

Wed Jul 17 2013 12:55:51 PM

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OWNERS CONSENT AND DESIGNATION OF AGENCY - CONDITIONAL USE

I, Hardy Court Shopping Center, Inc. fee simple owner of the following described property (give legal description):

Attached

hereby petition to the City of Gautier to Grant a Conditional Use of Church

in _____
and affirm that Sandra Stallworth is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

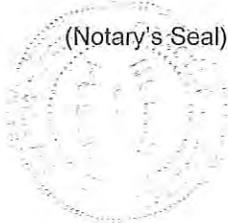
Don McWilliams
(Owner's Signature) as Agent

The foregoing instrument was acknowledged before me this 16th day of July 2013, by Don McWilliams, who is personally known to me or has produced N/A as identification and who did take an oath.

Dorothy L. Brewer
(Printed Name of Notary Public)

Dorothy L. Brewer
(Signature of Notary Public)

Commission # _____ My commission expires 09-25-2013.



FEET TO A POINT; THENCE S10°10'W, 150 FEET TO A POINT; THENCE N79°50'W AND PARALLEL WITH THE SOUTH LINE OF U.S. HIGHWAY 90 A DISTANCE OF 120 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 36; THENCE N00°02'E ALONG SAID WEST LINE 152.38 FEET TO THE POINT OF BEGINNING.

PARCEL "B"

COMMENCING AT A POINT ON THE WEST LINE OF SECTION 36, T7S, R7W, JACKSON COUNTY, MISSISSIPPI, WHERE SAID WEST LINE INTERSECTS THE SOUTH LINE OF U.S. HIGHWAY 90; THENCE S79°50'E ALONG THE SOUTH LINE OF U.S. HIGHWAY 90 A DISTANCE OF 146.81 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE S79°50'E ALONG SAID SOUTH LINE 175 FEET TO A POINT; THENCE S10°10'W, 349.7 FEET TO A POINT; THENCE S79°50'E AND PARALLEL WITH THE SOUTH LINE OF U.S. HIGHWAY 90 A DISTANCE OF 65 FEET TO A POINT; THENCE S10°10'W, 180 FEET TO A POINT; THENCE N79°50'W AND PARALLEL WITH THE SOUTH LINE OF U.S. HIGHWAY 90 A DISTANCE OF 292.14 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 36; THENCE N00°02'E ALONG SAID WEST LINE 385.7 FEET TO A POINT; THENCE S79°50'E AND PARALLEL WITH U.S. HIGHWAY 90 A DISTANCE OF 120 FEET; THENCE N10°10'E, 150 FEET TO THE POINT OF BEGINNING.

PARCEL "C"

COMMENCING AT A POINT ON THE WEST LINE OF SECTION 36, T7S, R7W, JACKSON COUNTY, MISSISSIPPI, WHERE SAID WEST LINE INTERSECTS THE SOUTH LINE OF U.S. HIGHWAY 90; THENCE S79°50'E ALONG THE SOUTH LINE OF U.S. HIGHWAY 90 A DISTANCE OF 321.81 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE S79°50'E ALONG SAID SOUTH LINE 262.67 FEET TO A POINT; THENCE S10°10'W, 150 FEET; THENCE S79°50'E AND PARALLEL WITH U.S. HIGHWAY 90 A DISTANCE OF 200 FEET TO A POINT ON THE WEST LINE OF LADNIER ROAD; THENCE S07°53'W ALONG THE WEST LINE OF SAID LADNIER ROAD 380 FEET; THENCE N79°50'W AND PARALLEL WITH U.S. HIGHWAY 90 A DISTANCE OF 412.81 FT.; THENCE N10°10'E, 180 FEET TO A POINT; THENCE N79°50'W AND PARALLEL WITH U.S. HIGHWAY 90 A DISTANCE OF 65 FEET; THENCE N10°10'E, 349.7 FEET TO THE POINT OF BEGINNING.

