

Gautier Planning Commission

Regular Meeting Agenda

November 6, 2014

GPC #14-20-CU

2317 Hwy 90: Conditional Use-Major

Living Word Training and Resource Center

VII. NEW BUSINESS

A. QUASI-JUDICIAL

3. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW CHURCH SERVICES TO BE HELD IN A TOWN CENTER MIXED USE ZONING DISTRICT, 2317 HWY 90 (KENNETH BRIDGETTE AND BERNADETTE GUILLETTE, OWNER) (GPC CASE #14-20-CU)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER
STAFF REPORT
Kenneth Bridgette and Bernadette Guillette
(Living Word Training and Resource Center)**

To: Chairman and Members, Planning Commission

From: Erica Greene, City Planner

Date: October 31, 2014

Subject: Conditional Use-Major Permit for Church Services in Town Center Mixed Used Zoning District to be held at 2317 Hwy 90 (GPC #14-20-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Kenneth Bridgette and Bernadette Guillette, owner of the Living Word Training and Resource Center for a Conditional Use-Major Permit that would allow church services in a Town Center Mixed Use Zoning District at 2317 Hwy 90, PID #82436050.050. The application fee of \$250 was paid on September 5, 2014 and verified complete September 17, 2014.

BACKGROUND:

The request property is zoned Town Center Mixed Use.

1. Location: 2317 Hwy 90 (See Exhibit A)
Principal Arterial: Hwy 90
2. General features of the proposed project:
Total Building Area: 8,610 square feet
Site Size: 13.85 Acres
Year Building Constructed: 1973
3. Potable Water and Wastewater Services: Existing from City
4. The building is set-up to be used as a retail shop.
5. Current Zoning: Town Center Mixed Use
6. Current Surrounding Zoning (See Exhibit B): Town Center Mixed Use
7. Current Surrounding Existing Land Use (See Exhibit C): Town Center to the North; and Low Density Single Family to the West, East and South.

8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center Mixed Use

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO:

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant: Yes, It is located in a commercial store front. The location is a brick and mortar building.

*Staff Finding: Yes. A **church or place of worship** is listed as a Conditional Use-Major in a TCMU zoning district.*

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: The parking shared between the 3 adjacent businesses is shared. There are over 370 shared parking lot spaces.

Staff Finding: The proposed use will be located in an existing building and will not further impact the density, bulk and intensity of the structures in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No, there is a neighboring church that conducts their services on Saturday and their revivals on Friday. We conduct our services on Sunday morning and the parking is not an issue.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No. There are no purposed problems with pedestrians.

Staff Finding: There is no evidence that the proposed church/place of worship will have any adverse affect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes. Our water was provided by the City of Gautier.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant: Yes. The plan is to have a training and resource center to educate the community, thus improving the moral.

Staff Response: The Comprehensive Plan list a land use category for the parcel in Town Center. The Plan for future uses includes a list having mixed use buildings and community centers. A church/place of worship would be considered appropriate in this zoning district.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No hazardous products are being used in this business.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes Attached is a list of all applicable plans for the business and ministry.

Staff Finding: The proposed use can be made to conform to district regulations with certain conditions.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” is transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the 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 before a business license may be issued.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use may be compatible and harmonious with the Town Center Mixed Use Zoning District and recommends approval with the following conditions:

1. Within 6 months of issuance of the Major Conditional-Use Permit, the owner shall change the existing sign to reflect the new uses of the building as approved by the Technical Review Committee.
2. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
3. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
4. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major with the Conditions listed;
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Conditional Use Permit
2. Applicant's Exhibit 1 – Application
3. City's Exhibit A – Location Map
4. City's Exhibit B – Existing Zoning Map
5. City's Exhibit C – Existing Land Use Map
6. City's Exhibit D – Future Land Use Map
7. City's Exhibit E – Section 3409 of the International Building Code (Accessibility)
8. City's Exhibit F – Section 15-5 City of Gautier's Code of Ordinances (Noise Ord.)

