

**July 7, 2016  
Gautier, Mississippi**

**BE IT REMEMBERED THAT A REGULAR MEETING** of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on July 7, 2016 at 5:00 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Larry Dailey, Chairman; Sandra Walters, Vice-Chairperson; Commissioners, Jimmy Green, Kay C. Jamison, J.J. Fletcher, and Phil Torjusen. Also present were Chandra Nicholson, Economic Development and Planning Director; Josh Danos, City Attorney and Tricia L. Thigpen, Deputy City Clerk. Absent was Anthony York.

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**AGENDA**

**GAUTIE PLANNING COMMISSION**

**July 7, 2016**

**5:00 P.M.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (April 7, 2016; April 21, 2016; May 5, 2016 and June 2, 2016)**
- V. PUBLIC COMMENTS  
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**

**VI. PRESENTATION**

- A. DONOVAN SCRUGGS – PRESIDENT OF THE AMERICAN PLANNING ASSOCIATION, MISSISSIPPI CHAPTER – GENERAL DISCUSSION/ TRAINING ON PLANNING COMMISSION AND COMMISSIONER’S ROLE.

**VI. OLD BUSINESS**

- A. REQUEST TO ADOPT COMPREHENSIVE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED) (GPC #16-09-UDO) TABLED FROM JUNE 2, 2016 GPC MEETING.

**VII. NEW BUSINESS**

**VIII. GENERAL DISCUSSION**

- A. PREVIOUS CASE UPDATES
- B. UPDATE ON DEVELOPMENT & EVENTS

**IX. ADJOURN**

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**Chairman Dailey** called the meeting to order.

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**Vice-Chairperson Walters** made the motion to approve the agenda order. **Commissioner Green** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**     **Anthony York**

**Motion passed.**

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**Commissioner Green** made the motion to approve the minutes from GPC Meetings held April 7, 2016; April 21, 2016; and May 5, 2016. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**PRESENTATION**

- A.    **DONOVAN SCRUGGS – PRESIDENT OF THE AMERICAN PLANNING ASSOCIATION, MISSISSIPPI CHAPTER – GENERAL DISCUSSION/ TRAINING ON PLANNING COMMISSION AND COMMISSIONER’S ROLE.**

**Commissioner Torjusen** made the motion to postpone the Donovan Scruggs presentation until further notice. **Commissioner Jamison** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

## **PUBLIC COMMENTS**

Marty Wheelan at 1612 Bayou Vista, Gautier commented on the excessive lot coverage of accessory structures at 1616 Bayou Vista Street, Gautier. (Letter presented by Mr. Wheelan attached to backup documentation).

Leonard R. Frederick at 1605 Garden Lane, Gautier commented on his disagreement with the Gautier Planning Commission and City Council allowing the issuance of a building permit to property owner at 1616 Bayou Vista in direct violation of existing and current City of Gautier UDO.

Jim Hillburn at 1611 Bayou Vista, Gautier commented that he did not have a problem with the accessory structure at 1616 Bayou Vista.

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- A. REQUEST TO ADOPT COMPREHENSIVE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED)  
(GPC #16-09-UDO) TABLED FROM JUNE 2, 2016 GPC MEETING

The Gautier Planning Commission and Staff discussed the proposed amendments to the Unified Development Ordinance and the following actions were taken:

### **Article II: Definitions**

#### **SECTION 2.1 Definitions Pages 4-56**

**Vice-Chairperson Walters** made the motion to revise "Application" definition to "The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate City Department, Board, or Commission as a part of the review for a development permit or approval reviewed under this ordinance. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

**AYES:**           **Larry Dailey**  
                      **Sandra Walters**  
                      **Jimmy Green**  
                      **Kay C. Jamison**  
                      **J.J. Fletcher**  
                      **Phil Torjusen**

**NAYS:**           **None**

**ABSENT:**       **Anthony York**

**Motion passed.**

**DEFINITION - FULL CUT-OFF FIXTURE – Page 24**

**Chairman Dailey** made the motion to revise the definition of “Full Cut-Off Fixture to “An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground. **Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**DEFINITION - MARINE SALES AND SERVICES Page 33**

**Chairman Dailey** made the motion to revise the definition of Marine Sales and Services to “A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels, including marine accessories and equipment. **Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**DEFINITION-YARD Page 55**

**Chairman Dailey** made the motion to revise the definition of Yard to “Any open space located on the same lot or site with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. Front, Rear, and Side Yards are only established once a principle Building is placed on the site. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Front, Rear, and Side Yards. (ALSO SEE SETBACK).

**Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**ARTICLE III ADMINISTRATIVE & ENFORCEMENT POWERS AND DUTIES**

**SECTION 3.2: Planning Commission Page 57**

**Vice-Chairperson Walters** made the motion to revise “17-1-17 to 17-1-11” - The Planning Commission shall exercise all powers vested in such bodies as provided in *Mississippi Code Annotated Section 17-1-11 (1972)* and shall act as the Advisory Committee to the City of Gautier in zoning and planning matters. The Planning Commission shall adopt reasonable rules and regulations governing the conduct of its zoning affairs and in keeping with the provisions of this Ordinance. **Commissioner Fletcher** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**Section 3.3.1 Powers and Duties Page 60**

**Chairman Dailey** made the motion to revise the first paragraph to “The Technical Review Committee shall be responsible for providing review of the following items: A verbal development update will be provided at Planning Commission meetings. **Commissioner Green** seconded the motion and the following was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

The Planning Commission took a recess at 6:25 P.M.

The meeting resumed at 6:35 P.M.

#### **SECTION 4.5.2 Expiration of Building Permit Page 76**

**Chairman Dailey** made the motion to revise paragraph to “If the work described in any building permit has not been initiated within six (6) months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new building permit has been obtained. **Commissioner Fletcher** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

#### **SECTION 4.14.1 General Process for Actions Requiring Planning Commission and/or City Council Review Page 97**

**Chairman Dailey** made the motion to remove “G” from Section 4.14.1 “G. Order, Resolution, or Ordinance Authorization, as applicable. **Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**SECTION 4.14.1 General Process for Actions Requiring Planning Commission and/or City Council Review Page 97**

**Chairman Dailey** made the motion to revise “E” in Section 4.14.1 to “City Council Review & Decision. **Commissioner Jamison** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**SECTION 4.22.3 Criteria for Approval of a Major Development Page 108**

**Chairman Dailey** made the motion to remove “Planning Commission” to read “When considering application for a Major Development, the Planning Commission and the City Council shall consider the extent to which”. **Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**ARTICILE V: Zoning Districts and Specific Regulations**

**SECTION 5.4.2 AG, Agricultural District Page 145**

**Chairman Dailey** made the motion to not revise “C. Side – Twenty (20) feet for interior lots and thirty-five (35) feet for corner lots. **Commissioner Fletcher** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **Phil Torjusen**

**NAYS:**        **J.J. Fletcher**

**ABSENT:**    **Anthony York**

**Motion passed.**

**SECTION 5.4.3 R-E, Residential Estate District Page 146**

**Chairman Dailey** made the motion to not revise “F. Maximum Lot Coverage: Twenty (20) percent for all structure and accessory structures shall not exceed fifteen (15) percent of the rear lot area”. **Commissioner Fletcher** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**ARTICLE VII: Parking, Loading, Driveway, Lighting and Related Requirements and Specifications**

**SECTION 7.11.1 Specifications for Driveways, Parking Areas Page 212**

**Chairman Dailey** made the motion remove all of Section 7.11.1 -7.11.4. **Vice-Chairperson Walters** seconded the motion and the following vote was recording:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**Chairman Dailey** made the motion to add the following to Section 7.11: Construction Specifications and Required Maintenance.

**A. Drainage, Maintenance, and Containment**

All parking facilities and access for all residential, commercial and industrial uses shall be properly drained to prevent ponding; shall be maintained free of trash and rubbish; and the surfacing material must be contained and maintained so as not to deposit on public rights-of-way.

**B. Commercial and Industrial Parking and Access**

Commercial and industrial parking facilities and access shall be asphalt, concrete, and brick/concrete pavers. Parking facilities and access may be of crushed limestone or similar material only upon approval of the Technical Review Committee (TRC), unless a plan meeting the requirements of "Other Designed Option" (below) is provided.

**C. Residential Parking and Access**

Except as required by subdivision regulations, subdivision plat approval or otherwise for newly platted subdivisions, residential parking and access shall be asphalt, concrete, or brick/concrete pavers. Residential parking and access may be crushed limestone, gravel and road millings only upon approval of the Technical Review Committee (TRC), unless a plan meeting the requirements of "Other Designed Option" (below) is provided.

**D. Confinement from Public Roadway**

Any such driveway or private lane that exceeds ten (10) feet that is surfaced with limestone, road millings, gravel, or other suitable material shall surface the first (10) feet of access with asphalt, concrete, or brick/concrete pavers so as to insure proper containment.

**E. Other Designed Options**

Other designs and materials may be used if the plan is stamped/signed by a design profession registered in the State of Mississippi which allows for any other contingent to be addressed based on the design professionals recommendations.

**F. Surface Suitability**

Paved surfaces shall be designed specifically for anticipated traffic such as cars, trucks, garbage trucks, fire apparatus, etc.

**Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**ARTICLE IX: Procedures for Subdivision of Land**

**SECTION 9.1: Purpose Page 222**

**Chairman Dailey** made the motion to add the following Items I-K.

- I. Preventing overcrowding of land and avoiding undue concentrations of population.
- J. Conserving the value of existing buildings.
- K. Protecting existing neighborhoods, preventing their decline, and promoting their livability.

**Commissioner Torjusen** seconded the motion and the following vote was recorded:

**AYES:** Larry Dailey  
Sandra Walters  
Jimmy Green  
Kay C. Jamison  
J.J. Fletcher  
Phil Torjusen

**NAYS:** None

**ABSENT:** Anthony York

**Motion passed.**

**SECTION 9.3.2 Criteria for Approval Page 224**

**Chairman Dailey** made the motion to add the following Items D – G to Section 9.3.2.

- D. The future development will not create area overcrowding of land or undue concentrations of population;
- E. The future development will conserve or improve the value of existing buildings;
- F. The future development will not cause decline of existing neighborhoods; and
- G. The future development will promote neighborhood livability.

**Commissioner Fletcher** seconded the motion and the following vote was recorded:

**AYES:** Larry Dailey  
Sandra Walters  
Jimmy Green  
Kay C. Jamison  
J.J. Fletcher  
Phil Torjusen

**NAYS:** None

**ABSENT:** Anthony York

**Motion passed.**

**ARTICLE XI: Tree Preservation, Landscaping, Screening, Buffering and Fences**

**SECTION 11.10.1 General Requirements for Fences, Walls and Hedges Page 265**

**Chairman Dailey** made the motion to revise “C” to “Any solid wall or fence except for those around individual residential lots shall avoid a stockade appearance by using columns and/or offsetting sections of the fence or wall. Alternating sections shall be offset a minimum of three (3) feet with trees or evergreen shrubs planted within the offset area”. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**SECTION 11.10.2 Residential Districts Page 265**

**Chairman Dailey** made the motion to revise “A” to “All fences and walls shall be constructed of materials expressly designed for fences. Chain link shall not be used within front yards, including secondary front yards. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**SECTION 11.10.2 Residential Districts Page 265**

**Chairman Dailey** made the motion to remove “B” from Section 11.10.2. **Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**SECTION 11.10.2 Residential Districts Page 266**

**Chairman Dailey** made the motion to remove “F” from Section 11.10.2. **Vice-Chairperson Walters** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

**Chairman Dailey** made the motion to approve the Unified Development Ordinance packet as distributed by Staff with their recommendations and as amended by the Planning Commission. **Commissioner Green** seconded the motion and the following vote was recorded:

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

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### **General Discussions**

Mrs. Nicholson reported B & D Plastics and the New Covenant Church was approved by Council.

No other updates were given.

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**Commissioner Green** made the motion to adjourn the meeting until August 4, 2016 at 5:00 PM. **Commissioner Jamison** seconded the motion and the following was recorded.

**AYES:**        **Larry Dailey**  
                  **Sandra Walters**  
                  **Jimmy Green**  
                  **Kay C. Jamison**  
                  **J.J. Fletcher**  
                  **Phil Torjusen**

**NAYS:**        **None**

**ABSENT:**    **Anthony York**

**Motion passed.**

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**SUBMITTED BY:**

\_\_\_\_\_  
**Scott Ankerson**  
**Interim Economic Development & Planning Director**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Larry Dailey, Chairman**  
**Gautier Planning Commission**

**DATE:** \_\_\_\_\_

To: Commissioners Phil Torjusen, Anthony York, Sandra Walters, Jimmy Green

CC: Commissioners Larry Dailey, J.J. Fletcher, Kay C. Jamison, Interim City Manager Paula Yancey, Mayor Gordon Gollot, Councilman Casey Vaughan, Economic Development & Planning Director Chandra Nicholson, Building and Zoning Division Scott Ankerson

Date: July 4, 2016

Subject: Excessive lot coverage of accessory structures at 1616 Bayou Vista St.

**REQUEST:**

1. Planning Commission and City Council to reverse their decision to allow property owner at 1616 Bayou Vista St., Gautier MS, 39553 (PID # 82436245.000) to exceed maximum lot coverage, regarding allowable maximum lot coverage by accessory structures.
2. City of Gautier to remove foundation for proposed garage/workshop at 1616 Bayou Vista St., at City of Gautier's expense by 8-4-16.
3. City of Gautier to reimburse property owner at 1616 Bayou Vista St. for all expenses incurred, regarding proposed workshop, after the misguided decision of April 7 2016 by the Planning Commission.
4. Planning Commission and City Council in the future to value, respect and to take into consideration the decisions made by the city of Gautier's staff.

**BACKGROUND:**

Per David Vindich's Public Hearing Application, he met with Building and Zoning Division's Scott Ankerson on 4 different occasions to obtain a building permit. Mr. Ankerson would not issue a building permit because size of proposed accessory building and existing accessory buildings are limited to 50% of the primary structure. The proposed accessory structure along with existing accessory structures would exceed 50% of primary structure. The primary structure (house) is 2840 SF.  $50\% \text{ of } 2840 = 1420$  SF available for accessory structures.

Existing accessory structures in square ft.:

Pool house	140
Gazebo	375
Boat house (portion on land)	614

Total existing accessory structure square footage: 1,129

$1420 - 1129 = 291$ . 291 SF are left for future accessory structures. Mr. Vindich proposed to add an accessory structure of 1410 SF.  $1410 + 1129 = 2539$  SF in accessory structures. 2539 SF of accessory structures is 89% of the size of primary structure, 89% exceeds 50%.

Mr. Vindich exercised his right to appeal the staff decision of UDO Section 5.4.4.F., maximum lot coverage, regarding allowable maximum lot coverage by accessory structures in a R-1 low density single family residential zoning district (GPC case #16-07-AP). On April 7 2016, Mr. Vindich was granted a Quasi-Judicial hearing to present his case to the Planning Commission. Commissioners Torjusen, Green,

Walters and York agreed with Mr. Vindich in that he should be allowed to exceed the maximum lot coverage by accessory structures.

On April 12, 2016, Chandra Nicholson, Economic Development & Planning Director wrote a memorandum to Josh Danos, Interim City Manager, to recommend that City Council affirm the Staff Decision to not allow Mr. Vindich to exceed maximum lot coverage by accessory building. City Council chose to allow Mr. Vindich to exceed maximum lot coverage by accessory buildings.

**SUMMARY:**

City employees Chandra Nicholson and Scott Ankerson did their job, stood their ground and were thrown under the bus by our city's politicians. Weak politicians failed their community, abused their power and pitted neighbor against neighbor.

FYI,

Per ARTICLE VI: Supplemental Regulations 6.2.1 Permitted Accessory Structures: A 7. A swimming pool is an accessory structure. Mr. Vindich's property exceeded the 50% rule for accessory structures even before considering adding the new garage/workshop.

Marty Wheelan  
1612 Bayou Vista  
Gautier, MS 39553

228-935-6976  
228-623-4493

**Gautier Planning Commission**  
**Regular Meeting Agenda**  
**May 05, 2013**  
**Comprehensive UDO Amendment**

**VII. NEW BUSINESS**

A. LEGISLATIVE

1. REQUEST TO ADOPT COMPREHENSIVE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED) (GPC #16-09-UDO)

**CITY OF GAUTIER  
STAFF REPORT**

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

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

**Date:** May 5, 2016

**Subject:** Consideration of an Amendment of the Unified Development Ordinance. (City Initiated) GPC #16-09-UDO

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**REQUEST:**

The City Council directed Staff to draft certain comprehensive amendment to the Unified Development Ordinance (UDO) and the Economic Development proposes further changes to the UDO regarding corner lots, fences, parking/driveway surface material, to provide additional clarity, to improve the useability of the document and to include any known errors/omissions.

**BACKGROUND:**

Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

The City Council may consider approval after a public hearing conducted by the Planning Commission based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

**DISCUSSION:**

The City's Unified Development Ordinance was adopted in 2009. Several amendments have been made since the UDO's original adoption. A comprehensive amendment is needed to address corner lots, fences, parking/driveway surface material, to provide additional clarity, to correct miscellaneous errors/omissions that have been discovered and to make the document more user friendly.

**STAFF FINDINGS:**

Staff finds that the amendments are necessary to provide a more "business friendly" environment, for process clarity, and to correct errors/omissions from the original document.

Staff further finds the amendments are consistent with the policies of the Comprehensive Plan.

**RECOMMENDATIONS:**

The Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council not approve the UDO Amendment.

**ATTACHMENTS:**

1. Draft Ordinance
2. Draft UDO Amendment

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**ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; ADOPTING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER BE ADOPTED AS FOLLOWS:**

**Section 1. Authority & Intent**

- A. The authority for enactment of this ordinance is contained in Mississippi Code Annotated, Section 17-1-11.
- B. The Staff finds the need for comprehensive amendments to the Unified Development Ordinance.
- C. The Gautier Planning Commission held a public hearing, after giving due public notice, and considered this ordinance on May 5, 2016. The City Council conducted a public hearing on May 17, 2016.

**Section 2. Adoption of Amendments to the Unified Development Ordinance**

The City of Gautier hereby adopts the attached amendments to the Unified Development Ordinance.

**Section 3. Conflicts**

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

**Section 4. Severability**

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

**Section 5. Effective Date**

This Ordinance shall take effect immediately upon completion of the statutory requirements.

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Adopted: \_\_\_\_\_

\_\_\_\_\_  
Gordon Gollott, Mayor

Attest: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Cindy Russell, City Clerk

\_\_\_\_\_  
Josh Danos, City Attorney



## ARTICLE II: DEFINITIONS

### SECTION 2.1: Definitions

#### 2.1.1 Rules for Words and Phrases

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied; the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation, as well as an individual; the word "lot" includes "building lot" or "parcel."

#### 2.1.2 Interpretation of Definitions

For the purpose of this Ordinance certain words, phrases, and terms used herein shall be interpreted as stated in this *Article II*. Any word, phrase, or term not defined herein shall be defined by the Economic Development Department, the interpretation based on its common and ordinary usage.

#### 2.1.3. Definitions

**A.A.S.H.T.O.:** American Association of State Highway and Transportation Officials

**A-FRAME SIGN:** A double faced, back to back sign attached at the top and separated at the bottom to form an open triangle front and back.

**ABANDONED SIGN:** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available on or off the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.

**ABANDONED VEHICLE:** Abandoned motor vehicle is defined as one that has remained on the same property for thirty (30) or more days, is in a state of disrepair and/or incapable of being moved under its own power, regardless of whether or not is has a current license or inspection sticker.

**ACCESS MANAGEMENT:** A technique to improve traffic operations and safety along a major roadway through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

**ACCESSORY STRUCTURE:** Any building or structure on the same ~~site lot~~ with, and customarily incidental and secondary to the main structure (**primary building**). **An Accessory Structure may not be placed or constructed on a site without a primary building meeting the minimum standards of the zoning district.**

**ACCESSORY USE:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related and zoned in the same manner as the principal use.

**ACCESS WAY:** Any area intended to provide an entrance or exit for vehicular traffic from a public right-of-way to an off-street parking or loading area. (See Driveway)

**ADDITION:** Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "new construction".

**ADULT DAY CARE CENTER:** A facility which provides care for more than five (5) adults for less than twenty-four (24) hours.

**ADULT USES:** Any establishment or use which is defined and regulated in the City of Gautier *Adult Entertainment, 3.5-21--3.5-42 Section* of the Code of Ordinances.

**ADVERTISING BENCH:** A bench, as a park bench, for the use of the public which bears a commercial message and is not located on the premises which is being advertised.

**ALLEY:** A public or private right-of-way primarily designed to serve as a secondary access to abutting properties and not intended for general traffic circulation such as alleys in residential areas for access to carports and garages and alleys in commercial and industrial areas for loading/unloading goods or bulk items.

**AMBULANCE SERVICE:** A non-profit or for-profit business, authorized by the local municipality and responds to emergency calls, offering acute medical care and rapid transportation in a special vehicle to medical facilities for care. Services are provided by trained and licensed paramedics and work in conjunction with the local Emergency Medical Service.

**AMUSEMENT ARCADE:** A building or part of a building in which any combination of five (5) or more pinball machines, pool tables, video games, or other similar player-operated amusement devices are maintained.

**AMUSEMENT PARK, OUTDOOR:** A facility engaged in providing amusements or entertainment as a commercial business for a fee or admission charge and includes such activities as games, rides on mechanical equipment or horses, mini-golf courses, and similar activities.

**ANCHOR TENANT, MAJOR:** Store or stores located within a shopping center exceeding fifteen thousand (15,000) square feet of floor space.

**ANCHOR TENANT, MINOR:** Store or stores located within a shopping center having fifteen thousand (15,000) square feet or less floor space.