FEET TO THE POINT OF S79°50'E ALONG SAID S THENCE S07°53'W ALONG N79°50'W AND PARALLEL 200 FEET TO A POINT;

PARCEL "E"

COMMENCING AT A POINT MISSISSIPPI, WHERE SA THENCE S00°02'W ALONG TO THE POINT OF BEGIN PARALLEL WITH THE SOUTH POINT ON THE WEST LINE SAID LADNIER ROAD 320 N89°36'W ALONG THE NORTH TO THE WEST LINE OF SECTION 36 A DISTANCE

WE HEREBY CERTIFY TO

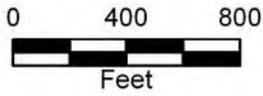
Shirley O. Jones
ALABAMA REGISTRATION

Location Map

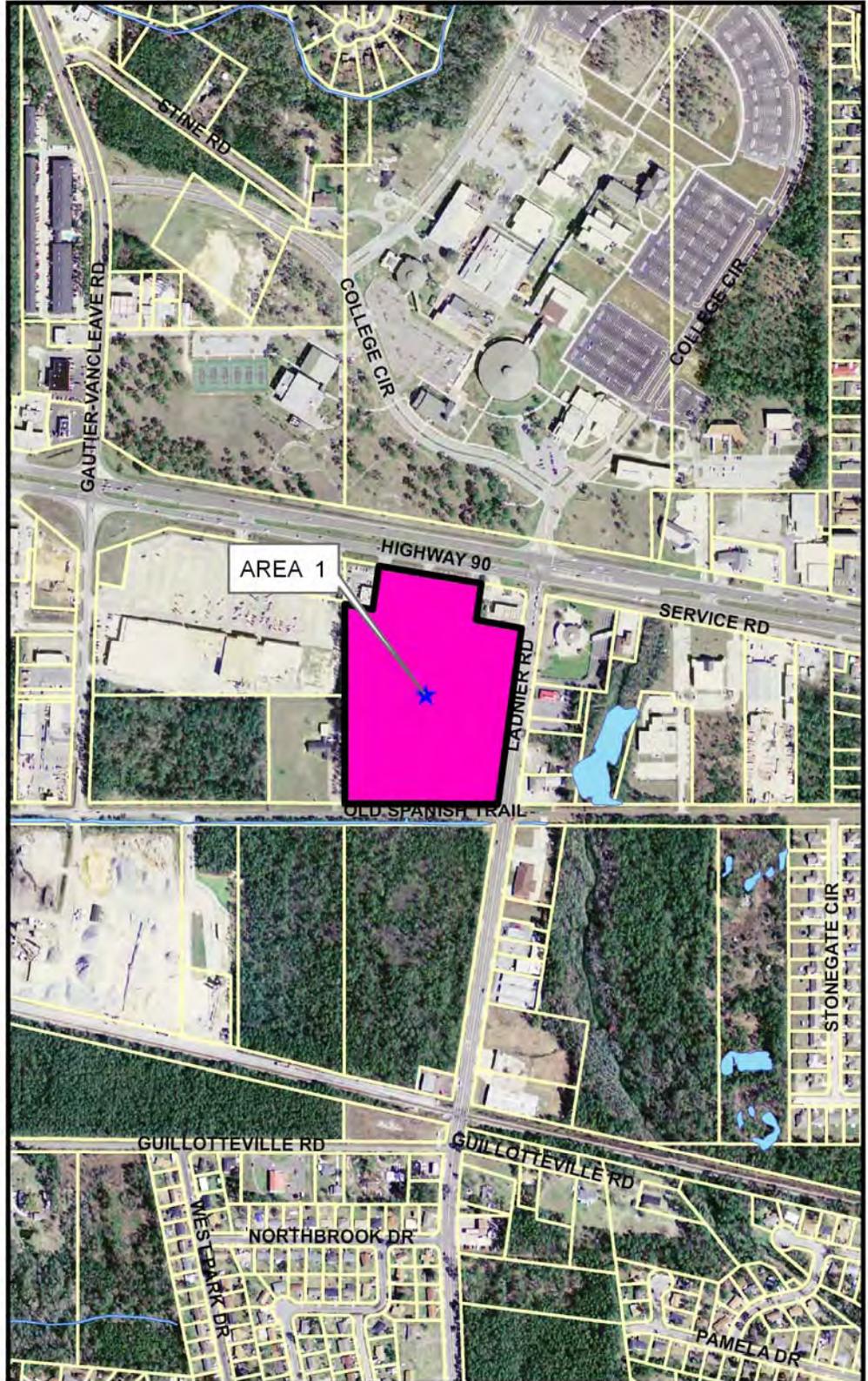
2313 Highway 90

Major Conditional Use

City Of Gautier
Economic Development/Planning

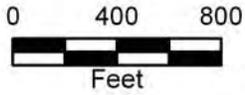


Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

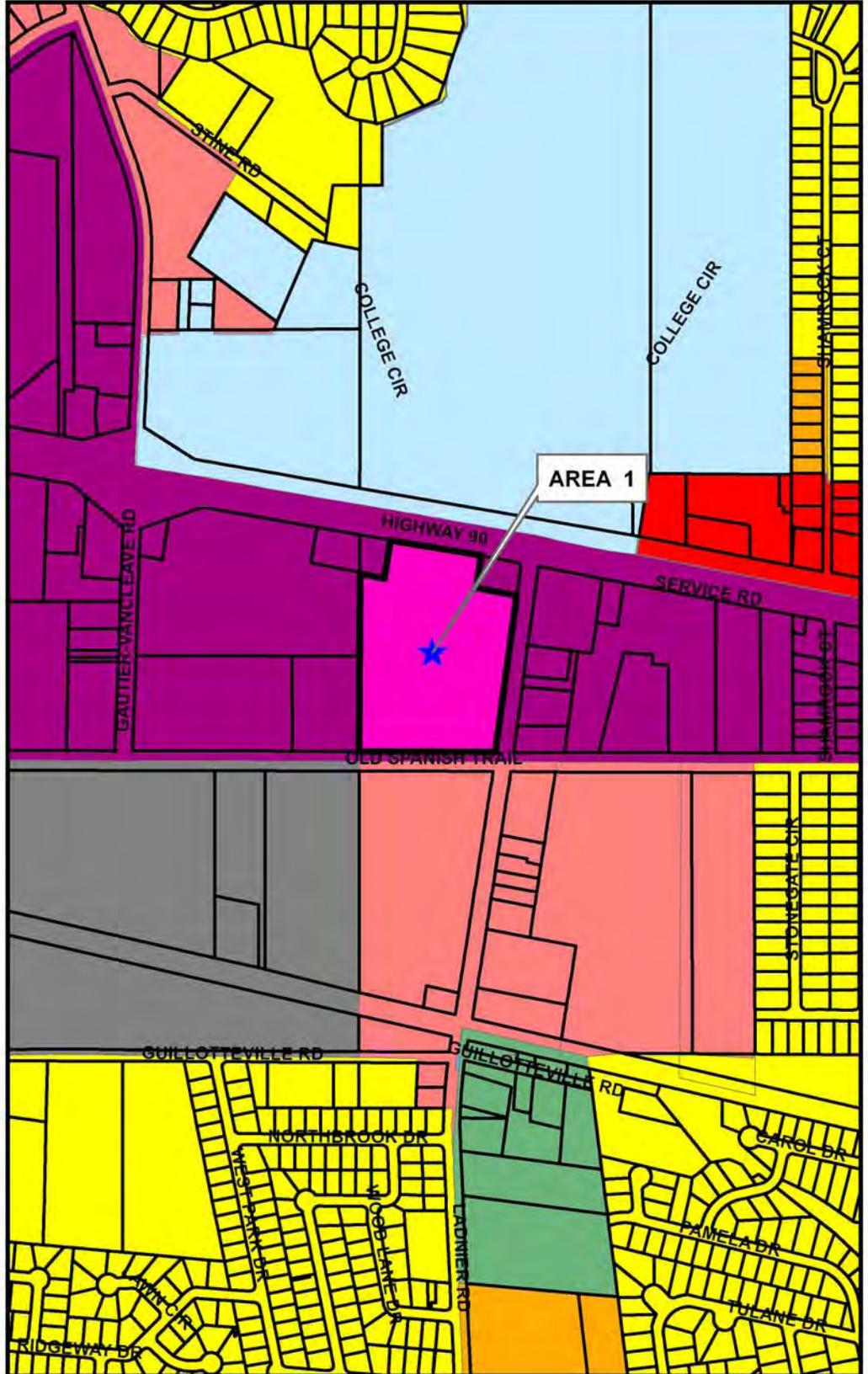
City Of Gautier
Economic Development/Planning



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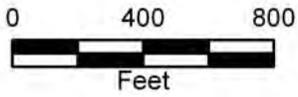
Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

