Diamondhead, Mississippi

ZONING ORDINANCE

ORDINANCE 2012-019

Adopted by the Mayor and City Council October 15, 2012

Prepared By:

BRIDGE & WATSON, INC.
URBAN AND REGIONAL PLANNING CONSULTANTS AND LAND PLANNERS
608 McLARTY ROAD
POST OFFICE BOX 1482
OXFORD, MS 38655
TEL. (662) 234 - 0958
FAX (662) 234 - 0997
MAILBOX@PLANNING-CONSULTANTS.COM

ORDINANCE NO. 2012-019

AN ORDINANCE ADOPTING A ZONING CODE
FOR THE CITY OF DIAMONDHEAD, MISSISSIPPI, AND PROVIDING FOR THE
ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the *Mississippi Code of 1972, annotated*, as amended, empower the City of Diamondhead, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the *Mississippi Code of 1972, annotated*, as amended, states that "Zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements."; and

WHEREAS, the Mayor and City Council have adopted a comprehensive plan in conformance with the statutory requirements and said plan was utilized in developing the zoning text and zoning map as herein proposed; and

WHEREAS, the Planning Commission for the City of Diamondhead has worked diligently in the tasks of preparing a zoning text and zoning map for the City of Diamondhead, and said Commission recommends the adoption of the proposed Zoning Ordinance and accompanying Official Zoning Map; and

WHEREAS, having given due public notice the Mayor and City Council held a public hearing on October 15, 2012 concerning the proposed zoning ordinance and related maps, during which it heard a presentation from the city's consulting planner concerning the proposed ordinance and maps and received comments from members of the public; and,

WHEREAS, after full consideration of the recommendation of the Planning Commission and comments received from the members of the public, the Mayor and City Council find the proposed zoning code and associated maps to be appropriate and suitable for the City of Diamondhead for the purposes for which said zoning code is proposed.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DIAMONDHEAD, MISSISSIPPI:

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ARTICLE 1: GENERAL PROVISIONS

1.1 SHORT TITLE

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

1.2 PURPOSE

1.2.1 This Ordinance is hereby adopted in accordance with:

A. The requirements of Title 17, Chapter 1 of the Mississippi Code, 1972, Annotated;
B. The goals and objectives of the Diamondhead Comprehensive Plan;
C. An overall program; and,
D. With consideration for the character of Diamondhead, its various parts and the peculiar suitability of the various parts for particular uses, and with a view to conserving the value of land and buildings and the sense of community existing within the city, and encouraging the most appropriate use of land throughout the City of Diamondhead.

1.2.2 In addition to carrying out the objectives of the Comprehensive Plan, this Ordinance is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1.3 APPLICATION

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

1.3.2 This Ordinance regulates (under 17-1-3 General Powers of the Mississippi Code, 1972, Annotated):

A. The height, number of stories and size of building and other structures.
B. The percentage of lot that may be occupied, the size of the yards, courts and other open spaces.
C. The density of population.
D. The location and use of buildings, structures and land for trade, industry, residence or other purposes.
E. Accessory and incidental land uses which may be constructed and associated with a primary use of land.
F. The appropriateness of design, layout, arrangement, location, materials, lighting, landscaping, noise, glare, and other characteristics of land development within the City of Diamondhead.

1.4 INTERPRETATION

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

1.5 SEVERABILITY

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

1.6 REPEALER

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

1.7 EFFECTIVE DATE

This Ordinance shall become effective in accordance with the laws of the State of Mississippi.

1.8 ENACTMENT

This Ordinance is enacted by legislation adopted October 15, 2012 by the City Council.

ARTICLE 2: ADMINISTRATION

2.1 GENERAL PROVISIONS

2.1.1 Duties of Zoning Administrator

The Zoning Administrator shall administer and enforce this ordinance. In carrying out his duties under this ordinance, the Zoning Administrator or his designee shall:

A. Receive all applications for building permits, certificates of zoning compliance, amendments, planning approvals, special plans, conditional uses, variances, review and approve such applications or refer them to the Planning Commission as required herein, and make necessary certifications and issue the necessary certificates and approvals.
B. Coordinate meetings of the Development Review Committee (DRC) for the purpose of reviewing applications required by this ordinance.
C. Maintain the official zoning map showing the current classification of all land.
D. Maintain records of all actions taken under this ordinance.
E. Represent the municipality on all public hearings before the planning commission or mayor and the city council and present facts and information to assist the commission and city council in reaching a decision consistent with this ordinance.
F. Propose and recommend the enactment of such amendments to this ordinance, including the zoning map, as are made necessary or desirable because of changing conditions or because of judicial or administrative proceedings or for the purpose of improving administration and enforcement, all in accordance with the amendment procedure set forth herein.
G. Receive and examine all applications required under the terms of this Ordinance.
H. Issue or refuse permits within fifteen (15) days of the receipt of the application, except as specifically provided for in this Ordinance.
I. Receive complaints of violation of this Ordinance.
J. Issue a written notice of violation to any person violating any provision of this Ordinance.
K. Establish the schedule for receiving and processing applications for Conditional Use Permits, Rezoning of Property, Text Amendments to the Ordinance, Appeals from the Planning Commission, Administrative Appeal, Variances and other reviews or processes required by this ordinance.
L. Keep records of applications, permits, and certificates issued, variances granted, complaints received, inspections made, reports rendered, and notice of orders issued; and make all required inspections and perform all other duties as called for in this Ordinance.
M. The Zoning Administrator shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

2.1.2 Development Review Committee

There shall be a Development Review Committee established for the purpose of informally reviewing plans and applications for proposed developments within the City. The purpose of such review shall be to determine whether or not a proposed development conforms to the ordinances in force within the City of Diamondhead, and to determine what impact, if any, a proposed development will have upon the public services delivered within the City. Any findings of the DRC shall be reported to the reviewing authority (Planning Commission or City Council).

The Zoning Administrator shall be responsible for coordinating the DRC meetings and such meetings shall be informal and scheduled so as to best accommodate the schedule of DRC participants. DRC meetings shall be held in sufficient time for its findings to be considered by the reviewing authority prior to action, and such meetings shall be subject to the open meeting laws of this State.

The DRC shall consist of the Zoning Administrator and a representative from each of the following departments or agencies: City Council appointment, Planning Commission appointment, Flood Plain Administrator, Building Official/Inspector, Police Department, Fire District, Public Works Department, Water and Sewer District, the Diamondhead Property Owners Association, and any other agency which, in the opinion of the Zoning Administrator, would be impacted by a proposed development.

2.1.3 Permits, Certificates, and Licenses

No building or other permit, certificate or other document of approval or license, the use of which may be subject to the provisions of this ordinance, shall be issued by any department, agency, or board of the municipality until the Zoning Administrator shall have certified that the use to be made of the permit, certificate or other document or license, is in compliance with the provisions of this ordinance.

A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Zoning Administrator.
B. No building permit shall be issued by the Zoning Administrator except in conformity with the provisions of this ordinance unless he receives a written order from the Planning Commission or approved by the City Council, in the form of an administrative review, conditional use, or variance as approved by this ordinance.
C. All permits issued by the Zoning Administrator shall be in compliance with Section 2.2.

2.1.4 Enforcement, Violations, and Penalties

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.

A. If the Zoning Administrator finds that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of use and/or construction or demolition of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
B. Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances, conditional use, or planning approval) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.
C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to remedy any violation.

2.1.5 Schedule of Fees, Charges, and Expenses

The mayor and the city council shall establish a schedule of fees, charges, and expenses and a collections procedure for building permits; certificates of zoning compliance; appeals; applications for amendments; approval of special plans, planning approvals, conditional use and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended by the mayor and city council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

2.2 PERMITS AND CERTIFICATES

2.2.1 Development Permit

A. Scope

No person shall construct any improvements, including any site work involving clearing, grading, filling, dredging, excavating or alike, nor alter the use of any land or structure, until the Zoning Administrator issues a Development Permit for improvements, site work, or construction. No Development Permit is required for normal maintenance and repairs. A development permit shall be required for the alteration of land as described in Article 14 of this ordinance.

B. Types of Uses
   i. Permitted Use. A Development Permit for a Permitted Use may be issued by the Zoning Administrator.
   ii. Conditional Use, Planning Commission Review, Variance. A Development Permit for a use requiring a Conditional Use, Planning Commission Review or Variance shall be issued by the Zoning Administrator only upon the order of the appropriate body having final review.

C. Application
   i. All applications for a Development Permit shall be in writing on a form provided by the Zoning Administrator and shall be submitted to the Zoning Administrator.
   ii. All applications for a Development Permit shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Administrator may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with this Ordinance.
   iii. Prior to the issuance of any Development Permit, the Zoning Administrator shall review the application for such permit to determine if all other necessary governmental permits have been obtained. No permit shall be issued until this determination has been made.
   iv. The Zoning Administrator may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, City Engineer, DRC, etc.) for review and comment.

D. Issuance
   i. The Zoning Administrator shall issue or refuse an application for a Development Permit within fifteen (15) days after the date such application was made, except as specifically provided for in this Ordinance.
   ii. A Development Permit shall be issued in at least triplicate.
   iii. One (1) copy shall be kept conspicuously on the premises.
   iv. No person shall perform building operations of any kind unless a Development Permit is being displayed as required by this Ordinance.
   v. After the issuance of a Development Permit by the Zoning Administrator, no changes of any kind shall be made to the application, permit, plans, specifications, or other documents submitted with the application without the written consent or approval of the Zoning Administrator.

2.2.2 Certificate of Zoning Compliance

The purpose of a Certificate of Zoning Compliance is to ensure that all construction, development, land disturbance, land use or reuse, reconstruction or other efforts concerning the scope and intent of this ordinance are afforded a process whereby conformity with this ordinance is determined both before the project begins and following the completion of the project.

A. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance. No nonconforming structure or use shall be renewed, changed or extended until a certificate of zoning compliance shall have been issued by the Zoning Administrator as approved by the city council.

B. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

C. A Temporary certificate of zoning compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations for partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as well as protect the safety of the occupants and the public.

D. Unless furnished with the application for a building permit, each application for a certificate of zoning compliance shall be accompanied by a site plan, in duplicate and drawn to scale, showing the locations and dimensions of existing and proposed structures with supporting open facilities, the ground area to be provided and continuously maintained for the proposed structure or structures. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed uses of the building and land, the number of dwelling units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with the requirements of this ordinance. One copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such plans either as approved or disapproved and attested so such approval or disapproval by his signature on such copy. One copy of the plans shall be retained by the Zoning Administrator.

2.2.3 Relation to Other Permits

The requirements of Sections 2.2.1 or 2.2.2 shall not relieve one of the responsibility to secure any other permits as may be required by any other ordinance of the City of Diamondhead.

2.3 PLANNING COMMISSION

2.3.1 Establishment of Commission

The City Council for the City of Diamondhead heretofore established a Planning and Zoning Commission and promulgated rules therefore through the adoption and enactment of Ordinance No. 2012-003.

2.3.2 Additional Duties and Powers of Planning and Zoning Commission

In addition to the provisions of Ordinance No. 2012-003, the Planning and Zoning Commission is hereby authorized and directed to discharge any duties as assigned to it through the provisions of this Zoning Ordinance.

2.4 PLANNING COMMISSION REVIEW

2.4.1 Scope

Before any permit is issued for any use designated in Article 4 as requiring Planning Commission Review, the procedures of this Section shall be followed in order to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance. It is the intent of this section to afford the Planning Commission the right of review and approval over site plans for development of those uses designated in Article 4 as requiring Planning Commission Review.

2.4.2 Application Procedure

Applications for Planning Commission Review shall be filed with the Zoning Administrator, and the application shall include all of the information set forth herein unless some items are determined by the Zoning Administrator to be unnecessary to conduct a meaningful review of the application. The Zoning Administrator may require additional information not listed below when said information is deemed necessary to conduct a meaningful review of the application. Within ten (10) days of the receipt of an application for Planning Commission Review, the Zoning Administrator shall transmit a full and complete copy of the application to the Planning Commission. An application for Planning Commission review shall contain the following:

A. Name and address of the applicant.

B. Address and legal description of the property.
C. If the applicant is not the legal owner of the property, proof that the applicant has the authority to make the application (power of attorney).
D. Payment of any fee established by the City.
E. A graphic site plan, drawn to a scale of not less than one inch to fifty feet (1" = 50') and sufficiently dimensioned as required to show the following:
   i. The date, scale, north point, title, name of owner, and name of person(s) preparing the site plan.
   ii. A statement describing the proposed use.
   iii. The location, dimensions, and area of each lot, the locations, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
   iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
   v. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening as required in Section 5.4.4.
   vi. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
   vii. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
   viii. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
   ix. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
   x. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
   xi. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, odor, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards, along with a description of methods to be employed in controlling said effects of the operations.
   xii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval.
   xiii. Location of existing tree growth shall be shown on a tree survey. Tree growth shall be considered as a plant having at least one well defined trunk of at least six (6) inches caliper measured at five feet above adjacent grade.
   xiv. A key map showing the entire project and its relation to surrounding properties and existing buildings thereon.
   xv. Location of any flood hazard areas set forth on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
   xvi. Floor plans showing proposed structural uses.
   xvii. Photographs, artist renderings, or other visual documents that will assist the City in establishing compatibility.
   xviii. A description of exterior building materials and colors proposed to be utilized on the project.
   xix. Road improvements, traffic control, and signalization necessary to properly service the development.
   xx. Expected infrastructure improvements such as water, natural gas, electricity, drainage, and sanitary sewerage collection to include location of improvements, size of pipes, etc.

F. The City of Diamondhead may require additional information before granting a permit for developments requiring Planning Commission review. The information may include, but is not limited to, the following: i. Evidence of site control for all lands necessary for the full and complete implementation of the development plan.
   ii. Landscape buffer areas of sufficient length and width as necessary to protect adjoining uses from any adverse impact from noise, traffic, lights, etc., or to protect any adjoining use of right, including for fire safety, or maintenance operations.
   iii. Storm water retention and drainage plans.
   iv. Permit and approval from state and federal agencies for any development within designated flood hazard areas.
   v. Exterior lighting plans for buildings and parking lots and other similar lighting uses.
   vi. A study indicating and identifying the impact a proposed project will have on the transportation system servicing said project.

2.4.3 Planning Commission Approval

At its next regular meeting following the receipt of an application for Planning Commission Review, but in any event within forty-five (45) days of receipt of such application by the Zoning Administrator, the Planning Commission shall approve or disapprove the application. The Zoning Administrator shall provide any reports, comments, or recommendations made during staff and DRC review regarding the subject site plan. Approval granted by the Planning Commission shall be final unless an aggrieved party properly files an appeal in accordance with Section 2.7 of this ordinance.

2.4.4 Review and Evaluation Criteria

The Planning Commission shall review and evaluate applications using the following criteria:

A. Conformance with applicable regulations and standards established by the Zoning Regulations.
B. Compatibility with existing or permitted uses on abutting sites or within 100 feet of the proposed development, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may occur.
D. Modifications to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards.

2.4.5 Modification of Plan

The Zoning Administrator or Planning Commission may require modification of a site plan as a prerequisite for approval. Such modifications may include, but shall not be limited to, provision for special setbacks, open spaces, buffers, fences, walls, and screening; for installation and maintenance of landscaping and erosion control measures; improvements of access and circulation; rearrangements of structures or activities within the site; location and character of signs; modification of the nature of operations of activities proposed on the site; and such other site plan features as necessary to ensure compatibility with surrounding uses and to support the findings required by Section 2.4.6.

2.4.6 Findings

The Planning Commission shall make the following findings before approval of a site plan:

A. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with any existing or permitted uses on abutting sites or within 100 feet of the proposed development.
B. That any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable impacts on adjacent uses.

2.4.7 Site Design Guidelines

The following guidelines are divided into seven (7) categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Zoning Administrator in their reviews of all site plans. These guidelines are intended to encourage creativity, innovation, and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

A. Relation of Proposed Buildings to the Surrounding Environment
Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.

B. Drive, Parking, and Circulation
For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.

C. Surface Water Drainage
Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies, and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.

D. Utility Service
Place electric and telephone lines underground, where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.

E. Advertising Features
Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.

F. Special Features
Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.

G. Preservation of Landscape
Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

2.4.8 Renewal or Lapse of Approval

A. A site plan as approved hereunder shall lapse and shall become void one (1) year following the date on which such approval became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use.

B. A site plan approval subject to lapse may be renewed by the Planning Commission for an additional period of one (1) year, provided that prior to the expiration date, a written request for renewal is filed with the Zoning Administrator.

2.4.9 Special Administrative Approval for Certain Uses

See Section 4.22 for procedures and conditions pertaining to special administrative approval for certain uses requiring Planning Commission Review.

2.5 CONDITIONAL USE PROCEDURE

2.5.1 Title and Purpose

Sections 2.5.1 through Sections 2.5.11 shall be known as the Conditional Use Procedure. The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties. The Conditional Use Procedure process is intended to encourage broad public review and to ensure adequate mitigation of potentially unfavorable impacts.

2.5.2 Jurisdiction

The Zoning Administrator shall be responsible for administration of the Conditional Use procedure, and the Planning Commission shall be responsible for review, evaluation, and recommendation to the Mayor and City Council. Final action, approval and imposition of conditions shall lie with the Mayor and City Council.

2.5.3 Application and Fee

Application for a Conditional Use Permit shall be filed with the Zoning Administrator and said application shall include the information set forth herein. Within ten (10) days of the receipt of an application for Conditional Use, the Zoning Administrator shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations made during staff and DRC review regarding the subject application to the Planning Commission. An application for a Conditional Use Permit shall contain the following:

A. Name and address of the owner and applicant.
B. Address and legal description of the property.
C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
D. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Zoning Administrator may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
E. Site plans, preliminary building elevation, preliminary improvement plans, additional maps and drawings, all sufficiently dimensioned as required illustrating the following:
    i. The date, scale, north point, title, name of owner, and name of persons preparing the site plan.
    ii. The location and dimension of boundary lines, with distances and bearings, easements, and required yards and setbacks, water course drainage features and location and size of existing and proposed street and alleys, 100-year flood plains.
    iii. The location, height, bulk general appearance and intended use existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 100 feet.
    iv. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaping areas, utility or service areas, fencing and screening, signs, and lighting.
    v. A narrative identifying the nature of the operation of proposed use, including but not limited to, hours of operation, type of processes utilized (if any), type of products sold or services offered, etc.
    vi. The location of watercourses and drainage features.
    vii. The number of existing and proposed off -street parking and loading spaces, and a calculation of applicable minimum requirements.
    viii. All proposed site grading and drainage provisions and proposals including contour data at a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval, including proposed erosion control measures.
    ix. A plan showing the Buffer Yards as required in Section 5.4.4.

x. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
xi. Any applicable fee established by the City Council.

2.5.4 Public Hearing and Notice

At its next regular meeting following the receipt of an application for Conditional Use, but in any event within forty-five (45) days of receipt of such application by the Zoning Administrator, the Planning Commission shall recommend approval or disapproval the application along with any conditions related thereto.

The Planning Commission shall hold a public hearing on each application for a Conditional Use Permit. Notice shall be given as prescribed in Section 2.9.1. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed condition under which it would be operated or maintained, particularly, with respect to the findings prescribed in Section 2.5.6. The applicant is required to be present at the public hearing.

2.5.5 Action by the Planning Commission

The Commission may recommend approval of a Conditional Use Permit as the permit was applied for or in a modified form or subject to conditions, or may recommend denial of the application.

2.5.6 Review and Evaluation Criteria

The Zoning Administrator and the Commission shall review and evaluate and make the following findings before recommending approval of a Conditional Use Permit application using the following criteria:

A. Conformance with applicable regulations and standards established by the Zoning Regulations.
B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
C. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
D. Modifications to the site or proposed use which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.
E. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area; existing zoning and land uses in the area.
F. Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
G. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
H. Adequacy and convenience of off-street parking and loading facilities.
I. That the proposed use is in accordance with the objectives of this Zoning Ordinance and the purposes of the district in which the site is located.
J. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
    i. The proposed <u>use</u> will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
    ii. The <u>structure</u> resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the

purpose of this criterion, the term neighborhood shall mean an area extending 750 feet in all directions from the lot line of the proposed structure.

iii. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.

iv. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a conditional use application.

K. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

L. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2.5.7 Conditions of Approval

The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; architectural conditions; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses.

2.5.8 Legislative Disposition

The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for Conditional Use Permit has been denied by the Mayor and City Council shall be considered again by the Planning Commission or the Mayor and City Council for the same classification for at least one (1) year from the date such application was denied.

2.5.9 Renewal or Lapse of a Conditional Use Permit

A. A Conditional Use Permit shall lapse and shall become void one (1) year following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy or certificate of zoning compliance is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.

B. A Conditional Use Permit subject to lapse may be renewed by the City Council for an additional period of one (1) year, provided that prior to the expiration date, a written request for renewal is filed with the Zoning Administrator.

2.5.10 Modification of Conditional Use Permit

Minor revisions or modifications may be approved by the Zoning Administrator if he determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 2.5.6.

2.5.11 Conditional Use Review Required

In addition to those land uses requiring conditional use approval as specified in Table 4.2: Chart of Determinate Uses, the following circumstances shall be subject to the conditional use approval process as set forth here in Section 2.5:

A. Any residential, commercial, or industrial development having structures in excess of 35 feet in height.
B. Any commercial or industrial development adjacent to property zoned or utilized for residential purposes not withstanding any intervening street.
C. Any commercial or industrial use having outdoor storage of merchandise, equipment, materials, or goods used in the normal course of business.
D. Any proposed shared use of parking facilities pursuant to Article 8 of this ordinance.

2.6 VARIANCE PROCEDURE

2.6.1 Title and Purpose

Section 2.6.1 through Section 2.6.7 shall be known as the variance procedure. This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

A. Variance: A modification from the provisions of the zoning ordinance of the City of Diamondhead, as determined by the Mayor and City Council for final disposition, in cases where enforcement of the zoning ordinance would result in unnecessary hardship.
B. Hardship: For purposes of granting a variance hardship shall mean an unusual topographical situation or condition involving a particular property and which makes it impossible for the owner to use the property in the manner prescribed for the district by the zoning ordinance. A hardship exists only where the unusual situation or condition is not created by the owner of the property. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.

2.6.2 Application

Application for a variance shall be filed with the Zoning Administrator. Within ten (10) days of the receipt of an application for Variance, the Zoning Administrator shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations made during staff and DRC review regarding the subject application to the Planning Commission. The application shall include the following:

A. Name and address or the owner or applicant.
B. A legal description of the property, which shall include, but not limited to: deed of current ownership (not a Deed of Trust,), tax parcel number identification, and street address.
C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
D. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5.
E. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
F. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
    i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.

ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

2.6.3 Public Hearing and Notice

The Planning Commission shall act on the application not more than forty-five (45) days following the filing of said application. Notice shall be given as prescribed in Section 2.9.6.

2.6.4 Action by the Planning Commission

The Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

2.6.5 Findings

The Planning Commission may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
C. That special conditions and circumstances do not result from the actions of the applicant.
D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
G. The Variance would observe the spirit of the Comprehensive Plan.
H. That the Variance requested will not result in any change in use or density of the subject property.
I. In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.
J. Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

2.6.6 Variance to Run with Land or Structure

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change ownership of the site or structure to which it applies.

2.6.7 Legislative Disposition

A. The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one (1) year from the date such application was denied.

B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

2.7 APPEALS PROCEDURE

2.7.1 Title and Purpose

Section 2.7.1 through Section 2.7.7 shall be known as the Appeals Procedure. This procedure is intended to afford review of actions taken pursuant to the Zoning Regulations where such action may be in error.

2.7.2 Appeals

A. Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of this Ordinance may appeal to the Planning Commission. Such appeal shall be taken within 10 days following the decision being appealed, and by filing with the Zoning Administrator a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.

B. Any person, taxpayer, officer, or department of the city affected by any decision of the Planning Commission may appeal to the Mayor and City Council. Such appeal shall be taken within 10 days following the decision being appealed, by filing with the Zoning Administrator a notice of appeal, which shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Mayor and City Council all the papers constituting the record upon which the action appealed from was taken.

2.7.3 Fee

A fee prescribed by the City Council shall accompany the appeal. In the event an appeal contains two stages (appeal Zoning Administrator's decision to Planning Commission, and then Planning Commission to Mayor and City Council) then each shall be considered a separate appeal and a separate fee paid for each appeal.

2.7.4 Stay of Procedures

Any appeal shall stay all proceedings in furtherance of such action unless the Zoning Administrator certifies to the Planning Commission or the Mayor and City Council, after the notice of appeal shall have been filed, that by reason of the fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In event the Zoning Administrator shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by a court of record, upon application of the party aggrieved by the action of the Zoning Administrator and after notice to him and upon due cause shown. At the time of the appeal hearing, the applicant shall be present.

2.7.5 Public Hearing and Notice

The Planning Commission or Mayor and City Council, as the case may be, shall hold a public hearing within thirty (30) days on the appeal. Notice of appeal hearings before the Planning Commission shall be given as prescribed in Section 2.9.5. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.

2.7.6 Action

The Planning Commission or City Council, as the case may be, shall act on the appeal ten (10) days following the closing of the public hearing. In exercising the powers set out in this Section, the Planning Commission or City Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made. The Zoning Administrator shall notify the appellant by mail of the outcome of the appeal decision.

2.7.7 Appeals from the City Council

Appeals from any action of the mayor and city council shall be governed by applicable statutes of the State of Mississippi.

2.8 AMENDMENT (REZONING) PROCEDURE

2.8.1 Title and Purpose

A. Section 2.8.1 through Section 2.8.11 shall be known as the Amendment Procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the City of Diamondhead, Mississippi by means of the Zoning Map (Rezoning).

B. This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

   i. Error: There was an error in the initial zoning of the property as it was brought into the city.

   ii. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity.

   iii. Changes in whatever is classified as the “neighborhood” (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.

2.8.2 Jurisdiction

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.

2.8.3 Initiation

A. The Planning Commission or the City Council may initiate a text amendment.

B. The owner or authorized agent of the owner of property may initiate a rezoning by filing an application for a change in district boundaries (rezoning) as prescribed in this chapter. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join

in filing the application. A rezoning may be initiated also by the Planning Commission or the City Council.

2.8.4 Legislative Disposition

The mayor and city council shall examine all such applications, reports, and recommendations transmitted to it and shall take such further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further consideration. No land for which an application for reclassification has been denied by the mayor and city council shall be considered again by the Planning Commission or the mayor and city council for the same classification for at least one (1) year from the date such application was denied.

2.8.5 Limitations on Proposed Amendments

Proposed amendments to effect a change in zoning district classification shall be subject to the following limitations:

A. An amendment shall be in harmony with the Comprehensive Plan and/or the Land Use Plan of the City of Diamondhead.
B. An amendment shall be compatible with the zoning of the surrounding area such as to support the comprehensive plan of the City of Diamondhead.
C. An amendment shall be in a consistent manner for the benefit of entire community and the City of Diamondhead.

2.8.6 Amendments Procedure

Proposed amendments to this ordinance shall be considered by the Planning Commission and by the mayor and city council. It is the function of the Planning Commission to consider prepared amendments, to collect information relative thereto by investigations or other means, and to conduct public hearings thereon, and to make recommendations to the mayor and city council. The ordinance can be amended only by the mayor and city council.

A. An amendment to this ordinance may be initiated by the Mayor and City Council on its own motion or by the Planning Commission. An amendment may also be initiated by any person, firm, or corporation by filing a written application therefore with the Zoning Administrator. The application for amendment shall contain at least the following:
   i. The applicant's name, address, and interest in the application, and the name address, and interest of every person, firm, or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area proposed to be changed in classification or to be included within the proposed district; the name of the owner or owners of all structures then existing thereon and sufficient evidence to establish that the applicant has the right of possession to the land area and structures; the names and addresses of all owners of adjacent property within five hundred (500) feet (exclusive on the width of intervening streets, alleys, or bodies of water).
   ii. If the proposed amendment would require a change in the zoning map, a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures.
   iii. The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.
   iv. A report giving the nature, description, and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties.
   v. The error in this ordinance that would be corrected by the proposed amendment, if the intent is to correct the error.
   vi. The manner in which the proposed rezoning would be consistent with the Comprehensive Plan.
   vii. A tax parcel map of the area proposed for rezoning and the surrounding area, showing existing streets or roads and property lines, and existing and proposed zoning district boundaries. The map

shall include an area determined by the Zoning Administrator to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than 200 feet or more than 1000 feet from the property proposed for rezoning.

viii. Information demonstrating the appropriateness of the requested change, including at least one of the following:
   a. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
   b. Whether or not an error exist with regard to the original zoning designation of the subject property.

B. Upon receipt of an application for amendment, properly and completely made out, the Zoning Administrator shall examine the application and shall make such investigation as is necessary. He shall transmit the application, together with his report and recommendation, to the Planning Commission.

2.8.7 Application and Fee

A. Application for a Rezoning initiated by a property owner shall be filed with the Zoning Administrator on a prescribed form supplied by the Zoning Administrator.
B. The Zoning Administrator may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance.
C. An application fee shall accompany rezoning applications initiated by a property owner. Said fee shall be established by the City Council.
D. A rezoning initiated by the Planning Commission or by the City Council shall be pursuant to a motion of the Commission or City Council. No fee shall be applicable. The Zoning Administrator shall execute the necessary steps pursuant to the intent of the motion.
E. A text amendment initiated by the Planning Commission or by the City Council shall be pursuant to a motion of the Commission or the City Council. The Zoning Administrator and City Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion. No fee shall be applicable.

