

Gautier Planning Commission

Regular Meeting Agenda

April 2, 2015

GPC #15-03-CU

7350 Hwy 57 Ste. J: Conditional Use-Major

Matt Green Tattoos

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW A TATTOO PARLOR IN A HIGHWAY COMMERCIAL (C3) ZONING DISTRICT, TO BE HELD AT 7350 HWY 57 SUITE J (MATTHEW GREEN, OWNER) (GPC CASE #15-03-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**

To: Chairman and Members, Planning Commission

From: Chandra Nicholson, Economic Development & Planning Director

Date: March 27, 2105

Subject: Conditional Use-Major Permit to allow a Tattoo Parlor in a Highway Commercial (C-3) Zoning District to be held at 7350 Highway 57, Suite J (GPC #15-03-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Matthew Green, owner of Matt Green Tattoos for a Conditional Use-Major Permit that would allow a Tattoo Parlor in a Highway Commercial (C-3) Zoning District at 7350 Highway 57, Suite J, PID #81921007.120. The application fee of \$250 was paid on February 19, 2015 and verified complete February 23, 2015

BACKGROUND:

The requested property is zoned Highway Commercial (C-3).

1. Location: 7350 Highway 57 Suite J (See Exhibit A)
Principal Arterial: MS State Highway 57
2. General features of the proposed project:
Commercial/retail multi-tenant center
Site Size: 1.94 Acres
Year Building Constructed: 2003
3. Potable Water and Wastewater Services: Existing from City.
4. The building is set-up to be used as a retail shop/small commercial business.
5. Current Zoning: C-3 Highway Commercial.
6. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the north and south; R-2 High Density Multi-Family Residential District to the east.
7. Current Surrounding Existing Land Use (See Exhibit C): High Density residential to the east and south; commercial retail to the north and south.
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential to the north and south; High Density Residential to the east.

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

Staff Finding: Yes. A tattoo parlor is listed as a Conditional Use-Major in a Highway Commercial(C-3) 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: A tattoo studio conducting business in a small unit strip mall is ideal. It is a low traffic business.

Staff Finding: There is only one entrance/exit for this strip mall. The proposed use will be located in an existing building within a small strip mall and will not further impact the density, bulk and intensity of the structures in the vicinity. The parking lot is existing and adequate to serve the new business, as well as, the existing building tenants. See attached parking layout.

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

Applicant Response: No. My business doesn't create an eyesore. No hideous messes, trash, or obnoxious structures etc.

Staff Finding: This property is located in an existing strip mall. Other businesses in the area are two restaurants, a computer software company, an orthotics and prosthetics company, a gas station and a medical doctor's office. 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. Minimal parking needed. Plenty of parking spaces in parking lot. See parking & interior diagram pages.

Staff Finding: There is no evidence that the proposed service provider will have any adverse effect 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. The building utilities are sufficient for conducting my business at this location.

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. Because the City of Gautier will be providing a wider variety of business to the local and surrounding citizens.

Staff Response: The Comprehensive Plan shows Medium Density Residential zoning for this area. The Planning Commission may want to consider revising the comprehensive plan to show a future land use of Regional Scale Commercial which would be more appropriate for the properties fronting Highway 57.

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. There is no industrial equipment noises, pollutions, or nuisances of any type involved with my business.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing affects 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. The use does conform. It's a common public service business.

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 Highway Commercial Zoning District and recommends approval with the following conditions:

1. Noise levels shall meet the City’s noise ordinance. (See Exhibit E.)
2. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit F.)
3. 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. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map
6. City's Exhibit E – Section 15-5 City of Gautier's Code of Ordinances (Noise Ord.)
7. City's Exhibit F – Section 3409 of the International Builders Code (Accessibility)

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number

GPC #15-03-CU

<u>TYPE OF REQUEST:</u>		<u>FEE:</u>
Conditional Use – Major	<u>✓</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: Matthew A. Green

Name of Business: (Matt Green Tattoos)

Address: 500 Pinetop Dr. Mailing Address (if different): SAME

Carthage NC 28327 Email Address: uat048@yahoo.com

Phone: 910 224-8184 Cell Phone: 910 224-8184

Reason for request, location and intended use of Property: 7350 HWY 57 St J Gautier
Requesting to utilize property for a Tattoos Art.
Company.

