



# City of Diamondhead

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## STAFF REPORT TO PLANNING COMMISSION

DATE: March 23, 2021

CASE FILE NUMBER:

APPLICANT: City of Diamondhead

PROPERTY OWNER:

TAX PARCEL NUMBER:

PHYSICAL STREET ADDRESS:

LEGAL DESCRIPTION:

ZONING DISTRICT: A11

TYPE OF APPLICATION: Text Amendment

NATURE OF REQUEST: The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure.

The proposed text amendments would add “no net fill” regulations for Article 14: Land alterations and disturbances. New language would be added to Article(s) 14.1, add the word “filling” to the first sentence; 14.1.1, add the paragraph “No development permit is required for the clearing, grubbing (as to clear by digging up by the roots) or clipping of underbrush.”; 14.1.2, add “Zoning Administrator/Building Official.” to the 2<sup>nd</sup> paragraph; 14.1.3, add “5. All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line.”; and new Article 14.1.4 Filling, 1. *Fill permit require*. Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit. 2. *Application to fill land*. An application to fill land shall contain the following: a) Plot plan, drawn to scale, showing the following: i) Existing site topography, elevations, and drainage flow, ii) Proposed site topography, elevation and drainage flow, iii) Volume, type, and area of proposed fill, iv) Distances from surrounding property lines and buildings, b) A statement expressing the purpose of the proposed fill c) Additional related information as may be requested by the Zoning Administrator, 3. *Fill requirements*. The fill permit application shall demonstrate that the following: a) The least amount of fill is proposed to achieve the purposes of the operation, b) The amount of fill shall be offset so as to achieve no net increase in soil volume on the site, c) Fill shall not exceed a height of 12 inches above adjacent grade, d) Fill standards shall not preclude the excavation and movement of soil from one area of a site to another to establish

buildable grade consistent with section 14.1.2 above, e) Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines, f) Fill shall not cause negative impacts to surrounding property, 4. An application to fill land shall be evaluated by the Zoning Administrator/Building Official for compliance with this section. The Zoning Administrator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: March 23, 2021

ACTION BY THE PLANNING COMMISSION: In accordance with Article 2.8.2, 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.

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the text amendments as petitioned.

The staff recommends to approve the text amendments based on the following findings of fact:

- A. The current Ordinance does address the need to decrease and/or limit the amount of fill placed on an individual lot, thereby possibly diverting surface runoff to adjacent properties.
- B. The current Ordinance does not encourage raised or elevated structures i.e., piers, chain wall foundation.



Commissioner Flowers  
Commissioner Layel  
Commissioner Debrow  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Tuesday, March 23, 2021**  
**6:00 PM CST**  
Council Chambers, City Hall  
and via teleconference, if necessary

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**Call to Order**

Commissioner Rubar called the meeting to order at 6:00 pm

**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

Commissioner Torguson read the Statement of Purpose.

**Pledge of Allegiance**

Commissioner Flowers led the Pledge of Allegiance.

**Roll Call**

Commissioner Rubar, Torguson, Hourin, Flowers, and Debrow. Absent: Hector, Layel

Also present City Attorney Derek Cusick, Building Official, Ronald Jones, Building Inspector, Beau King, Code Enforcement Officer, Pat Rich, Minute Clerk, Tammy Braud.

**Confirmation or Adjustments to Agenda**

Commissioner Hourin, made a motion, second by Commissioner Torguson, to approve the Agenda as presented.

Ayes: Hourin, Flowers, Debrow, Torguson, Rubar      Nays: None      Absent: Hector, Layel

**Motion Passed Unanimously**

**Approval of Minutes**

- 1.

Commissioner Torguson made a motion, second by Commissioner Hourin to approve the minutes of February 23, 2021.

Ayes: Hourin, Flowers, Debrow, Torguson, Rubar      Nay: None      Absent: Hector, Layel

## **Motion Passed Unanimously**

### **New Business**

#### **2. Election of Chairperson and Vice Chairperson**

With the departure of Chairman Bice, and Commissioner Bower, an election was held to replace their positions. A motion was made by Commissioner Torguson, and second by Commissioner Hourin to nominate Commissioner Rubar as Chairman.

#### **Motion Passed Unanimously**

A motion was made by Torguson, and second by Commissioner Flowers to nominate Commissioner Hourin as Vice-Chairman. Commissioner Hourin made a motion to nominate Commissioner Torguson as vice-chairman which died due to a lack of a second.

#### **Motion Passed Unanimously**

3. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure.

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compliance with this section. The Zoning Administrator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

Building Official, Ronald Jones, addressed and answered questions from the Commissioners. Chairman Rubar asked for public comments.

Code Enforcement Officer, Pat Rich, read a letter from Michael Orlando opposing the text amendment.

Mrs. Penny Crawford provided pictures and spoke in favor of the changes.

Duke Levy representing Michael Orlando, spoke and answered questions from the Commissioners. Building Official, Ronald Jones gave a recommendation to approve to the City Council, subject to forwarding the text amendment including all comments received to one of the City's consulting engineering firm.

Commissioner Hourin made a motion, second by Commissioner Flowers to approve and to recommend that the Council forward comments to the engineering firm.

**Motion Passed Unanimously**

**Unfinished Business**

None

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

Mr. John Hall spoke in opposition to the proposed text amendment as worded.

**Commissioners' Comments**

None

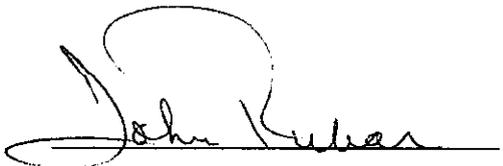
**Communication / Announcements**

Mr. Pat Rich told the Commissioners about possibly 2 variance cases for next month's meeting.

**Adjourn or Recess**

Commissioner Hourin made a motion, second by Commissioner Debrow to adjourn at 6:52 p.m.

5. Next City council Meeting April 6, 2021  
Next Planning Commission Meeting April 27, 2021



John Rubar, Chairman

Planning Zoning