

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

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to correct an inconsistency in the Zoning Ordinance (Ord. 2012-019). Case File Number is 202200081.

The proposed text amendment will make the following change to Zoning Ordinance Article 5 – General Regulations, Article 5.6.4 – Ownership, – add “not” after “shall” in the last sentence to read “A nonconforming use of land or structure shall not lose its nonconforming status upon the sale to a new owner”.

The City Council shall have jurisdiction with respect to all Text Amendments. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, March 22, 2022, 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 the Building Department at the above address and/or at 228-222-4626.

- c. Storage and waste disposal; and
- d. Appearance.

5.6.2 *Nonconforming Lots of Record.*

- A. A building may be constructed on a nonconforming lot, provided the yard requirements of this Ordinance are observed.
- B. Contiguous nonconforming lots under common ownership shall be considered one lot.

5.6.3 *Restoration.*

Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of fifty (50) percent of the true value as determined by the Hancock County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances.

5.6.4 *Ownership.*

Whenever a nonconforming structure or lot is sold to a new owner, such sale shall have no effect on the nonconforming status of the structure or lot. A nonconforming use of land or structure shall ^{not} lose its nonconforming status upon the sale to a new owner.

5.6.5 *District Changes.*

Whenever the boundaries of a district are changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any nonconforming uses or structure existing in the district to which the area was transferred.

5.6.6 *Repairs and Maintenance.*

Ordinary repairs and replacement of nonbearing walls, fixtures, wiring, or plumbing may be performed, provided that the nonconforming structure shall not be increased in size.

5.6.7 *Uses Requiring Planning Commission Review and Conditional Use Procedures.*

Any lawful use existing on the effective date of this ordinance or amendment thereto, and which would be required to have Planning Commission review pursuant to Section 2.4 of this ordinance or would be a conditional use under the terms of this ordinance or amendment thereto, is, without further action, conforming under these provisions. However, any alteration to the site, building, nature of the operations, or any other aspect of the use shall require a Planning Commission Review or conditional use, whichever the case may be.