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ORDINANCE

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All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

45 **Section 4. Severability**

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

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52 **Section 5. Effective Date**

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

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57 Adopted: _____

_____ Tommy Fortenberry, Mayor

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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

4. CONSIDER AN AMENDMENT TO ARTICLE XIII REGARDING NON-CONFORMING MOBILE HOMES IN MURC-MW (STAFF) (GPC 13-07-UDO)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission
From: Babs Logan, Planning Technician
Through: Eric Meyer, Planning and Economic Development Director
Date: February 27, 2013
Subject: GPC CASE #13-07-UDO | Consideration of an Ordinance Amending Section 13.2.3 Vested Interest Provision to Allow Mobile Homes Existing Within the MURC-MW Zoning District as of June 21, 2011, to be Replaced With a Larger Mobile Home.

REQUEST:

At a City Council meeting on April 19, 2011, Councilman Gordon Gollott made a motion approved by Council to direct Staff to draft an ordinance allowing mobile home owners in the MURC-MW zoning district to be able to replace existing mobile homes, so long as additional mobile homes are not brought into the zoning district. The motion was based on correspondence between the councilman and property owners of the area's mobile home park. On June 21, 2011 the ordinance amendment was approved by Council as follows (underline is new):

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.

Earlier this month the City Manager directed Staff to draft an ordinance amendment that would remove the words "is not enlarged and" from the current ordinance 13.2.3 Vested Interest Provision. This will allow the owners of older mobile homes in MURC-MW the option of upgrading to a larger mobile home.

BACKGROUND:

Section 4.20 of the City’s Unified Development Ordinance (UDO) establishes the procedure to amend the City’s Unified Development Ordinance. The Gautier Planning Commission (GPC) shall review a proposal for an amendment and shall make an advisory recommendation to the City Council as to the need and justification for the change.

After due public notice and a recommendation by the Planning Commission, the City Council shall hold a public hearing to consider the adoption of this ordinance amendment. The City Council may consider approval after a public hearing based on the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

Following an advertised public hearing by the GPC on March 7th, the Ordinance to amend the City’s UDO will be considered for approval by the City Council on March 19th.

DISCUSSION:

The intent of the MURC-MW district is to protect a mix of uses that includes permanent single family residences, seasonal single-family detached residences, and tourist-oriented uses. Several mobile home parks were located within this special planning area prior to it being rezoned to MURC-MW which does not allow mobile homes, but does allow Mississippi Cottages. Therefore, the existing mobile homes are nonconforming structures. Owners of these mobile homes are currently allowed to replace these homes if they were existing as of June 21, 2011 but they cannot be enlarged. Staff finds that the intent of the MURC-MW zoning district will not be compromised by allowing an existing mobile home to be replaced by a larger mobile home.

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:

Staff recommends approval of the ordinance to amend Section 13.2.3 of the City’s Unified Development Ordinance. The Commission may:

1. Recommend that City Council Approve the Ordinance; or
2. Recommend that City Council Disapprove the Ordinance.

ATTACHMENTS:

Ordinance

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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

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- 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

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Section 3. Conflicts

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

45 **Section 4. Severability**

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

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52 **Section 5. Effective Date**

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

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57 Adopted: _____
58 _____
59 Tommy Fortenberry, Mayor

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61 Attest: _____
62 Approved as to form and legal sufficiency.

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64 _____
65 Cindy Russell, City Clerk

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

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

ORDER NUMBER 073-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the bid advertisement for improvements for Allen Road is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

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

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

NAYS: None

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of March 19, 2013.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants & Projects Manager
Through: Eric Meyer, Economic Development and Planning Director
Date: March 11, 2013
Subject: Bid Advertisement for Allen Road Project

REQUEST:

The Economic Development & Planning Department requests approval of a bid advertisement for improvements to Allen Road.

BACKGROUND:

City Council previously approved entering into a Capital Improvements Revolving Loan Program (CAP) Agreement (Order # 199-2012, August 21, 2012) with the Mississippi Development Authority to complete capital improvements including promenade enhancements on Allen Road. Once advertising for bids is approved, the City's Purchasing Agent plans to advertise on March 20th and March 27th with the bid opening scheduled for 2:00 p.m. on Monday, May 13th to allow sufficient time for bids to be submitted.

RECOMMENDATION:

City staff recommends that City Council approve the advertisement of the Allen Road project for bids as specified above.

The City Council may:

1. Approve the bid advertisement as presented; or
2. Approve the bid advertisement with changes.

ATTACHMENT(S):

Bid Package Proposed by Compton Engineering, Inc.

CONTRACT DOCUMENTS
FOR THE

ALLEN ROAD IMPROVEMENTS

PREPARED FOR THE

CITY OF GAUTIER



Tommy Fortenberry	Mayor
Mary Martin	Councilwoman At Large
Johnny Jones	Councilman Ward 1
Hurley Ray Guillotte	Councilman Ward 2
Gordon Gollott	Councilman Ward 3
Scott Macfarland	Councilman Ward 4
Adam Colledge	Councilman Ward 5

Samantha Abell	City Manager
Cindy Russell	City Clerk

MARCH 2013

For information regarding
this contract, contact:



COMPTON ENGINEERING, INC.
Engineering, Surveying, and Environmental Services
1706 Cornett Avenue
Pascagoula, Mississippi 39567
Phone: (228) 762-9070 Fax: (228) 769-9079
E-mail: compton@comptonengineering.com

PROJECT MANAGER: KEITH BUMBERS, P.E.

CE JOB No. 211-026
REV D - ISSUED FOR REVIEW