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.
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- In Process 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.
- N/A 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: [Signature] for Matthew A. Green

Date of Application: 2-19-2015

FOR OFFICE USE ONLY

Date Received 2-19-15 Verify as Complete 2-23-15

Fee Amount Received \$250

Initials of Employee Receiving Application WD

I, SMAG INC By John Dees, the fee simple owner of the following described property (give legal description):

Attached

hereby petition to the City of Gautier to *Grant a Conditional Use of* TATTOO PARLOR in 7350 Hwy 57 Suite J. and affirm that MATTHEW A GREEN 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.

SMAG INC By John Dees
(Owner's Signature)

The foregoing instrument was acknowledged before me this 18th day of February,

2015 by John Dees, who is personally known to me or has produced Drivers license as identification and who did take an oath.

Leanne Seicshnaydre
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # 99844. My commission expires 8/8/15.
(Notary's Seal)



✓

MATT GREEN TATTOOS

Ladies and Gentlemen . . .

Thank you for hearing my application and general plea to provide to a tattoo art company, in the City of Gautier, that is open to the general public to provide the customers with professional artistry.

I am Matthew Green and I am a Gulf Coast native, born in Pascagoula. In my career, I have worked in many areas of the country. But, I now wish to return home because when I have come home I have always found a warm and welcomed atmosphere and wish to be close to my family. I feel that my tattoo shop will provide local citizens with a professional environment but also a comfortable experience. I endeavor to be a positive asset to the Gautier commercial community. Also, I anticipate to service customers from throughout the surrounding communities due to my reputation throughout the Gulf Coast.

I have been a professional tattooer for 20 years. I am a US Army veteran and family man for 20 years and have been blessed to use my passion for art to raise two children of whom I am very proud.

Thank you for your consideration of my request.

Matt Green
910-224-8184
uato48@yahoo.com

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?
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.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
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?
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
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.
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.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

- 1) YES
- 2) A TATTOO STUDIO CONDUCTING BUSINESS IN A SMALL UNIT STRIP MALL IS IDEAL. IT IS A LOW TRAFFIC BUSINESS.
- 3) NO. MY BUSINESS DOESN'T CREATE AN EYESORE. NO HIDEOUS MESSSES, TRASH, OR OBNOXIIOUS STRUCTURES, etc.....
- 4) No. Minimal parking Needed. Plenty of PARKING SPACES IN PARKING LOT. SEE Parking & INTERIOR Diagram Pages.
- 5) YES. THE BUILDING UTILITIES ARE SUFFICIENT FOR CONDUCTING MY BUSINESS AT THIS LOCATION.
- 6) YES. Because the CITY OF GAUTIER WILL BE PROVIDING A WIDER VARIETY OF BUSINESS TO THE LOCAL & SURROUNDING CITIZENS.
- 7) No. There is NO INDUSTRIAL EQUIPMENT NOISES, POLLUTIONS, OR NUISANCES OF ANYTYPE, INVOLVED WITH MY BUSINESS
- 8) YES. THE USE DOES CONFORM. IT'S A COMMON PUBLIC SERVICE BUSINESS.

Matt Green Tattoos

There is very minimal impact to a parking lot from the traffic coming to my business.

There are no detrimental effects such as excessive noise, etc.

My normal hours of operation will vary somewhere between 10am and 12 midnight. Depending on the demands of that day or project.

An active Mississippi State Board of Health Tattooist license is contingent based on site inspection. I do have tattooist licenses registered in the state of Mississippi going back as far as 1995.

