



5000 Diamondhead Circle · Diamondhead, MS 39525

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www.diamondhead.ms.gov

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 positioned to the right of the "FROM:" line.

DATE: August 28, 2024

SUBJECT: Add Architectural Approval for Commercial Properties to the Planning Commission

Text Amendment to Ordinance Article 9 – Administration to add Architectural Review for Commercial Properties to the Planning Commission responsibilities.

- Council directed on 7/2/24
- Added as a regular agenda item to Planning Commission.
- Staff makes recommendation to Planning Commission.
- Planning Commission will accept, modify or reject and return to staff.
- Planning Commission is the final authority unless appealed to the Council.
- Same administrative process as variance.
- No objections.

The Planning & Zoning Commission voted 6-0 to recommend approving the Text Amendment.

Proposed Text Amendment

Article 9 – Administration

9.6 Design Standards and Review

9.6.5 Responsibilities. The duties of the Site **Plan and Design** Review Committee shall include but not necessarily be limited to the following.

- a) Review and recommendation of pre-application development design provided sufficient data to permit a responsible evaluation of all permitted development is submitted.
- b) Review and recommendation of official zoning map amendments.
- c) Review of variance requests and make recommendations to the Planning Commission.
- d) Review of proposed developments for compliance with the design standards as they appear in Article 5, or elsewhere in this ordinance, **and for commercial properties, make recommendations to the Planning Commission for approval.**

at least triplicate.

- iii. One 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.

9.5.2 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 therefor 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 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 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.

9.5.3 Relation to Other Permits.

The requirements of these sections 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.

9.6 DESIGN STANDARDS AND REVIEW PROCEDURE.

- 9.6.1 All development activity governed by this ordinance shall conform to the requirements of Article 5, Design Standards.
- 9.6.2 Prior to the issuance of any permit, design review shall be conducted by an Administrative Site and Design Review Committee whose responsibility shall be to determine compliance with the design standards of this ordinance.
- 9.6.3 Design review applications shall include all necessary preliminary construction documents, plans, and drawings necessary to fully illustrate the design and appearance of proposed sites and 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.

9.6.4 Composition. The Administrative Site and Design Review Committee shall consist of the following members or designated representatives, and will be chaired by the Zoning Administrator:

- a) Zoning Administrator
- b) Building Official
- c) City Manager
- d) Fire Chief or Fire Inspector
- e) Chief of Police
- f) Diamondhead Water and Sewer District Representative

9.6.5 Responsibilities. The duties of the Site Plan Review Committee shall include but not necessarily be limited to the following.

- a) Review and recommendation of pre-application development design, provided sufficient data to permit a responsible evaluation of all permitted development is submitted.
- b) Review and recommendation of official zoning map amendments.
- c) Review of variance requests and make recommendations to the Planning Commission.
- d) Review of proposed developments for compliance with the design standards as they appear in Article 5, or elsewhere in this ordinance.

9.6.6 Procedure. Site and design review plans shall be filed with the Zoning Administrator. No site plan shall be deemed filed and accepted for official review until the Zoning Administrator determines that all required information has been fully submitted. A site and design review plan shall be approvable by the Administrative Site and Design Plan Review Committee as a single review process.

a) **Compliance.** Once a submitted plan has been accepted for review, the Administrative Site and Design Review Committee shall complete their evaluation of the plan and certify to the Zoning Administrator that said plan does or does not comply with standards of this ordinance.

b) If the site plan does comply and there is no rezoning or other consideration pending, the Zoning Administrator shall approve the site plan and so notify the applicant in writing.

c) If it is determined that the plan does not comply, the Administrative Site and Design Review Committee shall specify in what respects it does not comply and what additional information is needed to complete the review of the site plan application. This shall be conveyed in writing by the Zoning Administrator to the applicant. Correction of all specified items will be required before further processing of the site plan application.

