, and having little or no space between the bottom of the sign's message area and the top of the base. Includes Ground-Mounted Monument Group signs which accommodate shopping center, office complexes, clusters of businesses or similar arrangements.</p>	
<p>f) <b>Ground-Mounted Pole Signs.</b> A sign which is generally mounted on a supporting pole or pylon or multiple poles or pylons.</p>	
<p>g) <b>Temporary sidewalk or "A" frame sign.</b> A sign which is temporary in nature, that is not secured to the ground, and constructed in a manner as to form an "A" or tent-like shape used for the purpose of advertising on the angular sides.</p>	

On-Premises Attached	
<p><b>h) Wall-Mounted Signs.</b> A wall-mounted sign is a sign painted on, attached to, or erected against the wall of a building, structure, canopy or awning with the exposed face of the sign parallel to the plane of such wall or structure and extending not more than 15 inches in thickness. An architecturally integrated mansard sign shall be classified as a wall sign.</p>	
<p><b>i) Projecting Sign.</b> A projecting sign is a sign which is erected or supported on the wall of a building or other structure and projects from same.</p>	
<p><b>j) Window Signs.</b> A window sign is a sign painted, glued or otherwise affixed to a window for the purpose of being visible from the exterior of the building. A permanent window sign shall be classified as a wall sign.</p>	
Off-Premises Freestanding	
<p><b>k) Billboard.</b> Freestanding structure used for outdoor advertising which is designated, intended, or used to advertise or inform and is customarily erected and owned by an outdoor advertising entity for the purpose of advertising space whether by lease or by charitable donation.</p>	
Off-Premises Attached	
<p><b>l) Temporary special event banner (off premises).</b> Temporary special events banners announce special community events or occasions not on the site of the event.</p>	
<p><b>m) Vehicle Sign.</b> Vehicle signs are attached, painted, or otherwise applied to doors, roof, or side panels of business vehicles and not used for the primary purpose of advertising.</p>	
<p><b>n) Mobile Billboards.</b> Mobile Billboards shall mean one or more advertising display structures that are mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising. A bus, taxi or similar vehicle used primarily for the purpose of transporting persons or vehicles operated for business purposes where advertising or identifying information is directly related vehicles owners business are excluded from this definition.</p>	

Table 8.2. Table of Permitted Sign Locations										
Sign Type	Zoning District									
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	PFR	T	I
<b>On-Premises Freestanding Signs</b>										
a) Open House Sign	□	□	□	□	□	□	□	□	□	□
b) Temporary Special Event Banner	■	■	■	■	■	■	■	■	■	■
c) Development Sign	□	□	□	□	□	□	□	□	□	□
d) Neighborhood Identification Sign	■	■	■	■	■	•	•	•	•	•
e) Ground-mounted Monument Sign	■	■	■	■	■	■	■	■	■	■
f) Ground-mounted Pole Sign	•	•	•	•	•	•	■	•	•	•
g) Temporary sidewalk "A" frame sign	•	•	•	•	•	■	■	■	■	■
<b>On-Premises Attached Signs</b>										
a) Wall-mounted Sign	•	•	•	•	•	■	■	■	■	■
b) Projecting Sign	•	•	•	•	•	■	■	■	■	■
c) Window Sign	•	•	•	•	•	■	■	■	■	■
<b>Off-Premises Freestanding Signs</b>										
a) Outdoor Advertising (Billboard)	•	•	•	•	•	■C	■	•	■	■
<b>Off-Premises Attached Signs</b>										
a) Temporary Sign for Special Event	•	•	•	•	•	■	■	■	■	■
<b>Off-Premises Mobile Sign</b>										
a) Mobile Billboard	•	•	•	•	•	■	■	■	■	■
b) Vehicle Sign	■	■	■	■	■	■	■	■	■	■

- c) Directional (entrance/exit) signs with a maximum height of 5' and maximum copy area of 6 square feet.
  - d) Signs not exceeding one square foot in area and bearing only property number, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations are exempted from the regulations.
  - e) Flags and insignia of any government except when displayed in connection with commercial promotions are exempted from these regulations.
  - f) Legal notice or identification, information or directional signs, or signs required by governmental bodies are exempted from these regulations.
  - g) Integral decorative or architectural features of building except letters, trademarks, moving parts, or moving lights shall be permitted.
  - h) Signs directing and guiding traffic and parking property, but bearing no advertising matter shall be permitted.
  - i) Open House or Real Estate Signs when and where permitted.
  - j) Garage sale signs not exceeding 1.5 square feet and placed between 5:00 p.m. on Friday and removed 30 minutes after sunset on the following Sunday, plus one (1) additional day should a holiday fall on Friday or Monday.
  - k) On-site church directory or bulletin board not exceeding forty-eight (48) square feet shall be permitted.
  - l) Signs erected by the Diamondhead Property Owners Association to identify community facilities or provide community announcements, provided such signs do not exceed thirty-seven (37) square feet.
- b) Signs attached to the following:
    - i. The roof or top of a building or structure.
    - ii. Out-buildings or appurtenant structures.
    - iii. Utility poles.
    - iv. Fences.
    - v. Trees, vehicles (except for identification of business, see Section 10.5.6) and added to any existing sign except those signs originally designed for group advertising.
  - c) Signs located on city, county, state, or other government property, including public lands, rights-of-way, easements, or similar locations except those specifically exempted.
  - d) No sign shall be constructed within fifty (50) feet of a residential district and must face away from the residential area (lighting must be indirect or diffused).
  - e) Signs that [use] flashing, animated, moving or strobe illumination.
  - f) Signs that use red, amber, green and red and blue colored lights which may be misinterpreted as an emergency, police and traffic control identification.
  - g) Signs that exhibit confusing form, color, or lighting that may affect normal visibility of traffic.
  - h) Signs that allow trash or debris to exit in such a manner as to be considered a fire and/or health hazard.
  - i) Portable signs other than sidewalk signs, except in the case of a natural disaster where a sign has been damaged, the use of portable or mobile signs shall be permitted until the damaged sign is repaired or replaced or for a period of three (3) months.
  - j) Any sign which by reason of size, shape, content, coloring, location or manner of illumination interferes with driver visibility of any traffic control device or sign; or any sign which resembles any traffic control or emergency device or sign which creates any traffic hazard.
  - k) Electronic or mechanically changing messages are prohibited except in C-2 zones.

### 8.8 PROHIBITED SIGNS AND SIGN DISPLAY CONDITIONS.

The following signs and sign display conditions are prohibited:

- a) Vehicle signs used for the primary purpose of advertising.

**Table 8.3. Sign Requirements by Type**

Sign Type	Location	Number	Area	Min/Max Height	Special Conditions
a) Open House	Placed on private property only	1 per lot	3 ft (2)	3' max	Permitted only on weekends from 5 pm Friday until 30 minutes after sunset Sunday
b) Development	Placed facing street on private property	1 per site	32 ft (2) 6 ft (2)	8' max	Installed no more than 15 days prior to the start of construction and removed 30 days after completion of a home or 90 days after completion of a model home
c) Neighborhood Identification	On private or public right of way if approved by Council	-	36 ft (2)	6' max	Ground mounted only
d) Ground-Mounted Monument	1 per street frontage per lot Setback - 10'	1 per lot	3 ft per lineal foot of building frontage 100 ft (2) max 64 ft (2) 36 ft (2) for 1 District	8' max	For multi-tenant buildings, sign area for each tenant space with frontage may be calculated separately
e) Ground-Mounted Pole	1 per street frontage per lot Setback - 10'	1 per every 300' of frontage of a parcel to a street	3 ft per lineal foot of building frontage 300 ft (2) max per sign	25' max height	-
f) Wall-Mounted	Flat against a wall surface	No limit	3 ft (2) per lineal ft of building frontage 150 ft (2) max-80% of building width max		Interstate Frontage Exception - Wall frontage directly adjacent to Interstate 10 shall be allowed additional wall signage at a rate of 3ft (2) per lineal foot of building frontage with 150 ft (2) max to be allocated on the interstate wall only
g) Projecting Signs	Affixed to wall surface	1 per street frontage	-1 ft (2) per lineal foot of building frontage-100 ft (2) max	-10' min Cornice line max	Projecting signs may not extend more than twenty-four (24) inches beyond a wall surface.
h) Window Signs	Affixed to window	No limit	50% <del>25%</del> of window area max	n/a	<b>NONE <u>Rope lighting of any kind/type within the window casement is prohibited. Window lighting shall only be operational during business hours.</u></b>
i) Temporary Sidewalk or "A" Frame	Sidewalk adjacent to the front of the building façade	1 per store front	6 ft (2)	3'	Placement may not obstruct pedestrian traffic
j) Outdoor Advertising (Billboards)	Separation Radius - 2640' Interstate Access Setback - 500'		350 ft (2) per face, 700 max all faces	25'	Maximum separation between two sign faces shall be 5'; Mounting shall be on a single pole centered in the sign face

Table 8.3. Sign Requirements by Type

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

## 8.9 GENERAL REQUIREMENTS, DISPLAY CONDITIONS, AND DESIGN.

### 8.9.1 Signs not to be Primary Land Use.

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

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

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

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

**8.9.5 Design and Maintenance.** All signs shall be designed according to generally accepted engineering practices to withstand wind pressures and to ensure that loads are

distributed to structural supports to avoid overstress and all signs must be reasonably and properly anchored to avoid being swept away by wind or water.

a) All signs over ten (10) feet in height are required to have a set of plans or drawings, signed and stamped by a Mississippi Registered Engineer or Architect certified to meet wind load requirements as per current adopted Building Codes. Also, all signs shall be maintained and in good repair and appearance.

b) Ground signs shall incorporate architectural features and materials of corresponding building. The base of all ground signs and directional signs shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the base. All landscaping shall be properly maintained.

### 8.9.6 Illumination.

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

b) Electronic reader boards shall constitute no more than thirty (30) percent of the overall signage surface area and are limited to Ground Mounted Signs only.

- c) Point sources of illumination shall be shielded from view and not visible to the public.

**8.9.7 Signs shall be maintained in standard condition.** Sign surface areas which remain vacant or are abandoned for a period greater than sixty (60) days shall be removed in their entirety.

**8.9.8 Inspection.** Billboards shall be subject to an annual inspection to ensure safety and compliance with the provisions of these and other regulations of the city, subject to an annual inspection fee established by the city council.

## **8.10 NON-CONFORMING EXISTING SIGNS.**

**8.10.1 Existing Nonconforming Uses.** All signs which are not in conformance with this Article on the effective date of this ordinance, shall be unlawful after said effective date. **All window signs which are not in conformance with the Ordinance shall be unlawful one year after the passage of the window sign text amendment.**

**8.10.2 Notification of nonconformity.** Upon a determination that a sign does not conform to this Article, the building inspector shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:

- a) The sign's nonconformity.
- b) Whether the sign is eligible for characterization either as legal nonconforming or unlawful.
- c) Whether the sign is eligible for characterization as "legal conforming." Any sign located within the city limits on the date Ordinance No. 2012-019 is adopted [October 15, 2012], or located in an area on such date this is thereafter annexed to the city, which does not conform to the provisions of this Article, but which was legally erected prior to the date this ordinance is adopted is eligible for a characterization as a "legal nonconforming" sign.

**8.10.3 Loss of legal nonconforming status.** Except when grandfather rights

are provided, a legal nonconforming designation is lost if:

- a) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of the Article than it was before the alteration.
- b) The sign is relocated to a position making it less in compliance with the requirements of this Article.
- c) Changed to another nonconforming sign.
- d) Expanded in width or breadth. In such cases where the Mississippi Department of Transportation allows the sign in question to be extended in height to clear existing vegetation, such will be permitted to be extended in height to conform to Mississippi Department of Transportation regulations and/or direction.
- e) Re-established after deterioration, damage or destruction of more than 50 percent of the value, or 50 percent of the area of the sign.
- d) On the occurrence of any the circumstances in this section, the sign shall be immediately brought into compliance with this Article with a new permit secured, or shall be removed.

## **8.11 ENFORCEMENT, VIOLATIONS, AND PENALTIES.**

**8.11.1** The Zoning Administrator shall enforce this ordinance and may be provided the assistance of such other persons as the Mayor and City Council or City Manager may direct.

