should be allowed in a C-3 district as a Conditional Use-Minor which can be approved in-house by the Technical Review Committee.

If approved, Article V, Section 5.2.2 Uses Permitted by Right and Conditional Uses of the Unified Development Ordinance will be emended to permit Automobile Detail Shops as a Conditional Use-Minor in a C-3 zoning district and as a Conditional Use-Major in a C-2 zoning district, as listed in Table 4.

RECOMMENDATION:

The City Council may:

1. Approve the Planning Commission's unanimous recommendation of the proposed ordinance amendment;
2. Approve the proposed ordinance amendment with changes; or
3. Deny the proposed ordinance amendment.

ATTACHMENTS:

Ordinance

Staff Report with Back-up

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE V, ZONING DISTRICTS AND SPECIFIC REGULATIONS, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY PERMITTING AUTOMOBILE DETAIL SHOPS AS A CONDITIONAL USE-MINOR IN A C-3 HIGHWAY COMMERCIAL DISTRICT AND AS A CONDITIONAL USE-MAJOR IN A C-2 COMMUNITY COMMERCIAL DISTRICT; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CODE OF ORDINANCES OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

A. The Gautier Planning Commission held a public hearing after due public notice and considered this ordinance on Thursday, March 7, 2013. The City Council conducted a public hearing on March 19, 2013.

B. The City Council finds that special consideration must be given to ensure that Automobile Detail Shops are compatible within the C-2 and C-3 commercial districts. Automobile Detail Shops will be allowed as a conditional use to ensure the use is consistent with the goals, objectives and policies of the Comprehensive Plan, ensure the conditional use is consistent with the character of the immediate vicinity, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed.

Section 2. Amendment of Table 4

Article V, Section 5.2.2 Uses Permitted by Right and Conditional Uses, Unified Development Ordinance, is hereby amended to permit Automobile Detail Shops as a Conditional Use – Minor in C-3 Highway Commercial Districts and as a Conditional Use-Major in C-2 Community Commercial Districts, as listed in Table 4.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Adopted: _____

_____
Tommy Fortenberry, Mayor

Attest:

Approved as to form and legal sufficiency.

_____
Cindy Russell, City Clerk

New language is underlined.
Deleted language is ~~stricken~~.

Gautier Planning Commission

Regular Meeting Agenda

March 7, 2013

VII. NEW BUSINESS

A. LEGISLATIVE

3. CONSIDER AN AMENDMENT TO ARTICLE V OF THE UNIFIED DEVELOPMENT ORDINANCE ALLOWING AUTOMOBILE DETAIL SHOPS IN C-2, C-3 AND TCMU AS CONDITIONAL USE-MINOR (STAFF) (GPC 13-06-UDO)

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Babs Logan, Planning Technician

Thru: Eric Meyer, Planning and Economic Development Director

Date: February 26, 2013

Subject: Consideration of an Ordinance to Amend Section 5.2.2 of the UDO to Allow Automobile Detail Shops as a Conditional Use-Minor in C-2, C-3 and TCMU Zoning Districts. GPC #13-06-UDO

REQUEST:

The Planning and Economic Development Director directed Staff to draft an amendment to the Unified Development Ordinance (UDO) to include automobile detail shops as a Conditional Use-Minor in C-2 Community Commercial, C-3 Highway Commercial and TCMU Town Center Mixed Use zoning districts.

BACKGROUND:

Zoning and Land Use History
The City's Unified Development Ordinance does not permit automobile detail shops within a C-2, C-3 or TCMU zoning district.

The amendment only grants property owners within a C-2, C-3 or TCMU district the right to request a conditional use-minor permit to allow an automobile detail shop, after a public hearing and approval by the Technical Review Committee (TRC).

The Amendment Process
Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

The City Council may consider approval after a public hearing based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

The City's UDO has three (3) types of uses which may be allowed in the various districts established: permitted principal uses, permitted accessory uses both of which are permitted by right, and conditional uses.

Conditional uses are uses that are not generally considered compatible with other land uses in a particular zoning district. A Conditional Use-Minor may be approved by the TRC, it they find the use appropriate, after individual site review, based on their site location, design, configuration of buildings, intensity or density of use, or the imposition of conditions pertinent thereto, and may permit such individual uses. Minor Conditional Uses do not "run with the land" and may not be transferred from one owner to the next without application for another Conditional Use –Minor.

The criteria for approval of a conditional use-minor development permit can ensure design and land use compatibility with the uses allowed in a C-2, C-3 or TCMU District.

STAFF FINDINGS:

Staff finds that special consideration must be given to ensure that automobile detail shops are compatible within a C-2, C-3 or TCMU district. With the proposed change to the UDO, automobile detail shops will be allowed as a minor conditional use to ensure the use is consistent with the goals, objectives and policies of the Comprehensive Plan, ensure the conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed.

Staff further finds the request consistent with the policies of the Comprehensive Plan.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the Ordinance; or
2. Recommend that City Council not approve the Ordinance.

ATTACHMENTS:

Ordinance

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE V, ZONING DISTRICTS AND SPECIFIC REGULATIONS, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY PERMITTING AUTOMOBILE DETAIL SHOPS AS A CONDITIONAL USE-MINOR IN C-2 COMMUNITY COMMERCIAL, C-3 HIGHWAY COMMERCIAL AND TCMU TOWN CENTER MIXED USE DISTRICTS; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CODE OF ORDINANCES OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

A. The Gautier Planning Commission held a public hearing after due public notice and considered this ordinance on Thursday, March 7, 2013. The City Council conducted a public hearing on March 19, 2013.