2.8.8 Recommendation to the Planning Commission

A. The Zoning Administrator shall review the application and shall prepare a recommendation thereon which shall be filed with the Planning Commission and available to the applicant at least five (5) days prior to the Planning Commission meeting. The Zoning Administrator shall also provide any reports, comments, or recommendations made during staff and DRC review regarding the subject amendment.
B. In event of withdrawal of an application after action by Planning Commission prior to action by City Council, an application for same or permissive zoning for the property shall not be filed within one year of the withdrawal.

2.8.9 Public Hearing and Notice

The Planning Commission shall act on the application not more than forty-five (45) days following the filing of said application. Notice shall be given as prescribed in Section 2.9.2. Action by the Planning Commission shall be in the form of a recommendation to the Mayor and City Council.

2.8.10 Findings and Action by Reviewing Bodies

A. Upon conducting the requisite public hearing and considering all evidence, the Planning Commission and City Council shall make specific findings related to the following criteria:
   i. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.

ii. Whether or not an error exists with regard to the original zoning designation of the subject property.

B. Upon finding in favor of the foregoing criteria the Planning Commission and City Council shall find in favor of the requested rezoning, otherwise, the rezoning request shall be denied.

2.8.11 Change of Zoning Map

A change in district boundaries shall be indicated on the Zoning Map.

2.9 PUBLIC NOTICE PROCEDURE

Section 2.9.1 through Section 2.9.7 shall be known as the Public Notice procedure. The purpose of this Procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

2.9.1 Planning Commission: Conditional Use Permits

Notice or public hearing for consideration of a Conditional Use Permit by the Planning Commission shall be given as follows:

A. Notice shall be given by mail to the owner of each site within 300 feet of the subject property at least fifteen (15) days prior to the date of the hearing.
B. At the option of the Zoning Administrator, notice may be given by mail to the owner of any site more than three hundred (300) feet from the subject property at least fifteen (15) days prior to the date of the hearing.
C. Notice may be given by mail to any civic organization having interest in the application.
D. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
E. Notice shall be posted at the street frontage of the subject site no less than fifteen (15) days prior to the date of the hearing.

2.9.2 Planning Commission: Rezoning

Notice of public hearing for consideration of a Rezoning by the Planning Commission shall be given as follows:

A. Notice shall be given by mail to the applicant at least 15 days prior to the date of the hearing.
B. Notice shall be given by mail to the owner of each site within five hundred (500) feet of the subject property at least 15 days prior to the date of the hearing.
C. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
D. Notice shall be posted at the street frontage of the subject site no less than fifteen (15) days prior to the date of the hearing.
E. At the option of the Zoning Administrator, notice may be given by mail to the owner of any site more than five hundred (500) feet from the subject property at least fifteen (15) days prior to the date of the hearing.

2.9.3 City Council: Text Amendment

Notice of public hearing for a consideration of a Text Amendment by the City Council shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.

2.9.4 City Council: Appeal from Planning Commission

Notice of a public hearing for consideration of any appeal from a decision of the Planning Commission shall be given as follows:

A. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
B. Notice shall be given by mail to the applicant, if different from the appellant, at least fifteen (15) days prior to the date of the hearing.

C. At the option of the Mayor or City Council, notice may be given by mail to the owner of any site in the vicinity of the subject property who, on the basis of the records pertinent to the appeal, has shown an interest in the application, at least fifteen (15) days prior to the date of the hearing.

2.9.5 Planning Commission: Administrative Appeal

Notice of public hearing for consideration of an Administrative Appeal by the Planning Commission shall be given as follows:

A. Notice shall be given by mail to the appellant and to the applicant if different from the appellant, at least fifteen (15) days prior to the date of the hearing.
B. Notice shall be given by publication of legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
C. At the option of the Zoning Administrator or Planning Commission, notice may be given by mail to the owner of any site potentially affected by an administrative appeal pertaining to a particular site, at least fifteen (15) days prior to the date of the hearing.

2.9.6 Planning Commission: Variance

Notice of public hearing for consideration of a variance by the Planning Commission shall be given as follows:

A. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
B. Notice shall be given by mail to the owner of each site within three hundred (300) feet of the subject property at least fifteen (15) days prior to the date of the hearing.

2.9.7 Notice Requirement Defined

A. Requirements for notice and publication contained in this Section shall have the following meanings:
   i. Notice by certified or regular mail shall refer to the date of deposit of such mail with the U.S. Post Office.
   ii. Publication shall refer to the date of publication of a legal notice in a newspaper of general circulation in the City of Diamondhead. Two (2) publication days shall be sufficient.
B. Each such notice, whether by mail or publication, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

2.10 REMEDIES AND PENALTIES

2.10.1 Enforcement Remedies

If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the City Council and/or the Zoning Administrator may, in addition to other remedies, institute in the name of the City of Diamondhead any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this ordinance.

2.10.2 Penalties

A. Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to the maximum fine allowed by law and the cost of prosecution or in default of the payment thereof, shall be punished by imprisonment for a period not to exceed thirty (30) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the cost of such prosecution. Each day such a violation continues shall be considered a separate offense after the thirty (30) days from the date of written notification.

B. The owner of any structure or premises, where any condition in violation of this Ordinance shall exist or shall be created shall be guilty of an offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Forbearance in enforcement of this Ordinance shall not be deemed the condoning of any violation thereof.

C. In addition to all other remedies, including the penalties provided in this Section of the Ordinance, the City may commence and prosecute appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such non-compliance. Violation of any provisions of this Ordinance is hereby declared to be a nuisance per use, and the Court shall order such nuisance abated.

ARTICLE 3: DEFINITIONS

3.1 INTERPRETATION

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

A. Words in the present tense shall include the future tense.
B. The singular shall include the plural, and the plural shall include the singular.
C. The masculine gender shall include the feminine and the neuter and vice-versa.
D. The word "lot" includes the word "plot," "parcel," or "tract."
E. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
G. Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

3.2 DEFINITIONS

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

1. **Abandoned Vehicle.** Any inoperable vehicle which has been lacking a currently effective state license and inspection sticker for a period of at least one (1) year.
2. **Abut.** Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."
3. **Access Drive.** A privately owned, constructed, and maintained vehicular access from a public or private street to four (4) or more off-street parking spaces or to at least one (1) loading space.
4. **Accessory Building.** A building (such as a private garage, private pool house or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

5. **Accessory Structure.** A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.
6. **Accessory Use.** A use subordinate to the principal use on the same lot and customarily incidental thereto.
7. **Acres.** 43,560 square feet.
8. **Adjacent.** A state of being side by side, next to, adjoining, contiguous, or abutting one to another.
9. **Adult entertainment business.** Shall include the following:
   a. **Adult bookstore***:* An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:

1) Books, magazines and other periodicals distinguished or characterized by the emphasis on matter depicting, describing, or relating to sexually explicit material, or
2) Selling or displaying books, magazines, or other periodicals and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

b. **Adult Live Entertainment:** Any establishment where dancers, entertainers, performers, or other individuals, who, for commercial gain, model, perform, demonstrate, or are presented while displaying or exposing "specified anatomical area", or engage in "straddle dancing", or touching with customers.

c. **Adult Novelty Store:** An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
1) Miscellaneous articles relating to sexually explicit material appropriate as gifts excluding any minor by reason of age as prevailing practice; or
2) Novelties, toys, books, or bondage kits for the intent as a gag gifts, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

d. **Adult Video Recording Stores:** An establishment or segment or section of an establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
1) Film, videotape, or other video recordings, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
2) Selling or displaying film, videotape, or other video recordings, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

e. **Adult Motion Picture or mini-motion Picture Theaters:** An establishment where, enclosed buildings or a section of a building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexually explicit material, for observation by patrons therein, or if such establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.

f. **Specified Anatomical Areas:**
1) Less than completely and opaquely covered:
   i. Human genitals, pubic region.
   ii. Buttocks.
   iii. Anus.
   iv. That portion of the human breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola.

2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.

g. **Specified Sexual Activity***:* Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually-oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this Section. Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

10. **Agricultural Industries.** The processing, treating, packing or storing of agricultural products.
11. **Agriculture.** The raising and keeping of field crops for any commercial purpose. "Agriculture" does not include animal husbandry, commercial forestry, greenhouse, nursery, or orchard.
12. **Alley.** A public or private way affording only secondary means of access to abutting property.
13. **Alteration.** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
14. **Amusement Facility.** Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusements such as miniature golf course, golf driving ranges, merry-go-rounds, car race tracks, outdoor motion picture theaters, or similarly operated place.
15. **Animal Hospital.** A building, structure, or area of land where animals are given medical care, other than the premises where such animals are normally kept.
16. **Animal Husbandry.** The raising and keeping of livestock, fish, fur-bearing animals, honey bees, or poultry for any commercial purpose. The keeping of livestock, fish, fur-bearing animals, honeybees, or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.
17. **Arcade.** A covered walkway/structural canopy extending along the entire length of the front facade of a commercial building.
18. **Auto, Recreation Vehicle, or Boat Sales Area.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, recreation vehicles, or boats in operable condition, and where no major repairs are done.
19. **Auto Repair Garage.** Buildings and land where motor fuel and other automobile parts and supplies are sold at retail and where major auto repairs are conducted.
20. **Auto Service Station.** Buildings and land areas where motor fuel, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor auto repairs and services are conducted. Uses permissible at a service station do not include major auto repairs and services.
21. **Auto Wrecking.** The dismantling, crushing or disassembling of used motor vehicles or recreation vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
22. **Bank.** Includes Savings & Loan, Finance Companies, Credit Unions, and other similar enterprises.
23. **Bar Rooms.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.
24. **Barrier.** Any fence, wall, or other structure built to bar passage.
25. **Basement.** A story in a building (excluding a subterranean building) which has a structural ceiling five (5') feet or more above the average level of finished grade abutting the exterior wall(s) fronting

on any road. A basement shall be counted as one story in determining the permissible number of stories.

26. **Block.** Property bounded on one side by a street, and on the other three (3) sides by a street, railroad right-of-way, public park, waterway, township line, tract of land held in separate ownership, or any combination thereof.
27. **Block Frontage.** That portion of a block which abuts a single street.
28. **City Council.** The City Council of Diamondhead.
29. **Boarding House (Rooming House, Lodging House).** Any dwelling, or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and where the occupants share common bathroom, cooking and eating facilities.
30. **Boat Slip.** See “Slip”.
31. **Buffer Yard.** A strip of land which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any use other than open space, used for the purpose of providing screening or transition between land uses or expected land uses in adjoining zoning districts.
32. **Building.** Any structure having a roof supported by walls and intended for the shelter, housing, or enclosure of any individual, process, equipment, goods, or materials of any kind. "Building" is interpreted as including "or part thereof."
33. **Building Coverage.** The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies and decks, covered porches, carports and breeze-ways, but excluding patios) by the total area of the lot upon which the buildings are located.
34. **Building Height.** The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the site along the front elevation of the building or from the lowest permissible building elevation within a flood hazard area to the highest portion of the roof.

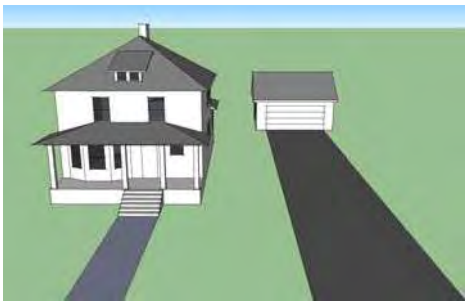
35. **Building Official.** The administrative officer authorized by the Mayor and City Council with the power and duty of enforcing the provisions of the building codes in force for the City of Diamondhead.
36. **Bulkhead.** A structure or partition placed on a bank or bluff to retain or prevent sliding of the land into the water and to protect the inland are from wave action or currents.
37. **Campground.** Any lot, parcel, or tract of land upon which space is rented for one (1) or more tents, recreation vehicles, camping trailers, travel trailers, pickup coaches, motor homes, or any combination thereof for temporary occupancy.
38. **Candelas.** A unit of luminous intensity, describing the intensity of a light source in a specific direction. One candela is one lumen per steradian. Formerly called the candle.
39. **Candle Power.** A measure of luminous intensity expressed in candelas.
40. **Carport.** A building open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

41. **Cellar.** A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than five (5') feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.
42. **Cemetery.** Includes a mausoleum or crematorium.
43. **City.** The City of Diamondhead.
44. **Commercial Forestry.** Areas where trees are harvested for any commercial purpose.
45. **Commission.** The Planning Commission of Diamondhead.
46. **Communication Tower**. A tower, pole, mast or similar structure, either free standing or guyed with wire or cable, designed to accommodate an antenna, receiver or transmitter for the purpose of sending or receiving digital or analog signals.
47. **Comprehensive Plan.** The document entitled 25 Year Comprehensive Development Plan or any part thereof, adopted by the Diamondhead City Council.
48. **Conditional Use.** A use for which the City may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance or imposed at the time of approval.
49. **Condominium.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under the Mississippi Condominium Law.
50. **Construction.** Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; includes the demolition of a pre-existing building, provided that construction be diligently carried on.
51. **Conversion.** To change or adapt land or structures to a different use, occupancy or purpose.
52. **Corner.** The space between intersecting streets, the intersection of a street and an alley, the intersection of a driveway and an alley or the intersection of a street and a driveway.
53. **County.** The County of Hancock.
54. **Deck.** A platform structure either freestanding or attached to a building, supported by pillars or posts, and without a roof, with an average elevation of 30 inches or greater from finished grade.
55. **Detached.** A state of being surrounded on all sides by yards.
56. **Development Review Committee.** The group of department heads and staff professionals for the City of Diamondhead that meet periodically to review, confer and coordinate regarding proposed developments within the city.
57. **District (or Zoning District).** A portion of the territory of Diamondhead within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
58. **Dock.** A structure built over or floating upon the water and used as a landing place for boats and other water craft, fishing, swimming, and other recreational uses.
59. **DRC.** An acronym referring to the Development Review Committee.
60. **Driveway.** A privately owned and constructed vehicular access from a private or public street to three (3) or fewer off-street parking spaces.
61. **Dump.** A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, abandoned vehicles or parts thereof, or waste material of any kind.

62. **Dwelling (Residential Structure).** A building containing one (1) or more dwelling units. The term "dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Mobile Home" or "Manufactured Home".
    a. **Single Family Detached Dwelling.** A detached building containing only one (1) dwelling unit. The term "Single Family Detached Dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Manufactured Home."
    b. **Two-Family Dwelling.** A detached building containing two (2) dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
    c. **Multiple Family Dwelling.** A building containing three (3) or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple family dwelling shall comply with all of the requirements for that type of multiple family dwelling in that district.
        1) **Low-Rise Multiple Family Building.** A Multiple Family Dwelling which does not contain more than six (6) dwelling units, does not exceed 35 feet in height, and in which each dwelling unit has an independent outside access.
            a) **Garden Apartment.** A Low-Rise Multiple Family Building in which individual dwelling units are entirely separated by vertical walls or horizontal floors.
            b) **Townhouse.** A Low-Rise Multiple Family Building in which each dwelling unit extends from ground to roof and contains two (2) points of independent outside access.
        2) **Low-Rise Apartment.** A Multiple Family Dwelling not exceeding 35 feet in height, in which each dwelling unit shares a common outside access with at least one (1) other dwelling unit.
63. **Dwelling Unit (Housing Unit).** One or more rooms intended to be occupied by one (1) family as separate living quarters, containing sanitary facilities, kitchen facilities, and having outside access directly from the dwelling unit or through a common access hall.
64. **Escort Service.** An establishment where, for any form of consideration, companions for the purpose of accompanying another or others for protection, guidance, or courtesy are provided.
65. **Facade.** A vertical exterior face or elevation of a building.
    a. **Front Facade.** Any facade with a public entry which faces a public right-of-way.
    b. **Rear Facade.** Any facade without a public entry that does not face a public right-of-way.
    c. **Side Facade.** Any facade without a public entry but facing a public right-of-way or any facade with a public entry but not facing a public right-of-way. A side facade typically connects a front facade with a rear facade.
66. **Factory Built Home.** A Manufactured Home, a mobile home, or a modular home as those terms are defined herein.
67. **Family.** One (1) or more persons (whether or not they are related by blood, marriage, or adoption) living together in a single dwelling and maintaining a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, or lodger.
68. **Farmer's Market.** An area where unprocessed seafood, agricultural, horticultural and animal husbandry products are sold by two (2) or more enterprises.
69. **Fast Food Restaurant.** A building in which food is prepared and served to the public for consumption, but where no waiters or waitresses take orders and serve food to seated patrons at tables, booths, or counters.
70. **Fence.** A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof and prohibits through passage. The term "Fence" shall be deemed to include a wall.

71. **Fence, Decorative.** Fencing that adds beauty and does not substantially block the view and maintains the open space characteristic provided for by zoning standards.
72. **Floodplain.** A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation once in every one hundred (100) years.
73. **Floodway.** The designated area of a floodplain required to carry the discharge waters of one hundred (100) year magnitude.
74. **Floodway Fringe.** That portion of the floodplain outside the floodway.
75. **Floor Area (Gross Floor Area).** The total area of all floors, as measured to the outside surfaces of exterior walls (or from the centerline of party walls separating two buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.
76. **Garage.** A building or part thereof used for the storage or parking of one (1) or more vehicles.

Attached Garage



Detached Garage

77. **Gate.** A point of entry into an enclosed space or an opening in a fence that may prevent or control ingress and egress of the enclosed space.
78. **Gate, Self Closing.** A gate which is kept in a normally closed position and is equipped with an approved device to ensure closing and latching after having been opened for use.
79. **General Merchandise Store.** A building with less than ten thousand (10,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.
80. **Government Services Facilities.** Municipal, County, State, or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.
81. **Grade.** The elevation of finished ground or paving.
82. **Group Home.** A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable State program.
83. **Hazardous Wastes.** Those wastes where a significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.
84. **Home Occupation.** An occupation for gain or support conducted in a residential dwelling in accordance with the provisions of Section 4.18.3 (B) of this ordinance.
85. **Hospital.** A building used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to also include a sanitarium, sanatorium, clinic, medical center, or other equivalent use.
86. **Hotel.** A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws, in which access to and from each room is through an interior door.
87. **Impervious Cover.** Any area covered by a structure or any other cover which is incapable of being penetrated by moisture.
88. **Intersection.** A point where streets, roads, highways, alleys, and driveways meet or cross.

89. **Junk or Salvage.** Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.
90. **Junk Yards (Salvage Yards).** Any land or structure where junk or salvage is discarded, bought, sold, exchanged, sorted, bailed, cleaned, packed, disassembled, or handled. "Junk Yards" shall not include those structures where used furniture, clothing or household equipment is stored, bought, or sold, such as the Salvation Army.
91. **Kennel.** Any lot on which six (6) or more adult (over six months of age) dogs or cats are kept.
92. **Kitchen Facilities.** Shall consist of the following: sink with piped water, a permanent cook stove and a refrigerator.
93. **Landowner.** The owner of a legal or equitable interest in land, including the holder of any option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the right of the landowner.
94. **Lodging House.** See "Boarding House."
95. **Lingerie Store with Modeling Inside.** Any establishment which having as a substantial or significant portion of its stock in trade of fashionable and alluring women's undergarments in which the garments are modeled by a live person.
96. **Lot.** Any parcel or tract of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots under common ownership shall be considered one lot.
    a. **Corner Lot.** A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty-five (135°) degrees.
    b. **Interior Lot.** A lot other than a corner lot (whose sides do not abut a street).
    c. **Reverse Frontage Lot.** A lot which fronts on one street but provides vehicular access solely from another street at the rear of the lot.
    d. **Through Lot.** An interior lot having frontage on two (2) streets.
97. **Lot Area.** The area contained within the lot lines, excluding space within all existing and future road rights-of way.
98. **Lot Depth.** The mean average horizontal distance between the front and the rear lot lines.
99. **Lot Lines.** The property lines bounding the lot.
    a. **Front Lot Line (Street Line).** A lot line separating the lot from an existing or future street right-of-way (whichever contains a greater right-of-way width).
    b. **Rear Lot Line.** A lot line opposite and most distant from the front lot line. [A three (3) sided lot has no rear lot line.]
    c. **Side Lot Line.** Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.
100. **Lot Width.** The horizontal distance between the side lot lines measured along the minimum prescribed front yard setback line as set forth in the Zoning Ordinance.
101. **Lounges.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.
102. **Lumen.** A unit of light flow, or luminous flux. For the purpose of this ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.
103. **Luminaires.** A complete lighting unit consisting of a light source, and all necessary mechanical, electrical, and decorative parts.
104. **Lux.** The metric unit of measure for illuminance of a surface. One lux is equal to one lumen per square meter.
105. **Major Auto Repairs.** Include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

106. **Manufactured Home**. A structure defined by and constructed in accordance with the National Manufactured Housing and Construction and Safety Standards Act of 1974, as amended, 42.USC 5401, et seq., and manufactured after June 15, 1976, and designed to be used as a single family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this code and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Uniform Standards Code for Factory Built Homes Law, State of Mississippi. A mobile home is not a manufactured home except as hereinafter-provided.
107. **Manufactured Home Foundation:** The site built supporting parts upon which the manufactured home is placed, whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer or shield from such support, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.
108. **Manufactured Home HUD-Code (Building Code Standard for Manufactured Housing):** The Manufactured Home Construction and Safety Standards (24CFR3280), promulgated by the Secretary of U. S. Department of Housing and Urban Development, in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (the HUD Code), is recognized herein as the standard of manufactured home construction, strength, durability, energy performance, fire residence, installation and performance of plumbing and electrical systems which code shall not be preempted by any state or local building codes.
109. **Manufactured Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient residential use.
110. **Manufactured Home Subdivision:** The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of the placement of manufactured housing for dwelling purposes.
111. **Manufactured Housing Land-Lease Community:** A parcel of land under single or multiple ownership, but single management, that has been planned and improved for the placement of manufactured housing for dwelling purposes. A manufactured home land-lease community shall only include developments wherein manufactured housing sites are leased or rented and/or wherein manufactured houses and sites are leased or rented.
112. **Massage Parlor.** Any establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where message or similar manipulation of the human body is offered as an incidental or accessory service.
113. **Medical Office Building.** A building used exclusively by physicians or dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
114. **Membership Club.** An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.
115. **Mineral Extraction.** A site where a mineral, stone, sand, gravel, or topsoil is extracted.
116. **Minor Auto Repairs and Services.** Includes
    a. Sale and servicing of spark plugs, batteries, distributors and distributor parts, and ignition components;

b. Tire servicing and repair, but not recapping or regrooving;
c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
d. Radiator cleaning and flushing;
e. Washing and polishing, and sale of automotive washing and polishing materials;
f. Greasing and lubrication;
g. Providing and repairing fuel pumps, oil filters and lines;
h. Minor servicing and repair of carburetors and fuel injection systems;
i. Emergency electrical repairs;
j. Adjusting and repairing brakes;
k. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
l. Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and
m. Provision of road maps and other informational material to customers; provision of restroom facilities.

117. **Mobile Food Vendor.** Any individual selling foods, other than fresh fruits or vegetables, from any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering, or other device designed to be portable and not permanently attached to the ground and is independent with respect to water, sewer, and power utilities. Said units may also contain equipment, used for the preparation and/or sale of food products and is closed up when not in operation. Mobile food vendors do not include catering services.

118. **Mobile Home.** A structure manufactured prior to June 15, 1976, and that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42USC5401, et seq.

119. **Modular Home:** Factory fabricated dwelling designed and constructed without carriage or hitch; as a stationary house construction for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two (2) or more units separately transportable but designed to be joined into one (1) integral unit and must meet the minimum construction standards for house construction as specified by the City's adopted building code.

120. **Motel.** A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients licensed under applicable laws, in which access to and from each room is through an exterior door.

121. **Motor Freight Terminal.** The building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by motor truck.

122. **Museum.** A building having public significance due to its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged or intended for viewing by the public for a designated fee.

123. **New construction.** The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, or the affixing of any prefabricated structure or modular or manufactured home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basements, footings, piers, or foundations, erection of temporary forms, installation of sewer, gas, and water pipes, or electric or other service lines from the street, or existence on the property of

accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure.

124. **Nightclub.** Any places of entertainment principally offering alcoholic beverages for consumption on the premises, which may provide a floor show and music as well as a place for dancing and which are not an accessory use.
125. **Nonconforming Lot.** A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the City. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.
126. **Nonconforming Structure.** A structure which could not be built under this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, but was lawfully in existence prior to the effective date of this Ordinance.
127. **Nonconforming Use, Building, or Yard.** A use, building, or yard which does not comply with the applicable use provisions of this Ordinance, but which was lawfully in existence prior to the effective date of this Ordinance.
128. **Nursery/Greenhouse.** The raising of trees (for transplanting), ornamentals, shrubs, flowers, or houseplants for any commercial purpose.
129. **Nursing Home.** A building containing sleeping rooms used by elderly persons who are lodged and furnished with meals with or without nursing care. Unless otherwise specified, a "nursing home" shall be deemed to also include a convalescent home, rest home, life care community, or other similar use.
130. **Office (general).** A building in which a business is conducted, but no merchandise is displayed or professional or personal services are performed.
131. **Official Zoning Map.** The map as adopted or amended by the City Council designating the location and boundaries of zoning districts.
132. **Open Space.** The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.
133. **Open Space, Common.** A parcel or parcels of land, or an area of water, or a combination of land and water within a development site which is designed and intended for the use or enjoyment of residents of a development.
134. **Orchard.** The raising and keeping of tree crops for any commercial purpose, including a Christmas tree farm.
135. **Ordinance.** The Diamondhead Zoning Ordinance, including the Official Zoning Map, and any amendments enacted by the City Council.
136. **Palm Reader, Astrologer, Fortune Teller, Tarot Card Reader, and the like.** An establishment offering, for any form of consideration, advice, predictions, or interpretations of the lines on the palm of the hand, the positions and aspects of celestial bodies, or cards for the specific purpose of predicting future events or human affairs.
137. **Park.** Any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.
138. **Parking Facilities.** Outdoor areas or specifically designed buildings or garages used for the storage of vehicles.
139. **Patio.** An area or courtyard which is not covered by a roof or permanent awning, and is designed for outdoor living purposes as an accessory use to a structure.
140. **Pedestrian Path.** A surfaced walkway, separate from the traveled portion of the roadway, usually of crushed rock or asphalt, and following the existing ground surface designated to accommodate foot traffic.
141. **Permit.** A document issued by the proper Diamondhead official authorizing the applicant to undertake certain activities.

a. **Zoning Permit.** A permit issued indicating that a proposed use, building or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building, or structure.

b. **Building Permit.** A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the City Council which authorizes an application to commence with said construction, alteration, repair or reconstruction.

c. **Occupancy Permit.** A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land, or reoccupancy of a structure or land indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.

142. **Permitted Use.** A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this ordinance.

143. **Person.** An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

144. **Personal Service.** A building in which a business provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

145. **Planned Unit Development.** A zoning designation assigned to property, after proper application, review and approval as required herein, which allows for flexibility in design of a proposed development beyond the minimum standards prescribed in this ordinance for other zoning districts.

146. **Planning Commission.** The Planning and Zoning Commission for Diamondhead.

147. **Pool Hall.** Any commercial establishment which derives significant or substantial income from the operation of pool tables, billiard tables, or similar devices, and which permits the consumption of alcoholic beverages on the premises.

148. **Porch.** A roofed or unroofed structure projecting from the front, side, or rear wall of a building.

149. **Principal Building.** The building in which the principal use of a lot is conducted.

150. **Principal Use.** The single dominant use or single main use on a lot.

151. **Professional Office.** A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentists, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor, or undertaker.

152. **Public Facilities.** Any facility necessary for the operation or maintenance of a local government unit or a public utility as defined by the laws of the State of Mississippi.

153. **Radio/TV Transmitter.** Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.

154. **Recreational Vehicle.** A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational, and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreation Vehicle" includes any "Travel Trailer" or "Travel Unit."

155. **Rental Unit.** One or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.

156. **Restaurant.** A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booths, or counters.

157. **Retail Center.** A building with ten thousand (10,000) square feet or more of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.

