

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager

**From:** Babs Logan, Planning Technician

**Through:** Eric Meyer, Planning and Economic Development Director

**Date:** October 29, 2012

**Subject:** Consideration of Amendments and Corrections to the Unified Development Ordinance (GPC #12-18-UDO)

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**REQUEST:**

Staff was recently directed to correct errors in the Unified Development Ordinance regarding spelling, grammar, etc. At their October 18, 2012 meeting the GPC reviewed the corrections and recommended Council approval. The GPC also recommended Council approval of the following minor amendments: 1) addition of Minimum Living Area of Dwelling Units in AG zone, Section 5.4.2; 2) amend Section 5.4.3 Minimum Setbacks for Principal Structure side yard to fifty (50) feet for corner lots; 3) moved Minimum Living Area for Single Family Detached Dwelling in Section 5.4.7 from Regulations for Manufactured and Mobile Home Parks to Regulations for Manufactured or Modular Home Subdivisions; 4) exemption of governmental buildings from the Architectural Standards in Article VIII; and 5) addition of Special Events to Section 6.8.2 Temporary Uses Permitted.

The GPC held duly noticed public hearings on September 6, 2012 and October 18, 2012 regarding the UDO amendments and corrections.

**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 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:**

The attached ordinances show the proposed amendments to the UDO. The corrections on spelling, grammar and punctuation can be viewed in the Planning and Economic Development office or a copy can be provided upon request.

**RECOMMENDATION:**

The Planning Commission unanimously recommended approval of the amendments and corrections to the UDO. The City Council may:

1. Approve the Planning Commission's recommendation to approve the Ordinance Amendments and Corrections;
2. Approve the Ordinance with Changes to the Amendments and Corrections; or
3. Disapprove the Ordinance Amendments and Corrections.

**ATTACHMENTS:**

Amendment Attachments

**Gautier Planning Commission**

**Regular Meeting Agenda**

**October 18, 2012**

**VII. NEW BUSINESS**

**A. LEGISLATIVE**

1. CONSIDER ADOPTION OF UNIFIED DEVELOPMENT ORDINANCE REVISIONS (GPC #12-18-UDO)

*Synopsis:*

*Consider amendments and corrections to the UDO for recommendation to Council.*

## 5.4.2 AG, Agricultural District

### Area and Setback Regulations

All uses and structures in the AG District shall meet the following development standards, except as otherwise provided by this Ordinance.

1. **Minimum Lot Area:**
  - Single-Family Dwelling—Twenty thousand (20,000) square feet
  - Agricultural Uses—Three (3) acres
  - Country Clubs—Five (5) acres
  - Golf Course and/or Golf Driving Range—Ten (10) acres
2. **Minimum Lot Width:** One hundred (100) feet for both interior and corner lots at front building line and fifty (50) feet on a public or platted street
3. **Minimum Setbacks for Principal structure:**
  - Front—Fifty (50) feet
  - Side—Twenty (20) feet for interior lots and thirty-five (35) feet for corner lots
  - Rear—Twenty-five (25) feet
4. **Minimum Setbacks for Accessory structure(s):**
  - Front—All accessory structures shall be located in the rear yard of the principal use
  - Side—Ten (10) feet
  - Rear—Five (5) feet
5. **Maximum Building Height:** Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure
6. **Maximum Lot Coverage:** Fifteen (15) percent for principal structure and accessory structures and accessory structures shall not exceed twenty (20) percent of the rear yard
7. **Minimum Living Area of dwelling units—Thirteen hundred twenty-five (1,325) square feet**

### 5.4.3 R-E, Residential Estate District

#### Area and Setback Regulations

All uses and structures in the R-E District shall meet the following development standards, except as otherwise provided by this Ordinance:

1. **Minimum Lot Area:**
  - Single-Family Dwelling—One (1) acre
  - Country Club or similar facilities—Five (5) acres
  - Golf Course—Ten (10) Acres
2. **Minimum Lot Width:** One hundred fifty (150) feet for both interior lots and corner lots at the front building line and fifty (50) feet on a public or platted street.
3. **Minimum Setbacks for Principal structure:**
  - Front—Fifty (50) feet
  - Side—Twenty (20) feet for interior lots and fifty (50) feet for corner lots
  - Rear—Thirty-five (35) feet
4. **Minimum Setbacks for Accessory Structure(s):**
  - Front—All accessory structures shall be located in the rear yard of the principal use.
  - Side—Ten (10) feet
  - Rear—Ten (10) feet
5. **Maximum Building Height:** Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure
6. **Maximum Lot Coverage:** Twenty (20) percent for all structures and accessory structures shall not exceed fifteen (15) percent of the rear lot area
7. **Minimum Living Area of dwelling units:** Eighteen hundred (1,800) square feet

#### ADDITIONAL REGULATIONS

Conservation subdivisions may be used in this district with the permission of the City Council.

