

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: August 11, 2015

Subject: Conditional Use-Major Permit for the Faith Worship & Outreach, Inc. at 1111 Highway 90 (GPC Case No. 15-05-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Lester Hughes, II, owner of Faith Worship & Outreach, Inc., for a Conditional Use-Major Permit that would allow a Church or Place of Worship in a C-3 Highway Commercial zoning district at 1111 Highway 90, PID #81831520.000. The application fee of \$250 was paid on April 20, 2015. All public notice requirements have been met.

DISCUSSION:

Staff has attached a Staff Report with detailed project analysis. The Planning Commission held a public hearing on August 6, 2015 to consider the request and found that the proposed church will be compatible and harmonious with the C-3 district with certain conditions. The GPC recommends the approval of the Conditional Use-Major Permit with the following Conditions:

1. The church services/events/meetings shall be limited to 32 occupants at one time.
2. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
3. Existing asphalt paving up to the North property line shall be overlaid or replaced to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance. Existing paved areas which are not needed to be hard surfaced may be converted to “green space” in lieu of repairing.
4. The north-south drive on the west side of the building shall be maintained as a 20’ fire lane.

5. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code.
6. Noise levels shall meet the City's noise ordinance.
7. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance. Parking shall not be allowed on public right-of-way.

RECOMMENDATION:

The Gautier Planning Commission and Staff recommend approval of the proposed Conditional Use-Major Permit with the conditions listed above.

The City Council may:

1. Approve the Conditional Use-Major Permit with the Conditions listed above; or
2. Approve the Conditional Use-Major Permit with changes; or
3. Deny the Conditional Use-Major Permit.

ATTACHMENTS:

1. Draft Conditional Use-Major Permit
2. GPC Minute Excerpt
3. GPC Staff Report with Back Up

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
CONDITIONAL USE-MAJOR PERMIT
GPC CASE NO. 15-05-CU**

FAITH WORSHIP & OUTREACH, INC.

REGARDING PARCEL ID NO: 81831520.000

The City of Gautier City Council, at its regular meeting held on August 18, 2015, considered the application for a Conditional Use-Major Permit for a church or place of worship as submitted by Lester Hughes, II, representative for Faith Worship & Outreach, Inc. The parcel subject to this Permit is located at 1111 Highway 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 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 C-3 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on April 20, 2015 for a Conditional Use-Major 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. The church services/events/meetings shall be limited to 32 occupants at one time.
 - b. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
 - c. Existing asphalt paving up to the North property line shall be overlaid or replaced to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance. Existing paved areas which are not

needed to be hard surfaced may be converted to "green space" in lieu of repairing.

- d. The north-south drive on the west side of the building shall be maintained as a 20' fire lane.
 - e. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
 - f. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)
 - g. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance. Parking shall not be allowed on public right-of-way.
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 Permit on August 6, 2015.
8. The City Council adopted this Conditional Use-Major Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Faith Worship & Outreach, Inc., located at 1111 Highway 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 81831520.000.

August 18, 2015
Date of Issuance

Attest:

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

Cindy Russell
City Clerk

Excerpt for August 6, 2015 Gautier Planning Commission Meeting

REQUEST:

REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT TO ALLOW A CHURCH OR PLACE OF WORSHIP IN A HIGHWAY COMMERCIAL (C3) ZONING DISTRICT, TO BE HELD AT 1111 HIGHWAY 90 (GPC CASE #15-05-CU)

RECOMMENDATION:

Commissioner Walters made the motion to recommend that City Council approve the Conditional Use-Major with the recommended conditions listed. **Commissioner York** seconded the motion and the following vote was recorded:

AYES: **Larry Dailey**
 Jimmy Green
 Kay C. Jamison
 Anthony York
 Greg Spanier
 Sandra Walters

NAYS: **None**

ABSENT: **David Wooten**

Motion passed.

Gautier Planning Commission

Regular Meeting Agenda

August 6, 2015

GPC #15-05-CU

Faith Worship & Outreach, Inc.

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. FAITH WORSHIP & OUTREACH, INC. - REQUEST FOR A CONDITIONAL USE-MAJOR PERMIT FOR A CHURCH OR PLACE OF WORSHIP IN A C-3 DISTRICT; 1111 HIGHWAY 90 (GPC CASE #15-05-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, Director of Economic Development & Planning

Date: August 4, 2015

Subject: Conditional Use-Major Permit for Faith Worship & Outreach, Inc. at 1111 Highway 90 (GPC Case No. 15-05-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Lester Hughes, II, owner of Faith Worship & Outreach, Inc., for a Conditional Use-Major Permit that would allow a Church or Place of Worship in a C-3 Highway Commercial zoning district at 1111 Highway 90, PID #81831520.000. The application fee of \$250 was paid on April 20, 2015. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 1111 Highway 90 (See Exhibit A)
Principal Arterial: Highway 90 and Old Spanish Trail
2. General features of the proposed project:
Total Building Area: 3600 square feet
Site Size: 0.28 Acres
Year Building Constructed: 1971
3. Potable Water and Wastewater Services: Existing from City
4. The building is existing and is currently divided into separate suites. The last known use of the property was a bar/lounge (The Double C Saloon). The building was built prior to 2010 when the UDO became effective. The building has been vacant for more than sixty (60) days, so the “grand-fathered” status has expired.
5. Current Zoning (See Exhibit B): C-3 Highway Commercial
6. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial to the North, East, and West; and C-2 Community Commercial to the South.

7. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail to the North and East; Office to the West; and Very Low to Low Density Residential to the South.
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Impact Commercial

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. The proposed is properly zoned.

Staff Finding: Yes. A Church or Place of Worship is listed as a Conditional Use-Major in a 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: The project is compatible with the character of development in the vicinity relative to density and intensity of structures, parking and other uses. Attached you will find a copy of parking/site plan.

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. Table No. 9 of the UDO establishes minimum parking spaces required for churches as 1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship (or 1 per 3 seats). Based on the proposed number of 32 seats the proposed use will need 11 parking spaces, with 1 of those being an accessible space. This building will be shared with a day care which will have different operating hours, so the separate uses may share parking.