9.6.7 Time Period for Review. In all cases, the Administrative Site and Design Review Committee shall have up to or a maximum of 45 calendar days from the date the application is determined to be complete to review and recommend either approval, approval with specific conditions, or disapproval of any site plan.

a) The Zoning Administrator may, however, extend the time for the Administrative Site and Design Review Committee's consideration to allow time for the applicant to submit additional information that is needed to complete the site plan application.

b) For an application verified as complete, should the 45 day period expire without action by the Committee, the Zoning Administrator shall add the application to the agenda of the Planning Commission for resolution at their next regularly scheduled meeting.

9.6.8 Validity. A site plan approval is valid for 12 months. If permits have not been issued within that timeframe, site plan approval is voided unless extended by the Zoning Administrator and Community Development. The Director may extend the



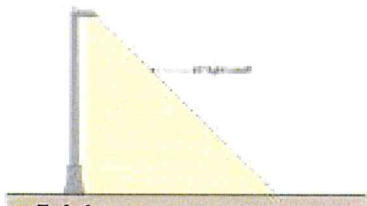
Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
h) Lighting fixtures shall be compatible in style with the architecture of their associated buildings and shall otherwise comply with any officially adopted streetscape plan.	■	■	■	■	■	■	■	■	■	■	■	■	■
5.6.2 Luminaries													
a) Pole mounted luminaries shall be full cut-off with shields, reflectors, or refractor panels to direct and cut-off emitted light at 45 degrees or less. (See Illustration 5.6.1).													
 <p>Illustration 5.6.1</p>	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at a 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent).	♦	♦	♦	♦	■	■	■	■	■	■	■	■	■
5.6.3 Mounting.													
a) Poles in commercial and multiple-family developments, whether mounted upon a building or upon a light standard, shall not exceed 25 feet in height.	♦	♦	♦	♦	■	■	■	♦	■	♦	♦	♦	■
b) Lighting fixtures within industrial developments shall not exceed the height of the roof line of the associated building.	♦	♦	♦	♦	♦	♦	♦	♦	♦	■	■	♦	♦
5.7 BUILDING FORM AND MATERIALS.													
5.7.1 Form and Composition.													
a) When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping. (See illustration 5.7.1)													




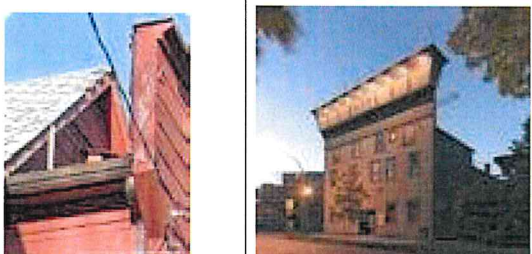

Table 5.1. Building, Site, and Design Standards													
Standard	Zone												
■ = Required ♦ = Not required	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
 <p>Illustration 5.7.1</p>	♦	♦	♦	♦	♦	■	■	♦	■	♦	♦	■	■
b) Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
c) Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved, buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.	♦	♦	♦	♦	♦	■	■	♦	■	♦	♦	■	■
d) False or stage-set facades are prohibited. Similar materials and colors used on the street façade shall be used to the sides and rear of the building where visible from a street right-of-way or adjacent residence. (See illustration 5.7.2)													
 <p>Illustration 5.7.2</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
e) The maximum, unbroken facade plane shall be 60 feet and should be interrupted by projections, recesses, portals, courtyards, plazas, or other architectural design. Facade plane breaks shall have a minimum depth of six inches.													
 <p>Illustration 5.7.3</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■



Table 5.1. Building, Site, and Design Standards


Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required</p> <p>◆ = Not required</p>													
f) No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building as a primary surface material or mansard. Alternatives of equal or better quality may be considered. (See illustration 5.7.4)													
 <p>Illustration 5.7.4</p>	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
g) Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
h) Parapets should extend above the highest level of any roof mounted equipment. In no case shall such equipment be visible from adjacent grades at a distance of 75 feet.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
i) Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among brick, cementitious stucco, stone, vertical board and batten, wood or cementations siding and approved architectural concrete masonry unit. EFIS may only be used in banding, decorator strips, cornice lines and wall capping.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
j) 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 façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.	◆	◆	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆



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Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
■ = Required ◆ = Not required													
k) To ensure architectural compatibility with homes in the immediate vicinity of the building site, building design for new construction and additions shall be in keeping with the design patterns and architectural features that exist in the immediate vicinity. Compatibility shall be determined by roof pitch, roof materials, exterior finishes and materials, garage orientation, landscaping, color scheme, mailbox design and construction, driveway and walkway materials, porches, dormers, building orientation and other relevant features.	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
l) Parking on site should be visually subordinate to the residential character of the street.	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
m) Garages, carports, outbuildings, etc., shall be recessed from the front facade by a minimum of 6 feet.	■	■	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
5.7.2 Roof Design and Materials													
a) All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 3:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
b) Arcades, drive-under canopies, porches, and other features shall be created with a pitched roof. Drive-under canopies for gasoline pumps may have flat roofs with vertical or factory formed facing of finished sheet metal.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
c) Mansard roofs shall have a maximum pitch of 12:12 with a minimum of 12 foot vertical surface length.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
d) Exposed metal flashing shall be copper or factory-finished sheet metal.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
e) 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.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■






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f) All buildings with flat roofs should include parapet articulation on the front façades of such building. The parapet articulation should coincide with any roof articulation may be a part of the roof design.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
g) Exposed pitched roofs, as a primary roof form, shall have a slope not less than 5/12. Porches shall be sloped not less than 3/12. (See Illustration 5.7.5)													
 <p>Illustration 5.7.5</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
h) Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
5.7.3 Design Detail													
a) Wall surfaces shall be composed of at least 75% a single material and color. With the exception of decorator accents, colors shall consist of subtle, neutral, or earth tones or of a coastal color palette.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
b) Walls that can be seen from an arterial or collector street shall be treated as a building façade.	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■
c) No less than 40% of the horizontal distance of any building front entrance shall be designed with arcades, windows, entrances, awnings, or similar features. (See Illustration 5.7.6)													
 <p>Illustration 5.7.6</p>	♦	♦	♦	♦	♦	■	■	■	■	♦	♦	■	■

Table 5.1. Building, Site, and Design Standards

Standard	Zone												
	R-10	R-6	RHD-5	RM-5	MH	C-1	C-2	TND	Tech	I	EP	PFR	ADCC
<p>■ = Required</p> <p>◆ = Not required</p>													
d) Retail facades shall be glazed with clear glass no less than 40% of the first story. Other uses may provide the authentic appearance of such transparency.	◆	◆	◆	◆	◆	■	■	■	■	◆	◆	■	■
5.8 ACCESSORY USES AND EQUIPMENT.													
5.8.1 Fences.													
a) Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	■
b) Fences and walls shall be constructed such that the "finished" part of the fence or wall is located toward and facing the exterior of the property. (See Illustration 5.8.1)													
 <p style="text-align: center;">Illustration 5.8.1</p>	■	■	■	■	■	■	■	■	■	■	■	■	■
c) Barbed wire, woven wire or electrical fencing are prohibited except in agricultural applications.	■	■	■	■	■	■	■	■	■	■	■	■	■
d) Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■
e) Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	■
f) Chain link fencing shall be green or black vinyl coated.	◆	◆	◆	◆	■	■	■	■	■	◆	◆	■	■
g) The maximum height of walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is six feet.	■	■	■	■	■	■	■	■	■	■	■	■	■
5.8.2 Mechanical Equipment													
a) 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.	◆	◆	■	◆	◆	■	■	■	■	■	■	■	■





Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Parrish
Commissioner Harwood
Commissioner Raymond
Commissioner Nicaud

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, August 27, 2024

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 July 23, 2024 minutes.

