Agenda Item 2014-3246

CITY OF DIAMONDHEAD, MISSISSIPPI
NOTICE OF PUBLIC HEARING REGARDING A TEXT AMENDMENT TO ARTICLE 9.8 (I) OF THE ZONING ORDINANCE

Notice is hereby given that a Public Hearing on proposed Amendments to the City of Diamondhead Zoning Ordinance Article 9. 8 (I) General Requirements and Restrictions (Fence) is schedule for a Formal Meeting of the Mayor and Council to be held Tuesday, November 18, 2014 at 6:30 p.m. CST in Council Chambers located at City Hall 5000 Diamondhead Circle, Diamondhead, Mississippi.

A copy of the proposed amendment to the Zoning Ordinance Article 9: Fences is available for public examination in the Office of the City Clerk between the hours of 8:00 a.m. to 5:00 p.m., Mondays through Fridays or on-line at www.diamondhead.ms.gov.

The proposed revision may be altered or further amended prior to the close of the public hearing without further advertising as a result of further study or because of view expressed at the public hearing. Any alteration or amendment must be presented for comment at the public hearing. The Amendment will take effect upon passage.

SUMMARY OF FENCE ORDINANCE AMENDMENT

The current Fence Ordinance prohibits the use of chain link fence in the City of Diamondhead, Mississippi. The proposed amendment would prohibit the use of chain link in areas zoned residential and further permit for the use of chain link in areas zoned commercial.

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT

Zoning Ordinance Article 9 Fences: Section 9.8 (I) currently reads as follows: Construction material may be wood, vinyl, masonry, or other approved material except in the case where a screening device is required; in all such cases the City Zoning Ordinance requirements shall prevail. Chain link shall not be utilized.

Proposed text amendment Zoning Ordinance Article 9 Fences: Section 9.8 (I) proposed to read as follows: Construction material may be wood, vinyl, masonry, or other approved material except in the case where a screening device is required; in all such cases the City Zoning Ordinance requirements shall prevail. *Chain link shall not be used in areas zoned residential.*

Any citizen of the City of Diamondhead is invited to attend this public hearing on the proposed text amendment the Zoning Ordinance Article 9:8 (I) Fence and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken.

9.8 GENERAL REQUIREMENTS AND RESTRICTIONS.

A. Fences constructed on any lot, and specifically comer lots, will be subject to, and shall conform to the visibility range requirements contained in Section 5.4.3 Traffic Visibility across Corners of this ordinance. An additional clear zone may be required by the Zoning Administrator.

B. No fence, guy wire, brace or post shall be constructed upon or extend over property that the City has control over, owns or has an easement over or under, except upon:

   i. Underground drainage easements that contain non-pressurized storm sewer pipes if written permission is granted by all users.

   ii. Underground sanitary sewer easements that contain non-pressurized pipes if written permission is granted by all users.

   iii. Utility easements if written permission is granted by all users.

C. No drainage easement, public or private, shall be fenced or obstructed in any manner, without prior written permission by all users. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance.

D. No fence shall exceed six (6) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this Article. Moveable screening devices utilized to comply with the parking or storage regulations of this ordinance shall not be considered a fence for the purpose of these height restrictions.

E. No fence erected within the City limits shall be electrically charged in any manner, without prior written permission by the City Council.

F. No fence shall be constructed of barbed wire or other sharp, pointed material except on property utilized for agricultural purposes and is five acres or greater in size, or except as provided for in Subsection (H) of this Section.

G. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. A driveway approach shall be required for all vehicle gates.

H. In C-1, C-2, T, and I zoning districts, fences shall not exceed six (6) feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property. Any property that requires a screening device shall conform to the general development ordinance.

I. Construction material may be wood, vinyl, masonry, or other approved material except in the case where a screening device is required; in all such cases the City Zoning Ordinance requirements shallprevail. Chain link shall not be used in areas that are zoned residential.

   i. The finished side of the fence shall display toward the outside of the lot being fenced.

   ii. All exposed structural members and cross bracing shall display internally on the lot being fenced.

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

K. In all zoning districts where outside storage of material, equipment, goods and supplies is allowed, all fencing shall comply with this ordinance.

L. No fence shall be constructed upon any lot adjoining a golf course unless said fence complies with the following:

   i. Fences shall be constructed entirely of ornamental metallic components with a black finish. Chain link fencing is prohibited.

   ii. Fences shall not exceed forty-eight inches (48") in height.

   iii. The fence shall be set back from the property line adjoining the golf course a minimum of ten (10) feet.

   iv. The fence shall not be opaque or of a solid construction to prevent one from seeing through the fence, as illustrated by the following image:

Current

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