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

Applicant Response: Our project will not negatively affect neighboring property values or pose any real or perceived threats to citizens. The subject facility will be used to conduct weekly worship services/bible study and also to conduct childcare business.

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: Our project will not adversely affect vehicular or pedestrian traffic in the vicinity. Our facility is located 40 feet away from the main Hwy 90.

Staff Finding: There is no evidence that the proposed church 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. 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.

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 proposed use is in harmony with the Comprehensive Plan.

Staff Response: The Comprehensive Plan states that churches may be permitted as a conditional use in a highway commercial district with conditions imposed to ensure that the use is compatible with its surroundings.

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. The proposed use does not pose a hazardous, detrimental, or disturbing affect, either real or perceived to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances.

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. The proposed use does conform to all district regulations for the applicable district in which it is located.

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” are 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 Neighborhood Commercial District and recommends approval with the following conditions:

1. The church services/events/meetings shall be limited to 32 occupants at one time.
2. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
3. Existing asphalt paving up to the North property line shall be overlaid or replaced to meet the minimum Property Maintenance and Care section of the Unified

Development Ordinance. Existing paved areas which are not needed to be hard surfaced may be converted to “green space” in lieu of repairing.

4. The north-south drive on the west side of the building shall be maintained as a 20’ fire lane.
5. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
6. Noise levels shall meet the City’s noise ordinance. (See Exhibit F.)
7. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance. Parking shall not be allowed on public right-of-way.

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. Site Photos
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 – Draft Conditional Use-Major Permit
8. City’s Exhibit F – Section 15-5 City of Gautier’s Code of Ordinances (Noise Ord.)
9. City’s Exhibit G – Section 3409 of the International Building Code (Accessibility)

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

CONDITIONAL USE-MAJOR HEARING APPLICATION

Hearing Number

GPC 15-05-CU

<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
Conditional Use – Major <input checked="" type="checkbox"/>	\$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: Lester Hughes, II
Name of Business: Faith Worship & Outreach
Address: 1629 Victoria Drive Mailing Address (if different): _____
Email Address: lester.hughes37@gmail.com
Phone: (228) 218-0636 Cell Phone: (228) 218-0636 (or) 601-498-0687
Reason for request, location and intended use of Property: The purpose of this request is for the use of 1111 Hwy 90 property as a church/Daycare facility

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.
- N/A 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: Lester Hughes II

Date of Application: 07/29/2015

FOR OFFICE USE ONLY

Date Received 4-20-15 Verify as Complete 8/4/15

Fee Amount Received \$ 250.00

Initials of Employee Receiving Application JC

SQUARE FOOTAGE:

ROOM A: (SANCTUARY)

Width: 34 feet

Length: 60 feet

Total: $(34 \times 60) = 2,040$ sqft

ROOM B: (DAYCARE)

Width: 24 feet

Length: 60 feet

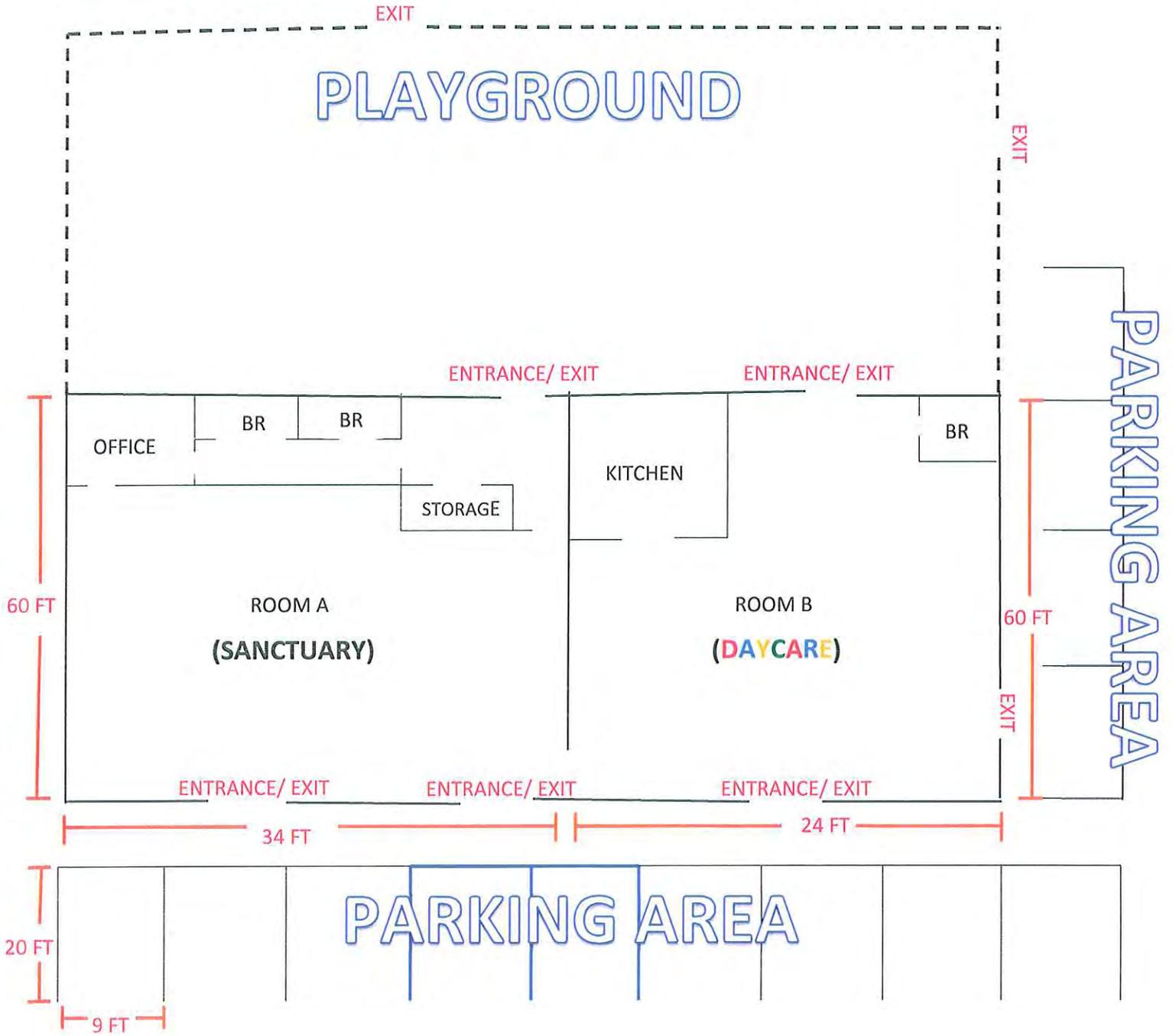
Total: $(24 \times 60) = 1,440$ sqft

SETBACKS:

Front: 40 Feet

Side: 15 feet

Rear: 35 feet



Parcel Information

PIDN: 81681520.000
SISP: 789.31-03-0060.00

Owner Information

Name: NGUYEN DIEP
Name2:
Percent of Ownership: 100
Mailing Address: 7013 SOUTHWIND DR
BILOXI MS 39332
Physical Address: 1111 HWY 90 GAUTIER

Land Information

Section, Township, Range: 31 7S 6W
Acreage: .28
Street Name: HWY 90

Value and Tax Information

Total Assessed Value: 18657
Total Appraised Value: 124640
Improvement Value: 7830
Land Value: 47810
Tax Amount: 2541
SQ. FT: 3500
Year Built: 1971

Legal Description

Description: COM E/W SHAW DR S S/M HWY 90 SELY ALG HWY 89.7' TO POB SELY 89.7' S 15 DEG W 180.7' N 13 DEG W
64.25' N 15 DEG E 180.7' TO POB DB 1401-7 (60 MAP769.31-03)

Deed Book / Page: 1401 / 7



LIMITED DURABLE POWER OF ATTORNEY

STATE OF MS
COUNTY OF JACKSON

That I, DIEP H NGUYEN, pursuant to the provisions of the Uniform Durable Power of Attorney Act of the State of Mississippi, have made, constitute and appointed and by this document do make, constitute, and appoint QUYEN NGUYEN, my daughter, residing in Ocean Springs, Mississippi, my true and lawful attorney-in-fact for me and in my name, and stead:

(1) To renegotiate and reinstate my mortgage and to otherwise deal with any and all mortgage related entities, including but not limited to all originators, sponsors, depositors, holders, owners, servicers (master servicers and sub-servicers) and to communicate with each of said entities freely on my behalf as if I can do for myself. This includes sending any written correspondence to said entities on my behalf in an effort to make any inquiry, protest charges, or otherwise as she deems fit under the circumstances.

(2) To encumber my real property as is necessary to renegotiate and/or refinance my mortgage obligations;

(3) To pay all mortgage debts related to my real property;

(4) To have open access to all of my mortgage accounts and information held by any mortgage related entity including but not limited to all originators, sponsors, depositors, holders, owners, servicers (master servicers and sub-servicers).

(5) To retain an attorney to represent my interest related to my home and/or in my mortgage account(s).

(6) To buy, sell, mortgage, or otherwise deal with any real estate or interest therein which I may own, or any material interest which I may own and to execute oil and gas leases.

(7) In general related to my mortgage(s), to do all things in my name and on my behalf with the same effect as though personally done by me.

(8) Photocopies hereof may be relied upon as though they were an original.

(9) My attorney-in-fact is obligated to exercise the Powers hereunder only for my best interests and therefore is bound by the standards or conduct and liability applicable to other fiduciaries.

(10) THIS POWER OF ATTORNEY SHALL BECOME EFFECTIVE UPON EXECUTION, AND SHALL NOT BE AFFECTED BY SUSEQUENT DISABILITY OR INCAPACITY OF THE PRINCIPAL OR THE LAPSE OF TIME. This instrument is created and is executed in anticipation of the legal, physical or mental infirmities which can be caused by my advancing years, illness, accidents, and also disappearance of absence. This instrument is to be construed and interpreted as a limited durable power of attorney. The powers and authority shall remain in full force and effect thereafter until terminated by written revocation, order of a court, or my disappearance, explained or unexplained, and is also effective even if I am deceased until such time as my death is confirmed.

IN WITNESS WHEREOF, I have signed my name this the 17 day of December, 2014.

Diep H. Nguyen
DIEP H. NGUYEN

City, County, State of Residence

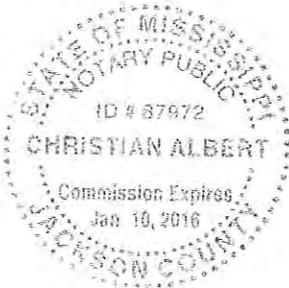
Biloxi, Jackson

MISSISSIPPI

STATE OF MS

COUNTY OF Jackson

Before me, the undersigned authority, on this the 17 day of December, 2014, personally appeared DIEP H. NGUYEN who states and signed to the matters above under oath confirming that the matters contained herein are truthful and accurate under penalty of perjury and that she enters into this document on her own volition, free from coercion or duress.



Christian Albert
NOTARY PUBLIC

My commission expires:

1/10/16

WITNESSES

The principal is personally known to me and I believe the principal to be of sound mind. I am eighteen (18) years of age or older. I am not related to the principal by blood or marriage, or related to the attorney-in-fact by blood or marriage. The principal has declared it to me that this instrument is her power of attorney granting to the named attorney-in-fact the power and authority specified herein, and she has willingly made and executed it as her free and voluntary act for the purposes herein express.