158. **Retail Store.** A building with less than five thousand (5,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of retail merchandise which is specifically listed in this Ordinance.
159. **Retail Strip.** A building being utilized by more than three separate tenants, which are located in separate suites of the same building.
160. **Riding Stable.** The commercial boarding or hacking of six (6) or more horses.
161. **Right-of-Way.** Land reserved for the public or others for future use as a street or other means of access.
162. **Rooming House.** See "Boarding House."
163. **Rooming Unit**. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
164. **Runway**. An area of an airport used for the take-off and landing of aircraft.
165. **Sanitary Facilities.** All of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.
166. **Sanitary Landfill.** An area where garbage, trash, or junk is disposed of by burial in conformance with State regulations, but shall not include the disposal of hazardous materials or radioactive materials.
167. **Screen.** A fence or natural obstruction of sufficient height to effectively visually obscure the area being screened from adjoining areas.
168. **Seasonal Roadside Produce Market.** An accessory use for the sale of dairy, farm, greenhouse, or nursery products.
169. **Sewage Disposal System.** A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the City Council.
    a. **Centralized Sewage Disposal System.** A Sewage Disposal System which collects, treats, and disposes sewage from more than one (1) dwelling, principal use, or lot.
    b. **On-Site Sewage Disposal System.** A Sewage Disposal system which collects, treats, and disposes of sewage within the confines of the individual property served.
170. **Sign.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. A sign shall not be used as the principal or primary use of the property.
    a. **Abandoned Sign.** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available on the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.
    b. **Banner Sign.** A sign made of canvas or other approved flexible materials, with or without a structural frame, and attached to a building, canopy, pole or other structure.
    c. **Billboard.** A freestanding structure used for outdoor advertising which is designated, intended, or used to advertise or inform and is customarily erected and owned by an outdoor advertising entity for the purpose of providing advertising space whether by lease or by charitable donation.
    d. **Exempt Sign**. Any sign designated as exempt from the permit requirements of these regulations.
    e. **Freestanding Sign.** A sign which is supported by uprights· or braces upon the ground and not attached to any building or structure.
    f. **Group Sign.** A composite sign, the total perimeters of which shall be deemed a single unit.
    g. **Mobile Billboard**. One or more advertising display structures that are mounted upon, painted upon, or otherwise erected on a trailer, truck, automobile, or other vehicle for the primary purpose of advertising.
    h. **Mobile Sign.** A sign not exceeding one hundred (100) square feet in area per display face and not exceeding twelve (12) feet in height to the top thereof above the surrounding ground

level and specifically designed to be of a temporary nature and capable of being transported to various locations. The subject matter of such signs shall be related to products, accommodations or services available within one thousand (1,000) feet of the location of the sign; or shall be in the nature of an announcement of general public interest.

i. **Monument Sign.** A sign which is generally a low profile sign which is supported by a base having a width of at least 80% of the sign width, and having little or no space between the bottom of the sign's message area and the top of the base.

j. **Portable Sign.** A sign which may be allowed for a maximum of sixty (60) days per year at any location for a specific event not to exceed thirty (30) days' continuous usage at any one time.

k. **Projecting Sign.** A sign which is erected or supported on the wall of a building or other structure and projects from same.

l. **Sidewalk Sign.** A sign which is temporary in nature, that is not secured to the ground, and constructed in such a manner as to form an "A" or tent-like shape used for the purpose of business advertising on the angular sides.

171. **Sign Area.** The entire advertising area of a sign face excluding any framing, trim, or moulding, and the supporting structure.

172. **Site Alteration.** Includes grading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

173. **Slip.** The area of water contained within or between tie-off points of a pilling or pier, utilized for the parking of watercraft.

174. **Story (and Half-Story).** That portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7') feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7') feet shall be considered a half-story. Basements and cellars shall not be considered as being stories or half-stories.

175. **Street.** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, lane, boulevard, highway, road and any other thoroughfare except an alley, access drive, or driveway.

a. **Arterial.** Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds, and generally should not provide access to land which would interfere with their primary traffic functions. Arterial Streets are so designated within the Comprehensive Plan.

b. **Collector.** Streets designed to carry a moderate volume of traffic between Local Streets and Arterials at moderate speeds, and provide only limited vehicular access to the abutting properties. Collector Streets are those streets which are so designated within the Comprehensive Plan.

c. **Local.** Streets designed to provide direct access to abutting properties or gather traffic from marginal access streets which are so designated within the Comprehensive Plan.

176. **Structure.** Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof."

177. **Subterranean Building.** A building covered by land on at least fifty (50%) percent of the total surface of its walls and roof.

178. **Swimming Club.** An area containing a swimming pool which is used by the public or by members for a fee.

179. **Swimming Pool.** A pool of water 24 inches or greater in depth either indoors or outdoors and is used for swimming or water-related recreations. This also includes spas and hot tubs.

a. **Private Pool.** A swimming pool appurtenant to a single-family or duplex residence and used only by the occupants of the residence and their guests.

b. **Semipublic Pool.** A swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment residents, club members, or and members of a home owners association.

180. **Tattoo and/or Body Piercing Parlor.** An establishment whose principle business activity, either in terms of operation or as held out to the public is the practice of one or more of the following:
   a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use needles or other instruments designed to contact or puncture the skin;
   b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

181. **Taxi way.** A designated route, either paved or unpaved, utilized to taxi aircraft to or away from the runway.

182. **Temporary Occupancy (Seasonal Occupancy).** The use of any premises or structure for living and/or sleeping purposes for less than one hundred (100) consecutive days in any calendar year.

183. **Temporary Structure.** A structure which is not designed to last or to be used for a specific use for more than one (1) year.

184. **Theater**. A building or part thereof devoted to showing motion pictures, or for dramatic, music, dance, musical, or other live performances.

185. **Thrift Store.** A profit or non profit business or organization that engages in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

186. **Trailer.** See "Manufactured Home" (listed under "Dwelling") and "Recreation Vehicle."

187. **Travel Trailer.** See "Recreation Vehicle."

188. **Urban Bank**. A place of business providing financial services including, but not limited to, that of lending money against automobile titles, advance check cashing, or other financial activities which are not regulated by the Federal Deposit Insurance Corporation.

189. **Use.** Any activity, occupation, business, or operation carried on or intended to be carried on in a structure or on a lot.

190. **Variance.** The process whereby one may seek a relaxation of these zoning laws in accordance with the application and review process contained herein.

191. **Veterinarian Office.** See "Animal Hospital."

192. **Visibility Range.** The distance required to afford proper vision for pedestrian and vehicular traffic at intersections and/or corners.

193. **Wall Area.** The total square feet of the exterior elevation of the building that is vertical to the ground.

194. **Water Supply System.** A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the City of Diamondhead and the Diamondhead Water and Sewer District, and may further be defined within one or more of the following categories:
   a. **Centralized Water Supply System.** A Water Supply System which transmits water from a common source to more than one (1) dwelling, principal use, or lot.
   b. **On-Site Water Supply System.** A Water Supply System which transmits water from a source on the lot to one (1) dwelling or principal use within the confines of the same lot.

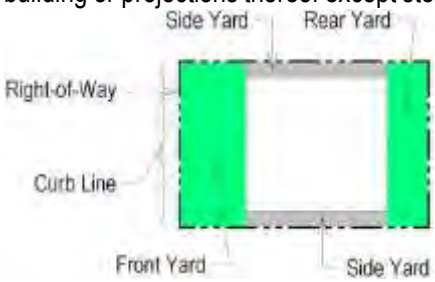
195. **Wildlife Sanctuary.** Includes nature center, indoor or outdoor education laboratory, woodland preserve, or arboretum for wildlife of any type, whether land or sea creature.

196. **Yard.** An open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

a. **Front Yard.** A yard extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter boxes, unenclosed porches and driveways.

b. **Rear Yard.** A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

c. **Side Yard.** A yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.



197. **Zone.** See "District."

198. **Zoning Administrator.** The administrative officer authorized by the Mayor and City Council with the power and duty of enforcing the provisions of the Zoning Ordinance for the City of Diamondhead.

199. **Zoning District Map.** The map incorporated into this article as a part hereof by reference thereto.

200. **Zoning Ordinance.** See "Ordinance". Also to include "Zoning Regulations".

ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

4.1 ESTABLISHMENT OF ZONING DISTRICTS

4.1.1 For the purpose of this Ordinance, zoning districts are hereby established as follows:

R-1 Low Density Single-Family Residential
R-2 Medium Density Single-Family Residential
R-3 High Density Single-Family Residential
R-4 High Density Multi-Family Residential
MH Manufactured Home Residential
C-1 General Commercial
C-2 Interstate Commercial / Gaming / Resort
T Technology
I Industrial
PR Preservation
PFR Public Facilities & Recreation

4.1.2 For the purposes of this Ordinance, the zoning districts named in Section 4.1.1 shall be of the number, size, shape, and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

4.2 APPLICATION OF DISTRICT REGULATIONS

4.2.1 Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.

4.2.2 The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.

4.2.3 No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.

4.2.4 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4.2.5 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

4.2.6 Any territory which may hereafter be annexed into the City of Diamondhead shall maintain the zoning classification assigned by the county prior to the annexation. The annexed land shall be rezoned according to the City of Diamondhead zoning regulations at a public hearing at a time designated by the Planning Commission. In the event the annexed territory is without a zoning classification at the time of annexation, then such annexed territory shall remain unzoned until otherwise classified by the City of Diamondhead.

4.3 ZONING MAP

4.3.1 A map entitled, "Official Zoning Map - City of Diamondhead Mississippi" accompanies this Ordinance and is declared a part of this Ordinance.

4.3.2 The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the adoption date of this Ordinance and the seal of the City of Diamondhead under the following words: "This is to certify that this is the Official Zoning Map adopted [DATE], as part of the City of Diamondhead Zoning Ordinance."

4.3.3 Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

4.3.4 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Diamondhead City Hall and shall be the final authority on boundaries and districts.

4.3.5 Replacement of Official Zoning Map

A. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.

C. The new Official Zoning Map shall be identified by the signatures of the Mayor, attested by the City Clerk, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Diamondhead Zoning Ordinance."

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

4.4 RULES FOR INTERPRETING DISTRICT BOUNDARIES

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

4.4.2 Boundaries approximately following property lines shall be construed as following such property lines.

4.4.3 Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.

4.4.4 Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 4.4.1 through 4.4.3 above, the Planning Commission shall interpret the district boundaries.

4.4.5 Where any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

4.4.6 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the City may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

4.5 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

4.5.1 Purpose

This is the most restrictive district and least densely populated of the residential districts. The principal use of land is for single-living unit dwellings situated upon larger lots along with related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element. It is also the intent of this district to require the continued development of existing neighborhoods in a manner consistent with the requirements for minimum square footage as established by the Diamondhead Property Owners Association and any covenants associated with the subject property or neighborhood.

4.5.2 Uses Permitted by Right

The uses permitted by right in the R-1 Low Density Single Family Residential District are set forth in Section 4.21, Chart of Permitted Uses.

4.5.3 Conditional Uses

The uses permitted by conditional use permit in the R-1 Low Density Single Family Residential District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.5.4 Accessory Uses

Accessory uses shall be permitted in the R-1 Low Density Single Family Residential District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.5.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the R-1 Low Density Single Family Residential District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 35 feet except as provided in Section 5.3.
B. Maximum Building Site Coverage: 45%
C. Minimum Lot Area: 10,000 square feet
D. Maximum Density: 4 dwelling units per acre
E. Minimum Yards:
   i. Front yard: 20 feet
   ii. Side yards: 10 feet, except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard
   iii. Rear yard: 20 feet
F. Lot width: Minimum of eighty (80) feet at building setback line, and forty (40) feet on a public or platted street. Corner lots shall have a minimum width of one hundred (100) feet at the building setback line.
G. Minimum living area: For all new primary dwelling units, the minimum floor area of said structures shall meet the square footages as indicated on the Map of Minimum Square Footage Requirements.

4.5.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.6 R-2 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

4.6.1 Purpose

The purpose of the R-2 Medium Density Single Family Residential District is to provide areas to meet the needs of the present and expected future residents seeking medium density residential lifestyle with the benefits of urban services and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. This district is designed to accommodate single-living unit dwellings, to protect residential neighborhoods from the negative impacts of incompatible land uses, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community. It is also the intent of this district to require the continued development of existing neighborhoods in a manner consistent with the requirements for minimum square footage as established by the Diamondhead Property Owners Association and any covenants associated with the subject property or neighborhood. This District is also intended to afford residents the opportunity to live in proximity to recreational services and amenities within the community.

4.6.2 Uses Permitted by Right

The uses permitted by right in the R-2 Medium Density Single Family Residential District are set forth in Section 4.21, Chart of Permitted Uses.

4.6.3 Conditional Uses

The uses permitted by conditional use permit in the R-2 Medium Density Single Family Residential District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.6.4 Accessory Uses

Accessory uses shall be permitted in the R-2 Medium Density Single Family Residential District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.6.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the R-2 Medium Density Single Family Residential District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 35 feet except as provided in Section 5.3.
B. Maximum Building Site Coverage: 45%
C. Minimum Lot Area: 6,000 square feet
D. Maximum Density: 7 dwelling units per acre
E. Minimum Yards:
   i. Front yard: 20 feet
   ii. Side yards: 10 feet, except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard
   iii. Rear yard: 20 feet
F. Lot width: Minimum of sixty (60) feet at building setback line, and forty (40) feet on a public or platted street. Corner lots shall have a minimum width of ninety (90) feet at the building setback line.
G. Minimum living area: For all new primary dwelling units, the minimum floor area of said structures shall meet the square footages as indicated on the Map of Minimum Square Footage Requirements.

4.6.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.7 R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

4.7.1 Purpose

The purpose of the R-3 High Density Single Family Residential District is to provide areas for the development of a variety of attached or detached single family housing types, including patio homes, townhomes, duplexes, and condominiums, where such development occurs at higher densities and residents are in closer proximity to one another. This district may also accommodate related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. It is also the intent of this district to require the continued development of existing neighborhoods in a manner consistent with the requirements for minimum square footage as established by the Diamondhead Property Owners Association and any covenants associated with the subject property or neighborhood. Additionally, this district is also for the purpose of protecting and preserving existing low or medium density single family neighborhoods from nearby non residential development by serving as a transitional land use.

4.7.2 Uses Permitted by Right

The uses permitted by right in the R-3 High Density Single Family Residential District are set forth in Section 4.21, Chart of Permitted Uses.

4.7.3 Conditional Uses

The uses permitted by conditional use permit in the R-3 High Density Single Family Residential District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.7.4 Accessory Uses

Accessory uses shall be permitted in the R-3 High Density Single Family Residential District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.7.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the R-3 High Density Single Family Residential District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: shall be as noted below except as provided in Section 5.3.
   i. Single-family detached — 35 feet
   ii. Single-family zero-lot line — 35 feet
   iii. Single-family attached townhouse unit — 35 feet
   iv. All other uses — 35 feet
B. Maximum Building Site Coverage:
   i. Single-family detached — 60%
   ii. Single-family zero-lot line — 60%
   iii. Single-family attached townhouse unit — 70%
   iv. All other uses — 60%
C. Minimum Lot Area:
   i. Single-family detached — 5,000 square feet
   ii. Single-family zero-lot line — 5,000 square feet
   iii. Single-family attached townhouse unit
      a. First two (2) dwelling units — 6,000 square feet
      b. Each additional unit — 1,800 square feet
   iv. All other Uses — 6,000 square feet
D. Maximum Density:
   i. Single-family detached — 7 dwelling units per acre
   ii. Single-family attached — 8.5 dwelling units per acre
E. Minimum Yards:
   i. Single-family detached
      a. Front yard: 20 feet from the street right-of-way line to the building setback line
      b. Side yards: 5 feet except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard
      c. Rear yards: 20 feet
   ii. Zero-lot line or Townhouse
      a. Front yard: 20 feet from the street right-of-way line to the building setback line
      b. Side yards: 0 feet at common firewall; 10 feet at end of building unit or lot line; 20 feet between townhouse building clusters or on street side of a corner lot.
      c. Rear yards: 20 feet
   iii. All other uses
      a. Front yard: 20 feet from the street right-of-way line to the building setback line

b. Side yards: 10 feet except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard
c. Rear yards: 20 feet

F. Minimum living area: For all new primary dwelling units, the minimum floor area of said structures shall meet the square footages as indicated on the Map of Minimum Square Footage Requirements.

G. Minimum Lot width:

i. Single-family detached	50 feet at building setback line
ii. Single-family zero-lot line	50 feet at building setback line
iii. Single-family attached townhouse unit	14 feet at building setback line
iv. All other uses	60 feet at building setback line

4.7.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.8 R-4 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

4.8.1 Purpose

The purpose of the High Density Multi-Family Residential District is to provide areas for the development of a variety of higher density housing types, duplexes, fourplexes, and conventional apartments and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. The use of this district is appropriate as a transition zone between single family residential districts, commercial uses, or other non residential land uses that may devalue single family homes.

4.8.2 Uses Permitted by Right

The uses permitted by right in the High Density Multi-Family Residential District are set forth in Section 4.21, Chart of Permitted Uses.

4.8.3 Conditional Uses

The uses permitted by conditional use permit in the High Density Multi-Family Residential District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.8.4 Accessory Uses

Accessory uses shall be permitted in the High Density Multi-Family Residential District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.8.5 Dimensional Requirements

Each of the following dimensional requirements shall apply to each use in the High Density Multi-Family Residential District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: shall be as noted below except as provided in Section 5.3.

i. Single-family detached	35 feet
ii. Single-family zero-lot line	35 feet
iii. Single-family attached townhouse unit	35 feet
iv. Two-family (duplex)	35 feet
v. Multi-family	35 feet, 50 feet shall be allowed with conditional use approval

B. Maximum Building Site Coverage:

i. Single-family detached	60%
ii. Single-family zero-lot line	60%

iii. Single-family attached townhouse unit 70%
iv. Multi-family 50%
v. All other uses 60%

C. Minimum Lot Area:
i. Single-family detached 5,000 square feet
ii. Single-family zero-lot line 5,000 square feet
iii. Single-family attached townhouse unit
a. First two (2) dwelling units 6,000 square feet
b. Each additional unit 1,800 square feet
iv. Multifamily Uses 9,600 square feet for up to three units; 800 square feet for each additional unit thereafter
v. All Other Uses 6,000 square feet

D. Maximum Density:
i. Single-family detached 7 dwelling units per acre
ii. Single-family attached 8.5 dwelling units per acre
iii. Two Family (duplex) 8 dwelling units per acre
iv. Multifamily Units 20 dwelling units per acre

E. Minimum Yards:
i. Single-family detached
a. Front yard: 20 feet from the street right-of-way line to the building setback line
b. Side yards: 5 feet except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard
c. Rear yards: 20 feet
ii. Zero-lot line or Townhouse
a. Front yard: 20 feet from the street right-of-way line to the building setback line
b. Side yards: 0 feet at common firewall; 10 feet at end of building unit or lot line; 20 feet between townhouse building clusters or on street side of a corner lot.
c. Rear yards: 20 feet
iii. All other uses
a. Front yard: 20 feet from the street right-of-way line to the building setback line
b. Side yards: 10 feet except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard
c. Rear yards: 20 feet

F. Minimum Lot width:
i. Single-family detached 50 feet at building setback line
ii. Single-family zero-lot line 50 feet at building setback line
iii. Single-family attached townhouse unit 14 feet at building setback line
iv. Two-family duplex 60 feet at building setback line
iv. Multi-family 80 feet at building setback line

4.8.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.9 MH MANUFACTURED HOME DISTRICT

4.9.1 Purpose

The purpose of this district is to allow the development of manufactured home communities and manufactured home parks, either as subdivisions or as rental parks, in certain areas of the city. This district may also accommodate related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. It is also the intent of this district to require the continued development of existing

neighborhoods in a manner consistent with the requirements for minimum square footage as established by the Diamondhead Property Owners Association and any covenants associated with the subject property or neighborhood.

4.9.2 Uses Permitted by Right

A. The uses permitted by right in the MH Manufactured Home District are set forth in Section 4.21, Chart of Permitted Uses.
B. In addition to the provisions of Section 4.21, the following use may also be permitted by right within this district: Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the park, and further provided that they be exclusively for the use of the residents of the manufactured home park.

4.9.3 Conditional Uses

The uses permitted by conditional use permit in the MH Manufactured Home District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.9.4 Site Plan Required

No building permit to construct a new manufactured home park or subdivision or to expand (by the addition of one or more spaces) an existing manufactured home park or subdivision shall be issued until the applicant for the building permit has complied with the provisions of Section 2.4 relative to site plan review. All new manufactured home parks and subdivisions established after the effective date of this Ordinance shall comply with all of the provisions herein.

4.9.5 Building Permit Required

Prior to the connection of utilities (water, sewer, electricity) to serve any manufactured home located in a manufactured home park or subdivision, the owner of the manufactured home, or the owner (or his/her authorized representative) of the manufactured home park in cases where both the space and the manufactured home are leased or rented, shall apply for a building permit. All electrical wiring and plumbing connections shall be performed in accordance with all applicable building codes as adopted by the City of Diamondhead by qualified, licensed, and bonded electricians and plumbers. Furthermore, any person responsible for placing a manufactured home in a manufactured home park shall comply with the tie down standards and all applicable building codes as adopted by the City of Diamondhead.

4.9.6 Dimensional Requirements

A. Maximum Building Height: 35 feet except as provided in Section 5.3.
B. Maximum Building Site Coverage: 60%
C. Minimum Lot Area:
   i. Minimum of 3 contiguous acres of developable land for manufactured home parks
   ii. Minimum of 17 Manufactured Home lots
   iii. Maximum density: 8 Manufactured Home lots/acre
   iv. Minimum Manufactured Home lot: 5,000 square feet
   v. Minimum Separation: Sixteen (16) feet separation of manufactured home and/or mobile homes from each other and from other structures located on other lots.
D. Maximum Density: 8 dwelling unit per acre
E. Minimum Yards:
   i. Front yard: 20 feet from the public right-of-way line to the building setback line
   ii. Side yards: 10 feet or 20 feet along the street side of a corner lot.
   iii. Rear yards: 20 feet

   Additional yards and setbacks concerning manufactured home parks are include in Section 4.9.11.

F. Minimum Lot width: 40 feet at building setback line
G. Accessory Buildings or Uses:
Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes, except as provided in Section 4.18.3(D)(ii). Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the Manufactured Home park or subdivision.

4.9.7 Off-Street Parking Requirements

In order to provide for the free movement of traffic through the park on park streets, no on-street parking shall be permitted on any manufactured home park street. See Article 8 for the off-street parking requirements of this district.

4.9.8 Foundations and Anchors

A. A manufactured home and/or mobile home stand (pad) is required for each manufactured home and/or mobile home lot. Each pad shall be well drained, uniformly graded and compacted as approved by the Building Official.
B. Foundations and anchor systems shall be installed according to State Law. Every manufactured home shall be installed in accordance with the manufacturer's "owner's manual" or at a minimum, the Uniform Standard Code for Factory Manufactured Homes Act and the rules and regulations of the Manufactured Home Division of the Mississippi State Fire Marshall's Office.
C. All tie down straps shall be 1.25"x 0.035"galvanized steel conforming to ASTM standard specifications 10-3953-91. Tie down straps to be Type I, Finish B, Grade 1 steel strapping certified by a registered professional engineer. Strap to have an ultimate load capacity of 4,725 lbs. and an allowable working load of 3,150 lbs minimum.
D. Ground anchors shall be cable of resisting a tensile load of 5,000 lbs. and an angle load (45 degrees) of 4000 lbs. minimum per anchor. Anchors shall be installed full depth, below frost line and 12" minimum above water table. Minimum anchor capacity required is as noted and indicated on P.E. Certified Pier and Tie Down details. Anchors should be certified by a professional engineer, architect, or a nationally recognized testing laboratory as to their resistance, based on the maximum angle or diagonal tie and/or vertical tie loading and angle of anchor installation and type of soil in while the anchor is to be installed. Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.
E. The frame tie down straps shall be installed on the outermost I-Beam of the home using the spacing shown in the "owner's manual".
F. Strap installation to anchors must be in accordance with "owner's manual".
G. Tie down straps must be tightened alternately on opposite sides of the home or the home may be pulled off its supports. Stabilizer plates shall be installed to provide added resistance to overturning or sliding forces.
H. Where a vertical tie and a diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loads simultaneously.
I. This aforementioned system is based on the assumption that the home itself is constructed to resist the design load reference above, if not, owner must present to the Building Official a certified professional engineers plans for the anchoring of said manufactured and/or mobile home in accordance with HUD Wind Zone II regulations.

4.9.9 Traffic Circulation

A. Direct vehicular access to the land lease community and/or manufactured home park shall be provided by means of an abutting improved public street. Each development shall be provided with one or more major interior thoroughfares for complete and uninterrupted traffic circulation within its boundaries. These major thoroughfares shall be directly related or connected to the major point or points of ingress

and egress. Minor streets may extend from the major thoroughfares as necessary to serve the traffic circulation needs of the development. On-street parking is prohibited. The following minimum requirements shall apply to major thoroughfares:

i. For developments designed to accommodate one hundred (100) sites or more - thirty (30) feet wide paved driving surface with curbing as may be required by the Zoning Administrator.

ii. For developments designed to accommodate less than one hundred (100) sites - twenty-two feet wide paved driving surface with curbing as may be required by the Zoning Administrator.

B. Minor streets shall be those streets serving a minimum number of sites, clusters of sites, cul-de-sacs, parking bays, or similarly arranged manufactured homes within the overall plan. Minor streets shall be provided with a twenty (20) feet wide paved driving surface with curbing as may be required by the Zoning Administrator. On-street parking shall be prohibited.

C. Cul-de-sacs shall have a minimum diameter of ninety (90) feet with a minimum paved driving surface of twenty (20) feet width and curbing as may be required by the Zoning Administrator on the perimeter of the cul-de-sac paved surface.

D. Street intersection center lines shall be a minimum of one hundred (100) feet apart if not directly opposite one another and shall be at right angles, except where other arrangements of intersections provide for equal or better movement of traffic.

E. All streets shall be constructed to meet the minimum requirements of the Subdivision Regulations of the City and amendments thereof, except minimum widths as specified herein shall apply.

F. Automotive parking shall all be off street and in parking stalls or bays of ten (10) feet by twenty (20) feet minimum. Two (2) off-street parking spaces shall be provided for each manufactured home. One (1) such parking space shall be provided at each site. The second space may be located in parking bays not more than one hundred fifty (150) feet from the site.

4.9.10 Open Space and Recreational Areas

A. A minimum of ten (10) percent of the gross manufactured home park area shall be set aside and developed as common use areas for open or enclosed recreational facilities.

B. No street, storage area, manufactured home lot or utility site shall be included in meeting recreational purposes.

C. No area to be computed as recreation space shall have a dimension less than twenty (20) feet measured in any direction.

4.9.11 Setbacks and Screening

Each manufactured home park shall have set aside along the perimeter of the property line the following areas which shall be landscaped and used for no other purpose:

A. Minimum park front setback.
Thirty (30) feet except when the park abuts a designated major thoroughfare; then the minimum shall be fifty (50) feet.

B. Minimum side setback.
When abutting residential districts, the side setback shall be twenty-live (25) feet; when abutting a dedicated public right-of-way, the side setback shall be thirty (30) feet on the side street; when abutting a designated major thoroughfare, the minimum shall be fifty (50) feet; when abutting any other zoning district, the side setback shall be twenty-five (25) feet along the interior lot line.

C. Minimum park rear setback.
Twenty five (25) feet except when the rear yard abuts a dedicated public right-of-way the minimum shall be thirty (30) feet. If the rear yard abuts a designated major thoroughfare, the minimum rear setback shall be fifty (50) feet.

D. Where needed to enhance aesthetics or to ensure public safety, the park grounds shall be enclosed by a fence, wall, landscape screening, earth mounds or by other designs approved by the Planning

Commission which will compliment the landscape and ensure compatibility with the adjacent environment.

4.9.12 Utilities

Privies, septic tanks, underground absorption fields, sewerage lagoons, the use of "honey wagons", package type treatment facilities and other types of private waste water treatment systems are strictly prohibited. Also prohibited is the use of private water supply systems. The land lease community and/or manufactured home park shall under all circumstances connect to the water supply and waste water disposal systems serving the City of Diamondhead. Storm water sewers shall be separate and apart from any sewers intended for the conveyance of sanitary sewerage. All utilities shall be approved by the appropriate agency having responsible charge for the operation of such utilities.

A. Electrical and Gas Supply Systems
   All electrical and gas equipment installations within a manufactured home land lease community and/or manufactured home park shall be in compliance with the codes and the City of Diamondhead, Mississippi, governing the same.
B. Lighting
   Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use. Exterior illumination shall be provided in accordance with Article 18 and as follows:
   i. Streets
      An average illumination level of six tenths (0.6) of a foot-candle and a minimum level one-tenth (0.10) of a foot-candle.
   ii. Service Buildings
      Illumination levels of at least five (5) foot candles shall be maintained at the entrance.
   iii. Common Parking Areas
      Illumination levels for commercial or industrial zoned property shall not exceed two (2) foot candles and two tenth (0.2) foot candles along the property line when adjoining property is zoned for residential uses.
C. Swimming Facilities
   If provided, such facilities shall be designed in accordance with the codes of the City of Diamondhead governing the same and applicable regulations of the Mississippi State Board of Health and/or the Mississippi Department of Environmental Control.

4.9.13 Refuse Disposal

A. The storage, collection, and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
B. Durable, watertight, easily cleanable refuse container, sufficient to contain all the refuse, shall be provided at each service building, or at a central storage area readily accessible and located not more than three hundred(300) feet from any lot unless provided at the lot. Refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) lots or the equivalent thereof if containers are provided at individual lots.
C. All solid waste generated by a land lease community and/or mobile home park shall be stored and disposed of in accordance with the Mississippi State Board of Health Regulations governing solid waste management and codes of the City of Diamondhead, Mississippi, governing the same.

4.9.14 Fire Protection

All manufactured home parks shall have fire hydrants connected to six-inch (6") water mains and located within five hundred (500) feet of every manufactured home lot or space. The required five-hundred-foot distance is measured along the street or drive areas or otherwise to the specific hose layout per fire department requirements.

4.9.15 Service Building

Management headquarters, recreational facilities, coin-operated laundry facilities, service buildings and other buildings and other accessory structures permitted by the Planning Commission are allowed as accessory uses to the park.

