

1 when a city incorporates an area that it  
2 applies the zoning district that is most  
3 like the existing activity, and then it  
4 makes those areas conform to the  
5 description of those districts.

6 That zoning district of R-1 carried  
7 from 2002 until 2009 when a Residential  
8 Estate district was created. And then  
9 after 2009 and 2010, you adopted your  
10 Unified Development Ordinance and then you  
11 actually created those districts to  
12 implement the Comprehensive Plan.

13 So I think Chandra Nicholson was  
14 exactly right when she said it would  
15 impossible for staff in our report to  
16 quantify that an error had occurred,  
17 because in 2002 R-1 was the district that  
18 was adopted by the City Council, after  
19 recommendation by the Planning Commission,  
20 for this area and all low density  
21 residential areas in the City.

22 It wasn't until 2010 that a new  
23 district even existed in order for the  
24 City Council to consider a different  
25 policy. So there's a difference between

1 planning policy and then an error on the  
2 official zoning map. Do you have any  
3 questions?

4 LARRY DAILEY: Probably more than  
5 one.

6 UNIDENTIFIED SPEAKER: Mr. Daily, may  
7 I speak?

8 LARRY DAILEY: No. Let us finish  
9 with our City Manager.

10 CITY MANAGER: And my purpose is just  
11 to remind the Planning Commission, based  
12 on your precedent of when you have used  
13 the trigger to implement those zones that  
14 were annexed in the City, because I think  
15 that east side is a pretty good example  
16 along your waterfront. That area was also  
17 annexed. And it was mixed use and it  
18 incurred significant code enforcement  
19 problems because you had a mixed use  
20 waterfront area, actually there's someone  
21 who could attest to that this evening, and  
22 yet when that area was annexed the most  
23 similar zoning district was applied to it,  
24 and as a result, places like Tucci's  
25 received a lot of code violations and

1 summons to appear in court because it did  
2 not fit the closest district that the City  
3 had for it.

4 But it was not until 2010 that that  
5 area was rezoned to a mixed use district.  
6 The Planning Commission and Council did  
7 not find that an error occurred. You  
8 found that it was appropriate to recognize  
9 what was there and to rezone it  
10 accordingly.

11 LARRY DAILEY: What we've heard  
12 tonight, though, doesn't allow us to take  
13 that action. So are you saying that that  
14 is, just like by that, it is an  
15 appropriate action for us to take?

16 CITY MANAGER: I would simply remind  
17 you that you would need to look at, has  
18 there been a change that allows you to  
19 flip that trigger and implement your  
20 Comprehensive Plan, and that's what this  
21 Planning Commission -- that's what you  
22 were tasked --

23 LARRY DAILEY: How is the change in  
24 the MURC that pulled that trigger?

25 CITY MANAGER: The expansion of

1 Singing River Electric, they doubled their  
2 land size. You had an increase of  
3 traffic, because after Katrina, which was  
4 after you had annexed that area, when you  
5 had new things build back. For instance,  
6 you have a marina with a restaurant.  
7 Well, you had single family homes build in  
8 that area that encroached on a commercial  
9 enterprise.

10 So you had a big diversity of uses  
11 and no one was getting along and it  
12 happened after the annexation. So clearly  
13 the commercial zone that you had did not  
14 recognize the residential uses that were  
15 being built there under a lot of special  
16 use permits.

17 LARRY DAILEY: We didn't have the  
18 discussion at the time that we were going  
19 through all that MURC change that we  
20 recognized that because the area, the  
21 zoning didn't exist at the time, that it  
22 was considered a mapping error and that we  
23 could pull the trigger because of that, as  
24 well. It seems, to my recollection, that  
25 we've talked in those terms, as well.

1 CITY MANAGER: No, sir. That was not  
2 one of your findings of facts, but you and  
3 I have spoken extensively about the Ward 5  
4 area and the fact that we have had  
5 complaints that R-1 was not a one size  
6 fits all approach.

7 LARRY DAILEY: Right. Thank you.  
8 Any other public comments?

9 \* \* \*

10 LARRY DAILEY: Okay. Thank you. The  
11 motion has been withdrawn by Mr. Spainer.  
12 And I'd like to place into -- I'd like to  
13 make a motion to approve GPC Case Number  
14 14-01-RZ, and that we find that we've  
15 heard evidence that this area was clearly  
16 being developed as residential estates,  
17 and as RE did not exist at the time of  
18 incorporation of the area, it was brought  
19 into Gautier at the highest zone  
20 available, which was R-1; we find that  
21 there is clear and convincing evidence  
22 that a mapping error occurred, and the  
23 Comprehensive Plan recognized the error by  
24 identifying it to be rezoned RE, which  
25 would protect the character and quality of

1 the existing neighborhood. That's my  
2 motion. Was that understandable?

3 GREG SPANIER: I'll second it.

4 LARRY DAILEY: We have a motion, and  
5 a second by Mr. Spainer to accept -- to  
6 approve Case 14-01-RZ. Any discussion?