WITNESS: Peter Nguyen

WITNESS: [Signature]

DURABLE POWER OF ATTORNEY,
12-17-14 (DATE)

PAGE 3
INITIAL: DN

STATE OF Ms

COUNTY OF Jackson

Before me, the undersigned authority, on this the 17 day of

December, 2014, personally appeared

Peter Nguyen (witness) and Hoa Nguyen (witness) whose

names are subscribed to the foregoing instrument in the respective capacities, as well as the principal, and all of said persons being by me duly sworn, the principal declared to me and to the said witnesses in my presence that the instrument is her power of attorney, and that the principal has willingly and voluntarily made and executed it as the free act and deed of the principal for the purposes therein express, and the witnesses declared to me that they were each eighteen (18) years of age or over, and that neither of them is related to the principal by blood or marriage, or related to the attorney-in-fact by blood or marriage



[Signature]
NOTARY PUBLIC

My commission expires:

1/10/16

STATE OF MISSISSIPPI
COUNTY OF JACKSON

LEASE AGREEMENT

This agreement is made on this date ^{3/15th} March 2, 2015, between ^{N.A.} NATHANIEL
ANDERSON or QUYEN NGUYEN, 7013 Southwind Drive, Biloxi, MS 39532, County of
Jackson, State of Mississippi, herein referred to as Owner, and LESTER HUGHES
herein referred to as Renter.

The parties recite and declare that:

1. Owner is the sole owner of developed commercial property that she desires to lease.
2. Renter desires to lease the property for ^{CHURCH / DAYCARE} ~~grocery store~~ business purposes.
3. The parties desire to enter an agreement to establish terms of a lease for the premises.
4. Renter shall rent the commercial property "as is".
5. Renter agrees to give copy of proof of insurance for a minimum of one million dollar (1,000,000.00) in general liability naming the landlord as the lost payee on or before April 1, 2015.
6. Owner and Renter agree to start the lease on March 2, 2015. The lease will be one year and will expire on March 2, 2016. The new lease will be option on the market price.
7. After lease property plus equipment as in list return. Must be in good working order or pay for damages.

In consideration of the mutual covenants contained herein, the parties agree as follows:

SECTION ONE, RENTAL UNIT

Owner agrees to lease, and Renter agrees to rent the commercial property owned by
Owner located at:

1111 Hwy 90 Gautier, MS 39553

The property is to be used by Renter for grocery store purposes and any modified or rebuild must
be permit by owner.

SECTION TWO, TERM

The premises shall be leased for one year beginning on March 2, 2015 and ending on
March 2, 2016, in the amount of one thousand dollar (\$1,000.00).

SECTION THREE, MONTHLY RENTAL

Renter shall pay to Owner the sum of \$3,000.00 upon execution of this lease, which
payment shall represent the first month's payment of \$1,000.00 and a \$1,000.00 deposit. In the
event that there are no damages or diligences, the \$1,000.00 is refundable at the end of the lease.
The monthly rental payments will be in the amount of One Thousand Dollars (\$1,000.00).
Thereafter, the rent will be due and payable on the first day of each month beginning March 2,
2015 and every month thereafter during the term of this lease, said payments to be made at the
location designated by the Owner. If payment is not received by the 5th day of the month, a 10%
late fee of \$100.00 will be paid with the rent due.

SECTION FOUR, TAXES AND REPAIRS

Owner shall pay all real property taxes (land tax) during the lease term. Renter shall be responsible for personal property taxes on Renter's personal property for these tax periods.

Renter shall further, at all times during the term of the lease and at their own cost and expense, repair, replace, and maintain in a good, safe, and substantial condition, plumbing, electrical, and exterior walls as well as the air conditioning and heating system for said building.

SECTION FIVE, UTILITIES

All applications and connections for necessary utility services on the leased premises shall be made in the name of Renter only, and Renter shall be solely liable for utility charges as they become due, including but not limited to, sewer, water, gas, electricity, and telephone services. In addition, Renter shall, at all times during the lease and at its own cost and expense, repair, replace, and maintain in a good, safe, and substantial condition, the building's interior, and shall use all reasonable precautions to prevent waist, damage, or injury to the leased premises.

SECTION SIX, INSURANCE

Owner shall provide and keep in force adequate fire and storm insurance. The Renter shall provide personal injury and property damage insurance against liability for bodily injury and hazards as are commonly insured against for the type of business activities conducted therein. All policies are to be in the amounts required by Owner. Renter must give copy of proof of insurance after lease has been executed. Renter must have a minimum of one million dollar (1,000,000.00) after lease has been executed. Renter must have a minimum of one million dollar (1,000,000.00) in general liability naming the landlord as the lost payee.

SECTION SEVEN, UNLAWFUL ACTIVITIES

Renter shall neither use nor occupy the premises or any part thereof for any unlawful, disreputable, or hazardous business purpose nor operate or conduct his business in a manner constituting a nuisance of any kind. Renter shall immediately, on discovery of any unlawful, disreputable, or hazardous use, take action to halt such activity.

SECTION EIGHT, LIABILITY

Renter shall indemnify Owner against all expenses, liabilities, and claims of every kind, including reasonable counsel fees, by or on behalf of any person or entity arising out of either (1) a failure by Renter to perform any of the terms or conditions of this agreement, (2) any injury or damage happening on or about the leased premises, (3) failure to comply with any law or any governmental authority, or (4) any mechanic's lien or security interest filed against the leased premises or equipment, materials, or alterations of buildings or improvements thereon authorized by Renter.

SECTION NINE, PARTIAL DESTRUCTION

In the event of a partial destruction of the premises during the term from any cause, Owner shall forthwith repair the same, provided the repairs can be made within a reasonable time under the laws and regulations of applicable governmental authorities. Any partial destruction shall neither annul nor void this lease, except that Renter shall be entitled to a proportionate reduction of rent while the repairs are being made, and any proportionate reduction being based on the extent to which the making of repairs shall interfere with the business carried on by Renter in the premises. In the event that Owner does not elect to make repairs that cannot be made in the

specified time, or those repairs cannot be made under the laws and regulations of the applicable governmental authorities, this lease may be terminated at the option of either party. In the event of a total destruction of the premises during the term from any cause, the lease shall be automatically terminated .

SECTION TEN, PEACEABLE ENJOYMENT

Owner warrants the Renter shall be granted peaceable and quiet enjoyment of the leased premises free from any eviction or interference by Owner if Renter pays the rent and other charges provided herein, and otherwise fully and punctually performs the terms and conditions imposed on Renter.

