

5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator 

DATE: December 11, 2024

SUBJECT: Text Amendment to revise setback requirements for fences on corner lots

Text Amendment to Article 4.3.10.f.xiii – Uses and Conditions - Fences. The proposed text amendment is to remove “In the situation of a corner lot, each street-side frontage shall be considered as a front yard.”

- Currently both street facing yards are considered front yards where fences are not allowed.
- Proposal eliminates that requirement for fences only. Does not affect building setbacks for corner lots.
- Placement of fences along streets will be governed by the Traffic Visibility Across Corners Ordinance.
- Allows residents with corner lots to fully utilize their side yard.
- Variance requests of this type have been granted.
- No objections.

The Planning & Zoning Commission voted 5-0 to recommend approving the Text Amendment.



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

AGENDA
PLANNING AND ZONING COMMISSION
Tuesday, December 10, 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 October 22, 2024 minutes.

Architectural Review

New Business

3. The City of Diamondhead proposes a Text Amendment to Article 4.3.6.a – Uses and Conditions – Swimming Pool. The proposed text amendment is to add “Screened pool enclosures are considered pool appurtenance structures.” The Case File Number is 202400570.
4. The City of Diamondhead proposes a Text Amendment to Article 4.3.10.f.xiii – Uses and Conditions - Fences. The proposed text amendment is to remove “In the situation of a corner lot, each street-side frontage shall be considered as a front yard.” The Case File Number is 202400571.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

5. The next City Council meeting is Tuesday, December 17, 2024.
The next Planning Commission meeting is Tuesday, January 28, 2025.

Adjourn or Recess

4.3.10 Fences, f) Requirements, xiii. No fence shall be constructed in the required front yard building setback area of R-1, R-2, R-3, R-4, MH, C-1, C-2, T, I, PR, or PFR zoning districts. ~~In the situation of a corner lot, each street side frontage shall be considered as a front yard.~~ In the case of the primary structure being set back further than the required front yard setback, no fence shall be constructed closer to the street than the building façade.

due to damages from all natural disasters i.e. tropical storms, hurricanes, tornadoes, flooding and fire. The fees shall be waived no longer than 6 months from the date of the event.

f) **Requirements.**

- i. Fences constructed on any lot, and specifically corner lots, will be subject to, and shall conform to the visibility range requirements of this code. An additional clear zone may be required by the Development Coordinator.
- ii. No fence, guy wire, brace or post shall be constructed upon or extend over property that the City has control over, owns or has an easement over or under, except upon:
 - a. Underground drainage easements that contain non-pressurized storm sewer pipes if written permission is granted by all users.
 - b. Underground sanitary sewer easements that contain non-pressurized pipes if written permission is granted by all users.
 - c. Utility easements if written permission is granted by all users.
- iii. No drainage easement, public or private, shall be fenced or obstructed in any manner, without prior written permission by all users. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance. If fences, landscaping material, and other appurtenances installed by the property owner in the easement must be removed by the city to service the drainage system, the cost of removal and/or replacement shall be the responsibility of the property owner.
- iv. No fence shall exceed six (6) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this Article. Moveable screening devices utilized to comply with the parking or storage regulations of this ordinance shall not be considered a fence for the purpose of these height restrictions.
- v. No fence erected within the City limits shall be electrically charged in any manner, without prior written permission by the City Council.
- vi. No fence shall be constructed of barbed wire or other sharp, pointed material except on property utilized for agricultural purposes and is five acres or greater in size.
- vii. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. A driveway approach shall be required for all vehicle gates.
- viii. In C-1, C-2, T, and I zoning districts, fences shall not exceed six feet in height, unless otherwise permitted by this ordinance, and may be constructed with angle arms at the top and such angle arms may be armed with barbed wire. Such arms shall not extend over public property, city, county, or state rights-of-way, easements or adjacent private property.
- ix. In the Public Facilities and Recreation (PFR) zoning district, fences shall not exceed six feet in height unless otherwise permitted by the Development Coordinator to meet the recreational needs and standards and for public safety concerns in parks which chain link may be utilized as the fence material.
- x. Construction material may be wood, vinyl, masonry, or other approved material except in the case where a screening device is required.
- xi. Chain-link shall not be used in areas that are zoned residential.
- xii. The finished side of the fence shall display toward the outside of the lot being fenced. All exposed structural members and cross bracing shall display internally on the lot being fenced.
- xiii. No fence shall be constructed in the required front yard building setback area of R-1, R-2, R-3, R-4, MH, C-1, C-2, T, I, PR, or PFR zoning districts. ~~In the situation of a corner lot, each street side frontage shall be considered as a front yard.~~ In the case of the primary structure being set back further than the required front yard setback, no fence shall be constructed closer to the street than the building façade.



preceding the adoption of this ordinance. Therefore, any residential lot having been previously platted, approved or developed with a side yard setback less than that required by this ordinance shall hereafter develop in conformance with those side yard setbacks as heretofore approved. In no case, however, shall a side yard be less than five feet unless otherwise specifically allowed by this ordinance.