A. One or more service buildings shall be provided at such locations as to be reasonably accessible to residents of the park.
B. Service buildings shall include space and separation for a park manager's office, storage and maintenance equipment and supplies and recreational management.
C. Service buildings space shall also be provided for tenant active storage of outdoor equipment, furniture and tools and for inactive storage of such material as is used only seasonally or infrequently.
D. A minimum of one hundred fifty (150) cubic feet for general storage for each manufactured home and/or manufactured home lot shall be provided on the lot or within one hundred (100) feet of the lot.
E. Storage facilities shall be constructed of suitable weather-resistant materials.
F. No service building shall be located closer than five (5) feet to any manufactured home or other structure and shall not be placed over any collector sewer or sewage disposal facility.
G. The accessory uses and structures are intended to serve only the residents of the park.

4.9.16 Walking Areas, Patios, Decks, Etc.

A walking area such as a patio, deck, etc., shall be placed in front of the manufactured home and/or mobile home entrance. The walking area shall be constructed of concrete or other suitable material as approved by the Planning Commission and shall be a minimum of eight (8) feet wide by ten (10) feet long. If desired, an awning or other cover may be provided for the walking area and/or other cover must be attached to the manufactured home and/or mobile home and shall not be enclosed on the sides. In regard to yard setback requirements, except for the yard on the street side, this cover shall not be considered as a structure.

4.9.17 Exterior Appearance of Manufactured Homes

Each manufactured home hereafter placed within the City of Diamondhead shall comply with the following requirements for exterior appearance:

A. Each manufactured home shall have the space between the bottom of the exterior walls and the ground covered, or screened, with material which matches the exterior finish of the manufactured home, or a heavier material in appearance.
B. The exterior finish of all manufactured homes shall be of an approved siding material.
C. No manufactured home shall have a flat roof.

4.10 C-1 GENERAL COMMERCIAL DISTRICT

4.10.1 Purpose

The purpose of the C-1 General Commercial District is to provide for the development and operation of retail and personal service establishments at a scale sufficient to serve the needs of the residents of the Diamondhead community, and to a certain extent the needs of the traveling public. This district is not intended to encroach on existing residential development, nor is it to result in a threat to the investment in residential development.

4.10.2 Uses Permitted by Right

The uses permitted by right in the C-1 General Commercial District are set forth in Section 4.21, Chart of Permitted Uses.

4.10.3 Conditional Uses

The uses allowed by conditional use permit in the C-1 General Commercial District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.10.4 Accessory Uses

Accessory uses shall be permitted in the C-1 General Commercial District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.10.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the C-1 General Commercial District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 35 feet except as provided in Section 5.3. A height of 50 feet shall be allowed with conditional use approval.
B. Maximum Building Site Coverage: 75%
C. Minimum Lot Area: None
D. Minimum Lot Width: 100 feet
E. Maximum Density: none
F. Minimum Yards:
   i. Front yard (from the street right-of-way line to the building setback line): 25 feet
   ii. Side yards: 5 feet *
   iii. Rear yard: 10 feet.

   * A side yard setback of 0 feet shall be permitted when adjoining property is developed contemporaneously and building façade is continuous.

4.10.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.11 C-2 INTERSTATE COMMERCIAL / GAMING / RESORT DISTRICT

4.11.1 Purpose

The purpose of the C-2 Interstate Commercial / Gaming / Resort District is to provide for the logical development of areas in close proximity to Interstate 10 and within the potential reaches of sites suitable for casino gaming. This district is intended to provide for land uses that require higher traffic volumes and serve both the residents of the Diamondhead community and those within the region. Additionally, this zoning classification is created to accommodate and encourage an expansion of the municipal tax base by allowing casino gaming at appropriate locations and certain land uses associated with gaming, including but not limited to restaurants, hotels, retail and personal services, and entertainment venues. This district is not intended to encroach on existing residential development, nor is it to result in a threat to the investment in residential development.

4.11.2 Uses Permitted by Right

The uses permitted by right in the C-2 Interstate Commercial / Gaming / Resort District are set forth in Section 4.21, Chart of Permitted Uses.

4.11.3 Conditional Uses

The uses allowed by conditional use permit in the C-2 Interstate Commercial / Gaming / Resort District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.11.4 Accessory Uses

Accessory uses shall be permitted in the C-2 Interstate Commercial / Gaming / Resort District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.11.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the C-2 Interstate Commercial / Gaming / Resort District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 50 feet except as provided in Section 5.3. A height of 100 feet shall be allowed with conditional use approval.
B. Maximum Building Site Coverage: 50%
C. Minimum Lot Area: None
D. Minimum Lot Width: 100 feet
E. Maximum Density: none
F. Minimum Yards:
   i. Front yard: 25 feet
   ii. Side yards: 5 feet *
   iii. Rear yard: 10 feet

   * A side yard setback of 0 feet shall be permitted when adjoining property is developed contemporaneously and building façade is continuous.

4.11.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.12 TECHNOLOGY DISTRICT (T)

4.12.1 Purpose

The purpose of the (T) Technology District is to allow professional or corporate office activity engaging in research and technology resulting in the development of intellectual or technical property, procedures, or related devices or components. This district is expected to accommodate those entities engaged in technological activities of a highly sophisticated nature including aerospace applications, aviation and avionics research and product development, geospatial data collection and analysis, software development and data analysis, computer mapping and modeling, military and security related product development, multimedia and communications, and the development or assembly of devices or components related to the nature or products of the technology applied.

The Technology District is expected to result in the economic reuse of existing buildings within Diamondhead and shall be of such operating characteristics and outward appearance as to blend into the existing community.

4.12.2 Uses Permitted by Right

The uses permitted by right in the (T) Technology District are set forth in Section 4.21, Chart of Permitted Uses.

4.12.3 Conditional Uses

The uses allowed by conditional use permit in the (T) Technology District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.12.4 Accessory Uses

Accessory uses shall be permitted in the (T) Technology District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.12.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the (T) Technology District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 35 feet except as provided in Section 5.3.
B. Maximum Building Site Coverage: None
C. Minimum Lot Area: None, except as provided in Section 5.4.
D. Maximum Density: None.
E. Minimum Yards:
   i. Front yard (from the street right-of-way line to the building setback line): 25 feet
   ii. Side yards: 10 feet
   iii. Rear yard: 20 feet.

4.12.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.12.7 Limitations and Expectations

Uses developed within the Technology District shall be limited to the following operating characteristics, in addition to any other conditions as may be appropriate resulting from other review and approval procedures required by this ordinance.

A. There shall be no outside storage of equipment, instruments, devices, materials, products or other materials or components that may be developed or utilized in the normal course of business.
B. There shall be no outside testing, experimentation or demonstration of equipment, instruments, devices, materials, products or other materials or components that may be developed or utilized in the normal course of business; however, nothing in this provision shall prevent the periodic outdoor utilization of equipment which receives GPS satellite signal, provided such equipment is no greater in size or bulk than land surveying instrumentation.
C. All business activities shall be conducted within the building.
D. There shall be no noise, smoke, vibrations, light or glare emitted from the building or property, beyond that which may be expected from a residential dwelling unit.
E. Landscaping shall be provided and maintained such that parking areas are reasonably screened and the building maintains an appearance consistent with surrounding properties in terms of quantity and quality of landscaping.

4.13 INDUSTRIAL DISTRICT (I)

4.13.1 Purpose

The purpose of the (I) Industrial District is to provide areas for development of more intense land uses involving manufacturing or processing, or for uses which, by the nature of their operation, form potential nuisances due to noise, dust, vibration, significant outside storage or activities, or are morally offensive. Industrial districts should be located for convenient access from existing and future arterial streets, highways or waterway, or other features lending to industrial operations or land uses. Where adjacent to residential districts, some type of artificial separation may be required (buffer).

4.13.2 Uses Permitted by Right

The uses permitted by right in the Industrial District are set forth in Section 4.21, Chart of Permitted Uses.

4.13.3 Conditional Uses

The uses allowed by conditional use permit in the Industrial District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.13.4 Accessory Uses

Accessory uses shall be permitted in the Industrial District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.13.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the Industrial District, except as specifically provided for in this Ordinance.

F. Maximum Building Height: 35 feet except as provided in Section 5.3. A height of 50 feet shall be allowed with conditional use approval.
G. Maximum Building Site Coverage: None
H. Minimum Lot Area: None, except as provided in Section 5.4.
I. Maximum Density: None.
J. Minimum Yards:
   i. Front yard (from the street right-of-way line to the building setback line): 25 feet
   ii. Side yards: 5 feet *.
   iii. Rear yard: 5 feet.

   * A side yard setback of 0 feet shall be permitted when adjoining property is developed contemporaneously and building façade is continuous.

4.13.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.14 PRESERVATION DISTRICT (PR)

4.14.1 Purpose

The purpose of the (PR) Preservation District is to provide a zoning class and provide for limited allowable uses within the areas of the City which are heavily constrained by both flood designations and marsh like wetland conditions. It is the purpose of this zoning class to discourage development within these areas but for the land uses which are uniquely suited to these areas or are otherwise necessary due to locational characteristics.

4.14.2 Uses Permitted by Right

The uses permitted by right in the (PR) Preservation District are set forth in Section 4.21, Chart of Permitted Uses.

4.14.3 Conditional Uses

The uses allowed by conditional use permit in the (PR) Preservation District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.14.4 Accessory Uses

Accessory uses shall be permitted in the (PR) Preservation District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.14.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the (PR) Preservation District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 35 feet except as provided in Section 5.3.
B. Maximum Building Site Coverage: None
C. Minimum Lot Area: None, except as provided in Section 5.4.
D. Maximum Density: None.
E. Minimum Yards:
   i. Front yard (from the street right-of-way line to the building setback line): 25 feet
   ii. Side yards: 5 feet.
   iii. Rear yard: 5 feet.

4.14.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.15 PUBLIC FACILITIES AND RECREATION DISTRICT (PFR)

4.15.1 Purpose

The purpose of the (PFR) Public Facilities and Recreation District is to provide areas for the continuation and further development of both public and semi public land uses within the community. Specifically, the semi public land uses expected are those amenities which are owned and operated by the Diamondhead Property Owners Association and form the backbone of recreation and social interaction within Diamondhead. This zoning district is designed to allow such land uses and facilities with reasonable regulation.

4.15.2 Uses Permitted by Right

The uses permitted by right in the (PFR) Public Facilities and Recreation District are set forth in Section 4.21, Chart of Permitted Uses.

4.15.3 Conditional Uses

The uses allowed by conditional use permit in the (PFR) Public Facilities and Recreation District are set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

4.15.4 Accessory Uses

Accessory uses shall be permitted in the (PFR) Public Facilities and Recreation District only if such use complies with the relevant standards contained in Section 4.18 of this Ordinance.

4.15.5 Lot Area, Width, Building Coverage, Required Yards and Height Regulations

Each of the following dimensional requirements shall apply to each use in the (PFR) Public Facilities and Recreation District, except as specifically provided for in this Ordinance.

A. Maximum Building Height: 35 feet except as provided in Section 5.3. A height of 50 feet shall be allowed with conditional use approval.
B. Maximum Building Site Coverage: None
C. Minimum Lot Area: None.
D. Maximum Density: None.
E. Minimum Yards:
   i. Front yard (from the street right-of-way line to the building setback line): 25 feet
   ii. Side yards: 10 feet.
   iii. Rear yard: 20 feet.

4.15.6 Off-Street Parking Requirements

See Article 8 for off-street parking and loading requirements.

4.16 – 4.17 RESERVED

4.18 ACCESSORY USES

4.18.1 In General

An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.

4.18.2 Yard Requirements

Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.

4.18.3 Special Standards

Each accessory use shall comply with all of the following standards listed for that use:

A. Dwelling(s) Accessory to Principal Nonresidential Use.
   i. The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
   ii. Additional parking spaces required by Article 8 for such dwelling(s) shall be provided.

B. Home Occupations.
   Home occupations are allowed within the City of Diamondhead subject to securing a permit from the Zoning Administrator and subject to the following provisions:
   i. Home occupations shall not be carried out in more than twenty (20) percent of the total dwelling building area, not to exceed five hundred (500) square feet. No more than one (1) home occupation may be carried out per principal dwelling.
   ii. No part of a home occupation may be carried out within an accessory building.
   iii. There shall be no employment of persons reporting to the home for work other than members of the resident family.
   iv. The use shall not generate pedestrian or vehicular traffic beyond that reasonably expected to be generated by a residential living unit.
   v. Any need for parking spaces in excess of those required for a residential dwelling shall be provided in an off street location and in accordance with the provisions of Article 8.
   vi. Appearance. There shall be no outdoor storage or display and no change in the existing outside appearance of the dwelling or premises or other visible evidence of the conduct of such home occupation or home professional office.
   vii. Nuisances Prohibited. No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the subject property.

C. Swimming Pool
   A swimming pool designated to contain a water depth of twenty four (24") inches or more shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:
   i. Location. No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any utility or drainage facility. No portion of any walkway or pool appurtenance structure shall be closer than four (4') feet to any lot line.
   ii. Fence. Swimming pools shall be fenced in accordance with the applicable building code in force for the City of Diamondhead.

D. Residential Accessory Building, Structure or Use
   Permitted residential accessory buildings, structures or uses include:

i. Parking Spaces and Garages shall be provided in accordance with Article 8, but no parking garage shall be detached from the main structure.
ii. Structures. Structures (such as bathhouses, greenhouses, and storage sheds) not otherwise addressed herein shall not exceed 144 square feet in total area, shall not exceed fifteen (15') feet in height, and shall not be located in front of nor within ten (10') feet of the principal building and not within five (5') feet from a side lot line, nor within ten (10') feet of a rear lot line. Accessory structures shall not be utilized for the parking of automobiles and shall not contain a doorway large enough for an automobile to pass through.
iii. Fences and Walls
Fences and walls to be located on a lot shall be in conformance with the requirements of Article 9 of this ordinance.
iv. Airplane Hangers
Airplane hangars and airplane storage areas shall be allowed as an accessory use upon any residential lot which is adjacent to and has direct access for aircraft to taxi to the Diamondhead Airport. Airplane hangars and airplane storage areas shall not be limited in size provided the structure is used exclusively and is sized only for the storage of an airplane.
v. Residential accessory structures shall be constructed such that the exterior appearance is architecturally similar as that of the primary structure, including the use of similar exterior materials.
vi. Playground equipment to be permanently affixed shall be placed in the rear yard.

E. Garage and Yard Sales
i. Limited to two (2) per year per property.
ii. Each sale shall not exceed three (3) consecutive days.
iii. A permit issued by the city shall be required and this permit will be displayed in plain view on an external portion of premises facing the street.
iv. Signs placed or displayed calling notice to such sales shall in all respects be subject to the requirements of Section 10.9(K) and may be placed adjacent to the right-of-way shoulders of the City property, subject to the approval of the property owner. Such signs may only remain in place concurrently with the limited three consecutive day period.

4.19 CHART OF SETBACKS AND RELATED REQUIREMENTS

TABLE 4.1: ZONING DISTRICT SUMMARY SETBACKS AND RELATED REQUIREMENTS

****Summary Data Only - Refer to specific district text for full dimensional requirements and allowances****

Zoning District	Height [1]	Front Yard [2]	Side Yard [2]	Rear Yard [2]	Lot Area [3]	Lot Width [2]	Density [4]
R-1 Single-Family	35	20	10 [5]	20	10,000	80 [6]	4
R-2 Single-Family	35	20	10 [5]	20	6,000	60 [7]	7
R-3 Single-Family							
Single-Family Detached	35	20	5 [5]	20	5,000	50	7
Single-Family 0-Lot Line	35	20	0 [5]	20	5,000	50	7
Townhouse Units	35	20	0 [8]	20	6,000 [9]	14	8.5
All Other Uses	35	20	10 [5]	20	6,000	60	7
R-4 Multi-Family							
Single-Family Detached	35	20	5 [5]	20	5,000	50	7
Single-Family 0-Lot Line	35	20	0 [5]	20	5,000	50	7
Townhouse Units	35	20	0 [8]	20	6,000 [9]	14	8.5
Two-Family (Duplex)	35	20	10 [5]	20	6,000	60	8
Multi-Family	35 [10]	20	10 [5]	20	9,600 [11]	80	20
MH Manufactured Home	35	20	10 [5]	20	5,000	40	8
C-1 General Commercial	35 [10]	25	5 [12, 13]	10 [13]	none	100	none
C-2 Interstate Commercial/ Gaming/Resort	50 [14]	25	5 [12, 13]	10 [13]	none	100	none
T Technology	35	25	5 [13]	5 [13]	none	none	none
I Industrial	35 [10]	25	5 [12, 13]	5 [13]	none	none	none
PR Preservation	35	25	5	5	none	none	none
PFR Public Facilities & Recreation	35 [10]	25	10	25	none	none	none

1. Building height is in feet.
2. Units are in Feet (ft)
3. Units are in Square Feet (sf)
4. Dwelling Units per Acre (DUA)
5. On a corner lot street side yard = front yard
6. 100 ft for corner lots
7. 90' for corner lots
8. 20 ft between building clusters
9. First 2 units, 1,800 sf for each additional unit
10. 50 ft with conditional use approval
11. For first 3 units, 800 sf each additional unit
12. 0 ft is permissible with continuous facade
13. 15 feet when adjacent to a residential use
    25 feet when adjacent to a property zoned R-1 or R-2
14. 100 ft with conditional use approval

4.20 RESERVED

4.21 CHART OF PERMITTED USES

4.21.1 Conditions Governing Permitted Uses.

Permitted uses shall be governed by conditions set out in the three categories as follows:

A. Uses by Right. The land uses contained within the Schedule of Uses set forth herein and denoted with a "R" are considered permitted uses without further approval of the City of Diamondhead, unless otherwise required by this or any other ordinance or requirement of the City. Uses by Right are subject to any permits or administrative approvals required by the City of Diamondhead.

B. Uses Requiring Planning Commission Review. The land uses contained within the Schedule of Uses set forth herein and denoted with a "P" are considered permitted uses with the review and approval in accordance with the Planning Commission review provisions set forth in Section 2.4 of this ordinance.

C. Conditional Uses. The land uses contained within the Schedule of Uses set forth herein and denoted with a "C" are considered conditional uses and require the review and approval in accordance with the conditional use provisions set forth in Section 2.5 of this ordinance. Additionally, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered on an individual case and shall be subject to conditions imposed thereon for the protection of the health, safety and general welfare of the City of Diamondhead.

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

4.21.2 Schedule of Uses.

A. Property lying within each of the districts as reflected on the official zoning map shall be used only for the purpose as hereinafter set forth, and in accordance with the provisions of this ordinance. The uses permitted in each of the types of districts are listed below. For any use not specifically listed, the Zoning Administrator shall make a determination of the appropriate zoning district in which such use shall be permitted either by right, by Planning Commission review, or by conditional use. If the Zoning Administrator cannot reach a determination, then the matter shall come before the Planning Commission for such determination.

4.22 ADMINISTRATIVE APPROVAL PROCEDURE FOR CERTAIN USES REQUIRING PLANNING COMMISSION REVIEW.

A. Any use designated as requiring Planning Commission Review may forego said review and be administratively approved by the DRC subject to each of the following conditions:
   i. That the proposed use is to occupy an existing building whereby it replaces an identical or nearly identical use. (ex. Cindy's Flower Shop proposes to occupy the former site of Brenda's Flower Shop)
   ii. That neither the proposed space nor its former use was nonconforming in any aspect.
   iii. That the proposed use does not require any alterations to the site or structures thereon, except for the changing of signage, repainting, remodeling or redecorating to accommodate the theme of the proposed use.
   iv. That the former use was free from any conditions of approval imposed by the City of Diamondhead or Hancock County.
   v. That the former use operated without incident regarding complaints of nuisance type activities (noise, traffic congestion, glare, odor, public disturbance, etc.).

B. If, in the opinion of the Zoning Administrator or the DRC, the nature or operating aspects of a proposed use subject to these provisions are such that binding conditions may be necessary or beneficial for the preservation of public health, safety, and general welfare, the application shall be forwarded to the Planning Commission for review in accordance with Section 2.4.

TABLE 4.2: CHART OF DETERMINATE USES

Alphabetical Listing of Uses by Zoning Districts

R = Use by Right
P = Use by Planning Commission Review
C = Use by Conditional Use

R-1 = Low Density Single-Family
R-2 = Medium Density Single-Family
R-3 = High Density Single-Family
R-4 = High Density Multi-Family
MH = Manufactured Home
C-1 = General Commercial

C-2 = Interstate Commercial / Gaming / Resort
T = Technology
I = Industrial
PR = Preservation
PFR = Public Facilities & Rec.

Uses	**Zoning Classification**										
	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
AGRICULTURAL USE (General)	-	-	-	-	-	-	-	-	-	R	-
RESIDENTIAL USES											
Single Family unit	R	R	R	R	R	-	-	-	-	-	-
Two Family units (duplex)	-	-	P	P	-	-	-	-	-	-	-
Multi-family units (apartment)	-	-		P	-	-	-	-	-	-	-
Condominium Units			P					-			
Townhouse unit	-	-	P	P	-	-	-	-	-	-	-
Zero Lot Line unit (patio homes)	-	-	P	P	-	-	-	-	-	-	-
Manufactured homes (Single Wide)	-	-	-	-	R	-	-	-	-	-	-
(Double Wide)	-	-	-	-	R	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	P	-	-	-	-	-	-
Modular Home	-	-	-	-	R	-	-	-	-	-	-
Accessory Structure	R	R	R	R	R	C	C	-	-	-	-
OTHER NON RESIDENTIAL USES											-
Adult Bookstores [1,2, 3, 4]	-	-	-	-	-	-	-	-	C	-	-
Adult Live Entertainment [1,2, 3, 4, 5]	-	-	-	-	-	-	-	-	C	-	-
Adult Theaters [1,2, 3, 4]	-	-	-	-	-	-	-	-	C	-	-
Adult Novelty Stores [1,2, 3, 4]	-	-	-	-	-	-	-	-	C	-	-
Adult Video Stores [1,2, 3, 4]	-	-	-	-	-	-	-	-	C	-	-
Air Products/Sales and Storage	-	-	-	-	-	-	C	-	R	-	-
Ambulance Facility	-	-	-	-	-	R	R	-	R	-	R
Ambulance Service	-	-	-	-	-	R	R	-	R	-	R
Amusement Center (Indoors)	-	-	-	-	-	C	C	-	C	-	C
Amusement Facilities (Outdoors)	-	-	-	-	-	P	P	-	-	-	R
(Water Parks)	-	-	-	-	-	-	C	-	-	-	C
Animal Clinics / Hospital	-	-	-	-	-	R	R	-	-	-	-
Antique Shops	-	-	-	-	-	R	R	-	-	-	-
Appliance Stores	-	-	-	-	-	R	R	-	-	-	-
Art Studios, Galleries, and Museums	-	-	-	-	-	C	C	-	-	-	-
Arts Crafts and Hobby Shops	-	-	-	-	-	R	R	-	-	-	-
Assisted Living Facility	C	C	C	-	-	R	R	-	-	-	-
Auction business/yard	-	-	-	-	-	C	C	-	-	-	-
Auditorium / Civic Center	-	-	-	-	-	R	R	-	-	-	-
Automated Teller Machine	-	-	-	-	-	R	R	-	-	-	R
Automobile and truck laundry (including steam cleaning)	-	-	-	-	-	-	-	-	P	-	-
Auto Body Shop	-	-	-	-	-	C	C	-	P	-	-
Auto Dealership (New Car)	-	-	-	-	-	C	P	-	-	-	-
Auto Dealership (Used Car)	-	-	-	-	-	C	P	-	-	-	-
Auto Filling Station [11]	-	-	-	-	-	R	R	-	-	-	-
Auto Parts Stores	-	-	-	-	-	R	R	-	R	-	-

	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
Auto Repair Garages	-	-	-	-	-	C	C	-	P	-	-
Auto Storage (parking and rental, etc.)	-	-	-	-	-	P	P	-	-	-	-
Bakery (Retail)	-	-	-	-	-	R	R	-	-	-	-
Bank	-	-	-	-	-	R	R	-	-	-	-
Baseball Park and Stadium	-	-	-	-	-	P	R	-	-	-	P
Beauty and Barber Shops	-	-	-	-	-	R	R	-	-	-	-
Beauty Supply	-	-	-	-	-	R	R	-	-	-	-
Bed and Breakfast	C	C	C	-	-	-	-	-	-	-	-
Bicycle Shops / Sales	-	-	-	-	-	R	R	-	-	-	-
Bingo Parlors (Commercial, not Churches)	-	-	-	-	-	-	P	-	-	-	-
Blueprint Shop or Similar	-	-	-	-	-	R	R	-	-	-	-
Boarding Houses, Rooming, or Group Home. (not hotels or motels)	-	C	C	C	-	C	C	-	-	-	-
Boat Building Company	-	-	-	-	-	-	C	-	P	C	-
Boat Sales/Service	-	-	-	-	-	C	P	-	-	-	-
Book Stores	-	-	-	-	-	R	R	-	-	-	-
Bowling Alley	-	-	-	-	-	R	R	-	-	-	-
Bowling Alley w/Lounge [1,2, 3, 4, 5]	-	-	-	-	-	C	C	-	-	-	-
Brewery	-	-	-	-	-	-	C	-	-	-	-
Building Material Products and Supplies	-	-	-	-	-	C	P	-	-	-	-
Business Machine Sales/Service	-	-	-	-	-	R	R	-	-	-	-
Business Schools, other Schools	-	-	-	-	-	R	R	-	-	-	-
Butane, Propane Storage / Sales	-	-	-	-	-	C	P	-	P	-	-
Cabinet Shop, including Furniture Refinishing	-	-	-	-	-	R	R	-	-	-	-
Camera and Photo Shops (not including photography studio)	-	-	-	-	-	R	R	-	-	-	-
Candy Store w/w.o. Manufacturing	-	-	-	-	-	R	R	-	-	-	-
Car Wash (All Types)	-	-	-	-	-	C	C	-	P	-	-
Carnival Circus Locations (temporary)	-	-	-	-	-	-	C	-	C	P	P
Casino Gaming	-	-	-	-	-	-	C	-	-	-	-
Catering Establishments	-	-	-	-	-	R	R	-	-	-	-
Cemeteries, Mausoleums	C	C	C	C	C	C	C	-	C	-	C
Churches and Facilities [8]	C	C	C	C	C	P	P	R	R	-	P
City Municipal Building and Facilities	R	R	R	R	R	R	R	R	R	-	R
Civic, Cultural or Community Center	C	C	C	C	C	P	P	C	R	-	P
Commercial Laundry Facilities (Including Linen Supply)	-	-	-	-	-	-	C	-	P	-	-
Computer Store and Services	-	-	-	-	-	R	R	-	-	-	-
Construction Business Office (No Storage or Equipment or Materials)	-	-	-	-	-	R	R	-	R	-	-
Contractors Yard (Storage and Warehouse)	-	-	-	-	-	-	C	-	P	-	-
Convenience Stores (w/w.o. Gas)	-	-	-	-	-	C	C	-	C	-	-
Convention Center or Similar						C	C	-	P		P
Correctional Facilities	-	-	-	-	-	-	-	-	C	-	-
Dance Studio and Similar	-	-	-	-	-	R	R	-	-	-	-
Data Processing	-	-	-	-	-	R	R	C	-	-	-
Day Care Centers or Similar [16]	C	C	C	C	C	P	P	-	P	-	-
Delicatessens	-	-	-	-	-	R	R	-	-	-	-
Department or Discount Stores	-	-	-	-	-	P	R	-	-	-	-
Diesel engine Repair, etc.	-	-	-	-	-	-	C	-	C	-	-
Dog Pound / Kennel	-	-	-	-	-	-	C	-	C	-	-
Dress making, Tailor Shops	-	-	-	-	-	R	R	-	-	-	-