**8.11.2** If the Zoning Administrator finds that any provisions of the ordinance are being violated he shall:

- a) Notify in writing the property owner, sign owner or person(s) responsible for such violation, indicating the nature of the violation and order the action necessary to correct it; or
- b) Take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

- c) Violation of the provisions of the ordinance or failure to comply with any of its requirements shall constitute a misdemeanor [Ordinance No. 2012-027]. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violations may be found guilty of a separate offense and suffer the penalties herein provided.
- d) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to remedy any violation. Violations which are not remedied, or signs not removed within the designated time are subject to removal by the City, without liability. All costs associated with the removal of the sign by the City shall be the responsibility of the property owner and/or sign owner.
- e) Any sign which is found to be in violation of the Article shall be removed, or the violation otherwise remedied, by the property owner or sign owner within thirty (30) days after the registered letter is provided by the City to the property owner. Violations which are not remedied, or signs not removed, within the thirty (30) days are subject to removal by the City, without liability. Reasonable labor expenses therefor shall be endured either separately or jointly by the property owner or sign owner.
- f) Signs placed on any City-owned building, structure, or lot or within the right-of-way of any public road or easement without a permit issued therefor shall be subject to immediate removal by the City.

Review Draft

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ARTICLE  
9

Review Draft

**IN THIS ARTICLE:**

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**Annotation Key**

Proposed adjustment in ~~strikeout~~ and **Red Underline** replacement.

Proposed action or consideration in **Red**.

## ARTICLE 9 - ADMINISTRATION

### 9.1 ADMINISTRATIVE BODIES AND OFFICIALS

9.1.1 The administrative bodies and officials responsible for carrying out the provisions of this ordinance include the following:

- a) Mayor and Council
- b) Planning Commission
- c) Development Review Committee
- d) Zoning Administrator

9.1.2 The duties, responsibilities, and associated administrative procedures are set forth in the sections that follow.

### 9.2 CITY COUNCIL

The City Council shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following:

- 9.2.1 Ratify membership of the Planning Commission.
- 9.2.2 Adopt and amend the Diamondhead Comprehensive Plan, special area plans, corridor plans, neighborhood plans, the Zoning Ordinance, and any other plans and policies affecting growth and development of the City.
- 9.2.3 Designate historic districts and landmarks.
- 9.2.4 Establish all fees associated with development applications required by this ordinance.
- 9.2.5 Hear and decide requests for annexations and changes to the corporate limits.
- 9.2.6 Hear and decide requests for changes to the Zoning Ordinance.
- 9.2.7 Hear and decide requests for preliminary plats and final plats for major subdivisions.
- 9.2.8 Hear and decide recommendations of, or appeals from the recommendations of the Planning Commission.
- 9.2.9 Decide requests for rights-of-way and street acceptances.
- 9.2.10 Hear and decide requests for appeal to interpretations of this ordinance made by the Zoning Administrator.

### 9.3 PLANNING COMMISSION.

- a) **Establishment of Commission.** The City Council for the City of Diamondhead heretofore established a Planning Commission and promulgated rules therefor through the adoption and enactment of Ordinance No. 2012-003.
- b) **Additional Duties and Powers of Planning Commission.** In addition to the provisions of Ordinance No. 2012-003, the Planning Commission is hereby authorized and directed to discharge any duties as assigned to it through the provisions of this Zoning Ordinance.

### 9.4 ZONING ADMINISTRATOR.

The Zoning Administrator, as appointed by the Mayor and City Council, shall administer and enforce this ordinance. In carrying out his duties under this ordinance, the Zoning Administrator or his designee shall:

- a) Receive all applications for building permits, certificates of zoning compliance, amendments, planning approvals, special plans, conditional uses, variances, review and approve such applications or refer them to the Planning Commission as required herein, and make necessary certifications and issue the necessary certificates and approvals.
- b) Coordinate meetings of the Development Review Committee (DRC) for the purpose of reviewing applications required by this ordinance.
- c) Maintain the official zoning map showing the current classification of all land.
- d) Maintain records of all actions taken under this ordinance.
- e) Represent the municipality on all public hearings before the planning commission or mayor and the city council and present facts and information to assist the commission and city council in reaching a decision consistent with this ordinance.
- f) Propose and recommend the enactment of such amendments to this ordinance, including the zoning map, as are made necessary or desirable because of

- changing conditions or because of judicial or administrative proceedings or for the purpose of improving administration and enforcement, all in accordance with the amendment procedure set forth herein.
- g) Receive and examine all applications required under the terms of this Ordinance.
  - h) Issue or refuse permits within 15 days of the receipt of the application, except as specifically provided for in this Ordinance.
  - i) Receive complaints of violation of this Ordinance.
  - j) Issue a written notice of violation to any person violating any provision of this Ordinance.
  - k) Establish the schedule for receiving and processing applications for Conditional Use Permits, Rezoning of Property, Text Amendments to the Ordinance, Appeals from the Planning Commission, Administrative Appeal, Variances and other reviews or processes required by this ordinance.
  - l) Keep records of applications, permits, and certificates issued, variances granted, complaints received, inspections made, reports rendered, and notice of orders issued; and make all required inspections and perform all other duties as called for in this Ordinance.
  - m) The Zoning Administrator shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

### DEVELOPMENT REVIEW COMMITTEE:

#### Replaced with the Site and Design Review Committee in Section 9.7

- n) There shall be a Development Review Committee established for the purpose of informally reviewing plans and applications for proposed developments within the City. The purpose of such review shall be to determine whether or not a proposed development conforms to the ordinances in force within the City of Diamondhead, and to determine what impact, if any, a proposed development will have upon the public services delivered within the City.

Any findings of the DRC shall be reported to the reviewing authority (Planning Commission or City Council).

- o) The Zoning Administrator shall be responsible for coordinating the DRC meetings and such meetings shall be informal and scheduled so as to best accommodate the schedule of DRC participants. DRC meetings shall be held in sufficient time for its findings to be considered by the reviewing authority prior to action, and such meetings shall be subject to the open meeting laws of this State.
- p) The DRC shall consist of the Zoning Administrator and a representative from each of the following departments or agencies: City Council appointment, Planning Commission appointment, Flood Plain Administrator, Building Official/ Inspector, Police Department, Fire District, Public Works Department, Water and Sewer District, the Diamondhead Property Owners Association, and any other agency which, in the opinion of the Zoning Administrator, would be impacted by a proposed development.

## 9.5 PERMITS AND CERTIFICATES.

### 9.5.1 Development Permit.

- a) **Scope.** No person shall construct any improvements, including any site work involving clearing, grading, filling, dredging, excavating or alike, nor alter the use of any land or structure, until the Zoning Administrator issues a Development Permit for improvements, site work, or construction. No Development Permit is required for normal maintenance and repairs. A development permit shall be required for the alteration of land as described in Article 7, Environmental Provisions, of this ordinance.
- b) **Types of Uses.**
  - i. **Permitted Use.** A Development Permit for a Permitted Use may be issued by the Zoning Administrator.
  - ii. **Conditional Use and Variance.** A Development Permit for a use requiring a Conditional Use, or Variance shall be

issued by the Zoning Administrator only upon the order of the appropriate body having final review.

**c) Application.**

- i. All applications for a Development Permit shall be in writing on a form provided by the Zoning Administrator and shall be submitted to the Zoning Administrator.
- ii. All applications for a Development Permit shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Administrator may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with this Ordinance.
- iii. Prior to the issuance of any Development Permit, the Zoning Administrator shall review the application for such permit to determine if all other necessary governmental permits have been obtained. No permit shall be issued until this determination has been made.
- iv. The Zoning Administrator may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, City Engineer, DRC, etc.) for review and comment.

**d) Issuance.**

- i. The Zoning Administrator shall issue or refuse an application for a Development Permit within 15 days after the date such application was made, except as specifically provided for in this Ordinance.
- ii. A Development Permit shall be issued in at least triplicate.
- iii. One copy shall be kept conspicuously on the premises.
- iv. No person shall perform building operations of any kind unless a Development Permit is being displayed as required by this Ordinance.
- v. After the issuance of a Development Permit by the Zoning Administrator, no

changes of any kind shall be made to the application, permit, plans, specifications, or other documents submitted with the application without the written consent or approval of the Zoning Administrator.

**9.5.2 Certificate of Zoning Compliance.**

The purpose of a Certificate of Zoning Compliance is to ensure that all construction, development, land disturbance, land use or reuse, reconstruction or other efforts concerning the scope and intent of this ordinance are afforded a process whereby conformity with this ordinance is determined both before the project begins and following the completion of the project.

- a) It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance. No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued by the Zoning Administrator as approved by the city council.
- b) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.
- c) A temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding 6 months during alterations for partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as well as protect the safety of the occupants and the public.
- d) Unless furnished with the application for a building permit, each application for a certificate of zoning compliance shall be accompanied by a site plan, in duplicate and drawn to scale, showing the locations and dimensions of existing

and proposed structures with supporting open facilities, the ground area to be provided and continuously maintained for the proposed structure or structures. The application shall include such other information as may be required by the Zoning Administrator, including existing or proposed uses of the building and land, the number of dwelling units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with the requirements of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such plans either as approved or disapproved and attested so such approval or disapproval by his signature on such copy. One copy of the plans shall be retained by the Zoning Administrator.

### 9.5.3 Relation to Other Permits.

The requirements of these sections shall not relieve one of the responsibility to secure any other permits as may be required by any other ordinance of the City of Diamondhead.

## 9.6 PLANNING COMMISSION REVIEW:

**9.6.1 Scope.** Before any permit is issued for any use designated in Article 4 as requiring Planning Commission Review, the procedures of this Section shall be followed in order to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance. It is the intent of this section to afford the Planning Commission the right of review and approval over site plans for development of those uses designated in Article 4 as requiring Planning Commission Review.

**9.6.2 Application Procedure.** Applications for Planning Commission Review shall be filed with the Zoning Administrator, and the application shall include all of the information set forth herein unless some items are determined by the Zoning Administrator to be unnecessary to conduct a meaningful review of the application. The Zoning Administrator may require additional information not listed below when said information is deemed necessary to conduct a meaningful review of the application. Within ten (10) days of the receipt of an application for Planning Commission Review,

the Zoning Administrator shall transmit a full and complete copy of the application to the Planning Commission. An application for Planning Commission review shall contain the following:-

- a) Name and address of the applicant.-
- b) Address and legal description of the property.-
- c) If the applicant is not the legal owner of the property, proof that the applicant has the authority to make the application (power of attorney).-
- d) Payment of any fee established by the City.-
- e) A graphic site plan, drawn to a scale of not less than one inch to fifty feet (1" = 50') and sufficiently dimensioned as required to show the following:-
  - i. The date, scale, north point, title, name of owner, and name of person(s) preparing the site plan.-
  - ii. A statement describing the proposed use.-
  - iii. The location, dimensions, and area of each lot, the locations, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.-
  - iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.-
  - v. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening as required in Section 5.4.4.-
  - vi. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.-

- vii. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
  - viii. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
  - ix. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
  - x. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
  - xi. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, odor, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards, along with a description of methods to be employed in controlling said effects of the operations.
  - xii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval.
  - xiii. Location of existing tree growth shall be shown on a tree survey. Tree growth shall be considered as a plant having at least one well defined trunk of at least six (6) inches caliper measured at five feet above adjacent grade.
  - xiv. A key map showing the entire project and its relation to surrounding properties and existing buildings thereon.
  - xv. Location of any flood hazard areas set forth on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
  - xvi. Floor plans showing proposed structural uses.
  - xvii. Photographs, artist renderings, or other visual documents that will assist the City in establishing compatibility.
  - xviii. A description of exterior building materials and colors proposed to be utilized on the project.
  - xix. Road improvements, traffic control, and signalization necessary to properly service the development.
  - xx. Expected infrastructure improvements such as water, natural gas, electricity, drainage, and sanitary sewerage collection to include location of improvements, size of pipes, etc.
- f) The City of Diamondhead may require additional information before granting a permit for developments requiring Planning Commission review. The information may include, but is not limited to, the following:
- i. Evidence of site control for all lands necessary for the full and complete implementation of the development plan.
  - ii. Landscape buffer areas of sufficient length and width as necessary to protect adjoining uses from any adverse impact from noise, traffic, lights, etc., or to protect any adjoining use of right, including for fire safety, or maintenance operations.
  - iii. Stormwater retention and drainage plans.
  - iv. Permit and approval from state and federal agencies for any development within designated flood hazard areas.
  - v. Exterior lighting plans for buildings and parking lots and other similar lighting uses.
  - vi. A study indicating and identifying the impact a proposed project will have on the transportation system servicing said project.
- g) **Planning Commission Approval.** At its next regular meeting following the receipt of an application for Planning Commission Review, but in any event within forty-five (45) days of receipt of such application by the Zoning Administrator, the Planning Commission shall approve or disapprove the application. The Zoning Administrator shall provide any reports, comments, or recommendations made during staff and DRC review regarding the subject site plan. Approval granted by the Planning Commission shall be final unless an aggrieved party properly files an appeal in accordance with Section 2.7 of this ordinance.