Thanks again,

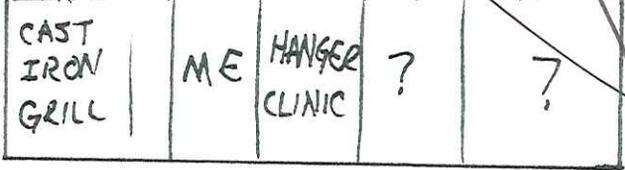
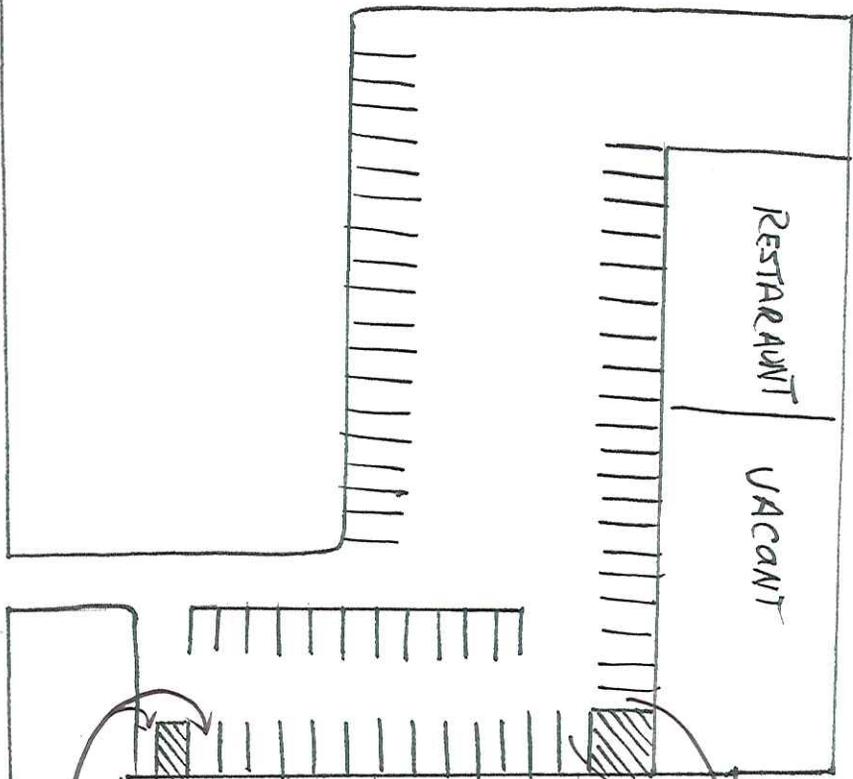
Matthew A. Green

Matt Green

910-224-8184

uato48@yahoo.com

FACILITY PARKING AREA



HWY 57

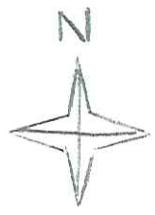
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Handicap Parking

