



Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Flowers
Commissioner Harwood
Commissioner Layel
Commissioner Nicaud

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, July 25, 2023

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

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

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of June 27, 2023 minutes.

New Business

3. Bob Barber with Orion Planning to provide an update on the Zoning Code re-write.
4. Teresa and Brian Leatherman, represented by Amber Thomas of Alant Construction, have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.
5. The City of Diamondhead, is proposing a Text Amendment to the Tree Ordinance Article 11. – General Requirements and Restrictions. The proposed text amendment is to increase the preservation of existing trees. The Case File Number is 202300337.
6. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance Article 10.4.10 – Window Signs. The proposed text amendment is to remove “A permanent window sign shall be classified as a wall sign.” Article 10.5.2 On-Premises Attached Signs c; Place a black square in the table in zoning districts C-1, C-2, PFR, T, and I [The black square means a sign permit is required]. Article 10.6 Dimensional Requirements, Number of Signs and Special Conditions; Sign Type #8 Window Signs; Area; “Change 50% to 25% of window area.” Article 10.7 - Exempt Signs, delete “10.c Windows.”, Article 10.10.1 Non-Conforming Existing Signs; Insert “All window signs which are not in conformance with the Ordinance shall be unlawful one (1) year after the passage of the window sign text amendment.” The Case File Number is 202300332.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

7. The next City Council meeting is Tuesday, August 1, 2023.

The next Planning Commission meeting is Tuesday, August 22, 2023.

Adjourn or Recess



Commissioner B
Commissioner B Item No.2.
Commissioner Debrow
Commissioner Flowers
Commissioner Harwood
Commissioner Layel
Commissioner Nicaud

MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, June 27, 2023
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Commissioner Bennett called the meeting to order at 6:16 p.m.

Statement of Purpose

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

Commissioner Harwood read the Statement of Purpose.

Pledge of Allegiance

Commissioner Nicaud led the Pledge of Allegiance.

Roll Call

Present at the meet were: Commissioners Harwood, Nicaud, Bennett, and Brewer by via teleconference. Absent were: Commissioners Layel, Debrow, and Chairman Flowers. Also present were City Attorney, Derek Cusick, Development Coordinator, Pat Rich, Building Inspector, Beau King. Also Absent were Building Official, Ronald Jones, Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Motion was made by Commissioner Harwood, second by Commissioner Nicaud to accept the Agenda as presented

Roll Call:

Yea's: Commissioners Nicaud, Bennett, Harwood, Brewer Nay's: None

Motion Passed Unanimously

Approval of Minutes

1. Approval of May 23, 2023 minutes.

Commissioner Nicaud made a motion, second by Commissioner Harwood to accept the Minutes of May 23,2023.

Roll Call:

Yea's : Commissioners Nicaud, Harwood, Brewer, Bennett

Nay's: None

Motion Passed Unanimously

New Business

2. Public hearing on a proposed Text Amendment to the Fence Ordinance Article 9.8 – General Requirements and Restrictions. The proposed text amendment is to add “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.” at the end of 9.8.C. The Case File Number is 202300274.

Commissioner Bennett read the Text Amendment. Development Coordinator, Pat Rich explained the reasoning for the change of the text amendment.

Commissioner Bennett asked for any public comments: Penny Crawford spoke to Commissioners.

Commissioner Nicaud made a motion, second by Commissioner Harwood to accept the Text Amendment as presented.

Roll Call:

Aye: Bennett, Nicaud, Brewer, Harwood.

Nay: None

Motion Passed Unanimously

3. **Public Hearing** concerning the draft to revise Article 11 - Tree Ordinance. Presentation of draft for discussion and comments prior to offering a final recommendation for the revisions to the Tree Ordinance.

Development Coordinator, Pat Rich explained the draft and answered questions from the commissioner.

Commissioner Bennett asked for public comments.

Penny Crawford, Vanessa Benson ,and Joann Rogasta spoke on concerns they had about the Ordinance.

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

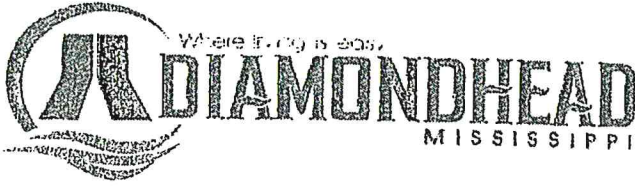
4. The next City Council meeting is Wednesday, July 5, 2023.
The next Planning Meeting is Tuesday, July 25, 2023.

Adjourn or Recess

Commissioner Bennett made a motion, second by Commissioner Nicaud to adjourn the meeting at 7:48 p.m.

Motion Passed Unanimously

H. Flower, Chairman
Planning & Zoning



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202300282

Date 6/8/23

Applicant: Amber Thomas ALANT Construction

Applicant's Address: 45 Hardy Court Shopping Center #207 Gulfport MS 39507

Applicant's Email Address: amber.alant@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228-243-7031

Property Owner: Teresa Leatherman, Brian Leatherman

Owner's Mailing Address: 7518 Augusta Way Diamondhead MS 39525

Owner's Email Address tmosko81@aol.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 901-277-3160

Tax Roll Parcel Number: 067M-2-35-007.000

Physical Street Address: 7518 Augusta Way Diamondhead MS 39525

Legal Description of Property: Glen EAGLE PHASE 1 LOT 107

Zoning District: R-1

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

To build a covered patio with 17.9' of the rear property
line.

REQUIRED ITEM A

Property Owner Teresa Leatherman & Brian Leatherman

Street Address 7518 Augusta Way Diamondhead MS 39525
Statement Describing Variance Request

The reasons why it complies with the criteria for variances:

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

Response: Unaware if other homes built in the same timeframe (2003) are affected by the current 20' rear setback or not.

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

Response: Many nearby neighbors enjoy screened patios. If the homeowners' variance is denied, it will affect the aesthetic of the rear view of the home because the new const. will not match up to the furthest rear footprint of the home.

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

Response: Special conditions/circumstances are not caused by owners/applicants.

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

Response: The requested variance ~~will~~ would not give the homeowners any special privileges or rights. Many of the neighbors in the area already enjoy screened outdoor areas attached to their homes. Without a variance the home owners cannot construct the screened outdoor patio area to match their current setback footprint of 17'9" from property line.

STATEMENT OF UNDERSTANDING

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

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

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

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

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

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

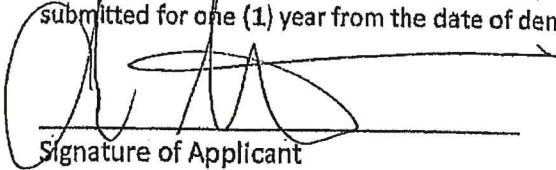
That additional information may be required by the Planning Commission prior to final disposition.

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

The Public Hearing will be held on _____ at _____ p.m. In the Council Chambers of the Diamondhead City Hall.

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

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


Signature of Applicant

Authentisign
Teresa Leatherman
6/9/2023 4:25:09 PM GMT
Signature of Property Owner

_____ For Official Use Only _____

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

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

PLOT PLAN

RLINE
 DD FOUND
 DD SET
 PE FOUND
 CORNER POST
 POLE
 SURVEY
 RECORD

LEGAL

A surve
 City of I



Lot 106

Lot 108

AUGUSTA WAY
 ASPHALT SURFACE



1/2" REBAR FOUND

1/2" REBAR SET

1/2" REBAR SET

easements of
 dence, or any
 close. No
 obtain or show
 location of any
 ssissippi
 only if print has
 ation was
 can be made

REFERENCES:

- 1) DEED BOOK 2016 PAGE 14597
- 2) PLAT OF GLEN EAGLE S/D, PHASE 1

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

Teresa and Brian Leatherman, represented by Amber Thomas of Alant Construction, have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line.

The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.

In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, July 25, 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 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.



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

COPY

TO: Teresa and Brian Leatherman, Amber Thomas, and adjacent property owners

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

DATE: July 7, 2023

SUBJECT: Variance application request before the Planning & Zoning Commission

Teresa and Brian Leatherman, represented by Amber Thomas of Alant Construction, have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line.

The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.

In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, October 25, 2022, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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.



x,y

067M-2-35-007.000

Parcel Number: 067M-2-35-007.000
 Owner Name: LEATHERMAN BRIAN ETAL
 Owner Address: 7518 AUGUSTA WAY
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 7518 AUGUSTA WAY

Improvement Type:	RES
Year Built:	2003
Base Area:	2794
Adjusted Area:	3282
Actual Total Value:	360611
Taxable Total Value:	0
Estimated Tax:	4397.83

Homestead Exemption: Yes
 Deed Book: 2022
 Deed Page: 9647
 Legal Description 1: LOT 107 GLEN EAGLE PHASE 1
 Legal Description 2:

Commissioner Flowers
Commissioner Layel
Commissioner Debrow
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector



AGENDA PLANNING AND ZONING COMMISSION

Tuesday, December 14, 2021

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 October 26, 2021 minutes.