### 9.6.3 Review and Evaluation Criteria. The

Planning Commission shall review and evaluate applications using the following criteria:

- a) Conformance with applicable regulations and standards established by the Zoning Regulations.
- b) Compatibility with existing or permitted uses on abutting sites or within 100 feet of the proposed development, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
- c) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may occur.
- d) Modifications to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards.

**9.6.4 Modification of Plan.** The Zoning Administrator or Planning Commission may require modification of a site plan as a prerequisite for approval. Such modifications may include, but shall not be limited to, provision for special setbacks, open spaces, buffers, fences, walls, and screening; for installation and maintenance of landscaping and erosion control measures; improvements of access and circulation; rearrangements of structures or activities within the site; location and character of signs; modification of the nature of operations of activities proposed on the site, and such other site plan features as necessary to ensure compatibility with surrounding uses and to support the findings required by Section 2.4.6.

**9.6.5 2.4.6 Findings.** The Planning Commission shall make the following findings before approval of a site plan:

- a) That the proposed use and site development, together with any modifications applicable thereto, will be compatible with any existing or permitted uses on abutting sites or within 100 feet of the proposed development.
- b) That any required modifications to the site plan are reasonable and are the

minimum necessary to minimize potentially unfavorable impacts on adjacent uses.

**9.6.6 Site Design Guidelines.** The following guidelines are divided into seven categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Zoning Administrator in their reviews of all site plans. These guidelines are intended to encourage creativity, innovation, and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

- a) **Relation of Proposed Buildings to the Surrounding Environment.** Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.
- b) **Drive, Parking, and Circulation.** For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
- c) **Surface Water Drainage.** Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all stormwater from all roofs, canopies, and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
- d) **Utility Service.** Place electric and telephone lines underground, where

possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.

- e) **Advertising Features.** Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
- f) **Special Features.** Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck-loading areas, utility buildings, and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
- g) **Preservation of Landscape.** Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

#### 9.6.7 Renewal or Lapse of Approval:

- a) A site plan as approved hereunder shall lapse and shall become void one year following the date on which such approval became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use.
- b) A site plan approval subject to lapse may be renewed by the Planning Commission for an additional period of one year, provided that prior to the expiration date, a written request for renewal is filed with the Zoning Administrator.

### 9.7 DESIGN STANDARDS AND REVIEW PROCEDURE.

#### 9.7.1 All development activity governed by this ordinance shall conform to the requirements of Article 5, Design

- 9.7.2 Prior to the issuance of any permit, design review shall be conducted by an Administrative Site and Design Review Committee whose responsibility shall be to determine compliance with the design standards of this ordinance.
- 9.7.3 Design review applications shall include all necessary preliminary construction documents, plans, and drawings necessary to fully illustrate the design and appearance of proposed sites and buildings, including, but not limited to, exterior finish materials and textures, colors, roof lines and materials, building arrangement, building elevation of each building side, accent features (cornices, window treatments, dormers, signage, etc.). Artist renderings of proposed buildings and material samples may be helpful in the City's review.
- 9.7.4 Composition. The Administrative Site and Design Review Committee shall consist of the following members or designated representatives, and will be chaired by the Zoning Administrator:
  - a) Zoning Administrator
  - b) Building Official
  - c) City Manager
  - d) Fire Chief or Fire Inspector
  - e) Chief of Police
  - f) Diamondhead Water and Sewer District Representative
- 9.7.5 Responsibilities. The duties of the Site Plan Review Committee shall include but not necessarily be limited to the following.
  - a) Review and recommendation of pre-application development design, provided sufficient data to permit a responsible evaluation of all permitted development is submitted.
  - b) Review and recommendation of official zoning map amendments.
  - c) Review of variance requests and make recommendations to the Planning Commission.
  - d) Review of proposed developments for

compliance with the design standards as they appear in Article 5, or elsewhere in this ordinance.

**9.7.6** Procedure. Site and design review plans shall be filed with the Zoning Administrator. No site plan shall be deemed filed and accepted for official review until the Zoning Administrator determines that all required information has been fully submitted. A site and design review plan shall be approvable by the Administrative Site and Design Plan Review Committee as a single review process.

- a) Compliance. Once a submitted plan has been accepted for review, the Administrative Site and Design Review Committee shall complete their evaluation of the plan and certify to the Zoning Administrator that said plan does or does not comply with standards of this ordinance.
- b) If the site plan does comply and there is no rezoning or other consideration pending, the Zoning Administrator shall approve the site plan and so notify the applicant in writing.
- c) If it is determined that the plan does not comply, the Administrative Site and Design Review Committee shall specify in what respects it does not comply and what additional information is needed to complete the review of the site plan application. This shall be conveyed in writing by the Zoning Administrator to the applicant. Correction of all specified items will be required before further processing of the site plan application.

**9.7.7** Time Period for Review. In all cases, the Administrative Site and Design Review Committee shall have up to or a maximum of 45 calendar days from the date the application is determined to be complete to review and recommend either approval, approval with specific conditions, or disapproval of any site plan.

- a) The Zoning Administrator may, however, extend the time for the Administrative Site and Design Review Committee's consideration to allow time for the applicant to submit additional

information that is needed to complete the site plan application.

- b) For an application verified as complete, should the 45 day period expire without action by the Committee, the Zoning Administrator shall add the application to the agenda of the Planning Commission for resolution at their next regularly scheduled meeting.

**9.7.8** Validity. A site plan approval is valid for 12 months. If permits have not been issued within that timeframe, site plan approval is voided unless extended by the Zoning Administrator and Community Development. The Director may extend the site plan approval for one twelve-month period.

**9.7.9** Site Plan Amendment Procedure. Should the developer of an approved site plan wish to modify any element of the approved site plan; the Zoning Administrator shall determine if the modification is significant enough to require approval by the Planning Commission.

## **9.8** CONDITIONAL USE PROCEDURE.

- 9.8.1** **Purpose.** The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties. The Conditional Use Procedure process is intended to encourage broad public review and to ensure adequate mitigation of potentially unfavorable impacts.
- 9.8.2** **Jurisdiction.** The Zoning Administrator shall be responsible for administration of the Conditional Use procedure, and the Planning Commission shall be responsible for review, evaluation, and recommendation to the Mayor and City Council. Final action, approval and imposition of conditions shall lie with the Mayor and City Council.
- 9.8.3** **Application and Fee.** Application for a Conditional Use Permit shall be filed with the Zoning Administrator and said application shall include the information set forth herein. An application for a Conditional Use Permit

shall contain the following:

- a) Name and address of the owner and applicant.
- b) Address and legal description of the property.
- c) If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d) A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Zoning Administrator may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
- e) Site plans, preliminary building elevation, preliminary improvement plans, additional maps and drawings, all sufficiently dimensioned as required illustrating the following:
  - i. The date, scale, north point, title, name of owner, and name of persons preparing the site plan.
  - ii. The location and dimension of boundary lines, with distances and bearings, easements, and required yards and setbacks, water course drainage features and location and size of existing and proposed street and alleys, 100-year floodplains.
  - iii. The location, height, bulk general appearance and intended use, existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 100 feet.
  - iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaping areas, utility or service areas, fencing and screening, signs, and lighting.
  - v. A narrative identifying the nature of the operation of proposed use, including, but not limited to, hours of operation, type of processes utilized (if any), type of products sold or services offered, etc.
  - vi. The location of watercourses and drainage features.
  - vii. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
  - viii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot interval, including proposed erosion control measures.
  - ix. A plan showing the buffer yards as required.
  - x. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
  - xi. Any applicable fee established by the City Council.

**9.8.4 Staff Review.** Within 10 days of the receipt of an application for Conditional Use, the Zoning Administrator shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations made during staff review regarding the subject application to the Planning Commission.

**9.8.5 Public Hearing and Notice.**

- a) At its next regular meeting following the receipt of an application for Conditional Use, but in any event within 45 days of receipt of such application by the Zoning Administrator, the Planning Commission shall recommend approval or disapproval the application along with any conditions related thereto.
- b) The Planning Commission shall hold a public hearing on each application for a Conditional Use Permit. Notice shall be given as prescribed in Article. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use

and the proposed condition under which it would be operated or maintained, particularly with respect to the findings prescribed in this section. The applicant is required to be present at the public hearing.

#### 9.8.6 Action by the Planning Commission.

The Commission may recommend approval of a Conditional Use Permit as the permit was applied for or in a modified form or subject to conditions, or may recommend denial of the application.

#### 9.8.7 Review and Evaluation Criteria.

The Zoning Administrator and the Commission shall review and evaluate and make the following findings before recommending approval of a Conditional Use Permit application using the following criteria:

- a) Conformance with applicable regulations and standards established by the Zoning Regulations.
- b) Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- c) Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
- d) Modifications to the site or proposed use which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.
- e) Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area; existing zoning and land uses in the area.
- f) Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
- g) Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
- h) Adequacy and convenience of off-street parking and loading facilities.
- i) That the proposed use is in accordance with the objectives of this Zoning Ordinance and the purposes of the district in which the site is located.
- j) That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
  - i. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
  - ii. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the purpose of this criterion, the term "neighborhood" shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.
  - iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
  - iv. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a conditional use application.
- k) That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or

permitted uses in the same district and the surrounding area.

- l) That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**9.8.8 Conditions of Approval.** The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to ensure compatibility with surrounding uses.

**9.8.9 Legislative Disposition.** ~~The Mayor and 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 Planning Commission for further considerations. No land or structure for which the application for Conditional Use Permit has been denied by the Mayor and City Council shall be considered again by the Planning Commission or the Mayor and City Council for the same classification for at least one year from the date such application was denied.~~

**9.8.10 Renewal or Lapse of a Conditional Use Permit.**

- a) A Conditional Use Permit shall lapse and shall become void 1 year following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use, or the site is occupied if no building permit or

certificate of occupancy is required.

- b) A Conditional Use Permit subject to lapse may be renewed by the City Council for an additional period of 1 year, provided that prior to the expiration date, a written request for renewal is filed with the Zoning Administrator.

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

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

- a) Any residential, commercial, or industrial development having structures in excess of 35 feet in height.
- b) Any commercial or industrial development adjacent to property zoned or utilized for residential purposes notwithstanding any intervening street.
- c) Any commercial or industrial use having outdoor storage of merchandise, equipment, materials, or goods used in the normal course of business.
- d) Any proposed shared use of parking facilities pursuant to Article 6.

**9.9 VARIANCE PROCEDURE.**

**9.9.1 Purpose.** This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in

which such property is situated.

- a) **Variance.** A modification from the provisions of the zoning ordinance of the City of Diamondhead, as determined by the Mayor and City Council for final disposition, in cases where enforcement of the zoning ordinance would result in unnecessary hardship.
- b) **Hardship.** For purposes of granting a variance hardship shall mean an unusual topographical situation or condition involving a particular property and which makes it impossible for the owner to use the property in the manner prescribed for the district by the zoning ordinance. A hardship exists only where the unusual situation or condition is not created by the owner of the property. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.

**9.9.2 Application.** Application for a variance shall be filed with the Zoning Administrator. The application 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), tax parcel number identification, and street address.
- c) If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d) A statement describing the variance request and the reasons why it complies with the criteria for variances.
- 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) 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 the 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.

**9.9.3 Staff Review.** Within 10 days of the receipt of an application for Variance, the Zoning Administrator shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations made during staff review regarding the subject application to the Planning Commission.

**9.9.4 Public Hearing and Notice.** The Planning Commission shall act on the application not more than 45 days following the filing of said application. Notice shall be given as prescribed in this Article.

**9.9.5 Action by the Planning Commission.** The Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted

subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

**9.9.6 Findings.** The Planning Commission may recommend granting 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, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. 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 literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- c) That special conditions and circumstances do not result from the actions of the applicant.
- d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- e) 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.
- f) The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- g) The Variance would observe the spirit of the Comprehensive Plan.
- h) That the Variance requested will not result in any change in use or density of the subject property.
- i) In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. 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 the zoning ordinance and punishable as determined within the zoning ordinance.

- j) Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

### **9.9.7 Variance to Run with Land or Structure.**

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change ownership of the site or structure to which it applies.

### **9.9.8 Legislative Disposition.**

- a) The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and 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 Planning Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one (1) year from the date such application was denied.
- b) The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

### **9.10 APPEALS PROCEDURE.**

**9.10.1 Purpose.** This procedure is intended to afford review of actions taken pursuant to the Zoning Regulations where such action may be in error.

#### **9.10.2 Appeals.**

- a) Any person aggrieved, or any taxpayer

affected, by any decision of the Zoning Administrator made in the administration of this Ordinance may appeal to the Planning Commission. Such appeal shall be taken within 10 days following the decision being appealed, and by filing with the Zoning Administrator a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.

