



Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Parrish
Commissioner Lawson
Commissioner Raymond
Commissioner Sutherland

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, April 22, 2025

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

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

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of March 25, 2025 minutes.

Architectural Review

New Business

3. Jillian Ladner has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a residence within 15'6" of the front yard setback on a lot with 2 front yard setbacks. The property address is 10860 Ala Moana St. The tax parcel number is 067H-2-25-087.001. The property is in an R-6 zoning district. It is a corner lot which requires 2 front yard setbacks of 20'. The variance requested is 4'6". The Case File Number is 202500134.
4. Joel Dicharry, represented by David Rush, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow an accessory structure (screened porch) within 1" of the residences. The property address is 6417 Kome Dr. The tax parcel number is 068R-2-41-097.000. The property is in an R-6 zoning district and flood zone AE. The setback for an accessory structure is 10' from the residence. The variance requested is 9'11". The Case File Number is 202500140.
5. CAYO HUESO, LLC, represented by Michael Casano, has filed an application requesting a re-subdivision tax parcel number 131E-1-13-006.009 to create 2 parcels. The property is located on Veterans Dr. and is in the C1 – General Commercial District. The Case File Number is 202500167.
6. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance Article 8.7.a - Political Signs. The proposed text amendment is to allow temporary signs, such as election signs, so that they may be placed on the City right of way in front of private property, at least 2' from the street. The Case File Number is 202500135.

- [7.](#) The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Article III – Peddlers and Solicitors. The purpose of the hearing is to determine if changes to the ordinance are needed. The Case File Number is 202500141.

Unfinished Business

8. Tabled variance request for David C. Dreher, Jr. at 8438 Kimo Ct.
9. Tabled Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove “residential yards,” and make the following changes to 6.1 – General Provisions, “This includes median areas and roadways.” and remove “b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.” from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

10. The next City Council meeting is Tuesday, May 6, 2025.
The next Planning Commission meeting is Tuesday, May 27, 2025.

Adjourn or Recess



Commissioner B
Commissioner B
Commissioner Debrow
Commissioner Parrish
Commissioner Harwood
Commissioner Raymond
Commissioner Nicaud

Item No.2.

MINUTES

PLANNING AND ZONING COMMISSION

Tuesday, March 25, 2025

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman Debrow call the meeting to order at 6:00 p.m.

Statement of Purpose

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

Commissioner Raymond read the Statement of Purpose.

Pledge of Allegiance

Commissioner Parrish led The Pledge of Allegiance.

Roll Call

Present at the meeting were Commissioners: Parrish, Harwood, Bennett, Brewer, Raymond, Debrow. Absent was: Commissioner Nicaud.

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

Confirmation or Adjustments to Agenda

Motion was made by Commissioner Bennett, second by Commissioner Parrish to accept the Agenda as presented.

Motion Passed Unanimously

Approval of Minutes

1. Approval of February 25, 2025 minutes.

Motion was made by Commissioner Harwood, second by Commissioner Brewer to accept the Minutes of February 25, 2025 as presented.

Motion Passed Unanimously

Architectural Review

None

New Business

2. Robert J. Gros has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the re-subdivision of the lot to be 9,426 square feet. The property address is 659

Koula Drive. The tax parcel number is 067N-2-35-168.000. The property is in a R-10 zoning district. The minimum lot size is 10,000 square feet. The variance requested is 574 square feet. The Case File Number is 202500087.

Development Coordinator, Pat Rich spoke to commissioners.

No one was present to represent Mr. Gros.

Development Coordinator, Pat Rich read the staff report recommending approval of the variance as petitioned.

Motion was made by Commissioner Parrish, second by Commissioner Bennett to accept the recommendation and approve the Variance as petitioned to The City Council.

Roll Call:

Ayes: Commissioners : Parrish, Brewer ,Raymond, Harwood, Bennett, Debrow. Abent: Commissioner Nicaud.

Motion Passed Unanimously

3. Donna Goedde has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the extension of the existing garage within 3'6" of the side yard property line. The property address is 896 Maili Way. The tax parcel number is 067J-2-36-024.000. The property is in an R-6 zoning district. The side yard setback is 10 feet. The variance requested is 6'6". The Case File Number is 202500100.

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

Byron Griffith representing David Rush Construction spoke on behalf of Ms.Goedde, spoke to and answered question from Commissioners.

Development Coordinator explained to the Commissioners , Mr.Griffith came up with a plan to ask for a 5 ft variance instead of a 6.6 ft variance.

Development Coordinator, Pat Rich read the staff recommendation to approve the 5 ft variance.

Motion was made by Commissioner Brewer, second by Commissioner Raymond to accept the recommendation of a 5 ft variance and added to put in gutters to the City Council.