New Business

3. Presentation by Robert Barber with Orion Planning to update the Commission on Short Term Rental ordinance progress. This is for information and discussion only. No vote will be taken
4. Janet Harmon-Curvey and John A. Curvey have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.
5. B&G Food Enterprises, LLC, has filed an application requesting Planning Commission Review as required by the Zoning Ordinance (Article 4.21.1 B) to allow the construction of a drive-in restaurant, Taco Bell. The property address is 4405 Aloha Drive. The tax parcel number is 131E-1-13-006.002. The property is in a C-1 General Commercial zoning district. Drive-in restaurants are considered permitted uses with the review and approval in accordance with the Planning Commission review provisions set forth in the Zoning Ordinance (Article 2.4). The Case File Number is 202100483.
6. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to reduce the number of publication days and increase the number of mail notices in the Zoning Ordinance (Ord. 2012-006) and Subdivision Regulations (Ordinance 2020-001). Case File Number is 202100483. proposed text amendments would make the

Approved
6-1



Commissioner F
Commissioner Item No.4.
Commissioner Debrow
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES PLANNING AND ZONING COMMISSION

Tuesday, December 14, 2021

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

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

Statement of Purpose

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

Commissioner Layel read the Statement of Purpose.

Pledge of Allegiance

Commissioner Torguson led The Pledge of Allegiance.

Roll Call

Commissioners Layel, Torguson, Debrow, Flowers, Hector, Hourin via teleconference, Rubar. Also present Development Coordinator, Pat Rich, Building Official, Ronald Jones, City Attorney, Derek Cusick, Building Inspector, Beau King, Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Commissioner Debrow made a motion, second by Commissioner Layel to approve the agenda as presented.

Motion Passed Unanimously

Approval of Minutes

1. Approval of October 26, 2021 minutes.

Commissioner Debrow made a motion ,second by Commissioner Flowers to approve the minutes of October 26, 2021.

Motion Passed Unanimously

New Business

- 2. Presentation by Robert Barber with Orion Planning to update the Commission on Short Term Rental ordinance progress. This is for information and discussion only. No vote will be taken

Bob Barber spoke on Short Term Rentals, and presented Memo #3, Proposed Zoning Code Amendments for Short Term rentals, upon feedback from Commission and survey.

- 3. Janet Harmon-Curvey and John A. Curvey have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.

Development Coordinator, Pat Rich presented the case and answered questions from the commissioners.

Mr. and Mrs. Curvey spoke to the Commissioners, and answered their questions.

Chairman Rubar asked for any public comments. There were none.

Mr. Rich read the Staff report recommending approval.

Commissioner Torguson made a motion, second by Commissioner Flowers to approve the variance as petitioned to the City Council.

Roll Call

Ayes: Torguson, Flowers, Hourin, Hector, Layel, Debrow Nays: Rubar

Motion Passed

- 4. B&G Food Enterprises, LLC, has filed an application requesting Planning Commission Review as required by the Zoning Ordinance (Article 4.21.1 B) to allow the construction of a drive-in restaurant, Taco Bell. The property address is 4405 Aloha Drive. The tax parcel number is 131E-1-13-006.002. The property is in a C-1 General Commercial zoning district. Drive-in restaurants are considered permitted uses with the review and approval in accordance with the Planning Commission review provisions set forth in the Zoning Ordinance (Article 2.4). The Case File Number is 202100483.

Development Coordinator, Pat Rich spoke to the Commissioners, and answered their questions.

Chairman Rubar asked if anyone was present to represent B&G Enterprises.

Carl Blum representing B & G Food Enterprises LLC, spoke to the commissioners, and answered their questions.

Chairman Rubar asked for public comments.

David Boan, Milton Dempsey, Dale Barfield, David Flowers, Ronald Witzel, and Ms. Dawn spoke with concerns about safety, parking, and traffic.

Development Coordinator Pat Rich read the staff report recommending approval of the site review.

Commissioner Hourin made a motion, second by Commissioner Torguson to approve the site plan with conditions listed below

- Access between the building and I-10 and the ingress and egress without the trucks backing up and exits through Rouses' parking lot.
- No additional traffic flow: the flow and the exits through that area have to be modified to handle the traffic; and
- If these are not done, Taco Bell must allow the 18 wheelers access to the existing businesses no matter what time.

Roll call

Ayes: Hourin, Torguson, Flowers, Layel, Debrow, Hector, and Rubar. Nays: None

Motion Passed Unanimously

5. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to reduce the number of publication days and increase the number of mail notices in the Zoning Ordinance (Ord. 2012-006) and Subdivision Regulations (Ordinance 2020-001). Case File Number is 202100493. The proposed text amendments would make the following changes to Appendix A – Zoning, Article 2.9 – Public Notice Procedure, Section 2.9.1.A – change “300 feet” to “400 feet”; Section 2.9.1.B – change “three hundred (300) feet” to “four hundred (400) feet”; Section 2.9.6.B – change “three hundred (300) feet” to “four hundred (400) feet”; Section 2.9.7.A.ii – change “Two (2) publication days” to “One publication day” and Subdivision Regulations Article III – Procedures, Article 301.6 – change “three hundred feet (300’)” to “four hundred feet (400’)”; Article 303.2.3 – change “three hundred feet (300’)” to “four hundred feet (400’)”; Article 320.4.e and Article 320.5.b – “change 300 to 400”.

Development Coordinator, Pat Rich, read the request made by Building Official, Ronald Jones and the staff report requesting approval of the text amendment in the ordinance.

Commissioner Torguson made a motion, second by Commissioner Flowers to accept the recommendation as petitioned to the City Council.

Roll Call

Ayes: Torguson, Layel, Flowers, Hourin, Hector, Debrow, Rubar Nays: None

Motion Passed Unanimously

6. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to require the use of 100-year storm events in the Zoning Ordinance (Ord. 2012-019) and Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance (Ord. 2013-030). Case File Number is 202100494. The proposed text amendments would make the following changes to Zoning Ordinance Article 14 – Land Alterations and Disturbances, Article 14.1.3.D – Land Clearing and Drainage, – change “5-year storm” to “100-year storm”, insert a period after "urbanized areas", remove "wherein the rainfall is one (1) hour at a rainfall of three

(3) inches per hour." and add "The approximate value for "I" precipitation intensity in inches per hour, shall be obtained from the NOAA Website at <http://hdsc.nws.noaa.gov/hdsc/pfds/>. This website provides precipitation intensity information." before "Runoff shall be drained...". In Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance Chapter 24- Stormwater Management, Section 24-10 (a) – Stormwater Detention Standards and Requirements – add "100-year" after "50-year" to “two-year, five-year, ten-year, 25-year and 50-year, 24-hour storm events.”

Development Coordinator, Pat Rich , read a request made by Building Official, Ronald Jones and the staff report recommending approval of the text amendment to the Zoning Ordinance.

Commissioner Flowers made a motion, second by Commissioner Layel to approve the request as petition.

Roll Call

Ayes: Torguson, Hourin, Hector, Flowers, Debrow, Layel, Rubar

Nays: None

Motion Passed Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

Chairman Rubar commented on the role of the commissioners.

Communication / Announcements

7. The next City Council meeting is December 21, 2021 at 6:00 pm.

The next Planning Commission meeting is January 25, 2022 at 6:00 pm.

Adjourn or Recess

Commissioner Flowers made a motion, second by Commissioner Debrow to adjourn the meeting at 8:35 p.m.

Motion Passed Unanimously

John Rubar, Chairman
Planning & Zoning

Residents Suggestions for Tree Ordinance

- Stated goal of preserving all healthy, mature trees.
- Expand list of protected trees.
- Committee/Board with professional to make recommendations in public meeting.
- Include protecting dripline.
- Improve and expand mitigation for protected trees, replacement sizes, maintenance period, public property, increase canopy, mitigation trust.
- Moratorium for violations.
- Incentives for preservation.
- Replace any tree that is removed.
- Enforce existing ordinance.
- Keep non-protected trees to prevent soil erosion.
- Increase penalties.

ARTICLE 11. – TREE PRESERVATION AND PROTECTION

11.1. - PURPOSE AND SCOPE.

11.1.1. Aid in stabilizing the environment's ecological balance by contributing to the processes of energy and soil conservation, air purification, oxygen regeneration, pollutant neutralization, groundwater recharge, and the reduction of stormwater runoff, while at the same time aiding in noise, glare, and heat abatement by preserving the existing canopy.

11.1.2. Ensure that the stock of native trees and vegetation is maintained and replenished; and

11.1.3. Provide visual buffering and enhance the beautification of the city.

11.2. – PRINCIPLES.

11.2.1. Preservation of existing trees shall be the first, best, and standard approach.

11.2.2. If preservation cannot be achieved, on-site mitigation shall next be pursued.

11.2.3. If those approaches cannot be achieved, off-site mitigation shall be next pursued.

11.3. – APPLICABILITY.

11.3.1. Except as noted herein, requirements apply to all land located in the city. Trees may not be cleared from any site for any purpose without a Tree Preservation permit.

11.4. – PERMIT REQUIRED. Under this Article, the clearing of any site is permitted only after a tree inventory has been completed and Tree Preservation permit has been issued.

11.4.1. Tree inventory required. An inventory of existing trees is required for any site plan or subdivision. The inventory must be conducted by an International Society of Arboriculture (ISA) certified arborist and submitted to the Building Official for approval.

