

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Wesley Devers, City Planner

Through: Chandra Nicholson, Economic Development and Planning Director

Date: March 10, 2015

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, buildings and structures to be located on separate, but contiguous lots/unplatted parcels from the lot/parcel containing the principle use.

BACKGROUND:

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.

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.

RECOMMENDATION:

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

The City Council may:

1. Approve the Planning Commission's unanimous recommendation of the proposed UDO Amendment; or
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

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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 SEPARATE, BUT ADJOINING/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 adjoining 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 site 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 site.
- B. They shall be subordinate to and serve said principal use.
- C. They shall be subordinate in area, extent and purpose to such principal use.

42 D. In residentially zoned districts, all accessory uses shall be located in the side
43 or rear yard areas and in the back yard ~~on the opposite~~ the streets for ~~side~~
44 ~~of the back yard if the principal use is on a corner lot sites.~~
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46 **Section 3. Conflicts**

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48 All ordinances or parts of ordinances in conflict with this ordinance are repealed to the
49 extent of such conflict.
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51 **Section 4. Severability**

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53 If any word, phrase, sentence, paragraph or provision of this ordinance or the
54 application thereof to any person or circumstance is held invalid or unconstitutional,
55 such finding shall not affect the other provisions or applications of this ordinance which
56 can be given effect without the invalid or unconstitutional provision or application, and to
57 this end the provisions of this ordinance are declared severable.
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59 **Section 5. Effective Date**

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61 This Ordinance shall take effect immediately upon approval by the City Council and
62 signature of the Mayor.
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65 Adopted: _____
66 Gordon Gollott, Mayor
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69 Attest: _____ Approved as to form and legal sufficiency:
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72 _____
73 Cindy Russell, City Clerk Josh Danos, City Attorney
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75
76 New language is underlined.
77 Deleted language is ~~stricken~~.
78 To Be Codified.

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)

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- 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~~ site 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~~ site.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

44 **Section 4. Severability**

45

46 If any word, phrase, sentence, paragraph or provision of this ordinance or the
47 application thereof to any person or circumstance is held invalid or unconstitutional,
48 such finding shall not affect the other provisions or applications of this ordinance which
49 can be given effect without the invalid or unconstitutional provision or application, and to
50 this end the provisions of this ordinance are declared severable.

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

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58 Adopted: _____

Gordon Gollott, Mayor

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62 Attest:

Approved as to form and legal sufficiency:

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66 _____
Cindy Russell, City Clerk

Josh Danos, City Attorney

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69 New language is underlined.

70 Deleted language is ~~stricken~~.

71 To Be Codified.

**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

Excerpt from February 5, 2015 Gautier Planning Commission Meeting

REQUEST:

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

RECOMMENDATION:

Commissioner Dailey made the motion to accept Staff recommendation to amend section 6.2 of the UDO changing the word "lot" to "site" in two (2) locations and amend paragraph D as follows:

In residential zoned districts, all accessory uses shall be located in the side or rear yard areas and in the back yard opposite the streets for corner sites.

Chairman Wooten seconded the motion and the following vote was recorded:

AYES: **David Wooten**
 Larry Dailey
 Jimmy Green
 Anthony York
 Greg Spanier
 Sandra Walters

NAYS: **None**

Motion passed.