Roll Call:

Ayes: Parrish, Brewer, Raymond, Harwood, Bennett, Debrow. Absent : Nicaud

Motion Passed Unanimously

Unfinished Business

4. Tabled variance request for David C. Dreher, Jr. at 8438 Kimo Ct.
Development Coordinator, Pat Rich suggested leaving it tabled.
5. Tabled Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove “residential yards,” and make the following changes to 6.1 – General Provisions, “This includes median areas and roadways.” and remove “b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.” from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is Tuesday, April 1, 2025.
The next Planning Commission meeting is Tuesday, April 22, 2025.

Adjourn or Recess

Motion was made Commissioner Parrish, by second by Commissioner Brewer to adjourn the meeting at 6:43 p.m.

Motion Passed Unanimously

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

Jillian Ladner has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a residence within 15'6" of the front yard setback on a lot with 2 front yard setbacks.

The property address is 10860 Ala Moana St. The tax parcel number is 067H-2-25-087.001. The property is in an R-6 zoning district. It is a corner lot which requires 2 front yard setbacks of 20'. The variance requested is 4'6". The Case File Number is 202500134.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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



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

TO: Jillian Ladner and adjacent property owners

FROM: J. Pat Rich, Development Coordinator

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

DATE: April 4, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

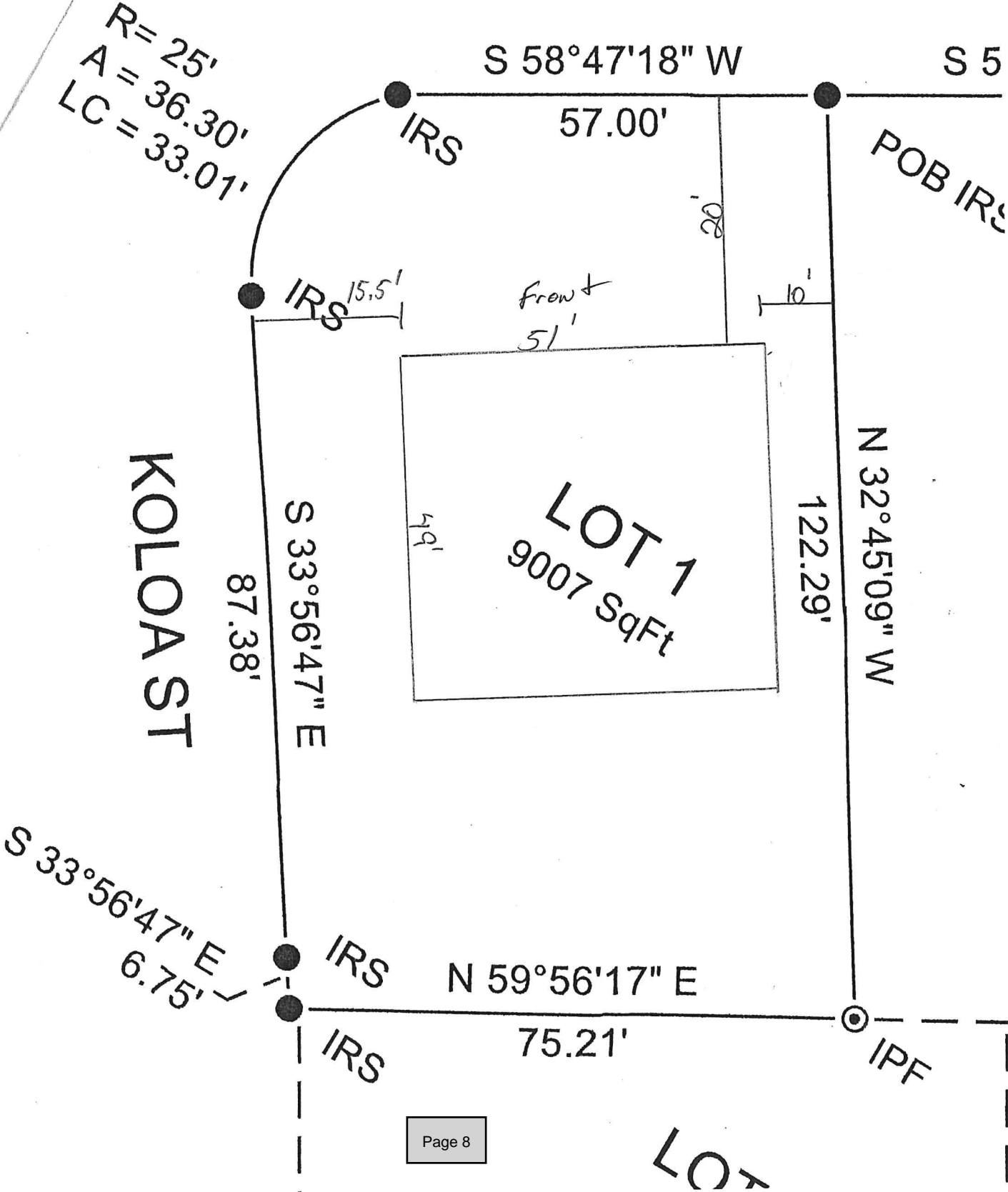
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If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.