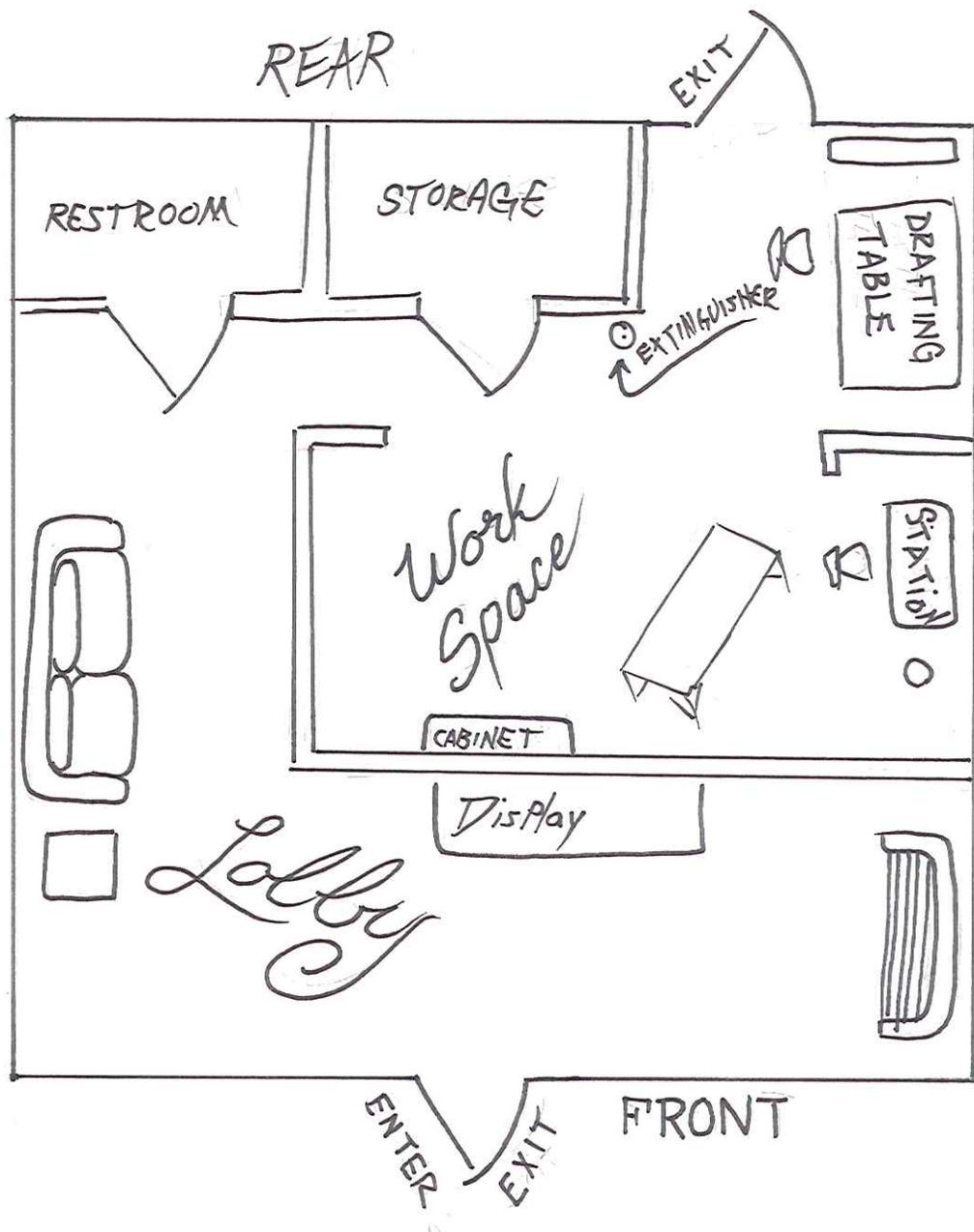
↑
7350 HWY 57
SUITE J
GAUTIER
MS

HANDICAP PARKING

NOT TO SCALE



FACILITY INTERIOR ARRANGEMENT



7350 HWY 57
SUITE J
GAUTIER
MS

NOT TO SCALE

Parcel Information

PIDN: 81921007.120
GISP: 773.07-00-0007.02

Owner Information

Name: SMAG INC
Name2:
Mailing Address: 12056 MOBILE AVE
GULFPORT MS 39503
Physical Address: 7350 HWY 57 GAUTIER

Percent of Ownership: 100

Land Information

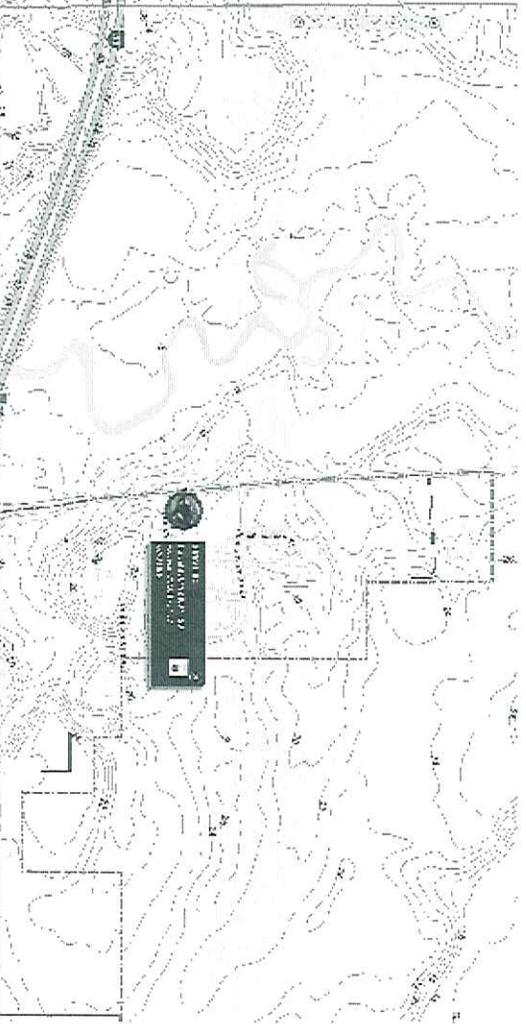
Section, Township, Range: 07 7S 7W
Acreage: 1.94
Street Name: HWY 57