**ANIMAL SHELTER:** A non-residential facility that houses homeless, lost or abandoned animals, primarily dogs and cats for the purpose of providing animals for adoption. Such facilities shall be staffed by full-time personnel and offers humane treatment of animals.

**ANIMATED SIGN:** Any sign which includes action or motion, either electronic, mechanical, or optical.

**ANNUAL PLANT:** Seasonal flowering plants that must be replaced after blooming.

**ANTENNA:** Any exterior apparatus designated for telephonic, radio, television, personal communications service, pager network, or any other communication through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.

**APARTMENT BUILDING:** A single structure divided into individual dwelling units having a common entrance.

**APPLICANT:** The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

**APPLICATION:** Any area intended to provide an entrance or exit for vehicular traffic from a public right-of-way to an off-street parking or loading area. (See Driveway)

**ARBOR:** A light open structure, self-supporting lattice framework, or closely planted trees and shrubs twined together.

**ARBORETUMS OR BOTANICAL FACILITIES:** Public Gardens or greenhouses displaying trees and flowers.

**ARCADE:** A line of arches on piers or columns, either freestanding or as part of a wall. Usually a covered walkway lined with shops or offices on one side.

**ARCHES:** Curved construction spanning an opening and supported by structural members. Arches vary in shape from horizontal flat through semicircular and semi-elliptical shapes to pointed arch shapes.

**ART GALLERY:** A commercial establishment which shows and offers for sale fine art, sculpture, and/or pottery.

**ARTICULATION:** A joining together of various elements to express an overall idea or concept. The use of detail to convey meaning. Offsets in flat walls to provide visual relief.

**ARTISAN'S STUDIO:** The workplace of an artist, craftsman, photographer, sculpture or potter where individually crafted artwork, jewelry, sculpture, pottery, leather craft, hand-woven and related items are produced, displayed and sold.

**ASSEMBLY:** The process of putting together or packaging.

**ASSISTED LIVING FACILITY:** A facility which offers non-convalescent nursing care to between five (5) and sixteen (16) individuals by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. Such facilities offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

**AUTOMOBILE DEALERSHIP:** A retail establishment that is a franchised dealer for one or more automobile manufacturers, whose primary business is the sale and leasing of new cars, light passenger trucks, cargo vans and sport utility vehicles (SUVs). A limited number of used vehicles may be offered for sale. Auxiliary services include servicing of vehicles.

**AUTOMOBILE DETAIL SHOP:** Any premises that is primarily used for performing extremely thorough cleaning and polishing of automobiles, trucks, recreational vehicles, boats, and other

vehicles. Auxiliary services include sale of accessories such as air fresheners, vehicle interior organizers, floor mats, etc. Auxiliary services may also include minor cosmetic repairs or alterations to vehicles such as tinted window installation, antenna repair, roof rack installation, etc.

**AUTOMOBILE GAS AND/OR SERVICE STATION:** Any premises that is primarily used for retail sale of gasoline and other petroleum products or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term shall not include premises where major vehicular repair such as engine overhauls, painting or body work are conducted. This does not include Truck Stops.

**AUTOMOBILE/WRECKING YARD:** An open area other than a street or alley or place used for the dismantling or wrecking of used automobiles or other vehicles; or the storage, sale or dumping of dismantled or wrecked automobiles, other vehicles, or their parts.

**AUTOMOBILE RECOVERY BUSINESS:** An enterprise that engages in the recovery of vehicles for lien holders by picking up vehicles offsite with a wrecker and storing such vehicles in an open fenced area for a limited time. This does not include wrecked or junk vehicles.

**AUTOMOBILE REPAIR SHOP, MAJOR:** Any premises that is primarily used for general repair, rebuilding, or recondition of engines, motor vehicles, trailers and trucks less than seven thousand (7,000) pounds gross weight to include the following services: rebuilding or reconditioning of engines, bodywork, framework, welding and major painting.

**AUTOMOBILE SALES, USED:** (See Used Car Sales)

**AUTOMOBILE SERVICE CENTER, MINOR:** Any premises used primarily for the servicing and minor repair of passenger automobiles and trucks less than seven thousand (7,000) pounds gross weight to include the following services: oil change, installation of shock absorbers, brake lining, muffler installation.

**AWNING:** A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

**BACKGROUND AREA:** The entire area of a sign on which copy could be placed as opposed to the copy area, when referred to in connection with wall signs.

**BANK OR FINANCIAL INSTITUTION:** A business chartered by the State authorized to accept deposits, clear checks, make loans, pay interest on savings and certificates of deposit, issue certified checks to customers and offer other financial services to its customers. Financial institutions shall include: Commercial banks, Savings and Loans, and Credit Unions but shall not include Check Cashing Businesses or other types of businesses which only loan money on personal possessions or titles held by the lender.

**BANNER SIGN:** Any sign possessing characters, letters, illustrations, or ornamentations, or designed so as to attract attention by scenic effect, including pennants, with or without characters, or other devices applied to cloth, paper, fabric, or like kind or material, either with or without frame, and which is not of permanent construction.

**BOARDING HOUSE OR ROOMING HOUSE:** Any building, or part thereof, containing two (2) or more guest rooms, other than a hotel, motel, or bed and breakfast establishment, that is kept as, used as, maintained as, advertised as, or held out to be a place where, for any type of compensation, sleeping accommodations are furnished for periods of one (1) week or more. A Boarding House may provide meals.

**BOAT HOUSE:** An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boat houses are generally attached to or closely associated with a pier.

**BOAT YARD:** A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services. **In commercial and mixed-use recreation commercial district, Boat Yards may only be located on sites adjacent to navigable waterways, but may be located on any site within industrial districts.**

**BODY PIERCING BUSINESS:** Any business which predominantly specializes in the piercing of body parts and the retail sale of body jewelry.

**BOILER WORKS:** A heavy manufacturing plant that makes products by using a boiler during the manufacturing process.

**BOND, MAINTENANCE:** A surety bond for the purposes of guaranteeing the maintenance of all improvements required by the City.

**BOND, PERFORMANCE:** A surety bond in an amount that will provide for the improvements required by the City.

**BOND, SURETY:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit.

**BOOKSTORE:** A retail establishment which engages in the sale of books, magazines, newspapers, greeting cards, movies, and musical compact disc and which may contain a coffee shop and conduct literary readings and book signings.

**BORROW PIT:** An area from which soil or other unconsolidated material are removed to be used without further processing as fill for activities such as landscaping, building construction or highway construction and maintenance.

**BOWLING ALLEY:** An establishment which devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment and playing areas.

**BRACKET:** A horizontally projecting support for an overhanging weight such as a cornice or eaves.

**BUFFER YARD, LANDSCAPING:** An area set aside as a non-buildable area, which may include landscaping, berms, walls, fences or any combination thereof that partially blocks, in a continuous manner, the view from one area to another, and which shall not be penetrated by vehicular access.

**CAR WASH, SELF-SERVICE:** A structure housing coin operated equipment used by the customer to spray wash automobiles and light trucks.

**CATERING SERVICE:** A commercial establishment that prepares, delivers and serves food for special events and off the premises, in accordance with Jackson County Office of the Mississippi State Department of Health.

**CEMETARY:** A lot of record, private or public, divided into plots for interment of the dead in compliance with applicable state statute and including a columbarium and/or a mausoleum when operated in conjunction with and within the boundaries of such cemetery.

**CERTIFICATE OF OCCUPANCY:** A document issued by the Building Official and in some cases the Economic Development Director, which acknowledges that such use, structure, or building complies with the provisions of duly adopted ordinances of the City and is habitable.

**CERTIFICATE OF ZONING COMPLIANCE:** A document issued by the Economic Development Director indicating that the use of the building or land in question is in conformity with the Unified Development Ordinance or that there has been a legal variance granted, or that a legal non-conforming use exists which is allowed to continue.

**CERTIFIED SURVEY:** A survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

**CHANGE IN USE:** The change in the use of a structure or land from one use to another use listed in the table of uses as a permitted use.

**CHANGEABLE COPY SIGN (MANUAL):** A sign on which copy is changed manually in the field, i.e. reader boards, with changeable letters or changeable panels.

**CHANGING SIGN (AUTOMATIC):** A sign, such as an electronically or electrically controlled time, temperature, and date sign, or message center or reader board, where different copy changes are shown.

**CHARACTER:** The physical characteristics of a structure or area that set it apart from other areas and contributes to its individuality.

**CHECK CASHING BUSINESS:** Any person or entity engaged in the business of cashing checks for a fee, service charge or other consideration, including deferred deposit (post-dated checks); but not including federal or state chartered banks, savings and loan associations, credit unions, mortgage brokers, pawnbrokers or insurance companies.

**CHILD CARE CENTER/COMMERCIAL:** Any facility operated by a person, agency, corporation, institution or any other entity that is licensed by the state and where children under the age of 17 are offered personal care and/or after school activities on a regular basis.

**CHURCH OR PLACE OF WORSHIP:** An institution that people regularly attend to: participate in or hold religious services, meetings, and related activities. The term *church* shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**CONSTRUCTION SIGN:** A sign identifying the architects, engineers, contractors, and other persons involved in a construction project as well as the project itself.

**CONTRACTOR'S SHOP:** A building or portion thereof used by a contractor both as an office and for the storage of a limited quantity of materials inside a building.

**CONTRACTOR'S STORAGE YARD:** A fenced storage facility where building contractors store vehicles, equipment and/or building supplies.

**CONVALESCENT OR NURSING HOME:** A licensed facility, either governmental or private, profit or nonprofit, which provides group living arrangements for four (4) or more persons who are unrelated to the operator and who are provided food, shelter and personal care, and which employs at least one (1) registered nurse or licensed practical nurse. It does not include hospitals, clinics, personal care homes and other institutions devoted primarily to providing medical services.

**CONVENIENCE STORE:** A store of not more than three thousand (3,000) square feet of retail sales area, not counting storage, which sells convenience goods such as beverages, snacks, tobacco products and over-the-counter pharmaceuticals. Also may have self-service gasoline pumps, an automated drive-through car wash, and less than one-third (1/3) of the indoor retail areas as a fast-food restaurant.

**CONVENTION CENTER:** A public or civic use that is used for community meetings, conventions of groups or associations for the purpose of educational, training or social functions and which is managed by the County or City.

**COPY:** The wording or other message of a sign, either in permanent or removable form.

**COPY AREA:** The total area encompassing the actual copy of a sign. For wall sign, the copy area limits refer to the message, not to the illuminated background.

**CORNER LOT:** A lot located at the intersection of two public roadways that has frontage on each roadway.

**CORNER SITE:** A site located at the intersection of two public roadways that has frontage on each roadway.

**CORNICE:** Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line to throw rainwater clear of the structure as used as a decorative architectural element.

**CORRECTIONAL FACILITY:** Any jail, prison, detention center, or work release site operated by an authorized governmental agency, where the treatment and rehabilitation of adult and/or juvenile offenders through a program involving penal custody, occurs.

**CORRIDOR, WILDLIFE:** A strip of land having vegetation that provides habitat and safe passageway for wildlife from one area to another.

**COUNTRY CLUB:** A private facility providing recreational and related services to members and their guests only, characterized by substantial land and improvements committed to such facilities as golf courses, tennis courts, swimming pools, clubhouses, and the like.

**COURTYARD, EXTERIOR:** An open space without a roof surrounded on three (3) sides by a building or structure and with an end open.

**COURTYARD, INTERIOR:** An open space without a roof surrounded on four (4) sides by a building or structure.

**COVERAGE:** The percentage of the lot area covered by the building area.

**CROWN:** The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

**CROWN SPREAD:** The distance measured across the greatest diameter of the crown.

**CUL-DE-SAC:** A street having only one end open to traffic and being permanently terminated by a vehicle turnaround.

**CUPOLA:** Small tower on roof.

**CURB CUT:** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

**DAY SPA:** A facility offering personalized beautification and relaxation treatment by professional licensed personnel and therapists or staff which is open ten (10) or less hours during the daytime. Examples of treatment which may be offered include: body packs and wraps, exfoliation, heat treatments, body toning, waxing, aromatherapy, cleansing facial non-surgical face lift, electrolysis, hydrotherapy, steam and sauna treatment, manicures, and pedicures and make-up consultation and application.

**DBH:** See definition of "Diameter At Breast Height".

**DECELERATION LANE:** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

**DEMOLITION:** The intentional dismantling or tearing down of all or a part of a structure and all operations incidental thereto.

**DENSITY:** The intensity of land use and also the maximum intensity of land use possible on a minimum lot observing all yard, height, and lot coverage provisions of the Unified Development Ordinance.

**DEPARTMENT STORE:** A retail establishment that sells a wide range of products in individualized departments such as apparel, appliances, jewelry, cosmetics, housewares and home accessories.

**DETENTION AREA:** An area that is designed to capture specific qualities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding or excessive runoff from impervious surfaces.

**DEVELOPED AREA:** That portion of a parcel of land, excluding public rights-of-way, upon which any manmade change or improvement is proposed, built or in the process of being built.

**DRIP LINE:** The outer perimeter of the crown or outer extent of limb growth of a tree or plant projected vertically to the ground.

**DRIVEWAY:** A private roadway or area which provides access to a public right-of-way.

**DRUG STORE:** A retail establishment which sells pharmaceutical goods, cosmetics, magazines, limited household goods, and fills prescriptions.

**DRY CLEANING PICK-UP STATION:** A facility where retail customers drop off or pick up laundry or dry cleaning.

**DRY CLEANING PLANT:** A building or premises used or intended to be used for the large volume cleaning of fabrics, textiles or wearing apparel.

**DUMP, SOLID WASTE:** A tract or portion of tract of land which is used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

**DUMPSTER:** A container that is designed for temporary storage of trash or garbage and which has a housing mechanism that permits it to be raised and dumped into a garbage or sanitation truck.

**DWELLING, MEMA COTTAGE:** (See MEMA Cottage).

**DWELLING, MOBILE/MANUFACTURED HOME:** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act and is a movable residential dwelling designed for year-round occupancy with no foundation other than wheels, jacks, or skirting, and capable of being moved, towed, or transported by another vehicle. Minimum width shall be fourteen (14) feet. Minimum length shall be sixty (60) feet. Mobile and/or Manufactured Homes are classified as a separate type of dwelling and not considered the same as a conventional single family dwelling. Removal of the wheels and placement upon a permanent foundation shall not warrant re-classification to a conventional single-family dwelling.

**DWELLING, MODULAR HOME:** A modular home is a factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide. It is a residential dwelling manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site by a trailer or other similar carrier which is not designed to be permanently attached to the dwelling or remain with it after the structure is placed on its permanent foundation. Modular homes are not constructed with an integral chassis, permanent hitch, wheels, axles, or other device allowing transportation. Modular homes must meet International Code Council (ICC) standards and be inspected and approved by the Building Official.

**DWELLING, MULTI-FAMILY:** A detached residential building containing three (3) or more separate dwelling units, sharing either a common entrance, stairs, elevators, and/or other essential facilities, including what is commonly known as an apartment building.

**DWELLING, PATIO HOME:** ~~(SEE PATIO HOME)~~ A Single-family detached dwellings located on reduced lots which have outdoor living areas, such as decks and/or patios within the side or rear yards.

**FLOODWAY:** The channel of a river, bayou, or other water course, and the adjacent land areas that must be reserved to carry and discharge the high tidal water, or land areas that are inundated by the base flood of the water course, including marsh land.

**FLOOR AREA, RESIDENTIAL:** The sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area excludes unfinished basements, attics, attached garages, breezeways, and enclosed or unclosed porches. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

**FOOT CANDLE:** A unit of luminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

**FOUNDATION PLANTING:** Plant materials placed in close proximity to building base, located in planting beds arranged to complement the building elevations and visually connect the building to the landscape.

**FREE-STANDING SIGN:** A ground sign or a sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

**FRIEZE:** A visually rectangle or square “tablet,” often bearing a figure or ornament in relief and affixed to a structure.

**FRONT BUILDING LINE:** A building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building.

**FRONT YARD (SEE YARD)**

**FRONTAGE, STREET:** The linear dimension of a lot measured along the street right-of-way line.

**FUEL OIL STORAGE:** The storage of fuel oil or kerosene for heating purposes in aboveground containers.

**FULL CUT-OFF LENS:** An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

**FUNERAL HOME (OR MORTUARY):** A building or part thereof used for human funeral services. The building shall not contain facilities for cremation; but may contain space and facilities for: (a) Embalming and the performance of other services used in preparing the dead for burial; (b) The performance of autopsies and other surgical procedures; (c) The storage of caskets, funeral urns, and other related funeral supplies; (d) The storage of funeral vehicles, and (e) a funeral chapel.

**GABLE:** A vertical triangular wall shape at the end of a structure.

**GARAGE, PRIVATE:** An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

**GARAGE APARTMENT:** An accessory dwelling unit built above a private garage.

**GARAGE SALE SIGN:** A temporary sign announcing a garage, yard, rummage, or like sale.

**LOT CONSOLIDATION:** The combining of one (1) or more existing parcels of land into a single new parcel with one (1) legal description.

**LOT CORNER:** A lot located at the intersection of and abutting two (2) or more streets.

**LOT COVERAGE:** A measure of intensity of land used that represents the portion of a site that is impervious including but not limited to: all areas covered by buildings, driveways, roads, sidewalks and any area of concrete asphalt as well as portions of the lot that are covered by open sided buildings

**LOT DEPTH:** The average horizontal distance between the front and rear lot lines.

**LOT LINE ADJUSTMENT:** The sale or exchange of parcels of land between owners or adjoining properties for the purpose of adjustments in boundaries or of adjusting building lines, wherein no new lots are created.

**LOT LINES:** The lines bounding a lot as such parcel of land is defined herein.

**LOT OF RECORD:** A lot that has been legally recorded or registered in a deed or on a plat at the Jackson County Chancery Courthouse and subdivided according to City regulations.

**LOT WIDTH:** The horizontal distance between side lot lines, measured at the required front setback line.

**LUMBERYARD:** An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

**MACHINE SALES AND SERVICES:** A commercial establishment that sells various types of mechanical or electronic machines and which offers repair services either onsite or at customer's place of business or residence.

**MACHINE SHOP:** A shop or part of a factory where power-driven tools are used for making, finishing or repairing machines or machine parts.

**MACHINING:** A series of processes in which power driven tools such as lathes, milling machines and drill presses are used in the manufacturing process of metal products.

**MAINTAIN:** To permit a sign, sign structure, or any part of either to continue to exist at a particular place, or to repair or refurbish a sign, sign structure, or any part of either.

**MAJOR DEVIATION(S):** A deviation from a final development plan, including any change to a condition in the final development order that was expressly imposed by the City Council; or any change that adversely affects the compatibility of the proposed project; or any change that the City Manager, or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change.

**MALL, REGIONAL:** ~~A self-contained shopping center where stores front an interior hallway and which serves a regional market area.~~ (SEE SHOPPING MALL, REGIONAL)

**MASTER PLANNED COMMUNITY:** A mixed use development, by one (1) or more developers, or real estate consisting of residential, commercial, industrial, educational, health care, open space, employment-based and recreational land use components that is developed pursuant to a Master Plan as defined in this Ordinance.

**MEDICAL CLINIC:** A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners.

**MEMA COTTAGE:** A manufactured single or multi-bedroom structure provided by the State of Mississippi to victims of Hurricane Katrina.

**MESSAGE:** The copy of a sign.

**METES AND BOUNDS DESCRIPTION:** A description of real property described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.

**MILLWORK, CABINET OR WOODWORKING SHOP:** A facility where finished wood products such as doors, windows, blinds, mantels, stairway components (balusters and rails), moldings and interior trim is produced.

**MINI-WAREHOUSE OR SELF-STORAGE FACILITY:** A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of personal property.

**MINI-WAREHOUSE (CONTROLLED CLIMATE AIR):** A building with one (1) to two (2) floors which is built in the style of an office building but with limited windows, common access (front door) and which is air-conditioned and heated with varying sizes of individual stalls or rooms for the storage of personal property.

**MINOR DEVIATION(S):** A deviation from a final development plan that does not meet the definition of a major deviation.

**MINOR REPLAT:** The re-subdivision of two lots into two lots or parcels or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, and where the resultant lots comply with the standards of this Ordinance.

**MIXED USE BUILDING:** A single building containing more than one type of permitted use including but not limited to: residential, retail and office space.

**MIXED USE DEVELOPMENT:** A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. Such developments maximize space usage, have amenities and architectural expression and tend to mitigate traffic and sprawl with pedestrian-oriented destinations.

**MOBILE HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)**

**MOBILE HOME PARK:** A parcel of land that has been planned and improved for the rent or lease of sites for the placement of mobile homes for dwelling purposes.

**MOBILE HOME SALES:** A commercial establishment which stocks and sells mobile homes.

**MODULAR HOME: (SEE DWELLING, MODULAR HOME)**

**MORATORIUM:** A legally enacted and temporary halting or severe restriction on specified development activities, pending the completion, adoption, or revision of a revised plan, ordinance or regulation.

**MORTUARY: (SEE FUNERAL HOME)**

**MOTEL: (SEE HOTEL OR MOTEL)**

**MOTORCYCLE SALES AND REPAIR SHOP:** An establishment which stocks, sells and performs minor repairs motorcycles within an enclosed area.

**MOVING SERVICES:** A commercial business which leases or rents dollies, vans, and/or light trucks to individuals to move personal chattels. May also define a commercial moving service which offers moving services. Both uses are characterized by large outdoor storage of trucks and vans.

**MULTI-FAMILY RESIDENTIAL DEVELOPMENT:** A planned development which contains multifamily units, common ground, off-street parking, internal streets, and recreational facilities for the use of residents.