	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
Drive-in Banks and Similar	-	-	-	-	-	P	P	-	-	-	-
Drive-in Restaurants	-	-	-	-	-	P	P	-	P	-	-
Drug Store, Pharmacies	-	-	-	-	-	R	R	-	-	-	-
Dry Cleaning Facilities (Drop Off / Pick Up)	-	-	-	-	-	P	P	-	P	-	-
Dry Goods Store	-	-	-	-	-	R	R	-	-	-	-
Electric Substations	C	C	C	C	C	C	C	-	P	C	C
Equipment & Miscellaneous Rental Shop	-	-	-	-	-	C	C	-	P	-	-
Fairgrounds and Rec. Facilities	-	-	-	-	-	R	R	-	-	-	P
Farm Supply Stores (Including Equipment)	-	-	-	-	-	-	C	-	P	-	-
Farmers Market	-	-	-	-	-	P	P	-	-	-	-
Feed and Seed Store or Similar (No Outside Storage)	-	-	-	-	-	R	R	-	R	-	-
Financial Institutions	-	-	-	-	-	R	R	-	R	-	-
Fire and Police Stations	R	R	R	R	R	R	R	-	R	-	R
Fix It Shops	-	-	-	-	-	-	C	-	C	-	-
Fixture Stores	-	-	-	-	-	R	R	-	R	-	-
Floor Covering Showrooms/Sales	-	-	-	-	-	R	R	-		-	-
Floor Covering w/Warehouse	-	-	-	-	-	C	C	-		-	-
Florist Shops (no Greenhouses or nurseries)	-	-	-	-	-	R	R	-	-	-	-
Fraternal club	-	-	-	-	-	C	C	-	R	-	-
Freight Depot	-	-	-	-	-	-	P	-	P	-	-
Frozen Food Plant	-	-	-	-	-	-	-	-	P	-	-
Fruit and Vegetable Sales (Fruit Stand)	-	-	-	-	-	C	C	-	P	-	-
Funeral Homes, Mortuary, Undertaking Establishment	-	-	-	-	-	C	P	-	P	-	-
Furniture Store	-	-	-	-	-	R	R	-	-	-	-
Gas Regulator Stations	C	C	C	C	C	C	C	-	C	-	C
General Business Office	-	-	-	-	-	R	R	-	R	-	R
Gift Shops	-	-	-	-	-	R	R	-	-	-	-
Glass Sales/Service	-	-	-	-	-	C	P	-	R	-	-
Golf Course and driving range (excluding miniature golf)	C	C	C	C	C	P	P	-	P	-	R
Greenhouse and Plant Nurseries	-	-	-	-	-	-	C	-	R	-	-
Grocery Stores / Supermarket	-	-	-	-	-	R	R	-	-	-	-
Grocery Stores / Supermarket (including the sale of gasoline)	-	-	-	-	-	P	P	-	-	-	-
Hardware Store (No Outside Storage)	-	-	-	-	-	R	R	-	R	-	-
Hardware Store w/Outside Storage	-	-	-	-	-	P	P	-	R	-	-
Health Clubs & Fitness Salons	-	-	-	-	-	R	R	-	-	-	-
Heavy Machinery Sales	-	-	-	-	-	-	C	-	P	-	-
Hospitals, Sanitariums						P	P	-	-	-	C
Hotel, Motel with Accessory Uses such as Lounges and Restaurants [1,2, 3, 4, 5]	-	-	-	-	-	C	C	-	P	-	-
Ice Cream, Yogurt Shop	-	-	-	-	-	R	R	-		-	-
Ice Plant, Including Storage	-	-	-	-	-	R	R	-	R	-	-
Interior Decorating	-	-	-	-	-	R	R	-	-	-	-
Jewelry Stores (including repair of jewelry, watches, and clocks)	-	-	-	-	-	R	R	-	-	-	-
Laboratory	-	-	-	-	-	C	C	C	P	-	-
Landscape Garden Sales and Service	-	-	-	-	-	R	R	-	R	-	-
Laundromats	-	-	-	-	-	C	C	-	-	-	-
Laundry, Linen Supply, or Diaper Service	-	-	-	-	-	C	C	-	P	-	-
Lawnmower Sales/Service	-	-	-	-	-	C	C	-	C	-	-
Libraries	C	C	C	C	C	R	R	-	R	-	P

	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
Liquor Store [5]	-	-	-	-	-	R	R	-	R	-	-
Locksmith	-	-	-	-	-	R	R	-	R	-	-
Lodge or Assembly Hall [10]	-	-	-	-	-	C	C	-	-	-	-
Lumber Sales (screened from public view)	-	-	-	-	-	C	R	-	R	-	-
Lumber Yard, Building Materials	-	-	-	-	-	C	C	-	P	-	-
Machine Shop	-	-	-	-	-	-	-	-	P	-	-
Machinery Sales (new) [14]	-	-	-	-	-	P	R	-	R	-	-
Machinery Sales (used) [14]	-	-	-	-	-	P	R	-	R	-	-
Machinery, Tools, and Construction Equipment Sales and Service	-	-	-	-	-	-	C	-	P	-	-
Marble and Stone Sales	-	-	-	-	-	C	C	-	P	-	-
Marina w/Accessory Uses	-	-	-	-	-	-	C	-	-	-	P
Marine Sales and Services [14]	-	-	-	-	-	C	C	-	P	-	-
Massage Parlors or Similar [1,2, 3, 4, 15]	-	-	-	-	-	-	C	-	-	-	-
Meat Processing	-	-	-	-	-	C	C	-	C	-	-
Medical and Dental Clinics	-	-	-	-	-	R	R	-	-	-	-
Medical and Dental Laboratories	-	-	-	-	-	R	R	-	-	-	-
Membership Clubs	-	-	-	-	-	C	C	-	-	-	P
Metal Sharpening, etc.	-	-	-	-	-	-	-	-	P	-	-
Millwork Company	-	-	-	-	-	-	C	-	P	-	-
Miniature Golf Course						C	C	-	P		P
Mini Warehouse or Similar	-	-	-	-	-	C	C	-	P	-	-
Mobile Food Vendor	-	-	-	-	-	C	P	-	R	-	-
Mobile Home Sales and Service [14]	-	-	-	-	-	-	-	-	C	-	-
Moving and Storage Company	-	-	-	-	-	C	C	-	P	-	-
Music Stores	-	-	-	-	-	R	R	-	-	-	-
Newspaper Company or Similar	-	-	-	-	-	R	R	-	-	-	-
Nightclub, Bar or Similar [1,2, 3, 4, 5]	-	-	-	-	-	C	C	-	C	-	-
Nursing or Personal Care Homes	-	-	-	-	-	R	R	-	-	-	-
Office Supply Stores	-	-	-	-	-	R	R	-	-	-	-
Optician	-	-	-	-	-	R	R	-	-	-	-
Paint and Decorator Store	-	-	-	-	-	R	R	-	-	-	-
Parking Garage	-	-	-	-	-	P	P	-	P	-	P
Pawnshops	-	-	-	-	-	C	C	-	C	-	-
Personnel Agencies	-	-	-	-	-	R	R	-	-	-	-
Pest Control / Exterminators	-	-	-	-	-	R	R	-	-	-	-
Pet Stores	-	-	-	-	-	R	R	-	-	-	-
Picture and Frame Shop	-	-	-	-	-	R	R	-	-	-	-
Pier, dock, boat livery, boat launch area, and related recreational facilities	-	-	C	C	C	P	P	-	-	P	P
Plumbing Shop	-	-	-	-	-	C	C	-	P	-	-
Pool Halls [1,2, 3, 4, 5]	-	-	-	-	-	C	C	-	C	-	-
Printing, Duplicating Shop	-	-	-	-	-	C	P	-	-	-	-
Private Parks and Playgrounds (incidental to the immediate area)	C	C	C	C	C	-	-	-	-	-	-
Private Pier, Boathouse, Slip, Dock, Wharf, boat launch and Airplane Hangar (accessory uses)	R	R	R	R	R	-	-	-	-	-	-
Professional Offices	-	-	-	-	-	R	R	C	-	-	-
Public Parking Lots	-	-	-	-	-	P	P	-	P	-	-
Public Parks / Recreation Facilities	R	R	R	R	R	R	R	-	R	R	R
Radio, TV, Electronic Repairs	-	-	-	-	-	C	C	-	P	-	-
Radio, Cellular, TV Towers, or Similar	-	-	-	-	-	C	C	-	C	-	-

	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
Recreational Vehicle Park	-	-	-	-	-	-	C	-	-	-	C
Rental, Leasing, or Subletting of Properties for 30 days or less	C	C	R	R	R	R	R	-	R	R	R
Restaurant Suppliers	-	-	-	-	-	-	C	-	P	-	-
Restaurant (No Lounges)	-	-	-	-	-	R	R	-	R	-	R
Restaurant w/Lounge [1,2, 3, 4, 5]	-	-	-	-	-	P	P	-	P	-	P
Riding Academy	-	-	-	-	-	-	-	-	-	-	P
Rug Cleaning	-	-	-	-	-	-	C	-	P	-	-
Schools (public)	C	C	C	C	C	C	P	P	P	-	P
School (private) [9]	-	-	-	-	-	C	C	C	P	-	-
Seafood Shops (Retail)	-	-	-	-	-	R	R	-	-	-	-
Service Station (No Major Repairs)	-	-	-	-	-	C	C	-	C	-	-
Sewage Disposal Plant	-	-	-	-	-	-	-	-	-	-	P
Shoe Repairs	-	-	-	-	-	R	R	-	-	-	-
Shoe Shops (Retail)	-	-	-	-	-	R	R	-	-	-	-
Shopping Center or Mall	-	-	-	-	-	P	P	-	-	-	-
Sign Construction Sales/Service	-	-	-	-	-	R	R	-	P	-	-
Snowball Stand	-	-	-	-	-	R	R	-	-	-	-
Sporting Goods (Including Outside Storage)	-	-	-	-	-	C	C	-	-	-	-
Sporting Goods Store, Gun Shop (No Outside Storage)	-	-	-	-	-	R	R	-	-	-	-
Studio [12]	-	-	-	-	-	R	R	-	-	-	-
Sub-contracting Business (Electric, Plumbing, Head & Air)	-	-	-	-	-	C	C	-	P	-	-
Tattoo Parlor or Shop[1,2, 3, 4]	-	-	-	-	-	-	C	-	C	-	-
Telephone Exchange [7]	C	C	C	C	C	R	R	-	R	-	-
Theaters (Indoors)	-	-	-	-	-	R	R	-	-	-	-
Tire Sales/Service	-	-	-	-	-	C	C	-	P	-	-
Toy Store	-	-	-	-	-	R	R	-	-	-	-
Trade School	-	-	-	-	-	-	-	-	P	-	-
Trailer Sales	-	-	-	-	-	-	-	-	P	-	-
Transit Vehicle Storage and Servicing	-	-	-	-	-	-	-	-	P	-	-
Tree Cutting Service or Similar	-	-	-	-	-	C	C	-	R	-	-
Upholstery Shops	-	-	-	-	-	-	C	-	R	-	-
Urban Bank (without outside storage)	-	-	-	-	-	-	C	-	C	-	-
Urban Bank (with outside storage)	-	-	-	-	-	-	-	-	C	-	-
Utility Structures	C	C	C	C	C	-	-	-	-	P	P
Variety Stores	-	-	-	-	-	R	R	-	-	-	-
Vehicle storage Lot (Not Salvage)	-	-	-	-	-	-	C	-	C	-	-
Vending Machine Business	-	-	-	-	-	-	-	-	R	-	-
Venetian Blind and Metal Awning Fabricating and Cleaning	-	-	-	-	-	-	-	-	P	-	-
Video Stores	-	-	-	-	-	R	R	-	-	-	-
Warehouse / Commercial Use	-	-	-	-	-	-	P	-	P	-	-
Water Distillation	-	-	-	-	-	-	-	-	P	-	-
Water or Sewage Pumping Station	P	P	P	P	P	P	P	P	P	-	-
Water (elevated) Storage Facilities	R	R	R	R	R	R	R	R	R	R	R
Welding Shops	-	-	-	-	-	-	-	-	P	-	-
Well Drilling Company	-	-	-	-	-	-	-	-	P	-	-
Wildlife Sanctuary	-	-	-	-	-	-	-	-	-	R	R
Yacht Club, w/w/o Marina	-	-	-	-	-	-	P	-	-	P	P
YMCA, YWCA, and Similar Institutions	-	-	-	-	-	R	R	-	-	-	-

	R-1	R-2	R-3	R-4	MH	C-1	C-2	T	I	PR	PFR
TECHNOLOGY USES											
Research, development and assembly of electronics related to aerospace, aviation, security or communication	-	-	-	-	-	-	-	C	-	-	-
Geospatial and other data collection, analysis and processes	-	-	-	-	-	-	-	C	-	-	-
Computer software development and simulation	-	-	-	-	-	-	-	C	-	-	-
INDUSTRIAL USES											
Airports, Heliports	-	-	-	-	-	-	-	-	C	-	-
Auto Salvage Business, Including Yard	-	-	-	-	-	-	-	-	C	-	-
Carting, Express, Crating, Hauling, and Storage	-	-	-	-	-	-	-	-	P	-	-
Gravel and Similar, Bulk Storage	-	-	-	-	-	-	-	-	C	-	C
Industrial Park (Planned)	-	-	-	-	-	-	-	-	P	-	-
Landfill	-	-	-	-	-	-	-	-	C	-	-
Manufacturing and processing of goods and materials conducted indoors or outdoors or with outside storage. Limited to non-hazardous and non-explosive goods or materials	-	-	-	-	-	-	-	-	C	-	-
Manufacturing and processing of goods and materials conducted indoors with no outside storage. Limited to non-hazardous and non-explosive goods or materials	-	-	-	-	-	-	-	-	P	-	-
Mineral Extraction, including oil drilling	-	-	-	-	-	-	-	-	C	-	-
Roofing and Sheet Metal Shop	-	-	-	-	-	-	-	-	P	-	-
Truck Fleet Maintenance etc.	-	-	-	-	-	-	-	-	P	-	-
Truck Terminals	-	-	-	-	-	-	-	-	P	-	-
Warehouse Storage and Sales	-	-	-	-	-	-	-	-	P	-	-
Wholesale Distribution Center	-	-	-	-	-	-	-	-	P	-	-

Notes:
1. The building containing the use shall not be located within two hundred (200) feet of an exclusive residential zoning district.
2. The use shall not be located within a five hundred foot (500) radius of any other regulated use.
3. No building containing a use of this nature shall be established within four hundred (400) feet of any church, temple, synagogue, or other regularly established place of worship, or any school.
4. The Zoning Administrator or his representative is hereby authorized to enter, examine and survey, during business hours, any premises in the City of this nature for the purpose of enforcing the provisions of this article. This section shall not restrict or limit the right of entry vested in any other person under any other provision of law.
5. Liquor stores and similar establishments shall conform to the requirements of Mississippi Code Annotated Section 67-1-51. Permits; distance regulations; prohibition on ownership of more than one package retailer's permit; prohibition on ownership of additional permits by persons living in same household.
6. Reserved.
7. Telephone exchanges shall not include administrative office, shop, or garage.
8. Requires a minimum site area of three (3) acres.
9. Private schools offering general courses, but not including business or commercial school or college.
10. Does not including those whose activities are providing services customarily carried on as a business.
11. The primary function is the retail sale of gasoline, accessories, washing, polishing, and tune-up
12. Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, but not including commercial gymnasium.
13. Reserved
14. No merchandise can be stored or displayed within the yard setback abutting any street.

15. Massage parlors or similar shall comply with the following:
    a. Applicants for businesses permits shall provide proof of licensing and certification by a nationally recognized school of massage therapy.
    b. No person other than a licensed therapist or student in the process of obtaining a message therapy license may provide services while under the supervision of a certified therapist.
    c. All massage therapy towels, linens, and related devices shall be sterilized by a modern and approved method of sterilization before initial use and after having been used upon one patron prior to using the same upon another patron.
    d. No person suffering from an infectious or communicable disease shall work or be employed in a massage establishment nor shall such person be accommodated as a patron within a massage establishment.
16. Day Care Centers or Similar shall be allowed as a Conditional Use in the residential zoning districts only as a home occupation. No separate, freestanding building shall be located in the residential zoning districts and utilized exclusively for Day Care Centers or Similar.

ARTICLE 5: GENERAL REGULATIONS

5.1 LIMIT OF ONE PRINCIPAL USE

No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance.

5.2 PRINCIPAL BUILDINGS

5.2.1 Street Frontage Required

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

5.2.2 Two or More on a Lot

Where two (2) or more principal buildings are on a lot, the same shall conform to the following:

A. The requirement of this Ordinance which would apply to each building if each were on a separate lot; and,
B. The standards and improvements required for land development by the Subdivision regulations.

5.3 MAXIMUM HEIGHT OF BUILDINGS

5.3.1 In General

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article 4.

A. Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the district limitations for height. However, should the height be in excess of fifty (50) percent of the specific district limitations a conditional use shall be required. See also the provisions of Article 13 Telecommunication Facilities.
B. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed limit.
C. To maintain neighborhood continuity, the building height of new residential construction may exceed 35 feet when the existing primary buildings of the adjoining properties exceed 35 feet. In no case shall this provision allow a new residential building to exceed the height of a residential structure on adjoining property.

5.3.2 Airport Height Restrictions

Airport height restrictions exist to protect the approach zones and clear areas around the Diamondhead airport and the methodology for such height restrictions are promulgated by the Federal Aviation Administration (FAA). In no case shall the Airport Height Restrictions allow a building or structure which exceeds the height limits imposed within each zoning classification of this Ordinance.

Buildings or other structures located within the FAA Imaginary Surfaces of the airport as shown in Figure 5.1 shall not exceed the elevation limits as set forth by the FAA in 14 CFR Part 77 Surfaces. The elevation limits in these areas shall be calculated as outlined in items A through C or as otherwise required by the FAA. The distances and calculations shall be confirmed by the Zoning Administrator prior to issuing a building permit.

A. Lots located in the 20:1 runway approach

$$((D - 200) / 20) + E_R = E_{MAX}$$

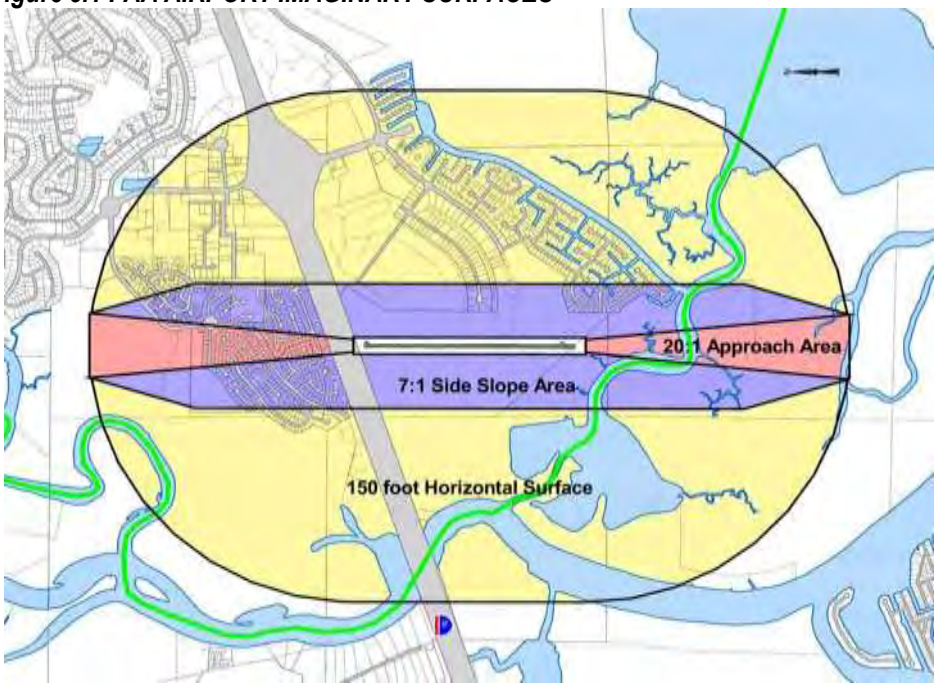
D = Distance from end of runway to building location

E_R = Elevation of runway
E_{MAX} = Maximum structure elevation

B. Lots located within the 7:1 side slope area
$((D – 125) / 7) + E_R = E_{MAX}$
D = Distance from end or edge of runway to building location
E_R = Elevation of runway
E_{MAX} = Maximum structure elevation

C. Lots located within the 150 feet Horizontal Surface
No structure shall exceed a maximum elevation of 150 feet above the elevation of the airport runway.

Figure 5.1 FAA AIRPORT IMAGINARY SURFACES



Source: Bridge & Watson, Inc.

5.4 SPECIAL LOT AND YARD REQUIREMENTS

5.4.1 In General

A. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance.
B. No required lot area or yard shall include any property (the ownership of which has been transferred subsequent to the effective date of this Ordinance), if such property was part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

5.4.2 Exceptions to Minimum Lot Areas, Lot Widths and Yards

A. Nonconforming Lots
See Section 5.6.
B. Irregularly Shaped Lots
In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the front lot line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70%) percent of the required minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than

three hundred (300') feet radius where the lot frontage measured at the street right-of-way line shall not be less than forty (40%) of the minimum lot width.

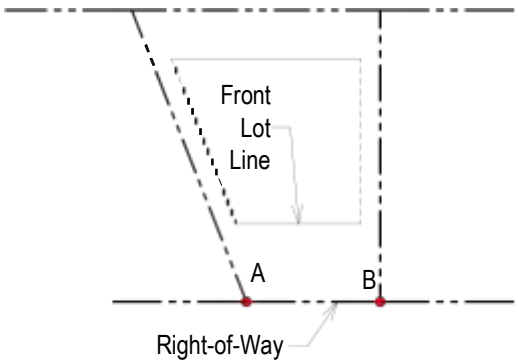


FIGURE 5.1: IRREGULAR LOT

If the minimum width is required to be 100' (per Table 4.1), the width at line AB must be at least 70'.

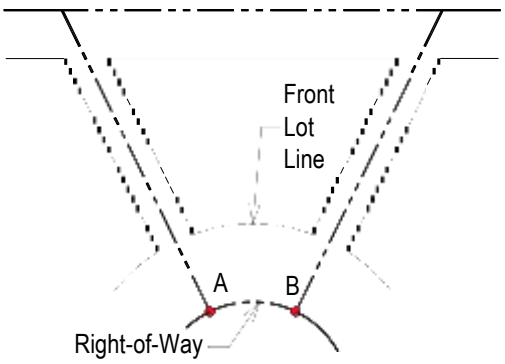


FIGURE 5.2: CUL-DE-SAC

If the minimum width is required to be 100' (per Table 4.1), the width at line AB must be at least 40'.

C. Through Lots
Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots. The presence of an alley shall not constitute a through lot.

D. Corner Lots
Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots (but shall not be less than ten (10') feet).

E. The front yard of a lot between two lots (each having a principal building within twenty (20') of the lot) may be reduced to a depth equal to that of the greater of the two adjoining lots, except that the front yard shall not be less than ten (10') feet.

F. Projections into Yards

i. No projection into required yard areas permitted in Sections 5.4.2F.ii. and iii. (except for patios) in a Low Density Residential District or Medium Density Residential District shall be less than ten (10') feet from any side or rear lot line or fifteen (15') feet from any front lot line.
ii. Bay windows, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, marquees, eaves or other architectural features not required for structural support may project into the required side, front or rear yard not more than two (2') feet.
iii. Patios may be located in the required side and rear yards not closer than three (3') feet to any adjacent property line.

G. Side Yard Variation under Diamondhead Property Owners Association Approval
Although the provisions of this ordinance are specific as they relate to side yard setbacks, the City of Diamondhead recognizes that certain side yard variations were allowed and granted by the Diamondhead Property Owners' Association over the course of time preceding the adoption of this ordinance. Therefore, any residential lot having been previously platted, approved or developed with a side yard setback less than that required by this ordinance shall hereafter develop in conformance with those side yard setbacks as heretofore approved. In no case, however, shall a side yard be less than 5 feet unless otherwise specifically allowed by this ordinance.

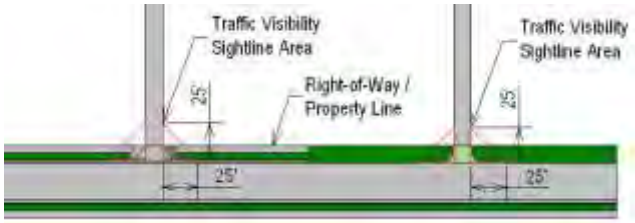
5.4.3 Traffic Visibility across Corners

A. Sightlines at Intersections of Streets
i. A triangular area as defined in Section 5.4.3 A. iii. shall be graded and shall be free of sight obstructions so that vision between a height from two to ten (2' to 10') feet above the centerline grades of the intersecting streets is not obscured.
ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting streets within the triangular area defined in Section 5.4.3 A. iii.
iii. Such triangular area shall be bound at street intersections (corner lots) as measured along the back of curb on both streets for a distance of fifty (50) feet from the point of intersection of the curb line. In the absence of curb, the triangular area shall be measured fifty (50) feet from intersection of the projection line of the edge of pavement.

B. Sightlines at Intersections of Driveways or Access ways with Streets
i. A triangular area as defined in Section 5.4.3 B. iii. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting driveway, access way, or streets is not obscured.
ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting driveway, access way, or streets within the triangular area defined in Section 5.4.3 B. iii.
iii. Such triangular area shall be bound by the intersecting driveway, access way, or street centerlines and a diagonal connecting two points as measured along the back of curb on both streets and driveways for a distance of twenty-five (25) feet from the point of intersection of the curb lines. In the absence of curb, the triangular area shall be measured twenty-five (25) feet from intersection of the projection line of the edge of pavement.

TABLE 5.1 – SIGHTLINES AT VARIOUS TYPES OF INTERSECTIONS.

Streets: Arterial, Collector and Local



Driveways and Service Drives

5.4.4 Buffer Yards

A. Scope

Any nonresidential use which borders any property zoned or used for residential purposes shall provide buffer yards which comply with the standards of Section 5.4.4.

B. Size, Location

i. A fifteen (15') foot buffer yard shall be required, unless otherwise indicated in this Ordinance. A twenty five (25') buffer yard shall be required when any nonresidential use borders any property zoned as R-1 or R-2. Additionally, the Planning Commission may require additional buffer area upon the determination that the proposed nonresidential 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 twelve (12") inches in height, or weeds.

D. Planting Screen

i. Each buffer yard shall include a planting screen of trees, shrubs, and/or 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 (2) years, a complete year-round visual screen of at least eight (8') 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 (1) year.

c. The Planting Screen shall be so placed that at maturity it will be at least three (3') 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 5.4.3.

iii. In circumstances where it is impractical for a Planting Screen to meet all the requirement 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 2.4 of this Ordinance.

E. Plans

i. Prior to the issuance of any Zoning approval, the applicant shall submit plans which graphically indicate, in both drawing and text where appropriate, the following:

a. The location and arrangement of each buffer yard.

b. The placement, species, and size of all plant materials, and

c. The placement, size, materials and type of all fences to be placed in such buffer yard.

ii. Such plans shall be reviewed by the Zoning Administrator to ascertain that the plans are in conformance with the terms of this Ordinance.

5.5 ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTHS FOR ROADS

5.5.1 Purpose and Establishment

All front yards and other appropriate yards shall be measured from the relevant minimum future right-of-way line indicated in Section 5.5.2 where the existing right-of-way is less than that indicated in Section 5.5.2 for the particular class of road on which a property abuts.

5.5.2 Measurement

A. The future right-of-way shall be measured from the centerline of the existing road.

B. The specific classification of each road is shown on the Street Classification Map set forth in the Comprehensive Plan for the City of Diamondhead.

5.6 NONCONFORMING BUILDINGS, STRUCTURES, LOTS, AND USES OF LAND

5.6.1 Nonconforming Buildings and Structures

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

A. Alteration or Enlargement and Repair of Buildings and Structures

i. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions or enlargements and use is made to conform to all of the regulations of the district in which it is located and no additional structures not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming uses of land.

ii. Should a nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to these regulations for the district in which it is located after it is moved.

iii. Any repairs of damage or destruction sustained by a nonconforming use shall return the structure to no less than the true value as determined by the Hancock County Tax Assessor which existed prior to the damage or destruction.

B. Building or Land Vacancy

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

C. Change In Use

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

5.6.2 Nonconforming Lots of Record

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

5.6.3 Restoration

Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of fifty (50) percent of the true value as determined by the Hancock County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances.

5.6.4 Ownership

Whenever a nonconforming structure or lot is sold to a new owner, such sale shall have no effect on the nonconforming status of the structure or lot. A nonconforming use of land or structure shall lose its nonconforming status upon the sale to a new owner.

5.6.5 District Changes

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structure existing in the district to which the area was transferred.

5.6.6 Repairs and Maintenance

Ordinary repairs and replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed provided that the nonconforming structure shall not be increased in size.

5.6.7 Uses Requiring Planning Commission Review and Conditional Use Procedures

Any lawful use existing on the effective date of this ordinance or amendment thereto, and which would be required to have Planning Commission review pursuant to Section 2.4 of this ordinance or would be a conditional use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions. However, any alteration to the site, building, nature of the operations, or any other aspect of the use shall require a Planning Commission Review or conditional use, whichever the case may be.

5.7 TEMPORARY STRUCTURE OR USE

5.7.1 A temporary permit may be issued by the Zoning Administrator for structures or uses necessary during construction or other seasonal or special circumstances of a nonrecurring nature subject to the following additional provisions:

A. The life of such permit shall not exceed one (1) year and may be renewed for an aggregate period of not more than two (2) years.
B. Such structure or use shall be removed completely upon expiration of the permit.
C. The Zoning Administrator shall not issue a temporary permit for any use or activity which is otherwise prohibited within the City.

5.7.2 Temporary permits may be issued for outdoor sale of goods not associated with farm produce, firewood, or seafood only after review and approval by the Planning Commission provided:

A. Written concurrence from the property owner(s) is obtained.
B. Sale periods are limited to conditions established by the Planning Commission.
C. Suitable safety precautions are taken in accordance with conditions approved by the Zoning Administrator to insure that human health and welfare are not jeopardized.

5.7.3 The Zoning Administrator may at his discretion elect to take any request for temporary permits before the Planning Commission for review and action.

ARTICLE 6: RESERVED

ARTICLE 7: PLANNED UNIT DEVELOPMENT

7.1 PURPOSE

7.1.1 The purpose of the planned unit development district is to provide for the development of planned communities that provide a wide range of land use types designed to function well in relation to one another and to serve the inhabitants thereof or of adjoining districts consistent with the comprehensive plan.