7 All those in favor, raise your right hand.  
8 (Indicating in favor by Dailey, Spainer & Green.)

9 LARRY DAILEY: Opposed?

10 (Indicating in opposition by Walters.)

11 LARRY DAILEY: We have a favorable  
12 recommendation that will be passed on to  
13 Council. Thank you.

14 (Excerpt concluded.)

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## C E R T I F I C A T E

STATE OF MISSISSIPPI

COUNTY OF HARRISON

I, Pamela Michele Keenlance, CSR and Notary Public, duly commissioned for the County of Harrison, State of Mississippi, do hereby certify:

That on the 1st day of May, 2014, there was held the foregoing proceedings before the GAUTIER PLANNING COMMISSION, and that the preceding fourteen (14) pages contain a full, true, and correct copy of my stenotype notes, later reduced to typewritten form by computer-aided transcription of the GAUTIER PLANNING COMMISSION MEETING;

That I am not related to or in anywise associated with any of the parties to this cause of action, or their counsel, and that I am not financially interested in the same;

IN WITNESS WHEREOF, I have hereunto set my hand, this the 18th day of May, 2014.

  
 PAMELA MICHELE KEENLANCE, CSR #1511  
 My Commission Expires: 08-27-14



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

**ORDINANCE NUMBER 216-2014**

**AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE XII, SIGNS, BILLBOARDS AND ADVERTISING MATERIAL, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY REVISING THE SIGN OVERLAY DISTRICT TO ENCOMPASS LANDS COTERMINOUS WITH THE CORRIDOR OVERLAY DISTRICT, FOR THE PURPOSE OF ENCOURAGING TOURISM AND A DESTINATION PLACE; AND SETTING AN EFFECTIVE DATE July 4, 2014.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:**

**Section 1. Authority & Intent**

- A. The authority for enactment of this ordinance is contained in Section 4.20 of the City's Unified Development Ordinance.
- B. The Gautier Planning Commission held a public hearing, after giving due public notice and considered of this ordinance, on May 1, 2014. The City Council conducted a public hearing on June 3, 2014.
- C. The Planning Commission finds that there is a need for Off-Site Directional Sign Marquees for tourist-related businesses and that the creation of a Sign Overlay District will encourage tourism and enhance the feel of a destination place.
- D. The Planning Commission finds the creation of a Sign Overlay District to be consistent with the goals of the Comprehensive Plan.

**Section 2. Amendment of Article XII**

Article XII, Signs, Billboards and Advertising Material, is hereby amended to wit (delete strike-thru):

Section 12.11 Off-Site Directional Signage – Add the following subsection at the end of Section 12.11:

F. An off-site directional sign shall not contain the name of the business, logo, or any other advertising materials, except as allowed by Section 12.18 Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referred to as an Off-Site Directional Sign Marquee.

Section 12.18 Sign Overlay District – Add the following Section at the end of Article XII after Section 12.17:

**Section 12.18 Sign Overlay District**

### 12.18.1 District Creation and Purpose

The Sign Overlay District is hereby created and includes lands coterminous with the Corridor Overlay District.

The purpose of the sign overlay district is to increase tourism in tourism-related areas of the city. It shall be the purpose of the ordinance to encourage multi-tenant free-standing signs whenever possible, but also provide for single-business free-standing signs, in order to limit the proliferation of “snipe signs” and aesthetic disharmony in high density areas.

### 12.18.2 District Regulations

#### A. General

1. Off-site directional signage located within the City may not contain business name, business logo, or other advertising material, except as allowed within the Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referenced as an Off-Site Directional Sign Marquee.
2. Marquees shall be referred to as Single Off-Site Marquee or Shared Off-Site Marquee.
3. Shared Off-Site Marquees are encouraged and will be given more flexibility than single Off-Site Marquees.

B. Applicability – Only tourism related businesses may install or be located on an off-site directional sign which includes the name of the business, logo of business, or any other advertising material. A tourism-related business is defined as a business whose customer base consists largely of non-local patrons, such as hotels, specialty retail, destination shopping venues and restaurants. Franchise restaurants and retail shall be allowed to advertise on an off-site sign in such instances when the franchise is located within a multi-tenant destination center.

C. Number of Signs Allowed - A business will only be allowed one Single Off-Site Marquee. There is no limit on the number of Shared Off-Site Marquees a business may be displayed on, but a particular business may only be listed once per marquee.

#### D. Location and Visibility

1. Shared Off-Site Marquees may be located within the Sign Overlay District at roadway intersections or within 500’ of the intersection. If roadway intersections are spaced more than ½ mile apart, an intermediate sign may be placed approximately mid-way between intersections as approved by the Economic Development Director.