**MULTI-PRISM SIGN:** A sign made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

**MUSEUM:** A permanent institution, usually non-profit, which is open to the public and which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, cultural, historical or historical artifacts such as fine art, sculpture, artistic compositions, pottery, personal possessions of famous persons, or graphic depictions of nature, people or historic events.

**NAMEPLATE SIGN:** A non-electric sign identifying only the name and occupation or profession of the occupant of the site on which the sign is situated. If the site includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

**NEIGHBORHOOD RETAIL COMMERCIAL GOODS AND SERVICE ESTABLISHMENTS:** Establishments primarily engaged in the provision of: 1) frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies; and 2) frequently or recurrently needed services, such as laundromats, cleaners, alterations, banking, drug stores and other personal services. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

**NEIGHBORHOOD SHOPPING CENTER:** A group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, with on-site parking provided. The neighborhood shopping center is architecturally designed and landscaped as one (1) unit and contains uses which provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood or within a mile radius.

**NEW CONSTRUCTION:** The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, and the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading and filling.

**NIGHTCLUB:** An establishment which sells or allows customers to bring alcoholic beverages for consumption on the premises, provides space for customers to dance and which provides live or recorded entertainment.

**NON-CONFORMING BUILDING:** A building or structure lawfully existing at the time of the adoption, revision, or amendment of this Ordinance which, by reason of such adoption, revision, or amendment, does not conform to the regulations of the zoning district in which it is located.

**NON-CONFORMING LOT: (SEE LOT, NON-CONFORMING)**

**NON-CONFORMING SIGN:** Any sign that had been lawfully erected and maintained prior to the effective date of this section and which does not conform to the applicable regulations of this section.

**NON-CONFORMING USE:** A use of land lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which by reason of such adoption, revision, or amendment, does not comply with the regulations for its zoning district.

**NON-ELECTRICAL SIGN:** Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical source.

**OCCUPANT:** Any individual living or sleeping in a building, or having possession of a space within a building.

**OFF-SITE DIRECTIONAL SIGN MARQUEE:** An off-site sign which is placed within the Sign Overlay District to improve wayfinding for tourism related businesses.

**OFF-SITE SIGN:** A sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on premises other than those on which the sign is located.

**OFF-STREET PARKING:** A parking lot or facility either controlled or uncontrolled, provided for the use of occupants, employees, visitors, patients, patrons or students, without charging for its use.

**OFFICE, ANCILLARY:** A room or group of rooms used for conducting the affairs of the business of which it is a part.

**OFFICE PARK:** A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

**ON-SITE SIGN:** A sign which pertains to the property on which it is situated.

**OPAQUE:** Not transparent; dull; obscure.

**OPAQUE LANDSCAPING OR BUFFERING:** Placement of trees, shrubs and possibly a wall which is non-transparent and obscures the view from the development onto adjacent property.

**OPEN SPACE:** A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

**OPEN SPACE, COMMON:** A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

**OUTDOOR EATING AND/OR DRINKING AREA:** A secondary serving area, usually on a deck, patio or concrete area which may be covered or uncovered; used by customers of an establishment serving food or beverages to have food served or where they may consume food or beverages outside the main dining area. In certain circumstances, such areas may require buffering from adjacent uses.

**OUTDOOR SEATING AREA:** An outdoor service area with seats and tables located outside of a restaurant, coffee shop, bookstore, or other type of food establishment.

**OUTDOOR STORAGE FOR RETAIL:** The keeping or storage of goods related to the establishment on the same premises but not within the enclosed area of a building.

- A. Bulk: Goods for sale or display that have a large size, mass, or volume and are not easily moved or carried, and which may require mechanical lifting devices or assistance from store personnel to move to the customer's vehicle such as large bags of feed, concrete blocks, etc.
- B. Non-bulk: Goods for sale, storage or display that are moved to the inside of the business during the time the business is not open but which may be more effectively displayed outdoors such as bikes, outdoor furniture, lawn accessories and outdoor grills.
- C. Seasonal: Goods for retail sale that are by their nature sold during peak season, including fruit, vegetables, Christmas trees, pumpkins, and bedding plants.

**OVERLAY DISTRICT (ZONE):** A district to be applied to a site in combination with the underlying base district, intended to create a special sense of place and established by ordinance to prescribe special regulations and/or lessen certain planning standards and otherwise apply redevelopment strategies.

**OWNER OCCUPIED:** A dwelling is "owner-occupied" when it is the primary residence of the owner or the owner's assignee or designee.

**OWNER OR OWNER OF RECORD:** An "owner" is an individual who has twenty-five (25) percent or more legal title to the property in question, or twenty-five (25) percent or more equity interest in a corporation, partnership, or other legal entity owning such dwelling. For the purpose of the sign ordinance, an "owner" is any person who holds fee simple title to, is lessee of, or who lawfully occupies and uses a parcel of real property.

**PARKING LOT, COMMERCIAL:** A lot or structure designed and primarily used for the parking and storage of automotive vehicles, operated as a business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

- A. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
- B. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

**PARKING SPACE:** An area within or outside of a building sufficient in size to store one (1) automobile and which meets the dimensional requirements of the City and Federal standards.

**PARTY WALL:** A wall common to but dividing contiguous buildings.

**PATIO:** A level surface area directly adjacent to a principal building used for outdoor lounging, dining and the like.

**PATIO HOME:** ~~A Single-family detached dwellings located on reduced lots which have outdoor living areas, such as decks and/or patios within the side or rear yards.~~ (SEE DWELLING, PATIO HOME).

**PAWN SHOP:** A regulated business engaged in the business of lending money on the security of tangible personal property where such property is deposited with the lender; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

**PEAKED ROOF:** A roof with two (2) or more slopes that rises to a single ridge or point.

**PEDESTRIAN ACCESS:** A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

**PEDESTRIAN-ORIENTED DEVELOPMENT:** Development designed with an emphasis on pedestrian access and connectivity between uses, containing an abundance of landscaped sidewalks, controlled vehicular traffic and areas where shoppers may sit in outdoor areas.

**PEDESTRIAN WAY:** A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

**PERENNIAL PLANT:** A plant whose root remains alive more than two (2) years.

**PERIMETER:** The aggregate of the lines of the lot or lots comprising the development.

**PERMITTED USE:** That legally permitted use which is among those itemized within applicable sections of this ordinance in accordance to the zoning of the property.

**PERSON:** An individual, firm, partnership, limited partnership, corporation, company, limited liability company, association, joint stock association, or similar organization, and includes a

trustee, a receiver, an assignee, or a similar representative, and includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**PIER:** A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

**PITCHED ROOF:** A single sloped roof with a pitch greater than ten (10) degrees.

**PLANNING COMMISSION:** The duly constituted Gautier Planning Commission herewith cited as being the Advisory Committee to the City Council on planning and zoning matters.

**PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR:** (See Economic Development Director.)

**PLANNED UNIT DEVELOPMENT (PUD):** An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses; open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing, densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A planned unit development also includes "cluster developments," which are development design techniques that concentrates buildings in a specified area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.

**PLANT NURSERY, RETAIL:** A commercial business that sells products related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities directly to the consumer. Also known as a "garden center."

**PLANT NURSERY, WHOLESALE:** A non-retail facility that is engaged in the business of growing, storage and sale of garden plants, shrubs, trees or vines for resale to a retail or commercial outlet.

**PLAT: (SEE SUBDIVISION PLAT).**

**PLAYGROUND:** An area developed for active play and has appropriate facilities for use by children.

**PLAZA:** A hard surface outdoor area which serves adjacent commercial uses and may contain fountains, landscaping or tables for consumption of beverages or food.

**PLINTH COURSE:** a projecting course of stones at the base of a wall; earth table.

**POCKET PARK:** A relatively small green area which may be a vacant residential or commercial lot.

**PONDS FOR LIVESTOCK OR FISHING:** A relatively small body of water which is man-made, privately owned and created for the purpose of providing water to livestock. Such ponds may be stocked with fresh-water fish.

**PORCH:** A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

**PROFESSIONAL OCCUPATION:** A recognized occupation requiring specialized skill and knowledge and often long and intensive academic preparation, such as engineers, architects, planners, artists, attorneys, ministers, counselors and similar professions.

**PROFESSIONAL OCCUPATION OFFICE:** A building or a portion of a building where the offices are located for the use of professional occupations and which does not involve the sale or transfer of goods by the business to the customer, but where clients visiting the office receive professional assistance. For the purpose of this Ordinance, Doctors and Dentists are not included in this category, but are considered a "Medical Clinic."

**PROJECTING SIGN:** A sign, other than a wall sign, which is attached to and projects from a building face. The area of double-faced projecting signs is calculated on one face of the sign only, which shall be the larger if different in size.

**PROTECTED TREES:** (See Tree, Protected)

**PUBLIC HEARING:** A meeting which is announced and advertised in accordance with State Statute and conducted by a commission or board of the City or the City Council, in which members of the public have an opportunity to give comments.

**PUBLIC MEETING:** An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project or plan.

**PUBLIC RIGHT-OF-WAY WIDTH:** The perpendicular distance across a public street, measured from property line to property line.

**PUBLIC SERVICE INFORMATION SIGN:** Any sign intended primarily to promote items of general interest to the community, such as time, temperature, and date, atmospheric conditions and the like.

**PUBLIC SIGNS:** Signs of a noncommercial nature and in the public interest erected by or upon the order of a public officer in the performance of his duty, such as safety signs, memorial plaques, signs of historic interest, signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

**PUBLIC UTILITIES AND FACILITIES:** Any City approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to City standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City for operation and maintenance and the facilities, other than a utility substation or transportation facility, which house or contain facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricity services. This does not include recycling and salvage operations.

**PUBLIC 'WARNING SIGNS:** Any sign which warns the public of possible danger or informs the public of certain restrictions such as "Beware of the Dog" or "No trespassing" or "No Dumping".

~~**QUASI-PUBLIC YOUTH CENTER:** A permanent facility run by a qualified staff with indoor and outdoor facilities which provides organized youth-oriented activities and recreation, after-school and during the summer months including but not limited to Boys' and Girls' Clubs.~~

a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

**SHOPPING MALL, REGIONAL:** A self-contained shopping center where stores front an interior hallway and which serves a regional market area.

**SHORELINE:** That point at which the mean level, at normal state, a body of water meets dry land.

**SHRUB:** Woody or semi-woody perennial plants which are customarily included in landscape designs to provide for lower scale buffering and visual interest.

**SIDE YARD: (SEE SETBACK, SIDE)**

**SIDEWALK:** A hard-surface, all-weather area of a minimum of four (4) feet in width on local roads and a minimum of five (5) in width at all other locations, designed for the convenience of pedestrian access, which is normally located immediately adjacent to the public roadway within the public right-of-way or an easement.

**SIGN:** Any structure or device that is erected and maintained outside of an enclosed building or structure for the purpose of display, conveying information, advertising, or the attraction of attention for any purpose, including, but not limited to, posters, pictures, pictorial or reading matter and any letter, word, model, device or representation used in any advertisement, announcement, attraction, or direction.

**SIGN AREA OR SIZE:** The total area of the space enclosed by one continuous line, connecting the extreme points or edges of a sign. This does not include the main supporting sign structure, but does include all other ornamental attachments, inner connecting links and general background. Sign area for a back to back or V -type sign shall consist of only the area of one face.

**SIGN HEIGHT:** the vertical distance from the lowest point on the surface of the roadway on the nearest public street to the topmost point on the sign or its supporting structures, if any. If the nearest roadway is a bridge or overpass, or is at a level lower than the ground upon which the sign is located, then the height shall be measured from the ground.

**SIGN OVERLAY DISTRICT:** A district within the City of Gautier where off-site directional sign marquees can be placed for tourism related businesses.

**SIGN STRUCTURE:** Any structure which supports, has supported, or is capable of supporting a sign, including supports, frame, and decorative cover.

**SIGNIFICANT TREE:** A healthy hard wood tree that is five inches (5") in diameter or larger and is a native species to the area.

**SITE:** Any lot or unplatted parcel or any combination of contiguous lot or unplatted parcels of land with its appurtenances and buildings having a unity of use and ownership.

**SITE PLAN:** A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, including topography, infrastructure, protected trees, and landscaping proposed for a specific parcel of land.

**SKETCH PLAN:** Written and graphic documents that indicate in conceptual form the proposed land uses and their location.

**SLOPE:** Describes the steepness, incline, gradient or grade of a straight line. A higher slope value indicates a steeper incline.

**SPECIAL EVENT:** A temporary outdoor use on private or public property which extends beyond the normal uses and standards normally allowed by the zoning district such as festivals, fairs, block parties or parades. Such events are scheduled and designed to attract substantial crowds and traffic and require a Temporary Use Permit.

**SPECIAL EVENT SIGN:** Any sign or display which advertises an event such as a fair, special or annual city-wide event.

**SPECIAL PAVING:** Interlocking pavers, bricks or special materials that are distinct from monolithic surfaces and call attention to entry areas, crosswalks and sidewalks.

**SPECIAL SALES AND PROMOTION SIGN:** Limited to pennants, banners, streamers, and air/gas filled figures for grand openings, anniversaries and special events.

**SPECIALTY RETAIL SHOP:** A commercial business that sells a limited range of merchandise, such as clothing and clothing accessories; jewelry; home and decorating accessories; crafts; antiques; musical instruments; floral arrangements; candy; hardware, bicycle and fitness equipment; cameras and electronic equipment, stationery and cards; hobby, toys and games; luggage and leather; and culinary stores. Most stores have an extensive width and depth of stock in the item they specialize in and provide high levels of service and expertise.

**SPORTS FACILITY, PUBLIC:** An indoor or outdoor recreational facility with seating or standing areas for the public where group sports such as baseball, softball, soccer, or hockey are played.

**STABLE, PRIVATE:** An accessory building which is designed and equipped to keep horses for the private use of the property owner and not for remuneration, hire, or sale.

**STABLE, PUBLIC:** A principal building which is designed and equipped to keep horses for commercial use including boarding, hire, and sale.

**STEALTH ANTENNA:** Antennas which are designed to be concealed within an architectural feature of a building or a tower that is built to look similar to a natural element in the environment such as a tree.

**STEEL MILL, MINI:** A heavy manufacturing use that produces steel from scrap and returned steel rather than molten iron, coke-making and iron-making operations.

**STORM WATER RUNOFF:** The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

**STORY:** That portion of a building above ground between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**STREET LINE:** The right-of-way of a street.

**STREETSCAPE:** The physical street environment comprised of architectural elements, landscaping and possibly street furniture.

**STRIP DEVELOPMENT:** Commercial development, usually one (1) store deep, that fronts on a major street.

**STRUCTURAL ALTERATION:** Any repair, reconstruction or improvement of a structure.

**STRUCTURE:** Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

**STRUCTURE, ATTACHED:** A structure with a common or party wall with another structure.

**STRUCTURE, DETACHED:** A structure with no common or party wall with another structure.

**STRUCTURE, ENCLOSED:** A structure with a solid roof and a minimum of three (3) exterior walls shall be considered an enclosed structured.

**STRUCTURE, NONCONFORMING:** A structure or portion thereof, that no longer conforms to the required minimum site area, coverage, setbacks, or other open space, height, or other regulations prescribing physical development standards for the district in which a structure is located.

**STUCCO:** A textured exterior finish made from Portland cement, lime and sand mixed together with water and other binders.

**STUDIO/MULTIMEDIA PRODUCTION:** A facility for the staging and recording of video or audio productions such as but not limited to music, commercials, programs and motion pictures.

**SUBDIVIDER:** Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity that subdivides land or places an application for same with the City of Gautier.

**SUBDIVISION:** An area of land divided into two (2) or more lots for development by means of an appropriately recorded legal document.

**SUBDIVISION, MAJOR:** A subdivision of land which requires a public hearing and City Council approval.

**SUBDIVISION, MINOR:** A subdivision of land which may be approved by the Economic Development & Planning Department and does not require a public hearing or City Council approval.

**SUBDIVISION OR APARTMENT COMPLEX SIGN:** A permanent sign that identifies a subdivision which is located within the subdivision, usually at its entrance or entrances.

**SUBDIVISION PLAT**

**PLAT, PRELIMINARY:** A conceptual ~~An initial plan~~ for subdivision ~~drawn to scale~~ indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision, including the number of lots and proposed right-of-way widths.

**PLAT, FINAL:** A complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries and proposed streets, dedications, easements, and other improvements.

**SUPERMARKET:** Large retail establishments, which primarily sell food items but may also sell prescription and over the counter drugs, flowers, small appliances, magazines and books, freshly baked goods.

**TATTOO AND TATTOOING:** those activities as defined in *Mississippi Code Annotated Section 73-61-1*, said statutory definitions being hereby adopted by reference.

**TATOO PARLOR:** A commercial use which engages in the business of marking or coloring of the skin by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

**TECHNICAL REVIEW COMMITTEE:** That group of staff persons, architecture review ad hoc members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance. The Technical Review Committee also has authority to approve minor development plans, plats and conditional uses as described in Section 3.3.1 Powers and Duties.

**TEMPORARY SIGN:** A sign that is not permanently affixed to the ground or building, including, but not limited to, sandwich signs, sidewalk signs, curb signs, balloons, and posters stapled to posts, posters or the like posted, nailed or stapled to an object, or similar signs.

**TENANT:** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**THEATER, MOTION PICTURE:** An enclosed building with permanent seating and a motion picture screen used to show motion pictures on a paid admission basis not to include facilities which show adult films which are regulated under City of Gautier *Sec. 3.5-21 Adult Entertainment Ordinance*.

**THEATER, PROFESSIONAL:** An enclosed building with seating and a raised stage used for presenting stage performances by professional and/or amateur actors not to include "adult uses" regulated separately under City of Gautier *Sec. 3.5-21 Adult Entertainment Ordinance*.

**THROUGH LOT:** A lot, except for a corner lot, having frontage on two public streets.

**THROUGH SITE:** A site, except for a site on a corner, having frontage on two public streets.

**TITLE-LOAN BUSINESS:** A business that regularly makes either loans to individuals secured by the title to a vehicle or title pledge agreements with pledgers, unless the business or individual is exempt from the definition of "title pledge lender" under *Mississippi Code Annotated Section*

**WATERFRONT PROPERTY:** A parcel of land in compliance with the land development regulations of City of Gautier adjacent to the waterway or body of water that offers the use of recreational watercraft (motorized and non-motorized) swimming, fishing and similar activities.

**WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated conditions. In all cases, a final wetland determination must be made by a licensed professional using the US Corps of Engineers determination criteria.

**WIRELESS TELECOMMUNICATION FACILITY (WTF):** Any and all devices intended for the purpose of transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

**WRECKER TOWING SERVICE:** A commercial use which provides a service of moving inoperable motor vehicles from one (1) place to another and which provides temporary storage for same. This may also include automobile recovery businesses.

**YARD:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. **Front, Rear, and Side Yards are only established once a principle Building is placed on the site. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Front, Rear, and Side Yards. (ALSO SEE SETBACK)**

**YARD, FRONT:** The Front Yard is the portion of the yard between the front facade of the principle building; the roadway right-of-way (ROW)/front property line; and the side property lines. For corner lots and through lots, see YARD, FRONT (PRIMARY) and YARD, FRONT (SECONDARY). For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Front Yard.

**YARD, FRONT (PRIMARY):** For corner and through lots, The Primary Front Yard is the portion of the yard between the front facade of the principle building; the roadway right-of-way (ROW)/front property line; and the side property lines. A Primary Front Yard shall be treated as a Front Yard regarding standards of this ordinance and accessory structure placement. For corner lots where the principle building is facing both roadway frontages (such as a diagonally facing building), the Primary Front Yard shall be determined based on the roadway which the building is addressed from. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Primary Front Yard.

**YARD, FRONT (SECONDARY):** For corner and through lots, The Secondary Front Yard is the portion of the yard fronting a public roadway adjacent to the Primary Front Yard. The Secondary Front Yard is the portion of the yard between the front facade of the principle building; the roadway right-of-way (ROW)/secondary front property line; and the rear property line. Any portion of a Secondary Front Yard contained within the minimum front yard set-back shall be treated as a Front Yard regarding the standards of the ordinance and accessory structure placement. Any portion of the Secondary Front Yard remaining outside of the minimum front yard set-back may be treated as a side yard for corner lots or a rear lot for through lots. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Secondary Front Yard.

**YARD, REAR:** The Rear Yard is the portion of the yard between the rear facade of the principle building; the rear property line; and the side property lines. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Rear Yard.

**YARD, SIDE:** The Side Yard is the portion of the yard between the front façade of the Principle Building; rear facade of the principle building; the rear property line; and the side property lines. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Side Yards.

**YOUTH CAMP:** Any facility operating on a permanent campsite with sleeping, eating and recreational accommodations for children six (6) to eighteen (18) years of age; who are supervised by trained counselors and which is run by a qualified supervisory staff. Hunting and fishing camps shall not be included in this definition.

**YOUTH CENTER (QUASI-PUBLIC):** A permanent facility run by a qualified staff with indoor and outdoor facilities which provides organized youth-oriented activities and recreation, after-school and during the summer months including but not limited to Boys' and Girls' Clubs.

**ZERO LOT LINE HOME: (SEE DWELLING, ZERO LOT LINE).**

**ZONING MAP:** The Official Zoning Map or maps of the City of Gautier, which are a part of the Unified Development Ordinance and delineate the boundaries of the zoning districts.

