



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

A handwritten signature in black ink, appearing to read "J. Pat Rich", is written over the printed name.

DATE: October 1, 2025

SUBJECT: Conditional Use Procedure Text Amendment

- Zoning Code includes Approved Use Conditions for Conditional Uses.
- Eliminates need for Planning Commission and City Council review.
- Appeal process to Planning Commission and/or City Council.

The Planning & Zoning Commission voted unanimously to recommend approving the Text Amendment.

Proposed changes are in Red.

9.7 Conditional Use Procedure.

9.7.1 Purpose. 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. **9.7.2 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.

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~~**9.7.4 Staff Review.** Within 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 review regarding the subject application to the Planning Commission.~~ **9.7.5 Public Hearing and Notice.**

9.7.5 Public Hearing and Notice.

~~a) At its next regular meeting following the receipt of an application for Conditional Use, but in any event within 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.~~

~~b) The Planning Commission shall hold a public hearing on each application for a Conditional Use Permit. Notice shall be given as prescribed in Article. 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 this section. The applicant is required to be present at the public hearing.~~

~~**9.7.6 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.~~

9.7.7 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:

9.7.8 Conditions of Approval. The ~~Planning Commission~~ Zoning Administrator 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~~ Zoning Administrator may deem necessary to ensure compatibility with surrounding uses.

9.7.9 Renewal or Lapse of a Conditional Use Permit.

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

Table 4.1. Use Matrix

Uses	Conventional Districts										Aloha District					Use Condition	
■ - By Right; □ - Conditional Use	R-10	R-6	RHD5	RM-5	MH	C-1	C-2	TC	I	EP	PFR	ADMU	ADLM	ADTH	ADWF		ADCC
Accessory and Temporary Uses																	
Accessory structure	■	■	■	■	■	□	□	♦	♦	♦	♦	♦	♦	♦	♦	♦	4.3.7
Automated teller machine	♦	♦	♦	♦	♦	■	■	♦	♦	♦	■	♦	♦	♦	♦	♦	4.3.2
Carnival circus locations (temporary)	♦	♦	♦	♦	♦	♦	□	♦	□	□	□	♦	♦	♦	♦	♦	-
Drive-through facility or window	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	♦	♦	♦	♦	♦	4.3.3
Fences	■	■	■	■	■	■	■	■	■	■	■	♦	♦	♦	♦	♦	4.3.10
Temporary, seasonal sales	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	□	♦	♦	♦	♦	-
Accommodation and Group Living																	
Continuing Care Retirement Communities	□	□	□	♦	♦	■	■	♦	♦	♦	♦	□	♦	♦	♦	♦	4.4.1
Bed and breakfast	□	□	□	♦	♦	♦	♦	♦	♦	♦	♦	□	♦	□	♦	♦	4.4.2
Group home	♦	□	□	□	♦	■	■	♦	♦	♦	♦	♦	♦	♦	♦	♦	
Hotel, motel with accessory uses such as lounges and restaurants	♦	♦	♦	♦	♦	□	■	♦	□	♦	♦	■	♦	♦	♦	♦	4.4.3
Recreational vehicle (RV) park	♦	♦	♦	♦	♦	♦	□	♦	♦	♦	♦	□	♦	♦	♦	□	4.4.4
Assembly, Recreation, and Entertainment																	
Amusement center (indoors)	♦	♦	♦	♦	♦	□	□	♦	□		□	□	♦	♦	♦	♦	4.5.1
Amusement facilities (outdoors)	♦	♦	♦	♦	♦	□	□	♦	□	♦	□	♦	♦	♦	♦	♦	-
Auditorium/civic center	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	■	♦	♦	♦	♦	-
Baseball park and stadium	♦	♦	♦	♦	♦	□	■	♦	♦	♦	□	♦	♦	♦	♦	♦	-
Places of worship, small scale	■	■	□	□	■	□	□	■	■	♦	□	■	♦	♦	♦	♦	4.5.2
Places of worship, large scale	□	□	□	□	□	■	■	■	■	♦	□	□	♦	♦	♦	■	4.5.3
Convention center or similar	♦	♦	♦	♦	♦	□	□	♦	□	♦	□	□	♦	♦	♦	♦	-
Day care centers or similar	□	□	□	□	□	■	■	♦	♦	♦	♦	□	♦	♦	♦	♦	4.5.4
Funeral homes, mortuary, undertaking establishment	♦	♦	♦	♦	♦	□	■	♦	■	♦	♦	■	♦	♦	♦	♦	-
Golf course and driving range (excluding miniature golf)	□	□	□	□	□	■	■	♦	■	♦	■	♦	♦	♦	♦	♦	-
Health, fitness clubs, dance studio	♦	♦	♦	♦	♦	■	■	♦	♦	♦	♦	■	♦	♦	♦	♦	-
Lodge or assembly hall	♦	♦	♦	♦	♦	□	□	♦	♦	♦	♦	□	♦	♦	♦	♦	4.5.5
Nightclub, bar or similar	♦	♦	♦	♦	♦	□	□	♦	□	♦	♦	□	♦	♦	♦	♦	4.5.6
Private parks and playgrounds (incidental to the immediate area)	□	□	□	□	□	♦	♦	♦	♦	♦	♦	■	■	■	■	♦	-

- i. Drive-through kiosks and windows are restricted to the side and rear of the building.
- ii. Drive-through stacking lanes shall not be placed between the street right-of-way and the associated building except that on corner lots such restriction shall be limited to the front façade of the building.
- iii. Drive-through windows are prohibited on the side of a building facing any residential zoning district or existing residential use.