- b) Any person, taxpayer, officer, or department of the city affected by any decision of the Planning Commission may appeal to the Mayor and City Council. Such appeal shall be taken within 10 days following the decision being appealed, by filing with the Zoning Administrator a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Mayor and City Council all the papers constituting the record upon which the action appealed from was taken.

**9.10.3 Fee.** A fee prescribed by the City Council shall accompany the appeal. In the event an appeal contains two stages (appeal Zoning Administrator's decision to Planning Commission, and then Planning Commission to Mayor and City Council) then each shall be considered a separate appeal and a separate fee paid for each appeal.

**9.10.4 Stay of Procedures.** Any appeal shall stay all proceedings in furtherance of such action unless the Zoning Administrator certifies to the Planning Commission or the Mayor and City Council, after the notice of appeal shall have been filed, that by reason of the fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In event the Zoning Administrator shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by a court of record, upon application of the party aggrieved by the action of the Zoning Administrator and after notice to him and upon due cause shown. At the time of the appeal hearing, the applicant shall be present.

**9.10.5 Public Hearing and Notice.** The Planning Commission or Mayor and City Council, as the case may be, shall hold a public

hearing within 30 days on the appeal. Notice of appeal hearings before the Planning Commission shall be given as prescribed in Section 2.9.5. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.

**9.10.6 Action.** The Planning Commission or City Council, as the case may be, shall act on the appeal 10 days following the closing of the public hearing. In exercising the powers set out in this Section, the Planning Commission or City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made. The Zoning Administrator shall notify the appellant by mail of the outcome of the appeal decision.

**9.10.7 Appeals from the City Council.** Appeals from any action of the Mayor and City Council shall be governed by applicable statutes of the State of Mississippi.

## **9.11 ZONING AMENDMENT PROCEDURE GENERALLY.**

### **9.11.1 Purpose.**

- a) The section sets forth the procedure for amending the text or map of the City of Diamondhead Zoning Code.
- b) The zoning ordinance, including the zoning map, is based on a comprehensive city plan and is intended to carry out the objectives of a sound, stable, and desirable environment. Casual amendments of the ordinance are detrimental to the achievement to that objective. It is therefore declared to be public policy to amend this ordinance only when one or more of the following conditions prevail:
  - i. **Error.** There was an error in the initial zoning of the property as it was brought into the city.
  - ii. **Change in Condition.** Changed or changing conditions in a particular area or neighborhood, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also

including the development of new roadways in the vicinity.

- iii. **Changes in the Neighborhood.** (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.

**9.11.2 Jurisdiction.** The City Council shall have jurisdiction with respect to all text and map amendments. The Planning Commission shall review and submit a recommendation to the City Council on such requests for amendments.

**9.11.3 Initiation.** The owner or authorized agent of the owner of property may initiate a rezoning by filing an application for a change in district boundaries (rezoning) as prescribed in this chapter. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application. A rezoning may be initiated also by the Planning Commission or the City Council.

**9.11.4 Legislative Disposition.** The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take such further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further consideration. No land for which an application for reclassification has been denied by the Mayor and City Council shall be considered again by the Planning Commission or the Mayor and City Council for the same classification for at least 1 year from the date such application was denied.

**9.11.5 Limitations on Proposed Amendments.** Proposed amendments to effect a change in zoning district classification shall be subject to the following limitations:

- a) An amendment shall be in harmony with the Comprehensive Plan of the City of Diamondhead.
- b) An amendment shall be compatible with the zoning of the surrounding area such as to support the comprehensive plan of the

City of Diamondhead.

- c) An amendment shall be in a consistent manner for the benefit of the entire community and the City of Diamondhead.

#### 9.11.6 Amendments Procedure.

- a) Proposed amendments to this ordinance shall be considered by the Planning Commission and by the mayor and city council. It is the function of the Planning Commission to consider prepared amendments, to collect information relative thereto by investigations or other means, and to conduct public hearings thereon, and to make recommendations to the mayor and city council. The ordinance can be amended only by the mayor and city council.
- b) An amendment to this ordinance may be initiated by the Mayor and City Council on its own motion or by the Planning Commission. An amendment may also be initiated by any person, firm, or corporation by filing a written application therefor with the Zoning Administrator. The application for amendment shall contain at least the following:
  - i. The applicant's name, address, and interest in the application, and the name address, and interest of every person, firm, or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area proposed to be changed in classification or to be included within the proposed district; the name of the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property within five hundred (500) feet (exclusive on the width of intervening streets, alleys, or bodies of water).
  - ii. If the proposed amendment would require a change in the zoning map, a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided

and continuously maintained for the proposed structure or structures.

- iii. The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
- iv. A report giving the nature, description, and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties.
- v. The error in this ordinance that would be corrected by the proposed amendment, if the intent is to correct the error.
- vi. The manner in which the proposed rezoning would be consistent with the Comprehensive Plan.
- vii. A tax parcel map of the area proposed for rezoning and the surrounding area, showing existing streets or roads and property lines, and existing and proposed zoning district boundaries. The map shall include an area determined by the Zoning Administrator to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than 200 feet or more than 1,000 feet from the property proposed for rezoning.
- viii. Information demonstrating the appropriateness of the requested change, including at least one of the following:
  - a. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
  - b. Whether or not an error exists with regard to the original zoning designation of the subject property.
  - c. Upon receipt of an application for amendment, properly and completely made out, the Zoning Administrator shall examine the

application and shall make such investigation as is necessary. He shall transmit the application, together with his report and recommendation, to the Planning Commission.

#### 9.11.7 Application and Fee.

- a) Application for a Rezoning initiated by a property owner shall be filed with the Zoning Administrator on a prescribed form supplied by the Zoning Administrator.
- b) The Zoning Administrator may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance.
- c) An application fee shall accompany rezoning applications initiated by a property owner. Said fee shall be established by the City Council.
- d) A rezoning initiated by the Planning Commission or by the City Council shall be pursuant to a motion of the Commission or City Council. No fee shall be applicable. The Zoning Administrator shall execute the necessary steps pursuant to the intent of the motion.
- e) A text amendment initiated by the Planning Commission or by the City Council shall be pursuant to a motion of the Commission or the City Council. The Zoning Administrator and City Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion. No fee shall be applicable.

#### 9.11.8 Recommendation to the Planning Commission.

- a) The Zoning Administrator shall review the application and shall prepare a recommendation thereon which shall be filed with the Planning Commission and available to the applicant at least five (5) days prior to the Planning Commission meeting. The Zoning Administrator shall also provide any reports, comments, or recommendations made during staff and DRC review regarding the subject amendment.
- b) In event of withdrawal of an application

after action by Planning Commission prior to action by City Council, an application for same or permissive zoning for the property shall not be filed within one year of the withdrawal.

### 9.11.9 Public Hearing and Notice.

The Planning Commission shall act on the application not more than 45 days following the filing of said application. Notice shall be given as prescribed in this Article. Action by the Planning Commission shall be in the form of a recommendation to the Mayor and City Council.

### 9.11.10 Findings and Action by Reviewing Bodies.

- a) Upon conducting the requisite public hearing and considering all evidence, the Planning Commission and City Council shall make specific findings related to the following criteria:
  - i. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
  - ii. Whether or not an error exists with regard to the original zoning designation of the subject property.
- b) Upon finding in favor of the foregoing criteria the Planning Commission and City Council shall find in favor of the requested rezoning, otherwise, the rezoning request shall be denied.

### 9.11.11 Change of Zoning Map.

A change in district boundaries shall be indicated on the Zoning Map.

## 9.12 ZONING AMENDMENT PROCEDURE FOR PLANNED UNIT DEVELOPMENT.

- 9.12.1 The Zoning Administrator, along with other appropriate city Department Heads, shall study the outline plan, text and supporting data, make suggestions for changes and adjustments, and recommend conditions for the approval of the plan as necessary. After the Zoning Administrator reviews the outline plan and text, he shall recommend approval, disapproval or approval with conditions of

the outline plan to the Planning Commission. The amendatory procedures set out in Article 2 of this Ordinance shall govern the processing of an application for PUD.

- 9.12.2 Within 60 days after the final action by the governing authority, the applicant shall submit a revised outline plan and text to the Zoning Administrator, and said revised outline plan and text shall incorporate any and all conditions imposed upon the proposed development for approval. If no revised plan has been submitted within the required 60 day period the application shall be deemed withdrawn. If the outline plan and text was approved by the governing authority with no conditions or revisions, then no revised outline plan or text shall be required.
- 9.12.3 If an application for an amendment to classify property in the PUD District is denied by the governing authority, a reapplication pertaining to the same property and requesting the same PUD amendment may not be filed within 18 months of the date final action was taken on the previous application unless an alternate time frame is approved by the governing authority.
- 9.12.4 No building permit shall be issued until a final plan of the proposed development, or phase thereof, is received and on file with the City.
- 9.12.5 **Amemndement to PUD Site Plan.**  
An application for an amendment to an outline plan shall be filed with the Zoning Administrator, which application shall be accompanied by any required fee. The procedure for amending the outline plan shall be the same as that required for the initial establishment of the PUD.
- 9.12.6 **Final Plan Procedure.**
- a) The Final Plan shall consist of a two-stage review process that may occur concurrently. The first stage of review shall be that of a detailed site plan review and the second stage shall be that of a final plat review. The detailed site plan review must precede the final plat review. The specific requirements for these final plan documents are set out in Sections 7.12 and 7.13.
  - b) The final plan procedure may be initiated at any time after approval of the outline plan by the governing authority. The final plan documents shall be reviewed by the Zoning

Administrator in order to establish that it substantially meets the conditions of the site plan. After the Zoning Administrator reviews the final plan documents, he shall recommend approval, disapproval or approval with conditions of the same to the Planning Commission. It shall only be necessary for the governing authority to act upon the final plat.

### **9.13 PUBLIC NOTICE PROCEDURE.**

**9.13.1 Purpose.** The purpose of this Procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

**9.13.2 Conditional Use Permits.** Notice or public hearing for consideration of a Conditional Use Permit by the Planning Commission shall be given as follows:

- a) Notice shall be given by mail to the owner of each site within 400 feet of the subject property at least 15 days prior to the date of the hearing.
- b) At the option of the Zoning Administrator, notice may be given by mail to the owner of any site more than 400 feet from the subject property at least 15 days prior to the date of the hearing.
- c) Notice may be given by mail to any civic organization having interest in the application.
- d) Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
- e) Notice shall be posted at the street frontage of the subject site no less than 15 days prior to the date of the hearing.

### **9.13.3 Rezoning.**

Notice of public hearing for consideration of a Rezoning by the Planning 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 500 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 15 days prior to the date of the hearing.
- d) Notice shall be posted at the street frontage of the subject site no less than 15 days prior to the date of the hearing.
- e) At the option of the Zoning Administrator, notice may be given by mail to the owner of any site more than 500 feet from the subject property at least 15 days prior to the date of the hearing.

### **9.13.4 City Council: Text Amendment.**

Notice of public hearing for a consideration of a Text Amendment by the City Council shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.

### **9.13.5 City Council: Appeal from Planning Commission.**

Notice of a public hearing for consideration of any appeal from a decision of the Planning Commission shall be given as follows:

- a) Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
- b) Notice shall be given by mail to the applicant, if different from the appellant, at least 15 days prior to the date of the hearing.
- c) At the option of the Mayor or City Council, notice may be given by mail to the owner of any site in the vicinity of the subject property who, on the basis of the records pertinent to the appeal, has shown an interest in the application, at least 15 days prior to the date of the hearing.

### **9.13.6 Planning Commission: Administrative Appeal.**

Notice of public hearing for consideration of an Administrative Appeal by the Planning Commission shall be given as follows:

- a) Notice shall be given by mail to the

appellant and to the applicant if different from the appellant, at least 15 days prior to the date of the hearing.

- b) Notice shall be given by publication of legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
- c) At the option of the Zoning Administrator or Planning Commission, notice may be given by mail to the owner of any site potentially affected by an administrative appeal pertaining to a particular site, at least 15 days prior to the date of the hearing.

#### 9.13.7 Planning Commission: Variance.

Notice of public hearing for consideration of a variance by the Planning Commission shall be given as follows:

- a) Notice shall be given by publication of a legal notice in a newspaper of general circulation 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 four hundred (400) feet of the subject property at least 15 days prior to the date of the hearing.