11.4.2. The tree inventory shall include:

- a. The location, size, type, and quality of existing significant, specimen and heritage trees.
- b. Which trees are to be removed and which retained.

11.4.3. Exception. If the property owner is notified by their insurance company that a tree is to be trimmed or removed as a condition of insurability, no tree inventory is required. Upon receipt of proof of the condition of insurability, a Tree Preservation permit shall be issued.

11.4.4. Exception. Trees on developed properties that are not heritage, specimen or significant do not require a permit.

11.5. – SITE DESIGN GUIDELINES. Design for development shall consider:

11.5.1. Generally. Potential for retaining existing site topography and existing vegetation.

11.5.2. Parking lots. Shall be designed to preserve the maximum number of existing significant, specimen, and heritage trees and other significant vegetation.

- 11.5.3. Curb cuts. All proposed curb cuts shall consider damage to trees and tree groves and shall be placed in areas to provide the least damage to existing trees and tree groves.
- 11.6. – TREE PRESERVATION CRITERIA. The ISA certified arborist shall consider the following factors, and any other relevant information, when submitting the Tree Preservation permit application:
- 11.6.1. The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
- 11.6.2. Whether the size or shape of the lot reduces the flexibility of the design.
- 11.6.3. The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- 11.6.4. The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- 11.6.5. The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- 11.6.6. Whether roads, utilities and building footprints are designed in relation to the existing topography, and located, where possible, to avoid damage to existing tree canopy.
- 11.6.7. Construction requirements of on-site and off-site drainage.
- 11.6.8. The extent to which development of the site and the enforcement of this article are impacted by state and federal regulations.
- 11.7. – CREDITS FOR RETENTION. For existing significant, specimen and/or heritage trees retained, the following credits shall be available:
- 11.7.1. For each significant and/or specimen tree retained, extra credit shall be available for one, two-inch caliper tree equal to the total DBH of all significant and/or specimen trees retained divided by the rate of mitigation of five inches.
- 11.7.2. For each tree grove retained, extra credit shall be available for one, two-inch caliper tree equal to the total DBH of all significant and/or specimen trees retained within a tree grove divided by the rate of mitigation of five inches.
- 11.8. – TREE PROTECTION. Trees identified on an approved Tree Preservation permit to be retained shall utilize the following protection methods:
- 11.8.1. Install four-foot-high perimeter fencing at the extreme outer edge of the dripline.
- 11.8.2. 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.
- 11.8.3. There shall be no activity of any kind inside the perimeter other than hand-brush clearing and signage clearly identifying the tree as protected must be placed at or near the perimeter.
- 11.8.4. No land clearing or building permits shall be issued until the perimeter of all protected trees and tree groves have been properly fenced.

11.8.5. Grates or other pervious surfaces shall be utilized within the dripline of existing trees to allow water and air to reach the tree roots.

11.8.6. 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.

11.8.7. Drastic changes in drainage patterns which may negatively affect existing trees shall be avoided.

11.8.8. Any person who intentionally damages a protected tree shall be in violation of this article and subject to the maximum fine allowable by law and/or up to 30 days in jail.

11.8.9. 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.

11.9. – TREE MITIGATION REQUIREMENTS. The intent is to leave undisturbed as many existing significant, specimen and heritage trees as possible. Mitigation is required for removal of significant, specimen, and heritage trees removed.

11.9.1. Each development will have a ten percent credit applied before any mitigation is required. For example, if there were 1,000 inches DBH of existing trees, 100 inches could be removed without mitigation.

11.9.2. For trees that will be removed, the number of trees required for mitigation shall be based upon the existing significant, specimen, and heritage trees removed.

11.9.3. Mitigation may be made through replanting on-site and if not possible, off-site.

11.9.4. Trees in poor health and/or hazard trees will not require mitigation if the condition is so determined by the ISA certified arborist.

11.9.5. Existing significant trees located within a building footprint, street, driveway, sidewalk, pathway, or utility easement shall generally not require mitigation.

11.9.6. Replanting.

- a. For each significant, specimen, and heritage tree removed, replacement trees shall be planted at one, two-inch caliper tree per five inches of trees removed, measured at DBH.
- b. Smaller trees. The Building Official may approve the use of trees of less than two-inch caliper for the planting of medium tree species (dogwoods and redbuds) and/or greater than two-inch caliper on an equal total caliper basis, e.g., two, three-inch caliper trees equal three, two-inch caliper trees.
- c. Placement of trees. The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset

the impact of development. Trees shall not be placed within utility and drainage easements, or in other locations where their future protection cannot be assured.

11.11. – PRIOR TREE REMOVAL.

11.11.1. Prior removal of significant, specimen and/or heritage trees. If a site is cleared or significant specimen or heritage trees removed prior to obtaining Tree Preservation permit approval, then any permit application for the site shall be denied for up to 24 months and a fee of \$500.00 per acre of trees cleared and \$1,000.00 per each heritage tree removed shall be imposed.

11.11.2 Any request for permit approval within the 24-month time frame may, however, be considered if the proposed Application for Tree Preservation permit incorporates a reforestation plan that results in a future canopy coverage of 40 percent of the site. 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.

11.12. – HERITAGE TREES.

<u>Common Name</u>	<u>Minimum Diameter at DBH</u>
American holly	12 inches
Bald cypress	8 inches
Black gum	16 inches
Live Oak	8 inches
Southern magnolia	8 inches
Sweet gum	16 inches
White ash	16 inches

DEFINITIONS

Arborist: A professional in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants.

Clearing: The removal of vegetation, including tree stumps, or the material damage of landscape materials by disturbing, excavating, or removing the underlying soil.

DBH (diameter breast height): The diameter of a tree as measured four and one-half feet above grade level.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

Dripline: The periphery of the area underneath a tree, which would be encompassed by the perpendicular lines, dropped from the farthest edges of the crown of the tree.

Fill: The placing, storing, or dumping of any materials such as earth, clay, sand, concrete, rubble, or non-decomposable waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.

International Society of Arboriculture, ISA: Credentialing organization that promotes the professional practice of arboriculture. ISA focuses on providing research, technology, and education opportunities for tree care professionals to develop their arboricultural expertise.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development by means of an appropriately recorded legal document. A subdivision which reduces the size of an existing lot may require approval of a new site plan for any existing development on that lot.

Tree grove: A stand of native significant and/or specimen trees with understory vegetation cover intact, drainage conditions unchanged, and general slope and grades unaltered. The extent of a grove will extend three feet beyond the dripline of the perimeter trees in the grove.

Tree, heritage: Any tree by virtue of its species and/or size included in the heritage tree list. The listed trees are predominantly species native to Hancock County and of size and maturity important to the health and conservation of Diamondhead's urban forest. In addition, any hardwood and/or evergreen tree 36 inches or greater at DBH shall be considered as a heritage tree.

Tree, large: An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of two-inch caliper, 12 to 14 feet with the maximum of 16 feet in height at the time of planting and which attains generally more than 30 feet in height at maturity.

Tree, native: A tree that is indigenous to the area.

Tree, protected: Any tree which meets the requirements of being classified as a "significant tree" or is declared by the developer, or as required by the Diamondhead Planning Commission, as to be preserved and protected from clearing or infringement by development.

Tree, significant: Plant materials which meet the following requirements: Healthy hardwood and evergreen trees, except pines, with a DBH of 15 inches or greater. Healthy pines with a DBH of 24 inches or greater.

Tree, small: An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of six to eight feet overall height at the time of planting, and which attains a minimum height of 15 feet and a maximum height of 30 feet.

Tree, specimen: Any tree identified by the Diamondhead Tree Ordinances' Master Tree List at least four inches or more DBH that exemplifies a unique color, texture scent, growth habit, outstanding size, or other distinguishing characteristic that makes it unique compared to other trees found on the site in question.

Vegetation, significant: Any large shrub meeting or exceeding eight feet in height at maturity.

DRAFT

Table 1. Storm-resistant trees for Mississippi.

