

- i. Drive-through kiosks and windows are restricted to the side and rear of the building.
- ii. Drive-through stacking lanes shall not be placed between the street right-of-way and the associated building except that on corner lots such restriction shall be limited to the front façade of the building.
- iii. Drive-through windows are prohibited on the side of a building facing any residential zoning district or existing residential use.

4.3.4 Dwellings Accessory to Principal

Non-residential Use. Where permitted, dwellings accessory to a nonresidential use shall be subject to the following conditions:

- a) The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
- b) Additional parking spaces required by Article 6 for such dwellings shall be provided.

4.3.5 Home Occupations.

Where permitted, home occupations shall be subject to subject to the following conditions:

- a) Home occupations shall not be carried out in more than 20 percent of the total dwelling building area, not to exceed 500 square feet. No more than one home occupation may be carried out per principal dwelling.
- b) No part of a home occupation may be carried out within an accessory building.
- c) There shall be no onsite employment other than members of the resident family.
- d) The use shall not generate pedestrian or vehicular traffic beyond that reasonably expected to be generated by a residential living unit.
- e) Any need for parking spaces in excess of those required for a residential dwelling shall be provided in an off street location and in accordance with the provisions of Article 6.
- f) Appearance. There shall be no outdoor storage or display and no change in the existing outside appearance of the dwelling or premises or other visible evidence of the conduct of such home occupation or home professional office.

- g) Nuisances Prohibited. No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the subject property.
- h) All home occupations shall be subject to permit approval of the Zoning Administrator.

4.3.6 Swimming Pool.

Where permitted, swimming pools designed to a water depth of 24 inches or more shall be subject to the following conditions:

- a) Location. No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any utility or drainage facility. No portion of any walkway or pool appurtenance structure shall be closer than four (4') feet to any lot line.
- b) Fence. Swimming pools shall be fenced in accordance with the applicable building code in force for the City of Diamondhead.

4.3.7 Residential Accessory Building,

Structure or Use. Where permitted, residential accessory buildings, structures, or uses shall be subject to the following conditions:

- a) Parking Spaces and garages shall comply with Article 6, but no parking garage shall be detached from a main structure.
- b) General Accessory Structures.
 - i. A principal structure shall be already constructed on the same lot.
 - ii. Accessory structures shall not be used as a habitable dwelling unit.
 - iii. Area limitation: Accessory structures shall be limited to 30% of the footprint of the primary structure but not to exceed 800 square feet whichever is less.
 - iv. Maximum height: The maximum height shall not exceed 25 feet. However, the height of the accessory structure shall not exceed the height of the primary structure. The accessory structure shall not exceed one story.
- v. Setbacks: The structure shall not be located in front of nor within 10 feet of the principal building and not within five feet from a side lot line, nor within 10 feet of a rear lot line. If the height exceeds 15 feet, the accessory structure



hundred (100) year magnitude.

Floodway Fringe. That portion of the floodplain outside the floodway.

Floor Area (Gross Floor Area). The total area of all floors, as measured to the outside surfaces of exterior walls (or from the centerline of party walls separating two buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.

G

Garage. A building or part thereof used for the storage or parking of one (1) or more vehicles.

Gate. A point of entry into an enclosed space or an opening in a fence that may prevent or control ingress and egress of the enclosed space.

Gate, Self-Closing. A gate which is kept in a normally closed position and is equipped with an approved device to ensure closing and latching after having been opened for use.

General Merchandise Store. A building with less than ten thousand (10,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.

Government Services Facilities. Municipal, County, State, or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

Grade. The elevation of finished ground or paving.

Group Home. A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable State program.

H

Hazardous Wastes. Those wastes where a significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.

Home Occupation. An occupation for gain or support conducted in a residential dwelling in accordance with the provisions of Section 4.18.3 (B) of this ordinance.

Hospital. A building used for the diagnosis,

treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to also include a sanitarium, sanatorium, clinic, medical center, or other equivalent use.

