

Gautier Planning Commission

Regular Meeting Agenda

October 2, 2014

UDO Text Change Amendment

VII. NEW BUSINESS

B. LEGISLATIVE

1. REQUEST TO CONSIDER AN AMENDMENT TO SECTION 5.2.2 THE UDO TO ALLOW A CHILD CARE FACILITY AS A CONDITIONAL USE-MAJOR IN A R-1 LOW DENSITY FAMILY RESIDENTIAL ZONING DISTRICT; AN AMENDMENT TO SECTION 5.4.18.3 THAT WOULD EXPAND THE AUTHORITY OF THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING REGARDING ADMINISTRATIVE VARIANCES; AN AMENDMENT TO SECTION 5.2.2 TO ALLOW A BED AND BREAKFAST AS A CONDITIONAL USE-MAJOR IN A R-1 LOW DENSITY FAMILY RESIDENTIAL AND AMEND THE SECTION 6.4.2 TO MODIFY THE BED AND BREAKFAST REQUIREMENTS. ((GPC #14-21-UDO)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Erica Greene, City Planner

Date: September 26, 2014

Subject: Consideration of Amendment to the Unified Development Ordinance relating to R-1 Single Family Residential Text Change, and Administrative Variance Text Change for Setback and Signage(City Initiated) GPC #14-21-UDO

REQUEST:

The City Manager directed Staff to draft an amendment to the Unified Development Ordinance (UDO) pursuant to Section 5.2.2 of the Unified Development Ordinance that would allow for a child care facility as a Conditional Use-Major in a R-1 Low Density Single Family Residential zoning district; an amendment to Section 4.18.3 of the Unified Development Ordinance that would expand the authority of the Director of Economic Development & Planning regarding administrative variance; an amendment to Section 5.2.2 that would allow for a bed and breakfast as a Conditional Use-Major in a R-1 Low Density Single Family Residential; and amend Section 6.4.2 to modify the bed and breakfast requirements.

BACKGROUND:

History

The City's Unified Development Ordinance (UDO) does not permit a child care facility in an R-1 zoned district nor a bed and breakfast. The UDO Director of Economic Development & Planning has the authority to grant 30% dimensional variances for setbacks and parking, with criteria for approval. No variances are currently allowed for signage height.

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 a child care facility in an R-1 Single Family Residential zoned area. However the zoned area has existing structures that can only be utilized for commercial development or they sit vacant becoming an eyesore to the neighborhood. In addition, larger homes that would be suitable for bed and breakfast are usually located in residential zoning districts. The proposed amendment to Article V, Section 5.2.2, allows a child care center or bed and breakfast in an R-I Low Density Single Family Residential zone. Both additions to the UDO are based on repeated feedback from citizens.

The City's UDO currently only allows the Director of Economic Development and planning to have a 30% authority over variances for parking and setbacks. The proposed amendment to Article IV Section 4.18.3 Administrative Variances of the UDO increases the 30% to 100% for setbacks, but only in cases of demonstrated fraud or compatibility with surroundings.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council not approve the UDO Amendment.

ATTACHMENTS:

1. Draft Ordinance

48 Most Variances must be granted by the Planning Commission; however, certain
49 minor Variances may be granted by the Economic Development Director in
50 accordance with Section 4.18.3 below.

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52 **4.18.3 Administrative Variances**

53 Within the COR, Corridor Overlay District, applicants shall be required to mitigate
54 a requested dimensional variance in accordance with the Tier Land Use
55 Provisions in Section 5.11. Otherwise, the following dimensional variances may
56 be granted by the Economic Development Director at his/her discretion:

- 57 A. 30% of required off-street parking spaces and/or
58 B. 30% of required maximum sign height and or
59 ~~C. 30% of required setbacks from property lines~~
60 C. 100% of required setbacks from property lines

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62 **4.18.4 Criteria for Approval**