2.5.3 Traffic Visibility Across Corners.

a) Sightlines at Intersections of Streets.

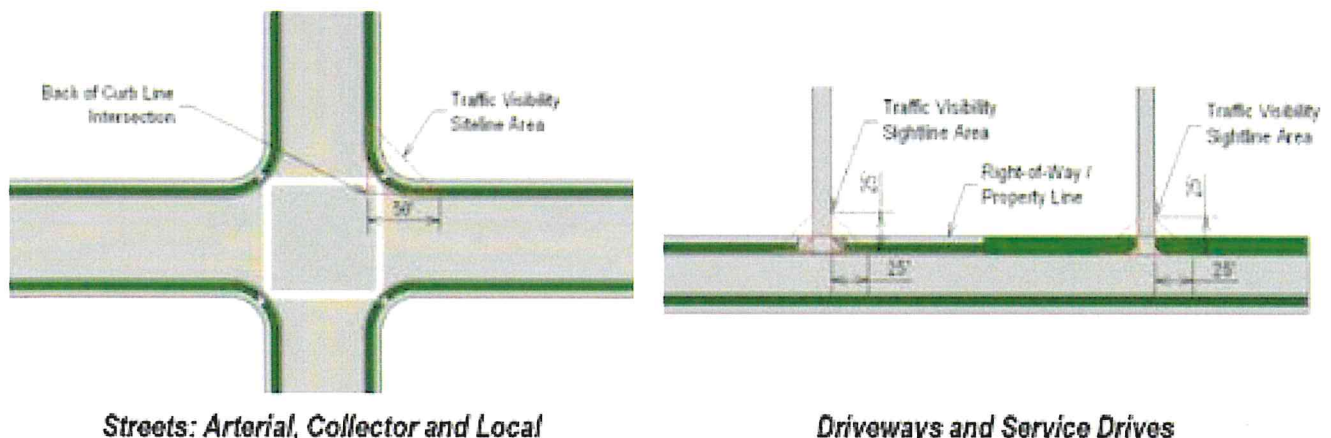
- i. A triangular area as defined in paragraph 2.5.3 a) iii. shall be graded and shall be free of sight obstructions so that vision between a height from two to ten feet above the centerline grades of the intersecting streets is not obscured.
- ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting streets within the triangular area defined in herein.
- iii. Such triangular area shall be bound at street intersections as measured along the back of curb on both streets for a distance of 50 feet from the point of intersection of the curb line. In the

absence of curb, the triangular area shall be measured 50 feet from intersection of the projection line of the edge of pavement.

b) Sightlines at Intersections of Driveways or Access ways with Streets.

- i. A triangular area as defined in paragraph 2.5.3 b) iii. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten feet above the centerline grades of the intersecting driveway, access way, or streets is not obscured.
- ii. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting driveway, access way, or streets within the triangular area defined in Section 2.5.3.b) iii.
- iii. Such triangular area shall be bound by the intersecting driveway, access way, or street centerlines and a diagonal connecting two points as measured along the back of curb on both streets and driveways for a distance of 25 feet

Figure 2.4 - Sight Lines at Intersections



Streets: Arterial, Collector and Local

Driveways and Service Drives





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

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, October 22, 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 August 27, 2024 minutes.

New Business

3. *Passed 5-0* Gale York has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the construction of a pool enclosure within 11' of the rear yard property line. The property address is 889 Manoo Court. The tax parcel number is 067K-1-36-179.000. The property is in an R-6 zoning district. The rear yard setback is 20'. The variance requested is 9'. The Case File Number is 202400465.
4. *Passed 5-0* Purcell Co. Inc. has filed an application requesting a re-subdivision tax parcel number 132-0-09-001.001 and 132F-0-04-014.000 and combining the 2 new adjoining parcels. The properties are located on Noma Dr. and are in the PRF Public Facilities and Recreation District. The Case File Number is 202400496.
5. *Passed 5-0* Authorize Staff to present a recommendation to the Commission on changes to fence setbacks on corner lots.
6. *Passed 5-0* Authorize Staff to present a recommendation to the Commission on changes to setback requirements on screened pool enclosures.
7. *Passed 5-0* Motion to approve 2025 meeting dates and application deadlines.

Unfinished Business - Sign Ord. Sunset Clause

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

**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 4.3.10.f.xiii – Uses and Conditions - Fences. The proposed text amendment is to remove “In the situation of a corner lot, each street-side frontage shall be considered as a front yard.” The Case File Number is 202400571.

In accordance with Article 9.10.2, the City Council shall have jurisdiction with respect to all Text Amendments and Map Amendments. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Map Amendments.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, December 10, 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 J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.