CITY OF GAUTIER
MEMORANDUM

To: Samantha Abell, City Manager

From: Babs Logan, Planning Technician

Thru: Chandra Nicholson, Planning and Economic Development Director

Date: November 21, 2013

Subject: Consideration of an Ordinance Allowing Recreational Vehicles as a Conditional Use-Major in the MURC-MW Zoning District; GPC Case #13-23-UDO

REQUEST:

The Planning and Economic Development Department has received a request from James T. Lacy to amend Section 5.2.2 of the Unified Development Ordinance (UDO) to include "Recreational Vehicles" as a Conditional Use-Major in MURC-MW Mixed Use Recreation Commercial-Mary Walker zoning district. The request is not site specific except as it applies to parcels in the MURC-MW district.

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 MURC-MU zoning district was implemented to protect the special character and operation of the area. The area includes a mix of uses such as permanent single-family residences, seasonal single-family detached residences and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs, and restaurants. Recreational vehicles were provided for by allowing "recreational vehicle parks" in the MURC-MW zoning district.

RECOMMENDATION:

Planning Commission recommends denying the request to amend Section 5.2.2 of the Unified Development Ordinance to allow recreational vehicles on individual parcels in MURC-MW.

The City Council may:

1. Approve the proposed ordinance amendment which will allow recreational vehicles on individual parcels in MURC-MW;
2. Approve the proposed ordinance amendment with changes; or
3. Deny the proposed ordinance amendment.

ATTACHMENTS:

Ordinance

Staff Report with Back-up

Emails from Citizens Objecting

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 RECREATIONAL VEHICLES AS A CONDITIONAL USE-MAJOR IN THE MURC-MW MIXED USE RECREATION COMMERCIAL – MARY WALKER 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, November 7, 2013. The City Council conducted a public hearing on December 3, 2013.

B. The City Council finds that special consideration must be given to ensure that Recreational Vehicles are compatible within the mixed use district. Recreational Vehicles will be allowed as a major conditional use to ensure the use is consistent with the goals, objectives and policies of the Comprehensive Plan, ensure the major 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 Recreational Vehicles as a Conditional Use – Major in the MURC-MW Mixed Use Recreation Commercial-Mary Walker, as listed in Table 5.

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: _____

_____
Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

_____
Cindy Russell, City Clerk

Gautier Planning Commission

Regular Meeting Agenda

November 7, 2013

GPC #13-23-UDO

VII. NEW BUSINESS

A. LEGISLATIVE

1. REQUEST TO AMEND THE UDO TO ALLOW RV'S IN A MURC-MW DISTRICT (JAMES T. LACY) (GPC CASE #13-23-UDO)

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Babs Logan, Planning Technician

Thru: Chandra Nicholson, Planning and Economic Development Director

Date: October 29, 2013

Subject: Consideration of an Ordinance to Amend Section 5.2.2 of the UDO to Allow Recreational Vehicles as a Conditional Use-Major in the MURC-MW Zoning District. GPC #13-23-UDO

REQUEST:

The City has received an application from James T. Lacy requesting to amend Section 5.2.2 of the Unified Development Ordinance (UDO) to include "Recreational Vehicles" as a Conditional Use-Major in MURC-MW Mixed Use Recreation Commercial-Mary Walker zoning district. The request is not site specific except as it applies to parcels in the MURC-MW district.

The applicant paid the required $250.00 application fee on October 23, 2013.

BACKGROUND:

Zoning and Land Use History
The City's Unified Development Ordinance does not permit recreational vehicles within the MURC-MW zoning district unless they are located in an RV park.

The amendment would grant property owners within the MURC-MW district the right to request a conditional use-major permit to allow a recreational vehicle, after a public hearing and approval by the Planning Commission and Council.

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-Major requires a recommendation by the Planning Commission and the approval of the City Council, 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. If the major conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions.

The criteria for approval of a conditional use-major development permit can ensure design and land use compatibility with the uses allowed in the MURC-MW District.

STAFF FINDINGS:

Staff finds that when the area was rezoned in December 2010 consideration was made for recreational vehicles and it was decided to only allow them in RV parks. In following the original plans for the MURC-MW Mixed Use Recreation Commercial-Mary Walker zoning district Staff recommends against approval of this ordinance.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the Ordinance; or
2. Recommend that City Council not approve the Ordinance.