ALA MOAI





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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2025000134Date 3/18/25Applicant: Jillian LednerApplicant's Address: ~~10860~~ 10860 Ala Moana St.Applicant's Email Address: joshdedeaux@yahooApplicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228-697-7122

Property Owner: _____

Owner's Mailing Address: _____

Owner's Email Address: _____

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) _____

Tax Roll Parcel Number: 067H-2-25-087.001Physical Street Address: 10860 Ala Moana St.Legal Description of Property: Ph2 Unit 7 BIK 8 Lot 1

Zoning District: _____

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

Build house on 75' wide lot. with 2 FYSB. Requesting
4 1/2' Variance on Koloe St.

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.

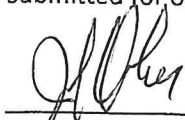
That additional information may be required by the Planning Commission prior to final disposition.

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 April 22, 2025 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

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

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



Signature of Applicant

Signature of Property Owner

____ For Official Use Only ____

☒ ~~\$100.00~~

☒ ~~Copy of Deed, Lease or Contract~~

☒ ~~Site Plan~~

☒ ~~Parking Spaces~~

☒ ~~List of Property Owner~~

☒ ~~Application Signed~~

☒ ~~Written Project Description~~

☒ ~~Drainage Plan~~ NA ()

☒ ~~Notarized Statement~~ NA ()

REQUIRED ITEM AProperty Owner Jillian LadnerStreet Address 10860 Ala Moana StStatement 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: Corner lot 75' wide w/2 FYSB

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

Response: Yes

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

Response: Yes

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

Response: No

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

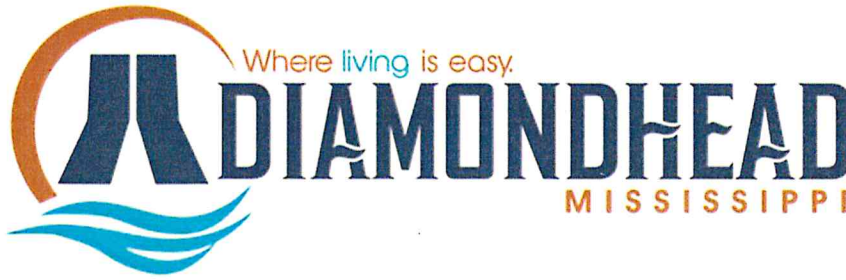
Joel Dicharry, represented by David Rush, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow an accessory structure (screened porch) within 1” of the residences.

The property address is 6417 Kome Dr. The tax parcel number is 068R-2-41-097.000. The property is in an R-6 zoning district and flood zone AE. The setback for an accessory structure is 10’ from the residence. The variance requested is 9’11”. The Case File Number is 202500140.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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



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Phone: 228.222.4626 Fax: 228-222-4390
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TO: Joel Dicharry and adjacent property owners

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

DATE: April 4, 2025

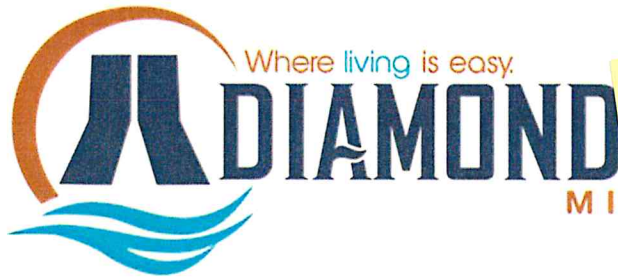
SUBJECT: Variance request before the Planning & Zoning Commission

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The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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



Send to Rush
Construction also

4390

TO: Joel Dicharry and adjacent property owners

FROM: J. Pat Rich, Development Coordinator J.

DATE: April 4, 2025

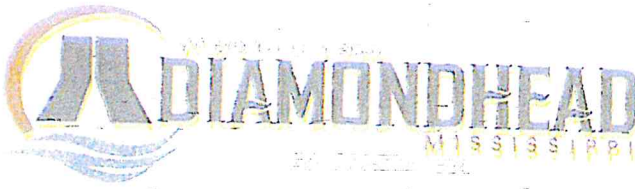
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The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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



5000 Diamondhead Circle
Diamondhead, MS. 39525

Ph: 228-222-4626

FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: 202500140

Date March 20, 2025

Applicant: David Rush

Applicant's Address: 18391 Runnymede Rd., Pass Christian, MS 39571

Applicant's Email Address: bid@drc.build

Applicant's Contact Number: (Home) _____ (Work) 228-255-1286 (Cell) 228-263-4820

Property Owner: Sally Hogue Dicharry Joel Dicharry

Owner's Mailing Address: 6417 Kome Drive, Diamondhead, MS 39525

Owner's Email Address sally.hogue@att.net

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) _____

Tax Roll Parcel Number: 068R-2-41-097.000

Physical Street Address: 6417 Kome Drive, Diamondhead, MS 39525

Legal Description of Property: 41 BLOCK 2 UN 10 PH 2 DIAMONDHEAD

Zoning District: R-1

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

We are applying for a 9'11" variance in order to build a screen room 1" (one inch)

from the existing house foundation. The screen room will not tie into the house.

