

Motion made by Mayor Liese, Seconded by Ward 1 Finley to table the following consent item-

#14. **2025-213:** Motion to accept and award low bid received from Breakwater Marine Construction, LLC in the amount of \$4,403,000.00 for Canal Dredging Project and authorize the City Manager to execute the contract.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Action Agenda.

18. **2025-204:** Motion to request the City Manager explore viable options for repurposing the former guard house on Gex Drive, including the potential for establishing a "Welcome Center" and evaluating the feasibility of utilizing volunteers from the community to staff the facility. (Liese)

Motion made by Mayor Liese, Seconded by Ward 3 Harwood to request the City Manager explore viable options for repurposing the former guard house on Gex Drive, including the potential for establishing a "Welcome Center" and evaluating the feasibility of utilizing volunteers from the community to staff the facility.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

19. **2025-208:** Motion to approve the Planning Commission recommendation to allow a carport addition within 6' of the side yard property line. The property address is 6810 Apona St. The tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The side yard setback for an addition is 10'. The variance requested is 4'. The Case File Number is 202500503.

Motion made by Ward 4 Clark, Seconded by Ward 2 Sheppard to approve the Planning Commission recommendation to allow a carport addition within 6' of the side yard property line. The property address is 6810 Apona St. The tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The side yard setback for an addition is 10'. The variance requested is 4'. The Case File Number is 202500503.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

21. **2025-210:** Motion to direct the Planning and Zoning Commission to review and revise the language in the current tree ordinance regarding the clearing of lots, both residential and commercial. While the ordinance clearly requires a certain number of trees to be retained, it does not fully align with the intent of preserving mature trees and safeguarding the city's tree canopy. The Commission is asked to consider incorporating a tree survey and pre- and post-inspections as part of the permitting process, as well as requiring that a clearing permit be posted on lots prior to clearing. They should also consider if said permit should publicly outline how many trees are to be retained. Furthermore, the Commission should hold a public hearing to solicit input on proposed revisions and return to the Council with updated language that more effectively protects mature trees and enhances Diamondhead's tree canopy. (Liese)

Motion made by Mayor Liese, Seconded by Ward 1 Finley to direct the Planning and Zoning Commission to review and revise the language in the current tree ordinance regarding the clearing of lots, both residential and commercial. While the ordinance clearly requires a certain number of trees to be retained, it does not fully align with the intent of preserving mature trees and safeguarding the city's tree canopy. The Commission is asked to consider incorporating a tree survey and pre- and post-inspections as part of the permitting process, as well as requiring that a clearing permit be posted on lots prior to clearing. They should also consider if said permit should publicly outline how many trees are to be retained. Furthermore, the Commission should hold a public hearing to solicit input on proposed revisions and return to the Council with updated language that more effectively protects mature trees and enhances Diamondhead's tree canopy.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

22. **2025-211:** Motion to direct the Planning and Zoning Commission to develop and present a complete, actionable plan to bring all existing commercial signage into compliance with the city's current sign ordinance. As the majority of existing signage is grandfathered under previous regulations, the plan should include a sunset clause, establishing a clear deadline for full compliance. This will ensure that our community's visual standards align with the city's growth and aesthetic goals. Additionally, the Commission should hold a public hearing to gather input from the community. (Liese)

Motion made by Mayor Liese, Seconded by Ward 3 Harwood to direct the Planning and Zoning Commission to develop and present a complete, actionable plan to bring all existing commercial signage into compliance with the city's current sign ordinance. As the majority of existing signage is grandfathered under previous regulations, the plan should include a sunset clause, establishing a clear deadline for full compliance. This will ensure that our community's visual standards align with the city's growth and aesthetic goals. Additionally, the Commission should hold a public hearing to gather input from the community.

Voting Yea: Mayor Liese, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

23. **2025-216:** Motion to approve text amendment to allow real estate signs 7 days a week.

Councilmember Maher left the meeting at 7:06 p.m.

Motion made by Ward 2 Sheppard, Seconded by Ward 1 Finley to amend motion regarding text amendment to allow real estate signs 7 days a week by sending back to Planning and Zoning Commission for further review and possible amendments.

Voting Yea: Mayor Liese, Ward 1 Finley, Ward 2 Sheppard, Ward 3 Harwood, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Councilmember Maher returned to the meeting at 7:16 p.m.

ARTICLE 7 - ENVIRONMENTAL PROVISIONS

7.1 TREES.

7.1.1 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 protected trees upon private property. The provisions of this Article shall apply to all protected 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. Protected trees are defined as Live Oak Trees (*Quercus virginiana*) and Southern Magnolia Trees (*Magnolia grandiflora*), American Holly (*Ilex opaca*), Bald Cypress (*Taxodium distichum*), Black Gum (*Nyssa sylvatica*), Pond Cypress (*Taxodium ascendens*), Sweet Gum (*Liquidambar styraciflua*), and White Oak (*Quercus alba*). This list may be expanded upon recommendation of the Planning & Zoning Commission with approval by the City Council.

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 and/or destruction due to tree growth.

7.1.2 Residual Tree Density.

1. **Number of Trees Based on Lot Size.** See Table 7.1.
2. **Tree Relocation or Replacement.** As a condition to the granting of a tree removal permit, the applicant may be required to:

- i. Relocate those protected trees which would otherwise be destroyed to another location upon the site; or
- ii. Replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site; or
- iii. Replace those protected trees which will be destroyed with suitable replacement trees within a City right-of-way, easement, or public property, upon approval by the City Manager.