## ARTICLE III: ADMINISTRATIVE & ENFORCEMENT POWERS AND DUTIES

### SECTION 3.1: City Council

The City Council of the City of Gautier shall exercise all powers vested in the governing body as provided in *Mississippi Code Annotated Section 17-1-13 (1972)* and shall have final authority over certain zoning and planning related matters as itemized in *Section 3.1.1*

#### 3.1.1 Powers and Duties

As the governing body of the City of Gautier the City Council shall be responsible for final action regarding the following:

- A. Amendments to the text of the Comprehensive Plan
- B. Amendments to the text of this Ordinance
- C. Applications for zoning map changes
- D. Applications for Conditional Use-Major
- E. Applications for Major ~~Site-Plans Development~~
- F. ~~Applications for Variance~~
- G. ~~Applications for Major Subdivision Preliminary Plat Plat approval as required by this Ordinance~~
- H. ~~Major Subdivision Final Plat~~
- I. ~~Development Agreements~~
- J. Appeals of Staff Decision

### SECTION 3.2: Planning Commission

The Planning Commission shall exercise all powers vested in such bodies as provided in *Mississippi Code Annotated Section 17-1-17 (1972)* and shall act as the Advisory Committee to the City of Gautier in zoning and planning matters. The Planning Commission shall adopt reasonable rules and regulations governing the conduct of its zoning affairs and in keeping with the provisions of this Ordinance.

#### 3.2.1 Powers and Duties.

The Planning Commission shall have the following powers and duties as hereinafter listed:

- A. Establish rules of procedure and official bylaws as needed to perform the functions of the commission.
- B. To hear and recommend to City Council appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in carrying out any provision of this ordinance.
- C. To initiate and recommend to City Council approval of area-wide re-zonings, and text amendments to this ordinance.
- D. To prepare and recommend to City Council adoption of a Comprehensive Plan for

If the regularly scheduled Planning Commission meeting falls on an official City holiday, the meeting shall be held at the next available Thursday following the holiday.

### **3.2.4 Quorum, Rules and Records**

Four (4) members of the Planning Commission shall constitute a quorum for transaction of business and a majority vote of the quorum shall rule. To preserve order during conduct of meetings and public hearings, the Economic Development Director or designee shall act in the capacity of Sergeant at Arms. Meetings shall be conducted in accordance with Roberts Rules of Order.

The Planning Commission may adopt bylaws or necessary rules and regulations to govern the performance of duties which shall include:

- A. Order and allocation of time for presentations.
- B. Role of spokesperson for Commission to the press.
- C. Conflicts of Interest.
- D. Voting procedures.
- E. Establishment of Committees.
- F. Any other matter concerning the conduct or meeting procedures that does not conflict with the provisions of this Ordinance.

A record of proceedings shall be taken and maintained by the City Clerk's Office and shall be a matter of public record. The Planning Commission may secure the services of a Court Reporter to assist in recording the meeting which shall become the official transcript of the meeting and shall be available upon request from the Court Reporter. Fees for such transcripts shall be payable by the requesting party.

### **3.2.5 Planning Commission Recommendation**

The Planning Commission shall hold a vote at which time the majority shall formulate a recommendation of "for," or "against" each petition presented at the public hearing. A matter which does not receive a majority vote shall be sent to the City Council as having "no recommendation."

In circumstances where approval or denial by the City Council is required, the recommendation of the Planning Commission shall be sent to the City Council for their consideration and official action. The Economic Development Director shall provide a Finding of Fact to the City Council along with the recommendation of the Planning Commission and other data and materials on all zoning or development related proceedings of the Planning Commission's Meeting.

## **SECTION 3.3: Technical Review Committee (TRC)**

The Technical Review Committee (TRC) is that group of staff persons, architecture review ad hoc members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance. ~~The TRC also has authority to approve minor development plans, plats and conditional uses as described in Section 3.3.1 Powers and Duties. The Technical Review Committee process is designed to provide the developer with one central review of the development proposal and conserves the time and efforts of city employees in the various departments. It expedites the process for obtaining development permits. To expedite review, the provided plans, sketches, photos, etc. will be e-mailed to the TRC members for comments. Any comments will be forwarded to the applicant. If the applicant prefers to meet in~~

person with the TRC, a meeting will be scheduled and a TRC Application ~~A plan review~~ fee shall be charged in accordance with the adopted fee schedule.

### 3.3.1 Powers and Duties

The Technical Review Committee shall be responsible for providing ~~technical~~ review of the following items: ~~A summary shall be forwarded to the appropriate governing authority.~~

- A. Signs
- B. Exterior design of all structures including signs.
- ~~C. Site plans and construction plans, when requested~~
- ~~D. Subdivision Plats~~

Further, the Technical Review Committee shall have authority of final approval for the following items. However, the Economic Development Director or the applicant may request the item be considered as a major development for Planning Commission recommendation and Council approval.

- ~~A. Minor Development Plans or exempt plans, when requested as per Section 4.1.6~~
- ~~B. Exterior design of all structures including signs in commercial, mixed use and industrial zoning districts.~~
- ~~C. Minor Conditional Uses~~
- ~~D. Minor Plats consisting of less than 2.25 acres and minor replats~~

In the event the Economic Development Director does not receive comments from any of the concerned departments, he/she shall act in their behalf based on his/her knowledge of the needs and requirements of that particular department.

### 3.3.2 Membership

The Technical Review Committee shall be chaired by the Economic Development Director or his/her designee and consists of one representative from each of the following county or city departments, divisions, or committees as applicable.

- A. Fire Marshall Office
- B. Building Official
- C. Public Works Director
- D. Police Department

In addition, the Technical Review Chairman may invite representatives from the County Health Department, Pascagoula Public Schools, utility providers or other entities that may be affected by the proposed development within the City on a case-by-case basis.

## SECTION 3.4: Other Advisory Bodies

From time to time, other boards or committees may be asked by the City Council to participate in an advisory capacity to planning or development projects or processes including but not limited to:

- A. Recreation Advisory Committee
- B. The Economic Development Committee
- C. The Historic Preservation Commission

**D. Waterfront Advisory Committee**

Modifications to the exterior of any structures or the yards of any structures which are designated as local landmarks, or are within a legally recognized local historic district shall be reviewed and approved by the Historic Preservation Commission in accordance with review process adopted by the City.

**SECTION 3.5: City Staff Department of Planning and Economic Development**

**3.5.1 Economic Development Director**

The Economic Development Director shall have the following general duties:

- A.** Maintain the Official Zoning Map in good and useful condition and properly recording on the Map all of the amendments to the Ordinance that change boundaries of the Zoning District.
- B.** Process applications for all Public Hearings, ~~Development Orders~~, Rezoning, Conditional Uses, Variances, and Home Occupations.
- C.** Provide information to the public and property owners related to growth management and zoning matters.
- D.** Issue letter of zoning compliance upon request.
- E.** Maintain records and maps on non-conforming uses, structures and undeveloped lots.
- F.** Provide staff for Planning Commission meetings, preparing routine staff reports and recommendations on zoning and planning matters to be heard by the Commission.
- G.** Keep permanent records of zoning decisions, Technical Review Committee decisions, and other zoning and development matters.
- H.** Act as advisor to the Planning Commission and the City Council on zoning and zoning-related matters including the preparation of staff recommendations on applications for rezoning, conditional use and variance applications.
- I.** Administer and advise City Council on all matters related to Flood Ordinance and Maps.
- J.** Enforce or assist in enforcing the provisions of the Unified Development Ordinance.
- K.** Grant certain Administrative Variances and Waivers pursuant to *Article IV*.
- L.** Issue Finding of Compatibility upon request for a Conditional Use-Minor.

**3.5.2 Administrative Interpretation of this Ordinance**

In addition the Economic Development Director shall also have the following responsibilities:

**A. Interpretation of the Zoning Text, Zoning Map and Procedural Process**

In the event there is a question concerning the general intent or meaning of any provision of this Ordinance text, or the positioning of district boundaries, or of district designation, or other matters relating to the Official Unified Development Ordinance, the Economic Development Director shall have the right to make such administrative decisions and interpretations. In making these interpretations, Economic Development Director shall:

1. Consider provisions of this Ordinance to be minimum requirements;
2. Make decisions construed in favor of the governing body and the overall community benefit;
3. Consider applicable Federal, State and Local laws, ordinances and standards;
4. Require application of the more stringent provisions wherever the provisions of this ordinance appear to impose conflicting provisions that cannot otherwise be reconciled.

**B. Consultation with Appropriate Bodies or Persons**

The Economic Development Director may from time to time defer interpretations to the appropriate Board and/or Governing Body.

**C. Appeal from Planning and Economic Development Director's Decisions**

Final action on an official interpretation of this Ordinance by the ED Director may be appealed in accordance with Section 3.6.

**3.5.3 Building Official**

Under the direction of, and in consultation with the Economic Development Director, the Building Official shall serve as the City's Building Official and shall issue official building permits. The Building Official may also be assigned other duties as determined by the Economic Development Director.

**3.5.4 Fire Marshall**

The Economic Development Director shall have the following general duties:

- A. Reviews all non-residential developments for impact and compliance regarding the adopted fire codes.
- B. Performs a Fire Inspection of each business within the City each year.

**3.5.5 Public Works Director**

The Public Works Director or authorized representative shall have the following general duties:

- A. Reviews all non-residential developments for impact and compliance regarding drainage, stormwater management, traffic, utilities, off-site improvements, easement, proposed right-of-ways, and infrastructure proposed to be dedicated to the city.
- B. Issue "Will Serve" approval for new developments regarding potable water capacity.
- C. Review applications to the Mississippi Department of Health (MDOH), Mississippi Department of Environmental Quality (MDEQ), and Jackson County Utility Authority regarding fire protection/potable water, sanitary sewer, and drainage improvements for proposed developments.

**3.5.6 City Clerk**

The City Clerk or authorized representative shall have the following general duties:

- A. Process applications for all Privilege Licenses, Special Events, and Transient Vendor Licences.

- B. Record the actions taken of the Planning Commission, prepare the official meeting minutes for the Planning Commission, and maintain a permanent record of the Planning Commission meeting minutes.
- C. Obtain signatures on Major Subdivision Final Plats and ensure the plats are recorded at the Jackson County Circuit Clerk's office.

### **SECTION 3.6: Appeals**

Persons aggrieved with decisions of administrative staff may appeal the decisions.

#### **3.6.1 Appeal of Administrative Decision**

Appeals from written administrative decisions of the Economic Development Director in the administration and enforcement of the provisions of this Ordinance shall be heard by the City Planning Commission and the City Council. A Staff Decision Appeal shall be filed on the appropriate application form in the Department of Economic Development outlining the circumstances and the grounds of the appeal. The Economic Development Director shall send the appeal application to the City Attorney for a Review of Legal Sufficiency. Once cleared by the City Attorney, the Economic Development Director shall place the Notice of Appeal on the agenda of the Planning Commission meeting. Appropriate fees shall apply.

Upon hearing such appeal the Planning Commission shall make a recommendation to City Council to reverse, modify, or affirm, wholly or partially, any order, requirement, decision, or determination of the Economic Development Director and/or his staff.

Upon receiving a recommendation from the Planning Commission, the appeal shall be placed on the next available City Council meeting agenda. The City Council shall render a decision to reverse, modify, or affirm the staff decision.

#### **3.6.2 Appeals to a Court of Law**

An appeal from the decision of the City Council may be made as provided by law for appeals from any order of the governing authorities of a municipality.

### **SECTION 3.7: Enforcement of Unified Development Ordinance**

The Unified Development Ordinance shall be enforced by the Economic Development Director or his/her designee. Where and when violations of the provisions of this Ordinance are found, the Economic Development Director or his/her designee shall notify in writing, by mail, the person or persons responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Economic Development Director or his/her designee shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, its provisions.

#### **3.7.1 Penalties for Zoning Related Violations**

Zoning violations shall be considered to be a misdemeanor and fines may be assessed up to one hundred dollars (\$100) per offense with each day constituting a new and separate offense.

#### **3.7.2 Penalties for other sections of this Ordinance**

Violation of any other section of this Ordinance other than zoning shall be punishable as a misdemeanor and fines may be assessed up to one thousand dollars (\$1,000) per offense with each day constituting a new and separate offense.

## ARTICLE IV: GENERAL PROCEDURES

### SECTION 4.1: Development ~~Process – General Orders and Permits~~

This section sets forth application and review procedures required for obtaining development ~~approval orders~~ and permits as may be required. ~~Procedures for appealing decisions also are provided.~~

Although each development is different, the general development process is as follows. Not all of these steps apply to all projects. This generic process is for information purposes only. The Economic Development & Planning Department can assist with determining exactly what step and process a particular development will need to get approval and permits.

#### A. ~~Preapplication~~

1. ~~**Fact Finding** – the developer will usually call or meet with the City development review staff early in their process to gather information. At this time, usually the developer does not have specific information on the development, but are mainly offering scenario to determine feasibility or the best approach for the project.~~
2. ~~**Preapplication Conference** – A preapplication conference is not required, but is highly encouraged by the City. This is a meeting between City staff and the developer to discuss specific information and requirements can be obtained prior to submittals being generated and an application being submitted.~~

#### B. ~~Application~~

1. ~~**Application Submittal** – The developer will submit the required application for the proposed activities along with all required attachments such as plans, flood related documents, stormwater documents, outside agency permits, etc.~~
2. ~~**City Staff Review** – Once the application is received, the appropriate City staff will review the information and notify the applicant of any missing information or corrections needed at that time. The applicant will also be notified at this time of any required Public Hearings or other special processes needed.~~
3. ~~**Site Visit** – City staff will visit the site if needed to verify existing site conditions.~~

#### C. ~~Public Hearing and Other Special Processes Conducted~~

1. ~~**Determination** – Staff will determine if any special processes need to be conducted during their initial review of the application such as a Conditional Use, Master Development, Subdivision, etc. These processes will need to be completed prior to a construction permit being issued.~~

2. **Application** – The developer will need to provide application and supporting documents for any special processes.
4. **Staff Review** - Once the applications are received, the appropriate City staff will review the information and notify the applicant of any missing information or corrections needed at that time. The applicant will also be notified of the date and time for any public hearings and the general process.
3. **Approval Process** – See specific procedures for special processes throughout this Article of the Ordinance.

**D. Permitting**

1. **Final Submittals** – Once all comments are addressed by the developer, any corrected documents or paperwork are submitted to the City.
2. **Final Staff Review** – Staff will review the documents and comments until all deficiencies are corrected.
3. **Permits Issued** – Once all submittals are correct and received and all special processes are complete, the developer’s contractor may apply for permits. Once permits are issued, construction may begin.

**E. Construction**

1. **Inspections** – During construction, the contractor will notify the City when required inspection need to be performed.
2. **Construction Paperwork** – The contractor will provide the City with any needed paperwork during construction such as stormwater forms, and flood related paperwork, etc.

**F. Close-Out**

1. **Final Inspection** – Once construction is complete City staff will inspect the project for compliance. Comments will be provided if any deficiencies are noted.
2. **Final Paperwork** – The developer will provide with any necessary paperwork to close the project out such as flood related documents, outside agency final approvals, etc.
3. **Certification of Occupancy** – Once all deficiencies are corrected and all required documentation has been received, the City will issue a Certificate of Occupancy.

**4.1.1 Withdrawal of Applications**

An application for development approval may be withdrawn at any time. Caution: The withdrawal of any application for development approval which occurs after the publication of any notices which may be required by this Code or other law will result in the application losing its relative position in priority for plan review and will require the applicant to resubmit its application at the initial step in the development review process required for the particular development. Such resubmittal will require payment of the necessary fees in order to activate the plan review process and reestablish relative position and priority for plan review.

*Note:* Nothing in this section shall be construed to prevent the Planning Commission or the City Council from delaying action or decision on any application. In the event the Commission or City Council votes to delay review or decision on any application, said application will retain its relative position and priority for plan review purposes.

#### **4.1.2 Warning and Disclaimer of Liability for Staff Review**

Staff approvals are reviewed only for general conformance with local codes and ordinances. They are not reviewed for accuracy of data or design, nor does the City of Gautier warrant such. These permits and approvals do not relieve the owner nor any of his representatives of the responsibility of compliance with the requirements of all local codes and ordinances.

#### ~~4.1.2 Authorization for Development Permit~~

~~No development activity may be commenced without a final development order, except as provided by Section 4.1.4.~~

#### **4.1.3 Prerequisites to Issuance of a Development Permit**

No development ~~order or~~ permit shall be issued unless the proposed development activity:

- A. ~~Conforms to the requirements of this Ordinance Is authorized by a development order issued pursuant to this Code;~~ and
- B. Conforms to the building codes and fire codes as adopted by the City; and
- C. Conforms to technical construction standards and any other engineering standard for stormwater, sewage, water, streets, traffic and other engineering concerns as may be adopted by the City of Gautier.

#### ~~4.1.4 Exceptions to the Requirement for a Development Order~~

~~A construction permit may be issued without a development order if any of the following conditions apply:-~~

- ~~A. Construction has begun or was approved prior to the adoption of this ordinance;~~
- ~~B. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site;~~
- ~~C. The construction or alteration of a one or two family dwelling on a lot in a valid recorded subdivision, approved prior to the adoption of this Code;~~

- ~~D. The resurfacing of a vehicle use area that conforms to all requirements of this Code;~~
- ~~E. A minor replat granted pursuant to procedures of this Code;~~
- ~~F. Clearing and grading of land:~~
- ~~1. Single family lots: the clearing and grading is limited to the proposed development area. The applicant shall submit a site plan indicating the proposed development area prior to issuance of the clearing permit.~~
  - ~~2. All other lots: the clearing and grading is limited to the proposed development area. The applicant shall submit:~~
    - ~~a. A site plan indicating the proposed development area;~~
    - ~~b. An existing tree survey with all trees of 12-inch diameter at breast height or greater;~~
    - ~~c. A landscape plan, in accordance with this ordinance, which identifies the trees and landscaping to be replanted (reforestation, front perimeter, common areas, and soil erosion control) after the clearing and grading is completed;~~
    - ~~d. An erosion and sedimentation control plan;~~
    - ~~e. All applicable federal and state permits; and~~
    - ~~f. A drainage plan, if requested by the Public Works Director.~~
- ~~G. All items identified within the submitted landscape plan must be planted within thirty (30) days after the completion of the clearing/grading. Clearing, grading, and replanting activities shall be completed within ninety (90) days of the issuance of the permit. Failure to satisfy these requirements will result in a code violation and the doubling of the required tree counts for the site; and~~
- ~~H. Minor alterations to existing improved properties that will alter gross floor area, use of structure or land, or change/add to the impervious surface of the site provided that:~~
- ~~1. The proposed change does not require additional parking spaces beyond those already existing on the site;~~
  - ~~2. The proposed change cannot increase impervious surface area beyond seven hundred fifty (750) square feet. An increase in impervious surface up to seven hundred fifty (750) square feet must meet the requirements of the City's stormwater regulations;~~
  - ~~3. The proposed change does not exceed "de minimus" level of service standards for concurrency.~~

~~General plan requirements must be provided at the time a building permit is submitted to the City.~~

~~It is the intent of this subsection to exempt projects that adhere to the criteria listed in numbers 1, 2, and 3 above from the formal development order process, but not the requirements of the Unified Development Ordinance. This process moves the review of a project against the Unified~~

~~Development Ordinance requirements from the Development Order stage to the Building Permit stage. A building permit cannot be issued for a project that does not meet the requirements of the Unified Development Ordinance.~~

#### **4.1.5 Pre-Application Procedures**

~~Prior to filing for a formal and scheduled review of proposed development plans, if required by this Code, by the Technical Review Committee, the applicant shall may request the Economic Development Director, or designee, to set a time for discussion of the proposed development. Checklists appropriate to the proposed development shall be provided to the applicant by the Economic Development Director, or designee. In addition, the applicant willshall be directed to the appropriate City departments or other agencies so that the applicant may obtain information from such department(s) and/or agency(s) prior to filing for formal review, if necessary, by the City Technical Review Committee.~~

~~Note: No comment made by any persons associated with the City during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development or development plans.~~

#### **4.1.6 Designation of Plans as Minor or Major Developments**

~~Before submitting a development plan for formal review, the applicant shall provide the City with sufficient information to make a determination as to whether or not the plan will be designated a major or minor development. For purposes of these procedures, all development plans shall be designated, in writing, by the Economic Development Director, or his designee, as either exempt from the development order process (in accordance with this ordinance), a minor development, or major development according to the criteria below.~~

- ~~A. Major development. A development order application shall be deemed a major development if it satisfies one or more of the following criteria:~~
  - ~~1. Development order applications requesting Tier 3 approval.~~
  - ~~2. Major subdivisions requiring the replat of more than 2 lots.~~
  - ~~3. Major developments consisting of greater than 2.25 acres.~~
  - ~~4. All planned unit developments (PUD's), unless located within the Corridor Overlay District's designated lands qualifying for expedited permitting.~~
- ~~B. Minor development. A development plan shall be designated as a minor development if it is neither a major development nor a development order that is exempt under Section 4.1.4 of this Code.~~

#### **4.1.7 Procedures for Development Plan Review**

~~All applications for a major or minor development order or a major or minor deviation to a development order shall be processed in a timely manner. This shall entail prompt review and~~

~~responses from both the applicant and the members of the Technical Review Committee (TRC). No property shall have more than one development order application under review by the City at any one time. The applicant shall adhere to the following procedures when seeking approval for a major or minor development order or a major or minor deviation to a development order:~~

