

**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 Automobile Detail Shops in C-2 and C-3 as Conditional Uses; GPC Case #13-06-UDO

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**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. After reviewing Staff's report, the Planning Commission recommended to amend the UDO by allowing automobile detail shops in C-2 as a Conditional Use-Major and in C-3 as a Conditional Use-Minor.

**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 TCMU zoning district is a more restricted district and Automobile Detail Shops should not be allowed in that district. They find that an Automobile Detail Shop should not be permitted by right in a C-3 or a C-2 zone; however, the use could be made compatible within the C-2 or C-3 district with conditions. Because C-2 is somewhat stricter than C-3 they find that an Automobile Detail Shop should be allowed in a C-2 district as a Conditional Use-Major which must be approved by Council, and that an Automobile Detail Shop

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.  
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**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

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### **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, if 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**

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**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.

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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: \_\_\_\_\_

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Tommy Fortenberry, Mayor

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