7.1.3 Permit Required for 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 protected 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.

7.1.4 Permit Process. Any person, firm, partnership, corporation, or other entity seeking permission to take any action which may result in the removal or destruction of a protected tree, as defined in this Article, shall first make application to the Development Coordinator. An administrative fee of \$25.00 will be assessed to the applicant. If the Development Coordinator determines a City Arborist is needed, the applicant must pay the City Arborist fee prior to the issuance of a permit to remove any protected tree.

7.1.5 Permit Application Contents. Any person, firm, partnership, corporation or other legal entity seeking permission to cut down, remove, deface, burn, poison, or

Table 7.1. Tree Table

SITE AREA (NET SQUARE FEET)	REQUIRED TREES
0 to 10,000 (approx. ¼ acre)	1 tree/1,000 sq. ft.
10,000 to 110,000 (approx. ¼—2.6 acres)	10 trees for first 10,000 sq. ft., plus 1 tree/2,500 sq. ft. over 10,000 sq. ft.
Over 110,000	50 trees for first 110,000 sq. ft., plus 1 tree/5,000 sq. ft. over 110,000 sq. ft.



take any other action that results ultimately in the destruction of any protected tree designated in this Article shall first make written application to the Development Coordinator which shall contain the following information:

- a) The plat map describing the property on which the protected tree or trees are located naming streets adjacent to the property and showing the location of the protected tree or trees on said plat. The map may be prepared by the petitioner (compass direction shall be shown on the map). The map shall be legible.
- b) Protected 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 protected tree and the reasons therefore.
- d) The name, legal residence, mailing address, email address, and phone number of the property owner making the request and the same information of the person or firm doing the work. Application Review.
- e) **Standard of Review.** The Development Coordinator shall review the application and, in his discretion, may consult with the City Arborist in reaching the decision of whether to grant or deny the application. In reviewing the application, the following criteria shall be taken into consideration:
 - i. The health of the protected tree or trees, if proposed to be removed for health reasons.
 - ii. 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 a protected tree.
 - iii. The effects an existing protected tree is having or is expected to have upon buildings or appurtenances existing on the property.
 - iv. The species of the tree.

- v. 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.

7.1.6 Appeals Process. The Development Coordinator shall receive and review applications for any work proposed to be done which may result in destruction of any protected tree or trees covered by this Article. An applicant may appeal the Development Coordinator's decision within ten days to the Planning and Zoning Commission. The Planning and Zoning Commission's finding shall be final.

7.1.7 Trees on Public Property. All trees of any kind, regardless of size, located on public property belonging to the City of Diamondhead shall not be removed, cut down or destroyed by any means except upon action of the City Manager. The City Manager shall report the removal or destruction of protected trees on public property in his/her City Manager's Report to the City Council.

7.1.8 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 protected tree designated in this Ordinance shall be limited to the amount necessary in order to provide such utility.

7.1.9 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.

7.1.10 Prohibited Acts. It shall be unlawful to



"clear cut," or remove all trees, regardless of size or species, from a parcel of property. Any person, firm, partnership, corporation or other entity that clear cuts a parcel of property shall be subject to the penalties listed set forth in this code.

7.1.11 Tree Protection. Trees identified on an approved landscaping plan, subdivision plat, or site plan to be retained shall utilize the following protection methods:

- a) Install four-foot high perimeter fencing at the extreme outer edge of the dripline.
- b) Perimeter fencing located within 50 feet of any building footprint, unless approved by the Building Official, shall be constructed of materials equivalent to those used for silt fencing.
- c) There shall be no activity of any kind inside the perimeter other than hand-brush clearing.
- d) No land clearing or building permits shall be issued until the perimeter of all protected trees and tree groves have been properly fenced.
- e) Grates or other pervious surfaces shall be utilized within the dripline of existing trees to allow water and air to reach the tree roots.
- f) Fill (other than soil disturbance) shall be prohibited, as well as any vehicle traffic or material storage in areas under the dripline of trees to be protected.
- g) Drastic changes in drainage patterns which may negatively affect existing trees shall be avoided.
- h) Any person who intentionally damages a protected tree shall be in violation of this article and subject to the penalties prescribed herein below in Section 7.12.
- i) The removal of the protected fencing, or encroachment into the area, without explicit approval of the property owner or his designated agent, shall be punishable by a fine up to the replacement value of the tree(s) involved. Replacement value shall be determined by a method approved by the International Society of Arboriculture (ISA). This applies to any person or entity, public or private.

7.1.12 Penalties. 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 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.

7.1.13 Prior Tree Removal. Prior removal of protected trees. If a site is cleared or protected trees removed prior to obtaining subdivision or site plan approval, or if done without a tree survey or permit, then any development application for the site shall be denied for up to 24 months except as authorized below:

- a) A request for site plan approval within the 24 month time frame may, however, be considered if the proposed site plan incorporates a reforestation plan that results in a future canopy coverage of 40 percent of the site and pays a fine of \$500.00 per acre of trees cleared and \$1,000.00 per each protected tree removed.
- b) The square foot percentage of canopy area required for reforestation shall be based on the total area of the property less the square footage dedicated to any building footprints, streets, driveways, sidewalks, pathways, or utility easements.

7.1.14 Conflict With Other Laws. Whenever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

This Ordinance, having been unanimously adopted shall become effective 30 days upon the adoption thereof, with a single publication of the ordinance prior to becoming effective and being recorded and published in the ordinance book in the same manner as required by State Law of other ordinances.