Value and Tax Information

Total Assessed Value:	77100	Total Appraised Value:	514000
Improvement Value:	444300	Land Value:	69700
Tax Amount:	11224	SQ. FT:	15300
		Year Built:	2003

Legal Description

Description: COM NE COR SE1/4 NE1/4 W 278.25' S 654.24' W 644.67' TO E/M HWY 57 S 3* E 166.21' S 4* E 874.92' S 4* E 149.63' TO POB N 85* E 299.98' S 4* E 290.43' S 85 * W 299.95' TO E/M HWY 57 N 4* W 290.43' TO POB LESS PT TO NEW HWY 57 DB 1275-624 (7.02 MAP773.07)
Deed Book / Page: 1275 / 624



North Carolina Department of Environment and Natural Resources
Division of Environmental Health

ID Number _____

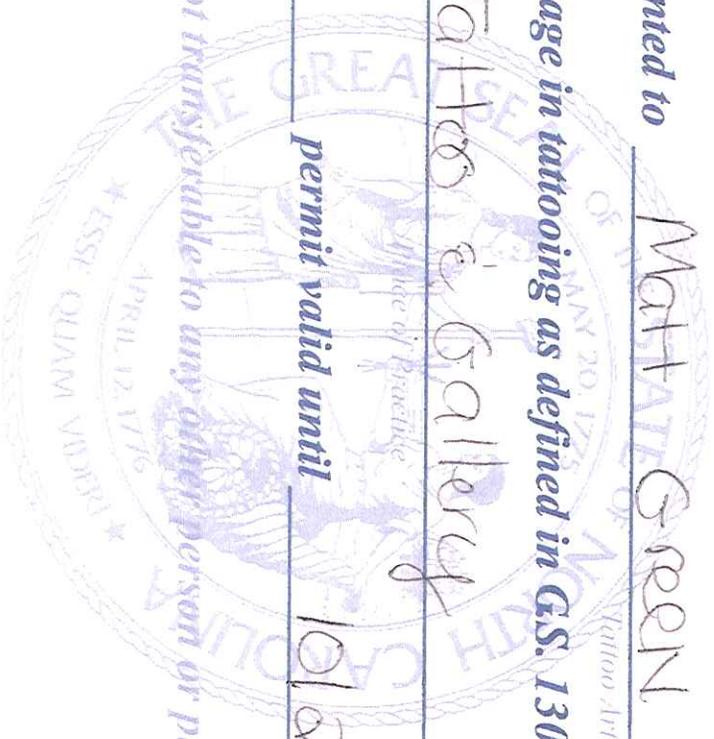
Tattoo Permit

Permission is hereby granted to Matt Green
Tattoo Artist
to engage in tattooing as defined in G.S. 1304-283

at Valhalla Tattoos & Gallery

Moore Co.
County
permit valid until 10/21/15
Expiration Date

This permit is not transferable to any other person or place of practice.



[Signature]
State Environmental Health Director
MPH

By [Signature]
Environmental Health Specialist
REHS

[Signature]
State Health Director
MD

10/21/14
Date

MISSISSIPPI STATE BOARD OF HEALTH

Certificate of Registration

This is to certify that

MATTHEW A GREEN

is properly registered as a **Tattooist** under the provisions of sections 73-61-1 et seq. of Mississippi Code of 1972, annotated, and the Regulations adopted by the Mississippi State Board of Health, at

the following described premises:

TWISTED ANCHOR TATTOO
6819 WASHINGTON AVENUE
OCEAN SPRINGS, MS 39564

This registration is valid only for the person at the premises defined above.

June 30, 1995
Date Issued

Maury Lewis, MD, MPH
State Health Office

May 31, 2014
Expiration Date

TA0006
Registration Number

This certificate is not transferable



John E. Simkins
Festus E. Simkins
Licensing Program Director

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.