SECTION ELEVEN, POSSESSION AND CONTROL

Renter shall be given possession of the unit on 1st of March 2014 in order to make alterations to said building. Renter shall be in exclusive control and possession of the leased premises, and Owner shall not be liable for any injury or damages to any property or to any person on or about the demised premises nor for any injury or damage to any property of Renter. Renter shall give the landlord a key and shall be permitted to enter and inspect the leased premises at all reasonable times to insure that lessee is in compliance with the terms and conditions hereof and/or makes repairs that Renter has failed to make. Owner shall not be liable to Renter for any entry on the premises for inspection purposes.

SECTION TWELVE, SURRENDER OF UNIT

Renter shall, on the last day of the term, or on earlier termination and forfeiture of the lease, peaceably and quietly surrender and deliver the leased premises to the Owner, all in good condition and repair. Any trade fixtures or personal property not used in connection with the operation of the leased premises and belonging to Renter, if not removed at the termination or default, and if Owner shall so elect, shall be deemed abandoned and become the property of Owner without any payment or offset therefore. Owner may remove such fixtures or property from the premises and store them at the risk and expense of Renter if Owner shall not so elect. Renter shall repair and restore all damage to the demised premises caused by the removal of equipment, trade fixtures, and personal property.

SECTION THIRTEEN, ENTIRE AGREEMENT

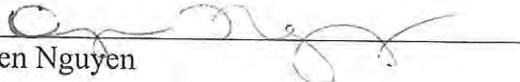
This lease contains the entire agreement between the parties and cannot be changed or terminated except by a written instrument subsequently executed by the parties hereto. This lease and the terms and conditions hereof apply to and are binding on the heirs, legal representatives, successors, and assigns of both parties.

SECTION FOURTEEN, LAWS

This agreement shall be governed by and construed in accordance with the laws of the
State of Mississippi

WHEREOF, the parties have executed this lease at Gulfport, Mississippi, on this the 2nd day of
March, 2015.

OWNER:

X 
Quyen Nguyen

WITNESS:

X 
Nathaniel Anderson

RENTER:

X 
Lester Hughes

Name:

Home address:

Date of Birth:

Social Security Number:

Driver License Number:

Phone Number:

FAITH WORSHIP & OUTREACH, INC.
GENERAL PURPOSE:

Pastors Lester and Shannon Hughes are firm believers that the entry of God's word is the vehicle that changes the lives of people. We believe that by preaching the word, faith is increased, families are strengthened, homes are changed, and hearts and minds are set free. We are committed to empowering, equipping and training all who are planted in our local church with the tools needed to live victorious and blameless on earth. We are equally committed to being a light to the unchurched.

Faith Worship & Outreach is a ministry of love to one another as we reach the lost through the love of Jesus Christ. Our ultimate goal is to train and equip the believer for the working of the ministry for furthering the gospel of Jesus, by way of weekly Sunday school (9:30 a.m. to 10:15 a.m.) and Sunday morning worship services (10:30 a.m. to 12:30 a.m.) and Thursday night bible study (6:30 p.m. to 8:00 p.m.).

All services will be held at 1111 Hwy 90, Gautier, MS (Room A). The square footage is 34 ft wide and 60 ft Long = 2,040 sq ft. Faith Worship & Outreach has 18 members and 32 chairs available.

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. The proposed is properly zoned.

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 project is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses. Attached you will find a copy of parking/ site plan

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

Our project will not negatively affect neighboring property values or pose any real or perceived threats to citizens. The subject facility will be used to conduct weekly worship services / bible study and also to conduct child care

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

Our project will not adversely affect vehicular or pedestrian traffic in the vicinity. Our facility is located 40 feet away from the main hwy 90

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?

Yes. The proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, street drainage, police and fire protection, and schools

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

Yes. The proposed use is in harmony with the Comprehensive Plan.

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. The proposed use does not 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.

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. The proposed use does conform to all district regulations for the applicable district in which it is located.

VISION

A MINISTRY OF LOVE TO ONE ANOTHER, AS WE REACH THE LOST THROUGH THE LOVE OF JESUS CHRIST.

MISSION

TO TRAIN AND EQUIP THE BELIEVER FOR THE WORKING OF THE MINISTRY FOR FURTHERING THE GOSPEL OF JESUS CHRIST.

F0001

2014125020

Fee: \$ 50



Business ID: 1054451
Filed: 10/29/2014 08:15 AM
C. Delbert Hosemann, Jr.
Secretary of State

DELBERT HOSEMAN
Secretary of State

P.O. BOX 136
JACKSON, MS 39205-0136

TELEPHONE: (601) 359-1633

Articles of Incorporation

Business Information

Business Type: Non-Profit Corporation
Business Name: Faith Worship & Outreach Gulf Coast, Inc.
Business Email: lester.hughes37@gmail.com
Period of Duration: Perpetual
Initial planned non-profit activity: Church

NAICS Code/Nature of Business

813110 - Religious Organizations

Registered Agent

Name: Lester Hughes II
Address: 1629 Victoria Drive
Gautier, MS 39553

Signature

The undersigned certifies that:

- 1) he/she has notified the above-named registered agent of this appointment;
- 2) he/she has provided the agent an address for the company, and;
- 3) the agent has agreed to serve as registered agent for this company

By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day **10/28/2014**.

Name:
Shannon Hughes
Incorporator

Address:
1629 Victoria Drive
Gautier, MS 39553

Lester Hughes II
Incorporator

1629 Victoria Drive
Gautier, MS 39553

State of Mississippi

Certificate of Incorporation

Acting under the authority vested in me as Secretary of State by the Constitution and Laws of this State, I do hereby certify the following has satisfied all conditions precedent for incorporation in this State.

Faith Worship & Outreach Gulf Coast, Inc.



Given this the 29th day of October, Two Thousand and Fourteen, in the Capital City of Jackson, Mississippi under my Hand and Seal,

C. Delbert Hosemann, Jr.

C. DELBERT HOSEMAN, JR.
Secretary of State

I, Quyen Nguyen, the fee simple owner of the following described property (give legal description):

1111 Hwy 90, Gautier, MS 39553

hereby petition to the City of Gautier to *Grant a Conditional Use of* <Property>

1111 Hwy 90 in Gautier, MS 39553

and affirm that Lester Hughes II 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.