#### 9.13.8 Notice Requirement Defined.

- a) Requirements for notice and publication contained in this Section shall have the following meanings:
  - i. Notice by certified or regular mail shall refer to the date of deposit of such mail with the U.S. Post Office.
  - ii. Publication shall refer to the date of publication of a legal notice in a newspaper of general circulation in the City of Diamondhead. One publication day shall be sufficient.
- b) Each such notice, whether by mail or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

### 9.14 REMEDIES AND PENALTIES.

#### 9.14.1 Enforcement, Violations, and Penalties.

- a) The Zoning Administrator shall enforce this ordinance. The Zoning Administrator may be provided the assistance of such other persons as the Mayor and City Council or City Manager may direct.
- b) If the Zoning Administrator finds that any of the provisions of this ordinance are being violated he the Zoning Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- c) He-The Zoning Administrator shall order discontinuance of use and/or construction or demolition of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

#### 9.14.2 Enforcement Remedies.

- a) If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City Council and/or the Zoning Administrator may, in addition to other remedies, institute in the name of the City of Diamondhead any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this ordinance.
- b) Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances, conditional use, or planning approval) shall constitute a misdemeanor.
- c) Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor,

agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

- d) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to remedy any violation.

#### 9.14.3 Penalties.

- a) Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the maximum fine allowed by law and the cost of prosecution or in default of the payment thereof, shall be punished by imprisonment for a period not to exceed 30 days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the cost of such prosecution. Each day such a violation continues shall be considered a separate offense after the 30 days from the date of written notification.
- b) The owner of any structure or premises, where any condition in violation of this Ordinance shall exist or shall be created shall be guilty of an offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Forbearance in enforcement of this Ordinance shall not be deemed the condoning of any violation thereof.
- c) In addition to all other remedies, including the penalties provided in this Section of the Ordinance, the City may commence and prosecute appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such non-compliance. Violation of any provisions of this Ordinance is hereby declared to be a nuisance per use, and the Court shall order such nuisance abated.

#### 9.15 SCHEDULE OF FEES, CHARGES, AND EXPENSES.

- a) The mayor and the city council shall establish a schedule of fees, charges, and expenses and a collections procedure for building permits; certificates of zoning compliance; appeals; applications for amendments; approval of special plans, planning approvals, conditional uses and other matters pertaining to this ordinance.
- b) The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended by the mayor and city council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE  
**10**

Review Draft

**IN THIS ARTICLE:**

10.1	Interpretation.	180
10.2	Definitions.	180

**Annotation Key**

Proposed adjustment in ~~strikeout~~ and Red Underline replacement.

Proposed action or consideration in Red.

Review Draft

## ARTICLE 10 - DEFINITIONS

### 10.1 INTERPRETATION.

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- a) Words in the present tense shall include the future tense.
- b) The singular shall include the plural, and the plural shall include the singular.
- c) The masculine gender shall include the feminine and the neuter and vice-versa.
- d) The word "lot" includes the word "plot," "parcel," or "tract."
- e) The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
- f) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
- g) Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

### 10.2 DEFINITIONS.

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

## A

**Abandoned Vehicle.** Any inoperable vehicle which has been lacking a currently effective state license and inspection sticker for a period of at least one (1) year.

**Abut.** Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."

**Access Drive.** A privately owned, constructed, and maintained vehicular access from a public or private street to four (4) or more off-street parking spaces or to at least one (1) loading space.

**Accessory Building.** A building (such as a private garage, private pool house or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

**Accessory Structure.** A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

**Accessory Use.** A use subordinate to the principal use on the same lot and customarily incidental thereto.

**Acres.** 43,560 square feet.

**Adjacent.** A state of being side by side, next to, adjoining, contiguous, or abutting one to another.

**Adult entertainment business.** Shall include the following:

- a) Adult bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
  - i. Books, magazines and other periodicals distinguished or characterized by the emphasis on matter depicting, describing, or relating to sexually explicit material; or
  - ii. 2) Selling or displaying books, magazines, or other periodicals and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
- b) Adult Live Entertainment: Any establishment where dancers, entertainers, performers, or other individuals, who, for commercial gain, model, perform, demonstrate, or are presented while displaying or exposing "specified anatomical area," or engage in "straddle dancing," or touching with customers.
- c) Adult Novelty Store: An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
- d) Miscellaneous articles relating to sexually explicit material appropriate as gifts

- excluding any minor by reason of age as prevailing practice; or
- e) Novelties, toys, books, or bondage kits for the intent as a gag gift, excluding any minor by reason of age as prevailing practice.
- f) Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.
- g) Adult Video Recording Stores: An establishment or segment or section of an establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
- h) Film, videotape, or other video recordings, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
- i) Selling or displaying film, videotape, or other video recordings, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
- j) Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.
- k) Adult Motion Picture or Mini-Motion Picture Theaters: An establishment where, enclosed buildings or a section of a building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexually explicit material, for observation by patrons therein, or if such establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
- l) Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.
- m) Specified Anatomical Areas:
- i. Less than completely and opaquely covered:
  - ii. Human genitals, pubic region.
  - iii. Buttocks.
  - iv. Anus.
  - v. That portion of the human breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola.
  - vi. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
  - vii. Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.
- n) Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually-oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this Section. Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

**Agricultural Industries.** The processing, treating, packing or storing of agricultural products.

**Agriculture.** The raising and keeping of field crops for any commercial purpose. "Agriculture" does not include animal husbandry, commercial forestry, greenhouse, nursery, or orchard.

**Alley.** A public or private way affording only secondary means of access to abutting property.

**Alteration.** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side

or by increasing in height, or the moving from one location or position to another.

**Amusement Facility.** Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusements such as miniature golf courses, golf driving ranges, merry-go-rounds, car race tracks, outdoor motion picture theaters, or similarly operated places.

**Animal Hospital.** A building, structure, or area of land where animals are given medical care, other than the premises where such animals are normally kept.

**Animal Husbandry.** The raising and keeping of livestock, fish, fur-bearing animals, honey bees, or poultry for any commercial purpose. The keeping of livestock, fish, fur-bearing animals, honeybees, or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.

**Arcade.** A covered walkway/structural canopy extending along the entire length of the front façade of a commercial building.

#### **Auto, Recreation Vehicle, or Boat Sales**

**Area.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, recreation vehicles, or boats in operable condition, and where no major repairs are done.

**Auto Repair Garage.** Buildings and land where motor fuel and other automobile parts and supplies are sold at retail and where major auto repairs are conducted.

**Auto Service Station.** Buildings and land areas where motor fuel, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor auto repairs and services are conducted. Uses permissible at a service station do not include major auto repairs and services.

**Auto Wrecking.** The dismantling, crushing or disassembling of used motor vehicles or recreation vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

## **B**

**Bank.** Includes Savings & Loan, Finance Companies, Credit Unions, and other similar enterprises.

**Bar Rooms.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.

**Barrier.** Any fence, wall, or other structure built to bar passage.

**Basement.** A story in a building (excluding a subterranean building) which has a structural ceiling five (5') feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road. A basement shall be counted as one story in determining the permissible number of stories.

**Block.** Property bounded on one side by a street, and on the other three (3) sides by a street, railroad right-of-way, public park, waterway, township line, tract of land held in separate ownership, or any combination thereof.

**Block Frontage.** That portion of a block which abuts a single street.

**City Council.** The City Council of Diamondhead.

#### **Boarding House (Rooming House, Lodging**

**House).** Any dwelling, or part of any dwelling containing one [1] or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and where the occupants share common bathroom, cooking and eating facilities.

**Boat Slip.** See "Slip."

**Buffer Yard.** A strip of land which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any use other than open space, used for the purpose of providing screening or transition between land uses or expected land uses in adjoining zoning districts.

**Building.** Any structure having a roof supported by walls and intended for the shelter, housing, or enclosure of any individual, process, equipment, goods, or materials of any kind. "Building" is interpreted as including "or part thereof."

**Building Coverage.** The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies and decks, covered porches, carports and breeze-ways, but excluding patios) by the total area of the lot upon which the buildings are located.

**Building Height.** The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the site along the front elevation of the building or from the lowest permissible building elevation within a flood hazard area to the highest portion of the roof.

**Building Official.** The administrative officer authorized by the Mayor and City Council with the power and duty of enforcing the provisions of the building codes in force for the City of Diamondhead.

**Bulkhead.** A structure or partition placed on a bank or bluff to retain or prevent sliding of the land into the water and to protect the inland area from wave action or currents.

## C

**Campground.** Any lot, parcel, or tract of land upon which space is rented for one (1) or more tents, recreation vehicles, camping trailers, travel trailers, pickup coaches, motor homes, or any combination thereof for temporary occupancy.

**Candelas.** A unit of luminous intensity, describing the intensity of a light source in a specific direction. One candela is one lumen per steradian. Formerly called the candle.

**Candle Power.** A measure of luminous intensity expressed in candelas.

**Carport.** A building open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

**Cellar.** A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than five (5') feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.

**Cemetery.** Includes a mausoleum or crematorium.

**City.** The City of Diamondhead.

**Commercial Forestry.** Areas where trees are harvested for any commercial purpose.

**Commission.** The Planning Commission of Diamondhead.

**Communication Tower.** A tower, pole, mast or similar structure, either freestanding or guyed with wire or cable, designed to accommodate an antenna, receiver or transmitter for the purpose of sending or receiving digital or analog signals.

**Comprehensive Plan.** The document entitled 25-Year Comprehensive Development Plan or any part thereof, adopted by the Diamondhead City Council.

**Conditional Use.** A use for which the City may grant permission following a public hearing and findings of fact consistent with this Ordinance,

provided the use complies with the conditions and standards required by this Ordinance or imposed at the time of approval.

**Condominium.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under the Mississippi Condominium Law.

**Construction.** Includes the placing of construction materials in a permanent position and fastening in a temporary or permanent position; includes the demolition of a pre-existing building, provided that construction be diligently carried on.

**Conversion.** To change or adapt land or structures to a different use, occupancy or purpose.

**Corner.** The space between intersecting streets, the intersection of a street and an alley, the intersection of a driveway and an alley or the intersection of a street and a driveway.

**County.** The County of Hancock.

## D

**Deck.** A platform structure either freestanding or attached to a building, supported by pillars or posts, and without a roof, with an average elevation of 30 inches or greater from finished grade.

**Detached.** A state of being surrounded on all sides by yards.

**Development Review Committee.** The group of department heads and staff professionals for the City of Diamondhead that meet periodically to review, confer and coordinate regarding proposed developments within the city.

**District (or Zoning District).** A portion of the territory of Diamondhead within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Dock.** A structure built over or floating upon the water and used as a landing place for boats and other water craft, fishing, swimming, and other recreational uses.

**DRC.** An acronym referring to the Development Review Committee.

**Driveway.** A privately owned and constructed vehicular access from a private or public street to three (3) or fewer off-street parking spaces.

**Dump.** A site used primarily for the disposal by abandonment, dumping, burial, burning or other

means and for whatever purpose of garbage, trash, junk, abandoned vehicles or parts thereof, or waste material of any kind.

**Dwelling (Residential Structure).** A building containing one (1) or more dwelling units. The term "dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Mobile Home" or "Manufactured Home."

**Single-family Detached Dwelling.** A detached building containing only one (1) dwelling unit. The term "Single-family Detached Dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Manufactured Home."

**Two-Family Dwelling.** A detached building containing two (2) dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.

**Multiple Family Dwelling.** A building containing three (3) or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple family dwelling shall comply with all of the requirements for that type of multiple family dwelling in that district.

**Low-Rise Multiple Family Building.** A Multiple Family Dwelling which does not contain more than six (6) dwelling units, does not exceed 35 feet in height, and in which each dwelling unit has an independent outside access.

**Garden Apartment.** A Low-Rise Multiple Family Building in which individual dwelling units are entirely separated by vertical walls or horizontal floors.

**Townhouse.** A Low-Rise Multiple Family Building in which each dwelling unit extends from ground to roof and contains two (2) points of independent outside access.

**Low-Rise Apartment.** A Multiple Family Dwelling not exceeding 35 feet in height, in which each dwelling unit shares a common outside access with at least one (1) other dwelling unit.

**Dwelling Unit (Housing Unit).** One or more rooms intended to be occupied by one (1) family as separate living quarters, containing sanitary facilities, kitchen facilities, and having outside access directly from the dwelling unit or through a common access hall.

## E

**Escort Service.** An establishment where, for any form of consideration, companions for the purpose of accompanying another or others for protection, guidance, or courtesy are provided.

**Façade.** A vertical exterior face or elevation of a building.

**Front Façade.** Any façade with a public entry which faces a public right-of-way.

**Rear Façade.** Any façade without a public entry that does not face a public right-of-way.

**Side Façade.** Any façade without a public entry but facing a public right-of-way or any façade with a public entry but not facing a public right-of-way. A side façade typically connects a front façade with a rear façade.