63 The Variance application shall demonstrate the following:

- 64 A. That special conditions and circumstances exist which are peculiar
65 to this particular site (lot or parcel), structure or building involved
66 and which are not applicable to other sites (lots or parcels) or
67 structures or buildings in the same district;
- 68 B. That literal interpretation of the provisions of this Ordinance would
69 deprive the applicant of rights commonly enjoyed by other
70 properties in the same district under the provisions of this
71 Ordinance;
- 72 C. That the special conditions and circumstances do not result from
73 actions of the applicant; and
- 74 D. That granting the Variance requested will not confer upon the
75 applicant any special privilege that is denied by this Ordinance to
76 other similar sites (lots or parcels) structures or buildings in the
77 same district.
- 78 E. Dimensional variances granted by the Economic Development and
79 Planning Director are exempted from A-D criteria for approval, if the
80 applicant demonstrates a circumstance created by contractor fraud
81 and/or misrepresentation in consideration of compatibility with
82 surroundings

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85 **Section 3. Amendment of Article V**

86 Article V, Variances, is hereby amended to wit (delete strike-thru):
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5.2.2 Uses Permitted by Right and Conditional Uses

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "P-permitted use" or "C-conditional use-major" or "c-conditional use-minor". The range of uses allowed as "Permitted Uses and Structures," "Conditional Uses," in each zoning district are summarized in Tables 3, 4 and 5. In the event of a conflict between tables of this Ordinance, the text shall control. The intent of the underlying Future Land Use category of the Comprehensive Plan determines allowable uses in the PUD District.

Table No. 3: Uses Permitted in Residential Districts							
	AG	RE	R-1	R-1A	R-2	R-3	
Accessory Buildings (<i>In accordance with Article VI</i>)	P	P	P	P	P	P	
Adult Day Care Center, Commercial	C				C		
Apartment Building-less than 45' in height				P	P		
Apartment Building – 46' to 60' in height.					P		
Assisted Living Facility					C		
<u>Bed and Breakfast Inn</u>			<u>C</u>				
<u>Bed and Breakfast</u>			<u>C</u>				
Boarding House					C		
Cemetery and/or Columbarium	C		C	C	C	C	
<u>Child Care Center, Commercial</u>	c		<u>CC</u>		c		
Church or Place of Worship	C		c	c	C		
Country Club	c	C	c	c	c		
Clubhouse or Lodge	c	c			P		
Cluster Development							
Community Center	c	c	c	c	c	c	
Condominium, Residential (less than 45' in height).					P		
Condominium, Residential (46' to 60' in height).					P		
Conservation Subdivision	P	P					
Dwelling, Mobile Manufactured Home	C					P	
Dwelling, Multi-family					P		
Dwelling, Single-family, Attached				C			

Table No. 3: Uses Permitted in Residential Districts							
		AG	RE	R-1	R-1A	R-2	R-3
	Dwelling, Single-family, Detached	P	P	P	P		P*
	Dwelling, Two-family				C		
	Farm	P					
	Garage or carport, Private as an Accessory Use	P	P	P	P	P**	P
	Garage Apartment (As an accessory Use)	c	C	c	C	C	C

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Section 4. Amendment of Article VI

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Article VI, Bed and Breakfast Inn, is hereby amended to wit (delete strike-thru):

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6.4.2 Bed and Breakfast Inn

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A. Qualified Structures

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~~Structures to be used as Bed and Breakfast Inns (B & B) must be listed on the National Register of Historic Places; or structure designated as a Gautier Landmark by the Gautier Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or said structure must be deemed eligible for designation as a Gautier Landmark by the Gautier Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History and is granted designation within one (1) year from the date of eligibility.~~ A Bed and Breakfast may also be permitted in strategic areas of the community based on compatibility with the surrounding natural and built environment, if approved by the Planning Commission and City Council.

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B. General Regulations

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1. A Bed and Breakfast Inn may only be operated by an owner who also resides in the building.

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2. ~~No~~ retail sale of goods or merchandise will be allowed on the premises as approved in the conditions of use.

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3. A Bed and Breakfast Inn may be operated in the principal building on the site ~~and not in accessory structures~~ or in accessory buildings on site as approved in the conditions of use.

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4. Off-street parking is regulated in *Article VII*. The maximum length of stay for a transient paying guest is limited to thirty (30) days within a twelve (12) month period, and the owner shall maintain a guest register.

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5. No receptions, meetings or other functions shall be permitted unless otherwise approved by the City Council as a legitimate function of the facility.