New Business

3. Presentation by Bob Barber of Orion Planning explaining the sub districts (Mixed Use District, Live-Make District, Townhome District and Waterfront District) of the Aloha District that will be used for rezoning the C-1 Commercial District. Questions and discussion encouraged.

4. Lauren Hanat and Blair Nutting have filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the construction of a pool enclosure within 4' of the side yard property line. The property address is 7830 Alawai Avenue. The tax parcel number is 067Q-0-36-220.000. The property is in an R-6 zoning district. The side yard setback is 10'. The variance requested is 6'. The Case File Number is 202400364.

5. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to Ordinance Article 9 – Administration. The purpose is to add Architectural Review for Commercial Properties to the Planning Commission responsibilities. The Case File Number is 202400377.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is Tuesday, September 3, 2024.
The next Planning Commission meeting is Tuesday, September 24, 2024.

**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 Ordinance Article 9 – Administration. The purpose is to add Architectural Review for Commercial Properties to the Planning Commission responsibilities. The Case File Number is 202400377.

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, August 27, 2024, 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. The proposed revision is available for review on the City's website or at City Hall.

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

7/2/24 meeting

- 4. **2024-169:** Motion to adopt Resolution 2024-031 thereby authorizing an application to the Mississippi Development Authority for a FY25 Gulf Coast Restoration Fund Grant in the amount of \$2,400,000 (80% or \$2,000,000 GCRF share and 20% or \$400,000 local match funding) for the Commercial District Transformation Project, more specifically Gex Road and Live Oak Drive and for other related purposes.
- 5. **2024-178:** Motion to concur with the Planning Commission recommendation to approve a variance from the Zoning Ordinance to allow the addition of an attached screened porch within 15' of the rear property line on the golf course. The property address is 7428 Turnberry Way. The tax parcel number is 067N-1-35-083.000. The property is in the R-10 zoning district. The rear setback is 20'. The variance is 5'. The case file number is 202400258. The Planning Commission voted to recommend 6-0.

Consent Agenda:

- 6. **2024-170:** Motion to approve Change Order No. 1 to the contract with Fair Tide Marine & Construction, LLC in the net amount of -\$2,779.00 for a total contract amount of \$114,998.00 for the Beaux Vue Ph II Drainage Improvements.
- 7. **2024-171:** Motion to approve contract agreement with AshBritt thereby extending the current contract for one(1) year expiring August 28, 2025 with a 3.2% CPI increase.
- 8. **2024-172:** Motion to approve Work Assignment under the Master Service Agreement with Covington Civil and Environmental, LLC in the amount not to exceed \$18,600.00 for Diamondhead Drive East/Golf Club Drive Intersection Study and Highpoint Signage Review.
- 9. **2024-173:** Motion to approve an amended application to the Department of Marine Resources for FY20 Tidelands - Montjoy Creek & Rotten Bayou.
- 10. **2024-174:** Motion to approve Change Order No. 3 for ninety four (94) additional days to the contract with Bottom 2 Top Construction, LLC for the Commercial District Transformation Project Phase I with no change to contract price.
- 11. **2024-179:** Motion to approve Work Assignment under the Master Service Agreement with Covington Civil and Environmental, LLC in the amount not to exceed \$39,200.00 for Diamondhead Paving 2024.
- 12. **2024-180:** Motion to adopt the City of Diamondhead Text Messaging Policy.

Action Agenda.

- 13. **2024-175:** Motion to amend the Planning and Zoning Commission responsibilities to include the additional role of architectural review for commercial projects prior to plan approval. (Liese)
- 14. **2024-176:** Motion to request the City Manager to explore options for erosion control measures at the Duck Pond and to report his findings to the Council. (Liese)
- 15. **2024-177:** Motion to direct the Planning and Zoning Commission to review and propose an appropriate course of action to bring existing commercial signage into compliance with the new zoning code to include a sunset clause to allow businesses time to comply, and to hold a public hearing regarding same. (Liese)