Note: The existing zoning requires the outbuilding to be 10' away from the house.

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.

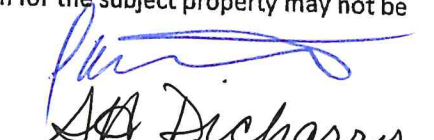
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on 4/22/25 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

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

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


Signature of Applicant


Signature of Property Owner

____ For Official Use Only ____

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

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

REQUIRED ITEM AProperty Owner Sally HogueStreet Address 6417 Kome Drive, Diamondhead, MS 39525

Statement Describing Variance Request

We are applying for a 9'11" variance in order to build a screen room 1" (one inch)
from the existing house foundation. The screen room will not tie into the house.

Note: The existing zoning requires the outbuilding to be 10' away from the house.

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: Yes. Flood Zone

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

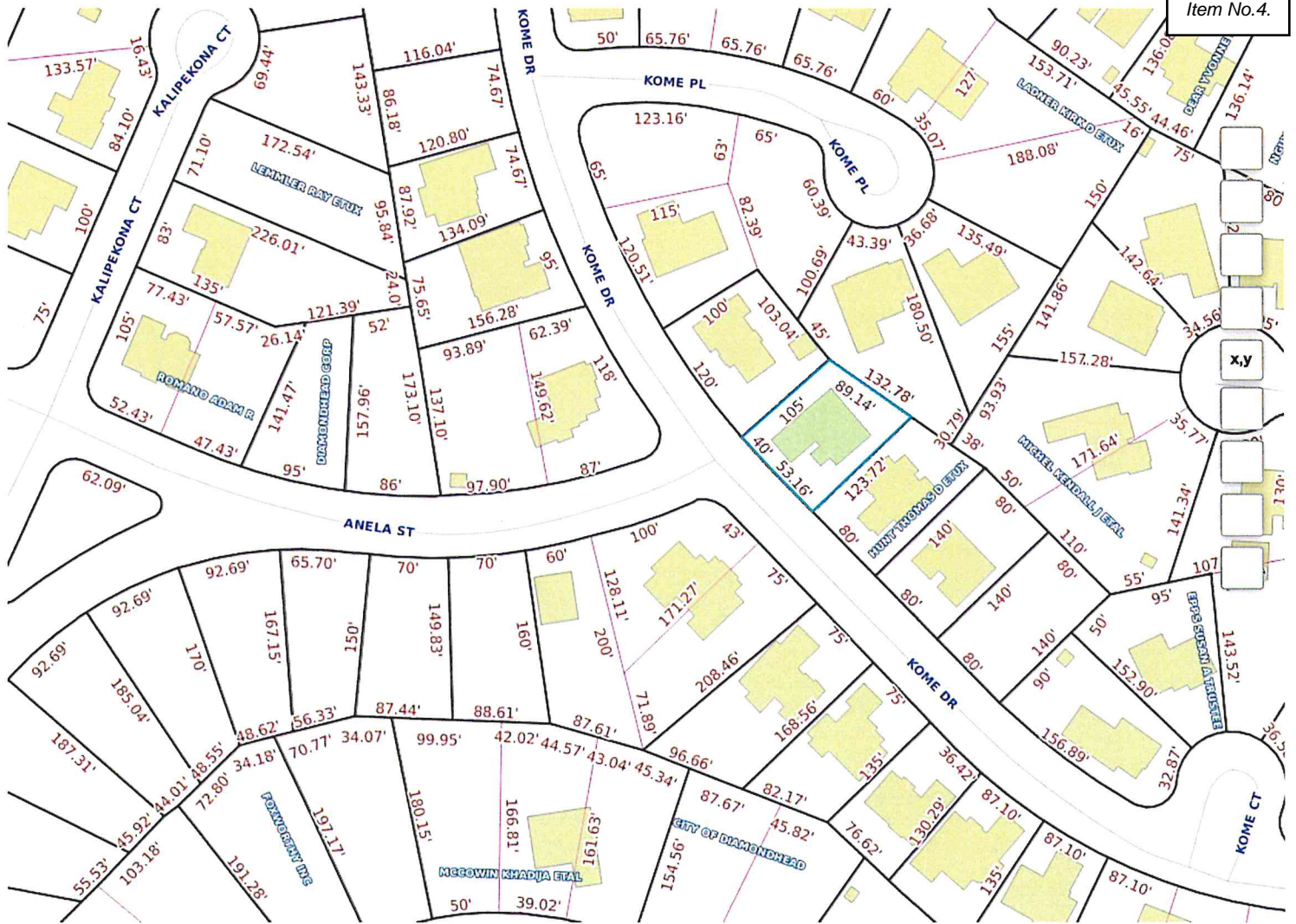
Response: Yes

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

Response: Yes

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

Response: Yes



**068R-2-41-
097.000**

Parcel Number: 068R-2-41-097.000
 Owner Name: DICHARRY JOEL ETAL
 Owner Address: 6417 KOME DRIVE
 Owner City, State ZIP: DIAMONDHEAD,
 MS 39525
 Physical Address: 6417 KOME DR
 Improvement Type: RES
 Year Built: 1998
 Base Area: 2261
 Adjusted Area: 2565
 Actual Total Value: 178401
 Taxable Total Value: 0
 Estimated Tax: 3358.38
 Homestead Exemption: No
 Deed Book: 2023
 Deed Page: 8564
 Legal Description 1: 41 BLK 2 UN 10
 DIAMONDHEAD PH2
 Legal Description 2:
 Legal Description 3:
 Legal Description 4:

Close Export

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