Quyen Nguyen
(Owner's Signature)

The foregoing instrument was acknowledged before me this 4th day of August,

20 15 by Quyen Huyen Nguyen, who is personally known to me or has produced CA ID # D2971551 as identification and who did take an oath.

Patrick Connor Brown
(Printed Name of Notary Public)

Patrick Connor Brown
(Signature of Notary Public)

Commission # 105209. My commission expires April 14th 2017.

(Notary's Seal)





07/23/2015 14:31



07/23/2015 14:31



07/23/2015

14:32



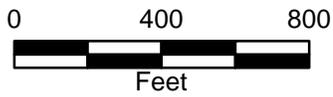
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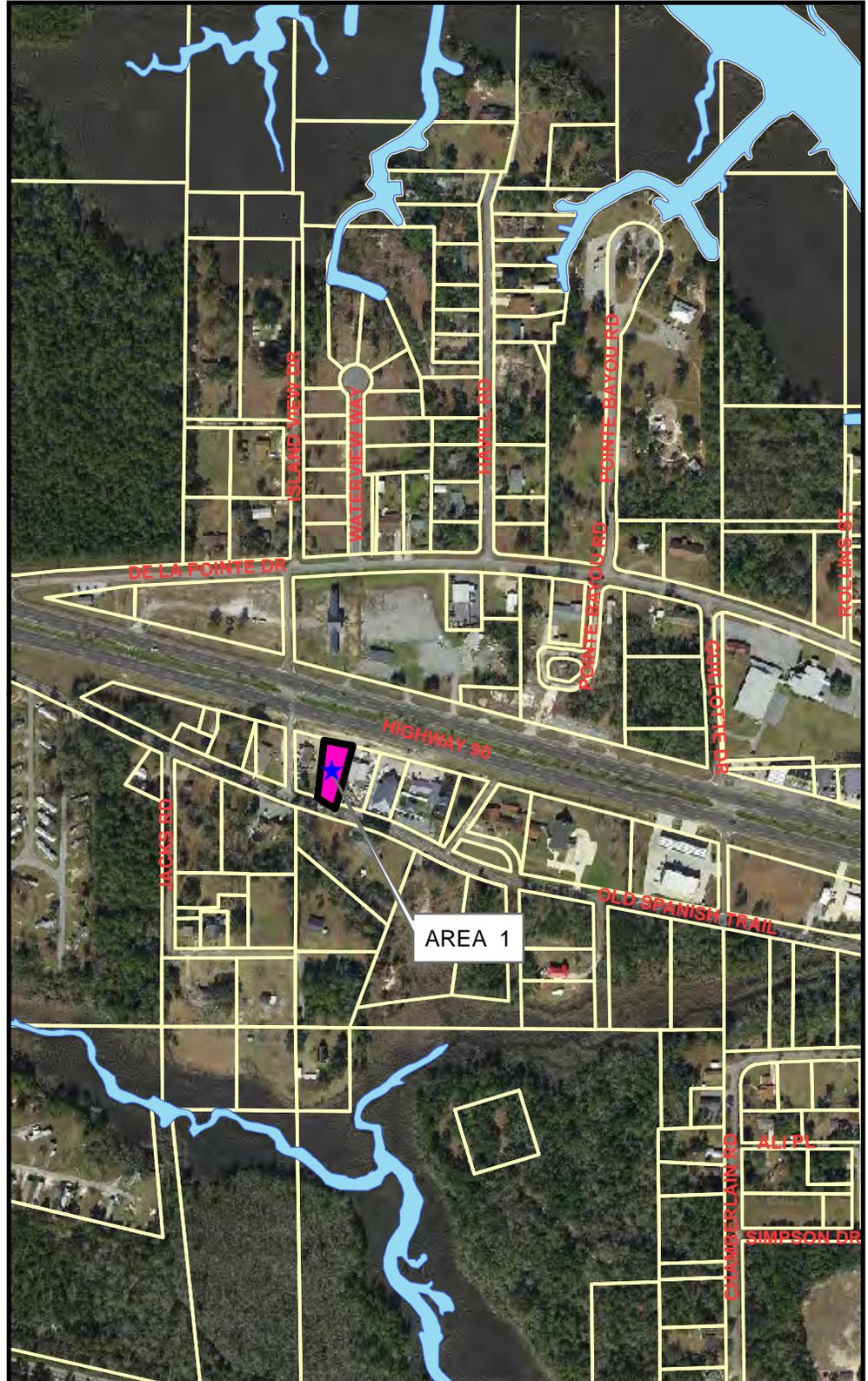
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**Location Map
1111 Highway 90
Conditional Use**