- ~~A. The applicant for a proposed development order shall submit a complete application package (i.e. application, development plans, applicable fees, etc.) to the Economic Development/Planning Department.~~
- ~~B. Within five working days of receipt of the application package for review, the Economic Development/Planning Department shall either:
  - ~~1. Determine that the application package is incomplete and inform the developer, in writing, of the deficiencies. The applicant shall submit an amended application package within thirty (30) calendar days to maintain the application's relative position and priority for plan review. If the applicant fails to submit an amended application package within thirty (30) calendar days, the application does not maintain its relative position and priority for plan review; or~~
  - ~~2. Determine that the application package is complete as received and proceed with the review procedures listed below.~~~~
- ~~C. The complete application package shall be placed on the agenda for the next scheduled meeting of the TRC.~~
- ~~D. The Economic Development/Planning Department shall post the subject property, place a copy of the TRC agenda on the City Bulletin Board at City Hall and ensure a copy is displayed on the City's website five (5) days before the meeting.~~
- ~~E. The Economic Development/Planning Department shall make available to each TRC member a copy of the application package prior to the scheduled TRC meeting. The application package shall at a minimum contain all information which is pertinent to the member's functional area(s).~~
- ~~F. The TRC shall review the proposed application package and submit comments, if any, in writing to the Chairman of the committee, who will be the Economic Development Director or designee, before or during the TRC meeting.~~
- ~~G. The TRC Chairman shall review the plan and comments of the TRC and determine whether the application complies with the requirements of this Code pursuant to guidance received from the TRC.~~
- ~~H. Following the required public notice and hearing, the TRC Chairman shall either approve, approve with conditions, approve with modifications or deny the application and shall:
  - ~~1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in (G) above.~~~~

- ~~2. Hear and address concerns and desires of surrounding landowners and other affected persons.~~
  - ~~3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating his or her recommendation to either approve, approve with conditions, approve with modifications or deny the application.~~
- ~~I. If the application has been approved with modifications at the public hearing, the applicant shall adhere to the procedures listed below until the TRC concludes that the application is approved, approved with conditions, approved with modifications or denied.~~

~~From the date of application, the applicant shall have not more than nine (9) months to obtain technical review approval of the project, unless the one (1) time three (3) month extension is approved as stated below. If technical approval is not received within nine (9) months from the date of application, the process shall start anew and the applicant shall be required to submit a new application package, complete with a new application, new plans, new fees, etc., to the Economic Development/Planning Department. The project shall be subject to all new regulations that are in effect at the time of the new application. The applicant may request one (1) three (3) month extension to the nine (9) month deadline during the entire review process. The request shall be in the form of a written letter indicating why the extension is needed. Requests for the one (1) time three (3) month extension shall be reviewed by the City Manager or designee, with a recommendation by the Economic Development Director or designee. The applicant shall receive a letter indicating whether or not the request has been granted or denied. If the request is denied, the letter must specifically indicate the reason(s) for such denial.~~

- ~~J. Once the TRC has come to a conclusion that the application is approved, approved with conditions, approved with modifications or denied, the application shall adhere to the requirements of Section 4.1.8 if it is classified as a major development or adhere to the requirements of Section 4.1.9 if it is classified as a minor development.~~

#### **4.1.8 Major Developments**

~~The following procedures, in addition to those listed in Section 4.5, shall apply to all major development order applications:-~~

- ~~A. The Technical Review Committee (TRC) shall review the proposal and submit comments, if any, in writing to the Chairman of the Committee. Once the TRC has come to the conclusion that the proposal can be approved, approved with conditions, approved with modifications or denied, the Chairman shall forward each TRC member's written recommendation through the City Manager to the Planning Commission and City Council. In addition to the written recommendations of each TRC member, information provided to the Planning Commission and City Council shall include, but not be limited to, the following:~~

- ~~1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site and surrounding land uses.~~
  - ~~2. Impact on concurrency requirements and level of service standards (LOS).~~
  - ~~3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas, if any; the preservation of natural features or protection of sensitive lands, if any; proposed parking areas; internal traffic circulation systems, if any; the approximate total ground coverage of paved areas and structures; stormwater management, and water and sewage distribution, collection and treatment systems.~~
  - ~~4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.~~
  - ~~5. Other applicable factors, rules, regulations or criteria prescribed by the Comprehensive Plan, this Code or other law.~~
- ~~B. The City Council shall either approve, approve with conditions, approve with modifications or deny the Technical Review Committee's recommendation and shall:~~
- ~~1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in (A) above.~~
  - ~~2. Hear and address concerns and desires of surrounding landowners and other affected persons.~~
  - ~~3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating its recommendation to either approve or deny the development proposal.~~
  - ~~4. If the proposal is approved or approved with conditions, the City Council shall instruct the City Manager, or designee, to authorize the issuance of a development order that complies with Section 4.1.~~
  - ~~5. If the proposal is approved with modifications, a development order may be authorized by the City Manager, or his designee, once the required modifications have been completed and approved by the appropriate TRC members.~~
  - ~~6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new~~

~~application and start the review process over in order to secure consideration for approval of the proposal.~~

#### ~~4.1.9 Minor Developments~~

~~The following procedures, in addition to those listed in Section 4.5, shall apply to all minor development order applications:-~~

- ~~A. If the proposal is approved or approved with conditions, the Economic Development Director, or designee, shall authorize the issuance of a development order that complies with Section 4.1.~~
- ~~B. If the proposal is approved with modifications, a development order may be authorized by the Economic Development Director, or his designee, once the required modifications have been completed and approved by the appropriate TRC members.~~
- ~~C. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.~~

#### ~~4.1.10 Major or Minor Deviations to a Development Order~~

~~Deviations to a development order may constitute either a major deviation or a minor deviation. The following regulations establish the procedures for processing such deviations.-~~

- ~~A. Deviations which have been determined as a minor deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the requirements of Section 4.1.9.~~
- ~~B. Deviations which have been determined as a major deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the following requirements:
  - ~~1. Major deviations to an existing minor development order shall be reviewed and processed pursuant to the requirements of Sections 4.1.8 and 4.1.9. However, should the deviation satisfy any of the criteria set forth in Section 4.1.11, when combined with the initial approval and any other authorized deviations, the deviation shall then be reviewed and processed pursuant to the requirements of Section 4.1.12.~~
  - ~~2. Major deviations to an existing major development order shall be reviewed and processed pursuant to the requirements of Sections 4.1.8.~~~~

#### ~~4.1.11 Simple Deviations to a Development Order~~

~~A simple deviation to a development order is a project that does not require review by the Technical Review Committee (TRC), but instead requires review only by City staff members involved in the development review process. Simple deviations to a final development order shall be determined by the Economic Development Director or designee using the following criteria:-~~

- ~~A. Changes to the previously approved development plan cannot require approval by non-City staff members of the TRC~~
- ~~B. The proposed changes to the development plan only include rearranging or reducing, in accordance with Code provisions, any driveways/accessways, parking, impervious surface, stormwater management facilities, or buildings on the subject property.~~

~~Vending, whether permanent, temporary, or mobile, on the exterior of a developed site shall be considered a change of use and shall be processed as a simple deviation unless it does not meet the criteria listed in Subsections A. and B. listed above.~~

#### ~~4.1.12 Development Order~~

~~Provided the development plan meets all requirements of the Unified Development Ordinance and Code of Ordinances the City shall issue a development order to the developer within seven (7) calendar days from the approval date of said development order application. The development order is not a construction permit. An approved development order is required prior to the City's issuance of any construction permit(s). A development order shall, as a minimum, include the following:~~

- ~~A. An approved final development plan with findings and conclusions;~~
- ~~B. A listing of federal, state or regional permits, if any, which must be obtained prior to the issuance of any development permit;~~
- ~~C. If modifications must be made to the development plan before a development order may be issued, a listing of those modifications and the time limit for submitting a modified plan (not more than fourteen (14) calendar days);~~
- ~~D. Notification that development shall commence within a twelve (12) month period and continue until completion in accordance with terms and conditions of approval;~~
- ~~E. If necessary to maintain concurrency, a schedule of construction phasing consistent with the availability of capacity of one (1) or more services and/or facilities;~~
- ~~F. If necessary or required, a schedule of public services or public facilities to be provided by the applicant, prior to the issuance of any certificate of occupancy or within specified time periods;~~
- ~~G. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument;~~
- ~~H. A security in the amount of one hundred (100) percent of the cost of any public improvements required as a result of the anticipated impact of the development or as required by regulations in this Code or other law; and~~
- ~~I. Such other conditions as may be required to assure compliance with this Code, the Comprehensive Plan or other law.~~

## **SECTION 4.2: ~~Section Not Used~~ Procedures for the Coordination of Plat and Development Plan Approval**

~~This procedure applies to all projects that require plat and development plan approval. This procedure is established to ensure efficient processing of approved developments seeking building permits and will also eliminate piecemeal plat approvals.~~

- ~~1. Plats and development plans may be processed simultaneously through the required approval procedures identified in this Ordinance for procedures for development plan review and procedures for subdivision or resubdivision of land.~~
- ~~2. If the applicant wishes to process these items (plat and development plan) separately, approval of the development plan will be required prior to the approval of the plat.~~
- ~~3. Projects approved prior to the effective date of this code that, as a condition, require plat approval prior to issuance of building permits are not affected by this Code. However, any requests for amendments to active development orders will not be processed until the required plat has been approved.~~

## **SECTION 4.3: ~~Section Not Used~~ Construction Permits**

~~After a development order has been issued, the applicant may, within twelve (12) months of the issuance of the development order, apply for the necessary construction permits. The City shall issue the necessary construction permits if the proposed construction is consistent with and approved pursuant to the development order. If the application for a construction permit deviates from the development plan the City shall notify the applicant within five (5) working days of the construction permit application. Warning: If the applicant has not obtained a construction permit(s) within three hundred sixty five (365) days of issuance of the development order, the development order is void and the application for plan approval must be re-initiated.~~

## **SECTION 4.4: ~~Section Not Used~~ Post-Permit Changes**

~~After a construction permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the development order without first obtaining a deviation to the order. Similarly, except for minor field modifications as may be allowed by the building codes and associated mechanical, electrical, plumbing, gas and fire safety codes, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the construction permit without first obtaining a City approved modification to the permit. Note: Construction standard field changes must be made available to the City Inspector for inspection purposes consistent with the building, mechanical, electrical, plumbing, gas and fire safety codes adopted by the City.~~

## **SECTION 4.5: Building Permits**

- A.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the **Building Official City Manager** or

his designee. No building permit shall be issued by the **Building Official City Manager** or his designee except in conformity with the provisions of this article.

- B. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been reviewed and approved by the Economic Development Director or his or her designee.
- C. No nonconforming use shall be maintained until a certificate of zoning noncompliance shall have been issued by the City Manager or his designee. The certificate of zoning noncompliance shall state specifically wherein the nonconforming use differs from the provisions of this article; provided that, upon amendment of this article owners or occupants of nonconforming uses shall have six (6) months to apply for certificates of zoning noncompliance. In cases where nonconforming uses existed at the time of enactment of this Ordinance, certificates of zoning noncompliance shall be issued based upon facts stated in affidavits. Failure to make such application within six (6) months shall be presumptive evidence that the property was in nonconforming use at the time of the enactment or amendment of such ordinance.
- D. The City Manager or his designee shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.
- E. Upon application, the City Manager or his designee may issue up to a twelve (12) month permit for the temporary parking of a construction trailer on a lot during the construction of a permanent structure on such lot; the construction trailer is to be removed within two (2) weeks following the completion of construction. Extension of a twelve (12) month permit shall be at the discretion of the City Manager or his designee.
- F. In addition to all other building permit requirements, all construction involving the paving or increasing of the impervious coverage of properties will require a building permit subject to **Public Works Director City Engineer** approval.

#### 4.5.1 Application for Building Permit

- ~~A. Applications for a Building Permit may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments, and submittals. All applications for building permits shall be accompanied by plans and a survey or plot plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of buildings or improvements already existing, if any; the location of any existing easements; and the location and dimensions of the proposed buildings or alterations. The application shall include only such other information as lawfully may be required by the City Manager or his designee, including existing or proposed uses of the building and land, the number of families, housekeeping units or rental units the building is designed to accommodate, conditions existing on the lot, and such matters as may be necessary to determine conformance with, and provide for the enforcement of, this article. The application shall be certified as correct by the applicant. Complete plans are not required for buildings which are exempt from requiring an architect's~~

~~signature and seal by Mississippi Statutes. Architects' affidavits are required in accordance with the Building Code.~~

- B. One (1) copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved. One (1) copy of the plans, similarly marked, shall be retained by the City Manager or his designee for at least two (2) years.

#### **4.5.2 Expiration of Building Permit**

If the work described in any building permit has not been initiated within six (6) months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new building permit has been obtained. Additionally, if work described in the building permit issued was commenced within six (6) months after the date of issuance thereof, then work must be substantially completed within one (1) year from the date of issuance.

#### **4.5.3 Certificates of Conditional Use or Certificate of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the ~~City Manager~~ Building Official or his designee stating that the proposed use of the building or land conforms to the requirements of this article. Failure to obtain a certificate of occupancy shall be a violation of this ordinance.

#### **4.5.4 Construction and Use to be as Provided in Application, Plans, and Permits**

Building permits issued on the basis of plans and applications approved by the ~~Director of Economic Development and Planning~~ Building Official or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorization shall be deemed a violation of this article.

### **SECTION 4.6: Submittals**

Applications for development review shall be available from the Economic Development/Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan. Signatures by other parties will be accepted with notarized proof of authorization by the owners. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

#### **~~4.6.1 Section Not Used-General Plan Requirements-~~**

~~All preliminary and final development plans submitted pursuant to this code shall conform to the following standards:-~~

- ~~A. All plans shall be drawn to a scale of one (1) inch equals twenty (20) feet, unless the City Manager, or his designee, determines that a different scale is sufficient or necessary for proper review of the proposal.~~
- ~~B. For all multifamily residential and all nonresidential development proposals, the trimline sheet size shall be 24 inches by 36 inches (24" x 36"). A one-half (1/2) inch~~

~~margin shall be provided on all sides except for the left binding side(s) where a two (2) inch margin shall be provided if multiple sheets are used.~~

- ~~C. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.~~
- ~~D. The front cover sheet of each plan shall include:
  - ~~1. A general vicinity or location map drawn to scale showing the position of the proposed development in the section, township and range, together with the principal roads, City limits, and any other pertinent orientation information.~~
  - ~~2. A complete legal description of the property.~~
  - ~~3. The name(s), address(es) and telephone number(s) of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.~~
  - ~~4. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).~~~~
- ~~E. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.~~
- ~~F. The plan shall show the boundaries of the property with a metes and bounds description referenced to a section, township and range and tied to a section or quarter section or subdivision name and lot numbers.~~
- ~~G. The area of the property shown in square feet and acres.~~
- ~~H. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Economic Development/Planning Department, necessary to complete the review.~~
- ~~I. Applicants for all developments shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the developer (applicant) to submit sufficient information in a form that allows ready determination of whether the requirements of this code have been met.~~
- ~~J. — Unless otherwise noted, plans for all development projects shall contain:
  - ~~1. The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements.~~
  - ~~2. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.~~~~

- ~~3. All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.~~
- ~~4. The location of environmentally sensitive lands designated by the Army Corps of Engineers, if any.~~
- ~~5. Existing land use, the zoning district of the subject site, and the land use category under the Comprehensive Plan.~~
- ~~6. The location and intensity or density of the proposed development.~~
- ~~7. A general parking and circulation plan.~~
- ~~8. Points of ingress and egress and any planned public or private roads, rights-of-way, pedestrian ways, bicycle paths or transportation facilities.~~
- ~~9. The existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public stormwater management systems.~~
- ~~10. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development.~~
- ~~11. Proposed open space areas on the development site and types of activities proposed to be permitted on such open space areas.~~
- ~~12. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.~~
- ~~13. A description of how the plan mitigates or avoids potential conflicts between land uses including a compatibility review (if required) as provided in Article V Zoning Districts and Specific Regulations.~~
- ~~14. Architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.~~
- ~~15. A soils map of the site.~~
- ~~16. A recent aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one (1) inch equals four hundred (400) feet.~~
- ~~17. A map of vegetative cover including the location and identity, by common name, of all protected trees.~~
- ~~18. A topographic map of the site clearly showing the location, identification and elevation of benchmarks, including at least one (1) benchmark for each major water control structure.~~

- ~~19. A map showing the locations of any soil borings or percolation tests as may be required by this Code.~~
- ~~20. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.~~
- ~~21. The special flood hazard area elevation boundaries where appropriate.~~
- ~~22. Total area calculation with percentage of total site to be covered by impervious surface(s) and landscaping.~~
- ~~23. Grading plans specifically including perimeter grading.~~
- ~~24. Construction phase lines.~~
- ~~25. Building plans showing the location, dimensions, gross floor area, floor plan for multifamily residential structures including hotels and motels, and proposed use of buildings. For the purposes of this criteria, hotel and motel dwelling units are considered residential floor space.~~
- ~~26. Building setback distances from property lines, abutting rights-of-way and all adjacent buildings and structures.~~
- ~~27. Minimum floor elevations of buildings within the special flood hazard area, if any.~~
- ~~28. The location, dimensions, type, composition and intended use of all accessory structures.~~
- ~~29. The location and specifications of any proposed refuse dumpsters or containers.~~
- ~~30. Cross sections and specifications of all proposed pavement.~~
- ~~31. Typical and special roadway and drain sections and summaries of quantities.~~
- ~~32. Information sufficient to determine compliance with the landscape and tree protection regulations of this Code.~~
- ~~33. The location, accompanied by all necessary drawings, construction plans, wiring plans, etc., of all proposed signs.~~
- ~~34. The proposed number, minimum area and location of lots, if the development involves a subdivision of land.~~
- ~~35. All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered editions bearing the same name may be numbered consecutively throughout several editions.~~

- ~~36. All interior excluded parcels shall be indicated and labeled accordingly.~~
- ~~37. All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.~~
- ~~38. Total number and type of residential units categorized according to number of bedrooms. The total number of residential units per gross acre shall be given.~~
- ~~39. Location of on-site potable water wells, if any, and potable water wells within two hundred (200) feet of any property line, if any.~~
- ~~40. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.~~
- ~~41. If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the City or any other public agency.~~
- ~~42. If the development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule indicating approximate development phasing, including the sequence for each phase, shall be included.~~
- ~~43. The manner in which historic and archeological sites on or near the site will be protected.~~

## **Section 4.7: Procedures for Subdivision or Resubdivision of Land (See Article IX)**

### **4.7.1 Generally**

- ~~A. These regulations shall be administered by the planning and engineering departments. It is the responsibility of such planning and engineering departments to carry out the provisions of this section and make recommendations as to the suitability of proposed subdivisions.~~
- ~~B. Except as provided by Section 4.8, no person shall divide any parcel of property into two (2) or more parcels without complying with the provisions of this section.~~

### **4.7.2 Preliminary Approval**

- ~~A. Preliminary approval is not required. However, the developer is encouraged to request preliminary approval whenever the developer is not certain that the proposed subdivision will meet all requirements of applicable laws and regulations. Preliminary submittals shall consist of three (3) copies of drawings or other data~~

~~indicating the concept of the proposed subdivision. The Economic Development Director or designee will return comments, if any, from the Technical Review Committee to the developer.~~

- ~~B. The public hearing, after due public notice is fulfilled for the preliminary approval process and any later consideration on preliminary or final approval, may be considered without readvertising under old business.~~
- ~~C. Upon preliminary approval the developer may proceed with producing the required documents and request final approval.~~
- ~~D. If the proposed subdivision is disapproved upon consideration for preliminary approval, before further consideration the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.~~

#### ~~4.7.3 Final Approval~~

~~No lot proposed to be created shall be sold or offered for sale until a Final Plat has been approved by the appropriate City staff or board pursuant to Section 4.1.6 and recorded with the Office of the Chancery Clerk of Jackson County.~~

#### ~~4.7.4 Agreement with Preliminary Plat~~

~~If a Preliminary Plat is approved, the Final Plat shall agree substantially to the Preliminary Plat and construction plans as approved by the City. The Technical Review Committee may approve minor modifications of the approved Preliminary Plat provided such modifications are consistent with conditions or changes requested by the City Council or the members of the Technical Review Committee.~~

#### ~~4.7.5 Filing of Final Plat with City~~

~~Upon completion of construction, the subdivider shall submit three (3) sets of the Final Plat. Said Final Plat/Record Drawings shall appropriately bear the certifying signature and seal of a professional land surveyor and/or engineer registered in the State of Mississippi.~~

#### ~~4.7.6 Agreement with Preliminary Plat and Construction Plans~~

~~The Final Plat shall agree substantially with an approved Preliminary Plat. The Technical Review Committee may approve minor modifications of the approved Preliminary Plat provided such modifications are consistent with conditions or changes requested by the Council or the members of the Technical Review Committee.~~

#### ~~4.7.7 Material which must accompany Final Plat~~

~~The following must be submitted at the time of Final Plat submittal:~~

- ~~A. Two (2) copies of the proposed deed restrictions or Restrictive Covenants which, directly affect the land being subdivided~~
- ~~B. Electronic version of Final Subdivision Drawings in AutoCAD format recorded on a compact disk~~

#### ~~4.7.8 Final Plat Specifications~~

- ~~A. The Final Plat shall be drawn in permanent ink on linen, mylar or other material of similar quality and durability. Three (3) linen backed prints of the original plat and one (1) sepia or other reproducible copy shall be submitted. In case of conflict~~

~~between these regulations and the laws, regulations or statutes of Jackson County, the State of Mississippi or the United States government, the county, state and federal statutes shall prevail.~~

- ~~B. The Final Plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet. Sheet size shall be eighteen inches by twenty four inches (18" x 24"). If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.~~