CAYO HUESO, LLC, represented by Michael Casano, has filed an application requesting a re-subdivision tax parcel number 131E-1-13-006.009 to create 2 parcels. The property is located on Veterans Dr. and is in the C1 – General Commercial District. The Case File Number is 202500167.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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



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TO: CAYO HUESO, LLC and adjacent property owners

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

DATE: April 4, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

CAYO HUESO, LLC, represented by Michael Casano, has filed an application requesting a re-subdivision tax parcel number 131E-1-13-006.009 to create 2 parcels. The property is located on Veterans Dr. and is in the C1 – General Commercial District. The Case File Number is 202500167.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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



2

ARTICLE 2 - GENERAL RULES AND EXCEPTIONS

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

2.5.4 Buffer Yards.

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

b) **Size, Location.**

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

c) **Characteristics.**

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

d) **Planting Screen.**

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

e) **Plans.**

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

SURVEY OF

4.65 ACRES

SITUATED IN SECTION 13,

TOWNSHIP 8 SOUTH, RANGE 14 WEST,

HANCOCK COUNTY, MISSISSIPPI.

**DIAMONDHEAD
BLOCK 12**

CT 13

AMONDHEAD
IRE DEPARTMENT

LEGAL DESCRIPTION - PARCEL 1

[illegible]

CERTIFICATION

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

Updated: 04/13/2025
Dated: 09/30/23

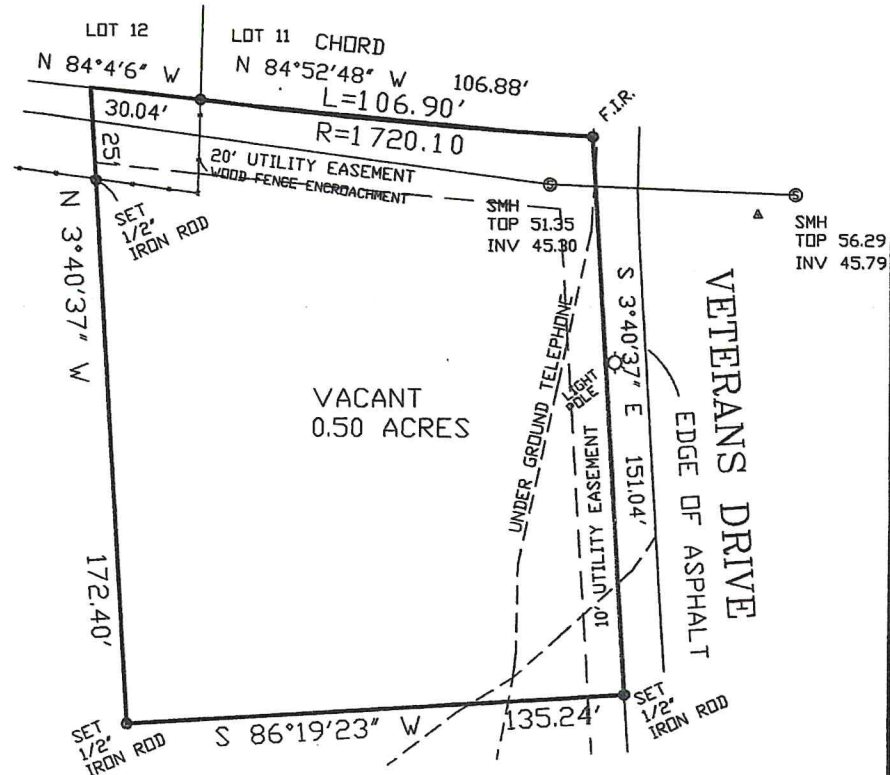
This property is located in Zone(s) "X", as published by the Federal Insurance Administration, DFIRM 28047C0259G, effective 6/16/09

Note: This survey was performed without the benefit of a current title search, and may be subject to any and all easements and restrictions affecting said property.

