

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

ORDER NUMBER 253-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to remove a protected live oak tree from the future fire station site on Brown Road.

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

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

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

NAYS: None

MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of November 6, 2012.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Babs Logan, Planning Technician
Thru: Eric Meyer, Economic Development Director
Date: October 29, 2012
Subject: Removal of Protected Tree on Brown Road – Site of Future Fire Station

REQUEST:

The Economic Development/Planning Department has received a request from Ray Frair, City of Gautier Fire Chief, to allow removal of a protected live oak from the future fire station site on Brown Road.

DETERMINATION OF APPLICABLE LAW:

11.5.3 Permit Required for Significant/Specimen Tree Removal

In accordance with the procedures in *Article IV, Section 4.23.2 Tree Removal Permit*, a Tree Removal Permit shall be issued by the ED Director prior to issuance of a building permit, if the site proposed for development contains trees. Preservation of native trees including, but not limited to oaks, magnolia, cedar, elms, and pecan shall take priority in determination of trees to be preserved.

11.5.5 Permit Required for Protected Tree Mitigation

The ED Director shall issue a tree removal permit for a protected tree only upon Council adoption of a resolution finding a necessity for the removal of the protected tree(s). To determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of this ordinance to preserve protected trees, and also the following:

- A. Whether the continued preservation of the tree(s) places a significant hardship on the property owner; and
- B. Whether the continuation of the tree(s) would threaten public safety and welfare; and
- C. Whether all other options for preservation and/or relocation have been explored and found unsatisfactory.

Except for owner-occupants of single-family residential homes, applicants who request permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of protected tree, temporary or permanent irrigation, and monitoring for a two-year period, or an in-lieu fee.

- A. The on-site mitigation plan shall include, but not be limited to, the following:
 - 1. A site plan depicting all living protected trees to be removed, utilizing clear and concise graphics.
 - 2. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.

- B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve one of the following methods for off-site mitigation within the City:
 - 1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by city council resolution, to cover the cost of purchasing, planting and initial cost of the off-site plantings. Such fee shall be calculated based on \$1,000 per caliper inch, and shall be placed into the tree planting and maintenance fund to provide for tree planting and maintenance on public projects.
 - 2. A mitigation credit towards the value of the replacement in-lieu fee may be approved by Council for public amenities provided at the subject site, upon the submittal of project estimate and approval by Council.
 - 3. Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.

- C. Mitigation Tree Planting and Tree Preserve Replacement Ratios

Table No: 24 Schedule for Replacement of Protected Trees	
Diameter of Tree Removed	Minimum Number of Trees
40" and above	35 twenty-four inch box protected trees, or fee set by Council resolution
Above 35--40"	50 fifteen-gallon protected trees, or 25 twenty-four inch box protected trees, or fee set by Council resolution

Above 30--35"	40 fifteen-gallon protected trees, or 20 twenty-four inch box protected trees, or fee set by Council resolution
Above 25--30"	35 fifteen-gallon protected trees, or 17 twenty-four inch box protected trees, or fee set by Council resolution
Above 20--25"	30 fifteen-gallon protected trees, or 15 twenty-four inch box protected trees, or fee set by Council resolution
Above 15--20"	20 fifteen-gallon protected trees, or 10 twenty-four inch box protected trees, or fee set by Council resolution
Above 10--15"	15 fifteen-gallon protected trees, or 6 twenty-four inch box protected trees, or fee set by Council resolution
6--10"	8 fifteen-gallon protected trees, or 4 twenty-four inch box protected trees, or fee set by Council resolution

DISCUSSION:

Staff has looked at the site plan and sees no other option but to allow removal of the tree to allow construction of the fire station. An off-site mitigation plan can be approved in conjunction with the MDOT Transportation Enhancement Project.

RECOMMENDATION:

The Economic Development Director recommends approval to remove the protected tree and mitigation in conjunction with the MDOT Transportation Enhancement Project.

The City Council may:

1. Approve the removal and mitigation of the protected tree as recommended by the Economic Development Director; or
2. Deny the removal and mitigation of the protected tree.