## F

**Factory Built Home.** A Manufactured Home, a mobile home, or a modular home as those terms are defined herein.

**Family.** One (1) or more persons (whether or not they are related by blood, marriage, or adoption) living together in a single dwelling and maintaining a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, or lodger.

**Farmer's Market.** An area where unprocessed seafood, agricultural, horticultural and animal husbandry products are sold by two (2) or more enterprises.

**Fast Food Restaurant.** A building in which food is prepared and served to the public for consumption, but where no waiters or waitresses take orders and serve food to seated patrons at tables, booths, or counters.

**Fence.** A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof and prohibits through passage. The term "fence" shall be deemed to include a wall.

**Fence, Decorative.** Fencing that adds beauty and does not substantially block the view and maintains the open space characteristic provided for by zoning standards.

**Floodplain.** A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation once in

every one hundred (100) years.

**Floodway.** The designated area of a floodplain required to carry the discharge waters of one hundred (100) year magnitude.

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

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

## G

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

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

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

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

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

**Grade.** The elevation of finished ground or paving.

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

## H

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

**Home Occupation.** An occupation for gain or support conducted in a residential dwelling in

accordance with the provisions of Section 4.18.3 (B) of this ordinance.

**Hospital.** A building used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to also include a sanitarium, sanatorium, clinic, medical center, or other equivalent use.

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

## I

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

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

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

## J

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

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

**Junk or Salvage.** Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include

refuse or garbage kept in a proper container for the purpose of prompt disposal.

**Junk Yards (Salvage Yards).** Any land or structure where junk or salvage is discarded, bought, sold, exchanged, sorted, bailed, cleaned, packed, disassembled, or handled. "Junk Yards" shall not include those structures where used furniture, clothing or household equipment is stored, bought, or sold, such as the Salvation Army.

## K

**Kenel.** Any lot on which six (6) or more adult (over six months of age) dogs or cats are kept.

**Kitchen Facilities.** Shall consist of the following: sink with piped water, a permanent cook stove and a refrigerator.

## L

**Landowner.** The owner of a legal or equitable interest in land, including the holder of any option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the right of the landowner.

**Lodging House.** See "Boarding House."

**Licensed premises.** 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.** 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:

- a) Responding within 60 minutes in person to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit; and
- b) 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.
- c) 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.

**Lingerie Store with Modeling Inside.** Any establishment which having as a substantial or significant portion of its stock in trade of fashionable and alluring women's undergarments in which the garments are modeled by a live person.

**Lot.** Any parcel or tract of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots under common ownership shall be considered one lot.

**Corner Lot.** A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty-five (135°) degrees.

**Interior Lot.** A lot other than a corner lot (whose sides do not abut a street).

**Reverse Frontage Lot.** A lot which fronts on one street but provides vehicular access solely from another street at the rear of the lot.

**Through Lot.** An interior lot having frontage on two (2) streets.

**Lot Area.** The area contained within the lot lines, excluding space within all existing and future road rights-of way.

**Lot Depth.** The mean average horizontal distance between the front and the rear lot lines.

**Lot Lines.** The property lines bounding the lot.

**Front Lot Line (Street Line).** A lot line separating the lot from an existing or future street right-of-way (whichever contains a greater right-of-way width).

**Rear Lot Line.** A lot line opposite and most distant from the front lot line. [A three (3) sided lot has no rear lot line.]

**Side Lot Line.** Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.

**Lot Width.** The horizontal distance between the side lot lines measured along the minimum prescribed front yard setback line as set forth in the Zoning Ordinance.

**Lounges.** Any retail establishment principally

offering alcoholic beverages for consumption on the premises and which are not an accessory use.

**Low Intensity Fixture.** Any outdoor lighting fixture that has a maximum candle power of less than 1,000 candelas if equipped with an automatic device that shuts off the fixture between the hours of 11:00 PM and sunrise.

**Low Intensity Luminaire.** A lamp or lamps rated at a total of 1,800 lumens or less, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less.

**Lumen.** A unit of light flow, or luminous flux. For the purpose of this ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.

**Luminaires.** A complete lighting unit consisting of a light source, and all necessary mechanical, electrical, and decorative parts.

**Lux.** The metric unit of measure for illuminance of a surface. One lux is equal to one lumen per square meter.

## M

**Major Auto Repairs.** Include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

**Manufactured Home.** A structure defined by and constructed in accordance with the National Manufactured Housing and Construction and Safety Standards Act of 1974, as amended, 42 USC 5401 et seq., and manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this code and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Uniform Standards Code for Factory Built Homes Law, State of Mississippi. A mobile home is not a manufactured home except as hereinafter provided.

**Manufactured Home Foundation.** The site built

supporting parts upon which the manufactured home is placed, whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer or shield from such support, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.

### **Manufactured Home HUD-Code (Building Code Standard for Manufactured Housing).**

The Manufactured Home Construction and Safety Standards (24 CFR 3280), promulgated by the Secretary of U.S. Department of Housing and Urban Development, in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (the HUD Code), is recognized herein as the standard of manufactured home construction, strength, durability, energy performance, fire resistance, installation and performance of plumbing and electrical systems which code shall not be preempted by any state or local building codes.

**Manufactured Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient residential use.

**Manufactured Home Subdivision.** The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of the placement of manufactured housing for dwelling purposes.

### **Manufactured Housing Land-Lease**

**Community.** A parcel of land under single or multiple ownership, but single management, that has been planned and improved for the placement of manufactured housing for dwelling purposes. A manufactured home land-lease community shall only include developments wherein manufactured housing sites are leased or rented and/or wherein manufactured houses and sites are leased or rented.

**Massage Parlor.** Any establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where message

or similar manipulation of the human body is offered as an incidental or accessory service.

**Medical Office Building.** A building used exclusively by physicians or dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

**Membership Club.** An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.

**Mineral Extraction.** A site where a mineral, stone, sand, gravel, or topsoil is extracted.

**Minor Auto Repairs and Services.** Includes:

- a) Sale and servicing of spark plugs, batteries, distributors and distributor parts, and ignition components;
- b) Tire servicing and repair, but not recapping or regrooving;
- c) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- d) Radiator cleaning and flushing;
- e) Washing and polishing, and sale of automotive washing and polishing materials;
- f) Greasing and lubrication;
- g) Providing and repairing fuel pumps, oil filters and lines;
- h) Minor servicing and repair of carburetors and fuel injection systems;
- i) Emergency electrical repairs;
- j) Adjusting and repairing brakes;
- k) Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- l) Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and

- m) Provision of road maps and other informational material to customers; provision of restroom facilities.

**Mobile Food Vendor.** Any individual selling foods, other than fresh fruits or vegetables, from any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering, or other device designed to be portable and not permanently attached to the ground and is independent with respect to water, sewer, and power utilities. Said units may also contain equipment, used for the preparation and/or sale of food products and is closed up when not in operation. Mobile food vendors do not include catering services.

**Mobile Home.** A structure manufactured prior to June 15, 1976, and that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 USC 5401 et seq.

**Modular Home.** Factory fabricated dwelling designed and constructed without carriage or hitch; as a stationary house construction for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two (2) or more units separately transportable but designed to be joined into one (1) integral unit and must meet the minimum construction standards for house construction as specified by the City's adopted building code.

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

**Motor Freight Terminal.** The building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by motor truck.

**Museum.** A building having public significance due to its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged or intended for viewing by the public for a designated fee.

## N

**New construction.** The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, or the affixing of any prefabricated structure or modular or manufactured home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basements, footings, piers, or foundations, erection of temporary forms, installation of sewer, gas, and water pipes, or electric or other service lines from the street, or existence on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure.

**Nightclub.** Any places of entertainment principally offering alcoholic beverages for consumption on the premises, which may provide a floor show and music as well as a place for dancing and which are not an accessory use.

**Nonconforming Lot.** A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the City. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.

**Nonconforming Structure.** A structure which could not be built under this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, but was lawfully in existence prior to the effective date of this Ordinance.

**Nonconforming Use, Building, or Yard.** A use, building, or yard which does not comply with the applicable use provisions of this Ordinance, but which was lawfully in existence prior to the effective date of this Ordinance.

**Nursery/Greenhouse.** The raising of trees (for transplanting), ornamentals, shrubs, flowers, or houseplants for any commercial purpose.

**Nursing Home.** A building containing sleeping rooms used by elderly persons who are lodged and furnished with meals with or without nursing care. Unless otherwise specified, a "nursing home" shall be deemed to also include a convalescent home, rest home, life care community, or other similar use.

## O

**Office (general).** A building in which a business is conducted, but no merchandise is displayed or professional or personal services are performed.

**Official Zoning Map.** The map as adopted or amended by the City Council designating the location and boundaries of zoning districts.

**Open Space.** The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.

**Open Space, Common.** A parcel or parcels of land, or an area of water, or a combination of land and water within a development site which is designed and intended for the use or enjoyment of residents of a development.

**Orchard.** The raising and keeping of tree crops for any commercial purpose, including a Christmas tree farm.

**Ordinance.** The Diamondhead Zoning Ordinance, including the Official Zoning Map, and any amendments enacted by the City Council.

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

## P

**Palm Reader, Astrologer, Fortune Teller, Tarot Card Reader, and the like.** An establishment offering, for any form of consideration, advice, predictions, or interpretations of the lines on the palm of the hand, the positions and aspects of celestial bodies, or cards for the specific purpose of predicting future events or human affairs.

**Park.** Any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.

**Parking Facilities.** Outdoor areas or specifically designed buildings or garages used for the storage of vehicles.

**Patio.** An area or courtyard which is not covered by a roof or permanent awning, and is designed for outdoor living purposes as an accessory use to a structure.

**Pedestrian Path.** A surfaced walkway, separate from the traveled portion of the roadway, usually of crushed rock or asphalt, and following the existing

ground surface designated to accommodate foot traffic.

**Permit.** A document issued by the proper Diamondhead official authorizing the applicant to undertake certain activities.

- a) Zoning Permit. A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building, or structure.
- b) Building Permit. A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the City Council which authorizes an application to commence with said construction, alteration, repair or reconstruction.
- c) Occupancy Permit. A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land, or reoccupancy of a structure or land indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.

**Permitted Use.** A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this ordinance.

**Person.** An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

**Personal Service.** A building in which a business provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

**Planned Unit Development.** A zoning designation assigned to property, after proper application, review and approval as required herein, which allows for flexibility in design of a proposed development beyond the minimum standards prescribed in this ordinance for other zoning districts.

**Planning Commission.** The Planning Commission for Diamondhead.

**Pool Hall.** Any commercial establishment which derives significant or substantial income from the operation of pool tables, billiard tables, or similar devices, and which permits the consumption of alcoholic beverages on the premises.

**Porch.** A roofed or unroofed structure projecting from the front, side, or rear wall of a building.

**Premises.** 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.

**Principal Building.** The building in which the principal use of a lot is conducted.

**Principal Use.** The single dominant use or single main use on a lot.

**Professional Office.** A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor, or undertaker.

**Public Facilities.** Any facility necessary for the operation or maintenance of a local government unit or a public utility as defined by the laws of the State of Mississippi.

## R

**Radio/TV Transmitter.** Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.

**Recreational Vehicle.** A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational, and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreation[al] Vehicle" includes any "Travel Trailer" or "Travel Unit."

**Rental Unit.** One or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common

hall.

**Restaurant.** A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booths, or counters.

**Retail Center.** A building with ten thousand (10,000) square feet or more of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.

**Retail Store.** A building with less than five thousand (5,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of retail merchandise which is specifically listed in this Ordinance.

**Retail Strip.** A building being utilized by more than three separate tenants, which are located in separate suites of the same building.

**Riding Stable.** The commercial boarding or hacking of six (6) or more horses.

**Right-of-Way.** Land reserved for the public or others for future use as a street or other means of access.

**Rooming House.** See "Boarding House."

**Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**Runway.** An area of an airport used for the take-off and landing of aircraft.

## S

**Sanitary Facilities.** All of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.

**Sanitary Landfill.** An area where garbage, trash, or junk is disposed of by burial in conformance with State regulations, but shall not include the disposal of hazardous materials or radioactive materials.

**Screen.** A fence or natural obstruction of sufficient height to effectively visually obscure the area being screened from adjoining areas.

**Seasonal Roadside Produce Market.**

An accessory use for the sale of dairy, farm, greenhouse, or nursery products.

**Sewage Disposal System.** A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of the appropriate state

agency and of the City Council.

**Similarly situated.** Shall mean houses which have a similar location and characteristics as that which is proposed. Examples of similar location and characteristics include ,but are not limited to, golf course orientation, water frontage, airport access, attached vs. detached units, square footage, etc. The 10 homes shall be utilized as a compatibility guide to determine compliance.