ATTACHMENTS:

Application –Exhibit 1
Ordinance

EXHIBIT #1

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

TEXT CHANGE TO UNIFIED DEVELOPMENT ORDINANCE (UDO)

PUBLIC HEARING APPLICATION

Hearing Number
GPC 13-23-UDO

TYPE OF REQUEST:		FEE:
Text Change to UDO	X	$250.00

Name of Applicant : James T. Lacy

Name of Business: _____

Address: _____ Mailing Address (if different): P. O. Box 2221, Hattiesburg, 39403

Email Address: _____

Phone: 601-582-8916 Cell Phone: 601-466-2000

Reason for request: to amend the UDO to allow RV's as a major conditional use in a MURC-MW zoning district

Signature of Applicant: James T. Lacy

Date of Application: 10/23/13

FOR OFFICE USE ONLY

Date Received 10/23/13 **Verify as Complete** BH

Fee Amount Received 250.00

Initials of Employee Receiving Application BJ

EXHIBIT #1

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

TEXT CHANGE TO UDO

Criteria for Approval

1. What Article is proposed to be amended?

   Article V

2. What section and subsection is proposing to be amended?

   Section 5.2.2 Table 5

3. How would you amend the above to read? (Strike-through/Underline format, e.g. ~~change these words~~ to these words)

   Add RV's as a major conditional use in a MURC-MW zoning district in table 5

4. Why are you proposing this amendment?

   I would like to have my RV on my lot so that I can come down for a few days at a time to fish and clean my property. There are other RV's and Mobile homes in the area.

5. Give an analysis of the degree of consistency of the proposed amendment with the goals, objectives and policies of the Comprehensive Plan?

   The comprehensive plan shows the area as recreational commercial.

6. Attach any supporting documents, facts and/or evidence to the application in support of your request.

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Section 1. Authority & Intent

A. The Gautier Planning Commission held a public hearing after due public notice and considered this ordinance on Thursday, November 7, 2013. The City Council conducted a public hearing on November 19, 2013.

B. The City Council finds that special consideration must be given to ensure that Recreational Vehicles are compatible within the mixed use district. Recreational Vehicles will be allowed as a major conditional use to ensure the use is consistent with the goals, objectives and policies of the Comprehensive Plan, ensure the major 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 Recreational Vehicles as a Conditional Use – Major in the MURC-MW Mixed Use Recreation Commercial-Mary Walker, as listed in Table 5.

Section 3. Conflicts

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Section 4. Severability

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Section 5. Effective Date

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

Adopted: _____

_____
Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

_____
Cindy Russell, City Clerk

Babs Logan

From: William Logan [wbigdoglogan@yahoo.com]
Sent: Monday, November 04, 2013 1:45 PM
To: blogan@gautier-ms.gov
Subject: conditional use-major gpc #13-24-cu

Categories: Red Category

Babs Logan
Consurning rv @ lots 25,26,27 willis heights subdivision #2, PID #87420025.000. I thought this was covered over a year ago when the city had 4 rv's removed from this subdivision. The rv is all ready in place. One family went to the expense to build a home and another sold their property. Would this be fair to them. Either this area is zoned for rv use or not. I will be out of town for work and will be unable to attend meeting. Unless the city or planning commission has changed the zoning for this area, I do not see a reason for an rv there now or in the future. The first time it was moved in was on the intent of building a home, the only thing that was built was a large deck for rv. Follow the laws set up by the planning commission and city or change them to suit their needs.
Bill Logan
3220 Willis Street
Gautier,Ms

From: Carolyn Belton [mailto:CBelton@firstwithus.com]
Sent: Wednesday, November 06, 2013 8:59 AM
To: blogan@gautier-ms.gov
Subject: Letter on zoning change

Babs,

I am an owner of the property located at 3216 Willis Street in Gautier.
I understand a letter went out to property owners about a proposed zone change.
I did not get a letter and oppose to the proposed zone change. If you can sent me one I would appreciate it greatly.
Also I would like to be included in any meeting discussions on this topic.

Thanks,

Carolyn Belton
Branch Manager/Loan Officer

FIRST FEDERAL

Phone: (228) 826-9130 Cell (228) 990-3595
Fax: (228)826-2709
Website: www.FirstWithUs.com
Office: 10900 Highway 57 Vancleave, MS 39565

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County shows Paul Roberti, Est. as owner- Ms. Belton is his daughter.

Babs

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