**LS
LS**
LARRY SMITH
LAND SURVEYING
105 N. KERN DRIVE
GULFPORT MS. 39503

SHEET : 1 OF 1

DIAMONDHEAD PHASE 1, UNIT 1, BLOCK 13



LEGAL DESCRIPTION - 0.5 ACRES

BEGINNING at a 1/2" iron rod found for the southeast corner of Lot 11 of Block 13 Diamondhead phase 1, Unit 1, being on a curve; thence along the Southerly line of said Block 13, Northwesterly 106.90 feet along a curve to the right with a chord bearing and distance N84°52'48"W 106.88 feet, having a radius of 1720.10 feet to a found 1/2" iron rod at a point of tangency at the southwest corner of said Lot 11; thence continuing along the said southerly line of said Block 13, N84°04'06"W 30.04 feet to a 1/2" iron rod; thence S03°40'37"E 172.40 feet to a 1/2" iron rod; thence N86°19'23"E 135.24 feet to a 1/2" iron rod on the west margin of Veterans Drive; thence along said west margin, N03°40'37"W 151.04 feet to a 1/2" iron rod at the Point of Beginning. said parcel contains 21,789 square feet or being 0.5 Acres, more or less.

Updated 4/13/2025
Dated: 09/30/23

SCALE: 1"=40'

CLASS "B" SURVEY

Note: This survey was performed without the benefit of a current title search.

Property is subject to any/all Easements, Right-of-ways and/or Restrictions on record.

Base Bearing by: Deed

CERTIFICATION

This is to CERTIFY that I have surveyed the property hereon described and delineated, and that the measurements and other data indicated are correct to the best of my knowledge and belief.

Larry R. Smith

Larry R. Smith P.L.S. # 02695

This property is located in Zone(s) "X", as published by the Federal Insurance Administration, Official Flood Hazard Map, Community Panel Number 28045C0263D, revised 10/16/09.



LS

**LARRY SMITH
LAND SURVEYING**
105 N. KERN DRIVE
GULFPORT MS. 39503

Page 24

BOUNDARY, TOPOGRAPHIC
CONSTRUCTION LAYOUT
PHONE: (228) 832-9643
FAX: (228) 832-3605

JOB #

**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 8.7.a - Political Signs. The proposed text amendment is to allow temporary signs, such as election signs, so that they may be placed on private property, on the City right of way, at least 2' from the street. The Case File Number is 202500135.

In accordance with Article 9.10.6, 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, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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

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

MOTION CARRIED UNANIMOUSLY

Action Agenda.

6. **2025-048:** Request to change sign ordinance for temporary signs such as election signs so that they be placed on private property on city right of way as long as at least 2 feet from City Street. Election signs are still to follow the 60 days prior to election to be put up, and within 7 days after election to come down. (Maher)

Motion made by Councilmember-At-Large Maher, Seconded by Ward 3 Cumberland to refer the request to change sign ordinance to the Planning and Zoning Commission for review and public hearing. The request is related to temporary signs such as election signs so that they be placed on private property on city right of way as long as at least 2 feet from City Street. Election signs are still to follow the 60 days prior to election to be put up, and within 7 days after election to come down.

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

MOTION CARRIED UNANIMOUSLY

7. **2025-049:** Motion to request P&Z's recommendation for the following ordinance change: "Sec. 4-36, - Livestock and fowl. Livestock and fowl are not permitted in the city limits."

Recommendation requested: Whether or not to allow residents to obtain a limited amount of chickens for the purpose of harvesting eggs and any stipulations that may be needed. (Clark)

Motion made by Ward 4 Clark, Seconded by Ward 3 Cumberland to request P&Z's recommendation for the following ordinance change: "Sec. 4-36, - Livestock and fowl. Livestock and fowl are not permitted in the city limits."

Recommendation requested: Whether or not to allow residents to obtain a limited amount of chickens for the purpose of harvesting eggs and any stipulations that may be needed.

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

MOTION FAILED

Routine Agenda.

Claims Payable

8. Motion to approve Docket of Claims (DKT232552 - DKT232586) in the amount of \$136,547.43.

Motion made by Ward 4 Clark, Seconded by Councilmember-At-Large Maher to approve Docket of Claims (DKT232552 - DKT232586) in the amount of \$136,547.43.

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

MOTION CARRIED UNANIMOUSLY

8

ARTICLE 8 - SIGNS

ARTICLE 8 - SIGNS

8.1 SCOPE, PURPOSE, AND LEGAL EFFECT.

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located as specified in this Article. For the purpose of this Article, the following sign regulations are established to assure the health, welfare, and safety of the citizens of Diamondhead and to encourage the economy of the city, to protect the public investments in streets and highways to preserve natural beauty, and to protect tax revenues by promoting reasonable, orderly and effective display of outdoor advertising.

8.2 DEFINITIONS.

For the purpose of this Article, the words and terms found herein shall have the meanings respectively ascribed in Article 10. All words used in this Article not specifically defined herein shall be given their meanings in normal customary usage.

8.3 CONFORMITY AND PERMIT REQUIRED.

All signs hereafter erected on any lot in any district of the City shall conform to the provisions of this ordinance. It shall be unlawful for any person, contractor or entity to erect, enlarge, rebuild, or structurally alter any sign without first obtaining a permit therefor and paying the requisite permit fee unless a sign is exempt from this permit requirement.

