

ARTICLE I: GENERAL PROVISIONS

SECTION 1.1: Short Title

This Ordinance shall be known as the "UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI," and may be so cited, and further referenced elsewhere as "UDO," and herein as "the Ordinance" or "this Ordinance," shall imply the same wording and meaning as the full title.

SECTION 1.2: Authority

This Ordinance is adopted pursuant to authority granted to the City of Gautier by *Mississippi Code Annotated Section 17-1-17 (1972)*.

SECTION 1.3: Jurisdiction

The provisions of this Ordinance shall apply to all properties within the jurisdiction of the City of Gautier and shall govern development and use of land.

SECTION 1.4: General Purpose and Intent

1.4.1 It is the purpose of this ordinance, to promote the health, safety and general welfare of the residents of Gautier, Mississippi.

1.4.2. In support of these purposes, this Ordinance has been formulated following a Comprehensive Plan for the future of the community and is designed to:

- A. implement the adopted Comprehensive Plan;
- B. promote the public health and general welfare;
- C. lessen congestion in the streets;
- D. secure safety from fire, panic, natural disasters and other dangers;
- E. provide adequate light and air;
- F. prevent overcrowding of land and avoid undue concentrations of population;
- G. facilitate adequate transportation, water supplies, wastewater treatment, schools, parks, and other public facilities;
- H. examine the most appropriate use of land;
- I. conserve the value of buildings;
- J. protect existing neighborhoods, preventing their decline and promoting their livability;
- K. conserve natural resources and the environmental quality of the City;
- L. protect developments in, and residents of the community from flooding and other hazards; and,
- M. establish specific procedures, minimum standards and requirements to be followed in the development or redevelopment of land; and
- N. provide for the orderly, efficient and economic development of the City by providing for:

1. The coordination of streets, highways and other public facilities within proposed subdivisions with existing or planned streets and highways or other public facilities;
2. The dedication or reservation of rights-of-way, easements or sites for streets, utilities, open space, recreational areas, and other public facilities; and
3. The protection of historic resources and the natural environment.

SECTION 1.5: Minimum Requirements

The provisions of this Ordinance are intended to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other ordinances, regulations, or any applicable state or federal law, the provisions of this Ordinance shall prevail. Where the provisions of other ordinances, regulations, or any applicable state or federal laws impose greater restrictions, the more restrictive provision shall prevail.

SECTION 1.6: Severability

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.7: Clarity Provision

Before entering this Ordinance on the Minutes, the City Clerk is authorized to make any correction therein regarding spelling, punctuation and grammar in order to more clearly state the purpose thereof.

SECTION 1.8: Existing Approved Uses

Where a complete application for development approval is pending and being diligently pursued on the date of adoption of the UDO, the provisions of the regulations in effect on the date of filing the application shall govern the review and approval of the application for development approval, provided that the application is approved by city council within six months of the date of adoption of this revised UDO.

An existing use which is lawful on the date of adoption of the revised UDO, whether permitted as a "permitted use" or a "conditional use" in the zoning district in which it is located, shall remain a lawful use. If the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained.

SECTION 1.9: Previously Granted Variances

All variances granted before the adoption of this UDO shall remain in full force and effect, including any conditions of that variance, and the property owner or agent with the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, or if the variance is not subject to a time frame for construction and six months have expired, the provisions of the UDO shall govern and the variance shall have no further force and effect.

SECTION 1.10: Conflicts and Abrogation

This UDO is not intended to repeal, abrogate or interfere with any existing public easements duly recorded in the public records of Jackson County or to repeal any lawful approval by official city action of any development agreement or development order, planned unit development, or subdivision, nor to negate any recorded agreement which the city has executed. However, if any ordinance or parts of ordinances of other volumes of the Code of Ordinances are in conflict with any other provision of this Unified Development Ordinance, the provisions of this ordinance and the amended Unified Development Ordinance shall prevail.

SECTION 1.11: Redevelopment

The city shall continue to promote a town center urban design plan which calls for unified redevelopment of the Town Center. Any such project to redevelop or renew the town center (Section 7.3 Comprehensive Plan) or any blighted or underutilized areas shall be considered for density and intensity bonuses in accordance with Article IV.

SECTION 1.12: Protection and Preservation of Archeological and Historic Resources

Any time a proposed development may impact a historic or archeological site within the city, the following subsections of this section shall apply.

- A. Historic structures shall be exempted from the provisions of the International Code Council, if any modification, repair or restoration activity would jeopardize their historical integrity.
- B. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.
- C. An archaeological and historic review summary shall be submitted to the city with applications seeking approvals or permits for the following activities: parking lots, grading, earth moving, excavation and fill, drainage, and utilities placement; permits for coastal zone dredge and fill activity and dock construction; permits for tree removal; park and recreation area construction; and subdivision and planned unit developments; site and development plan reviews and comprehensive plan amendments.