Agenda Item 2016-028
ORDINANCE NO. 2013-032.3

# AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF DIAMONDHEAD, MISSISSIPPI REVISING THE FEE SCHEDULE FOR PLANNING AND DEVELOPMENT FEES AND RELATED PURPOSES

WHEREAS, the City of Diamondhead has developed certain land use regulations in an effort to provide services to its citizens and in support of one of the purposes for incorporation of said city; and,

WHEREAS, the administration and implementation of said land use regulations requires the utilization of persons trained and skilled in the field of urban development, building and development practices, urban planning and administration, engineering, and other related skills, all of which come at a cost to the City of Diamondhead; and,

WHEREAS, the City is empowered to levy fees and charges related to the administration of its land use regulations and for the various review processes and applications associated therewith, and to establish a method for collecting such fees and charges.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council for the City of Diamondhead as follows:

SECTION 1: There is hereby established a schedule of fees and charges related to the administration of the *Zoning Ordinance* for the City of Diamondhead, Mississippi. Said schedule of fees and charges shall be as follows:

For the application, review and issuance
of a Development Permit
1 acre or less.....$100.00
10 acres or less.....$250.00
More than 10 acres.....$500.00

For the application, review and issuance
of a Certificate of Zoning Compliance .....$100.00

For the application, review and issuance
of a Temporary Certificate of Zoning Compliance.....$100.00

For the application and review process
for Planning Commission Review .....$100.00

For the application and review process
for a Conditional Use .....$100.00

For the application and review process
for a Variance (REV 11/4/14) .....$100.00

For an administrative appeal from the
decision of the Zoning Administrator .....$100.00

For an appeal from the decision of
the Planning Commission .....$100.00
plus costs of transcript if necessary

For an application and review process
for a text amendment to the Zoning Ordinance .....$200.00

For an application and review process
for a Rezoning (Map Amendment) .....$200.00

For an application and review process
to establish a Planned Unit Development .....$200.00

For an application and review process
to amend an Outline Plan (PUD) .....$200.00

For the application, review and issuance
of a Temporary Use Permit.....$50.00

For the application, review and issuance
of a Garage / Yard Sale Permit ..... -0-

For the application, review and issuance
of a Fence Permit .....$XXXX
No additional fee above that which is required by the adopted building code

For the application, review and issuance
of a Sign Permit .....$XXXX
no additional fee above that which is required by the adopted building code

For the application, review and issuance
of a Temporary Sign Permit.....$25.00
No additional fee above that which is required by the adopted building code

For the application, review and issuance
of a Protected Tree Removal Permit (REV. 1/20/15) .....$50.00

For the application, review and issuance
of a Screening Permit.....$XXXX
No additional fee above that which is required by the adopted building code

For the application, review and issuance
of a Telecommunications Facility Permit.....$XXXX

SECTION 2: In addition to the schedule of fees and charges as prescribed hereinabove, the applicant shall be responsible for the payment of the direct cost of postage and publication for any matter requiring the same.

SECTION 3: If, in the process of reviewing and evaluating any application or request for a permit filed or sought pursuant to the *Zoning Ordinance* it becomes necessary or desirable for the City to seek the consultation of a professional engineer or other professional to aid in the review of said application or request for a permit, then the applicant shall be liable to the city for the direct cost of such professional engineer or other professional.

SECTION 4: Upon filing for any application or request for a permit pursuant to the *Zoning Ordinance,* the applicant shall pay to the city one-half (1/2) of the required fee as prescribed in Section 1 hereinabove and such payment shall be nonrefundable. Upon approval of the requested application or permit, the remaining one-half (1/2) of the required fee, along with any additional fee pursuant to Section 2 and Section 3 hereinabove shall be paid to the city. Neither the Zoning Administrator nor any other city official shall issue any permit, approval, certifications, or otherwise authorize the building, development process, or use of property until all fees have been settled to the city.

SECTION 5: Because the City of Diamondhead is a newly-incorporated municipality in urgent need of an ordinance establishing a fee schedule for planning and development fees and related purposes, immediate passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007). Thus, this Ordinance moved for adoption by Councilmember Lopez and seconded by Councilmember Sislow is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote of all members of the City Council. In accordance with

Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances and supersedes Ordinance 2012-020.

| | Aye | Nay |
|---|---|---|
| Mayor Schafer | ✓ | |
| Councilmember Lopez | ✓ | |
| Councilmember Woolbright | ✓ | |
| Councilmember Sislow | ✓ | |
| Councilmember Rech | ✓ | |
| Councilmember Knobloch | ✓ | |

SO ORDAINED, THIS THE 16th DAY OF FEBRUARY, 2016.

Thomas E. Schafer, IV, Mayor

ATTEST:
Kristin Ventura, City Clerk

SEAL