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 14-20-CU**

**KENNETH BRIDGETTE AND BERNADETTE GUILLETTE (LIVING WORD TRAINING
AND RESOURCE CENTER)**

REGARDING PARCEL ID NO: 82436050.050

The City of Gautier, at its regular meeting held on November 6, 2014, considered the application for a Conditional Use-Major Development Permit for church or place of worship as submitted by Kenneth Bridgette and Bernadette Guillette. The parcel subject to this Permit is located at 2317 Hwy 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 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 or place of worship, 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 September 5, 2014 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. Within 6 months of issuance of the Major Conditional-Use Permit, the owner shall change the existing sign to reflect the new uses of the building as approved by the Technical Review Committee.
 - b. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
 - c. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)

- d. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.
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 November 6, 2014.
8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Tiffany Hudson, located at 2317 Hwy 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82436050.050.

November 18, 2014
Date of Issuance

Attest:

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

Cindy Russell
City Clerk

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number

14-20-CU

TYPE OF REQUEST:	FEE:
Conditional Use – Major <u> X </u>	\$250.00

Major Conditional Use – These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Kenneth Bidgett and Bernadette Gullett
Name of Business: Living Word Training and Resource Center
Address: 2317 Hwy 90 B Mailing Address (if different): _____
Email Address: www.livingwordhqtrs.org
Phone: 662-302-6764 Cell Phone: 228-219-2002
Reason for request, location and intended use of Property: To hold church events.

ATTACHMENTS REQUIRED AS APPLICABLE:

- 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- 2. Legal descriptions and street address.
- 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- 4. Copy of protective covenants or deed restrictions, if any.
- 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Kenneth Bidgett
Date of Application: 9-5-2014

Date Received	<u>9-5-14</u>	Verify as Complete	<u>9-17-14</u>
Fee Amount Received	<u>9-5-14</u>		
Initials of Employee Receiving Application	<u>EMA</u>		

MAJOR CONDITIONAL USE

Criteria for Approval Major Conditional Use

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

yes. is located in a commercial store front.
The location is A Brick and Mortar

2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

The parking shared between the 3 adjacent Business is shared
There are our 375 shared parking lots.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

NO there is a neighboring church that conduct their services on Sat and their revivals on Fri. we conduct our services on Sunday morning and the parking is not a issue -

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

NO - there is no proposed problems with pedestrians -

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? Explain.

yes - our water is provided by -
the City of Gaiter -

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

yes - the plan is to have a training and Resource center
to educate the community, thus improving the moral -

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

NO - products are not being used in this business -

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

yes: Attached is all
Applicable plan for the Business & Ministry -

EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE CONCERNING CONDITIONAL USES

SECTION 4.17: Conditional Uses Both Minor and Major

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Certain uses may be allowed as enumerated in each of the zoning districts established in *Article V* in accordance with the standards and procedures of this Article and the standards enumerated for each Conditional Use in the district regulations.

A hearing for a Conditional Use-Major may be conducted under two separate circumstances: (a) in conjunction with the rezoning of the property, or (b) if the property is already zoned correctly, but the use is not permitted by right. In the case of a rezoning, the Conditional Use must meet the legal threshold required for any rezoning action.

4.17.1 Who may initiate

A request for a conditional use may be initiated by the property owner or agent of the owner provided:

- A. The proposed use is listed as a Conditional Use in the specific district requirements of the existing or proposed zoning district of the property, **and**
- B. Said property has not been denied a previous request for the same property or portion of the property within the past twelve (12) months; **and**
- C. All procedures and provisions for a public hearing have been met.

4.17.2 Application for Conditional Use-Minor

A Conditional Use-Minor requires a Finding of Compatibility by the Economic Development Director. Upon application review and after consideration of the surrounding properties and nature of the proposed use, the Director may approve, approve with conditions, elect to hold a public hearing under the procedures of 4.7.3, or deny the application. These uses do not "run with the land" and may not be transferred from one owner to the next without application for a FOC by the Director.

4.17.3 Criteria for Approval of a Conditional Use-Minor

A Minor Conditional Use Permit is required when projects possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses. Minor Conditional Use Permits may be granted, in whole or in part, from the facts available in the application and determined by investigation, all of the following written findings can be made:

1. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts.
2. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.
3. The proposed use will be consistent with the Comprehensive Plan.
4. The proposed use is in conformance with specific site location, development, and operation standards as required by this Ordinance.