MSU - Extension Service

Tree	Species	Ice resistant ¹	Wind resistant ²	Flood tolerant ³	Salt spray tolerant ⁴	Saline soil tolerant ⁴
American beech	<i>Fagus grandifolia</i>			X		
American holly	<i>Ilex opaca</i>		X		X	
American hornbeam	<i>Carpinus caroliniana</i>	X	X			
American sycamore	<i>Platanus occidentalis</i>		X	X		
American witchhazel	<i>Hamamelis virginiana</i>	X				
Bald cypress	<i>Taxodium distichum</i>	X	X	X	X	X
Bitternut hickory	<i>Carya cordiformis</i>	X				
Black cherry	<i>Prunus serotina</i>				X	
Black locust	<i>Robinia pseudoacacia</i>				X	X
Black walnut	<i>Juglans nigra</i>	X			X	X
Black willow	<i>Salix nigra</i>			X		
Blackgum	<i>Nyssa sylvatica</i>	X	X		X	
Boxelder	<i>Acer negundo</i>			X		
Bur oak ⁵	<i>Quercus macrocarpa</i>	X		X		
Cabbage palm	<i>Sabal palmetto</i>		X		X	X
Carolina laurelcherry	<i>Prunus caroliniana</i>					X
Chaste tree ⁵	<i>Vitex agnus-castus</i>					X
Chickasaw plum	<i>Prunus angustifolia</i>		X			
Chinese magnolia ⁵	<i>Magnolia x soulangiana</i>		X			
Common buttonbush	<i>Cephalanthus occidentalis</i>			X		
Common persimmon	<i>Diospyros virginiana</i>		X	X	X	X
Crapemyrtle ⁵	<i>Lagerstroemia indica</i>		X			
Dahoon	<i>Ilex cassine</i>		X			
Eastern cottonwood	<i>Populus deltoides</i>			X		
Eastern redbud	<i>Cercis canadensis</i>		X			
Eastern redcedar	<i>Juniperus virginiana</i>	X			X	X
Eastern swampprivet	<i>Forestiera acuminata</i>			X		
Farkleberry	<i>Vaccinium arboreum</i>		X			
Flowering dogwood	<i>Cornus florida</i>		X			
Green ash	<i>Fraxinus pennsylvanica</i>			X	X	
Honeylocust	<i>Gleditsia triacanthos</i>			X	X	X
Hophornbeam	<i>Ostrya virginiana</i>	X	X			
Inkberry	<i>Ilex glabra</i>		X		X	
Japanese maple ⁵	<i>Acer palmatum</i>		X			
Laurel oak	<i>Quercus laurifolia</i>		X			
Live oak	<i>Quercus virginiana</i>		X		X	X
Longleaf pine	<i>Pinus palustris</i>				X	
Maidenhair tree ⁵	<i>Ginkgo biloba</i>	X			X	
Mockernut hickory	<i>Carya tomentosa</i>		X			
Myrtle oak	<i>Quercus myrtifolia</i>		X			
Nuttall oak	<i>Quercus texana</i>			X		
Overcup oak	<i>Quercus lyrata</i>			X		
Pecan	<i>Carya illinoensis</i>		X	X		
Pignut hickory	<i>Carya glabra</i>	X	X			
Pin oak	<i>Quercus palustris</i>			X		

Tree	Species	Ice resistant ¹	Wind resistant ²	Flood tolerant ³	Salt spray tolerant ⁴	Saline soil tolerant ⁴
Planertree	<i>Planera aquatica</i>			X		
Pond cypress	<i>Taxodium ascendens</i>		X	X		
Possumhaw	<i>Ilex decidua</i>			X		
Post oak	<i>Quercus stellata</i>		X			
Red maple	<i>Acer rubrum</i>			X		
River birch	<i>Betula nigra</i>		X			
Sand live oak	<i>Quercus geminata</i>		X			
Saw palmetto	<i>Serenoa repens</i>				X	X
Shagbark hickory	<i>Carya ovata</i>	X				
Shumard oak	<i>Quercus shumardii</i>		X			
Silver maple	<i>Acer saccharinum</i>			X		
Slash pine	<i>Pinus elliotii</i>					X
Southern catalpa	<i>Catalpa bignonioides</i>	X				
Southern crab apple	<i>Malus angustifolia</i>	X	X			
Southern magnolia	<i>Magnolia grandiflora</i>		X		X	X
Southern redcedar	<i>Juniperus virginiana var silicicola</i>				X	X
Southern sugar maple	<i>Acer floridanum</i>		X			
Staghorn sumac	<i>Rhus typhina</i>				X	X
Sugarberry	<i>Celtis laevigata</i>			X		
Swamp chestnut oak	<i>Quercus michauxii</i>		X			
Swamp white oak	<i>Quercus bicolor</i>	X		X		
Sweetbay	<i>Magnolia virginiana</i>		X			X
Sweetgum	<i>Liquidambar styraciflua</i>	X	X	X	X	
Turkey oak	<i>Quercus laevis</i>		X			
Water oak	<i>Quercus nigra</i>		X	X		
Water hickory	<i>Carya aquatica</i>			X		
Water locust	<i>Gleditsia aquatica</i>			X		
Water tupelo	<i>Nyssa aquatica</i>		X	X		
Wax myrtle	<i>Morella cerifera</i>				X	X
White ash	<i>Fraxinus americana</i>		X	X	X	X
White fringetree	<i>Chionanthus virginicus</i>		X			X
White oak	<i>Quercus alba</i>	X				X
Willow oak	<i>Quercus phellos</i>			X	X	
Winged elm	<i>Ulmus alata</i>		X	X		
Yaupon	<i>Ilex vomitoria</i>		X		X	X

¹Hauer, Wang, and Dawson (1993) evaluated damage to numerous species of urban trees after an ice storm by comparing to a pre-storm tree inventory. They found that tree form, strength of limb joints, and overall tree size were related to subsequent ice damage. Later, Hauer, Dawson, and Werner (2006) published a more comprehensive summary of their research on tree resistance to ice damage in urban forests. Their findings included assessments on tree species, age and form of the tree, and particularly the ability of tree branch junctures to withstand ice loads.

²Duryea, Kampf, and Littell (2007) and Duryea and Kampf (2017) assessed tree damage resulting from nine hurricanes in Florida and Puerto Rico between 1992 and 2004, with sustained winds between 85 and 165 miles per hour. The first assessment surveyed homeowners regarding tree damage after Hurricane Andrew in 1992. For the remaining eight hurricanes, researchers surveyed arborists, urban foresters, and forest scientists.

³Bratkovich, Burban, Katovich, Locey, Pokorny, and Wiest (1993) published an assessment of flooding effects on trees along the Mississippi and Missouri Rivers. Flood tolerance indicates that tree species are able to survive standing water through at least one growing season. Clatterbuck (2005) was an additional source for flood-tolerant trees.

⁴Tolerance to salt spray and seawater inundation were compiled from the following sources: Appleton, Greene, Smith, French, Kane, Fox, Downing, and Gilland (2015); Ruter and Pennisi (2017); Smith 2019.

⁵Non-native ornamental.

Tree Protection Standards in Construction Sites



"To exist as a nation, to prosper as a state, and to live as a people, we must have trees."

- President Theodore Roosevelt

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**PLEASE TAKE THIS GUIDE
WITH YOU TO THE
CONSTRUCTION SITE.**

Why Should I Follow This Guide?

This guide gives your trees the best chance of survival both during and after construction. You are following advice from professional arborists combined with published standards and practices (Coder 1996, 2000, Elmendorf et al 2005, Johnson 2001, and Matheny and Clark 1998). Use these standards to show a reasonable effort on your part to protect trees from damage. We cannot guarantee 100% success, but if standards are followed and a tree dies, then it is not your fault.

If you ignore these standards and a tree is injured, then you could be held liable for thousands of dollars in damage (Table 1). Tree damage may also lead to structural failure, ranging from the dropping of dead limbs to the entire tree falling over. This structural failure has the potential to injure people and property, which could also be your responsibility.

Table 1. Approximate loss in property value caused by injury to a tree. Actual loss may be higher or lower based on a plant appraisal and what can be determined in court.

Stem Diameter ¹ (in.)	Loss in Property Value ² (\$)	
	Sicken Tree	Kill Tree
5	131	350
10	525	1400
15	1181	3150
20	2100	5600
25	3281	8750

1 Diameter of tree stem measured at 4.5 feet above ground
2 Appraisal of loss using the trunk formula method (Gooding et al 2000)
Assumptions: tree is a desirable species in good condition, properly located in the front yard of a well landscaped \$100,000 residential home.

Trees and Roots

Tree roots are not like carrots. Roots spread out over a large area and are concentrated at the soil surface. A tree actually looks like a wine glass setting on a dinner plate (Figure 1). A wine glass represents (1) leaves and branches, (2) tree stem, and (3) the structural root plate. A large dinner plate (4) represents the transport and feeder roots that spread out farther than the branches.

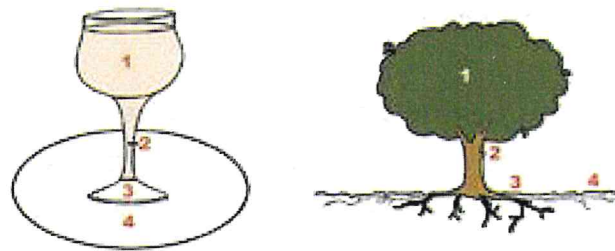


Figure 1. A tree looks like a wine glass on a dinner plate.

Roots hairs are so small and prolific they essentially are one with the soil. So any little activity that compacts or moves soil can kill roots. Fortunately not all roots are created equal. Tree roots closest to the stem are more essential than others for survival (Figure 2).

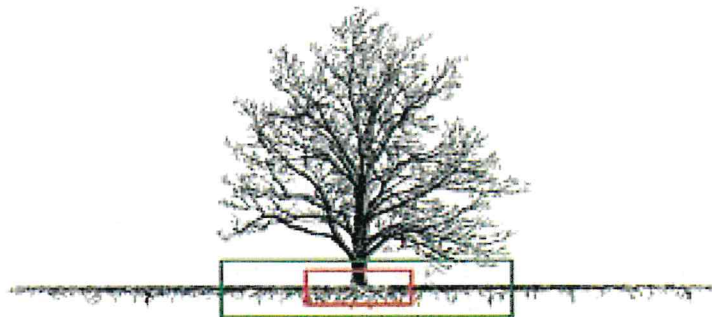


Figure 2. Tree roots most important for survival are the structural root plate (red area) and the critical root area (green area).