7.1.2 It is also the purpose of the planned unit development district to afford property owners or developers the opportunity to utilize innovative and unique design elements in creating a planned total community. The City of Diamondhead recognizes that certain properties, due to locational criteria and adjacent existing development, may not be utilized to its highest and best use through the application of traditional zoning classification(s).

7.1.3 For purposes of this title, any proposed planned unit development shall consist of at least ten (10) acres in area unless otherwise authorized by the governing authority. A planned unit development should be planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

7.2 INITIALLY CREATED PUD DISTRICTS

No PUD districts shall be created by the governing authority through the adoption or amendment of the zoning ordinance.

7.3 DISTRICT ESTABLISHED, PLAN APPROVAL REQUIRED

The PUD district shall be established only upon application, after public hearing as specified in the amendatory procedures of Article 2, and shall require approval of an outline plan which, when zoning is granted, will govern the development of the land and all development plans thereof. The application fee for establishing a PUD shall be the same fee as for any other zoning amendment request.

7.4 MINIMUM DISTRICT AREA

The minimum area for a PUD district shall be ten (10) acres unless a smaller area can be shown to be sufficient to provide for a genuinely unique development.

7.5 PERMITTED USES

A list of permitted uses within each planned unit development must be submitted with the application for establishment of the district and the outline plan and must be approved by the governing authority upon application by the owner of the property.

7.6 APPLICATION REQUIRED

An application for rezoning to PUD district shall be accompanied by:

A. An outline plan drawn to a scale of not less than one inch equals one hundred feet (1"=100') or a larger scale suitable to the size of development if approved by the Zoning Administrator. The Outline plan shall include, at a minimum, the following information:
   i. Boundary description, including area, bearings and dimensions of all property lines both bounding the limits of the PUD and those internal to the PUD, if any;
   ii. The locations of existing roads with both the existing and proposed rights-of-way from centerline, and the location of proposed points of ingress into and egress from the site;
   iii. Existing topography, with contour intervals sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval.

iv. The location of all mature tree growth. Mature tree growth shall be defined as trees 5 inches or greater in diameter at 4 ½ feet above the ground;
v. Grading and drainage information, including preliminary proposals for on-site detention of storm water, if necessary, in accordance with city storm water drainage policy set forth in the city's Subdivision Regulations;
vi. Vicinity map, North arrow and scale (graphically and numerically);
vii. Tie in dimension from property corner to nearest to existing street(s) and to section corner;
viii. Locations and types of existing easements, including instrument references, and proposed utilities and easements;
ix. The title block, including the unduplicated name of planned unit development, outline plan, Engineer's and Developer's names, total acreage, date of draft/revision;
x.. Individual parcel numbers/letters, the amount of acreage on each (and designated use, if applicable);
xi. Proposed landscape buffers (shown on the plan graphically and in cross section);
xii. Names of abutting property owners or subdivisions.

B. Text presenting the following information:
i. Proposed land uses and residential densities, along with the proposed dimensional requirements for each such land use;
ii. Proposed primary circulation pattern;
iii. Proposed parks and playgrounds or other public use facilities;
iv. Delineation of the units or phases to be constructed, together with a proposed timetable;
v. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
vi. Relation to the comprehensive plan and to land uses in the surrounding area;
vii. Estimates of traffic volumes generated by the completed project;
viii. Any other governing restriction or allowance necessary for the development of a genuine, unique community. In the event the governing text is silent on an issue otherwise regulated by City ordinance, then the City's ordinance shall govern.

7.7 SUPPORTING DATA

The Zoning Administrator may require the applicant to provide additional data in support of the PUD proposal if such material is deemed reasonable and essential to the consideration of the project. Such material may include but not be limited to studies of traffic generation, drainage, sewers and public utilities, marketing and economic feasibility analyses or other issues, which may be pertinent to the site and surrounding area.

7.8 SCOPE OF REVIEW

The Zoning Administrator shall review and confer with other City Department Heads or with outside agencies interested in or affected by the proposed PUD on the requested development plan. Such review may consider, but not be limited to, the following factors:

A. Whether or not the proposed outline plan is designed so as to be genuinely unique, and that the post-development land uses and spatial development patterns will be unlike those achieved through the use of traditional zoning districts;
B. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views and historic sites;
C. The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community;
D. The provision of sufficient open space to meet the needs of the proposed development;
E. The provision of adequate drainage facilities and on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community;

F. The compatibility of the overall development plan with the existing land use in the surrounding area;
G. The existence and/or provision of adequate community facilities to serve the proposed development (i.e., water, sewer and other utilities, streets, fire hydrants, site lighting, gas, electricity, telephone service and similar information);
H. Conformance of the site development plan with the comprehensive plan, any other applicable requirements of the zoning ordinance, subdivision regulations, or any other land use control regulations of the City of Diamondhead.

7.9 REVIEW AND APPROVAL

A. The Zoning Administrator, along with other appropriate city Department Heads, shall study the outline plan, text and supporting data, make suggestions for changes and adjustments, and recommend conditions for the approval of the plan as necessary. After the Zoning Administrator reviews the outline plan and text, he shall recommend approval, disapproval or approval with conditions of the outline plan to the Planning Commission. The amendatory procedures set out in Article 2 of this Ordinance shall govern the processing of an application for PUD.
B. Within sixty (60) days after the final action by the governing authority, the applicant shall submit a revised outline plan and text to the Zoning Administrator, and said revised outline plan and text shall incorporate any and all conditions imposed upon the proposed development for approval. If no revised plan has been submitted within the required 60 day period the application shall be deemed withdrawn. If the outline plan and text was approved by the governing authority with no conditions or revisions, then no revised outline plan or text shall be required.
C. If an application for an amendment to classify property in the PUD District is denied by the governing authority, a reapplication pertaining to the same property and requesting the same PUD amendment may not be filed within 18 months of the date final action was taken on the previous application unless an alternate time frame is approved by the governing authority.
D. No building permit shall be issued until a final plan (as required in Section 7.11 below) of the proposed development, or phase thereof, is received and on file with the City.

7.10 AMENDMENTS TO AN OUTLINE PLAN

An application for an amendment to an outline plan shall be filed with the Zoning Administrator, which application shall be accompanied by the fee established in Article 2, Section 2.8.7 of this Ordinance. The procedure for amending the outline plan shall be the same as that required for the initial establishment of the PUD.

7.11 FINAL PLAN PROCEDURE

7.11.1 The Final Plan shall consist of a two-stage review process that may occur concurrently. The first stage of review shall be that of a detailed site plan review and the second stage shall be that of a final plat review. The detailed site plan review must precede the final plat review. The specific requirements for these final plan documents are set out in Sections 7.12 and 7.13.

7.11.2 The final plan procedure may be initiated at any time after approval of the outline plan by the governing authority. The final plan documents shall be reviewed by the Zoning Administrator in order to establish that it substantially meets the conditions of the outline plan. After the Zoning Administrator reviews the final plan documents, he shall recommend approval, disapproval or approval with conditions of the same to the Planning Commission. It shall only be necessary for the governing authority to act upon the final plat.

7.12 DESIGN REQUIREMENTS

The detailed site plan must provide for and conform entirely to the following standards and requirements:

A. Off-street parking and loading shall be provided as prescribed in Article 8 of this Ordinance. Reductions or variations in the required parking may be recommended by the Zoning Administrator and approved by the governing authority if suitable alternatives are presented.

B. Street widths and improvements must conform to the requirements established by the Subdivision Regulations and the Comprehensive Plan; however, alternative design cross sections of minor roadways may be presented for consideration and approval at the time of outline plan review.
C. Provisions for water supply and sanitary sewer connections shall be made to the satisfaction and requirements of the governing authority and the appropriate state authority.
D. Drainage provisions: A means of on-site drainage retention shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer and the governing authority.
E. Landscape screening to provide a buffer between differing land uses must be provided. Required screening shall not be considered as part of the rear yard setback requirement.
F. A minimum total area of ten (10) percent of the gross residential area shall be set aside as parks and playgrounds. Of this ten (10) percent a maximum of one-half may be covered with water. A maximum of five (5) percent of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use, but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.
G. The Zoning Administrator may require other special improvements, if they are deemed reasonable and essential.

7.13 DETAILED SITE PLAN REQUIREMENTS

A site plan with supporting data shall be prepared and submitted to the Zoning Administrator, drawn to a scale of not less than one hundred (100) feet to the inch and shall include the following information:

A. Boundary description, including area, bearings and dimensions of all property lines;
B. Tie in dimension from property corner to nearest existing street(s) and to section corner;
C. Locations and types of existing and proposed utilities and easements;
D. Existing topography, with a contour interval sufficient to indicate the topography of the site, but in no case to exceed a two-foot (2') interval;
E. The location of points of ingress to and egress from the site;
F. The location of all mature tree growth. Mature tree growth shall be defined as trees 5 inches or greater in diameter at 4 ½ feet above the ground*;
G. A grading and drainage plan including proposals for on-site retention of storm drainage as well as general details of all surfaced areas*;
H. Existing tree masses to remain, streams, floodplain and other natural features; I
Vicinity map
J. Estimates of traffic volume generation from the completed project along the boundary streets*.
K. Title block, including name of development, phase number, developer/owner, engineer, section, township and range, acreage, zoning;
L. Location/footprint of proposed buildings, including height in stories and feet, floor area ratio, total floor area, and total square feet of ground area coverage. It shall not be necessary to show building footprints for single family residential units unless deemed necessary by the Zoning Administrator;
M. Provisions for landscape screening and buffering shall be represented graphically in plan view and elevation view on the site plan.
N. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space*
O. The location, arrangement and dimensions of:
   i. Existing and proposed streets and driveways;
   ii. Adjacent streets;
   iii. Sidewalks;
   iv. Parking areas, including the number of off-street parking spaces;
   v. Points of ingress and egress;

vi. Off-street loading areas;
vii. Other vehicular, bicycle or pedestrian rights-of-way;

P. Drainage provisions: On-site drainage retention shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the Zoning Administrator *

* Requirement may be waived by the Zoning Administrator, if deemed appropriate.

7.14 FINAL PLAT REQUIREMENTS

Requirements for the final plat for recording for a PUD shall be as follows:

A. The final plat for recording shall conform to the requirements of any Subdivision Regulations in effect for the City of Diamondhead;
B. A statement or otherwise appropriate representation of any conditions imposed by the Governing Authority or Zoning Administrator;
C. Delineation of building setback lines, limits of buffer areas or landscape screening, and open space areas in accordance with the approved outline plan;
D. Any other notations or markings necessary to memorialize and illustrate features of the proposed PUD, as determined by the Zoning Administrator or governing authority.

7.15 SCOPE OF REVIEW

The Zoning Administrator and Planning Commission shall consider, but not be limited to, the following factors in review of the final plan documents:

A. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views and historic sites;
B. The provision and location of appropriate access to provide for the safety and efficiency of vehicular and pedestrian traffic both within the development and along adjacent streets;
C. The provision of sufficient open space, landscaping and buffering to meet the requirements of the outline plan;
D. The provision of adequate drainage facilities and on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community;
E. The conformance of the site design (location of buildings, parking lots, screening, landscaping) with the approved outline plan and governing text;
F. The existence and/or provision of adequate community facilities to serve the proposed development (i.e., water, sewer gas, electricity, streets, fire hydrants, and site lighting);
G. Conformance of the final development plan with the approved outline plan and governing text, and any other applicable requirements of the zoning ordinance, subdivision regulations, or any other land use development regulation adopted by the City of Diamondhead.

7.16 FINAL PLAT RECORDING

Upon approval of the final plat by the governing authority, the Zoning Administrator shall cause to be recorded the final plat in the office of the Chancery Clerk of Hancock County, Mississippi, after the required signatures for recordation have been secured. The procedure for recording the final plat for the PUD shall be the same as though it were a typical subdivision plat. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. After approval, filing and recording of the plan, a building permit may be issued in accordance with the approved plan.

7.17 ADMINISTRATION

The Zoning Administrator shall develop the necessary forms and applications to properly administer the provisions of this Section, and the Zoning Administrator may from time to time amend said forms and applications as needed to effectively and efficiently carryout these provisions.

ARTICLE 8: OFF-STREET PARKING AND LOADING

8.1 GENERAL PROVISIONS

The off-street parking and loading requirements hereinafter set forth in this Article supplement the district regulations for each of the districts, pursuant to this Ordinance. In no case is parking authorized on any private or public areas not specifically designed or designated for parking. This includes residential yards, median areas, and roadways.

8.1.1 Procedure

An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

8.1.2 Extent of Control

All buildings and structures erected and all land uses initiated after the effective date of this Ordinance shall comply with the off-street parking and loading requirements of this Ordinance and shall provide accessory off-street parking or loading facilities as required herein for the use thereof.

8.1.3 Parking and Storage of Certain Vehicles or Equipment

Within the various residential zoning districts for the City of Diamondhead, the following restrictions and limitations concerning the parking of recreational vehicles, trailers, equipment and the like shall apply.

A. The following vehicles are prohibited from being parked in a residential zoning district for more than a 12 hour period:
   i. All vehicles that have a dump-type bed.
   ii. All motorized construction equipment.
   iii. All vehicles that exceed ten (10) feet in height above the grade.

B. The following vehicles shall be parked behind the front line of the existing house and screened from view from the street and adjacent property, including golf course areas:
   i. Vehicles that exceed seven (7) feet six (6) inches in height above grade.
   ii. Lawn maintenance equipment.
   iii. All trailers used to transport equipment or construction vehicle parked for more than 24 hours.
   iv. Individual recreational vehicles such as boats, jet skis, all terrain vehicles (ATV), or similar vehicles.

C. The screening utilized to comply with Section 8.1.3 B shall require a permit issued by the Zoning Administrator and shall conform to the following:
   i. When possible, materials utilized for the screen shall be similar to the exterior materials of the primary structure or fence, if a fence exists.
   ii. In no case shall the following materials be utilized to constitute the required screen: tarpaulin, bed linens or similar, tin or sheet metal, vinyl slatted chain link or wire mesh, wood sheeting, plastic or vinyl sheeting, or other materials which would detract from the neighborhood.
   iii. Landscape plantings may be utilized to accomplish the necessary screening.

D. Major recreational equipment, including but not limited to travel trailers, campers or camper trucks, coaches, motorized dwellings, or similar equipment shall not be parked or stored in a driveway or parking area, except for a reasonable amount of time as may be required to load or unload personal property at a residence prior to or after use for which such recreational equipment is designed. Out of town guests of a property owner may be permitted to park major recreational equipment on premises driveway only for a period not exceeding seven (7) days provided no portion of the equipment extends into the road right-of-way or where provided, sidewalks.

8.1.4 Location of Parking Areas

A. Off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over five hundred (500) feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

B. Over flow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive.

8.2 REQUIRED NUMBER OF OFF-STREET PARKING SPACES

8.2.1 Requirement

A. Each use established, enlarged, or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 8.1 and the regulations of this Article.

B. Uses not specifically listed in Table 8.1 shall comply with the requirements for the most similar uses listed in Table 8.1.

C. Where a proposed use contains or includes more than one type of use (regardless of whether each use is listed in Table 8.1 or is an unlisted use), the number of parking spaces required shall be the sum of the parking requirements for each separate use.

D. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter (1/4, 0.25) or more shall be counted as one (1).

8.2.2 Schedule of Off Street Parking Spaces Required

At least the following amounts of off-street parking spaces shall be provided. The classification of use shall be deemed to include and apply to all uses, and if the classification of any use for the purpose of determining the number of parking spaces to be provided is not readily determinable hereunder the classification of the use shall be fixed by the Zoning Administrator.

TABLE 8.1 – GENERAL OFF-STREET PARKING REQUIREMENTS

Dwelling, one-family	2 spaces per dwelling unit
Dwelling, two-family	2 spaces per dwelling unit
Dwelling, multi-family	2 spaces per dwelling unit;
Barber and Beauty Shop	3 space per 1 chair
Bowling Alleys, Recreation Centers, Swimming Pools, Skating Rinks, and Other Recreation and Amusement Facilities	1 space per 5 customers at maximum service capacity; 1 space per 2 employees
Club Houses And Permanent Meeting Places of Veterans, Business, Civic, Fraternal, Labor, and Similar Organizations	1 space per 50 sq. ft. of auditorium, assembly hall, and dining room area; 1 space per 2 employees
Group living quarters, Nursing Homes	1 space per 4 beds occupied at maximum capacity
Assisted living facilities	1 space per room or living unit
Food stores, Food/Gas Stores, Convenience Stores, and Convenience/Gas Stores	5.5 spaces per 1,000 sq. ft.; 1 space per business vehicle; 1 space per 2 fuel pumps; 5 spaces minimum
Funeral Homes	1 space per business vehicle; 1 space per 2 employees; 1 space per 3 seats in auditorium / chapel;

	5 spaces per parlor
Hospital	1 space per bed; 1 space per staff doctor; 1 space per 3 employees; 1 space per hospital vehicle
Industrial Plants and Facilities	1 space per business vehicle; 1 space per 2 employees at maximum shift
Libraries, Museums, Post Offices, and Similar Establishments	7.5 spaces per 1,000 sq. ft.; 1 space per business vehicle
Medical and Dental Offices and Clinics	7 spaces per 1,000 sq. ft.
Offices	5 spaces per 1,000 sq. ft.
Offices and Facilities within the Technology District	1 space per employee (per shift) or business vehicle 5 spaces for visitors
Professional offices associated with technology	
Public Garages	3 spaces per employee; 1 space per business vehicle
Repair shops, plumbing shops, electrical shops, roofing shops, and other service establishments	4 spaces per 1,000 sq. ft. excluding storage areas; 1 space per business vehicle
Restaurants, without Drive-Thru	20 spaces per 1,000 sq. ft. of seating area; 2 spaces per 3 employees; 1 space per business vehicle
Restaurants, with Drive-Thru or Drive-In	32 spaces per 1,000 sq. ft. of seating area; 2 spaces per 3 employees; 1 space per business vehicle; 1 – 9' x 160' queuing space beginning at pick up station
Retail, Indoor	5.5 spaces per 1,000 sq. ft. of usable area; 1 space per business vehicle
Retail, Outdoor	2 spaces per employee; 1 space per business vehicle
School, Elementary Public and Private and Day Care Centers	1 space per employee; 1 space per classroom
School, Junior High	1 space per 3 seats of maximum capacity of assembly hall, auditorium, stadium, or gymnasium; or 1 space per employee and 2 space per classroom; Whichever is greater
School, Senior High	1 space per 3 seats of maximum capacity of assembly hall, auditorium, stadium, or gymnasium; or 1 space per employee and 2 space per classroom; or 1 space per employee,

	1 space per 4 sophomore students, 1 space per 3 junior students, and 1 space per 2 senior students; Whichever is greater
Self-Service Laundries	1 space per 2 washing machines
Service Station without Vehicle Repair Facilities.	3 spaces per employee on the maximum shift; 1 space per business vehicle ; 4 spaces minimum
Service Station with Vehicle Repair Facilities.	1 space per employee on the maximum shift; 1 space per business vehicle ; 5 spaces per service bay
Theaters, Auditoriums, Churches, Civic Centers, Stadiums, and Other Places of Public Assembly.	1 space per 3 seats available at maximum capacity in the largest room or hall in the building
Motel and Hotel	1 space per sleeping room; Additional parking to conform to parking requirement for other uses on premises
Transportation Terminals	1 space per 100 sq. ft. of waiting area
Universities, Colleges, Academies, and Similar Institutions of Higher Learning	1 space per 4 seats in assembly hall, auditorium, stadium, or gymnasium of capacity; or 1 space per regular employee; 20 spaces per class room Whichever is greater
Warehouses, Freight Terminals, and Trucking Terminals	1 space per business vehicle; 2 spaces per employee; 1 space per 200 sq. ft. office area
Wholesale Business	1 space per business vehicle; 2 spaces per employee; 1 space per 200 sq. ft. office area

Casino patron parking shall be designed to accommodate peak user demand based upon eighty (80) percent of casino capacity. Such parking shall reflect a mixture of bus and automobile parking such that bus spaces accommodate twenty (20) to thirty (30) percent of casino capacity. The exact percentage of estimated bus traffic shall be determined by the Diamondhead Planning Commission based upon marketing information provided by the casino developer, and bus parking shall be based upon eighty-five (85) percent capacity of the bus. The following calculations shall be used.

TABLE 8.2 – CASINO OFF-STREET PARKING REQUIREMENTS

Patron cars	1 per 50 square feet of casino floor area
Employee cars	1 space per 2 employees on largest shift
Buses	5 spaces (10' x 50' each)

8.2.3 Handicapped Parking Spaces Required

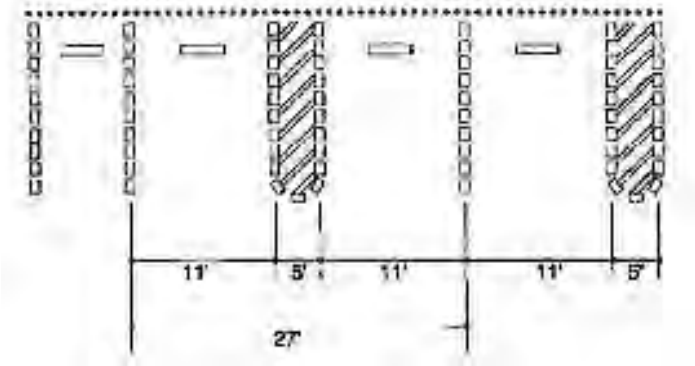
In each parking lot a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed by the State for use by the handicapped. The required number of spaces is found in Table 8.3.

TABLE 8.3 –REQUIRED HANDICAP PARKING SPACES

Total Spaces	Handicapped Spaces Required	Van Accessible Spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	2
501-1000	2% of total	3
1001 and over	20 + 1 for each 100 over 1000	1 in 8 of all Accessible spaces

A. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van accessible spaces shall be marked with an additional sign.
B. Parking spaces designated for persons with disabilities shall be located on the shortest possible circulation route to an accessible entrance to the building. In separate parking structures or lots which do not serve a particular building, parking spaces for disabled persons shall be located on the shortest possible pedestrian route to an accessible pedestrian entrance of the parking facility.
C. Accessible parking spaces shall be included as parking spaces satisfying the requirements for off-street parking.
D. One space in every eight spaces shall be van accessible, but not less than one.
E. Accessible parking spaces shall be not less than 9 feet wide by 19 feet long with a minimum 5 foot wide access aisle. Universal parking spaces 11 feet wide with an adjacent 5 foot access aisle may be used to satisfy the requirement for accessible parking including van accessible parking spaces. See Figure 8.1.

FIGURE 8.1 – UNIVERSAL PARKING SPACE DESIGN



Accommodates Accessible Parking Requirement and Vans

8.3 GENERAL REGULATIONS APPLYING TO OFF-STREET PARKING FACILITIES

8.3.1 Existing Parking

Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article, provided that the kind or extent of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.

8.3.2 Change in Use

A. When a building or structure erected or enlarged shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified for required off-street parking or loading facilities, and, further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this Ordinance thereto, off-street parking and loading facilities may be reduced accordingly, provided that existing off-street parking or loading facilities shall be so decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this Ordinance to the entire building or structure as modified.
B. When a building or structure shall undergo any increase in number of dwelling units, gross floor area, seating capacity, or other unit measurement specified herein for required off-street parking or loading facilities, and further, when said increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this ordinance thereto, parking and loading facilities shall be increased accordingly.

8.3.3 Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

8.3.4 Joint Use

Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use and not more than 300 feet from the lot on which the main building is located.

8.4 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES

8.4.1 General Requirements

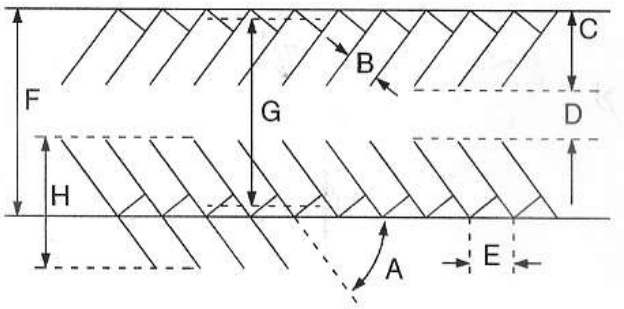
A. Every parking facility shall be designed so that it does not constitute a nuisance, hazard, or unreasonable impediment to traffic.
B. Every parking area shall be arranged for orderly, safe, movement.
C. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except those of a single family or two-family dwelling.
D. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single family or two-family dwelling, a valet parking lot not open for public parking, or attendant directed parking.
E. Surfacing of all parking facilities shall be concrete, asphaltic concrete, or asphalt and all parking facilities shall be properly graded for drainage and maintained in a good condition, free of weeds, dust, trash and debris, potholes or other surface failures.
F. Wheel guards may be provided and so located that no part of a parked vehicle will extend beyond the parking facility.

G. Parking spaces shall not be used for the sale, repair, dismantling, or storage of any vehicles, equipment, materials, or supplies.
H. Parking facilities on more than one level (multiple-level) shall be designed in accord with those standards set out herein for grade level parking facilities insofar as they are reasonably applicable. The design of such a multiple-level facility shall be subject to approval of the Planning Commission with respect to layout, circulation, accommodations for pedestrians' ingress and egress, and other characteristics affecting safety and convenience.
I. All parking spaces shall be properly marked by durable paint in stripes a minimum of four (4) inches wide and extending the length of the parking space.

8.4.2 Parking Space Geometry.

A. Parking spaces shall have a minimum area of 171 square feet with a width of nine (9) feet and a length of nineteen (19) feet. Parking lots shall be laid out and constructed in accordance with the following specifications as set forth in Table 8.4.

TABLE 8.4 – PARKING SPACE GEOMETRY



	A=Angle of Parking		
	45°	**60°**	**90°**
B = Stall Width	9.0'	9.0'	9.0'
C = Vehicle Projection	19.7'	21.0'	19.0'
D = Aisle Width	12.5'	17.5'	22.0'
E = Curb Length per Stall	12.7'	10.5'	9.0'
F = Width of Bay	51.9'	59.5'	60.0'
G = Width of Bay, double	45.6'	55.0'	60.0'
H = Width of double stalls	33.1'	37.5'	38.0'

B. Parallel parking spaces shall have a minimum width of 9 feet and a minimum length of 24 feet adjacent to a minimum 12-foot wide aisle.
C. Aisles or lanes designated by the Fire Department shall be a minimum of 18 feet wide.
D. Additional aisle width and turning radii may be required to accommodate emergency vehicles, large vehicles, equipment, vehicles with trailers, or when the aisle serves as a principle means of access and/or circulation within the site including access to loading spaces, drive-through facilities, or trash storage facilities.
E. Pedestrian walks shall be located between every other (alternating) parking bay, a parking bay being the vehicular access aisle and parking spaces on one or both side served by it. If parking bays exceed three hundred (300) feet in length without vehicular access to adjacent bays or to another drive or street, a pedestrian walk shall be provided between each parking bay. Required pedestrian walks shall have a four foot (4') clear width and such width shall be protected and maintained by curbs or wheel guards. All pedestrian walks shall be paved and maintained free of standing water.

F. Blocks of parking bays containing more than two hundred (200) parking spaces shall be established if the totals number of parking spaces to be provided exceeds two hundred (200). Such blocks shall be defined by landscaped strips having at least a fifteen (15) foot clear width and such width shall be protected by curbs or wheel guards. Each such landscape strip shall be raised and protected by curbs and shall contain a four (4) foot wide pedestrian walk extending the full length of the strip. Vehicular access aisles within the block shall be connected to one or more roadway at least twenty-four (24) feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.

8.4.3 Access Drives and Driveways

A. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic, and so as to provide adequate maneuvering area for the vehicle to turn around where only one entry or exit is provided in order that no backing of vehicles into the street or alley is required. No driveway or curb cut in any district shall exceed forty feet in width and the location of such driveway or curb cut shall be subject to the approval of the Zoning Administrator on the basis of providing the minimum traffic interference.
B. Parking lot access drives may be designed for either one-way or two-way traffic and in either case shall be appropriately marked. In the case of one-way traffic, a parking lot access drive shall not be less than twelve (12) feet in width. In the case of two-way traffic, a parking lot access drive shall not be less than twenty-four (24) feet in width.
C. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
D. At least fifty (50') feet shall be provided between any two (2) access drives along one (1) street for one (1) lot.
E. No access drive or driveway shall be less than thirty (30') feet from any street intersection.
F. The use of shared access drives shall be encouraged in order to reduce the number of curb cuts and improve the appearance of street corridors in the city.

8.4.4 Grading, Surface Drainage

Adequate storm water drainage facilities shall be installed in order to insure that storm water will not collect upon the parking areas and remain there and to insure that storm water will not flow onto abutting property or abutting sidewalks.

8.4.5 Nighttime Illumination

A. Any parking area designed for use by ten (10) or more cars after dusk shall be adequately illuminated.
B. Illumination shall be provided in compliance with Article 18.

8.4.6 Landscaping

A. All parking spaces and access drives shall be at least five (5') feet from any side or rear lot lines.
B. All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be permanently landscaped and maintained.
C. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall not be less than ten (10') feet in depth (measured from the right-of-way line).
D. Planted areas shall be planted and maintained with live landscape material, such as trees, plants, or shrubbery. In the event any location is subject to more than one provision with respect to planting areas, the more restrictive provision shall apply.
E. The maximum number of uninterrupted parking spaces shall be 25. Planted islands (shade trees) shall be used as a means to divide the groups of parking spaces from each other.