City Of Gautier
Economic Development/Planning

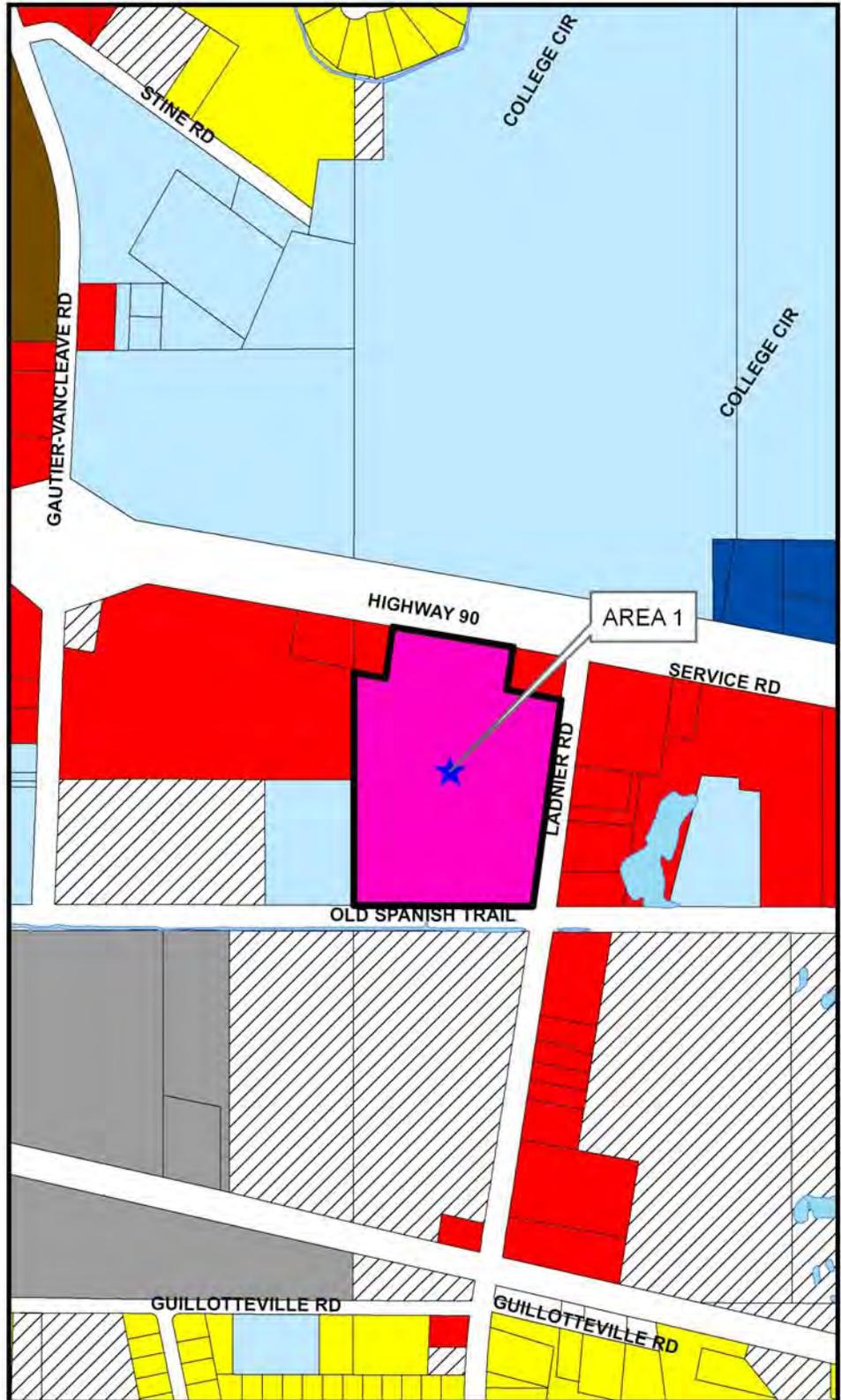


Prepared by the
City of Gautier
GIS Division

Legend

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant



Future Land Use Map

City Of Gautier
Economic Development/Planning



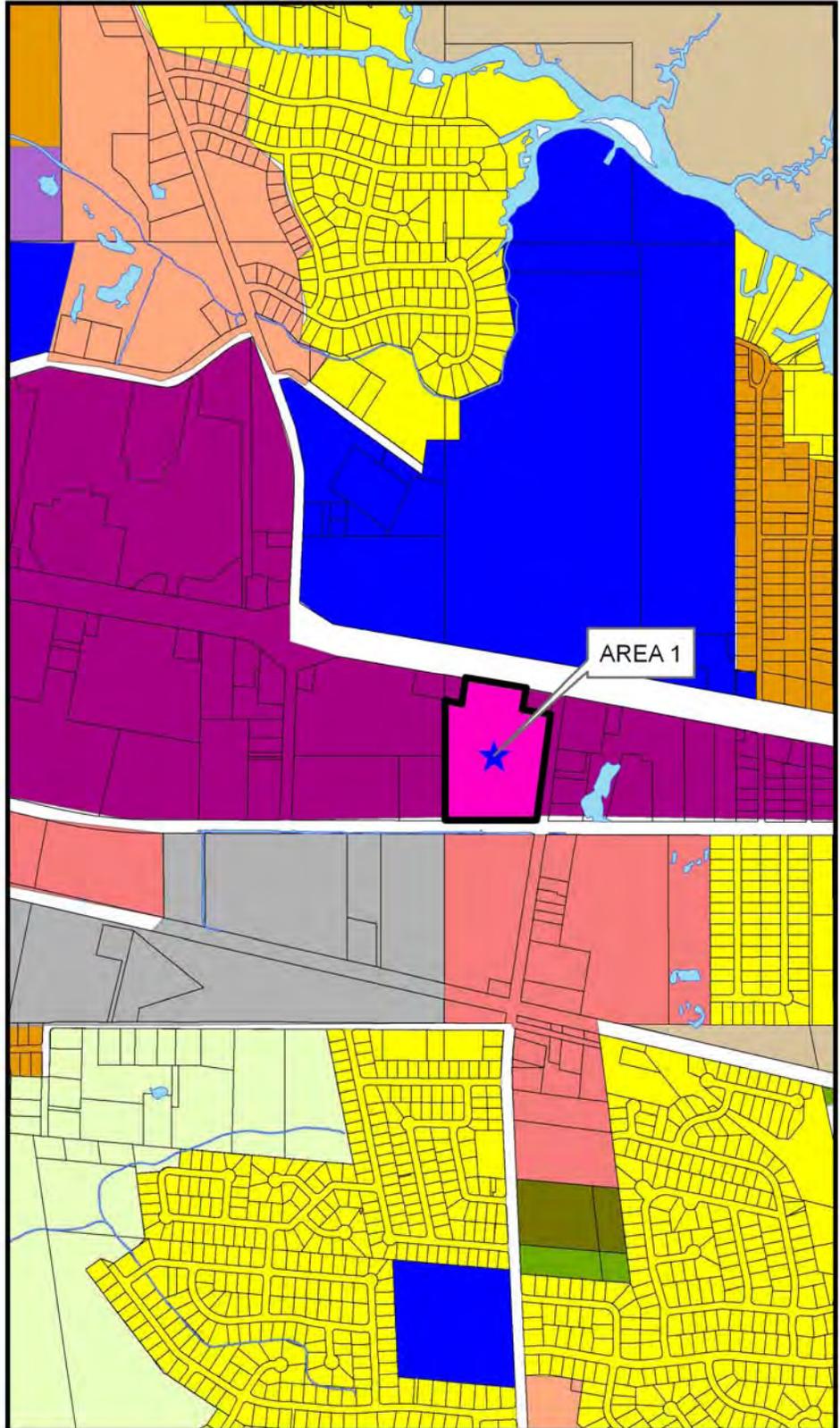
0 400 800



Feet



Prepared by the
City of Gautier
GIS Division



Legend

- Blue: Civic
- Red: High Impact Commercial
- Tan: Conservation
- Dark Green: High Density Residential
- Grey: Industrial
- Yellow: Low Density Residential
- Orange: Medium Density Residential
- Purple: Mobile Home Residential
- Light Orange: Low Impact Commercial
- Light Green: Recreational
- Teal: Recreational Commercial
- Dark Red: Regional Scale Commercial
- Magenta: Mixed Use Residential
- Dark Purple: Town Center
- Light Yellow: Very Low Density Residential