8.4 PERMITTED SIGN TYPES ESTABLISHED.

The following table establishes, defines and illustrates the allowed sign types in the City of Diamondhead. Signs are generally classified into the following categories:

1. On-Premises Freestanding Signs.
2. On-Premises Attached Signs.
3. Off-Premises Freestanding Signs.

4. Off-Premises Attached Signs.

5. Off-Premises Mobile Signs.

8.5 SIGNS PERMITTED BY ZONING DISTRICT.

The permitted location of signs is governed by zoning district. The Table of Permitted Sign Locations sets forth permitted sign location by type. The "■" means a sign permit is required. The symbol "□" means the sign is permitted but exempt from permit. The letter "C" refers to a conditional use approved by the Planning & Zoning Commission. The Preservation District (PFR) shall NOT be considered a residential district.

8.6 DIMENSIONAL REQUIREMENTS, NUMBER OF SIGNS, AND SPECIAL CONDITIONS.

The dimensional requirements, number of signs permitted and other special conditions are set forth in the Table of Sign Requirements by Sign Type.

8.7 EXEMPT SIGNS.

The following types of signs are exempted from the requirements of the Article; except those particular signs that may be classified by the Planning Commission as obscene, dangerous or hazardous, conflicting aesthetically, or that generally do not meet the basic requirements of other Sections of the Article, such as design, maintenance, etc. No permit is required for exempted signs.

- a) Political signs. Any political sign or poster not exceeding three square feet erected *3 ft from* on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issued to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than 60 days prior to such election or referendum and shall be removed with seven days after the referendum, or last such election in which the candidate is eligible. All signs must have the name and contact information for the individual placing the sign. *Signs must be a minimum of 400 feet from street*

**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 Article III – Peddlers and Solicitors. The purpose of the hearing is to determine if changes to the ordinance are needed. The Case File Number is 202500141.

In accordance with Article 9.10.6, 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, April 22, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to mandate that all requests for quotes FOR PURCHASES OVER \$5,000.00 BUT NOT OVER \$75,000.00 be placed on the agenda for approval and sealed quotes shall be received on a specific date and time as stated on the request for quotes and opened by the city manager and received quotes shall be placed on the agenda with recommendation for approval by the staff. This will achieve higher purchasing standards, a tighter oversee of tax spending and make certain proper procurement is being followed by the City of Diamondhead FOR PURCHASES OVER \$5,000.00 BUT NOT OVER \$75,000.00.

Voting Yea: Mayor Depreo

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

MOTION FAILED

16. **2025-066:** Motion to allow donations made for the Original Diamondhead Dog Park to be returned to the rightful donor upon their request between the dates of March 19, 2025, and June 30, 2025, and to authorize the city clerk to notify the public about this opportunity to allow donations to be returned. (Depreo)

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to allow donations made for the Original Diamondhead Dog Park to be returned to the rightful donor upon their request between the dates of March 19, 2025, and June 30, 2025, and to authorize the city clerk to notify the public about this opportunity to allow donations to be returned.

Voting Yea: Mayor Depreo

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

MOTION FAILED

17. **2025-067:** Motion to discuss rental of the activity room. (Depreo)

Motion made by Mayor Depreo, Seconded by Councilmember-At-Large Maher to discuss rental of the activity room.

NO ACTION TAKEN

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to amend the agenda to add a motion to the action agenda for The Planning and Zoning Commission to hold a public hearing to revisit the Peddlers/Solicitation Ordinance.

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

MOTION CARRIED UNANIMOUSLY

- 17a. Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher for Planning and Zoning Commission to hold a public hearing to revisit the Peddlers/Solicitation Ordinance.

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

MOTION CARRIED UNANIMOUSLY

Sec. 8-30. - Purpose.

The purpose of this article is to protect, maintain, and enhance the public health, safety, and general welfare by regulating peddling, itinerant traders, and other door-to-door salesmen, generally known as peddlers. Such persons typically market magazines, appliances, house wares, and other goods and services by going door to door in neighborhoods and business districts. The citizens of the city, are subject to unregulated peddling by sometimes questionable organizations or individuals, with illegitimate products, or no intent to deliver. It is the purpose of this article to regulate peddling in the city to protect the public health, safety and welfare. To achieve this end, this article requires peddlers to seek licenses and peddle under certain limitations.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Sec. 8-31. - License required; issuance of license.

