

**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.

**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~~ Zoning Administrator. An aggrieved party may appeal such decision to the Planning Commission and, if necessary, to the City Council.

~~**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.

**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](mailto:prich@diamondhead.ms.gov) or 228-242-1613.