4.17.4 Application for Conditional Use

Applications for a Conditional Use-Minor and Major may be filed on applications available from the Economic Development Department and shall contain or have attached to it the following information:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits
- B. Legal descriptions and street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval, from other agencies such as, but not limited to, the Mississippi State Department of Health, U. S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources
- E. A Detailed Project Narrative

- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.17.5 Criteria for Approval of a Conditional Use-Major

A Conditional Use-Major is not allowed "by right" but requires a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the 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 before a business license may be issued.

When considering application for a Conditional Use-Major, the Planning Commission and the City Council shall consider the extent to which:

- A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;
- B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity;
- C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;
- D. If the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools;
- E. If the proposed use is in harmony with the Comprehensive Plan;
- F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District;
- G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances; and
- H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

4.17.6 Authority for Conditions

A Conditional Use-Major may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to:

- A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster
- B. Off-street parking and loading areas with particular attention to item (1) above and the economy of the city, and to noise or glare effects of the conditional use on adjoining properties generally in the district
- C. Refuse and service areas, with particular reference to item (1) and (2) above
- D. Utilities with reference to location availability and compatibility
- E. Screening and buffering with reference to type, dimensions, and character
- F. Control of any proposed exterior lighting with reference to glare, traffic safety economic effect and compatibility and harmony with properties in the district
- G. Required yards and open spaces

OWNERS CONSENT AND DESIGNATION OF AGENCY - CONDITIONAL USE

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

2317 Hwy 90 Gautier MS 39553

hereby petition to the City of Gautier to Grant a Conditional Use of Church chapel and retail store- in _____ and affirm that Bernadette Lee 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) Agent

The foregoing instrument was acknowledged before me this 17th day of September 2014,
20 _____ by Don McWilliams, who is personally known to me or ~~has produced~~ _____ as ~~identification~~ and who did take an oath.

Kimi McKeough
(Printed Name of Notary Public)

Kimi McKeough
(Signature of Notary Public)

Commission # _____ My commission expires August 18, 2018
(Notary's Seal)

A 16x16 Foyer- the front entrance hall used by the public to enter.

