

#### **4.3.10 Fences.**

##### **f) Requirements**

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. Residential Districts abutting Commercial Districts or the I-10 walking trail shall not exceed eight (8) feet in height for the section of the fence abutting the above. 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.

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





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. *Add 8' 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.



10/28/25 P+2 minutes

2. Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

Development Coordinator , Pat Rich explained why the Variance was needed. He answered questions.

Robert Shiyou spoke and answered questions from Commissioners.

Commissioner Parrish made a motion, second by Commissioner White, to accept the Variance as petitioned to the City Council.

**Motion Passed Unanimously**

3. Public hearing on a proposed Text Amendment to the Landscaping Ordinance Article 5.9. The Case File Number is 202500600.

Commissioner Raymond opened the hearing.

No one spoke.

Commissioner Raymond closed the hearing.

Commissioner Peters spoke on inconsistencies, wants to review Ordinances from other cities.

4. Public hearing on a proposed Text Amendment to the Tree Ordinance Article 7.1. The Case File Number is 202500601.

Commissioner Raymond opened the hearing

No one was there to speak.

Commissioner Raymond closed the hearing.

Commissioners had questions on current Tree Ordinance, Tree Species.

5. Public hearing on a proposed Text Amendment to the Fence Ordinance Article 4.3.10. The purpose of the amendment is to allow fences greater than 6 feet in selected areas. The Case File Number is 202500498.

Commissioner Raymond opened the Hearing.

No one spoke.

Commissioner Raymond closed the Hearing.

Development Coordinator, Pat Rich explained 8ft on Mdot and Commercial Properties.

Commissioner Peters asked if Trees could be planted between properties.

**Unfinished Business**

None

**Open Public Comments to Non-Agenda Items**

None

**Commissioners' Comments**



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

Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Landscaping Ordinance Article 5.9. The Case File Number is 202500600.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Tree Ordinance Article 7.1. The Case File Number is 202500601.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Fence Ordinance Article 4.3.10. The purpose of the amendment is to allow fences greater than 6' in selected areas. The Case File Number is 202500498.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, October 26, 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](mailto:prich@diamondhead.ms.gov) or 228-242-1613.

# The Sea Coast Echo

POST OFFICE BOX 2009  
BAY SAINT LOUIS, MS 39521-2009

## PROOF OF PUBLICATION

STATE OF MISSISSIPPI  
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State. GEOFF BELCHER, Publisher of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 week(s) to-wit:

On the 9 day of October 2025

On the \_\_\_\_\_ day of \_\_\_\_\_ 2025

On the \_\_\_\_\_ day of \_\_\_\_\_ 2025

On the \_\_\_\_\_ day of \_\_\_\_\_ 2025

Cent B...

Publisher

Sworn to and subscribed before me a NOTARY PUBLIC

Cassandra S. Favre

This 9 day of October 2025



(seal)

### NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMISSION

DIAMONDHEAD, MS

Robert Shiyu has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

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PUBLISH DATE: 10/9/25