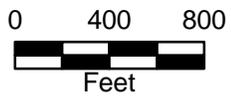
4.17.6 Authority for Conditions

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

Location Map
7350 Highway 57, Suite J
Conditional Use

City Of Gautier
Economic Development/Planning

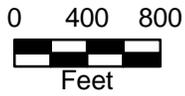


Prepared by the
City of Gautier
Planning Division



Existing Zoning Map

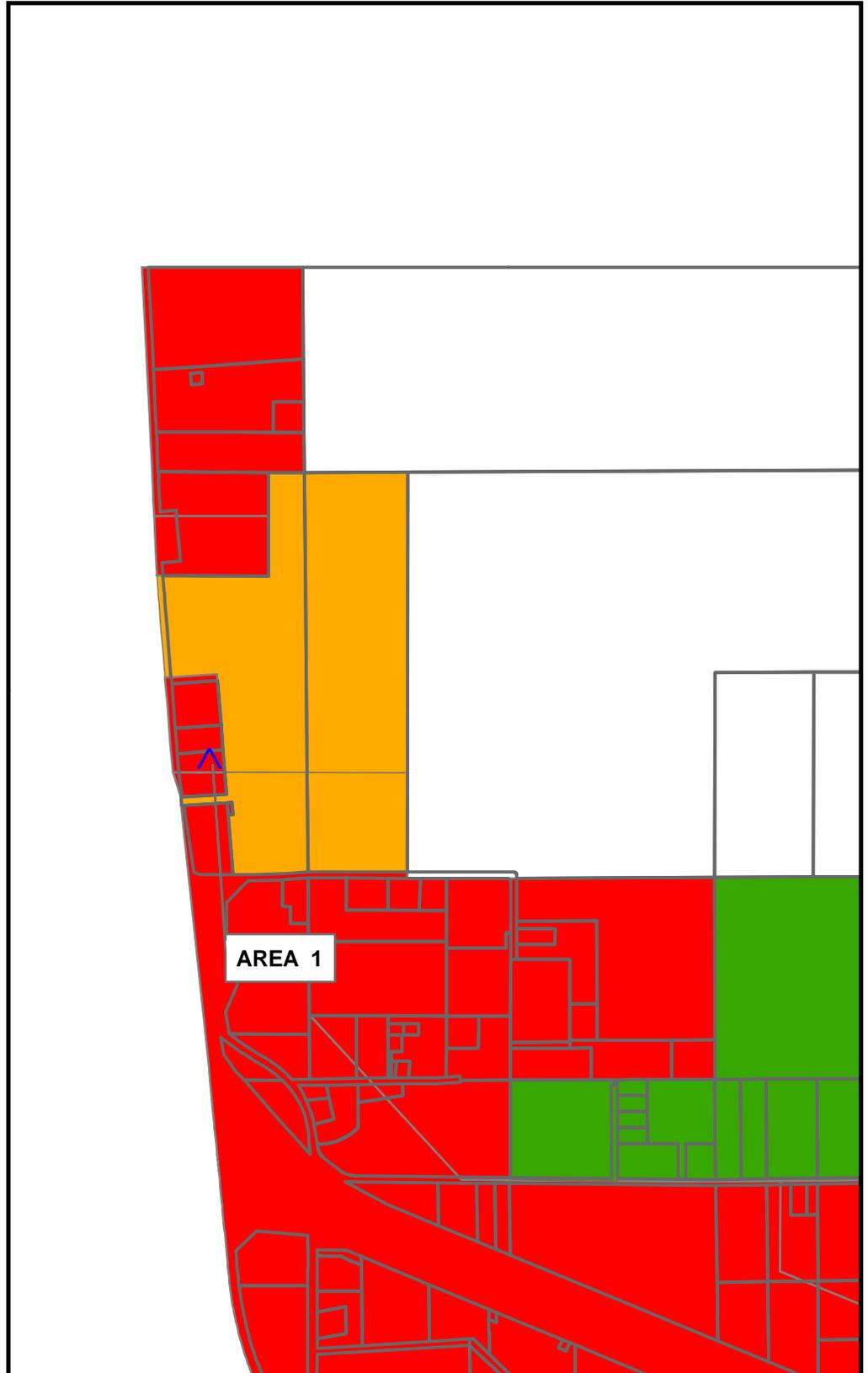
City Of Gautier
Economic Development/Planning