B 12x12 Church office

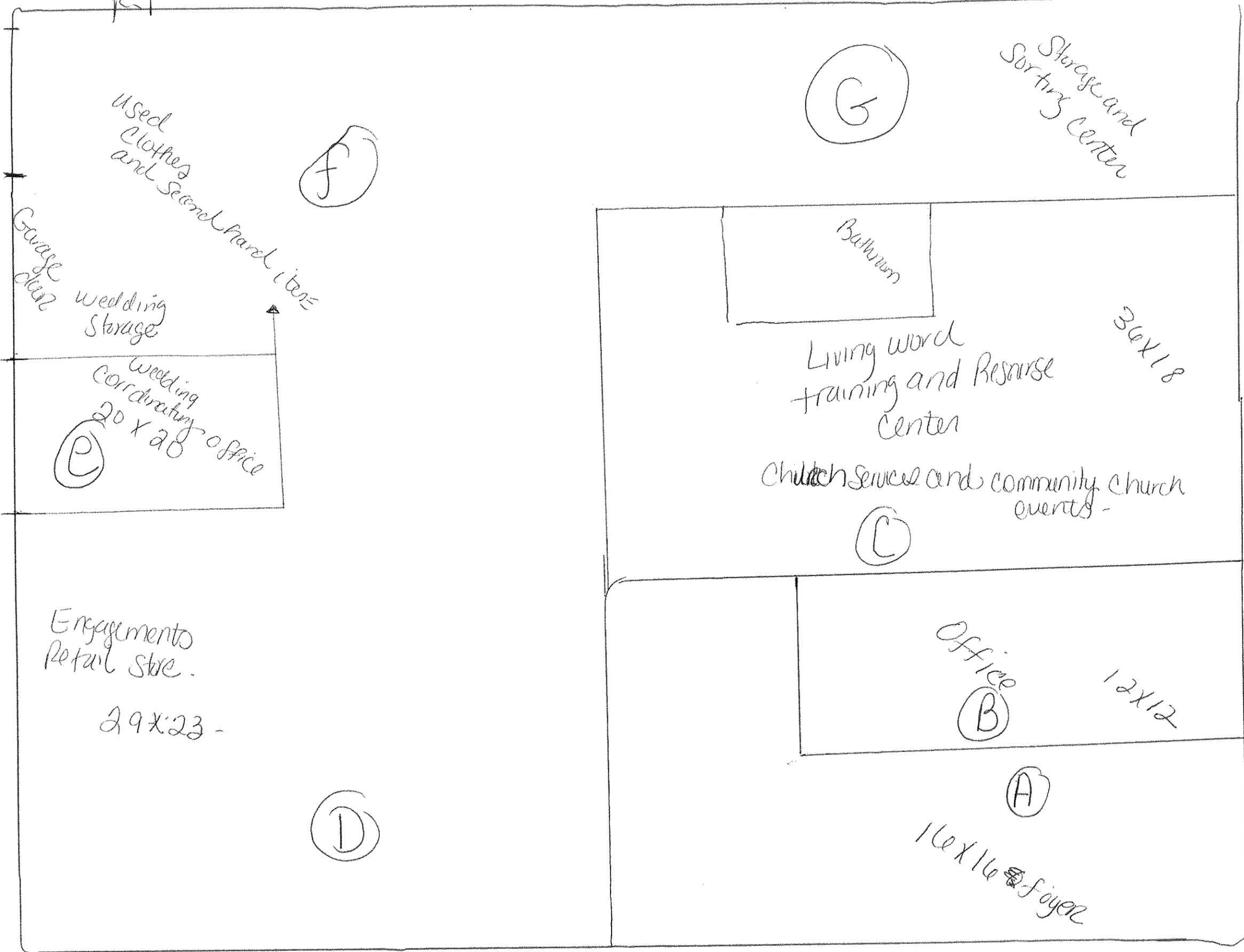
C 36x18 Church service

D 29x 23 Retail Store

E 20x20 wedding coordinator office

F used clothes and second hand items

Backdoor



Used clothes and second hand items

F

G

Storage and Sorting Center

Garage door wedding storage

Bathroom

wedding coordinating office 20 x 20

E

Living word training and Resource Center 36 x 18

Church services and community church events -

C

Engagement Retail Store 29 x 23 -

D

Office 12 x 12

B

Foyer 16 x 16

A

Space 2317 Hwy 90

~~2317 Hwy 90~~

Gawler MS 39553

Back door

Claret

Stocks

~~Stocks~~

Linen

18 X 33

Garage Door -

Sorting Center / used and resale items
Storage for Internet Sales

Retail Space -
20 X 20 office

Occasionally used by photography to do glam shots

Bath room -
Area -

14 X 18

Bath room -

(30 inch door)

Training Resource and development center
max # of people 15 gathering.

30 X 18

Church Services

Seasonal:
Retail Sales and Rental of formal wear /

29 X 23
Out of season warehouse for formal wear -

Office
12 X 12

(30 inch door)

16 X 16
LOBBY

Door -

DOOR
"Front"

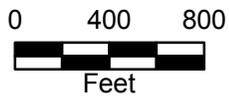
PROCEDURE FOR PUBLIC HEARING APPLICATION