2. Single Off-Site Marquees may be located within the Sign Overlay District, but shall be spaced at least 1000 feet apart along the adjacent roadway.
3. Off-Site Marquee Signs with space for three (3) or more listed businesses may be located on a parcel in conjunction with the allowable number of free-standing business signs in accordance with this Article. Off-Site Marquees Signs with less than three (3) listed businesses on the marquee may not be located on the same parcel as other free-standing business signs.
4. Visibility – Off-site Sign Marquees shall not block the visibility of another existing business or business sign. The TRC may require a temporary field representation of the location and height before approval is granted. In addition, if there is any question about visibility, the TRC or the Economic Development Director may send the Sign Marquee request to Planning Commission and City Council for a public hearing.
5. Off-Site Sign Marquees shall not be placed in the clear visibility triangle as shown in Table No. 28 in Section 11.11 of this UDO.

#### 12.18.3 District Off-Site Sign Requirements

- A. Appearance and Materials - Within the sign overlay district, the Off-Site Sign Marquee must incorporate a minimum of two architectural elements from the official Gautier entrance signs, park entrance signs, directional signs, and/or town center gateway sign. Namely, these architectural elements include: stone, brick, black aluminum, pitched copper roof type cover, copper metal backing, square wooden columns, fluted columns, natural roughhewn wood with routed lettering, or some other detail keeping with the theme “Nature’s Playground” and the historic fishing village feel. In addition, the marquee may incorporate the City’s crane (bird) insignia or Nature’s Playground logo/theme.
- B. Sign Size Limitations
  1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.
  2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per business listed on the marquee.
- C. Height Limitations
  1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.
  2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed

on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

**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.

Motion made by **Councilman Vaughan**, seconded by **Councilman Anderson** and the following vote was recorded:

AYES:           Gordon Gollott  
                  Mary Martin  
                  Johnny Jones  
                  Hurley Ray Guillotte  
                  Casey Vaughan  
                  Rusty Anderson  
                  Adam Colledge

NAYS:           None

Adopted: June 3, 2014

\_\_\_\_\_  
Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

\_\_\_\_\_  
Cynthia Russell, City Clerk

\_\_\_\_\_  
Josh Danos, City Attorney

New language is underlined.  
Deleted language is ~~stricken~~.  
To Be Codified.

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager

**From:** Chandra Nicholson, Economic Development & Planning Director

**Date:** May 27, 2014

**Subject:** Consideration of an Amendment to Article XII of the Unified Development Ordinance to Revise the Corridor Overlay District to incorporate a Sign Overlay District. (City Initiated) GPC Case #14-07-UDO

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**REQUEST:**

The City Manager directed Staff to draft an amendment to the Unified Development Ordinance (UDO) pursuant to Section 4.20, to revise the Corridor Overlay District to incorporate a Sign Overlay District which would allow off-site directional signage in certain instances.

The request for off-site signage by tourism-oriented businesses has increased. The sign overlay district will be coterminous with the corridor overlay district. The district provides an incentive for tourism-oriented businesses to operate within special districts and along major arterials, by allowing a means for off-site signage with specific conditions.

**BACKGROUND:**

**Off-Site Signage History**

The City's Unified Development Ordinance does not permit off-site directional signs with business name, logo, or any other form of advertising.

**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 does not currently allow businesses to erect off-site signage that contain the business name, logo, or any other advertisement. The city has many tourism related businesses

that are not visible from major arterials, therefore, making it difficult for visitors and tourists to find the businesses or to know they exist.

The proposed amendment to Article XII, "Signs, Billboards and Advertising Materials," of the UDO, will revise the sign code for the Sign Overlay District to encompass the mixed use Mary Walker Waterfront District, the Town Center District, and lands located within the Corridor Overlay District.

The proliferation of off-site signs throughout the city should be discouraged in order to prevent excessive visual competition, vehicular distractions, and also prevent the proliferation of "ghost signs" and abandoned signs. However, the overlay district will allow off-site signage while preserving and enhancing town character by requiring new and replacement signage appropriate for tourism-rated activity, expressive of the identity of individual proprietors or the community as a whole, and appropriately sized in its content. The sign overlay encourages the use of the city's sign and design guidelines by requiring the marquees to use a minimum of two architectural elements from Gautier's official "Nature's Playground" sign scheme for appropriate commercial signage, to adequately aid communication and orientation, identify uses and activities, and express local character (see attached ordinance).

Staff finds that the Sign Overlay District will encourage tourism and enhance the feel of a destination place. Stated above, the overlay district will allow off-site signage while preserving and enhancing town character by requiring new and replacement signage appropriate for tourism-rated activity, expressive of the identity of individual proprietors or the community as a whole, and appropriately sized in its content.

Staff further finds the request is consistent with the policies of the Comprehensive Plan.

**RECOMMENDATION:**

The Gautier Planning Commission and Staff recommend that City Council approved the proposed UDO Amendment.

The City Council may:

1. Approve the Planning Commission's unanimous recommendation of the proposed UDO Amendment;
2. Approve the proposed UDO Amendment with changes; or
3. Deny the proposed UDO Amendment.

**ATTACHMENTS:**

1. Draft Ordinance
2. GPC Staff Report with Back-up
3. GPC Minutes Excerpt