City Of Gautier
Economic Development/Planning

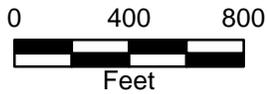


Prepared by the
City of Gautier
Planning Division



Existing Zoning Map

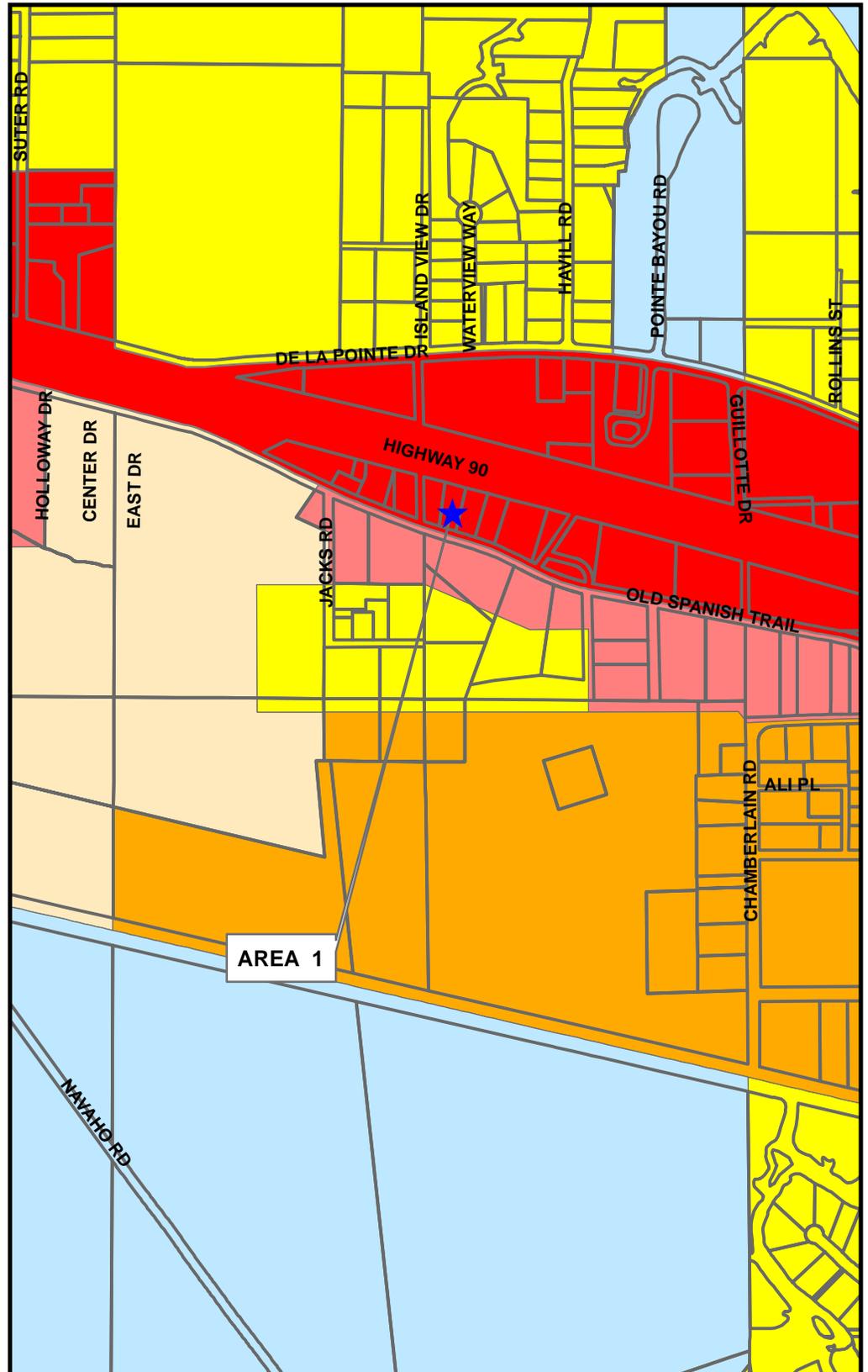
**City Of Gautier
Economic Development/Planning**