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 13-18-CU**

END TIME MINISTRIES

REGARDING PARCEL ID NO: 82436050.051

The City of Gautier, at its regular meeting held on August 20, 2013, considered the application for a Conditional Use-Major Development Permit for a church as submitted by Sandra Stallworth, Pastor of End Time Ministries. The parcel subject to this Permit is located at 2313 Highway 90, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the Conditional Use-Major Development Permit and orders as follows:

1. This proposed Conditional Use-Major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
2. This proposed Conditional Use-Major is consistent with the character of the immediate vicinity of the proposed use.
3. The proposed use, classified as a church, is permitted as a Conditional Use-Major in the TCMU District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on July 11, 2013 for a Conditional Use-Major Development Permit.
5. The following additional conditions will ensure that the operation of the proposed conditional use will minimize any detrimental effects on neighboring properties and shall apply to the project:
 - a. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See attached.)
 - b. The physical location of the church and all operations shall be restricted to the location at 2313 Highway 90. Any further expansion shall require the permit to be amended.
 - c. Noise levels shall meet the City's noise ordinance. (See attached.)

6. The City Clerk shall have this permit recorded in the public records of Jackson County, at the expense of the applicant, and provide the applicant a copy of the permit with the recording information affixed.

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on August 1, 2013.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of End Time Ministries, located at 2313 Highway 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82436050.051.

August 20, 2013
Date of Issuance

Attest:

Gordon Gollott, Mayor
City of Gautier, Mississippi
3330 Highway 90
Gautier, MS 39553

Cindy Russell
City Clerk

40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

3404.5 Opening protectives. Doors and windows along the fire escape shall be protected with $\frac{3}{4}$ -hour opening protectives.

SECTION 3405 GLASS REPLACEMENT

3405.1 Conformance. The installation or replacement of glass shall be as required for new installations.

SECTION 3406 CHANGE OF OCCUPANCY

3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3406.2 Certificate of occupancy. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3406.3 Stairways. Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

3406.4 Change of occupancy. When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

SECTION 3407 HISTORIC BUILDINGS

3407.1 Historic buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

3407.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.

Exception: Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

SECTION 3408 MOVED STRUCTURES

3408.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS

3409.1 Scope. The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exception: Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.

3409.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

3409.3 Extent of application. An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3409.4 Change of occupancy. Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.

2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporates any alterations or additions shall comply with this section and Sections 3409.5, 3409.6, 3409.7 and 3409.8.

3409.5 Additions. Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3409.7.

3409.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.7.
2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.

3409.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems,

installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3409.8 Scoping for alterations. The provisions of Sections 3409.8.1 through 3409.8.12 shall apply to alterations to existing buildings and facilities.

3409.8.1 Entrances. Accessible entrances shall be provided in accordance with Section 1105.

Exception: Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 3409.7. Signs complying with Section 1110 shall be provided.

3409.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

3409.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

3409.8.4 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5.

3409.8.5 Ramps. Where steeper slopes than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3409.8.5.

TABLE 3409.8.5
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

3409.8.6 Performance areas. Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

3409.8.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Section 907 for accessible alarms apply only to the quantity of spaces being altered or added.

3409.8.8 Jury boxes and witness stands. In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

3409.8.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an

Sec. 15-5. - Loud music and sounds.

- (a) The operation and use of sound or loudspeaking machines or any equipment for magnifying, amplifying or projecting music, sound or noise on the streets of the city is hereby prohibited.
- (b) It shall be unlawful for any person to use or allow to be used from their place of business, residence or any other location, equipment for magnifying or amplifying and/or enlarging music, sound or noise in an unreasonably loud and large volume, disturbing the public generally and/or citizens and residents in close proximity to such place or places.
- (c) Religious, political, civic or public gatherings, speakings and meetings are specifically excluded from the effect of this section; provided, however, that such meeting or gathering be first approved by the chief of police and a formal written permit be issued by the planning director. Provided further, that any such permit so issued may, by the chief of police or planning director, be recalled and/or revoked at will if in the opinion of the chief of police or planning director the use of such equipment is objectionable or should for any reason not be allowed.

(Ord. No. 97, §§ 1—3, 12-3-96)

Editor's note—

Ord. No. 97, adopted Dec. 3, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—3 of such ordinance as § 15-5 was at the discretion of the editor.