MAJOR CONDITIONAL USE

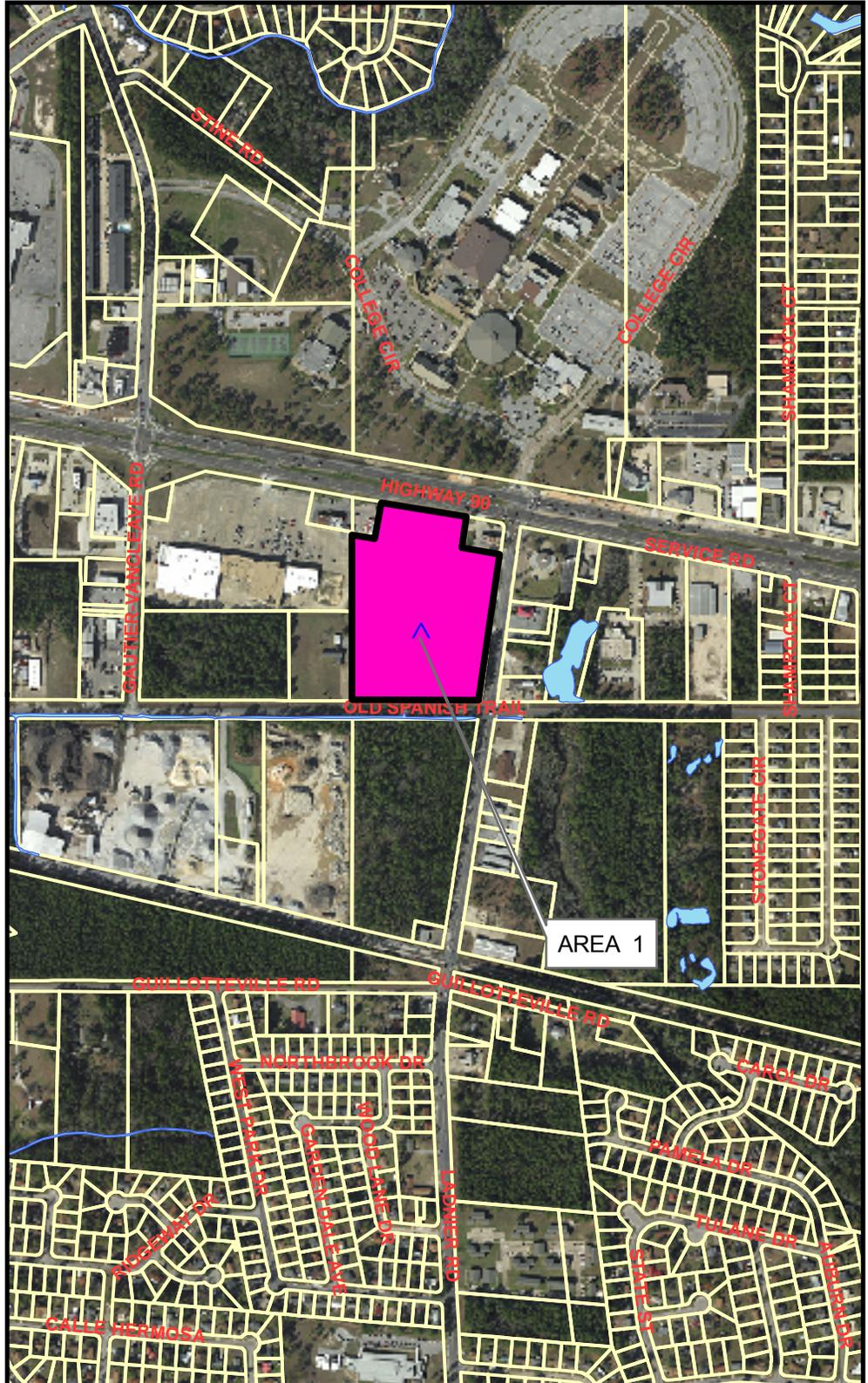
- A. Complete application form.
 - (1) Applicant must be owner of property or agent of the owner.
 - (2) Include any required attachments.
- B. Submit fee to cover administration/advertisement costs as follows:
 - (a) Conditional Use - Major.....\$250.00
- C. Sufficient applications submitted by the third Tuesday of one month will be placed on the Planning Commissions agenda for the second month after submittal.
- D. Public Notice will be published in a local paper of general circulation not less than fifteen (15) days prior to the date for the public meeting before the Planning Commission. All property owners within 250 feet from the property under consideration will be notified by first class mail. Such notices will be mailed not less than fifteen (15) days prior to the public hearing. If action is needed before the City Council, the Economic Development/Planning Director will submit the findings of fact and the recommendations of the Planning Commission to the City Clerk not later than one (1) week prior to the next available Council meeting.
- E. The Gautier City Council will act on the application at the next available time on their agenda before final approval or rejection of application.
- F. If approved, application for the proper permit for the use intended shall be made through the City of Gautier Economic Development/Planning Department.