**Short-term rental unit.** 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.

**Centralized Sewage Disposal System.** A Sewage Disposal System which collects, treats, and disposes sewage from more than one (1) dwelling, principal use, or lot.

**On-Site Sewage Disposal System.** A Sewage Disposal System which collects, treats, and disposes of sewage within the confines of the individual property served.

**Sign.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. A sign shall not be used as the principal or primary use of the property.

- a) Abandoned Sign. A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee,

- owner, product or activity conducted or product available on the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.
- b) **Banner Sign.** A sign made of canvas or other approved flexible materials, with or without a structural frame, and attached to a building, canopy, pole or other structure.
- c) **Billboard.** A freestanding structure used for outdoor advertising which is designated, intended, or used to advertise or inform and is customarily erected and owned by an outdoor advertising entity for the purpose of providing advertising space whether by lease or by charitable donation.
- d) **Exempt Sign.** Any sign designated as exempt from the permit requirements of these regulations.
- e) **Freestanding Sign.** A sign which is supported by uprights or braces upon the ground and not attached to any building or structure.
- f) **Group Sign.** A composite sign, the total perimeters of which shall be deemed a single unit.
- g) **Mobile Billboard.** One or more advertising display structures that are mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising.
- h) **Mobile Sign.** A sign not exceeding one hundred (100) square feet in area per display face and not exceeding twelve (12) feet in height to the top thereof above the surrounding ground level and specifically designed to be of a temporary nature and capable of being transported to various locations. The subject matter of such signs shall be related to products, accommodations or services available within one thousand (1,000) feet of the location of the sign; or shall be in the nature of an announcement of general public interest.
- i) **Monument Sign.** A sign which is generally a low profile sign which is supported by a base having a width of at least 80% of the sign width, and having little or no space between the bottom of the sign's message area and the top of the base.
- j) **Portable Sign.** A sign which may be allowed for a maximum of sixty (60) days per year at any location for a specific event not to exceed thirty (30) days' continuous usage at any one time.
- k) **Projecting Sign.** A sign which is erected or supported on the wall of a building or other structure and projects from same.
- l) **Sidewalk Sign.** A sign which is temporary in nature, that is not secured to the ground, and constructed in such a manner as to form an "A" or tent-like shape used for the purpose of business advertising on the angular sides.

**Sign Area.** The entire advertising area of a sign face excluding any framing, trim, or moulding, and the supporting structure.

**Site Alteration.** Includes grading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

**Slip.** The area of water contained within or between tie-off points of a piling or pier, utilized for the parking of watercraft.

**Story (and Half-Story).** That portion of a building included between the surface of any floor and the ceiling next above it having a vertical distance of not less than seven (7') feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7') feet shall be considered a half-story. Basements and cellars shall not be considered as being stories or half-stories.

**Street.** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, lane, boulevard, highway, road and any other thoroughfare except an alley, access drive, or driveway.

- a) **Arterial.** Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds, and generally should not provide access to land which would interfere with their primary traffic functions. Arterial Streets are so designated within the Comprehensive Plan.
- b) **Collector.** Streets designed to carry a moderate volume of traffic between Local Streets and Arterials at moderate speeds,

and provide only limited vehicular access to the abutting properties. Collector Streets are those streets which are so designated within the Comprehensive Plan.

- c) Local. Streets designed to provide direct access to abutting properties or gather traffic from marginal access streets which are so designated within the Comprehensive Plan.

**Structure.** Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof."

**Subterranean Building.** A building covered by land on at least fifty (50%) percent of the total surface of its walls and roof.

**Swimming Club.** An area containing a swimming pool which is used by the public or by members for a fee.

**Swimming Pool.** A pool of water 24 inches or greater in depth either indoors or outdoors and is used for swimming or water-related recreations. This also includes spas and hot tubs.

- a) Private Pool. A swimming pool appurtenant to a single-family or duplex residence and used only by the occupants of the residence and their guests.
- b) Semipublic Pool. A swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents, club members, or and members of a homeowners' association.

## T

**Tattoo and/or Body Piercing Parlor.** An establishment whose principal business activity, either in terms of operation or as held out to the public is the practice of one or more of the following:

- a) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use needles or other instruments designed to contact or

puncture the skin;

- b) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Taxi way.** A designated route, either paved or unpaved, utilized to taxi aircraft to or away from the runway.

### Temporary Occupancy (Seasonal Occupancy).

The use of any premises or structure for living and/or sleeping purposes for less than one hundred (100) consecutive days in any calendar year.

**Temporary Structure.** A structure which is not designed to last or to be used for a specific use for more than one (1) year.

**Theater.** A building or part thereof devoted to showing motion pictures, or for dramatic, music, dance, musical, or other live performances.

**Thrift Store.** A profit or nonprofit business or organization that engages in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

**Trailer.** See "Manufactured Home" (listed under "Dwelling") and "Recreation Vehicle."

**Travel Trailer.** See "Recreation Vehicle."

## U

**Urban Bank.** A place of business providing financial services, including, but not limited to, that of lending money against automobile titles, advance check cashing, or other financial activities which are not regulated by the Federal Deposit Insurance Corporation.

**Use.** Any activity, occupation, business, or operation carried on or intended to be carried on in a structure or on a lot.

## V

**Variance.** The process whereby one may seek a relaxation of these zoning laws in accordance with the application and review process contained herein.

**Veterinarian Office.** See "Animal Hospital."

**Visibility Range.** The distance required to afford proper vision for pedestrian and vehicular traffic at intersections and/or corners.

## W

**Wall Area.** The total square feet of the exterior elevation of the building that is vertical to the ground.

**Water Supply System.** A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the City of Diamondhead and the Diamondhead Water and Sewer District, and may further be defined within one or more of the following categories:

- a) Centralized Water Supply System. A Water Supply System which transmits water from a common source to more than one (1) dwelling, principal use, or lot.
- b) On-Site Water Supply System. A Water Supply System which transmits water from a source on the lot to one (1) dwelling or principal use within the confines of the same lot.

**Wildlife Sanctuary.** Includes nature center, indoor or outdoor education laboratory, woodland preserve, or arboretum for wildlife of any type, whether land or sea creature.

## Y

**Yard.** An open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

- a) Front Yard. A yard extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter boxes, unenclosed porches and driveways.
- b) Rear Yard. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the

principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

- c) Side Yard. A yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.

## Z

**Zone.** See "District."

**Zoning Administrator.** The administrative officer authorized by the Mayor and City Council with the power and duty of enforcing the provisions of the Zoning Ordinance for the City of Diamondhead.

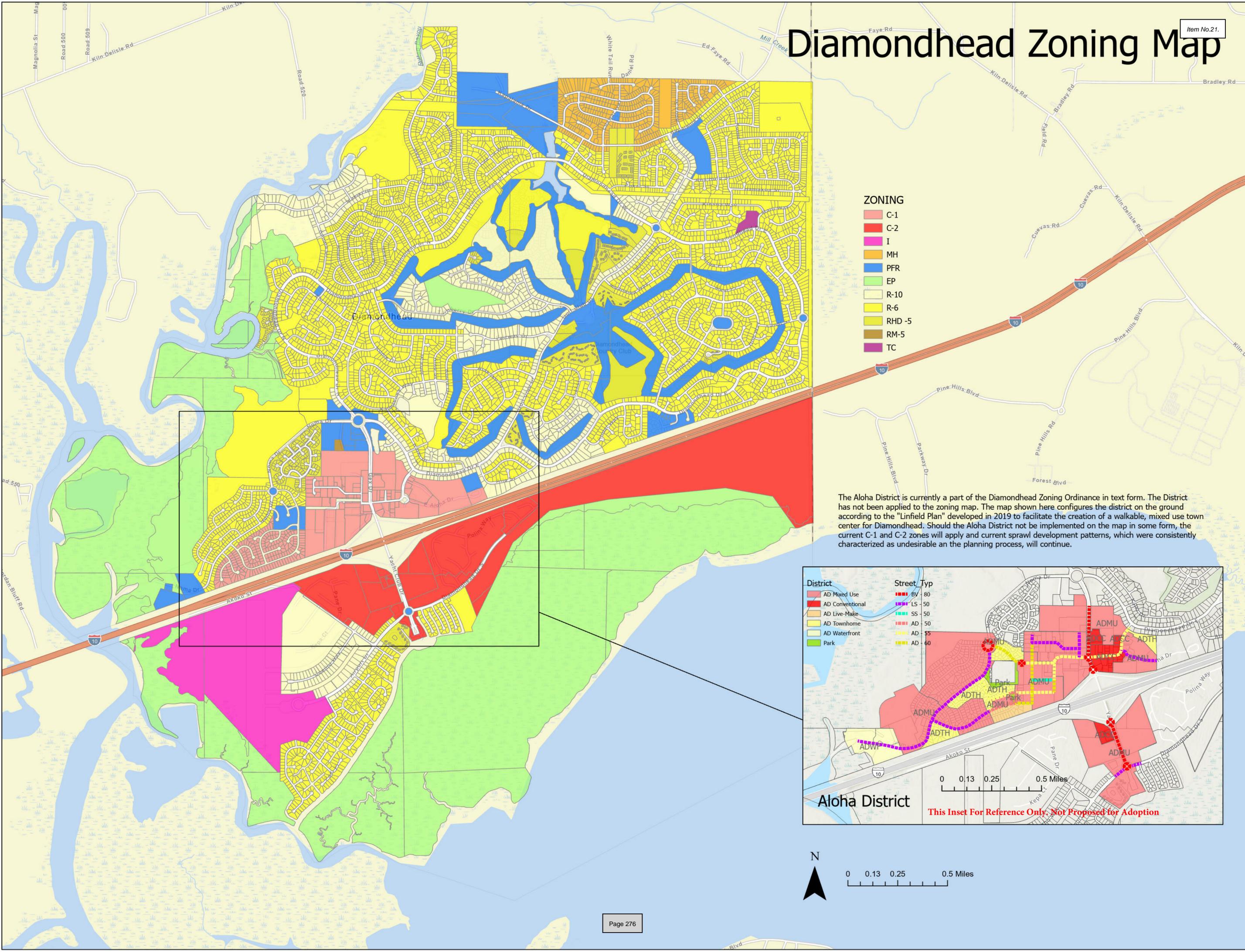
**Zoning District Map.** The map incorporated into this article as a part hereof by reference thereto.

**Zoning Ordinance.** See "Ordinance." Also to include "Zoning Regulations."

Review Draft

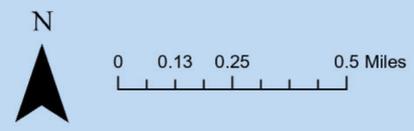
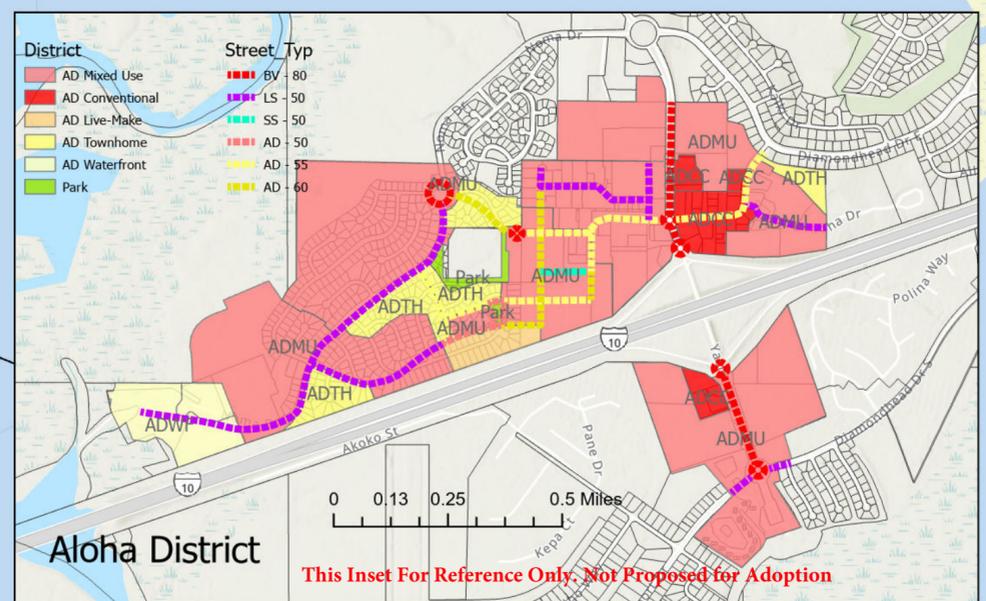
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# Diamondhead Zoning Map



- ZONING**
- C-1
  - C-2
  - I
  - MH
  - PFR
  - EP
  - R-10
  - R-6
  - RHD-5
  - RM-5
  - TC

The Aloha District is currently a part of the Diamondhead Zoning Ordinance in text form. The District has not been applied to the zoning map. The map shown here configures the district on the ground according to the "Linfield Plan" developed in 2019 to facilitate the creation of a walkable, mixed use town center for Diamondhead. Should the Aloha District not be implemented on the map in some form, the current C-1 and C-2 zones will apply and current sprawl development patterns, which were consistently characterized as undesirable on the planning process, will continue.



