

A TEXT AMENDMENT TO THE ZONING ORDINANCE AMENDING

Article 14. Land Alterations and Disturbances regarding the placement of fill on property

A resolution of the Mayor and City Council of the City of Diamondhead amending Ordinance No. 2012-019 as amended (Zoning Ordinance) Article 14. Land Alterations and Disturbances regarding the placement of fill on property.

WHEREAS, The proposed text amendments to selected articles are as follows:
New language would be added to **Article 14.1 Purpose**, insert the word “filling” to the first sentence; The purpose of this Section is to set forth regulations governing the excavation, clearing, [insert] “filling”, and draining of properties within the City of Diamondhead.

A new paragraph would be added to **Article 14.1.1 clearing and Grubbing, Haul Road, Waste Area, Plant sites, or Other Areas Occupied by the Contractor**. Add “No development permit is required for the clearing, grubbing (as to clear by digging up by the roots) or clipping of underbrush”.

Insert new language to **Article 14.1.2 Excavation**. 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 [insert] “Zoning Administrator/Building Official”.

Insert new language to **Article 14.1.3 Land Clearing and Drainage**. Add “5. All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line”.

Add new **Article 14.1.4 Filling**

1. *Fill permit required.* Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit.
2. *Application to fill land.* An application to fill land shall contain the following:
 - A) Plot plan, drawn to scale, showing the following:
 - i Existing site topography, elevations, and drainage flow,
 - ii Proposed site topography, elevation and drainage flow,
 - iii Volume, type, and area of proposed fill,
 - iv Distances from surrounding property lines and buildings,
 - B) A statement expressing the purpose of the proposed fill
 - C) Additional related information as may be requested by the Zoning Administrator/Building Official,
3. *Fill requirements.* The fill permit application shall demonstrate that the following:
 - a) The least amount of fill is proposed to achieve the purposes of the operation,

- b) Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines,
- c) Fill shall not encroach into any designated side and rear yard setbacks,
- d) Fill shall not cause negative impacts to surrounding property,

4. An application to fill land shall be evaluated by the Zoning Administrator/Building Official for compliance with this section. The Zoning Administrator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

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 March 23, 2021 and finds that it would be in the best interest of the health, safety and welfare of the citizens of Diamondhead to amend Article 14.

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 14 Land Alterations and Disturbances as follows:

New language would be added to **Article 14.1 Purpose**, insert the word “filling” to the first sentence; The purpose of this Section is to set forth regulations governing the excavation, clearing, [insert] “filling”, and draining of properties within the City of Diamondhead.

A new paragraph would be added to **Article 14.1.1 clearing and Grubbing, Haul Road, Waste Area, Plant sites, or Other Areas Occupied by the Contractor**. Add “No development permit is required for the clearing, grubbing (as to clear by digging up by the roots) or clipping of underbrush”.

Insert new language to **Article 14.1.2 Excavation**. 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 [insert] “Zoning Administrator/Building Official”.

Insert new language to **Article 14.1.3 Land Clearing and Drainage**. Add “5. All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line”.

Add new **Article 14.1.4 Filling**

- 4. *Fill permit required.* Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit.
- 5. *Application to fill land.* An application to fill land shall contain the following:
 - A) Plot plan, drawn to scale, showing the following:
 - i Existing site topography, elevations, and drainage flow,
 - ii Proposed site topography, elevation and drainage flow,

- iii Volume, type, and area of proposed fill,
 - iv Distances from surrounding property lines and buildings,
- B) A statement expressing the purpose of the proposed fill
 C) Additional related information as may be requested by the Zoning Administrator/Building Official,

6. *Fill requirements.* The fill permit application shall demonstrate that the following:
- a) The least amount of fill is proposed to achieve the purposes of the operation,
 - b) Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines,
 - c) Fill shall not encroach into any designated side and rear yard setbacks,
 - d) Fill shall not cause negative impacts to surrounding property,

4. An application to fill land shall be evaluated by the Zoning Administrator/Building Official for compliance with this section. The Zoning Administrator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

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 20TH DAY OF July, 2021.

	Aye	Nay	Absent
Councilmember Finley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Moran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Sheppard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Clark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Maher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Depreo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Nancy Depreo

 MAYOR NANCY DEPREO

ATTEST: *Jeannie Klein*

 Jeannie Klein, City Clerk

