

A TEXT AMENDMENT TO THE ZONING ORDINANCE
AMENDING RESIDENTIAL ACCESSORY STRUCTURES

A resolution of the Mayor and City Council of the City of Diamondhead amending Ordinance No. 2012-019 as amended (Zoning Ordinance) (Article 4.18.3 D. RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE; SUBSECTION ii Structures) to increase the area limitations, height and setbacks.

WHEREAS, The current and proposed text amendments are as follows:

CURRENT TEXT: Article 4.18.3 D.

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.

PROPOSED TEXT CHANGE TO Article 4.18.3 D. ii: delete in its entirety; insert the proposed text amendment as follows:

- ii. Structures.
 - (a) Uses: A principal structure shall be already constructed on the same lot.
 - (b) Use Limitation: Accessory structures shall not be used as a habitable dwelling unit.
 - (c) Types of structures i.e. bathhouses, greenhouses, outdoor kitchens, storage sheds, detached decks, pergolas and RV/camper storage etc. not otherwise addressed herein.
 - (d) Area limitation: Accessory structures shall be limited to 30% of the footprint of the primary structure but not to exceed 800 square feet whichever is less.
 - (e) Maximum height: The maximum height shall not exceed twenty-five (25') feet. However, the height of the accessory structure shall not exceed the height of the primary structure. The accessory structure shall not exceed one (1) story (see f).
 - (f) Setbacks: The structure 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. If the height exceeds fifteen (15') feet, the accessory structure shall meet the required setbacks of the primary structure.
 - (g) Types of Materials: To insure architectural compatibility, building design shall be in keeping with the design patterns and architectural features consistent with the primary structure.
 - (h) Number of structures: There shall only be one accessory structure on a property.

WHEREAS, the Mayor and City Council has reviewed the application, related materials and public comments from the public hearing held by the Planning and Zoning Commission on September 27, 2016 and finds that it would be in the best interest of the health, safety and welfare of the citizens of Diamondhead to amend Article 4.18.3 D. ii.

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council of the City of Diamondhead do hereby amend Ordinance No. 2012-019 as amended (Zoning Ordinance) (Article 4.18.3 D. RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE; SUBSECTION ii Structures) to increase the area limitations, height and setbacks.

Delete in its entirety the current text of Article 4.18.3 D. ii; insert the proposed text amendment as follows:

- ii. Structures.
 - (a) Uses: A principal structure shall be already constructed on the same lot.
 - (b) Use Limitation: Accessory structures shall not be used as a habitable dwelling unit.
 - (c) Types of structures i.e. bathhouses, greenhouses, outdoor kitchens, storage sheds, detached decks, pergolas and RV/camper storage etc. not otherwise addressed herein.
 - (d) Area limitation: Accessory structures shall be limited to 30% of the footprint of the primary structure but not to exceed 800 square feet whichever is less.
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 - (g) Types of Materials: To insure architectural compatibility, building design shall be in keeping with the design patterns and architectural features consistent with the primary structure.
 - (h) Number of structures: There shall only be one accessory structure on a property.

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING RESOLUTION WAS ADOPTED IN THE AFFIRMATIVE BY THE FOLLOWING VOTE OF COUNCIL OF THE CITY OF DIAMONDHEAD ON THE 4th DAY OF OCTOBER, 2016.

	Aye	Nay	Absent
Mayor Schafer	_____	_____	_____
Councilmember Knobloch	_____	_____	_____
Nancy Depreo	_____	_____	_____
Councilmember Woolbright	_____	_____	_____
Councilmember Rech	_____	_____	_____
Councilmember Sislow	_____	_____	_____

THOMAS SCHAFFER, IV MAYOR

ATTEST: _____
Jeannie Klein, City Clerk



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald*

DATE: September 30, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-
City of Diamondhead; Case File Number 2016-00192

At its meeting on Tuesday, September 27, 2016, the Planning & Zoning Commission by a unanimous vote **approved** the text amendment as petitioned by City of Diamondhead regarding accessory structures to increase the area limitations, height and setbacks.