Agenda Item #2024- 113

City of Diamondhead, MS  
Request for Council Action

TO: Council/City Clerk

FROM: Councilmember Liese

DATE: 5/1/2024

Ordinance  Resolution  Agreement  Info Only  Work Session  Other

AGENDA LOCATION:  Consent Agenda  Regular Agenda

AGENDA DATE REQUESTED 5/7/2024

Motion for discussion of the Beau Vue Drainage Project.

REQUIRED SIGNATURE

REQUESTED BY: *Anna Liese*

COUNCIL ACTION:  
 Approved  Denied  Tabled/Deferred  Info Only      Completed:



5000 Diamondhead Circle, Diamondhead, MS 39525

Telephone (228) 222-4626

Fax: (228) 222-4390

April 26, 2024

Mayor and Council  
 City of Diamondhead  
 5000 Diamondhead Circle  
 Diamondhead, MS 39525

Dear Councilmembers:

For your consideration, I am recommending the council to negotiate with Ochsner Medical Center to acquire land necessary to build the Diamondhead dog park. I also ask the council to approve a budget amendment to allocate \$50,000 from the general fund to pay for the construction of the dog park. Lastly, I am asking the council to amend the master service agreement work assignment with MP Design to redesign the plans for this site location.

Your approval in this matter will be appreciated.

Sincerely,

Jon McCraw  
 City Manager



City of Diamondhead, MS

# Docket of Claims Register Item No.24

APPKT02174 - 5.7.24 DOCKET

By Docket/Claim Number

Docket/Claim #	Vendor Name	Payable Date	Payable Number	Payable Description	Account Number	Account Name	Payment Amount	
							Line	Amount
DKT231702	AGJ	05/07/2024	113864 MSP-113626	HOSTED EXCHANGE BACKUP	001-140-605.00	Professional Fees - IT		2,505.26
								31.50
								40.00
								250.00
								1,120.76
							63.00	
DKT231703	Amazon com LLC	05/07/2024	1JKN-1WWX-RLK7	OFFICE SUPPLIES	001-140-501.00	Supplies		800.52
								28.99
								124.75
								167.90
								9.79
								161.49
								39.99
								57.98
								68.02
								43.78
							24.88	
							72.95	
DKT231704	Coast Electric Power Association	05/07/2024	4/18/24-026 4/25/24-021 4/25/24-022 4/25/24-023 4/25/24-024 4/25/24-025 4/25/24-027	MONTHLY ELECTRIC BILL	001-301-630.00	Utilities - Streetlights & Other		468.07
								60.29
								49.06
								142.97
								55.90
								55.90
								48.05
								55.90
DKT231705	Coastal Tire and Auto LLC	05/07/2024	78977	FA 227 TIRE	001-301-635.00	Professional Fees - R&M Outside Services		50.00
								50.00
DKT231706	COASTWIDE SUPPLY, LLC	05/07/2024	20240409-02 20240426-01	ROAD REFLECTORS - GLUE REFLECTOR GLUE	302-301-912.00 302-301-912.00	Capital Outlay - Paving Capital Outlay - Paving		2,982.27
								1,446.80
							1,535.47	

Docket of Claims Register - Council

Docket/Claim #	Vendor Name	Payable Date	Payable Number	Payable Description	Account Number	Account Name	Line	Amount		
DKT231707	CSpire Cell Service	05/07/2024	APRIL 2024	CELLULAR SERVICE FOR APRIL	001-140-632.00	Telephone - Cell		1,001.43		
								44.84		
								344.80		
								179.36		
								432.43		
DKT231708	CUSICK & WILLIAMS, PLLC	05/07/2024	1342	GENERAL MATTERS -- APRIL	001-140-603.00	Professional Fees - Legal		15,812.50		
				1343	PLANNING AND ZONING -- APRIL	001-280-603.00	Professional Fees - Legal	10,531.25		
				1344	CITY PROSECUTOR -- APRIL	001-110-603.00	Professional Fees - Legal	1,343.75		
				1345	LANGKOPP VS CODH -- APRIL	001-140-603.00	Professional Fees - Legal	3,000.00		
				1346	MAKIKI BOND CLAIM -- APRIL	001-140-603.00	Professional Fees - Legal	125.00		
								812.50		
DKT231709	Custom Products Corporation	05/07/2024	INV6592	SIGNS	001-301-586.00	Street Signs		653.92		
								142.10		
								375.60		
								66.14		
								49.47		
								20.61		
DKT231710	DAVID'S CHAINSAW & LAWNMOWER REPAIR, LLC	05/07/2024	45843	CHAINSAW REPAIR PARTS	001-301-501.00	Supplies		1,267.88		
								224.00		
					001-301-571.00	Repairs & Maintenance - Equipment		1,043.88		
DKT231711	Deep South Equipment Company	05/07/2024	C64979	FA #227 REPAIRS	001-301-635.00	Professional Fees - R&M Outside Services		870.58		
								33.65		
								798.23		
								38.70		
DKT231712	DIAMONDHEAD COUNTRY CLUB & POA	05/07/2024	MAY 2024	RENTAL OF MAINTENANCE YARD -- MAY	001-301-640.00	Rentals		1,000.00		
								1,000.00		
DKT231713	Diamondhead Water and Sewer District	05/07/2024	5/10/24-020	WATER	001-140-630.00	Utilities - General		341.21		
								127.67		
								63.84		
							5/10/24-021	001-301-630.00	Utilities - Streetlights & Other	24.95
							5/10/24-170	001-301-630.00	Utilities - Streetlights & Other	24.95
							5/10/24-2070	001-301-630.00	Utilities - Streetlights & Other	24.95
							5/10/24-2075	001-301-630.00	Utilities - Streetlights & Other	24.95
							5/10/24-2080	001-301-630.00	Utilities - Streetlights & Other	24.95
							5/10/24-830	001-301-630.00	Utilities - Streetlights & Other	24.95

Docket of Claims Register - Council

Docket/Claim #	Vendor Name	Payable Date	Payable Number	Payable Description	Account Number	Account Name	Line Amount	Payment Amount
DKT231714	Eagle Energy	05/07/2024	42465	PUBLIC WORKS FUEL	001-301-525.00	Fuel		2,384.73
					001-301-525.00	Fuel	9.59	
					001-301-525.00	Fuel	1,211.14	
			42470				1,164.00	
DKT231715	Fire Code Compliance LLC	05/07/2024	24-044	FIRE EXTINGUISHER CERTIFICATION	001-140-681.00	Other Services & Charges	185.00	185.00
DKT231716	FirstPoint Inc	05/07/2024	23347	FINGERPRINT BACKGROUND CHECK	001-301-698.00	Misc. Services - Drug Testing & Other	20.00	20.00
DKT231717	Fuelman	05/07/2024	NP66270729	FOR THE WEEK ENDING 4.14.24	001-200-525.00	Fuel	954.09	3,254.69
					001-280-525.00	Fuel	39.23	
					001-140-525.00	Fuel	51.84	
					001-200-525.00	Fuel	984.06	
					001-200-525.00	Fuel	1,049.38	
			NP66300360	FOR THE WEEK ENDING 4.21.24	001-200-525.00	Fuel	176.09	
			NP66322696	FOR THE WEEK ENDING 4/28/24	001-200-525.00	Fuel	1,049.38	
					001-280-525.00	Fuel	176.09	
DKT231718	GLEN LANDRY	05/07/2024	APRIL 2024	CASH BOND REFUND	650-110-110.00	Court Bond Holding	1,500.00	1,500.00
DKT231719	GLOBAL VALUATION SERVICES, INC	05/07/2024	24-2862	APPRAISALS	191-000-681.00	Other Services & Charges	281.25	4,500.00
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
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					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	
					191-000-681.00	Other Services & Charges	281.25	

Docket of Claims Register - Council

Docket/Claim #	Vendor Name	Payable Date	Payable Number	Payable Description	Account Number	Account Name	Payment Amount Line Amount	
DKT231720	Hancock County Sheriffs Office	05/07/2024	2024-DHLE-014	INTERLOCAL AGREEMENT FOR WEEK ENDING 4/6/24	001-110-681.00	Other Services & Charges	212.37	
					001-200-690.00	Interlocal Agreement	33,837.35	
					001-200-612.00	Internet	246.00	
DKT231721	Marvin J Bobinger III	05/07/2024	APRIL 2024	LOBBYING SERVICES FOR APRIL	001-653-601.00	Professional Fees - Consulting	4,000.00	
DKT231722	MAYLEY'S PEST CONTROL	05/07/2024	114367	PEST CONTROL SERVICE	001-140-634.00	Pest Control	115.00	
					001-140-634.00	Pest Control	115.00	
					001-140-634.00	Pest Control	115.00	
					001-140-634.00	Pest Control	125.00	
DKT231723	MELISSA RUSSO	05/07/2024	APRIL 2024	CASH BOND REFUND	650-110-110.00	Court Bond Holding	500.00	
							500.00	
DKT231724	MS Power Company	05/07/2024	4/29/24	SURVEILLANCE CONTRACT FOR	001-200-681.00	Other Services & Charges	1,265.00	
DKT231725	PAUL LEE JEANFREAU	05/07/2024	APRIL 2024	CASH BOND REFUND	650-110-110.00	Court Bond Holding	500.00	
DKT231726	Rebel Sound Systems Inc	05/07/2024	15683	SMOKE DETECTOR SERVICE	001-140-635.00	Professional Fees - Repair & Maint Outside Serv	206.00	
DKT231727	Sea Coast Echo	05/07/2024	31165	NOMA DRIVE WATERFRONT IMPROVEMENTS ADVERT	001-140-620.00	Advertising	135.66	
DKT231728	South MS Business Machines Gulfport	05/07/2024	458305	PER COPY CHARGE FOR APRIL	001-280-506.00	Copier Usage/Maintenance	63.41	
DKT231729	Sun Coast Business Supply	05/07/2024	1362189-0	JUDGE'S STAMP - BLACK INK	001-110-501.00	Supplies	27.50	
					1362192-0	001-140-510.00	Cleaning & Janitorial	42.80
						001-140-510.00	Cleaning & Janitorial	73.94
						001-140-510.00	Cleaning & Janitorial	21.99
						001-140-501.00	Supplies	492.00
					1362192-1	001-140-510.00	Cleaning & Janitorial	89.97
001-140-510.00	Cleaning & Janitorial	118.60						

Docket of Claims Register - Council

APPKT02174 5/2/24 DOCKET

Item No.24.

Docket/Claim #	Vendor Name	Payable Date	Payable Number	Payable Description	Account Number	Account Name	Payment Amount Line Amount
DKT231730	ThyssenKrupp Elevator Corporation	05/07/2024	5002452364	MAINTENANCE CONTRACT FOR 2024 - QUARTER 1	001-140-681.00	Other Services & Charges	1,065.00
DKT231731	UMB Card Services	05/07/2024	200014563	INSPECTOR ELECTRICAL TRAINING	001-280-615.00	Travel & Training	421.99
			4984	SAMS CLUB MEMBERSHIP	001-140-623.00	Membership Dues/Fees	210.00
			69012	MONTHLY CHARGES FOR CONSTANT CONTACT	001-140-623.00	Membership Dues/Fees	110.00
			INV254997861	MONTHLY CHARGES FOR ZOOM	001-140-623.00	Membership Dues/Fees	86.00
DKT231732	UniFirst Corporation	05/07/2024	1530139939	UNIFORM RENTAL FOR THE WEEK ENDING 4/15/24	001-301-535.00	Uniforms	15.99
			1530141597	UNIFORM RENTAL FOR THE WEEK ENDING 4/22/24	001-301-535.00	Uniforms	452.11
			1530142932	UNIFORM RENTAL FOR THE WEEK ENDING 4/29/24	001-301-535.00	Uniforms	222.77
DKT231733	Waste Management	05/07/2024	0830073-4768-1	DUMPSTER RENTAL	001-140-681.00	Other Services & Charges	114.67
DKT231734	WESLEY SANDERFORD	05/07/2024	APRIL 2024	OPEN JAM BAND SERVICES	001-653-650.00	Promotions	72.48
							300.00
Total Claims: 33							Total Payment Amount: 84,212.23