To estimate the size of the structural root plate and the critical root area, we used a common tree measurement, **Stem Diameter** at 4.5 feet above the ground. Stem diameter can be measured directly with calipers or a diameter tape. Or you may measure stem circumference and divide by pi (3.14) to calculate diameter.

The most essential roots form the **Structural Root Plate** (Figure 2 red area). These large strong roots extend up to 11 feet from the stem in larger trees (Table 2). Damaging these roots in any way is usually fatal and may leave a tree unable to hold itself up. This could spell disaster.

Second in importance is the **Critical Root Area** located under the reach of the branches (Figure 2 green area). This area contains about 85% of the root mass. Any damage to the transport and feeder root system in this area will likely reduce tree health and survival. The size of the critical root area is estimated again using stem diameter (Table 2). The area is defined as a circle with a radius that is 1.25 feet for every inch in stem diameter. Thus, the distance from the tree stem you would like to stay away from a tree is called the **critical root radius**.

Tolerance to Damage

To ensure tree survival the entire critical root area should be protected from construction damage (Figure 3). This is especially true for trees classified as **Susceptible** to damage. These are trees in poor health, very old, or a susceptible species (Table 3). Any kind of root damage reduces the survival of susceptible trees significantly. The survival rate drops below 50/50 once 25% of the critical roots are injured (Figure 3).

Table 2. Critical root radius and critical root area increases with tree size (Coder 1996).

Tree Stem Diameter (in.)	Structural Root Plate Radius (ft.)	Critical Root Radius (ft.)	Critical Root Area (ft.²)
2	2	2.5	20
4	3	5	79
6	4	7.5	177
8	5	10	314
10	6	12.5	491
12	7	15	707
14	7	17.5	962
16	8	20	1256
18	8	22.5	1590
20	9	25	1963
22	9	27.5	2375
24	10	30	2826
26	10	32.5	3317
28	10	35	3847
30	10	37.5	4416
32	10	40	5024
34	10	42.5	5672
36	10	45	6359
38	11	47.5	7085
40	11	50	7850

Trees classified as **Resistant** to construction damage are healthy, young to middle aged, and of a resistant species (Table 3). Resistant trees generally are able to tolerate some root damage, at least until it approaches 1/3 of the critical root area (Figure 3).

Trees **Moderate** in their tolerance to injury include those in fair health, past middle aged to old, or a moderate species (Table 3). These trees fall between resistant and susceptible in their survival of critical root damage.

Roots outside of the critical root area are the least important for tree health (Figure 2). A tree can lose all these roots with minimal problems. But to compensate for this root loss, extraordinary care must be given to roots within the critical root area.

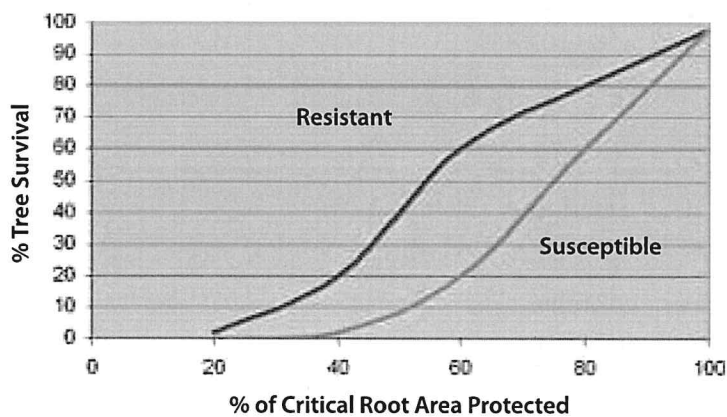


Figure 3. Tree survival depends on the amount of critical root area protected and the tolerance of a tree to damage. (Coder 1996).

Table 3. Ranking of common tree species in tolerance to construction damage. Survival rates are high for resistant species and low for susceptible species with the same level of damage (Matheny & Clark 1998).

Species Resistance to Construction Damage		
Resistant	Moderate	Susceptible
Ash - Green	Ash - White	Basswood
Bald Cypress	Dogwood - Flowering	Beech
Birch - River	Hickory - Pignut, Shagbark, Mockernut	Chinkapin - Allegheny
Elm - most species	Hophornbeam - Eastern	Maple - Silver
Gum - Black, Tupelo	Hornbeam - American	Sourwood
Hickory - Water, Pecan	Magnolia - most species	Sugarberry (Hackberry)
Holly - American, Dahoon, Gallberry, Yaupon	Maple - Florida	Walnut - Black
Maple - Red, Boxelder	Pine - Shortleaf	Yellow - Poplar
White Oaks - White, Swamp Chestnut, Overcup, Bur	Sweetgum	
Red Oaks - Water, Willow, Shumard, Nuttall, Northern Pin	Sycamore - American	
Pines - Loblolly, Longleaf, Slash		
Willow		

Construction Damage

Most people are not aware that tree roots are on the soil surface and very vulnerable to injury. That is why damage to the root system is the number one killer of trees. Unfortunately, any activity under a tree is a potential root killer, including the storage of equipment or supplies as well as minor vehicle and foot traffic. Injury to roots within the critical root area is capable of slowly killing **Healthy**

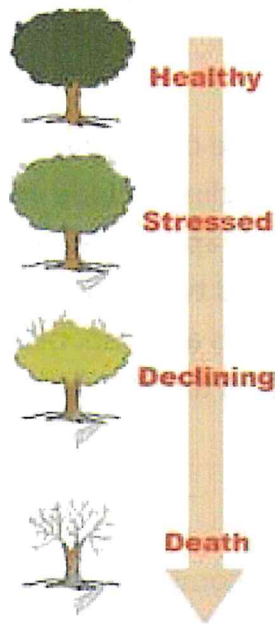


Figure 4. Construction damage to roots begins a mortality spiral that can kill healthy trees in 1 to 10 years. (Matheny & Clark 1998).

trees (Figure 4). The process of tree death following injury is termed a “mortality spiral”. The further a tree falls down the mortality spiral the harder it is to get back up to Healthy. So, if restorative treatments are to be effective they need to be applied immediately after damage occurs. Do not wait until the tree is **Stressed** or **Declining**.

Stressed

Construction damage weakens a tree and sets it up to be injured by another stress that normally would not cause damage. Thus, drought and insect/disease attacks can be deadly when combined with construction. As stressors accumulate, a tree becomes weaker and weaker. The tree does not usually show any signs of a problem, except maybe the foliage appearing a little sparse and off color. The severity and longevity of these stressors determines if tree health can be restored.

Declining

Upper growing points in the tree cannot be supported and die. Signs of decline include very low leaf density and leaves may appear yellow and small. Many dead branches and twigs are in the top portion of tree. Wood borers and bark beetles may attack. Once a tree reaches this stage, they are considered beyond help.

Death

A tree usually dies from a fatal combination of structural failure, health degradation, and pest infestation. Pine trees will typically die within a year following severe root damage. Generally, hardwoods are slower to die. After a fatal blow, hardwoods may live for another 2-10 years.

Fences

To prevent root damage, construction activity needs to be diverted away. One of the best tree protectors is a fence placed around the critical root area (Figure

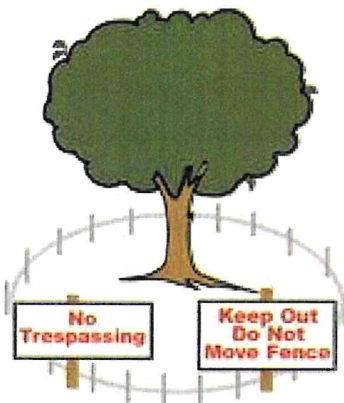
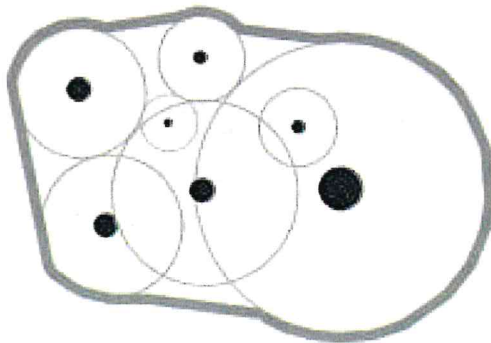


Figure 5a. Placing a protective fence around the critical root area assures tree survival.

5a). Fences should be erected before construction begins and kept intact until final inspection. This temporary fence should be at least three feet high, clearly visible and supported by steel T-bar or similar stakes. Warning signs as shown in Figure 5a should be prominently displayed. Assign someone the job of monitoring the fences. To further prevent fence removal and injury to critical roots add a penalty clause in contracts. See Table 1 for reasonable penalties.

Protecting groups of trees instead of individuals is recommended when possible. To protect a group of trees, determine the critical root radius for each



individual tree. Place a protective fence outside the critical root area of all trees in the group (Figure 5b).

Figure 5b. Overhead view of a tree protection zone (gray fence) for a group of trees. Dots represent tree stems and light circles are each tree's critical root area.

Which Trees to Save?