- (a) Any and all peddlers and solicitors shall apply for and be in receipt of a license before engaging in any activity in the city.
- (b) Application for a license shall be made in writing to the office of the building official located in the city hall building.
- (c) The code official shall have ten working days from the date of the application to approve or deny the issuance of the license. There shall automatically be a ten-day waiting period before solicitors will be allowed to solicit within the city, in order that the police department may conduct an investigation into the character and background of the applicant. A non-refundable fee equivalent to the city's actual cost to obtain the background check shall be paid to the city for the cost of the background check. The code official shall furnish a copy of the license to the chief of police.
- (d) No license shall be issued to any person or any employee or agent thereof who has been convicted of a previous violation of this article or who has had his penal bond, as provided herein, forfeited either voluntarily or through appropriate legal proceedings.
- (e) Only those persons who are citizens of the state or who are agents of foreign corporations domiciled in the state, or who are agents of foreign corporations qualified to do business in the state shall be allowed to solicit in residential areas.
- (f) In order to protect the local citizenry against crime and preserve the private property, peace and comfort of the citizens from those persons who are not known or who are not easily identifiable or traceable, the code official may deny the issuance of a license upon the determination that the activity would endanger the public health, safety and security.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Sec. 8-32. - Contents of license application.

Applicants for license must file with the code official a sworn application giving the following information:

- (1) Name and description of applicant with copy of valid driver's license;
- (2) Address, legal and local;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) If a vehicle is to be used, a description of same, together with license number or other means of identification;
- (6) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (7) Evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Sec. 8-33. - Licenses not transferable—Duty to exhibit—Alteration prohibited—Expiration.

- (a) No peddler's license shall be used at any time by any person other than the one to whom it was issued.
- (b) Peddlers are required to exhibit their license at the request of any citizen.
- (c) It shall be unlawful for any person to alter or deface any license issued pursuant to this article.
- (d) Unless otherwise provided by law, all peddlers' licenses shall expire ninety days from the date of issuance. A license may be renewed on payment of a \$25.00 fee and filing for renewal with the code official before expiration of the current license. A license may be renewed only one time after which a licensee must once again purchase a new license, pursuant to Miss. Code Ann. § 75-85-15(a)-(b).

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Sec. 8-34. - License fee; bond.

- (a) Upon every person or agent of employee of such person operating as a peddler or solicitor, there is hereby levied a license fee of \$250.00. All persons employed by the solicitor or peddler must have separate licenses.

- (b) No fee shall be levied, nor a bond required, if the solicitation is for the purpose of seeking donations or gifts for an eligible charitable, religious, educational, community or similar nonprofit purpose; provided, however, that a license must first be obtained and carried at all times. When solicitation is conducted by a group or organization composed primarily of minors, the adult sponsor or leader may carry only one permit for the whole group.
- (c) Peddlers and solicitors shall, in advance of making any solicitation, furnish and make payable to the city a good and sufficient cash bond or surety bond issued by a corporate surety authorized to do business in this state in an amount that is the lesser of either \$2,000.00 or five percent of the wholesale value of any merchandise or service to be offered for sale by the applicant. Said bond shall be issued in favor of the city and shall be conditioned upon payment of (a) all taxes due; (b) any fines assessed against the applicant's agents or employees for a violation of this article; and (c) any judgment rendered against the applicant.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

State Law reference— Miss. Code Ann. § 75-85-13.

Sec. 8-35. - Unlawful acts.

- (a) It shall be unlawful for a peddler or solicitor or any person on his behalf to:
 - (1) Shout, make any outcry, blow a horn, ring a bell or use any sound device or musical instrument, including any loudspeaker radio or sound amplifying system, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.
 - (2) Peddle or solicit except from noon to sundown, or at any time when a sign has been posted on a building or residence stating "No Peddlers or Solicitors," or words to that effect.
 - (3) Make any representations to persons being solicited of any facts in conflict with the statements on the application filed with the building official, or to omit advising the person solicited of the exact name of the soliciting organization or person and the purpose for which the donation is requested.
 - (4) Peddle or solicit from any stationary position, except as otherwise authorized, or claim any exclusive right to any transitory or stationary location in the public streets or upon public property, and he shall not be permitted to operate in any congested area or public streets or sidewalks where his operations impede or inconvenience the public.
 - (5) Peddle or solicit, except from a permitted stationary position on private property, within 300 feet of any parade route between the hours of 7:00 a.m. to 11:00 p.m. during any parade in the city.
- (b) Failure to adhere to any of the provisions of this article shall result in the revocation of the vendor's license, with no refund of any of the charges imposed in this article.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Sec. 8-36. - Appeals.

Any person aggrieved by the action of the chief of police or the code official in the denial of an application for a peddler's license or in the decision with reference to the revocation of a peddler's license as provided herein shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city council shall set a time and place for a hearing on such appeal and written notice of such hearing shall be given to the appellant. Appeals from revocation of a license shall be in the same manner as provided in this section.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Sec. 8-37. - Penalty for violation of this article.

Any person violating any of the terms and provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined in an amount not to exceed \$500.00 or imprisoned in the city jail for a term not to exceed 180 days, or both, pursuant to Miss. Code Ann. § 75-85-19.

(Ord. No. 2018-002, 11-21-2017; Ord. No. 2018-002.01, 6-4-2019)

Secs. 8-38—8-60. - Reserved.