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City of Gautier
Planning Division

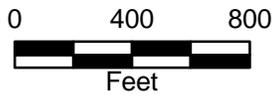
Legend

-  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

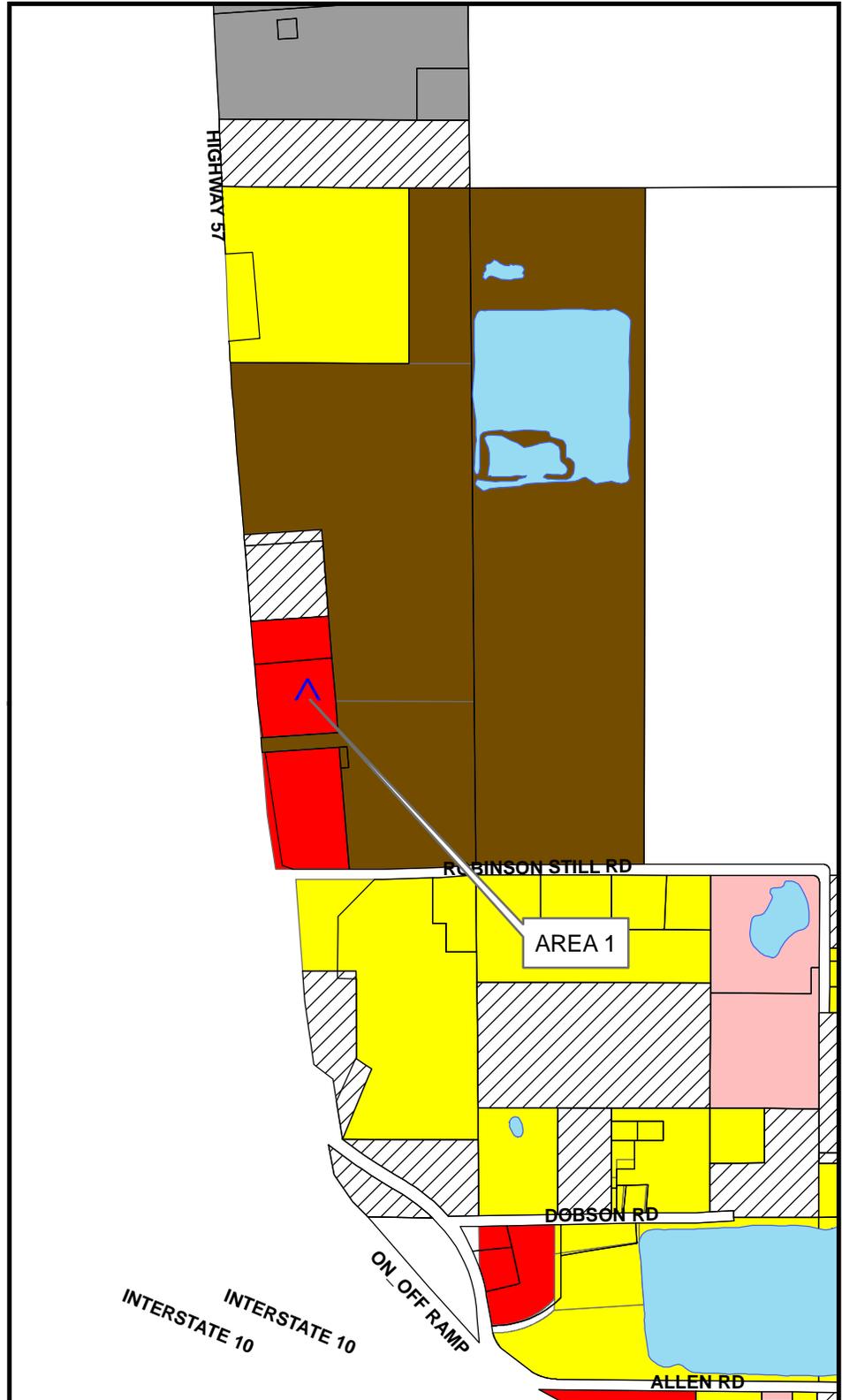


Prepared by the
City of Gautier
Planning Division

Legend

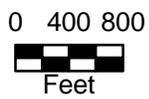