Trees classified as resistant to construction damage should be a high priority for saving. These healthy, young to middle-aged trees of a resistant species (Table 3) have the highest likelihood of survival. Avoid trying to save trees classified as susceptible to damage. These trees are unhealthy, old, of a susceptible species or may have a serious to fatal defect (Figure 6). Problems make susceptible trees less valuable and much more difficult to keep alive and healthy.

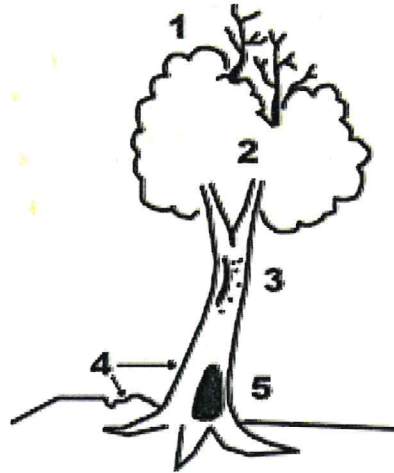


Figure 6. Avoid trying to save trees with serious to fatal defects. 1- dead top and/or dieback in the larger top branches, 2- narrow branch angles and/or co-dominant stems, 3- history of damage from lightning, insects, and/or equipment, 4- lean and/or soil heaving, and 5- cracks, cavities, rotten wood, fungal conks, termites, carpenter ants, and cankers. (Elmendorf et al 2005).

The size of trees should be compared to ownership goals and finances. Large trees may be desired and extremely valuable to a property but they are also very difficult and expensive to save. Construction activity may have to be adjusted considerably to protect a large tree's root system. The owner must have the willingness to pay for construction adjustments before a big tree can be saved. Owners with moderate budgets may have to concentrate on saving smaller trees. These are much easier and cheaper to protect and save.

Some species of trees are a better long-term investment. Live oaks for example tend to grow into

large extremely valuable trees. Strong wood in their branches, stem, and roots resists breakage during storms. Live oaks also have a long life span and display few pest problems. Species of trees that display these kinds of characteristics are more desirable for saving than others.

Four Steps to Protecting Trees

1. Mapping and Prescription

Planning is needed up front to keep trees and construction activities separated from each other. Begin with an initial walk-through to identify which trees to save. Mapping these trees before development of the construction plan is very important (Figure 7). Compromises and adjustments made up front to protect trees are easier, cheaper and more effective at saving trees. Incorporate the exact location of each tree's stem and its critical root area into the construction plan. Determine where construction conflicts will occur. Predict the extent of damage each tree's critical root area will receive. Prescribe how to adjust construction activities to protect tree roots and improve survival.

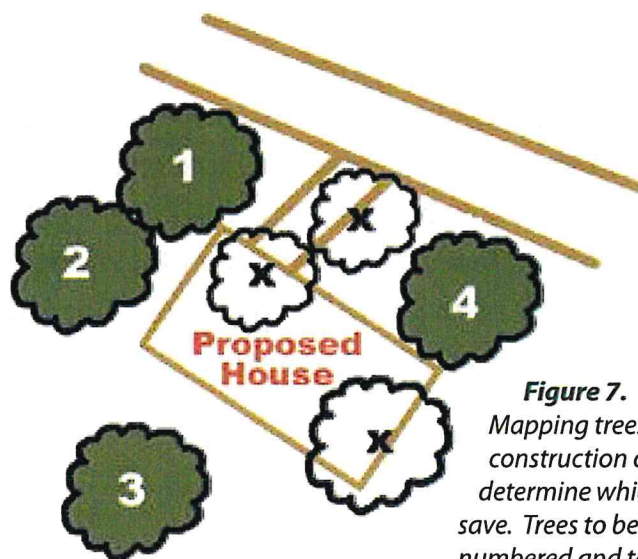


Figure 7. Mapping trees before construction can help determine which trees to save. Trees to be saved are numbered and tagged. Trees to be removed are marked with an x.

How close can trees get to structures?

The ideal distance between a tree stem and structures is the critical root radius plus at least 10 feet (Table 4). This distance allows a protective fence around the entire critical root area and leaves enough room for normal construction activity.

Whenever a tree is closer than ideal to a structure, the protective fence may have to be moved closer to the tree, which exposes some of the critical root area to construction activity. An additional **Root Buffer** is needed to protect the exposed critical root area outside the fence. To create a root buffer, begin by covering the exposed critical root area with wood chips to a minimum 6-inch depth. Overlay this with quarry gravel to stabilize a working surface and place $\frac{3}{4}$ inch plywood or mats on top. The root buffer should be maintained throughout the construction process.

Damage-resistant trees can be located within 20 feet of buildings and 10 feet of sidewalks. A combination of fencing and a root buffer will be needed to protect the roots (Table 4).

Structures must be kept outside the critical root radius of damage-susceptible trees (Table 4). Use a stem wrap to protect scaffold branches or the stem itself whenever they are exposed to construction injury. Wrap exposed tree parts with 2 inches of plastic orange fencing as padding and then securely bind 2x4s on the outside. During installation avoid damaging any bark or branches.

Table 4. Minimum distances between structures and trees and required tree protection.

Type of structure	Tolerance of tree to damage ¹	Minimum distance	Tree protection required
All	All	$CRR^2 + 10 \text{ ft}$	Fence ³
All	Susceptible	CRR^2	Fence ³ + Root Buffer ⁴
Buildings	Resistant	Lessor of 20 ft or CRR^2	Fence ³ + Root Buffer ⁴ + Stem wrap ⁵
Sidewalk or Driveway	Resistant	10 ft.	Fence ³ + Root Buffer ⁴ + Stem wrap ⁵ + Adjust construction

¹Trees tolerance to construction damage classified using health, age, and species (see page 8 and Table 3)
²CRR=Critical root radius (see page 6 and Table 2)
³Fence protecting CRR (see page 11)
⁴Buffer protecting roots outside fence (see page 14)
⁵Stem wrap to prevent a direct hit to stem

What if a tree is too close?

Generally when a tree is closer to a structure than the minimum distance above your options are to remove the tree or move the structure. But in some situations you may consider alternative construction techniques. This includes ramping a walking surface over roots on a lifted slab. Or you could substitute driveway concrete with interlocking pavers or flexible paving, elevate porches on posts and brick or create flagstone walkways on sand. Seek out professional advice from an arborist on how to install these alternatives and still protect critical tree roots.

Trenching

Trenching is any linear excavation for utility lines, foundations, roads, sidewalks and irrigation. Foremost, protect the structural root plate from trenching. This plate can extend up to 11 feet from a tree stem (Table 2). Protecting the critical root area is also very important. Its size is also predicted using the stem diameter measurement (Table 2). No trenching machinery should ever be allowed in the critical root area.

Utility lines may be placed under the roots by digging a tunnel using a soil auger (Figure 8). Tunneling within the critical root area at a minimum depth of 2 feet will avoid most roots. Tunnel at least one foot deeper if utility is located directly under the stem.

Another option is to dig a trench that leaves the roots intact. This can be done with a pneumatic air excavator. Another option is careful hand digging below the roots from the side for short distances. Avoid trenching on hot, dry, or windy days. Protect exposed roots by immediately wrapping with wet burlap and keep moist. Do not leave the trench open for very long (1 hour is best), quickly replace the soil and soak with water to pack. If a root is severely damaged it heals quicker if a clean cut is made above the damage. Cut with a reciprocating saw or small pruning saw.

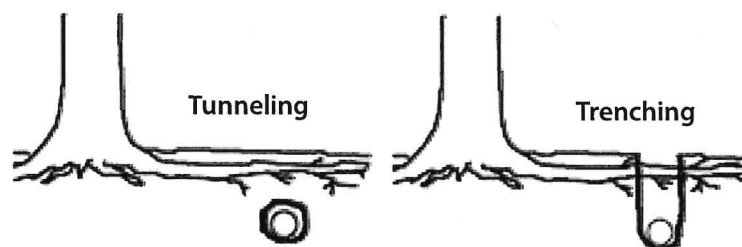


Figure 8. Utility lines may be placed near trees without root injury by tunneling underground. An alternative is trenching with a pneumatic air excavator or careful hand digging.

Grade Changes

Ideally all grade changes (raising or lowering the level of the soil) should occur outside the critical root area (Figure 9). Large cuts and fills may require retaining walls to keep the original grade around a tree. Try to avoid any grade change that will drastically alter the water table or how water drains around trees. Add drains where the critical root area now collects water and provide extra watering to areas that are now excessively dry. Also do not allow machinery on the critical root area when changing grade, this will compact the soil.

Fill can damage root systems primarily by cutting off the oxygen and water supply.

Within the critical root area the maximum depth of fill that will be allowed depends on the texture

of the fill material. Up to 8 inches of sand may be added without much damage to the roots. With the help of an arborist, you may be successful with fill mixtures up to 4 feet deep. But no fill should ever be allowed to touch the tree stem. That means either slowly taper down the fill or build a wall around the stem to protect it.