ATTACHMENTS:

Letter from Chief Ray Frair
Property Survey
Site Plan
Arial View of Property

Mayor
Tommy Fosterberry

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon J. Gallott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge

City of Gautier
Gautier, Mississippi



City Manager
Samantha D. Abell

Interim City Clerk
Teresa L. Montgomery

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

September 13, 2012

TO: Eric Meyer
Economic Development and Planning Director

FROM: Ray Frair
Fire Chief

SUBJECT: Tree Removal – Future Fire Station Site

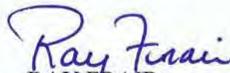
Mr. Meyer,

The Gautier Fire Department respectfully request permission be granted to remove an existing oak tree from the future fire station site on Brown Road. We have been told this tree is a “water” oak, but according to your office we have also been told this is a “live” oak. Since the fire department is not a subject matter expert on tree species, we are asking for guidance on determining the species of the tree and if it is a protected tree, we are asking permission to remove the tree because the location of the tree is within the construction zone of the fire station.

I have attached a copy of the plat for the property along with an aerial photo of the future construction site with the tree and also a site plan for the construction project.

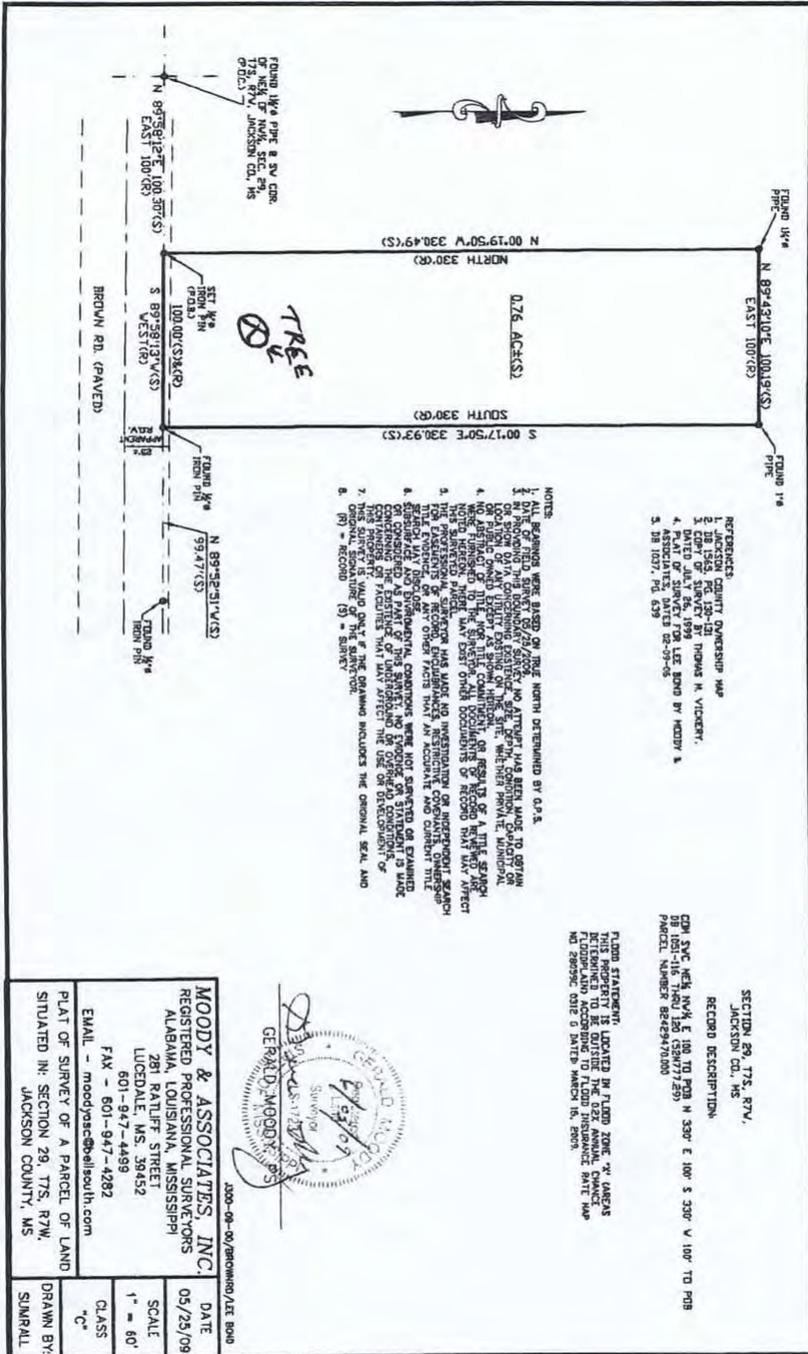
We await further guidance on this concern..