#### 5.4.7 R-3, Mobile/Manufactured Home Residential District

##### Area and Setback Regulations for Manufactured or Modular Home Subdivisions

1. **Minimum Subdivision Size:** Three (3) acres
2. **Minimum Lot Area :** Five thousand (5,000) square feet
3. **Minimum Lot Width:** Forty (40) feet
4. **Minimum Setbacks for Mobile and/or Modular Homes:**
  - Front—Nineteen (19) feet for interior and corner lots. Front Yards shall front on a public or platted street
  - Side—Five (5) feet for interior lots and nineteen (19) feet for corner lots
  - Rear—Five (5) feet
5. **Maximum Building Height:** Twenty (20) feet for Mobile homes and accessory structures; Thirty-five (35) feet for Community Centers
6. **Maximum Lot Coverage:** None, except that accessory structures shall not exceed twenty-five (25) percent of the rear yard
7. **Minimum Living Area: Eleven hundred (1,100) Square feet for Single Family Detached Dwelling**

##### Area and Setback Regulations for Manufactured and Mobile Home Parks

1. **Minimum park size:** Three (3) acres
2. **Periphery Boundary:** The mobile home park perimeter shall be an unoccupied area which shall be fifteen (15) feet along the sides and rear and fifty (50) feet along the front. The inside twenty (20) feet of the fifty (50) foot front area may be used for an interior street, road, driveway, sidewalk or walking trail. Five (5) feet of the side and rear perimeter area shall be a landscaped buffer yard in accordance with *Article XI*.
3. **Minimum area on which a Mobile or Modular home may be parked:**
  - Size— Thirty-five hundred (3,500) square feet
  - Width—Thirty-five (35) feet
4. **Minimum Setbacks for a Mobile or Modular home from internal roads, buildings or other mobile homes:**
  - Front—Fifteen (15) feet
  - Side—Seven (7) feet
  - Rear—Ten (10) feet

Minimum space between two mobile or modular homes—Twenty-one (21) feet.

5. **Maximum Gross Density:** See Table 7 for Tier Bonus Provisions.
6. **Maximum Building Height:** Twenty (20) feet for Mobile homes; thirty-five (35) feet for Community Centers.
- ~~7. **Minimum Living Area:** Eleven hundred (1,100) Square feet for Single Family Detached Dwelling~~

#### **Common Ground Green Space**

A minimum of five (5) percent of the total gross area of the Mobile Home Subdivision or Mobile Home Park shall be set aside for common group or green space for the benefit of residents of the neighborhood. Such space shall be reserved in no more than two (2) major areas and used for passive and/or active recreational facilities.

#### **Additional Regulations Regarding**

All of the following regulations shall also apply to Mobile Homes and MEMA Cottages except where noted.

1. All mobile home lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to a public street which shall be classified as a collector or arterial street as defined by the City of Gautier.
2. All streets, roadways and driveways within a mobile home park shall be hard surface and meet the minimum construction standards recommended by the City Consulting Engineer and shall be sufficiently illuminated at night with street lights.
3. In Mobile Home Subdivisions, only one (1) modular or mobile home shall be permitted per lot.
4. Each mobile home residence must have two (2) hard surface areas for parking of vehicles.

## ARTICLE VIII: ARCHITECTURAL STANDARDS

### SECTION 8.1: Intent, Purpose and Applicability

#### 8.1.1 Intent and Purpose

The purpose of establishing criteria for architectural design and exterior treatment of buildings is to better insure quality construction which contributes to a community image of permanence, stability and visual aesthetics while preventing the use of materials or building standards that contribute to depreciation of property values or cause blight. The intent of these standards is to ensure coordinated design of building facades, additions to buildings, and accessory structures. For determining compatibility, the Technical Review Committee shall refer to the following standards and the illustrations within the "Gautier Architectural Handbook".

#### 8.1.2 Applicability, Exceptions and Variances

##### A. Applicability

Architectural Standards in this section shall apply to the exterior of commercial, ~~industrial, institutional~~, mixed use and multi-family buildings which are new construction; substantially remodeled buildings and/or buildings rebuilt or maintained after destruction equal to or exceeding fifty percent (50%) ~~percent~~ of the appraised tax value as appraised by the Jackson County Tax Assessor. Governmental buildings are exempt from the Architectural Standards in this section.