EXISTING LAND USE

- 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

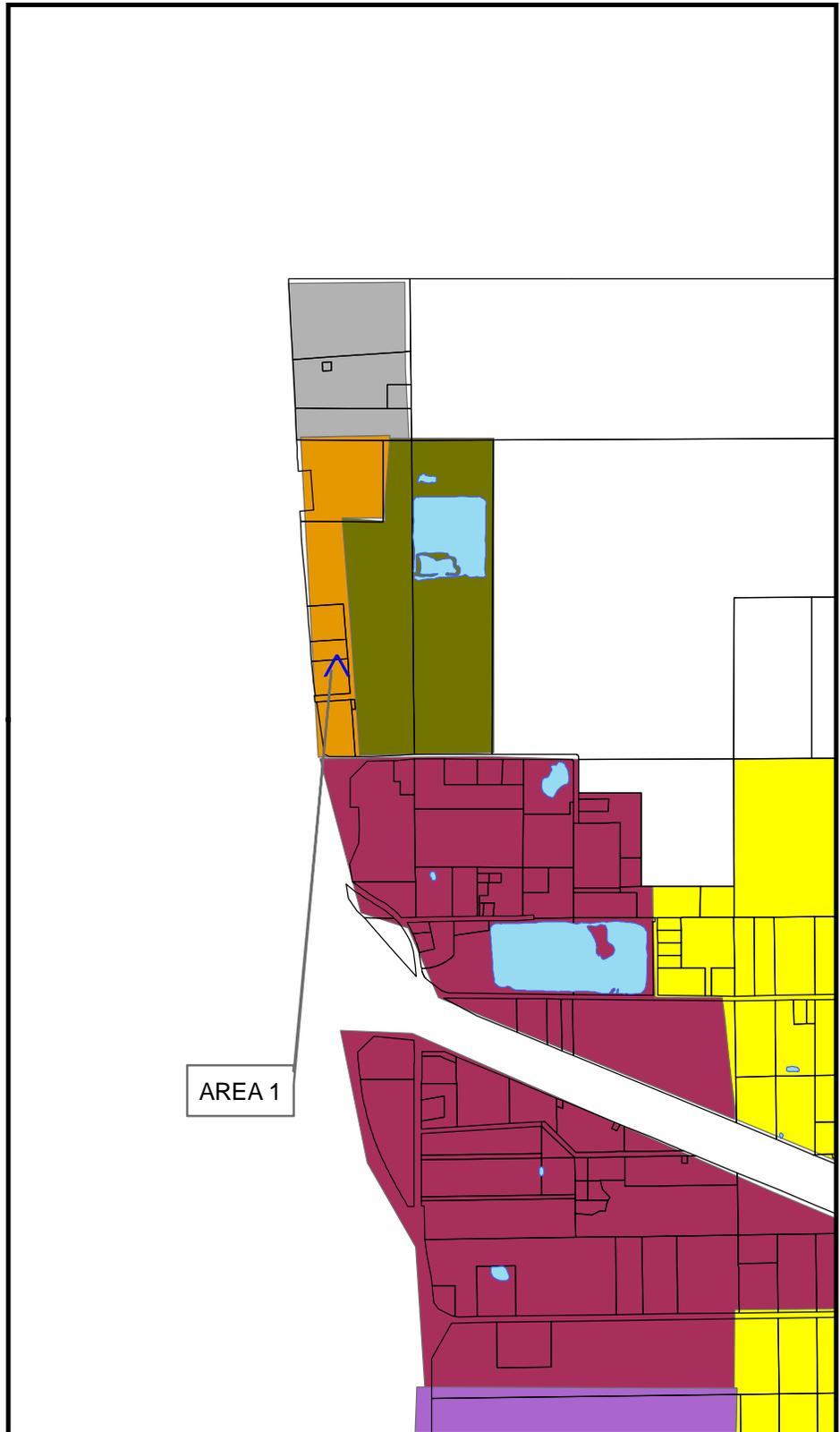
City Of Gautier
Economic Development/Planning



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



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)

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