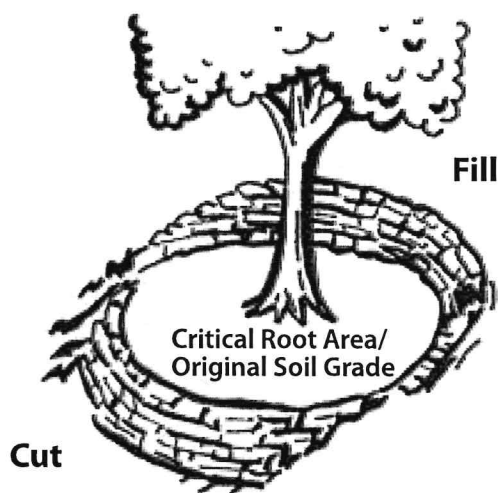


Figure 9. Retaining walls can keep original soil grade within the critical root area and allow deep cuts and/or fills to achieve the grade changes needed for construction.

Cuts in the critical root area can easily damage roots. Therefore we do not recommend lowering the grade in this area. A retaining wall outside the critical root area will allow cutting a lower grade for construction needs (Figure 9).

2. Preconditioning

Remove competition from weeds, vines, and grasses by clipping, not pulling. Spraying with Glyphosate is also effective. Correctly prune and remove all branches that will likely conflict with construction activities. This prevents ripped or broken branches (Johnson 2001).

Before construction begins, improve the soil conditions within the protected critical root area. The goal is to “bait” new roots into the protected

Figure 10. Aeration of soil to relieve compaction in critical root area.



area and away from unprotected soil. If the soil is already compacted then aerate on a regular basis, not just one time (Figure 10). Aeration applications can be made twice a year for two years, then once a year thereafter. Apply a low nitrogen, slow release fertilizer to stimulate root growth not more foliage (use a soil test to determine the amounts of N-P-K). The most important soil treatment is mulching the protection zone to a depth of 4 to 6 inches. Aged pine, cypress, and hardwood chips (wood and bark) are good mulches to add organic matter to the soil and hold water. Avoid placing mulch against the tree stem. If you plan to remove the mulch, place a synthetic weed free barrier fabric down before mulching to make removal much easier.

Watering is very effective in maintaining tree vigor. Use soaker hoses or another technique to apply one inch of water weekly on the critical root area during droughts. When trees are damaged and more frequent watering is needed, use a tensionmeter to determine when soil moisture is less than adequate. Do not use a timer to schedule watering, this usually provides too much water. An early application of paclobutrazol to the soil before construction begins also has been effective at encouraging trees to produce new roots and maintain health during construction. Evaluate the herbicides and soil sterilants that will be used near trees. Read the labels to make sure their application will not harm trees.

3. Supervision

Meet with all contractors. Express your desire to save trees and review the penalty clause for tree damage. Tell them your expectations, everyone is to leave intact the protective fencing and soil buffers. Assign someone the job of monitoring the fences daily. If any damage occurs immediately repair or mediate the injury.

4. After-Care

One of the most common soil disturbances during construction is soil compaction. Several treatments are available to ameliorate compaction and increase aeration.

1. Maintain and refresh the mulch layer of 4 to 6 inches annually.
2. Use a high pressure air spade or injector to create holes and fractures in the soil to provide air space (Figure 10). This should be done at least twice a year for several years.
3. Dig trenches one to two feet deep oriented like spokes of a wagon wheel around a tree. Pneumatic air excavators do this well. Replace the soil with a porous material.
4. Apply vertical mulching by drilling 2–3 inch diameter holes 12 inches deep using a power auger. Start beyond the tree's structural root plate and drill on 18 x 18 inch and up to 24 x 24 inch grid within the critical root zone. If large woody roots are encountered, avoid root damage by slightly moving the drill hole. Backfill the holes with compost, mulch, or other organic material.

To receive full benefits from a treatment apply immediately following damage. Do not let compaction move a tree down the mortality spiral before treating. These treatments can be effective individually and in combination with the tree growth regulator paclobutrazol.

Need Help?

Expertise in tree care can be provided by arborists certified by the International Society of Arboriculture. A list of local certified arborists can be queried by zip code or city at www.isa-arbor.com. You may also contact the local office of the Mississippi Forestry Commission (www.mfc.state.ms.us) or Mississippi State University Extension Service (msucares.com), both have certified arborists on staff.

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Checklist

1. Mapping and Prescription

- Determine what the client desires and the relative importance of preserving trees.
- Inventory the construction site and prepare a map that identifies the soil, trees, vegetation, and other resources. Determine which trees are healthy, structurally sound, and located away from construction.

Include in the Construction Plan:

- A map showing where protection fences are to be located and areas off limits to construction activity.
- List what alterations in construction are needed to protect important trees.

2. Preconditioning

- Build access roads and staging areas for construction workers. Ideally these should be part of the final site design. Confirm that soil sterilants to be used are safe for trees.
- Review with utility personnel the location of lines, trenching, and tunneling activities required.
- Cut and remove (do not pull) unwanted trees and vegetation in protected areas. Fertilize and mulch the protected root zone of trees to be saved.
- Install protective fences, drainage, and irrigation (if needed).
- Determine where to hold topsoil and where construction spoil will be piled.

3. Supervision

- Meet with the general contractor and agree on construction limits, sites for material storage, parking areas for workers, and location of trailer and portable toilets.

- Agree on material disposal, especially cement, paint, and plastic.
- Agree on water management. This includes erosion, storm-water run-off, and cleaning cement trucks.
- On the first day make sure someone is charged with protecting fences from encroachment.
- Install utility lines first, second driveways, walks, and parking, and third buildings.
- Check all last minute changes against the plan to ensure tree protection.
- Inspect the site twice a day.
- Provide extra water, fertilizer, and insect and disease control to protected trees.
- Prune/repair injured trees. Reestablish favorable soil conditions following any disturbance.
- Maintain mulch.

4. After-Care

- Remove temporary fences and irrigation systems.
- Rehabilitate compacted and eroded areas.
- Provide extra water, fertilizer, and insect and disease control to trees protected.
- Maintain mulch.

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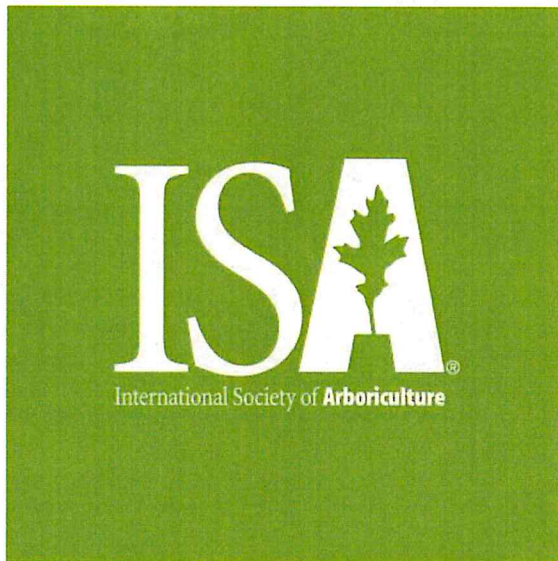
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Certified Arborists

ISA Certified Arborists must have at least three years of full-time arboriculture work experience and/or a degree in the field of arboriculture, horticulture, landscape architecture, or forestry from a regionally accredited educational institute. Certified Arborists must pass an exam, maintain continuing education requirements, and adhere to a Code of Ethics. To find a certified arborist in your area (or verify a credential), visit the International Society of Arboriculture [website](#).



Tree Surgery and Landscape Horticulturist Licensing

In Mississippi, persons who advertise as a licensed or bonded or insured tree surgeon and who receive compensation for any work or consultation relative to the care, pruning, cabling, bracing, topping, trimming, fertilizing, cavity work and removal of ornamental trees and shrubs in any manner are required to have a Tree Surgery License (TSL) issued through the Mississippi Department of Agriculture and Commerce (MDAC) Bureau of Plant Industry. Likewise, a Landscape Horticulturist License (LSL) is required for persons engaged in landscaping services and the setting or replacement of plants. Professional arborist

credentials are not presently required for these licenses, however, the Mississippi Forestry Commission promotes the hiring of companies who have ISA certified professionals on staff.

For further information about Tree Surgery & Landscape Horticulturist Licensing in Mississippi, visit the Mississippi Department of Agriculture and Commerce [website](#)

For a list of licensed tree surgeons and landscape horticulturists (or to check a license), [click here](#).

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Sick Tree FAQ



We [answer common questions](#) about caring for trees on your property.

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**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 Tree Ordinance Article 11. – General Requirements and Restrictions. The proposed text amendment is to increase the preservation of existing trees. The Text Amendment will be available for public viewing at City Hall and on the website on July 19, 2023. The Case File Number is 202300337.

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, July 25, 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 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.

**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 Sign Ordinance Article 10.4.10 – Window Signs. The proposed text amendment is to remove “A permanent window sign shall be classified as a wall sign.” Article 10.5.2 On-Premises Attached Signs c; Place a black square in the table in zoning districts C-1, C-2, PFR, T, and I [The black square means a sign permit is required]. Article 10.6 Dimensional Requirements, Number of Signs and Special Conditions; Sign Type #8 Window Signs; Area; “Change 50% to 25% of window area.” Article 10.7 - Exempt Signs, delete “10.c Windows.”, Article 10.10.1 Non-Conforming Existing Signs; Insert “All window signs which are not in conformance with the Ordinance shall be unlawful one (1) year after the passage of the window sign text amendment.” The Case File Number is 202300274.