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

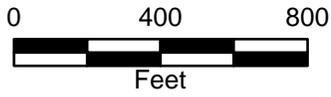
Legend

- 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**

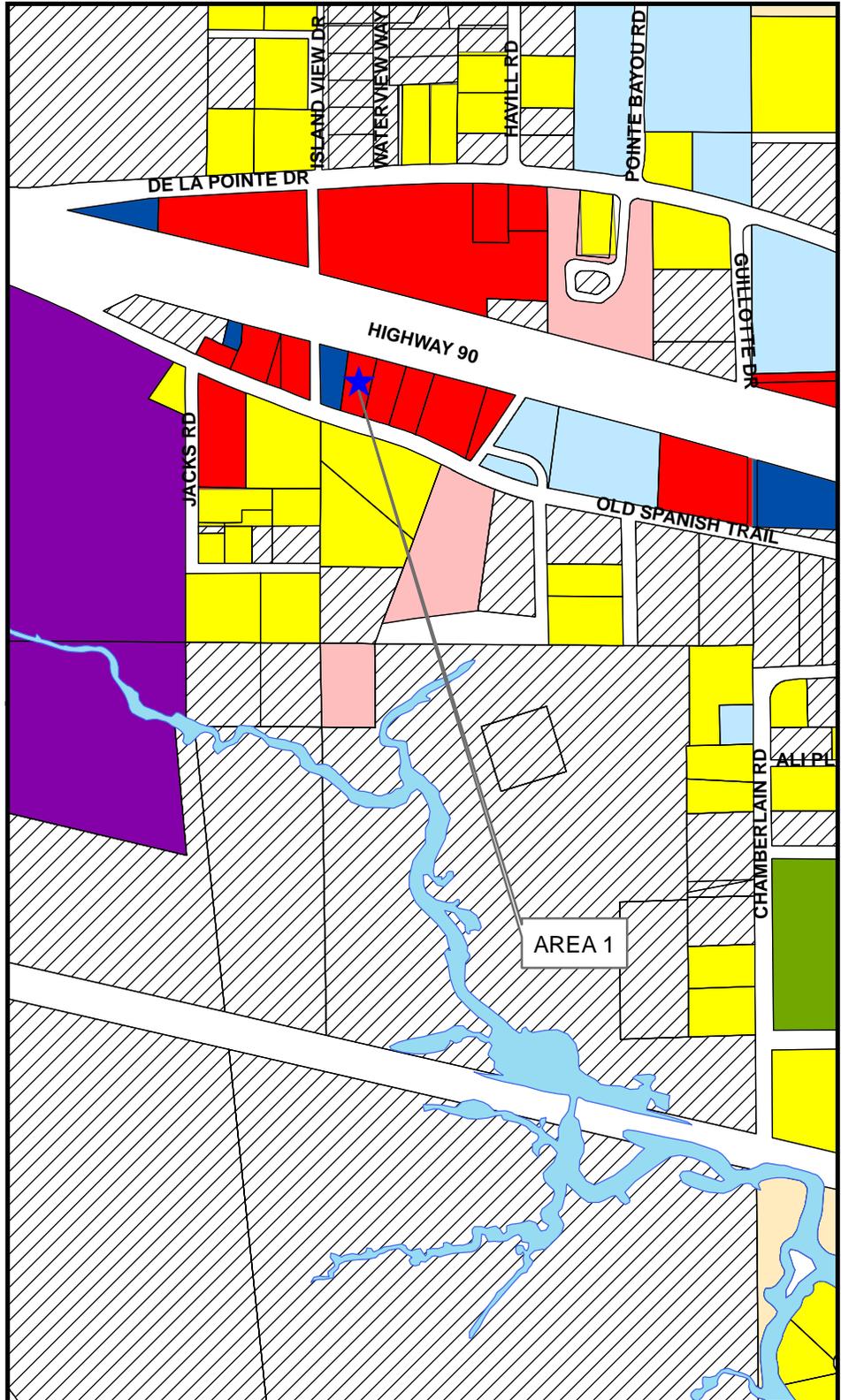


**Prepared by the
City of Gautier
Planning Division**

Legend

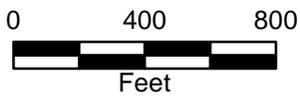
EXISTING LAND USE

- 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

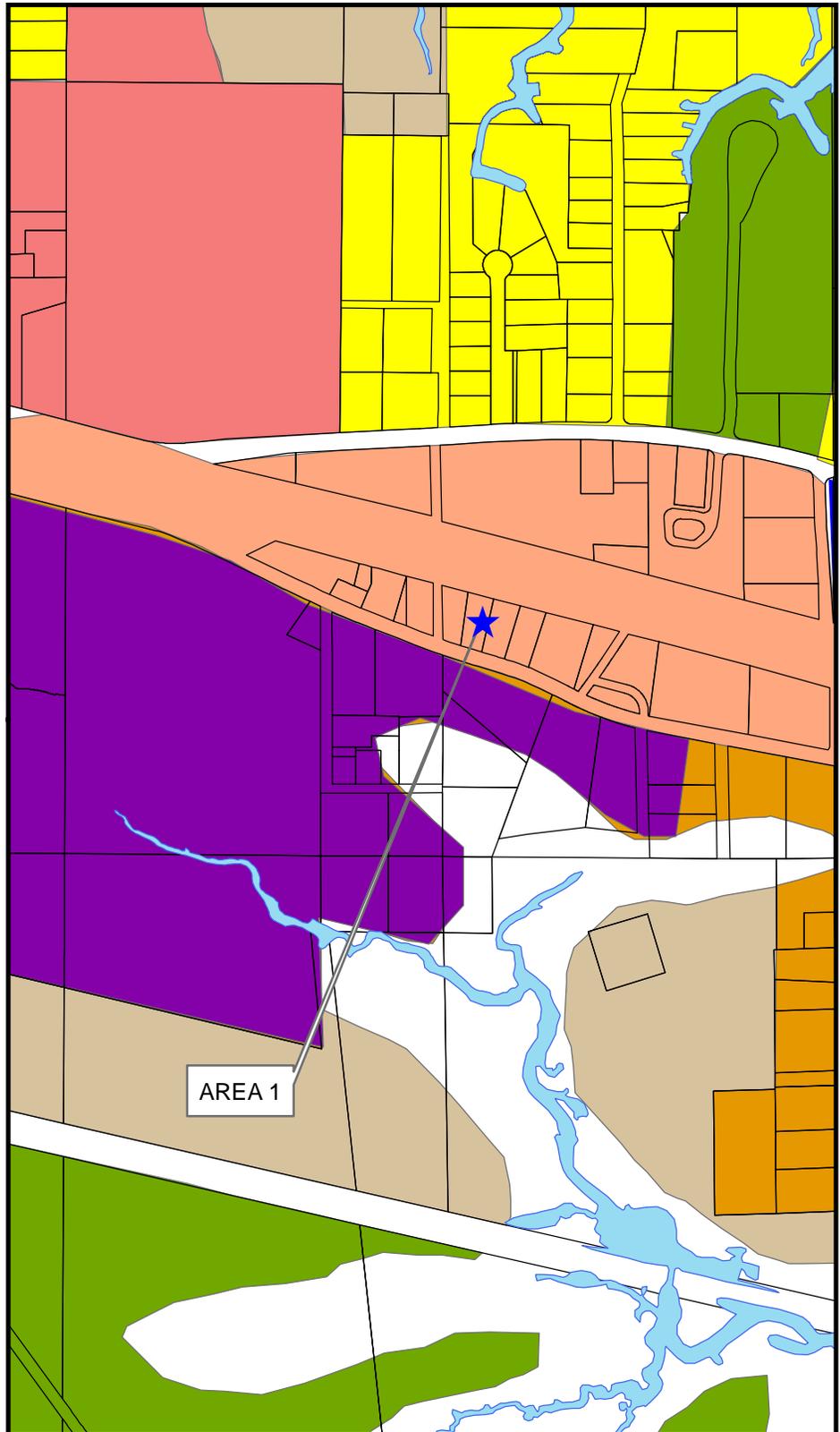
City Of Gautier
Economic Development/Planning



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



**CITY OF GAUTIER
CONDITIONAL USE-MAJOR PERMIT
GPC CASE NO. 15-05-CU**

FAITH WORSHIP & OUTREACH, INC.

REGARDING PARCEL ID NO: 81831520.000

The City of Gautier City Council, at its regular meeting held on August 18, 2015, considered the application for a Conditional Use-Major Permit for a church or place of worship as submitted by Lester Hughes, II, representative for Faith Worship & Outreach, Inc. The parcel subject to this Permit is located at 1111 Highway 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 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 C-3 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on April 20, 2015 for a Conditional Use-Major 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. The church services/events/meetings shall be limited to 32 occupants at one time.
 - b. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
 - c. Existing asphalt paving up to the North property line shall be overlaid or replaced to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance. Existing paved areas which are not

needed to be hard surfaced may be converted to "green space" in lieu of repairing.

- d. The north-south drive on the west side of the building shall be maintained as a 20' fire lane.
 - e. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit E.)
 - f. Noise levels shall meet the City's noise ordinance. (See Exhibit F.)
 - g. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance. Parking shall not be allowed on public right-of-way.
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 Permit on August 6, 2015.
8. The City Council adopted this Conditional Use-Major Permit on a recorded vote of _____ ayes to _____ nays to approve the application of Faith Worship & Outreach, Inc., located at 1111 Highway 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 81831520.000.

August 18, 2015
Date of Issuance

Attest:

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

Cindy Russell
City Clerk

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.

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