The City of Diamondhead represented by Ronald Jones has filed an application requesting a text amendment to the Zoning Ordinance Article 4.18.3 D. Residential Accessory Building, Structure or Use ii. Structures. Delete in its entirety Article 4.18.3 D. ii. Insert the proposed text amendment.

The resolution and draft minutes are attached. If you have any questions or comments, please advise.

Attachments



MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
September 27, 2016
5:39 p.m. CST

1. Chairman Hensley called the meeting to order at 5:30p.m. CST.
2. Commissioner Bower led pledge of Allegiance.
3. Clerk Tammy Garber called roll- Present: Commissioners Bice, Milton, Hensley, Garrison, Bower and Williams (arrived @ 5:36 p.m.) Absent: Crosby

Also, present City Attorney Derek Gusick, Ronald Jones, Building Official, and Minutes Clerk Tammy Garber.

4. Confirmation of the Agenda

Commissioner Garrison moved, seconded by Commissioner Bice to approve the agenda as presented.

Ayes: Bice, Milton, Hensley, Garrison and Bower. Absent: Crosby and Williams.

MOTION CARRIED UNANIMOUSLY

5. Approve Minutes. –

Commissioner Garrison moved, seconded by Commissioner Bice, to approve the Minutes of August 23, 2016.

Ayes: Bice, Milton, Hensley, Garrison and Bower. Absent: Crosby and Williams.

MOTION CARRIED UNANIMOUSLY

6. New Business –

CASE FILE NUMBER 2016-00192

The City of Diamondhead represented by Ronald Jones has filed an application requesting a text amendment to the Zoning Ordinance Article 4.18.3 D. Residential Accessory Building, Structure or Use ii. Structures. Delete in its entirety Article 4.18.3 D. ii. Insert the proposed text amendment as follows.

ii. Structures.

- (a) Uses: A principal structure shall be already constructed on the same lot.
- (b) Use Limitation: Accessory structures shall not be used as a habitable dwelling unit.
- (c) Types of structures i.e. bathhouses, greenhouses, outdoor kitchens, storage sheds, detached decks, pergolas and RV/camper storage etc. not otherwise addressed herein.
- (d) Area limitation: Accessory structures shall be limited to 30% of the footprint of the primary structure but not to exceed 800 square feet whichever is less.
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- (f) Setbacks: The structure 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. If the height exceeds fifteen (15') feet, the accessory structure shall meet the required setbacks of the primary structure.
- (g) Types of Materials: To ensure architectural compatibility, building design shall be in keeping with the design patterns and architectural features consistent with the primary structure.
- (h) Number of structures: There shall only be one accessory structure on a property.

Ronald Jones presented the application requesting a text amendment to the Zoning Ordinance Article 4.18.3 D Residential Accessory Building Structure or Use ii. Structures and answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this application request with none presented.

Commissioner Bice moved, seconded by Commissioner Milton to approve the application request in the matter of Case File Number 2016-00192 as requested.

Ayes: Bice, Milton, Hensley, Garrison and Bower. Absent: Crosby and Williams.

MOTION CARRIED UNANIMOUSLY

7. Unfinished Business

None.

8. Commissioners' Comments –

None

9. Communication / Announcements

Mr. Jones informed the council as of today, there are no cases on file for October.

At 5:36 p.m. CST Commissioner Williams entered the meeting and recorded present.

10. Adjourn –

Commissioner Williams moved, seconded by Commissioner Milton, to adjourn at approximately 5:37 p.m. CST. .

Ayes: Bice, Milton, Hensley, Garrison and Bower. Absent: Crosby and Williams.

MOTION CARRIED UNANIMOUSLY

Nita Hensley, Chairman
Planning & Zoning
City of Diamondhead, MS