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, July 25, 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 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.



5000 Diamondhead Circle · Diamondhead, MS 39525
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PROPOSED TEXT AMENDMENT TO SIGN ORDINANCE-WINDOWS

AMEND Table of Permitted Sign Types; On-Premises Attached; Section 10.4.10 Window Signs-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. [omit] ~~A permanent window sign shall be classified as a wall sign.~~

AMEND TABLE OF PERMITTED SIGN LOCATIONS; Section 10.5 Signs Permitted by Zoning District; Section 10.5.2 On-Premises Attached Signs c; Place a black square in the table in zoning districts C-1, C-2, PFR, T, and I [The black square means a sign permit is required].

AMEND Section 10.6 DIMENSIONAL REQUIREMENTS, NUMBER OF SIGNS AND SPECIAL CONDITIONS; Sign Type #8 Window Signs; Area; ~~50%~~ [insert 25] of window area.

AMEND Section 10.6 DIMENSIONAL REQUIREMENTS, NUMBER OF SIGNS AND SPECIAL CONDITIONS; Sign Type #8 Window Signs; Special Conditions; ~~none~~ [omit] [insert- Rope lighting of any kind/type within the window casement is prohibited. Window lighting shall only be operational during business hours.

AMEND 10.7 EXEMPT SIGNS c Window; [delete 10.7 c in its entirety]

AMEND 10.10 NON-CONFORMING EXISTING SIGNS; 10.10.1 Existing Non-conforming 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. [insert "All window signs which are not in conformance with the Ordinance shall be unlawful one (1) year after the passage of the window sign text amendment.

PART II - CODE OF ORDINANCES
Appendix A - ZONING
ARTICLE 10. SIGNS

ARTICLE 10. SIGNS¹

10.1. SCOPE, PURPOSE, 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.

(Ord. of 6-2-2015, § 10.1)

10.2. DEFINITIONS.

For the purpose of this Article, the words and terms found herein shall have the meanings respectively ascribed in Section 3.2. All words used in this Article not specifically defined herein shall be given their meanings in normal customary usage.

(Ord. of 6-2-2015, § 10.2)

10.3. 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.

(Ord. of 6-2-2015, § 10.3)




10.4. 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:

- On-Premises Freestanding Signs.
- On-Premises Attached Signs.
- Off-Premises Freestanding Signs.
- Off-Premises Attached Signs.
- Off-Premises Mobile Signs.

¹Editor's note(s)—The content of Article 10 was revised and restated upon adoption of the Ordinance of 6-2-2015.

TABLE OF PERMITTED SIGN TYPES	
<i>On-Premises Freestanding</i>	
<p>10.4.1 Open House Sign or Real Estate Signs - 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>10.4.2 Temporary Special Event Banner - Temporary special events banners announce special community events or occasions on the site of the event.</p>	
<p>10.4.3 Development Sign - 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>10.4.4 Neighborhood Identification Signs - 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>10.4.5 Ground-Mounted Monument Signs - 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>10.4.6 Ground-Mounted Pole Signs - A sign which is generally mounted on a supporting pole or pylon or multiple poles or pylons.</p>	
<p>10.4.7 Temporary sidewalk or "A" frame sign - 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>	
<p><i>On-Premises Attached</i></p>	
<p>10.4.8 Wall-Mounted Signs - 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 (Added)</p>	
<p>10.4.9 Projecting Sign - 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>10.4.10 Window Signs - 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>	
<p><i>Off-Premises Freestanding</i></p>	
<p>10.4.11 Billboard - 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>	
<p><i>Off-Premises Attached</i></p>	

<p>10.4.12 Temporary special event banner (off premises) - Temporary special events banners announce special community events or occasions not on the site of the event.</p>	
<p>10.4.13 Vehicle Sign - 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>10.4.14 Mobile Billboards - 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>	

(Ord. of 6-2-2015, § 10.4)

10.5. 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 (PFR) shall NOT be considered a residential district:

TABLE OF PERMITTED SIGN LOCATIONS										
Sign Type	Zoning District									
	R-1	R-2	R-3	R-4	MH	C-1	C-2	PFR	T	I
10.5.1 On-Premises Freestanding Signs										
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	-	-	-	-	-	■	■	■	■	■
10.5.2 On-Premises Attached Signs										
a. Wall-mounted Sign	-	-	-	-	-	■	■	■	■	■

b. Projecting Sign	-	-	-	-	-	■	■	■	■	■
c. Window Sign	-	-	-	-	-	■	■	■	■	■
10.5.3 Off-Premises Freestanding Signs										
a. Outdoor Advertising (Billboard)	-	-	-	-	-	C■	■	-	■	■
10.5.4 Off-Premises Attached Signs										
a. Temporary Sign for Special Event	-	-	-	-	-	■	■	■	■	■
10.5.5 Off-Premises Mobile Sign										
a. Mobile Billboard	-	-	-	-	-	■	■	■	■	■
b. Vehicle Sign	□	□	□	□	□	□	□	□	□	□

(Ord. of 6-2-2015, § 10.5)

10.6. 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.

TABLE OF SIGN REQUIREMENTS BY TYPE					
Sign Type	Location	Number	Area	Min/Max Height	Special Conditions
1. 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
2. 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
3. Neighborhood Identification	On private or public right of way if approved by Council		36 ft (2)	6' max	Ground mounted only
4. 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

5. 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	
6. 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
7. 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.
8. Window Signs	Affixed to window	No limit	50% 25% of window area max	n/a	None Rope lighting of any kind/type within the window casement is prohibited. Window lighting shall only be operational during business hours.
9. Temporary Sidewalk or "A" Frame	Sidewalk adjacent to the front of	1 per store front	6 ft (2)	3'	Placement may not obstruct pedestrian traffic

	the building façade				
10. 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
11. 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
12. 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.

(Ord. of 6-2-2015, § 10.6)

10.7. 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. Any political sign or poster not exceeding three (3) 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 sixty (60) days prior to such election or referendum and shall be removed with seven (7) 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.
- c. ~~Window.~~
- d. Directional (entrance/exit) signs with a maximum height of 5' and maximum copy area of 6 square feet.
- e. Signs not exceeding one (1) 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.
- f. Flags and insignia of any government except when displayed in connection with commercial promotions are exempted from these regulations.
- g. Legal notice or identification, information or directional signs, or signs required by governmental bodies are exempted from these regulations.
- h. Integral decorative or architectural features of building except letters, trademarks, moving parts, or moving lights shall be permitted.
- i. Signs directing and guiding traffic and parking property, but bearing no advertising matter shall be permitted.
- j. Open House or Real Estate Signs when and where permitted.
- k. 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.
- l. On-site church directory or bulletin board not exceeding forty-eight (48) square feet shall be permitted.
- m. 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.

(Ord. of 6-2-2015, § 10.7)

10.8. 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.
- 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 in Section [10.]7g.
 - 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.

(Ord. of 6-2-2015, § 10.8)

10.9. GENERAL REQUIREMENTS, DISPLAY CONDITIONS, AND DESIGN.

- 10.9.1 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.
- 10.9.2 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.
- 10.9.3 Site 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.
- 10.9.4 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.
- 10.9.5 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.

- i. 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.
- ii. 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.

10.9.6 Illumination.

- i. 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.
- ii. 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.
- iii. Point sources of illumination shall be shielded from view and not visible to the public.

10.9.7 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.

10.9.8 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.

(Ord. of 6-2-2015, § 10.9)

10.10. NONCONFORMING EXISTING SIGNS.

10.10.1 *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 (1) year after the passage of the window sign text amendment.**

10.10.2 *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:

- i. The sign's nonconformity.
- ii. Whether the sign is eligible for characterization either as legal nonconforming or unlawful.
- iii. 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.

10.10.3 *Loss of legal nonconforming status.* Except when grandfather rights are provided in (d) [10.10.4] below, a legal nonconforming designation is lost if:

- i. 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.
 - ii. The sign is relocated to a position making it less in compliance with the requirements of this Article.
 - iii. Changed to another nonconforming sign.
 - iv. Expanded in width or breath. 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.
 - v. Re-established after deterioration, damage or destruction of more than fifty (50) percent of the value, or fifty (50) percent of the area of the sign.
- 10.10.4. On the happening of any of subsection C.[10.10.3] (i), (ii), (iii), (iv) or (v) the sign shall be immediately brought into compliance with this Article with a new permit secured therefor, or shall be removed.

(Ord. of 6-2-2015, § 10.10)

Editor's note(s)—Subsection 10.10.4 was originally set forth as subsection d., but has been changed at the editor's discretion.

10.11. ENFORCEMENT, VIOLATIONS AND PENALTIES.

- a. The Zoning Administrator shall enforce this ordinance. He 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 provisions of the ordinance are being violated he shall:
 - i. 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
 - ii. 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. Variance requests shall follow the procedures set forth in Section 2.6 Variance Procedure in the City of Diamondhead Zoning Ordinance.
- e. 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.
- f. 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.

g. 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.

(Ord. of 6-2-2015, § 10.11)