#### ~~4.7.9 Required on Final Plat~~

- ~~A. Name of subdivision~~
- ~~B. Name and address of the owner and subdivider~~
- ~~C. Title, graphic, scale, north arrow, date and engineer or surveyor's seal on each sheet~~
- ~~D. Primary control points, approved by the City Consulting Engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referenced.~~
- ~~E. Tract boundary lines, right-of-way lines of streets, easements and other sites with accurate dimensions, bearings or deflection angles and radii, arc and central angles of all curves. A written description of tract shall be placed on plat.~~
- ~~F. Name and right of way width of each street and clear designation of public alleys and other right of way~~
- ~~G. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use, and a dedication thereof to the public use~~
- ~~H. Accurate dimensions for any property to be used for non-residential lots, and the purpose of such lots~~
- ~~I. Location, dimensions and purpose of any easements~~
- ~~J. Block and lot numbers~~
- ~~K. Building envelope on each lot (Showing required front, side and rear yards)~~
- ~~L. Location and description of boundary monuments~~
- ~~M. Reference to recorded subdivision plats of adjoining platted land by record name, book and page number~~
- ~~N. The following notes shall be included on the Final Plat: (a) Wetland, (b) SWPPP, and (c) Easement~~
- ~~O. Any other data required by the Statutes of Mississippi or City of Gautier, relating to subdivision plats.~~
- ~~P. Plat Certificates~~

#### ~~4.7.10 Final Plat Certificates~~

~~Each Final Plat shall carry the following certificates thereon:~~

- ~~A. Certification by professional land survey that the plat was prepared by the surveyor or under the surveyor's supervision, signed and dated by the surveyor and bearing the surveyor's Mississippi registration number and seal~~

- ~~B. Certification by owner or owners that he or they is/are the owner(s) of record of the land embraced in the development~~
- ~~C. Certification by owner, which sets forth, the description of right of way, areas and improvement dedicated by the owner to the public and extent of title, which is being dedicated~~
- ~~D. Certification of approval of Final Plat by the City Consulting Engineer~~
- ~~E. Certification of Comparison of the original and all copies~~
- ~~F. Certification of Final Acceptance by the City of Gautier City Council~~
- ~~G. Certification of Recordation by the Office of the Chancery Clerk of Jackson County~~

#### ~~4.7.11 Review by Staff~~

- ~~A. After the appropriate city departments have had the opportunity to confirm the accuracy and adequacy of the Record Drawings and the subdivider has remedied any identified deficiencies—either in the drawings or the work, each department head shall indicate concurrence by signature. Requisite departmental reviews shall include Economic Development/Planning, Public Works and Fire Departments.~~
- ~~B. Upon securing the requisite signatures, the Economic Development/Planning Department shall prepare the Final Plat/Record Drawings for submittal to the City Council and appropriately schedule its presentation.~~

#### ~~4.7.12 Approval by City Council~~

~~If the plat is found to substantially conform to relevant city ordinances and relevant state and federal regulations, the City Council shall approve the plat, and shall cause its approval to be entered on the plat as required. After affirmative City Council action, the Economic Development/Planning Department shall appropriately advise the subdivider.~~

#### ~~4.7.13 Recording of Final Plat with Chancery Clerk~~

- ~~A. Upon approval by the City Council, the subdivider shall be responsible for recording the plat, the restrictive covenants, and any other pertinent agreements required by the City Council in the Office of the Chancery Clerk of Jackson County within sixty (60) days of the date of approval by the City Council.~~
- ~~B. A copy of the approved Final Plat/Record Drawings will be retained in the Economic Development/Planning Department.~~
- ~~C. Failure of the subdivider to record the Final Plat within the required filing period shall nullify the final platting process and shall require resubmittal of the Final Plat for approval by the City Council.~~

### ~~SECTION 4.8: Section Not Used Minor Replats/Minor Subdivisions~~

~~Where development involves a minor replat or minor subdivision as defined in Article II, the City may issue a construction permit without requiring a final development order. However, City approval of the minor replat or minor subdivision is required prior to the issuance of a construction permit. Minor replats or minor subdivisions follow the procedures outlined in this subsection only.~~

- ~~A. Submittals consisting of an application and supporting documentation (agent affidavit, proof of ownership, etc.), three (3) copies of drawings and other data indicating the concept of the proposed subdivision shall be delivered to the Economic Development/Planning Department. The City Manager or designee will return comments, if any, to the developer.~~
- ~~B. Prior to approval of a minor replat or minor subdivision by the City Manager or designee, the following standards shall be met:~~
- ~~1. Each proposed lot must conform to the requirements of this Code, and other adopted ordinances of the City.~~
  - ~~2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one half (½) the right-of-way width necessary to meet the minimum design requirements.~~
- ~~C. After receiving City approval, the developer is required to record the minor replat or minor subdivision in the official county records at no expense to the City. After recording, one (1) recorded mylar copy size 24 inches by 36 inches (24" x 36"), two (2) paper copies of the recorded copy size 24 inches by 36 inches (24" x 36"), two (2) reduced paper copies of the recorded copy size 11 inches by 17 inches (11" x 17") and one (1) copy of the recorded homeowners association documents, if applicable, shall be filed with the Economic Development/Planning Department within ten (10) days.~~
- ~~D. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.~~

#### **SECTION 4.9: Guarantees and Sureties**

Applicability. The provisions of this section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions and private developments.

- A.** Nothing in this section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this ordinance or the Comprehensive Plan.
- B.** Any item which may be deemed as a health, safety and welfare issue by the City Manager, or his or her designee, is not subject to the posting of security/surety.
- C.** Infrastructure items are the only items which are subject to the posting of a security/surety. No buildings or portions thereof shall be applicable for the posting of security/surety under this section. Securities/sureties may be posted for provisions of the landscape plan in accordance with this ordinance.
- D.** The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.

#### **4.9.1 Improvements, Agreements Required.**

Improvements, agreements required. The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, street lights, signage, striping, parking facilities, sidewalks, open space and recreation facilities shall be satisfactorily constructed according to the approved development plan.

- A.** The following information shall be provided by applicant:
1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
  2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty (30) percent occupancy of the development, whichever comes first. NOTE: Nothing in this section shall be construed to relieve the applicant of meeting any concurrency requirements applicable to the project.
  3. The projected total cost for each improvement. Cost for construction shall be proposed by an estimate prepared and provided by a Mississippi-registered Professional Engineer (signed, sealed and dated).
  4. Specification of the improvements to be made together with the time table for making improvements.
  5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making said improvements, the City shall utilize the security/surety provided in connection with the agreement.
  6. The amount and type of security/surety provided to insure performance.
  7. Provisions that the amount of the security/surety may be reduced periodically as construction proceeds and improvements are made.
  8. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officer, employees and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
  9. Developers agree to provide property access to City employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.
  10. Prior to release of bond or security/surety, the City shall review the project account records for any unpaid invoices or fees due to the City. All developers and applicants agree and consent to the City recovering all

unpaid invoices and fees from the security/surety prior to the release of security/surety.

**B. Amount and type of security/surety:**

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security or any other form of guarantee.
2. Security/Surety requirements may be met but are not limited to the following:
  - a. Deposit in the form of Cash, Certified Check, Cashier's Check or Money Order (required for Certificate of Occupancy);
  - b. Irrevocable letter(s) of credit (Commercial/Designated Places of Assembly/Multi-Family only);
  - c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Mississippi (Commercial/Designated Places of Assembly/Multi-Family, subdivision, P.U.D., Plat release only); or
  - d. Certificates of Deposit issued by State or Federally licensed banks provided that the Certificate of Deposit can be converted to cash (or any other asset) only with the prior approval of the City (for Commercial/Designated Places of Assembly/Multi-Family only).

NOTE: Interest earned on the Certificate of Deposit shall be retained by the applicant if the applicant completes the required improvements secured by the Certificate of Deposit within the time limits established in the Final Development Order. The City shall retain all interest earnings on the Certificate of Deposit if, for any reason, the City is required to use the Certificate of Deposit, or any portion thereof, for completion of improvements required of the applicant. Use of this technique will require evidence of agreement between the applicant, the bank issuing the Certificate of Deposit, and the City.

3. The amount of security/surety for single family residential development shall be a minimum of fifteen hundred dollars (\$1,500) or one hundred percent (100%) , whichever is greater, of the total construction costs for the required improvements (public and private). The amount of security/surety for all other developments shall be a minimum of five thousand dollars (\$5,000) or one hundred percent (100%) , whichever is greater, of the total construction costs for the required improvements (public and private). Upon approval of the City Manager, or his or her designee, the amount of

security/surety may be reduced commensurate with the completion and final acceptance of required improvements not more than once during the term of the improvements. In no case, however, shall the amount of the security/surety be reduced to less than the designated minimum, necessary for completing the remaining required improvements. The following conditions also will apply to the posting of any security/surety:

- a. Amount of security/surety which will be permitted shall not exceed ten percent (10%) of the project cost provided on the building permit application.
  - b. Administrative fee of two hundred fifty dollars (\$250) shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.
  - c. Security/surety handling fee of ten percent (10%) of the total amount of security/surety shall be assessed and paid prior to reduction or release of said security/surety.
  - d. Inspection fees are outlined in most current fee resolution and shall be assessed and paid prior to reduction or release of security/surety.
4. Security/surety documents must reflect the names of the subdivision or planned unit development and the developer and developer's authorized agents.
  5. Security/surety shall be provided prior to the issuance of the final development order.
  6. Expiration of surety may be extended in time, not more than two (2) occasions for a total of sixteen (16) months, after which the security/surety shall be forfeited in accordance with this section. Extension of time shall be based on merits of completion of bonded items as inspected and determined by the City Manager or his or her designee.

**C. Inspection of improvements:**

1. Inspection of the following phases of construction may be conducted by the Public Works Director. These phases shall be inspected and certified by the developer's engineer:
  - a. Subgrade or stabilized subgrade;
  - b. Curbs and concrete work;
  - c. Roadway base;
  - d. Surface course;
  - e. Drainage structures and systems.
2. The developer's engineer shall provide certification(s) that all infrastructure, including potable water and wastewater systems, have been constructed

in accordance with the approved development plan. Testing documentation shall be provided to the Public Works Director, along with copies of MSHO (spell out) and Mississippi Department of Environmental Quality certification(s). Inspection by the developer's engineer will not preclude the Public Works Director from inspecting any and all aspects of construction.

3. The Public Works Director shall be given forty-eight (48) hour advance notification of scheduled inspections.
4. The Public Works Director shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.
5. If a developer does not schedule any inspections required by this section, the inspection fees for that unscheduled inspection shall be triple the usual inspection fee.

**D. Procedures for acceptance by the City**

1. Preliminary acceptance. Preliminary acceptance of physical improvements is subject to:
  - a. Within two (2) weeks prior to presentation to City Council for preliminary acceptance, the Public Works Director shall inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.
  - b. The developer has posted the required security/surety as specified in section 4.9 to insure maintenance for a period of one (1) year from the date of preliminary acceptance by the City Council. The security/surety provided for the installation of physical improvements shall not expire until the installation of physical improvements has been preliminarily accepted by the City. Responsibility of acquiring preliminary acceptance shall be the developer's.
2. Permanent acceptance. The infrastructure will not be permanently accepted into the City's maintenance program until all defects are corrected by the developer within sixty (60) days of notification of deficiencies by the Public Works Director. In addition, failure to make required corrections specified by the Public Works Director shall result in a forfeiture of securities/sureties. Responsibility for acquiring permanent acceptance shall be the developer's.
3. The City of Gautier shall establish an administrative procedure for the acceptance of developments in the City. These developments shall include, but not be limited to subdivisions, planned unit developments (PUD's), private road subdivisions and private developments.

**E. Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments).**

1. A maintenance agreement and security/surety shall be provided for all streets to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to roads, streets, stormwater drainage, sidewalks, street lights, open space and recreation areas.
  - a. There shall be a minimum maintenance period of one (1) year.
  - b. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements.
  - c. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer and a representative of the developer. These inspections shall be scheduled at mid-year and prior to permanent acceptance by the City Council. The City Engineer shall advise the developer, in writing, of any corrective measures to be made during the maintenance period. It shall be the developer's responsibility to make required corrections prior to the expiration of the maintenance security/surety.
  - d. The security/surety shall be in an amount equal to twenty-five (25) percent of the construction cost of the improvements and will be held for a period of eighteen (18) months or upon permanent acceptance, whichever is greater.
2. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
  - a. When the proposed development is to be organized as a condominium, common facilities and property shall be conveyed to the condominium association pursuant to that law.
  - b. When no condominium is to be organized, an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.
  - c. When a development requires an owner's association, proof of the establishment of the association must be filed with the Economic Development Director prior to a development order being issued. A recorded copy of the documents must be provided to the City before preliminary acceptance.
  - d. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the Public Works Director.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land. Such covenant shall be included with the Final Plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City.

#### **SECTION 4.10: Future Improvement Payment**

The provisions of this section apply to all proposed developments in the City of Gautier or adjacent to public rights-of-way.

- A. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.
- B. This section does not modify existing agreements between a developer and the City for final development orders granted prior to the effective date of this section.
- C. This section shall apply to situations when improvements cannot be installed or constructed within a public right of way, easement, or City owned property within the City of Gautier, due to circumstances outside of the City of Gautier or the developer's immediate control. Examples of such situations include, but are not limited to, improvements to and along the U.S. Highway 90 corridor and unimproved public rights of way within the City of Gautier and when a City improvement schedule coincides with an adjacent development.

##### **4.10.1 Improvements Required**

The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public right-of-way, easement, or City owned property, including, but not limited to, sidewalks, pedestrian tracks or pathways, signage other than traffic control, handrails and permanent striping will be constructed according to the approved development plan at an undisclosed later date by the City of Gautier. The following information shall be provided by the developer:

- A. The projected total cost for each improvement. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Mississippi Professional Engineer.
- B. The amount and type of payment provided to assure construction.

##### **4.10.2 Amount and Type of Future Improvement Payment**

- A. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.
- B. Payment requirements shall be one of the following:
  1. Certified check;
  2. Cashier's check;
  3. Money order; or

4. Cash.
- C. The amount of payment shall be one hundred percent (100%) of the total construction cost for the required improvements ("future improvement payment").
- D. In addition to the future improvement payment, developer shall pay an administrative fee.

#### **4.10.3 Sufficiency of Future Improvement Payment**

- A. The payment shall be made prior to the issuance of a development order for commercial projects or a building permit for residential projects.
- B. At such time that the improvements can be made to the public right-of-way, easement, or City-owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to developer. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the City.

#### **4.10.4 Final Development Order and Extension of the Commencement of Construction Deadline**

A final development order is valid for a period of two (2) years from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said two (2) year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within two (2) years from the date of issuance of the final development order or a building permit is issued and construction has not commenced within two (2) years from the date of issuance of the final development order, then the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one (1) year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 4.11.

#### **SECTION 4.11: Criteria for a Request to Extend the Two (2) Year Deadline to Obtain a Building Permit and Commence Construction**

An applicant who desires to extend the two (2) year deadline shall submit a written request to the Economic Development/Planning Department, no less than thirty (30) days, prior to the expiration of the two (2) year deadline to obtain a building permit and commence construction.

- A. An applicant may receive only one (one) extension, and such extension shall not exceed one (1) year.

- B. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.

#### **4.11.1 Determination Regarding Request for Extension**

All applications for extensions shall be reviewed by the Economic Development Director with input from the appropriate Technical Review Committee members for approval, approval with conditions, or disapproval.

#### **4.11.2 Establishing an Application Fee**

The City reserves the right to establish, by resolution, an application fee, for processing and reviewing requests for extensions of time.

### **SECTION 4.12: Development Agreements**

A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time. All development agreements shall, at a minimum, include the following:

- A. A legal description of the land subject to the agreement.
- B. A statement identifying the legal and equitable interest of all persons having any interest in the property described in (A) above. The statement of ownership interests of any joint ventures, partnerships or corporations shall reveal all principals or directors and officers, as appropriate. Such statements shall be certified by a title company or an attorney-at-law licensed to practice in the State of Mississippi.
- C. The duration of the agreement, which shall meet the terms set forth in subsection 4.12.1 of this section.
- D. The development uses permitted on the land, including population densities, and building intensities and height.
- E. The land use designation under the City's Comprehensive Plan for all property included within the terms of the proposed agreement.
- F. The current zoning classification of the property.
- G. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
- H. The date any new facilities, if needed, will be constructed.
- I. Schedule to assure public facilities are available concurrent with impacts of the development.
- J. Description of any reservations or dedications of land for public purposes.

- K. Description of all local development permits approved or needed to be approved for the development of the land.
- L. A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.
- M. Description of any conditions, restrictions, terms, or other requirements determined to be necessary by the City for the public health, safety or welfare of its citizens.
- N. Statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the development of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

#### **4.12.1 Duration of Development Agreements**

The term of a development agreement shall not exceed five (5) years. A development agreement may only be extended by mutual consent of the City Council and the developer, subject to public hearings in accordance with Section A, below.

- A. General requirements for notices and hearings:
  1. Before entering into, amending, modifying, canceling, or revoking a development agreement, the City shall conduct at least two (2) public hearings, one (1) of which shall be held by the Planning Commission prior to a final public hearing before the City Council.
  2. The day, time and place at which the next scheduled public hearing will be held shall be announced at the prior public hearing.
  3. Notice of intent to consider a development agreement at a scheduled public hearing shall be provided by advertising the required notice in a newspaper of general circulation and readership in Jackson County approximately seven (7) days before each public hearing on the application.
  4. Required notice of intent to consider a development agreement shall specify:
    - a. The time, place, and location of the scheduled hearings (2);
    - b. The location of the land subject to the development agreement;
    - c. The development uses proposed on the property, including the proposed population densities and proposed building intensities and height; and
    - d. Instructions for obtaining further information, including the place(s) where a copy of the proposed agreement can be obtained.

#### **4.12.2 Development Agreement Procedures**

Applications requesting consideration by the City of a developer's proposed or amended development agreement shall be submitted on such forms as may be provided by the City. In addition to the information required by section 4.12, the application shall contain such information as is reasonably necessary to process and fully consider the application.

Application packages shall be accompanied by such fees and charges as may be imposed by the City Council by resolution for proper filing and processing.

Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

#### **4.12.3 Negotiation of Development Agreements**

The City Manager and City staff shall review the developer's application package and negotiate such further terms and conditions as the City Manager shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.

Once a tentative agreement has been reached as to the terms and conditions of a development agreement, or further negotiations are not anticipated or will not reach a consensus on the development agreements' terms or conditions, the City Manager and staff shall draft a report, including any recommendations, to the City Council for consideration along with the tentative agreement.

The existence of a tentative agreement, staff report or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that further expenditures by a developer would vest any right to continue development; nor shall such actions constitute partial performance entitling the owner to a continuation or extension of the development agreement.

#### **4.12.4 Adoption, Amendment, Extension, Modification, Revocation and Cancellation Procedures**

Following such notice and public hearings as may be otherwise required, the City Council by majority vote, may act to adopt, amend, extend, modify, revoke or cancel any proposed or existing development agreement.

Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the Mayor and the representatives of all other parties.

#### **4.12.5 Recording the Development Agreement**

Within fourteen (14) days after the City enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Chancery Clerk Court in the Official Records of Jackson County.

Prior to the City's review of the status of a development agreement, the developer or property owner shall, within fourteen (14) days of the City's annual review of the development agreement, submit to the City a progress report indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.

The City may review the land and progress of development subject to the development agreement at least once every twelve (12) months to determine if there has been compliance with the terms and conditions of the development agreement during the period under review. The agreement shall continue in force as is, pending the next review.

If, as part of its review, the City makes a finding on the basis of substantial competent evidence that there has been a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions, may:

- A. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
- B. Revoke the agreement in order to protect the public's interest, health, safety or welfare.

#### **4.12.6 Amendment, Modification, Extension, Revocations and Cancellation of Agreements**

In addition to being extended pursuant to Section 4.12.4 development agreements may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest upon proper notice and hearing set forth in section 4.12.4.

In the event state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms or conditions of a development agreement, then such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws upon proper notice and hearing set forth in section 4.12.1(A).

#### **4.12.7 Legal Status of Development Agreements**

The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

The City's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.

The City may only apply subsequently adopted laws and policies to then existing development agreements if, after one (1) duly noticed public hearing, the City determines any one (1) of the following:

- A. That such laws and policies are specifically anticipated and provided for in a development agreement; or
- B. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or
- C. That such laws and policies are essential to the public health, safety or welfare, and expressly state that they shall apply to existing development agreements; or
- D. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or
- E. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

### **SECTION 4.13: Building Permits and Certificate of Occupancy**

It shall be a violation of this Ordinance for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit has been obtained. No permits or Certificate of Occupancy shall be issued for any building or structure that has outstanding or unpaid fees, or taxes relating to the use or care of the property, or that has outstanding code violations until such violations are satisfied.

#### **A. Building Permits**

Whenever any structure or building is to be improved in an amount exceeding one thousand dollars (\$1,000) or is erected, moved, structurally altered, or if the use of land is to be changed; a building permit shall be obtained from the Building Official. The Building Official shall require every applicant for a Building Permit to furnish the following information:

1. A site plan, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration
2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housing units proposed or which exists
3. Additional information relating to the proposed improvement needed to determine compliance with these regulations
4. A survey prepared by an engineer or surveyor registered or approved in the State of Mississippi of the boundaries of the lot on which the improvement is proposed to be located
5. Any other information requested by the Building Official and/or the Economic Development Director
6. No building permit will be issued for any parcel of property which has outstanding and unpaid fines, fees or taxes relating to the use or care of the property.

#### **B. Certificate of Occupancy**

A certificate of occupancy shall be obtained from the Building Official certifying that all of the provisions of these regulations are complied with prior to occupancy.