##### B. Exceptions

In the case of remodeled or rebuilt buildings, the existing appearance of adjacent buildings and the constraints of the sites shall be considered to insure visual harmony and consistency.

##### C. Variances

Requests for variances shall be considered in accordance with *Article IV*.

## **SECTION 6.8: Regulations for Temporary Uses**

### **6.8.1 General Regulations**

A temporary Use permit may be issued for any of the uses itemized in *Section 6.8.2* subject to the stipulations and regulations given for each use and in addition:

- A.** The temporary permit shall be for a specific period of time and at the end of such time, all activities shall cease.
- B.** The permission of the property owner shall be required signifying their permission to place the temporary use on the property in question.
- C.** Upon expiration or revocation of a temporary use permit, the applicant shall clean the site of all debris, whether generated by the temporary use or not.
- D.** Adequate off-street parking shall be provided if needed.
- E.** Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the State Board of Health.
- F.** Suitable safety precautions are taken in accordance with conditions approved by the Economic Development Director to insure that human health and welfare are not jeopardized.

### **6.8.2 Temporary Uses Permitted**

#### **A. Christmas Tree Sales Lot**

The sale of Christmas Trees at Christmas is permitted in Commercial Districts or on the campus of Churches or Places of Worship only as an open-lot sale situation. Such permits shall not be issued for a period of longer than thirty (30) days.

#### **B. Contractor's Temporary Office and Equipment Sheds**

In any district, a permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such facilities shall not contain sleeping or cooking accommodations. Such permits shall be valid for not more than one (1) year but may be renewed for a maximum of one (1) year if needed. Such facilities shall be removed upon completion of the project or the expiration of the permit whichever occurs first.

#### **C. Garage or Rummage Sales**

Temporary permits for garage or rummage sales may be granted provided:

- 1.** The Permit period does not exceed three (3) days.
- 2.** Suitable safety precautions are taken in accordance with conditions approved by the Economic Development Director to insure that human health and welfare are not jeopardized.
- 3.** No more than three (3) such permits are issued to any applicant or to any one (1) address during any single year.

#### **D. Portable Storage Container (POD)**

In any residential district, a Temporary Use Permit may be issued for a POD subject to the following regulations:

1. The use of one (1) container shall be limited to no more than thirty (30) consecutive days in any year. In the event of a catastrophic loss of property due to fire, flood or other physical calamity occurring on the property in question, the permit may be extended for two (2) additional thirty (30) day periods.
2. The container shall be placed on a hard surface such as a driveway on the lot it serves, and shall not be placed on a street right-of-way or in the rear of the property.

#### **E. Real Estate Sales Office**

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision. The permit shall be valid for one (1) year but may be renewed a maximum of three (3) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit whichever occurs sooner.

#### **F. Seasonal Sale of Farm Produce Outdoors**

Farm produce and seafood which is in its harvested form, may be sold from vehicles which are mobile in Commercial Districts, but shall be placed no earlier than 6:00 a.m. and shall be removed daily no later than 9:00 p.m. Such uses shall be limited to the preparation and sale of human food stuffs only.

#### **G. Outdoor Sale of Non-Perishable Goods or Items**

Outdoor sale of goods other than farm produce or seafood may be granted a Temporary Use Permit by the Economic Development Director provided that:

1. The Permit Period does not exceed ten (10) days
2. No more than three (3) such permits are issued to any applicant during any single calendar year
3. All requirements of *Section 6.8.1 General Regulations* are met

#### **H. Special Events**

A Special Event may be granted a Temporary Use Permit by the Economic Development Director provided that:

1. A permit application is submitted to the Economic Development Director at least thirty (30) days prior to the event. The following information will be required on the application:
  - a. Event details with timeline
  - b. Number of people expected
  - c. Organization name, type and Federal Tax ID number
  - d. Detailed map of proposed route/event area along with request for possible street closures.
  - e. Requested City services such as trash receptacles, barricades, etc.
2. The applicant shall submit a hold harmless agreement in a form approved by the City agreeing to hold the City of Gautier free and harmless of any

liability which may result from said event, and accept full responsibility for any liability.

3. The applicant must provide a Certificate of Commercial General Liability Insurance listing the City of Gautier as an additional named insured in the amount prescribed by the Economic Development Director or designee.
  4. An applicant for a permit to hold an event where alcohol is to be sold must provide a Certificate of Insurance in the amount of \$1,000,000 as liquor liability insurance, in addition to the general liability insurance requirements.
  5. All requirements of Section 6.8.1 General Regulations are met.
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