4.3.4 Dwellings Accessory to Principal

Non-residential Use. Where permitted, dwellings accessory to a nonresidential use shall be subject to the following conditions:

- a) The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
- b) Additional parking spaces required by Article 6 for such dwellings shall be provided.

4.3.5 Home Occupations.

Where permitted, home occupations shall be subject to subject to the following conditions:

- a) Home occupations shall not be carried out in more than 20 percent of the total dwelling building area, not to exceed 500 square feet. No more than one home occupation may be carried out per principal dwelling.
- b) No part of a home occupation may be carried out within an accessory building.
- c) There shall be no onsite employment other than members of the resident family.
- d) The use shall not generate pedestrian or vehicular traffic beyond that reasonably expected to be generated by a residential living unit.
- e) 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 6.
- f) 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.

- g) 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.
- h) All home occupations shall be subject to permit approval of the Zoning Administrator.

4.3.6 Swimming Pool.

Where permitted, swimming pools designed to a water depth of 24 inches or more shall be subject to the following conditions:

- a) 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.
- b) Fence. Swimming pools shall be fenced in accordance with the applicable building code in force for the City of Diamondhead.

4.3.7 Residential Accessory Building,

Structure or Use. Where permitted, residential accessory buildings, structures, or uses shall be subject to the following conditions:

- a) Parking Spaces and garages shall comply with Article 6, but no parking garage shall be detached from a main structure.
- b) General Accessory Structures.
 - i. A principal structure shall be already constructed on the same lot.
 - ii. Accessory structures shall not be used as a habitable dwelling unit.
 - iii. 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.
 - iv. Maximum height: The maximum height shall not exceed 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 story.
 - v. Setbacks: The structure shall not be located in front of nor within 10 feet of the principal building and not within five feet from a side lot line, nor within 10 feet of a rear lot line. If the height exceeds 15 feet, the accessory structure



shall meet the required setbacks of the primary structure.

- vi. **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.
- vii. **Number of structures:** There shall only be one accessory structure on a property.
- c) **Aircraft Hangers.** Where permitted, residential accessory buildings, structures, or uses shall be subject to the following conditions:
 - i. Aircraft 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.
 - ii. Aircraft 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.

4.3.8 Playground equipment. Where permitted, playground equipment shall be subject to the following conditions:

- i. Equipment shall be permanently affixed to the ground.
- ii. Equipment shall be placed in a rear yard only.

4.3.9 Garage and Yard Sales. Where permitted, garage and yard sales shall be subject to the following conditions:

- i. Limited to two per year per property.
- ii. Each sale shall not exceed three consecutive days.
- iii. A garage or yard sale permit shall be required and displayed conspicuously on the subject site so as to be visible from a public street.
- iv. Advertising signs shall be subject to Article 8. Such signs may be placed adjacent to public the rights-of-way, subject to the approval of the property owner. Signs may be displayed a maximum of three days.

4.3.10 Fences. Where permitted, fences shall be subject to the following conditions:

- a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, replace, remove or demolish any fence (except for maintenance purposes) regulated by this code without first obtaining a permit from the Development Coordinator. Application shall be made on a form furnished by the Development Coordinator.
- b) **Plans and specifications.** Three sets of plans and such other data as deemed necessary by the Development Coordinator shall be submitted with each permit application, drawn to scale, and to include:
 - i. Building locations and area to be fenced,
 - ii. Height of fence,
 - iii. Type of materials to be used,
 - iv. Zoning classification,
 - v. Street intersection visibility range when applicable.
- c) **Permit Issuance.** A completed application shall be reviewed by the Development Coordinator. If the work described in an application conform to the requirements of this section the permit shall be issued. An approved application may not be changed, modified, or altered without authorization from the Development Coordinator, and all work shall be done in accordance with the approved plans.
- d) **Expiration.** Every permit issued by the Development Coordinator 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.
- e) **Permit Fees.** The fee for each permit shall be established by the City of Diamondhead. All permit fees (building, electrical, mechanical and plumbing) shall be waived for the repair, partial and/or complete reconstruction of a structure





Commissioner Bennett
Commissioner Brewer
Commissioner Parrish
Commissioner Peters
Commissioner Lawson
Commissioner Raymond
Commissioner Sutherland

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, September 23, 2025

6:00 PM CST

**Council Chambers, City Hall
and via teleconference, if necessary**

Call to Order

Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of August 26, 2025 minutes.

Architectural Review

New Business

3. Public hearing on a proposed Text Amendment to Article 4 – Uses and Use Conditions, 4.3.7 Residential Accessory Building. The proposed text amendment is to remove the 10 feet setback from the primary residence requirement. The case file number is 202500573.
4. Public hearing on a proposed Text Amendment to Article 9 – Administration, 9.7 Conditional Use Procedure. The proposed text amendment is to consolidate the timeframe for approval. The case file number is 202500574.
5. Public hearing on a proposed Text Amendment to Article 4 – Uses and Use Conditions, Table 4.1 Use Matrix. The proposed text amendment is to add additional requirements for Boat Storage uses.

*Passed
4-0*

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is Tuesday, October 8, 2025.
The next Planning Commission meeting is Tuesday, October 28, 2025.

Adjourn or Recess

**NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to Article 9 – Administration, 9.7 Conditional Use Procedure. The proposed text amendment is to consolidate the timeframe for approval.

In accordance with Article 9.10.6, 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.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, September 23, 2025, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.