B. The City Council finds that special consideration must be given to ensure that Automobile Detail Shops are compatible within the commercial and mixed use district. Automobile Detail Shops will be allowed as a minor conditional use to ensure the use is consistent with the goals, objectives and policies of the Comprehensive Plan, ensure the minor conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed.

Section 2. Amendment of Table 4

Article V, Section 5.2.2 Uses Permitted by Right and Conditional Uses, Unified Development Ordinance, is hereby amended to permit Automobile Detail Shops as a Conditional Use – Minor in C-2 Community Commercial, C-3 Highway Commercial and TCMU Town Center Mixed Use Districts, as listed in Table 4.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Adopted: _____

_____
Tommy Fortenberry, Mayor

Attest:

Approved as to form and legal sufficiency.

_____
Cindy Russell, City Clerk

New language is underlined.
Deleted language is ~~stricken~~.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 214-2013

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE XIII, NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY DELETING A REQUIREMENT OF SECTION 13.2.3 VESTED INTEREST PROVISION FOR MOBILE HOMES CURRENTLY LOCATED IN THE MURC-MW DISTRICT; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

A. The authority for enactment of this ordinance is contained in Section 4.20 of the City's Unified Development Ordinance.
B. The Gautier Planning Commission held a public hearing, after giving due public notice and considered this ordinance on March 7, 2013. The City Council conducted a public hearing on March 19, 2013.
C. The Planning Commission finds that the City's regulations regarding nonconforming structures do not provide consideration of the restrictions zoning changes placed on mobile home owners due to zoning changes implemented by the adoption of the Comprehensive Plan and Unified Development Ordinance. Therefore, this amendment will allow existing mobile homes to be replaced with larger mobile homes within the MURC-MW district.

Section 2. Amendment of Section 13.2

Article XIII, Nonconforming Buildings, Structures and Uses of Land, is hereby amended to wit (delete strike-thru):

13.2.3 Vested Interest Provision

Any non-conforming use of buildings and land which was lawful before the adoption of this Ordinance may be continued, and further no structure that was lawfully approved or on which construction has begun prior to the effective date of adoption of this Ordinance shall be required to change plans or proposed use of any building provided construction takes place in the time required by this Ordinance. Within the MURC-MW zoning district, mobile homes existing as of June 21, 2011, may be replaced so long as the nonconforming structure ~~is not enlarged and~~ meets all other requirements of the Code.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Motion made by Councilman Gollott, seconded by Councilman Macfarland and the following vote was recorded:

AYES: Tommy Fortenberry
Johnny Jones
Hurley Ray Guillotte
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: None

Adopted: March 19, 2013

_____
Tommy Fortenberry, Mayor

Attest:

Approved as to form and legal sufficiency.

_____
Cynthia Russell, City Clerk

New language is <u>underlined.</u>
Deleted language is ~~stricken~~.

Councilman Gollot did not vote on Business Item #8 – Ordinance allowing existing mobile homes in MURC-MW to be replaced with enlarged mobile homes GPC Case No. 13-07-UDO. Mayor Fortenberry called the vote unanimous.

CITY OF GAUTIER
MEMORANDUM

To: Samantha Abell, City Manager

From: Babs Logan, Planning Technician

Thru: Eric Meyer, Planning and Economic Development Director

Date: March 12, 2013

Subject: Consideration of an Ordinance Allowing Existing Mobile Homes in MURC-MW to be Replaced With Enlarged Mobile Homes. GPC Case #13-07-UDO

REQUEST:

The City Manager directed Staff to draft an ordinance amendment removing the words "is not enlarged and" from Article XIII: Nonconforming Buildings, Structures and Uses of Land, Section 13.2.3 Vested Interest Provision of the Unified Development Ordinance (UDO). This amendment will allow owners of older mobile homes in MURC-MW the option of upgrading to larger mobile homes.

BACKGROUND:

Amendment Process
Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

After due public notice the City Council shall hold a public hearing after the first reading of the ordinance amending the UDO. The City Council may consider approval after a public hearing based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

Planning Commission finds that the MURC-MW zoning district is a mix of single-family dwellings, fish camps, mobile homes, travel trailers, etc. and that allowing an existing mobile home to be replaced with a larger mobile home would not be detrimental to the zoning district as long as it meets all other requirements of the Code.

If approved, Section 13.2.3 of the City's Unified Development Ordinance shall be amended to read (delete strike-thru):

13.2.3 Vested Interest Provision

Any non-conforming use of buildings and land which was lawful before the adoption of this Ordinance may be continued, and further no structure that was lawfully approved or on which construction has begun prior to the effective date of adoption of this Ordinance shall be required to change plans or proposed use of any building provided construction takes place in the time required by this Ordinance. Within the MURC-MW zoning district, mobile homes existing as of June 21, 2011, may be replaced so long as the nonconforming structure ~~is not enlarged and~~ meets all other requirements of the Code.

RECOMMENDATION:

The City Council may:

1. Approve the Planning Commission's unanimous recommendation of the proposed ordinance amendment; or
2. Deny the proposed ordinance amendment.

ATTACHMENTS:

Ordinance

Staff Report with Back-up