F. All parking rows must be anchored on either end with a curbed planted island/projection. Each island/projection must have one (1) indigenous shade tree for single parking rows, and two (2) for double parking rows at a minimum two-and-one-half (2½) inch caliper.

8.4.7 Screening

A. Any area of six (6) or more spaces which is not within a building and abuts or is across a street from any lot in a residential zoning district, shall be provided with a suitable fence, wall, berm, or evergreen planting, or a combination thereof, at least four (4') feet in height, designed to screen visibility and headlight glare from such residential lot.

B. The perimeter of all parking areas within the C-1, C-2, I, and T zoning districts must have an unbroken hedge consisting of either indigenous evergreen shrubs or indigenous densely planted deciduous shrubs, to be a minimum height of twenty-four (24) inches at the time of planting. The perimeter screening must also include indigenous shade trees planted a minimum of thirty-five (35) feet on center, measured at two-and-one-half (2 ½) caliper thickness, at a height of five (5) feet at the time of planting. (This provision insures that the negative visual impacts of parking are minimized, as viewed from within the parking lot and from the neighboring properties and the heavy interstate traffic flow.)

8.4.8 Shared Parking Facilities

Under the foregoing provisions of this ordinance, off-street parking spaces are required to be provided individually for each use or structure. Pursuant to the procedure hereinafter set forth and subject to certain limitations, two (2) or more uses may share off-street parking facilities, with each of such uses being considered to have provided the parking spaces individually.

A. No use shall be considered as individually having provided off-street parking facilities which are shared with one or more other uses unless the schedules of operation of all such uses are such that none of the uses sharing the facilities require the off-street parking facilities at the same time as the other sharing them.

B. An application for Conditional Use shall be filed with the Zoning Administrator by the owner or owners of all land and structures for which shared off-street parking spaces are to be provided. The applications shall contain such information as is required by this ordinance or reasonably deemed necessary by the Zoning Administrator and shall include plans showing the proposed shared facilities in relation to the uses for which they are to be provided.

C. In consideration of an application for Conditional Use for shared parking, the Planning Commission shall take into account and hear evidence concerning the nature and hours of operation of each respective use proposing to share parking. Further, the Planning Commission shall receive necessary and enforceable commitments, or otherwise impose appropriate conditions, to ensure that the nature and characteristics of each use proposing to share parking are such that adequate parking will be available for each use.

8.5 OFF-STREET LOADING FACILITIES

The regulations herein shall govern the design of and the requirements for off-street loading and unloading space in all districts.

8.5.1 Required Number of Spaces and Location

A. Every building or structure used for business, trade or industry shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or street. Off-street loading and unloading space shall be designed not to obstruct or interfere with the use of any street, alley, or adjoining property. Off-street loading and unloading spaces may not be located on public right-of-way nor within a front yard. The minimum size and number of off-street loading and unloading spaces shall depend upon the size of the building to which they are appurtenant, as found in Table 8.5.

TABLE 8.5 – OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Gross Floor Area of Building (square feet)	Size of Loading Space	Minimum Number of Spaces Required
0 to 4,000	None Required	None Required
4,000 to 8,000	10' x 25'	1
8,000 to 24,000	12' x 40'	1
24,000 to 60,000	12' x 40'	2
Each additional 50,000	10' x 40'	1

B. When determination of the number of required off-street loading berths results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be interpreted as one loading space.
C. No loading space shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid noncombustible fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading space shall be located within fifty (50) feet of the nearest point of intersection of any two streets.

8.5.2 Construction and Maintenance

Off-street loading facilities shall be constricted, maintained, and operated in accordance with the following specifications:

A. An off-street loading space shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys. Loading spaces may overlap or conflict with required parking spaces when, in the opinion of the Zoning Administrator, the required loading space would not normally be used at the same time as the parking.
B. They shall be graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition free of weeds, dust, trash and debris and be free from potholes or other signs of surface failure.
C. Lighting shall be arranged so that the source of light does not shine directly into adjacent residential properties or into traffic.
D. Entrances and exits shall be provided and located as to minimize traffic congestion.
E. Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than three hundred (300) vehicles, provision shall be made to maintain separate circulation routes within such facilities.

8.5.3 Cooperative Establishment and Use

Requirements for the provision of off-street truck loading facilities with respect to two (2) or more structures may be satisfied by the permanent allocation for the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated; provided, however, that the total number of spaces designated is not less than the sum of the individual requirements unless, in the opinion of the Zoning Administrator, a lesser number of spaces will be adequate, taking into account the respective time of usage of the truck loading facility by the individual uses, the character of the merchandise, and related factors. In order to eliminate the multiplicity of individual facilities, to conserve space where space is at a premium and to promote orderly development generally, the Zoning Administrator is hereby authorized to plan and group off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity to one another in a given area in such manner as to obtain a maximum of efficiency and capacity, provided consent thereto is obtained from the participants in the cooperative plan.

8.6 SPECIAL PROVISIONS FOR DELIVERY OR OTHER BUSINESS VEHICLES

Vehicles utilized in the normal operation of a business shall be parked behind or beside the principle building or parked in the most inconspicuous location available relative to its visibility from a public street or right-of-way (if parked at the business location) when said vehicle is not in use. The term "use" shall not include advertising purposes.

8.7 MAINTENANCE REQUIREMENTS FOR PRIVATE STREETS AND DRIVES

Any privately owned street or drive which is open and available for public use and public access, and is reasonably expected to be utilized by the motoring public, shall be maintained in a condition free of weeds, dust, dirt, standing water, trash and debris and be free from potholes or other signs of surface failure. Additionally, such privately owned streets or drives shall be suitably marked and striped in conformance with the *Manual on Uniform Traffic Control Devices.*

ARTICLE 9: FENCES

9.1 PERMITS REQUIRED

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence regulated by this Article without first obtaining a separate permit for each fence from the Zoning Administrator. A fence permit shall be required other than for minor repair or painting as necessary.

9.2 APPLICATION FOR PERMIT

To obtain a permit required by this Article, the applicant shall first make application for a permit on a form furnished by the Zoning Administrator.

9.3 PLANS AND SPECIFICATIONS

Three sets of plans and such other data as deemed necessary by the Zoning Administrator shall be submitted with each application for a permit under this Article.

9.4 INFORMATION ON PLANS.

Plans shall be drawn to scale and shall include the following:

A. Building locations and area to be fenced;
B. Legal description of land to be fenced;
C. Height of fence and type of materials to be used;
D. Intersections of streets, roads, highways, alleys and driveways;
E. Zoning; and
F. Corner "visibility range," when required, shall be shown.

9.5 PERMIT ISSUANCE.

9.5.1 Application

The application, plans, and other data filed by an applicant for a permit under this Article shall be reviewed by the Zoning Administrator. If the work described in an application for a permit and the plans and other data filed therewith conform to the requirements of this Article and all other pertinent laws and ordinances, and the required fees have been paid, the permit shall be issued to the applicant.

9.5.2 Endorsement

The plans shall be endorsed by the City in writing and shall not be changed, modified, or altered without authorization from the Zoning Administrator, and all work shall be done in accordance with the approved plans.

9.6 PERMIT EXPIRATION

Every permit issued by the Zoning Administrator under the provisions of this Article shall expire by limitation and become null and void if the authorized work is not commenced within 60 days from the date of permitting, or if the authorized work is not completed, or is abandoned for a period of 60 days. Before the work can be recommenced, a new permit shall be first obtained and the fee shall be one half the amount required for a new permit for such work, provided the elapsed time does not exceed 180 days in which case the permittee shall pay a new full permit fee in order to renew the permit.

9.7 PERMIT FEES

The fee for each permit shall be established by the City of Diamondhead.

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 shall prevail. 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:

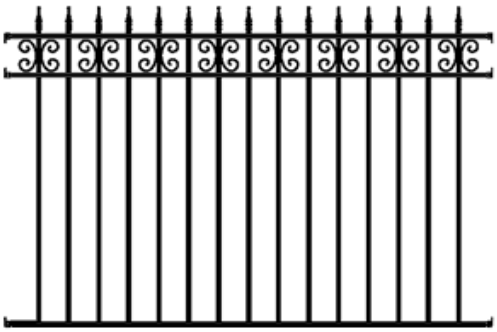


Image courtesy of: www.amazinggates.com

9.9 INSPECTIONS

Upon completion of work authorized under this Article it shall be the duty of the permittee to notify the Zoning Administrator that such work is ready for inspection. Required inspections shall include:

A. Alignment inspection. (To be made after all post or support structures are in place or to be made when the holes are dug before the posts are inserted or concrete is poured.)
B. Final inspection. To be made after the fence has been completed.

9.10 MAINTENANCE

A. All fences, both existing and new, and all parts thereof, shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately.
B. The owner or his designated agent shall be responsible for the maintenance of the fence, and to determine compliance of this Section, the Zoning Administrator may cause any fence to be re-inspected.

9.11 VARIANCE

Variances shall be administered in accordance with Section 2.6 Variance Procedure

ARTICLE 10: SIGNS

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.

10.2 DEFINITIONS

For the purpose of this Article the words and terms found herein shall have the meanings respectively ascribed in Section 32. All words used in this Article not specifically defined herein shall be given their meanings in normal customary usage.

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 or any sign without first obtaining a permit therefor and paying the requisite permit fee unless a sign is exempt from this permit requirement.

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

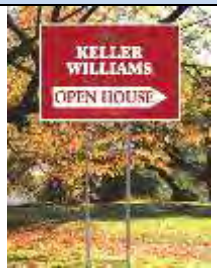
TABLE OF PERMITTED SIGN TYPES	
On-Premises Freestanding	
10.4.1 Open House Sign or Real Estate Signs**-** Open house signs announce the availability of open house events. Real estate signs advertise the sale of real estate. The signs are temporary nature and supported by a metal frame with two ground penetrating support	
10.4.2 Temporary Special Event Banner – Temporary special events banners announce special community events or occasions on the site of the event.	
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.	

TABLE OF PERMITTED SIGN TYPES	
On-Premises Freestanding	
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.	
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.	
10.4.6 Ground Mounted Pole Signs – A sign which is generally mounted on a supporting pole or pylon or multiple poles or pylons.	
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.	
On-Premises Attached	
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)	

TABLE OF PERMITTED SIGN TYPES	
On-Premises Attached	
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.	
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.	
Off-Premises Freestanding	
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.	
Off-Premises Attached	
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.	
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.	
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.	

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	□	□	□	□	□	□	□	□	□	□

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 -100ft(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% of window area max	n/a	None
9. Temporary Sidewalk or "A" Frame	Sidewalk adjacent to the front of the building façade	1 per store front	6ft(2)	3'	Placement may not obstruct pedestrian traffic
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	24ft(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.

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.

10.8 PROBHIBITED 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 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 flashing, animated, moving or strobe illumination
f. Sign that use red, amber, green and red and blue colored lights which may be misinterpreted as an emergency, police and traffic-control identification

g. Sign 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 case of 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

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 Billboard 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.

10.10 NONCONFORMING EXISITING 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.

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.
ii. 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) 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.

d. On the happening of any of subsection C. (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.

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;
ii. or shall 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 therefore shall be subject to immediate removal by the City.

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ARTICLE 11: TREE ORDINANCE

11.1 PURPOSE AND SCOPE

The purpose of this Article is to provide for the protection and continuance of the heavy tree canopy that currently exists within the City of Diamondhead by prohibiting the unnecessary removal of mature trees upon private property. The provisions of this Article shall apply to all trees having a caliper diameter of six (6) inches or more as measured at five (5) feet above adjacent grade and growing on privately owned property.

It is further the scope of this Article to provide certain planting limitations to protect trees and the like from unnecessary trimming and to protect utility systems from damage or destruction due to tree growth.

11.2 PERMIT REQUIRED PRIOR TO TREE DESTRUCTION

Except as provided and permitted herein, it shall be unlawful to cut down, remove, deface, burn, poison or take any other action that results ultimately in the destruction of any tree designated in this Article on private property which has a trunk diameter of at least six inches (6") when measured at a point five feet (5') above ground level from the base of such tree unless a proper permit is issued under the provisions of this Article. A permit fee will be applies only in conjunction with applications to remove protected trees. Protected trees are defined as 1. Live Oaks and 2. Magnolia trees.

11.3 PERMIT PROCESS

11.3.1 Application

Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a tree, as defined in this Article, shall first make application to the Zoning Administrator.

11.3.2 Review; Initial Decision

The Zoning Administrator shall receive and review applications for any work proposed to be done which may result in destruction of any tree or trees covered by this Article and shall render such decision in writing as they deem to be in the best interest of the City of Diamondhead.

11.4 PERMIT APPLICATION CONTENTS

Any person, firm, partnership, corporation or other legal entity seeking permission to cut down, remove, deface, burn, poison, or take any other action that results ultimately in the destruction of any tree designated in this Article shall first make written application to the Zoning Administrator in triplicate which shall contain the following information:

A. The plat map describing the property on which the tree or trees are located naming streets adjacent to the property and showing the location of the tree or trees on said plat. The map may be prepared by the petitioner (compass direction shall be shown on the map). The scale of the map shall be as follows:
B. Trees to be affected shall be so denoted on the map by a circle and numbered in sequence so that they may be identified by the same code with any written material accompanying the map. Protected trees must be listed by species.
C. An explanation or description of the work or alteration to be performed on each tree, and the reasons therefor.
D. The name, legal residence, mailing address, and phone number of the property owner making the request and the same information of the person or firm doing the work.

11.5 APPLICATION REVIEW

The Zoning Administrator shall review the application and, in his discretion, may consult with the DRC in reaching the decision of whether to grant or deny the application. In reviewing the application, the following criteria shall be taken into consideration:

A. The health of the tree, if proposed to be removed for health reasons.

B. The location of any buildings or appurtenances existing or proposed upon a piece of property, and whether or not a more suitable design or location is available to avoid removing the tree.
C. The effects an existing tree is having or is expected to have upon buildings or appurtenances existing on the property.
D. The Species of the tree.
E. Other conditions that may be unique to the situation revealed in the application, including the economic hardship that would be imposed upon the applicant were the permit denied.

11.6 TREES ON PUBLIC PROPERTY

All trees of any kind, regardless of size, located on public property belonging unto the City of Diamondhead shall not be removed, cut down nor destroyed except upon action of the City Manager. Provided, however, any tree removed under authority of the City Manager shall nonetheless be reported to the City Council by the City Manager stating his reasons therefor.

11.7 EXEMPTION FOR PUBLIC UTILITIES

Any public utility operating within the City of Diamondhead may, upon order of the City Manager, be exempt from the provisions of this Ordinance, upon a finding that the services provided by them are necessary for the general health, safety and welfare of the citizens of the City of Diamondhead, but such cutting, removal, defacing, burning, poisoning or taking of any other action that would ultimately result in the destruction of any tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility service.

11.8 PLANTINGS NOT TO INTERFERE WITH UTILITIES

It shall be unlawful for any tree or shrub to be planted in close proximity to an overhead utility such that said planting will come into conflict with and potentially damage or destroy said utility. It is the intent of this Section that plantings occur in such a location that they achieve mature height without the necessity of trimming or pruning to avoid overhead utility lines, thus destroying the symmetry of the planting.

ARTICLE 12: ARCHITECTURAL STANDARDS

12.1 SCOPE

This Article is intended to set architectural guidelines defining the character and general composition of buildings for the construction of new buildings within the City of Diamondhead.

12.2 PURPOSE

12.2.1 The purpose of architectural standards is to make certain the exterior of all new construction and building additions are high quality, long-lasting, and sustainable within the City of Diamondhead and consistent with the architectural theme and character of existing neighborhoods. Further, these standards are intended to ensure architectural appropriateness for buildings in newly developing areas. Architectural design and use of materials for the construction of any building shall be subject to the approval of the Development Review Committee (DRC), and reviewable by the Planning Commission.

12.2.2 These standards are intended to enhance the visual aspect and livability of the entire city. These standards will foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

12.3 APPLICATION FOR APPROVAL

A. All applications shall conform to the requirements of Section 2.2 Permits and Certificates.
B. Projects submitted to the City of Diamondhead for approval shall include all necessary preliminary construction documents, plans, and drawings necessary to fully illustrate the design and appearance of proposed buildings, including but not limited to exterior finish materials and textures, colors, roof lines and materials, building arrangement, building elevation of each building side, accent features (cornices, window treatments, dormers, signage, etc.). Artist renderings of proposed buildings and material samples may be helpful in the City's review.

12.3.1 Multiple Buildings

Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

12.4 GENERAL REQUIREMENTS

12.4.1 Dumpsters

A. All dumpsters shall be screened from sight by a fence or wall at least six inches taller than the tallest point on the dumpster. In no case shall said wall or fence exceed eight feet in height.
B. The fence shall be constructed of an opaque material made of brick, stucco, split face block, wood, vinyl, or similar material to that of the principal building.
C. Fences constructed of chain link or chain link with vinyl slats shall not be allowed.
D. Dumpsters shall be located in the rear yard behind the building they serve, or otherwise in an inconspicuous location.
E. Any business or entity utilizing a dumpster, which said dumpster is not enclosed or otherwise screened upon the adoption of this ordinance, shall be screened in accordance with these provisions within five (5) years from the adoption hereof.

Figure 12.1 Example of Dumpster Enclosure

Image: Bridge & Watson, Inc.

12.4.2 Mechanical systems (HVAC)

A. All commercial and retail building ground mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) by an opaque wall or fence of similar material to that of the principal building or landscaping.

B. All commercial and retail building roof mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides.

Figure 12.2 Example of HVAC Enclosure

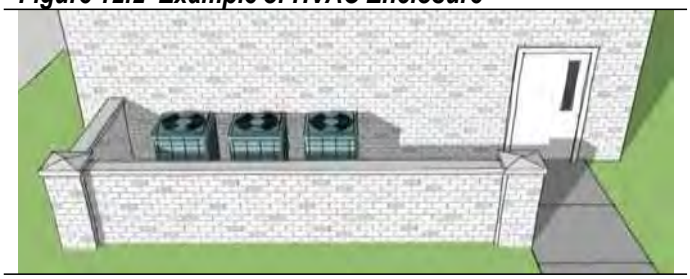

Image: Bridge & Watson, Inc.

12.4.3 Roof Requirements

A. Pitched Roofs
   i. All one-story buildings less than ten-thousand (10,000) gross square feet must have a pitched roof (between 3:12 and 12:12) as much as possible.
   ii. If a pitched roof is not possible, a combination of flat roof and pitched roof is required.
      a. Provide a pitched roof on front and side of the building to screen view of any flat roof.

Figure 12.3 Pitched Roof with a Flat Roof

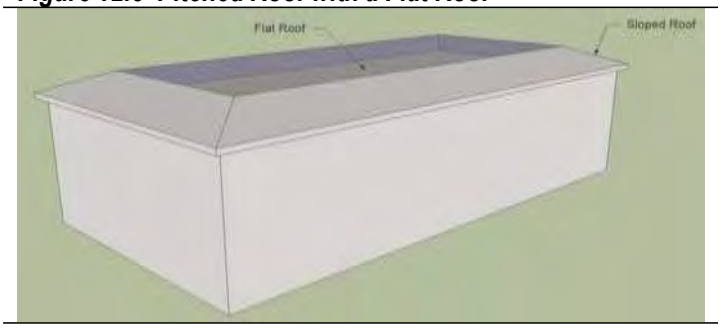

Image: Bridge & Watson, Inc.

iii. Arcades, drive-under canopies, porches, and other features shall be created with a pitched roof.
iv. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

B. Mansard Roofs
Mansard roofs shall have a maximum pitch of 12:12 with a minimum twelve-foot (12') vertical surface length.

C. Flat Roofs
i. Flat roofs may be of any material that meets building codes.
ii. Exposed metal flashing shall be copper or factory finished sheet metal.
iii. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze.
iv. All buildings with flat roofs should include parapet articulation on the front facade(s) of such building. The parapet articulation should coincide with any roof articulation may be a part of the roof design.

D. Other
Drive under canopies for gasoline pumps may have flat roofs with vertical or factory formed facing of finished sheet metal.

Figure 12.3 Roof Types

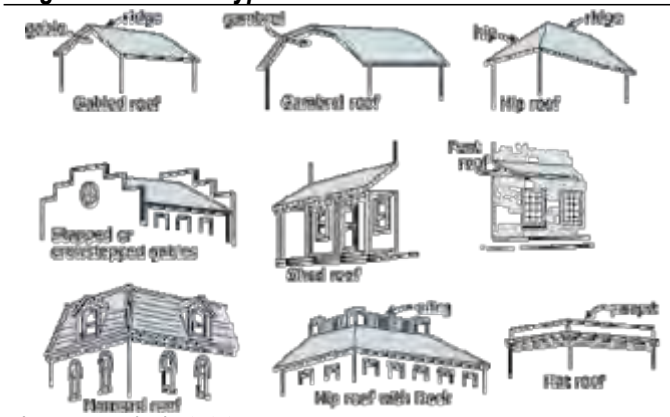

Image: www.budget.state.pa.us

12.4.4 Accessory Buildings

All accessory buildings shall be constructed of the same material and be similarly designed as the principal building.

12.5 COMMERCIAL, TECHNOLOGY, AND PFR ZONING DISTRICTS AND PUBLIC FACILITIES

12.5.1 Building Design

Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.

A. Unadorned pre-stressed upright concrete panels, unfinished concrete block, metal siding (such as galvanized or unfinished steel, galvalume, or unfinished aluminum), and pole-type building materials are not permitted as primary exterior building materials. Vinyl siding and aluminum siding shall also be excluded.

B. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building. The rear elevation of a building shall be exempt from this requirement provided the rear of the building is not visible from public view.

12.6 INDUSTRIAL ZONING DISTRICTS

12.6.1 Building Design

Building design shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.

A. Unadorned pre-stressed upright concrete panels, unfinished concrete block, metal siding (such as galvanized or unfinished steel, galvalume, or unfinished aluminum), and pole-type building materials are not permitted as primary exterior building materials. Vinyl siding and aluminum siding shall also be excluded.

B. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building. The rear elevation of a building shall be exempt from this requirement provided the rear of the building is not visible from public view.

12.7 HIGH DENSITY RESIDENTIAL ZONING DISTRICTS

The exterior building finish of two-family and multi-family dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. Two-family, townhome, condominiums, and multi-family dwelling structures shall comply with the following requirements:

12.7.1 Finish Material Composition

The exterior building finish materials shall not include unadorned pre-stressed upright concrete panels, unfinished concrete block, metal siding (such as galvanized or unfinished steel, galvalume, or unfinished aluminum), pole-type building materials or vinyl and aluminum siding.

12.8 SINGLE FAMILY RESIDENTIAL DISTRICTS

12.8.1 Architectural Compatibility

To insure architectural compatibility with homes in the immediate vicinity of the building site, building design shall be in keeping with the design patterns and architectural features that exist in the immediate vicinity.

A. The immediate vicinity shall include an area within the same zoning district and a 500' radius of the building site.

B. If no buildings exist within the immediate vicinity, then 10 homes within the same zoning district and similarly situated as the proposed building site shall be selected from within the City of Diamondhead. Similarly situated shall mean houses which have a similar location and characteristics as that which is proposed. Examples of similar location and characteristics include but are not limited to golf course orientation, water frontage, airport access, attached vs. detached units, square footage, etc. The 10 homes shall be utilized as a compatibility guide to determine compliance with Section 12.8.1(C).

C. Building design shall conform to the prevailing pattern and materials within the immediate vicinity. The following items shall be used to determine compatibility:
   i. Roof pitch
   ii. Roofing materials
   iii. Exterior finishes and materials
   iv. Garage orientation
   v. Landscaping
   vi. Color scheme
   vii. Mailbox design and construction
   viii. Driveway and walkway materials
   ix. Porches, dormers, or other features
   x. Building orientation

12.8.2 General Design Characteristics

A. Parking on site should be visually subordinate to the residential character of the street.
B. Garages, carports, outbuildings, etc., should not be 'street forward' and of materials and styles that blend with the existing structures and neighborhood.
C. Maintain the average scale of one- and two-story buildings along the street.
D. Maintain the similarity of building heights. The apparent height of the primary façade should not exceed two stories.
E. Use roof forms that are similar in scale and character to the neighborhood and to those used historically.

12.8.3 Additions to Existing Structures

A. Residential additions shall be compatible and in context with the same general scale, proportion, massing, and detailing as the original structure and should not be a stark contrast.
B. The design of a new addition shall incorporate the main characteristics of the existing structure. This may include:
   i. The extension of architectural lines from the existing structure to the addition;
   ii. Repetition of bays, windows, and entrance spacing;
   iii. Use of harmonizing colors and materials; and
   iv. The inclusion of similar architectural details (e.g., window/door trim, lighting fixtures, and stone/brick decoration).
C. A new addition that creates an appearance inconsistent with the character of the existing building is inappropriate.

12.9 EXCEPTIONS

The DRC may approve materials and designs that differ from those required within this ordinance provided the following criteria are achieved:

A. The proposed building maintains the quality and value intended by this Section.
B. The proposed building is compatible and in harmony with other structures designed by standards in this Section within the district.
C. The design exceeds the intent of the ordinance.

12.10 PRELIMINARY CONSTRUCTION DOCUMENT REVIEW

12.10.1 Review Procedure

A. Plans for new construction, additions, and changes to existing buildings that involve 50% or more of the floor area or 50% or more of the value of the property shall be submitted to the Zoning Administrator for approval.
B. Each building design will be reviewed for at least the following considerations:
   i. Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.
   ii. General massing, roof treatments, proportions and quantity of exterior openings.
   iii. Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.
   iv. Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

12.10.2 Variance

Any request for a variance in the requirements of this Article shall be submitted in accordance with Section 2.6 Variance Procedure.

ARTICLE 13: TELECOMMUNICATION FACILITIES

13.1 PURPOSE AND SCOPE

The purpose of this Article is to facilitate the expansion of the wireless telecommunications industry through the use of reasonable and nondiscriminatory policies designed to encourage growth and competition for the benefit of the citizens of the City of Diamondhead, but at the same time to protect the public against any adverse impact upon the City's aesthetic resources, avoid potential damage to the adjacent properties from tower failure through structural standards and setback requirements, maximize the use of existing and approved towers, and buildings through co-location, insure the use of disguised facilities so as to blend them with the surrounding environment, and protect the public health, safety and welfare.

13.2 DEFINITIONS

For the purpose of this Article, the following definitions shall apply.

A. Antenna. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwaves dishes, satellite dishes, and omni directional antennas, such as whip antennas.

B. Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

C. FAA. Federal Aviation Administration.

D. FCC. Federal Communications Commission.

E. Governing Authority. Shall mean the City Council of the City of Diamondhead.

F. Guyed Tower. A telecommunications tower that is supported or stabilized in whole or in part by guy wires and ground.

G. Height. The height of a tower generally is the distance from the base of the tower to the top of the structure. Height is more specifically defined herein.

H. Person. Any natural person, a partnership of two (2) or more persons having a joint or common interest, corporation, partnership, limited partnership, limited liability company, or other entity or form of entity, including an association of persons or entities.

I. Protected areas. Any property within the city that meets all of the following requirements:

   i. Except as otherwise provided, properties within the city are protected from the installation of telecommunication towers if the property is zoned and designated R-1 (single family residential district), R-2 (single family residential district), R-3 (single family residential district), R-4 (multi-family residential district), MH (residential- manufactured homes district), or any other areas protected under the National Environmental Policy Act of 1969 such as historic sites and wetlands.

   ii. The property is used or subdivided for use as one of the aforesaid zoning designations.

J. Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

K. Satellite Dish. The term satellite dish shall be an inclusive term and shall mean any antenna designed to receive direct broadcast satellite service, including direct-to-home satellite service, video programming services via multi point distribution services, including multichannel multi point distribution services, instruction television fixed services, local multi-point distribution services, or television broadcast signals, via direct or orbital satellite signals.

L. Self-Support/Lattice Tower. A telecommunication tower that is constructed without guy wires and ground anchors.

M. Stealth Building-Mounted Antennas. Antennas which are mounted on an existing structure with or without a mast and, which are painted to match the color of the exterior material of the structure and placed so as not to obscure any significant architectural feature of the structure.

N. Tower. Any ground or roof mounted pole, spire, mast, structure, or combination thereof taller than 12 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

13.3 APPLICABILITY

13.3.1 District Height Limits

In accordance with existing zoning regulations, the requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height specified for each zoning district. The height limitations applicable to building and structures shall not apply to towers and antennas.

13.3.2 Amateur Radio Antennas

This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height, located in the rear yard of residentially zoned parcels, and is owned and operated by a federally-licensed amateur radio operator.

13.3.3 Grandfathered Towers and Antennas

Any tower or antenna existing on the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of any and all preexisting zoning ordinances and any state, FAA or FCC requirements. Any such towers or antennas that fail to meet the requirements of this ordinance shall be referred to in this ordinance as grandfathered towers or grandfathered antennas.

13.3.4 Application to Satellite Dishes

A. This ordinance shall apply to all satellite dishes and other forms of antennas located within the City of Diamondhead, except that the following shall be exempt from the requirements of this ordinance:
Any antenna or satellite dish described below that is mounted at height no greater than twelve (12) feet above ground and is not in violation of setback requirements for the zoning district in which it is located (this measurement includes both the height of the mast or tower to which the antenna is attached as well as the height of the structure upon which it is mounted, such as a house, if applicable);
   i. That is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is 3 feet or less in diameter; or
   ii. That is designed to receive video programming services via multi-point distribution services, including multi-channel, multi-point distribution services, instructional television fixed services, and local multi point distribution services, and that is 3 feet or less in diameter or diagonal measurement.
   iii. Any antenna that is planned for co-location on previously approved or pre-existing towers; notwithstanding other regulations contained herein.