### **SECTION 4.14: Actions Requiring a Planning Commission and/or City Council Review**

The following items are required to be reviewed by Planning Commission and/or City Council as shown in Table No. 1 below:

Table No. 1: Required Reviews		
Application for Approval of	Planning Commission (Public Hearing)	City Council (Review & Decision)
Zoning Map Change (Rezoning)	X	X
Comprehensive Rezoning	X	X
Conditional Use – Major	X	X
<del>Conditional Use – Minor (if appealed, or if Director chooses to hold public hearing)</del>	<del>Under Certain Circumstances</del>	<del>Under Certain Circumstances</del>
<del>Home Occupation (if appealed, or if Director chooses to hold public hearing)</del>	<del>Under Certain Circumstances</del>	<del>Under Certain Circumstances</del>
Variance	X	X
Subdivision Preliminary Plat <del>Approval</del> – Major	X	X
Subdivision Final Plat <del>Approval</del> - Major		X
Unified Development Ordinance Text Change	X	X
<del>Protected Tree Removal</del>		<del>X</del>
<del>Tier 3 Development Order</del>	<del>X</del>	<del>X</del>
Major Development		X
Development Agreement		X

**4.14.1 General Process for Actions Requiring Planning Commission and/or City Council Review**

- A. Preapplication Conference
- B. Application
- C. Staff Review
- D. Public Notice, as applicable
- E. Planning Commission Review, as applicable
- E. City Council Review
- F. Order, Resolution, or Ordinance Authorization, as applicable
- G. Document Recording at Jackson County Circuit Clerk’s Office

~~4.14.1 Preliminary Review by Staff~~

~~A. Rezoning, Conditional Use or Variance~~

~~After review by the Economic Development Director, other appropriate staff and if required members of the appropriate Board or Committee, the Economic~~

~~Development Director shall place the requested item on the agenda of the Planning Commission and shall prepare a report to accompany the application. This report shall consider and discuss all relevant criteria to be considered by the Planning Commission and the City Council.~~

~~**B. Warning and Disclaimer of Liability for Staff Review**~~

~~Staff approvals are reviewed only for general conformance with local codes and ordinances. They are not reviewed for accuracy of data or design, nor does the City of Gautier warrant such. These permits and approvals do not relieve the owner nor any of his representatives of the responsibility of compliance with the requirements of all local codes and ordinances.~~

**4.14.2 Published Notification**

All application reviews which require a public hearing shall be advertised in a local newspaper of general circulation in accordance with Mississippi Annotated Code of 1972.

**A. Published Notice for Rezoning, Conditional Use-Major, Variance, and Home Occupation**

Legal advertisements for Rezonings, Conditional Uses-Major, Variances and Home Occupations (if necessary):

1. Parcel Identification Number
2. Address of the subject property (if available)
3. A description of the action requested
4. The time, date and location of the public hearing
5. A phone number to contact Economic Development/Planning Department
6. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard.

**B. Published Notice for Text Changes to the Unified Development Ordinance or Comprehensive Plan**

Legal advertisements for text changes to the Unified Development Ordinance or adoption or amendments to the Comprehensive Plan shall include the following information:

1. A general description of the changes being requested
2. The time, date and location of the public hearing
3. The offices at which the proposed text changes may be reviewed by the public
4. A phone number and e-mail address to contact Economic Development/Planning Department
5. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

**C. Published Notice for Comprehensive Rezoning of Property or a City-Wide Rezoning Map Amendment**

Legal advertisements for comprehensive rezoning of property or for a city-wide rezoning map amendment shall include the following information:

1. A general description of the changes being requested
2. The time, date and location of the public hearing
3. The offices at which the proposed map changes or the proposed zoning map may be reviewed by the public
4. A phone number to contact Economic Development/Planning Department
5. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

**D. Published Notice for a Preliminary Plat for Major Subdivision of Land**

Legal advertisements for Preliminary Plat for Major Subdivision of Land shall include the following information:

1. Parcel Identification Number(s) for the land to be subdivided
2. General Description of location of the property to be subdivided
3. The number of lot proposed for the subdivision
4. Total area for all property included in the subdivision of land
5. General description of the proposed use of land once subdivided
6. The time, date and location of the public hearing
7. A phone number to contact Economic Development/Planning Department
8. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

**4.14.3 Notification by Mail**

**A. Mailed Notice for Certain Actions which are not a Comprehensive Rezoning or a City-Wide Zoning Map Amendment**

The Economic Development Director, or his designee, shall notify by first class mail all property owners within the appropriate notification distance from the property under consideration for a Rezoning, Conditional Use, Variance or Home Occupation. Such notices shall be mailed not less than fifteen (15) days prior to the public hearing. Such notices for an in-house hearing shall be mailed not less than ten (10) days prior to the in-house hearing. Table No. 2 shows the property owners that must be notified by mail. Approval processes not listed do not require a mailed notice.

The Economic Development staff shall supply the names and addresses of persons with a certain distance from the parcel being considered as a part of the application process. Said names and addresses shall be obtained from Jackson County tax listings of property ownership and shall be measured from property line to property line not including street right-of-ways.

**Table No. 2: Notification Distance**

Type of Public or In-house Hearing Request	Number of Feet from Subject Property
Rezoning	500 feet
Conditional Use-Major Wireless Telecommunication Facilities	500 feet
All Other	250 feet
Variance	Adjoining
Home Occupation	Adjoining

#### 4.14.4 Public Hearing Process

##### A. General Procedures

Applicants or a representative of the applicant shall appear before the Planning Commission at the appropriate time and place as advertised to present compelling evidence for the action they are requesting. Persons wishing to speak for or against the applicant's request shall also be given the opportunity to address the Planning Commission.

Proceedings of the hearing at the City Planning Commission Meeting shall be taken down in shorthand and/or by mechanical or tape recording, which cannot be altered. The hearing at the meeting shall use Robert's Rules of Order but without strict compliance with rules of evidence. The Chairman of the Planning Commission shall act as moderator.

##### B. City Planning Commission

The Planning Commission shall make a recommendation to the City Council. The recommendation shall be to approve, approve with changes, or to deny the request. The Findings of Fact shall support the Planning Commission's recommendation.

##### C. City Council Consideration

The Economic Development Director shall submit the findings of fact and the recommendations of the Planning Commission to the City Clerk no later than one (1) week prior to the next available City Council meeting. If necessary, the applicant shall submit a modified site plan to the Economic Development Director, which shall show the requirements and/or conditions recommended by the Planning Commission prior to forwarding the request to the City Council.

Within sixty (60) calendar days after the Planning Commission hearing, the City Council shall approve or deny, in whole or in part, the recommendation of the City Planning Commission, or where there is need for additional information, may remand the case to the City Planning Commission for further consideration.

##### D. Official Transcript

If no appeal is filed by a party of record or authorized representative, it will not be necessary for the court reporter's stenographic notes to be transcribed; however, if an appeal is taken, the party filing the appeal shall order a transcript from the court reporter and pay any expense associated with such a transcript.

## **SECTION 4.15: Zoning Map Change (Rezoning)**

A zoning map change involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. When the public welfare justifies such action, the City Council may amend the Official Zoning Map.

### **4.15.1 Who May Initiate**

A zoning map change may be initiated by the City Council, the Planning Commission or the property owner or agent of the owner provided that:

- A.** Said property has not been denied a previous request for the same property or portion a property within the past twelve (12) months; and
- B.** All procedures and provisions for a public hearing have been met.

### **4.15.2 Requests for Zoning Map Change (rezoning)**

Applications for a Zoning Map Change (rezoning) may be filed on the appropriate application available from the Economic Development/Planning Department and shall provide all requested information and provide all requested attachments/submittals.

### **4.15.3 Criteria for Rezoning of Property**

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

- A.** There was a mistake in the original zoning, or
- B.** The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

### **4.15.4 Three-Fifths Council Vote Needed**

In accordance with *Mississippi Code Annotated Section 17-1-17 (1972)*, in case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the City Council who are not required by law or ethical considerations to recuse themselves.

### **4.15.5 Rezoning by Court Order**

In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the Unified Development Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Economic Development Director after all available time for appeal has expired. The Economic Development Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the City Council.

## **SECTION 4.16: Comprehensive Rezoning**

A comprehensive rezoning may be initiated by the following: property owners of twenty-five (25) contiguous parcels of land, the owner(s) of ten (10) acres of contiguous land, a recognized

neighborhood association which includes the property involved and/or the Economic Development Director in consultation with the property owners affected.

#### **4.16.1 Study Required**

Prior to recommending a Comprehensive Rezoning, the Economic Development Director shall conduct a study that demonstrates:

- A.** The existing zoning in the subject area is not in accordance with the Comprehensive Plan, **and**
- B.** The need for additional land in the City having the same zoning classification as the one proposed; **and**
- C.** A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**
- D.** The probability of a mapping error in the Comprehensive Plan or the Unified Development Ordinance has occurred.

#### **4.16.2 Public Notification**

In addition to the required public notices in a newspaper of regular and general circulation in the city at least fifteen (15) days prior to the public hearing, a notice shall be posted at City Hall for the benefit of the public prior to a public hearing for a comprehensive rezoning.

### **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 (FOC) 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 4-14.4,~~ 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:

- A.** 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.
- B.** 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.
- C.** The proposed use will be consistent with the Comprehensive Plan.
- D.** 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 ~~the appropriate~~ applications available from the Economic Development/~~Planning~~ Department and shall ~~include all requested information, attachments, and submittals. 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 (A) 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 (A) and (B) 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

## **SECTION 4.18: Variance**

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

### **4.18.1 Who May Initiate**

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

### **4.18.2 Application for Variance**

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

### **4.18.3 Administrative Variances**

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

### **4.18.4 Criteria for Approval**

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

## **4.19 Administrative Waivers for Infill Development**

**Purpose:** Administrative waivers for infill development provide a process for city consideration of requests to waive or modify certain standards of this UDO when, because of special

circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property provides a challenge that may deter redevelopment privileges enjoyed by other property owners in the vicinity and in the same zoning district.

- A. Applicability:** An administrative waiver may be granted to waive or modify any requirement of this UDO except: permitted land uses; residential density; specific prohibitions for example, prohibited signs, or procedural requirements except as established within the Corridor Overlay District, Article V.
- B. Review authority:** An application for an administrative waiver shall be completed, filed, and processed in compliance with this section. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection E. below.
- C. Project review, notice and hearing:** Each application shall be reviewed by the Economic Development Director to ensure that the proposal complies with this section, and other applicable requirements of this UDO. The Economic Development Director may approve or deny an administrative waiver without a public hearing. See subsection D. below.
- D. Findings and decision:** The Economic Development Director may approve or deny an application for an administrative waiver. The Economic Development Director shall record the decision and the findings on which the decision is based.
  - 1. General findings:** The Economic Development Director may approve an administrative waiver only after first making all of the following findings.
    - a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the provisions of this UDO deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
    - b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
    - c. The administrative waiver is consistent with the comprehensive plan, and any applicable specific plan.
  - 2. Reasonable accommodation:** The Economic Development Director may also grant an administrative waiver to the site planning or development standards of this UDO in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act, as amended.

- E. Conditions of approval:** In approving an administrative waiver, the Economic Development Director:
1. Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and
  2. May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection D. above.

#### **SECTION 4.20: Unified Development Ordinance Text Changes**

Whenever changes in the text of this Ordinance are needed to reflect updated practices or standards desired by the community, the Economic Development Director may prepare a draft of the proposed changes for approval.

##### **4.20.1 Public Hearing Held**

A public hearing on the proposed text amendment shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against such amendments.

##### **4.20.2 City Council Approval**

The recommendations of the Planning Commission shall be sent to the City Council along with the staff report and any other documentation. The City Council shall have the power to approve, disapprove or suggest modifications to the proposed changes to the Ordinance.

#### **SECTION 4.21: Home Occupation Permit**

Applications for Home Occupation Permits shall be filed on the appropriate ~~form~~ application available from the Economic Development/~~Planning~~ Department. Applications shall supply all information required and be accompanied by the appropriate fees. The following information is required to accompany the application: and shall include all requested information, attachments, and submittals.

- ~~A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits~~
- ~~B. 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~~

##### **4.21.1 In-House Hearings**

The Economic Development Director will conduct an in-house hearing on Applications for Home Occupations no sooner than ten (10) days following notices and letters to adjoining property

owners. If there are no objections received in writing, the Director may grant a permit for the Home Occupation provided the applicant has met all of the requirements as given in this Ordinance.

Should there be objections to any Home Occupation request, the application will then be brought before the Planning Commission at a duly announced time and place.

## **SECTION 4.22: Major Development**

### **4.22.1 Determination of a Major Development**

A Major Development is a development defined as meeting one or more of the following conditions:

- A.** The proposed development will require off-site improvements which will require dedication to the City of any public infrastructure, right-of-way, or land; and
- B.** The proposed development will significantly impact traffic, the fire protection/potable water system, the sanitary sewer system, and/or public safety services.
- C.** The proposed development requests Tier Land Use System Bonuses.

### **4.22.2 Application for Major Development**

Applications for a Major Development may be filed on the appropriate applications available from the Economic Development/Planning Department and shall include all requested information, attachments, and submittals.

### **4.22.3 Criteria for Approval of a Major Development**

A Major Development requires approval of the City Council.

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

- A.** Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;
- B.** 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;

### **4.22.4 Authority for Conditions**

A Major Development 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 area or significant impacts to the City's systems and services.

## **~~SECTION 4.22: Wireless Telecommunication Facilities~~**

~~All Wireless Telecommunication Facilities (WTF) require approval by the Building Official, a public hearing before the Planning Commission and approval by City Council. If the antenna is to be incorporated into an architectural element of a building, or placed within a C-3 district, the application must also be approved by the Architecture Review Ad hoc members.~~

#### ~~4.22.1 Applications for Wireless Telecommunication Facilities~~

~~Applications shall be filed on the "Public Hearing Application" form available from the Economic Development/Planning Department. Applications shall supply all information required and be accompanied by the appropriate fees. In addition the following information shall be required either on or accompanying the application:~~

- ~~A. The name, address and telephone number of the person requesting the permit. The person named shall be a primary contact who has authority to act on behalf of the person or entity requesting the permit.~~
- ~~B. A site plan shall contain a scaled site plan and a scaled elevation view and other supporting drawings and design data showing the proposed location of the tower, antenna or both, as well as the location of all other towers within two (2) miles of the proposed site.~~
- ~~C. Proof that the proposed tower complies with regulations administered by the FAA and FCC.~~
- ~~D. A report from a qualified and Mississippi licensed professional engineer which describes or demonstrates:
  - ~~1. The tower height and design, including cross sections, elevations and wind load characteristics in accordance with International Code Council;~~
  - ~~2. The height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;~~
  - ~~3. Describes the tower's capacity, including the number and type of antennas that it can accommodate;~~
  - ~~4. Documented steps that applicant will take to avoid interference with established public safety telecommunications;~~
  - ~~5. A report which demonstrates the tower's compliance with structural and electrical requirements;~~
  - ~~6. Includes an engineer's stamp and registration number;~~~~
- ~~E. Owners of all commercial wireless telecommunications service towers shall file a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower in accordance with Article XIV of this Ordinance provided an additional user agrees in writing to meet reasonable terms and conditions for shared use.~~
- ~~F. **Proof of non-interference.**~~

~~Each application for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television and public safety communications devices or other services enjoyed by adjacent residential and nonresidential properties. In the event only a~~

~~preliminary statement is submitted with the application a final certified statement of noninterference will be provided and approved prior to issuance of a building permit. The certificate shall be certified by a licensed engineer.~~

**~~G. Radio frequency emissions.~~**

~~Each application must show that any antennae placed on the tower meets state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new or more restrictive standards are adopted, then the antennae shall be made to comply or continued operation may be restricted.~~

**4.22.2 — Indemnity: claim resolution.**

~~The owner of the tower and all communications service providers must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Economic Development/Planning Department a written indemnification of the City of Gautier and proof of liability insurance or financial ability to respond to claims up to one million dollars (\$1,000,000) in the aggregate which may arise from operation of the facility during its life, at no cost to the city, in the form approved by the City Attorney.~~

**4.22.3 — Public Hearing Held**

~~A public hearing on the proposed WTF shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against.~~

**4.22.4 — City Council Approval**

~~The recommendations of the Planning Commission shall be sent to the City Council along with the staff report and any other documentation. The City Council shall have the power to approve or disapprove the proposed WTF.~~

~~If the request for a permit is denied, then the denial shall be in writing setting forth each specific reason for such denial. The reasons for the denial shall be entered in the written records of the city. A denial shall be supported by substantial evidence.~~

**SECTION 4.23: Actions Requiring Approval by Economic Development Staff**

Certain permits may be issued by Economic Development/Planning Department Staff upon review and approval of the appropriate application and fees:

- A. Land Alteration and/or Disturbance Permit
- B. Tree Removal Permit
- C. Temporary Use Permit
- D. Conditional Use Permit-Minor
- E. Permit for Moving of Buildings
- F. Mobile Home/MEMA Cottage Placement Permit
- ~~G. Minor Development Orders~~

**4.23.1 Land Alterations and Disturbance Permit**

The purpose of this section is to set forth regulations governing the excavation, clearing and draining of properties within the City of Gautier. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and storm water volumes and rates beyond that which existed prior to alteration or disturbance.

**A. Clearing and grubbing, haul roads, waste areas, plant sites or other areas occupied by the contractor.**

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as required by DEQ and the City shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

**B. Loading, hauling and removal of tree limbs and debris**

1. All persons, firms or corporations hereafter performing tree removal or trimming services for compensation within the city shall remove and dispose of all debris created by the performance of such services.
2. The debris shall be properly disposed of by the person, firm or corporation performing the services of their agent. Said debris shall be removed within forty-eight (48) hours of completion of construction activities.

**C. Excavation**

Excavations shall be made in an acceptable manner to the City Consulting Engineer and shall be left in an aesthetically pleasing condition when completed:

1. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property and entrances and exits shall be submitted.
2. Excavations shall be dug on a 3 to 1 slope.
3. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.
4. Bottom of pits shall be graded in a generally level contour.
5. Edge of slope at ground level shall be no closer than thirty-five (35) feet from any property line, nor closer than three hundred (300) feet from a public road.
6. The maximum depth of the excavation shall be determined by the City Consulting Engineer.

7. Upon approval, a permit for an excavation shall be issued for a one (1) year period and shall be reviewed and considered for additional periods of time by the Planning Commission.

**D. Land clearing and drainage**

1. **Parcels of land greater than one (1) acre but less than five (5) acres**

No parcel of property in excess of one (1) acre but less than five (5) acres or series of contiguous lots the combined area of which exceeds one (1) acre but is less than five (5) acres shall be cleared prior to submitting to the Economic Development Director a site clearing plan and a Stormwater Pollution Prevention Plan (SWPPP). Such plans shall include but are not limited to access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control. Plans of this nature may be included with and made a part of the building permit application.

2. **Best Management Practices**

Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Economic Development Director. The Economic Development Director may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.

3. **Parcels of land greater than five (5) acres**

Proposed new developments in excess of five (5) acres shall not be cleared until an overall project plan and a Stormwater Pollution Prevention Plan (SWPPP) has been submitted to the Economic Development Director. Such plans shall include detailed storm water run-off control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of storm water equal to a five-year storm based on south Mississippi average rainfalls for urbanized areas wherein the rainfall duration is one (1) hour at a rainfall intensity of three (3) inches per hour. Run off shall be drained onsite to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.

4. **Compliance with City, State and Federal Regulations**

All clearing of land, excavations and grading shall be conducted in strict compliance with all City regulations including Stormwater Management Policies and State and Federal regulations.

**E. Land to be Platted**

Provisions for maintenance of storm water control facilities shall be in accordance with the provisions in *Article X*. Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

**4.23.2 Tree Removal Permit**

A Tree Removal Permit shall be issued by the Economic Development Director prior to issuance of a building permit, if the site proposed for development contains trees. All tree removal procedures shall comply with the standards in *Article XI*.

**A. Submittal Requirements**

All plans shall be fully dimensioned, drawn to scale and shall include, at the minimum, the following:

1. The species, size, quantity and location of existing trees to be retained;
2. The species, size, quantity and location of existing trees four (4) inches or more in diameter measured at four (4) feet above the natural ground to be removed; and
3. A detailed landscaping Plan, if required.

The Economic Development Director or his/her designee shall review the tree preservation and replacement plan and if found to be in accordance with this Ordinance, approve such plans.

**B. Factors to be considered for Removal of Trees.**

The following factors shall be used in determining which trees must be preserved:

1. Native trees on the site including but not limited to oaks, magnolia, cedar, elms and pecan shall take priority in determination of trees to be preserved.
2. The species, size, quantity and location of existing trees to be retained
3. The species, size, quantity and location of existing trees four (4) inches or more in diameter measured at four (4) feet above the natural ground to be removed and the nature and quality of the landscaping to be installed for replacement
4. Topographical constraints on design
5. Drainage, access and egress, and utilities
6. Any factors reasonably related to the health, safety and welfare of the public which necessitated disturbance of the existing natural landscape character
7. The economic usefulness of the property without disturbance of its natural character
8. Any other factors as may be relevant and proper

**4.23.3 Temporary Use Permit**

Temporary Uses which are allowed in accordance with *Article VI* require a Temporary Use Permit from the Economic Development Director before the proposed use or activity may begin. The Economic Development Director may at his discretion elect to take a request for temporary permits to the Planning Commission for review and action should he desire. Applications for a Temporary Use Permit shall be filed with any additional information requested.

**A. Approval Criteria**

The temporary use may be approved, conditioned or denied by the Economic Development Director based on the following criteria:

1. Permission of the owner of the land has been obtained as evidenced by a notarized copy of the owner's consent;
2. The site is physically suitable for the type and intensity of the temporary land use;
3. The proposed use is compatible with land uses presently on the site;
4. Adequate provisions have been made for sanitary and medical facilities;
5. Adequate provisions have been made for vehicular access and off-street parking as well as emergency access; and
6. Any negative impacts for the proposed temporary use are mitigated.