Hotel. A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws, in which access to and from each room is through an interior door.

I

Immediate vicinity. Immediate vicinity shall include an area within the same zoning district and a 500' radius of the building site. If no buildings exist within the immediate vicinity, then 10 homes within the same zoning district and similarly situated as the proposed building site shall be selected from within the City of Diamondhead.

Impervious Cover. Any area covered by a structure or any other cover which is incapable of being penetrated by moisture.

Intersection. A point where streets, roads, highways, alleys, and driveways meet or cross.

J

Job Shop, Small Scale. The production, fabrication, processing or assembly of goods in facilities 5000 square feet or less in compliance with applicable governmental regulations and, where any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard.

Job Shop Large Scale. The production, fabrication, processing or assembly of goods in facilities greater than 5000 square feet in compliance with applicable governmental regulations and, where any associated smoke, fumes, dust, discharge, noise or odor is confined to the premises, and does not pose a hazard to surroundings in any manner due to potential fire, explosion, or radiation or other hazard.

Junk or Salvage. Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Yards (Salvage Yards). Any land or structure



ARTICLE 6 - OFF-STREET PARKING AND LOADING

6.1 GENERAL PROVISIONS.

The off-street parking and loading requirements hereinafter set forth in this Article supplement the district regulations for each of the districts, pursuant to this Ordinance. In no case is parking authorized on any private or public areas not specifically designed or designated for parking. This includes residential yards, median areas, and roadways.

6.1.1 Procedure. An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this Ordinance.

6.1.2 Extent of Control. All buildings and structures erected and all land uses initiated after the effective date of this ordinance shall comply with the off-street parking and loading requirements of this ordinance and shall provide accessory off-street parking or loading facilities as required herein for the use thereof.

6.1.3 Parking and Storage of Certain Vehicles or Equipment in Residential Zones. Within the various residential zoning districts for the City of Diamondhead, the following restrictions and limitations concerning the parking of recreational vehicles, trailers, equipment and the like shall apply.

- a) The following vehicles are prohibited from being parked in a residential zoning district for more than a 12 hour period:
 - i. All vehicles that have a dump-type bed.
 - ii. All motorized construction equipment.
 - iii. All vehicles that exceed ten (10) feet in height above the grade.
- b) The following vehicles shall be parked behind the front line of the existing house and screened from view from the street and adjacent property, including golf course areas:
 - i. Vehicles that exceed seven feet, six

inches in height above grade.

- ii. Lawn maintenance equipment.
 - iii. All trailers used to transport equipment or construction vehicle parked for more than 24 hours.
 - iv. Individual recreational vehicles such as boats, jet skis, all-terrain vehicles (ATV), or similar vehicles.
- c) The screening utilized to comply with this section shall require a permit issued by the Development Coordinator and shall conform to the following:
- i. When possible, materials utilized for the screen shall be similar to the exterior materials of the primary structure or fence, if a fence exists.
 - ii. In no case shall the following materials be utilized for the required screen: tarpaulin, bed linens or similar, tin or sheet metal, vinyl slatted chain-link or wire mesh, wood sheeting, plastic or vinyl sheeting, or other materials which would detract from the neighborhood.
 - iii. Landscape plantings may be utilized to accomplish the necessary screening.
- d) Major recreational equipment, including but not limited to, travel trailers, campers or camper trucks, coaches, motorized dwellings, or similar equipment, shall not be parked or stored in a driveway or parking area, except for a reasonable amount of time as may be required to load or unload personal property at a residence prior to or after use. Out of town guests of a property owner may be permitted to park major recreational equipment on premises driveway only for a period not exceeding seven days, provided no portion of the equipment extends into the road right-of-way or sidewalks if present.

6.1.4 Location of Parking Areas.

- a) Off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over 500 feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.



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

The City of Diamondhead will hold a public hearing on Article 4.3.5 – Uses and Conditions – Home Occupations. The public hearing is to determine whether changes are required to the ordinance. The Case File Number is 202500002.

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, January 28, 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. 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.