Thank you.


RAY FRAIR

xc: Samantha Abell – City Manager

Attachments:
Plat Plan
Aerial Photo
Site Plan



- REFERENCES:
1. JACKSON COUNTY OWNERSHIP MAP
 2. COPY OF SURVEY BY HOWARD H. VICKERY, CIVIL ENGINEER, 1795 LEE ROAD BY MOODY & ASSOCIATES, DATED 02-29-08
 3. 28 1027, PL. 639

FLOOD STATEMENT:
 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS WITH AN ANNUAL FLOODING PROBABILITY OF 1% OR GREATER ACCORDING TO FLOOD INSURANCE RATE MAP NO. 26059C 0212 D DATED MARCH 10, 2005)

- NOTES:
1. DATE OF FIELD SURVEY 05/28/09. NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW ON A CONTINUING EXISTENCE, SET OF RECORD, QUALITY OR REASONABLY ACCURATE, REPRODUCIBLE, WITHIN THE SCOPE OF THIS SURVEY, OF PUBLIC BOUNDARY AS SHOWN HEREON, IN THE SEARCH OF RECORDS TO THE EXTENT OF THE RECORD THAT MAY AFFECT THIS SURVEY. THERE MAY BE OTHER OCCURRENCES OF RECORD THAT MAY AFFECT THIS SURVEY.
 2. THIS PROFESSIONAL SURVEYOR HAS MADE AN INVESTIGATION ON REPERCUSSORY SEARCH OF RECORDS TO THE EXTENT OF THE RECORD THAT MAY AFFECT THIS SURVEY. THE INVESTIGATION HAS REVEALED THAT THERE ARE NO RECORDS ON FILE THAT MAY AFFECT THIS SURVEY.
 3. THIS PROFESSIONAL SURVEYOR HAS MADE AN INVESTIGATION ON REPERCUSSORY SEARCH OF RECORDS TO THE EXTENT OF THE RECORD THAT MAY AFFECT THIS SURVEY. THE INVESTIGATION HAS REVEALED THAT THERE ARE NO RECORDS ON FILE THAT MAY AFFECT THIS SURVEY.
 4. THIS PROFESSIONAL SURVEYOR HAS MADE AN INVESTIGATION ON REPERCUSSORY SEARCH OF RECORDS TO THE EXTENT OF THE RECORD THAT MAY AFFECT THIS SURVEY. THE INVESTIGATION HAS REVEALED THAT THERE ARE NO RECORDS ON FILE THAT MAY AFFECT THIS SURVEY.
 5. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR.



MOODY & ASSOCIATES, INC.
 REGISTERED PROFESSIONAL SURVEYORS
 ALABAMA, LOUISIANA, MISSISSIPPI
 281 RATLIFF STREET
 LUCEDALE, MS. 39452
 601-947-4499
 FAX - 601-947-4282
 EMAIL - moodyassoc@allsouth.com

PLAT OF SURVEY OF A PARCEL OF LAND
 SITUATED IN: SECTION 29, T7S, R7W,
 JACKSON COUNTY, MS

DATE 05/28/09
 SCALE 1" = 60'
 CLASS "C"
 DRAWN BY: SUNBALL

Gerald Moody 601-947-4499