# Gautier Planning Commission

## Regular Meeting Agenda

## February 5, 2015

## ACCESSORY USE ON SAME LOT
## UDO Amendment

**VII. NEW BUSINESS**

A. LEGISLATIVE

1. REQUEST TO AMEND SECTION 6.2 OF THE UDO TO ALLOW ACCESSORY USES, BUILDINGS AND STRUCTURES, TO BE LOCATED ON SEPARATE BUT CONTIGUOUS LOTS/PARCELS. (CITY INITIATED) (GPC #15-01-UDO)

# CITY OF GAUTIER
# STAFF REPORT

**To:** Chairman and Members, Planning Commission

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

**Date:** January 30, 2105

**Subject:** Consideration of an Amendment to Section 6.2 of the Unified Development Ordinance to allow accessory uses, buildings and structures, to be located on separate but contiguous lots/parcels. (City Initiated) GPC #15-01-UDO

---

## REQUEST:

City staff is requesting an amendment to Section 6.2, "Accessory Uses and Buildings", of the Unified Development Ordinance (UDO). The amendment would allow accessory uses, building and structures to be located on separate, but contiguous lots/unplatted parcels from the lot/parcel containing the principle use.

## BACKGROUND:

**Accessory Uses and Buildings**
Section 6.2 of the Unified Development Ordinance (UDO) currently requires that, "Accessory uses and buildings shall be incidental to the principle use established on the same lot."

The UDO defines a "Lot" as a parcel of land that may be occupied by a building and accessory buildings, together with such open spaces and parking spaces or areas as are required under this Ordinance and having principle frontage upon a public or private street or right-of-way.

The UDO defines a "Site" as any lot or unplatted parcel or any combination of contiguous lots or unplatted parcels of land with its appurtenances and buildings having a unity of use and ownership.

**The Amendment Process**
Amendments to the UDO 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 UDO does not permit accessory uses and buildings on adjoining lots under the same ownership. Currently, when an application is made to put an accessory use on an adjacent lot to the principle structure, staff requires property owners go to the Jackson County Courthouse and collapse the lot lines to combine the contiguous lots into one lot. Frequently, lots cannot easily be combined due to mortgage issues, subdivision platting issues, title issues, etc.

**STAFF FINDINGS:**

Staff finds that the requirement for any accessory uses/buildings/structures to be located on the same lot as the principle use puts an undue hardship on property owners in cases where property owners own two or more contiguous lots. Furthermore, requiring applicants to go through a lengthy process to collapse lot lines would not be considered being "business friendly."

Staff finds that the probable intent of the "same lot" requirement is that an accessory use is not constructed without a principle use on a particular "Site." Therefore, staff proposes an amendment to change any reference to the same "lot", to the same "site". Applicants would still be required to have an appropriate principle use on the site.

**RECOMMENDATIONS:**

Staff recommends approval of the text amendment as presented.

The Planning Commission may:

1. Recommend that City Council approve the UDO Amendment; or
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

# ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE VI: SUPPLEMENTAL REGULATIONS, ACCESSORY USES AND BUILDINGS, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY REVISING THE CODE FOR ALLOWANCE OF ACCESSORY USES AND BUILDINGS ON SEEPARATE, BUT ADJOINGIN/CONTIGUOUS, PARCELS OF LAND.**

**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 Staff finds that there is a need for clarification of wording for proper and convenient use of adjoining properties. Under current wording, owners are not allowed placement of sheds, outbuilding, pools etc. on adjoin lots.

## Section 2. Amendment of Section 6.2

Article VI, SUPPLEMENTAL REGULATIONS, is hereby amended to wit (delete strike-thru; add underline):

Section 6.2: Accessory Uses and Buildings

Accessory uses, buildings and structures, located on the same ~~lot~~ <u>site</u> as the principal use, vary from district to district. The following general rules apply in all districts

A. Accessory uses and buildings shall be incidental to the principal use established on the same ~~lot~~ <u>site</u>.

## 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

_____
Josh Danos, City Attorney

New language is <u>underlined</u>,.
Deleted language is ~~stricken~~.
To Be Codified.