**Location Map
2317 Highway 90
Conditional Use**

City Of Gautier
Economic Development/Planning

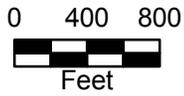


Prepared by the
City of Gautier
Planning Division



Existing Zoning Map

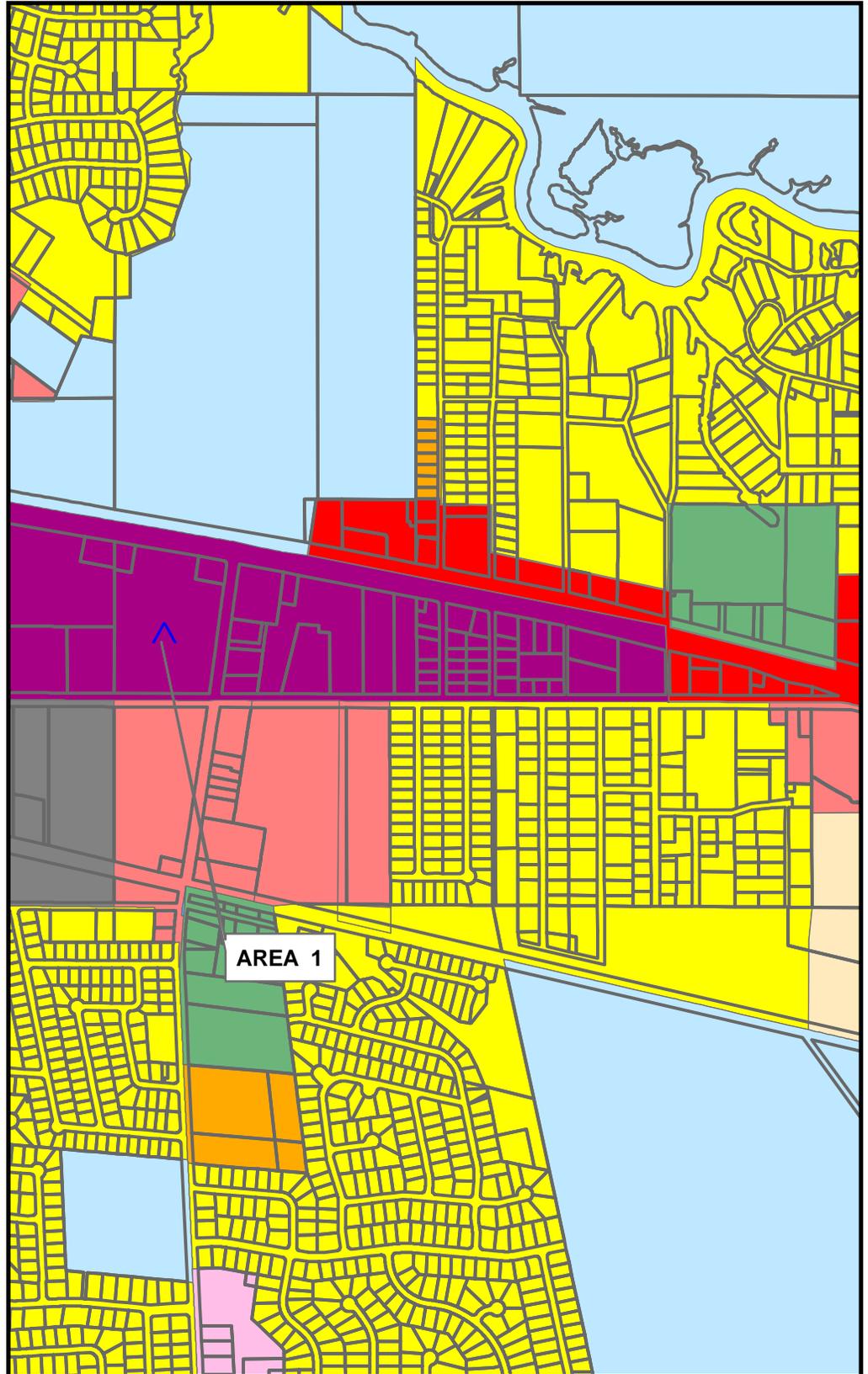
**City Of Gautier
Economic Development/Planning**