B. The City of Diamondhead expressly finds that in order to protect the safety and welfare of its citizens, to protect adjacent property owners from damage by excessively tall, bulky, or heavy antennas mounted on insufficiently designed or constructed towers or masts, and to insure the aesthetic value of the city is protected and that it is necessary to regulate antennas that exceed the requirements of Paragraph (A) by application of the provisions of this ordinance and by requiring that permit requests for such towers and/or antenna be subject to conditional use review and approval.

C. Any antenna or satellite dish that does not fall within the exceptions set forth in (A) above shall be subject to applicable regulations contained in this ordinance and shall only be approved upon review by the Planning Commission and approval by the Diamondhead Mayor and Council through the conditional use procedure as contained in Section 2.5

13.4 APPLICATION AND FEES

13.4.1 Permit

It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or erect, replace, or repair any tower without first making application to the Zoning Administrator and securing a permit therefore as provided herein and in any other building codes. Towers, antenna, or associated structures permitted following the adoption of this ordinance which are damaged or destroyed due to natural causes may be rebuilt subject to criteria set forth in Section 5.6 of the City's zoning ordinance governing non-conforming buildings and structures. In the event that repairs involve upgrades substantially beyond original configuration such upgrades will require approval in accordance with criteria established herein.

13.4.2 Fees

The application shall be accompanied by a non-refundable application fee as established by the City Council.

13.4.3 Application

Each application shall contain the following information as well as additional information that the City Council and the Zoning Administrator may from time to time require:

A. The name, address, and telephone number of the person requesting the permit. The person named shall be a primary contact who has authority to act on behalf of the person or entity requesting the permit.
B. Site plan: The site plan shall contain a scaled site plan and a scaled elevation view and other supporting drawings and design data showing the proposed location of the tower, antenna, or both, as well as the location of all other towers used to provide services within the City of Diamondhead.
C. Each application shall state whether the tower will be a permitted use or one for which a conditional use permit is required.
D. A report from a qualified and Mississippi licensed professional engineer which describes:
    i. The tower height and design, including cross sections, elevations and wind load characteristics in accordance with the adopted building code;
    ii. The height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
    iii. Describes the towers' capacity, including the number and type of antennas that it can accommodate;
    iv. Documented steps that applicant will take to avoid interference with established public safety telecommunications;
    v. Includes an engineer's seal and registration number; and
    vi. Includes other information necessary to evaluate the request.
E. Owners of all commercial wireless telecommunications service towers shall file a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower in accordance with 13.6.1.A of this Section if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
F. Written authorization from the site owner for the application.
G. Before the issuance of a permit for the construction of a tower the following supplemental information shall be submitted:
    i. Proof that the proposed tower complies with regulations administered by the FAA and FCC; and
    ii. A report from a qualified and Mississippi licensed professional engineer which demonstrates the tower's compliance with structural and electrical needs required by this ordinance and the City's building codes.

13.4.4 Processing

A. Each application shall be processed within a reasonable period of time after application has been filed. A permit or denial of permit shall be issued not later than 30 (thirty) days after the date on which the application was made except as otherwise provided. The Zoning Administrator may extend the time period for granting or denial of a permit beyond the allowed time in increments not to exceed thirty (30) days if the Zoning Administrator finds that due to the nature and scope of the application additional time is required. The reasons for the additional time shall be provided to the applicant in writing.

B. If the request for a permit is denied, then the denial shall be in writing setting forth each specific reason for such denial. The reasons for the denial shall be entered in the written records of the City.

C. A denial shall be supported by substantial evidence.

13.5 ZONING REGULATIONS

13.5.1 Permitted Uses

A. General. The uses listed herein are permitted uses; but are nonetheless subject to review by the City Planning Commission. Notwithstanding the foregoing, all such uses shall comply with all applicable safety and building codes established by the City of Diamondhead or any other FAA or FCC requirements. Prior to the installation of any antenna or tower the owner of such antenna or tower shall make written application as required in Article 2 of this code.

B. Specific permitted uses are as follows:

i. The placement of a tower or antenna, including additional buildings or other supporting equipment, in I - Industrial District, C-1 General Commercial District, or C-2 Interstate Commercial District; provided, however, that such tower shall not exceed one foot for each two feet the tower is set back from residential property up to a maximum of 2,000 feet;

ii. Installation of an antenna on an existing structure other than a tower (such as a building, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, provided that the additional antenna adds no more than twenty (20) feet to the height of the existing structure; and

iii. Installation of an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of the existing tower and the existing tower is not a grandfathered tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

iv. Buffering:

a. An eight (8) foot fence or wall constructed as measured from the finished grade for the site and designed to prohibit unauthorized entry on the premises shall be required around the base of any lattice tower and may be permitted around accessory buildings or structures.

b. Landscaping shall be installed and maintained around the entire perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors of supports, if deemed necessary to buffer adjacent properties. The City may require landscaping in excess of the requirements of the City's ordinances in order to enhance compatibility with adjacent residential and non-residential land uses. Landscaping shall be installed and maintained on the outside of the perimeter fence or wall.

c. Landscaping consistent with perimeter and on-site requirements shall be installed and maintained around any accessory buildings or structures.

v. In all prohibited areas the maximum height of any tower, including all antennas and other attachments, shall conform to preexisting height restrictions established for said area, except

that conditional use permits or variances may be granted under the terms set forth in Section 5.3.1 of this ordinance to allow attachments to existing structures.

vi. Colors: Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunication towers, all monopoles shall be constructed of galvanized or unpainted metal or shall be painted in neutral colors, designed to blend into the surrounding environment.

13.5.2 Conditional Use Permits.

A. General – The following provisions shall govern the issuance of conditional use permits:
   i. If the tower or antenna is not a permitted use under Section 4.21, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in prohibited areas.
   ii. In granting a conditional use permit, conditions may be imposed to the extent necessary to buffer or otherwise minimize any adverse effect of the proposed tower on adjoining properties.

B. Factors considered in granting conditional use permits. The City Council shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if, in the sole discretion of the governing authority, the goals of this ordinance are better served thereby:
   i. Height of the proposed tower or antenna;
   ii. Proximity of the tower to residential structures and residential district boundaries;
   iii. Technical or engineering requirements limiting placement of the tower in other areas in order to provide coverage;
   iv. Nature of uses on adjacent and nearby properties;
   v. Surrounding topography, tree coverage and foliage;
   vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
   vii. Availability of suitable existing towers and other structures; and
   viii. Use of stealth features designed to disguise such towers or to otherwise cause them to be less visible.

13.6 TOWERS; PERFORMANCE STANDARDS, AND OTHER REQUIREMENTS

Applicants for permits for the placement of telecommunication towers within the City of Diamondhead shall produce certificates from qualified Mississippi registered engineers or architects indicating that proposed towers are designed so as to meet minimum requirements for wind load characteristics as defined by the adopted building code, FAA and/or FCC regulations, and other generally accepted standards designed to assure public safety and well being as well as protection of the aesthetic environment.

13.6.1 Co-Location Requirements with Existing Towers or Other Structures

Co-location or placement of additional antenna on existing previously approved or grandfathered towers shall be authorized by the Zoning Administrator subject to compliance with applicable conditions set forth herein. Preferences, therefore, are authorized herewith for the installation of such facilities provided that the addition or co-location does not result in further violations of existing regulations by pre-existing non-conforming structures. All new towers erected, constructed, or located within the City shall comply with the following requirements:

A. Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

B. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Administrator that no existing tower or other structure can accommodate the applicant's

proposed antenna within a one mile search radius (one half mile for towers under 120 feet in height, one quarter mile for towers under 80 feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
iii. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;
iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
v. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable;
vi. Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need;
vii. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

C. Any evidence submitted to the Zoning Administrator in order to meet the requirements of Paragraph B shall be documented by a qualified and licensed professional engineer.

13.6.2 Tower Construction Requirements

All towers erected, constructed, or located within the City, and all wiring therefore, shall comply with the requirements set forth by any and all applicable building codes.

13.6.3 Tower and Antenna Design Requirements

A. Towers and antennas shall be designed to blend into the surrounding environment to the extent possible, through the use of color and camouflaging architectural treatment, unless the FAA or other federal or state authorities require otherwise or that the goal of the co-location would be better served by an alternate design. The use of guyed wires is prohibited.
B. Towers shall be of a monopole design unless the Zoning Administrator determines that an alternative design would better blend in to the surrounding environment.

13.6.4 Tower Setbacks

Notwithstanding Article 5 of this ordinance, if the Zoning Administrator and the City Council determine that the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line supports, athletic field lighting supports or other similar structure does not compromise the aesthetic appearance of the property, setback requirements may be waived under the terms of Section 5.4.2.

13.6.5 Tower Lighting

A. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets, or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas. Lighting shall comply with Article 18.

B. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required.

13.6.6 Signs and Advertising

Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and or/unless required by any federal or state regulations.

13.6.7 Accessory Utility Buildings and Screening

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely impacted. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractors' offices, etc. if requested, shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.

13.6.8 Abandoned or Unused Towers

All abandoned, unused or obsolete towers and accompanying accessory facilities shall be removed by the property owner within six (6) months of cessation of use. In the event that a tower and its associated facilities are not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

13.6.9 Proof of Non-Interference

Each application for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, and public safety communications devices or other services enjoyed by adjacent residential and nonresidential properties. In the event only a preliminary statement is submitted with the application a final certified statement of noninterference will be provided and approved prior to issuance of a building permit. The certificate shall be certified by a licensed engineer.

13.6.10 Radio Frequency Emissions

Each application must show that any antennae placed on the tower meets state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new or more restrictive standards are adopted, then the antennae shall be made to comply or continued operation may be restricted.

13.6.11 Spacing

Tower locations may not be closer than one-quarter (1/4) of a mile.

13.6.12 Indemnity: Claim Resolution

The owner of the tower and all communications service providers must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the City of Diamondhead and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the City, in form approved by the City's Attorney.

ARTICLE 14: LAND ALTERATIONS AND DISTURBANCES

14.1 PURPOSE

The purpose of this Section is to set forth regulations governing the excavation, clearing, and draining of properties within the City of Diamondhead. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and storm water volumes and rates beyond that which existed prior to alteration or disturbance.

14.1.1 Clearing and Grubbing, Haul Roads, Waste Areas, Plant Sites, or Other Areas Occupied by the Contractor

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as necessary shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins, or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

14.1.2 Excavation

No excavation of land greater than one thousand (1,000) square feet shall be made, unless and until a development permit has been secured. Excavations shall be made in an acceptable manner to the Zoning Administrator and shall be left in a presentable and acceptable condition when completed:

A. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property, and entrances and exits shall be submitted.
B. Excavations shall be dug on a 3-to-1 slope.
C. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.
D. Bottom of pits shall be graded in a generally level contour.
E. Edge of slope at ground level shall be no closer than thirty-five (35) feet from any property line, nor closer than three hundred (300) feet from a public road.
F. The maximum depth of the excavation shall be determined by the Zoning Administrator.

Upon approval, a permit for an excavation shall be issued for a one-year period and shall be reviewed and considered for additional periods of time by the Planning Commission.

14.1.3 Land Clearing and Drainage

A. *Structures, grading, and other construction.* The contractor shall perform all work in such a manner and with such protective features to control and contain siltation and dust within the limits of the work. He shall prevent or minimize undesirable siltation and dust in connection with excavation and construction.
B. It is the intent of these specifications that the work shall proceed in a manner and sequence to ensure the earliest possible establishment of permanent erosion control items.
C. Parcels of land greater than one acre: No parcel of property in excess of one acre or series of contiguous lots the combined area of which exceeds one acre shall be cleared prior to submitting to the Zoning Administrator a site clearing plan. Such plans shall include but are not limited to access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control and dust. Plans of this nature may be included with and made a part of the building permit application.

Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Zoning Administrator. The Zoning Administrator may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.

D. Parcels of land greater than three (3) acres: Proposed new developments in excess of three (3) acres shall not be cleared until an overall project plan has been submitted to and approved by the Zoning Administrator. Such plans shall, in addition to the above referenced requirements, include detailed storm water run-off control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of storm water equal to a five-year storm based on south Mississippi average rainfalls for urbanized areas wherein the rainfall duration is one (1) hour at a rainfall intensity of three (3) inches per hour. Run off shall be drained onsite to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.

Provisions for the long term maintenance of permanent storm water control facilities shall be determined prior to the finalization of a project, or prior to issuance of a certificate of occupancy or approval of final plats. Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

ARTICLE 15: RECREATIONAL VEHICLE FACILITIES

15.1 PURPOSE

The purpose of this ordinance is to regulate recreational vehicle (RV) parks in the City of Diamondhead to insure the development and maintenance of well-planned parks.

15.2 CONDITIONAL USE PERMIT REQUIRED

As a conditional use of the C-2 Interstate Commercial and PFR Public Facilities and Recreation zoning districts that are set forth in Section 4.21, Chart of Permitted Uses, all recreational vehicle facilities shall meet the provisions set forth in the conditional use application and review process that are contained in Section 2.5 of this Ordinance.

15.3 MINIMUM AREA

Each recreational vehicle park shall contain a minimum of three (3) acres.

15.4 SANITARY SEWER SERVICE

All recreational vehicle parks shall be serviced by central sewer.

15.5 SITE DRAINAGE

The park shall afford proper drainage and same shall be approved by the city.

15.6 ALLOWABLE VEHICLES

Parks shall be restricted to vehicles that conform to the Mississippi Department of Transportation regulations.

15.7 LOT SIZES

A. Minimum lot area: One thousand six hundred (1,600) square feet.
B. Minimum lot width: Thirty (30) feet.
C. Maximum grade for any lot shall be 2%.

15.8 DRIVEWAYS

A. Minimum: Twenty (20) feet two-way traffic; twelve (12) feet one-way traffic.
B. Maximum grade: Six (6) percent.
C. Minimum curve radius: Fifty (50) feet.
D. Surface requirements: Minimum four-inch (4”) sub-base with shell or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.
E. Adequate turn-arounds shall be provided with no dead end streets.

15.9 ELECTRICAL REQUIREMENTS

A. Electrical outlets shall meet the minimum standards of the building and electrical codes adopted by the City of Diamondhead.
B. Washrooms or toilet facilities shall remain lighted at night.
C. Outdoor lighting is required along pathways to rest rooms at a maximum of one hundred (100) feet apart, not exceeding three (3) feet aboveground and reflected downward, or as may be approved by the Zoning Administrator to provide adequate visibility.

15.10 ANCILLARY FACILITIES

Recreational vehicle parks may contain facilities regularly found in such parks, i.e. bathhouses, rest rooms, laundry rooms, offices, stores, conference facilities, recreation facilities, marinas, lodging facilities, retirement communities,

restaurants, etc., as approved by the City Council. One (1) residence is allowed on site for occupancy by the owner or operator only, for each one hundred (100) spaces or portion thereof.

15.11 ADDITONAL REQUIREMENTS

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

ARTICLE 16: REGULATIONS FOR OPEN STORAGE

16.1 PURPOSE

The regulations herein set forth shall apply to any open storage of junk or salvage materials, by-products, waste products of industrial or commercial establishments, and general storage of equipment and materials, solid waste material, or rubbish.

16.2 GENERAL REQUIREMENTS

16.2.1 The City Council of the City of Diamondhead may require the removal of junk or salvage or screening of a nonconforming establishment in the interests of preserving the health, safety, and welfare of the general public.

16.2.2 Storage areas shall be screened from view of the public by fencing, walls, or natural terrain of trees or vegetation, a minimum of eight (8) feet in height, in manner acceptable to the Planning Commission and shall be maintained in this manner.

16.2.3 Open storage of trash, junk, rubbish, abandoned vehicles, appliances, garbage, debris, building materials furniture, tools, equipment, or similar items is not permitted on commercial, industrial, or residential premises unless approved in compliance with the provisions of this Article.

16.2.4 It shall be unlawful to place or abandon any trash or articles upon another's property or upon any public property or public way, floodway, waterway, drainage ditch or, drain.

16.2.5 A fifty (50) foot open area free of storage or structures shall be maintained inside the perimeter of the storage area.

16.2.6 Any such establishment in existence prior to the adoption of these provisions shall not be expanded or enlarged or the number of car bodies or quantity of junk or salvage increased or additional land used unless such expansion is made to conform to these provisions and all the regulations of this ordinance.

16.3 STORAGE OF JUNK OR SALVAGE CARS AND, JUNK OR SALVAGE MATERIALS

The storage of junk or salvage cars and junk or salvage materials shall be allowed by conditional use permit in the I Industrial District as set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

16.4 STORAGE OF INDUSTRIAL AND COMMERCIAL BY-PRODUCTS AND WASTE

The storage of industrial and commercial by-products and waste shall not be permitted within the City of Diamondhead.

16.5 STORAGE OF EQUIPMENT AND MATERIALS, STORAGE FOR INDUSTRIAL SALES, AND STORAGE OF LUMBER OR BUILDING MATERIALS AND SALES

16.5.1 The storage of such materials shall be allowed by conditional use permit in the C-1 General Commercial District, C-2 Interstate Commercial District, and I Industrial District as set forth in Section 4.21, Chart of Permitted Uses. Provisions setting forth the conditional use application and review process are contained in Section 2.5 of this Ordinance.

16.5.2 Open storage of these items shall not be piled or stacked over twenty (20) feet in height above normal ground elevation.

16.6 STORAGE OF SOLID WASTE AND/OR RUBBISH

The Storage of Solid Waste and/or Rubbish shall not be permitted within the City of Diamondhead.

16.7 CARE OF PREMISES AND PROPERTY

It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, or parts thereof, ice box, refrigerator, stove, building material, building rubbish, or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular reference to insuring that appearance will be and remain compatible and harmonious with properties in the general area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values.

ARTICLE 17: OUTDOOR SALE OF GOODS

17.1 GENERAL REQUIREMENTS

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

A. Sales vehicles or sales facilities shall be placed and sales shall only occur within Commercial Districts. B. Sales vehicles or sales facilities shall be placed no earlier than 7:00 a.m. and shall be removed daily no later than 7:00 p.m.

C. Any authorized sales must not take place on public roads, rights of way or other public property. Use of private property without written permission of the owner is prohibited.

Excluded from the provision herein shall be any charitable or non-profit entity operating under a 501c3 non-profit designation.

17.2 CONDITIONAL USES

Other activities and/or products that may be associated with the sale or peddling of farm produce, firewood, and seafood, may be permitted as a Conditional Use upon findings and recommendations by the Planning Commission that under the particular circumstances such use is in harmony with the principal permitted uses of the zoning district.

17.3 LIMITATIONS

17.3.1 Such uses shall be limited to the preparation and sale of human food stuffs only.

17.3.2 Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the state board of health.

17.3.3 Suitable safety precautions shall be taken in accordance with any conditions approved by the Zoning Administrator to insure that human health and welfare are not jeopardized.

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

17.4 ESTABLISHMENT OF FARMERS MARKET

It is the intent of the City of Diamondhead to provide a venue for the outdoor sale of goods, provided such outdoor sales are organized and carried out in a way that is not contrary to the public health, safety and general welfare. Further, it is desirable that the outdoor sale of goods occur in conjunction with an established farmers market in appropriate facilities. Therefore, the allowance for outdoor sale of goods as provided in Section 17.1 hereinabove shall expire upon the establishment of a farmers market facility, whether public or private.

ARTICLE 18: LIGHTING

18.1 PURPOSE

These provisions are intended to control the use of outdoor, artificial illuminating devices emitting rays into the night sky and onto adjacent property that have a detrimental effect on neighboring properties and that create glare. It is the intention of this Section to:

A. Encourage good lighting practices such that lighting systems are designed to conserve energy and money;
B. Minimize glare;
C. Protect the use and enjoyment of surrounding property; and
D. Increase nighttime safety, utility, security, and productivity.

18.2 APPLICABILITY

18.2.1 Generally

A. All outdoor, artificial illuminating devices shall be installed in conformance with the provisions of this Section and the building code of the City of Diamondhead.
B. This Section does not prevent the use of any material or method of installation not specifically addressed. In considering any variance from the provisions of this Section, the Zoning Administrator shall take into consideration any state-of-the-art technology that is consistent with the intent of this Section as new lighting technology develops that is useful in reducing light above the horizontal plane and conserving energy.

18.2.2 Exceptions

The following types of light fixtures shall be exempt from the provisions of this Section:

A. Low-Intensity Luminaires:
Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaire rated 900 lumens or less is aimed, directed, or focused to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
B. Public Street Luminaires:
Luminaires used for public street illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
C. Emergency Lighting:
All temporary emergency lighting needed by the police department, the fire department, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Section.
D. Nonconforming Fixtures:
All outdoor light fixtures installed prior to the adoption of this ordinance and those equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 PM and sunrise.
E. Fossil-Fuel Light:
This type of light is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
F. Low-Intensity Fixtures:

Any outdoor lighting fixture that has a maximum candle power of less than 1,000 candelas is exempt from these provisions, if equipped with an automatic device that shuts off the fixture between the hours of 11:00 PM and sunrise.

18.3 SHIELDING AND FILTRATION

A. All nonexempt outdoor lighting fixtures shall be limited to the types of fixtures specified in Table 18.1 and shall have shielding and filtration as required by Table 18.1. However, if an alternate type of fixture is proposed, it must be shown to the satisfaction of the Zoning Administrator that such fixture and light source type will comply with the provisions of this ordinance.

B. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a 4:1 ratio.

C. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated or of such material to minimize glare from the light source.

Table 18.1: Shielding Requirements

Fixture-Lamp Type	Shielded	Filtered
Low-Pressure Sodium [a]	No	None
High-Pressure Sodium	Fully	None
Metal Halide	Fully [b, f]	Yes
Florescent	Fully [c, e]	Yes
Quartz [d]	Fully	No
Incandescent, greater than 150 watts	Fully	None
Incandescent, 150 watts or less	None	None
Fossil Fuel	None	None
Glass tube filled with neon, argon, or krypton	None	None

a. Preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.
b. Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 PM. Metal halide lamps shall be installed only in enclosed luminaries.
c. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to minimize detrimental effects.
d. For the purposes of the Land Development Code, quartz lamps shall not be considered an incandescent light source.
e. Warm white and natural lamps are preferred to minimize detrimental effects.
f. Metal halide fixture-lamp types shall be filtered. “Filtered” means any outdoor light fixture that has a glass, acrylic, or translucent enclosure of the light source (quartz glass does not meet this requirement).

18.4 ILLUMINATION

In order to minimize glare and hazardous conditions, illumination levels shall not exceed the levels set forth in Table 18.2 for any use permitted by this Section. The maximum illumination shall be measured at grade at the property line of the site in accordance with Section 18.8 Measurement of this Article (see Figure 18.1).

Figure 18.1: Lighting Intensity

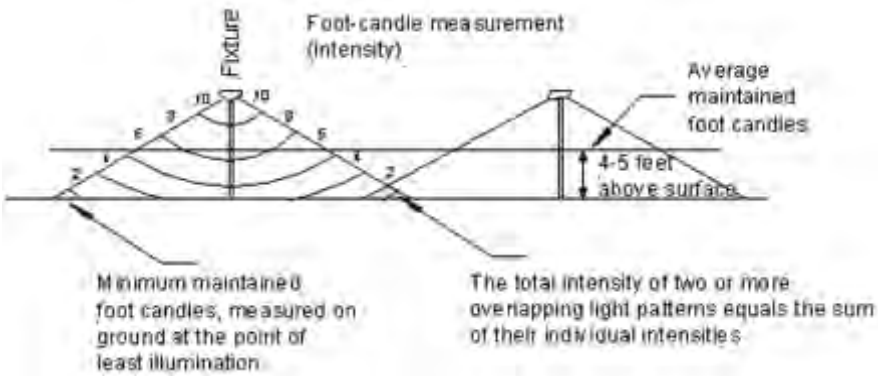

Image:21st Century Land Development Code, 2008.

18.4.1 Control of Glare – Luminaire Design Factors

A. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.

B. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height not exceeding the value 3 + (D.3), where "D" is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 25 feet.

Table 18.2: Illumination Standards

Area / Activity	Lux	Foot Candles
Residential Zoning Districts		
Building exterior	50	5
Front, side, or rear yard (at property line)	10	1
Nonresidential Zoning Districts		
Adjoining another nonresidential zoning district along an arterial	20	2
Adjoining residential zoning district along arterial	10	1
Adjoining another nonresidential zoning district along arterial or collector street	13	1.2
Adjoining residential zoning district along arterial or collector street	6	0.6
Adjoining another nonresidential zoning district along local street	10	0.9
Adjoining residential zoning district along local street	4	0.4
Adjoining another nonresidential zoning district along property line	10	0.9
Adjoining residential zoning district along property line	2	0.2
Outdoor Events		
Adjoining nonresidential zoning district	1,000	100
Adjoining or within 1,000 feet of residential zoning district	100	10

18.5 PROHIBITIONS

18.5.1 Mercury-Vapor Fixtures and Lamps

The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.

18.5.2 Certain Other Fixtures and Lamps

The installation of any low-pressure sodium, high-pressure sodium, metal halide, fluorescent, quartz, or incandescent outdoor lighting fixture or lamp is prohibited unless it complies with the shielding and illumination standards (Section 18.3 Shielding and Filtration and Section 18.4 Illumination) of this chapter.

18.5.3 Laser Source Light

The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.

18.5.4 Searchlights

The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 PM and sunrise.

18.5.5 Recreational Facilities

No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 PM, unless otherwise permitted pursuant to a Conditional Use Permit, except to conclude specific recreational or sporting events or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 PM. All recreational outdoor lighting shall comply with height restrictions as specified in the building code. Outdoor lighting for open air arenas shall be permitted to a maximum height of 30 feet, provided that shielding and filtration requirements (Section 18.3 Shielding and Filtration and Section 18.4 Illumination of this chapter) are met.

18.5.6 Outdoor Building or Landscaping Illumination

The unshielded outdoor illumination of any building, landscaping, signing, or other purpose is prohibited, except with incandescent fixtures of 150 watts or less, or low-pressure sodium fixtures.

18.6 RECREATIONAL FACILITIES

Any light source permitted by this Section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, auto racetracks, horse racetracks, or show arenas, consistent with the illumination standards specified in Table 18.2 provided that all of the following conditions are met:

A. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, in order to minimize up light, spill light, and glare; and
B. All events shall be scheduled in order to complete all activity before or as near to 10:30 PM as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 PM except to conclude a scheduled event that was in progress before 11:00 PM and circumstances prevented concluding before 11:00 PM.

18.7 OUTDOOR DISPLAY LOTS

Any light source permitted by this Section may be used for lighting of outdoor display lots, such as, but not limited to, automobile sales or rental, recreational vehicle sales, or building material sales, provided that all of the following conditions are met:

A. All fixtures used for display lighting shall be fully shielded or be designed or provided with sharp cut-off capability, in order to minimize up light, spill light, and glare; and
B. Display lot lighting shall be turned off within 30 minutes after the closing of business. The full illumination of the lot may be permitted after 11:00 PM pursuant to a conditional use permit. Any lighting used after that time shall be used as security lighting.

18. 8 MEASUREMENT

18.8.1 Metering Equipment

Lighting levels are to be measured in foot candles with a direct reading, portable light meter. The meter typically has a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus 5 percent. It shall have been tested, calibrated, and certified by an independent, commercial photometric laboratory or the manufacturer within one year of its use.

18.8.2 Method of Measurement

The meter sensor shall be mounted not more than 6 inches above ground level in a horizontal position. Readings are taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light sources. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.

It is hereby found that the adoption and immediate implementation of this ordinance is necessary in order to promote the immediate and temporary preservation of the public peace, health, safety and welfare, protect property values, implement the Comprehensive Plan for the City of Diamondhead, provide an immediate and unambiguious means whereby citizens, property owners, developers and the like can apply for permits and development applications and have the same administered to their completion. It is further found that the adoption and immediate implementation of this ordinance is necessary in order to promote the immediate and temporary preservation of the public peace, health, safety and welfare, insomuch as this ordinance regulates daily activities such as the outdoor sale of goods, conducting of yard sales, establishment of home based businesses, grading and altering the landscape, the removal of trees, and other activities which occur on a daily basis and with the immediate implementation of this ordinance the same activities could continue for one month without regulation. That this ordinance shall take effect immediately upon its passage in accordance with the provisions of Mississippi Code Annotated §21-13-11.

The City Clerk is hereby authorized and directed to publish an explanatory statement summarizing the full text of this ordinance.

SO ORDAINED, THIS THE 15TH DAY OF October, 2012.

/s/ Charles H. Ingraham, Jr.
Charles H. Ingraham, Jr., Mayor

ATTEST: /s/ Sue W. Foster
Sue W. Foster, City Clerk

SEAL

The foregoing ordinance was offered upon a motion by Councilman Roberson and seconded by Councilman Knobloch with the vote thereon being as follows:

	Aye	Nay
Mayor Ingraham	X	
Councilmember Ackerman	X	
Councilmember Holcomb	X	
Councilmember Knobloch	X	
Councilmember Rech	X	
Councilmember Roberson	X	