**Prepared by the
City of Gautier
Planning Division**

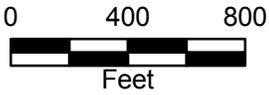
Legend

-  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

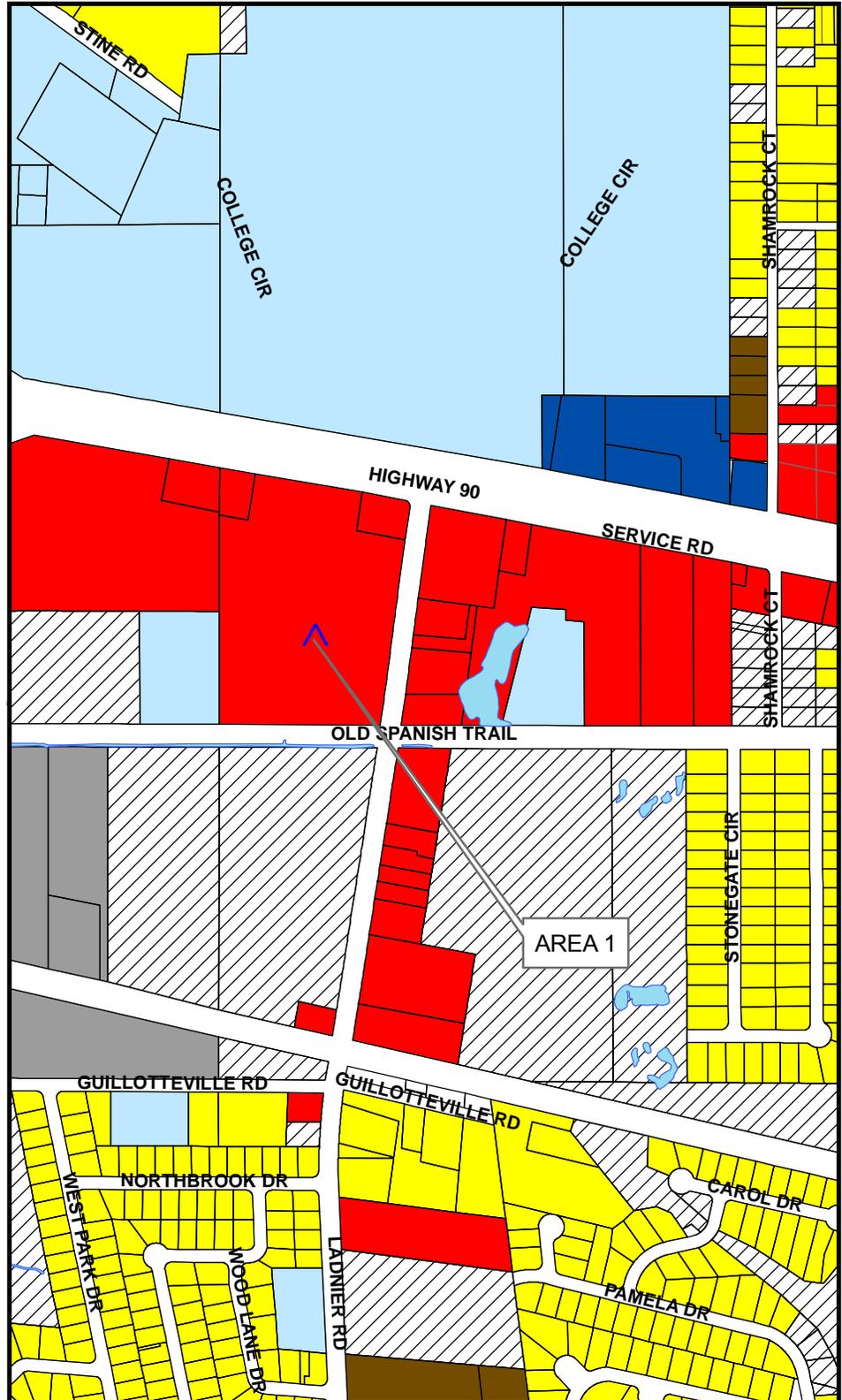


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Legend

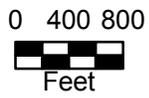
EXISTING LAND USE

- 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

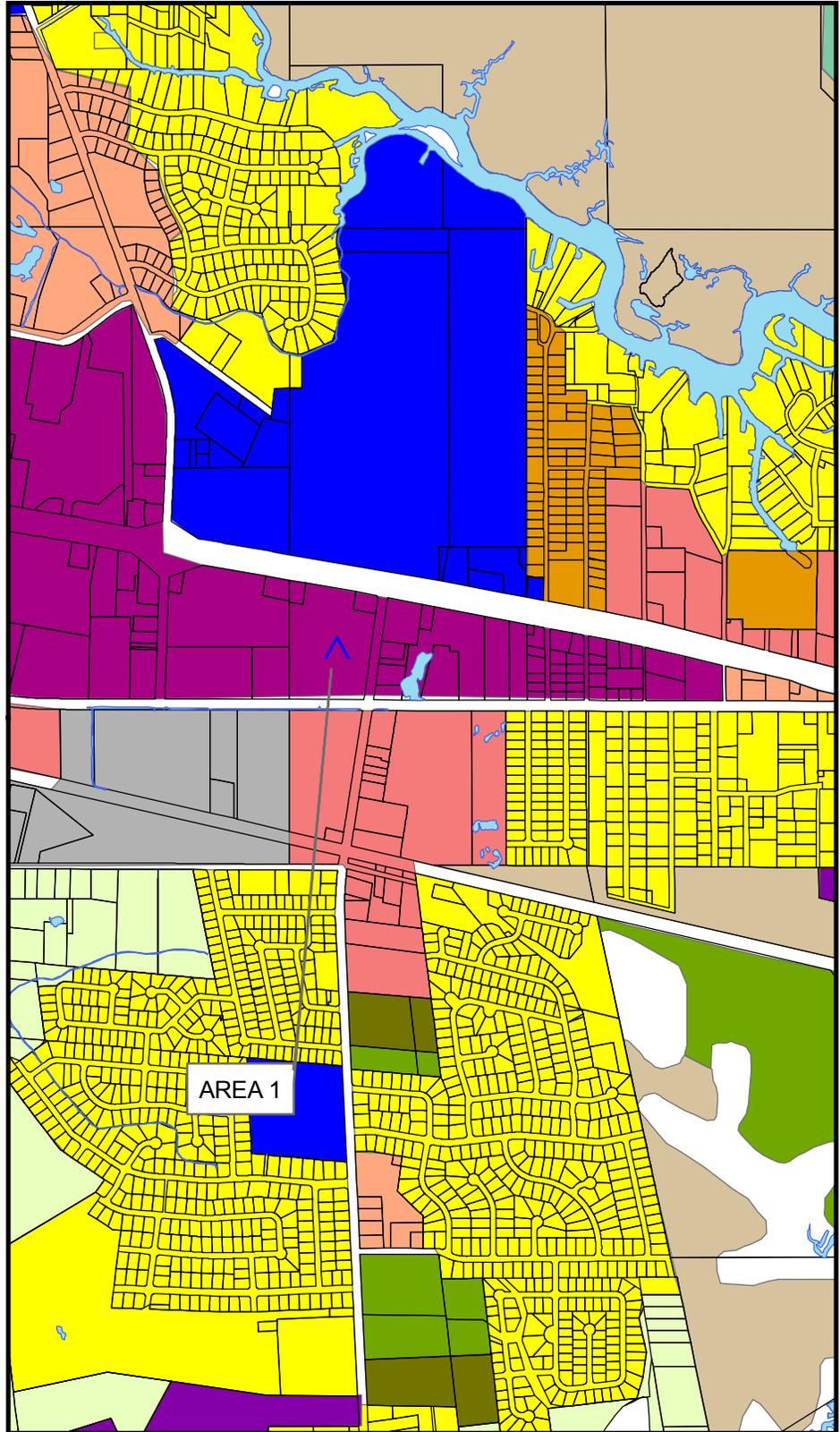
City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
Planning Division

Legend

-  Civic
-  High Impact Commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  Low Impact Commercial
-  Recreational
-  Recreational Commercial
-  Regional Scale Commercial
-  Mixed Use Residential
-  Town Center
-  Very Low Density Residential



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.

EXISTING STRUCTURES

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.