**B. Revocation**

A temporary use permit may be revoked or modified effective immediately upon written notice of violation by the Economic Development Director if any of the following findings are made:

1. The temporary use permit was obtained by misrepresentation or fraud.
2. One or more of the conditions of the temporary use permit have not been met, or
3. The use is a violation of any statute, ordinance, law or regulations.

**4.23.4 Permit for Moving of Buildings**

No person, firm or corporation shall move any buildings or structures into or within the city or shall remove any building or structure from the city without first obtaining a permit from the Building Official for each such building or structure to be moved or removed. Only a licensed moving company or individual may move a structure.

**A. Exceptions.**

Utility buildings and accessory structures proposed for relocation do not require a moving permit provided the structure width does not exceed eight and one-half (8.5) feet. All structures wider than eight and one-half (8.5) feet and proposed for moving over state, Federal or city roads must be permitted by both the city and the state.

All structures in excess of twelve (12) feet in width must also be properly escorted when being moved. Applicants for moving permits in the city must present a copy of an approved state permit, if required by city officials, prior to city approval.

Building permits must be obtained for any structure proposed for relocation into or within the City of Gautier.

**B. Application for Permit**

Applications for a building moving permit may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments, and submittals. ~~To obtain a permit the applicant shall first file an application in writing on a form furnished by the Building Official which shall include the following information:~~

- ~~1. The location and legal description of the land to which or from which the building or structure is to be moved to or from~~
- ~~2. Type and description of building to be moved~~
- ~~3. The dimensions of the building—length, width and height~~
- ~~4. The estimated value of such building~~
- ~~5. The alterations or additions, if any, to be made to the building structure to be moved or removed~~
- ~~6. The name and address of the person who will move the building or structure~~
- ~~7. The intended use of the building~~
- ~~8. The approximate time such building is to be moved and the route that will be taken from the present location to the new location~~
- ~~9. Any other information required by the Building Official~~

### C. Fees

Certain fees are required prior to relocation of any structure:

1. **Site cleaning fee.** A refundable one hundred dollar (\$100) deposit is required to guarantee site clean-up following removal of a structure from within the city.  
  
It shall be the responsibility of the permit holder to remove all debris, building materials or other objects from the site and to generally clean, and/or mow said property so that no unsightly evidence of the structure remains. Should said property not be cleared within thirty (30) days of structure removal, the city will retain the deposit and may use it to offset any cost incurred by the city to have the property cleared properly. The permit holder is required to notify the Economic Development/Planning Department when properties are cleared and call for an inspection. Upon approval by the inspector, a refund will be returned to the applicant.
2. **Moving fee.** A non-refundable moving fee of one hundred twenty-five dollars (\$125) shall be paid to the City of Gautier for each structure proposed for moving into or within the city. If the building being moved to Gautier is located outside Jackson County, additional fees will be charged depending on mileage.
3. **Building permits fee.** A non-refundable building permit fee must be paid upon issuance of a building permit.

### D. Insurance

The mover shall be licensed and bonded and shall file with the City of Gautier a statement of insurance coverage in accordance with state regulations.

### E. ~~4.23.5~~ Building permits

If in the judgment of the Building Official, a structure sufficiently meets the requirements as set forth in *Article XV* he may approve the structure to be moved by presenting his/her evaluation report along with his/her recommendation to issue a moving permit to the Economic Development Director. Said reports shall be

presented to the Economic Development Director no later than three (3) working days following inspection.

Upon receipt of the Building Official's evaluation report, the Economic Development Director may approve the issuance of a Building Permit in accordance with standard accepted procedures and fees. Said permit must be applied for prior to actual moving of the structure. Should a structure be moved and relocated within the city prior to issuance of the moving permit and the building permit the fees for said permits will be doubled.

#### **4.23.5 Mobile Home/MEMA Cottage Placement Permit**

No person, firm or corporation shall move any mobile home or MEMA cottage into or within the city without first obtaining a permit from the Building Official.

##### **A. General Policies & Procedures Required by the City of Gautier**

1. All mobile homes and MEMA cottages must be inspected prior to the issuance of the permit.
2. To receive a pre-permit inspection, a mobile home must be brought to a location within ten (10) miles of the Gautier city limits.
3. Mobile homes must be at least fourteen feet by sixty feet (14' X 60') in size, not including tongue.
4. Mobile homes must be a Zone 2 or Zone 3.
5. Mobile home movers are responsible for contacting the Economic Development/Planning Department twenty-four (24) hours before **bringing-in, moving-out or relocating** a mobile home in Gautier. The mover must provide a route plan, and time of movement. If a mobile home is to be moved in or out of Gautier after City business hours or on weekends, the mover or owner is responsible for any City personnel costs incurred as a result of employees being called in to monitor the mobile home placement.
6. Mobile homes must adhere to all applicable state and federal building and fire code requirements and City of Gautier ordinances, or the unit will not be allowed to enter the Gautier City limits.
7. If any of the above procedures and requirements are not followed, or if damage to City property occurs during the moving of any mobile home, deposits may be forfeited and additional damages may be assessed through any legal means possible.

##### **B. Application for Mobile Home Placement Permit**

Applications for a Mobile Home Placement may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments, and submittals. ~~To obtain a permit the applicant shall first file an application in writing on a form furnished by the Building Official which shall include the following information:~~

- ~~1. Completed Mobile Home Placement Application Form~~
- ~~2. Legal Description of the Property (Proof of ownership by way of a Warranty Deed or Deed of Trust)~~

- ~~3. Copy of home mover/dealership contact information~~
- ~~4. Certificate of Compliance (For Flood Zone "V")~~
- ~~5. Site Plan (Drawn to scale indicating property and setback lines, mobile home location with distances from property lines, water well location, driveway, culverts and other site features)~~
- ~~6. Mobile Home Registration Certificate (Obtain from County Tax Collector's Office)~~
- ~~7. Signed lease/purchase agreement or letter of permission if the applicant is not the property owner~~
- ~~8. Provide documents for Zone 2 or Zone 3 mobile home. This is the responsibility of the owner. City staff will not perform research.~~
- ~~9. Location of mobile home for pre-permit inspection (to be inspected by the City for structural soundness) before being relocated or moved into Gautier~~

~~C. Fees~~

~~The City shall adopt certain fees by resolution for Mobile/MEMA Homes.~~

**C.D. Process for Inspection of Mobile Homes and Criteria**

Applicants should call **228-497-1878** to arrange for an inspection. No specific time will be guaranteed for inspection of mobile homes. Inspections will be performed as soon as time and routing allows. The following items must be inspected and found satisfactory prior to the connection of electricity being approved.

1. Must be structurally sound
2. No damaged or missing panels or flashing
3. Paint or outer coating must be clean, undamaged and unstained
4. All windows and doors must be undamaged and operational
5. No insect, bug or rodent infestation
6. Placement within approved setback lines
7. Tie-down installation
8. Power pole installation and service to mobile home electrical panel
9. Sewer system installation and connections
10. Health and safety issues inside and outside of mobile home
11. Mobile homes within a flood zone require permanent foundation (Dry stacked. Blocks do not meet this requirement)
12. Hard surface drive and parking
13. Skirting – shall be installed after tie-down inspection and shall be kept in good condition for the life of the mobile home placement.
  - a. Mobile home skirting shall be manufactured specifically for intended use or similar to item b.ii. below.

### 5.2.2 Uses Permitted by Right and Conditional Uses

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "P-permitted use" or "C-conditional use-major" or "c-conditional use-minor". The range of uses allowed as "Permitted Uses and Structures" & "Conditional Uses," in each zoning district are summarized in Tables 3, 4 and 5. In the event of a conflict between tables of this Ordinance, the text shall control. The intent of the underlying Future Land Use category of the Comprehensive Plan determines allowable uses in the PUD District.

Table No. 3: Uses Permitted in Residential Districts							
	AG	RE	R-1	R-1A	R-2	R-3	
Accessory Buildings ( <i>In accordance with Article VI</i> )	P	P	P	P	P	P	
Adult Day Care Center, Commercial	C				C		
Apartment Building-less than 45' in height				P	P		
Apartment Building – 46' to 60' in height.					P		
Assisted Living Facility					C		
Bed & Breakfast Inn			C				
Boarding House					C		
Cemetery and/or Columbarium	C		C	C	C	C	
Child Care Center, Commercial	c				c		
Church or Place of Worship	C		c	c	C		
<del>Country Club</del>	<del>c</del>	<del>C</del>	<del>c</del>	<del>c</del>	<del>c</del>		
Clubhouse or Lodge	c	c			P		
Cluster Development							
Community Center	c	c	c	c	c	c	
Condominium, Residential (less than 45' in height).					P		
Condominium, Residential (46' to 60' in height).					P		
Conservation Subdivision	P	P					
<del>Country Club</del>	<del>c</del>	<del>C</del>	<del>c</del>	<del>c</del>	<del>c</del>		
Dwelling, Mobile/ Manufactured Home	C					P	
<del>Dwelling, Modular Home</del>			<del>c</del>	<del>c</del>		<del>P**</del>	
Dwelling, Multi-family					P		
<del>Dwelling, Patio Home</del>				<del>c</del>			
Dwelling, Single-family, Attached				C			
Dwelling, Single-family, Detached	P	P	P	P		P*	
Dwelling, Two-family				C			
<del>Dwelling, Zero Lot Line</del>				<del>c</del>			

Table No. 3: Uses Permitted in Residential Districts							
	AG	RE	R-1	R-1A	R-2	R-3	
Farm	P						
Garage or carport, Private as an Accessory Use	P	P	P	P	P**	P	
Garage Apartment (As an accessory Use)	c	C	c	C	C	C	
Golf Course	P	P					
Golf-Driving Range	C						
Group Home for the Handicapped (for 6 or less guests)	C	C	C	C	C	C	
Guest House (As an accessory Use)	c	C	c	C	C	C	
Home Occupation in accordance with <i>Article VI</i> .	P	P	P	P	P	P	
MEMA Cottage	c						P/C*
<del>Mobile/Manufactured Home</del>	<del>C</del>						<del>P</del>
Manufactured Home Subdivision							P
Mobile Home Park							P
<del>Modular Home</del>			<del>e</del>	<del>e</del>			<del>p**</del>
Multi-Family Development					P		
Park, Private for Residents	P	P	P	P	P	P	
Park, Public	P	P	P	P	P	P	
<del>Patio Home</del>				<del>e</del>			
Playground, Public	P	P	P	P	P	P	
Ponds for fishing and livestock	P		c				
Public Parks and Open Space	P	P	P	P	P	P	
Public Utility & Facilities	P	P	P	P	P	P	
Recreational Facilities for Use of Residents					P	P	
Recreational Vehicle (In Mobile Home Parks)							C
Signs in accordance with <i>Article XII</i> .	P	P	P	P	P	P	
Schools, Elementary	C	C	C	C	C	C	
Schools, Secondary	C	C	C	C	C	C	
Stable, Private	C						
Stable, Public	C						
Traditional Neighborhood Development							
Wireless Telecommunication Facilities	C						
Youth Camp	C						
<del>Zero Lot Line Home</del>				<del>e</del>			

\*Permitted in Manufactured Home Park. Conditional Use for all other R-3 lands.

Table No. 3: Uses Permitted in Residential Districts						
	AG	RE	R-1	R-1A	R-2	R-3
**Permitted in Manufactured Home Subdivision only						
***Private Garages may be provided for a limited number of apartments if approved by City Council.						

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
	C-1	C-2	C-3	I	PL	TC	
Accessory Uses (See Section 5.5, Article VI)	P	P	P	P	C	P	
Adult Day Care Center	P	P	P			C	
Adult Uses	Regulated by Adult Entertainment Ordinance						
<del>Ambulance Service</del>		P	P				
Amusement Arcade		P	P			C	
Amusement Park, Outdoor			C			c	
<del>Ambulance Service</del>		P	P				
Animal Shelter				C		c	
Apartment Building			C			C	
Arboretums, Botanical Fac.	P				C	P	
Art Gallery	P	P	P			P	
Artisan Studio	P	P	P			P	
Assisted Living Facility	C	C	C			C	
<del>Automobile Dealership</del>			P				
Automobile Detail Shop		C	c				
Automobile Gas Station		P	P			C	
Automobile Recovery Business			C	C			
Automobile Repair Shop, Major			P	P		C	
<del>Automobile Dealership</del>			P				
Automobile Service Center, Minor		P	P	P			
Automobile Wrecking Yard				C			
Bank or Financial Institution	C	P	P			P	
Bar or Tavern		C	P			c	
Beauty & Barber Shop	P	P	P			P	
<del>Bed and Breakfast Inn</del>		c	P			c	
Big Box Retail Store			P			c	
<del>Bed and Breakfast Inn</del>		e	P			e	
Bingo Hall			C				
Boat Yard		c	P	C			
Body Piercing Business	C	C	C			C	
<del>Boiler Works</del>				C			
<del>Book Store</del>	P	P	P			P	

**Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts**

	C-1	C-2	C-3	I	PL	TC
Borrow Pit				C		
<del>Book Store</del>	P	P	P			P
<del>Boiler Works</del>				G		
Bowling Alley		C	P			P
Building Material & Supply Establishment			P	P		
Car Wash, Automated		C	P			C
Car Wash, Self-Service		P	P			
Catering Service	P	P	P			P
Cemetery					C	
Check Cashing Business		C	C			C
Child Care Center, Commercial	P	P	P			C
Church or Place of Worship	C	C	C		C	C
Clinic, Medical or Dental	C	P	P			P
Clubhouse or Lodge	C	P	P			C
College or University					C	c
<del>Community Center</del>						C
<del>Community Shopping Center</del>		P	P			P
Condominium, Residential			C		C	P
Conference or Meeting Facility			C		P	P
<del>Community Center</del>						G
<del>Community Shopping Center</del>		P	P			P
Contractor's Shop			P	P		
Contractor's Storage Yard				P		
<del>Convention Center</del>			G		G	P
Convalescent or Nursing Home	C	C	C			c
Convenience Store	P	P	P			C
<del>Convention Center</del>			C		C	P
Correctional Facility				C		
Country Club					C	
Day Spa		P	P			P
Department Store			P			P
Drug Store	C	P	P			P
Dry Cleaning Pick-up Station	P	P	P			P
Dry Cleaning Plant				P		
Dwelling Units above the 1 <sup>st</sup> Floor of Mixed Use Buildings		C	C			P
Dump, Solid Waste				C		

**Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts**

	C-1	C-2	C-3	I	PL	TC
Emergency Shelter/Mission			C			
Farmer's Market	c	c	c			P
Fish Camp		P	P			
Funeral Home	C	C	C			C
Golf Course					P	
Golf-Driving Range			P			
<del>Guest Group</del> Home for the Handicapped (less than 12 guests)	C	C	C			c
Guest House (As Accessory Use)	c					c
Gun Shop		C	P			C
Half-Way House			C			
<del>Health Department</del>			<del>P</del>			<del>P</del>
Health Club or Fitness Center	C	P	P			P
<del>Health Department</del>			<del>P</del>			<del>P</del>
Heavy Equipment Sales and Rental			P	P		
Hospice	C	C	C			C
Hospital			P		C	P
Hotel or Motel			P			P
Industrial Park			C	P		
Instructional Studio, Public	P	P	P			P
Junkyard				C		
Kennel, Commercial			C	C		c
Laboratory, Dental		P	P	P		C
Laboratory, Research			P	P		P
Laundromat	C	C	C			
Lumberyard			P	C		
Machine Sales and Services			P			
Machine Shop			P	P		
Manufacturing, Heavy			C	P		
Manufacturing, Light			P	P		
Manufacturing, Wet Type				C		
Marina, Commercial		P	P			
Marina, Public	c				C	
Marine Sales and Service			P			C
Millwork, Cabinet or Woodworking Shop			P	P		C
Mini-Warehouse, Self Service			C	P		
Mini-Warehouse, Controlled Climate			P	P		
Mixed Use Buildings	P	P	P			P

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Mixed Use Buildings with dwelling on 2 <sup>nd</sup> floor and above		C	P			P
	Mobile Home Sales			P	C		
	Motorcycle Sales and Repair Shop			P			c
	Moving Services			P	P		
	Multi-family Residential Dev.			C			c
	Museum			P		C	P
	Neighborhood Shopping Center	P	P	P			P
	Nightclub			C			C
	Outdoor Seating Area for restaurants, bookstores	c	P	P	P		P
	Outdoor Storage for Retail			P			c
	Package Liquor Store		C	P			C
	Parking Garage			P	P		C
	Parking Lot, Commercial		C	P			c
	Parking Lot, Ancillary	C	C	C		C	c
	Pawn Shop		C	P			C
	Plant Nursery, Retail		P	P			c
	Plant Nursery, Wholesale			P	P		c
	Playground	c		C		C	P
	Pocket Parks and Plazas						P
	Print/Blueprint Shop		P	P			P
	Produce Stand			C			P
	Professional Occupation Office	P	P	P	P		P
	Public Facilities	P	P	P	P	C	P
	Public Parks and Open Space	P	C	C		c	P
	Public Utilities	P	P	P	P	C	P
	Quasi-Public Facilities for Youth	P	P	P		C	P
	Radio & T. V. Broadcasting Studio				P		P
	Rehabilitation Center		C	P			c
	Recreational Vehicle Park		C	P			
	Recycling Center				C		
	Restaurant, Carry-Out	P	P	P			P
	Restaurant, Drive-in or Fast Food	C	P	P			P
	Restaurant, Neighborhood	P	P	P			P
	Restaurant, Specialty	P	P	P			P

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
	C-1	C-2	C-3	I	PL	TC	
Rock, Sand, Gravel or Earth Excavation, Crushing or Distribution				C			
Rug Cleaning Plant				P			
School, Elementary					C	c	
School, Secondary	C	C	C		C	c	
Second Hand Store		P	P			P	
Signs as regulated in Article XII	P	P	P	P	C	P	
Shopping Mall, Regional			P			P	
Specialty Retail Shop	P	P	P			P	
Sports Facilities, Public					C	c	
Stable, Private					P	c	
Steel Mill, Mini				C			
Studio/Multimedia Production		P	P			P	
Supermarket			P			P	
Tattoo Parlor	C		C			C	
Theatre, Motion Picture			P			P	
Theatre, Professional		P	P			P	
Title Loan Business		C	P			C	
Truck Terminal			C	P			
Truck Stop			C				
Used Car Sales		C	P				
Utility Substation			C	C	C	c	
Veterinary Clinic	C	P	P			c	
Vocational Schools		P	P	P		c	
Youth Camp					C	e	
Veterinary Clinic	C	P	P			e	
Warehouse, Commercial			C	P			
Wireless Telecommunication Facilities			C	C		C	
Wrecker Towing Service			C	P			
Youth Camp					C	c	
Youth Center (Quasi-Public)	P	P	P		C	P	

Table No. 5: Uses Permitted in Solely Mixed Use Districts					
	MURC-1	MURC-2	MURC-MW	MUMS	
Accessory Structures			c		
Accessory Uses (See Section 5.5, Article VI)	P	P	P		P
Adult Day Care Center	P	P			c
Adult Uses	Regulated by Adult Entertainment Ordinance				
<del>Ambulance Service</del>		P	C		P
Amusement Arcade	c	P	P		P
Amusement Park, Outdoor		P	C		P
<del>Ambulance Service</del>		P	C		P
Animal Shelter		c			c
Apartment Building	P	P	C		P
Arboretums, Botanical Fac.	P	P	P		P
Art Gallery	P	P	P		P
Artisan Studio	P	P	P		P
Assisted Living Facility	C	C			C
<del>Automobile Gas Station</del>					
<del>Automobile Recovery Business</del>					
<del>Automobile Repair Shop, Major</del>					
<del>Automobile Dealership</del>					
<del>Automobile Service Center, Minor</del>					
<del>Automobile Wrecking Yard</del>					
Bank or Financial Institution	C	P	P		P
Bar or Tavern		P	c		P
Beauty & Barber Shop	P	P	P		P
Bed and Breakfast Inn	P	P	P		P
Big Box Retail Store		c			
<del>Bed and Breakfast Inn</del>	P	P	P		P
Bingo Hall		c			c
Boat Yard		P	P		
Body Piercing Business					C
<del>Borrow Pit</del>					
<del>Book Store</del>	P	P			P
Boiler Works					C
Book Store	P	P			P
Bowling Alley		c			c
Building Material & Supply Establishment					P
<del>Car Wash, Automated</del>					
<del>Car Wash, Self-Service</del>					
Catering Service					P
Cemetery					C

Table No. 5: Uses Permitted in Solely Mixed Use Districts					
		MURC-1	MURC-2	MURC-MW	MUMS
	Check Cashing Business				C
	Child Care Center, Commercial	C	C		P
	Church or Place of Worship				C
	Clinic, Medical or Dental	C	P		P
	Clubhouse or Lodge	P	P	P	P
	College or University	C	P		P
	Community Center	c	P	c	P
	Community Shopping Center		c	P	P
	Condominium, Residential	P	P	P	P
	Conference or Meeting Facility	c	P	c	c
	<del>Community Center</del>	e	<del>P</del>	e	<del>P</del>
	<del>Community Shopping Center</del>		e	<del>P</del>	<del>P</del>
	Contractor's Shop				c
	Contractor's Storage Yard				c
	<del>Convention Center</del>		<del>P</del>	<del>C</del>	<del>P</del>
	Convalescent or Nursing Home	P	P	C	
	Convenience Store		P	c	P
	Convention Center		P	C	P
	Correctional Facility				
	Country Club	P	P	P	P
	Day Spa	P	P	c	P
	Department Store				
	Drug Store	C	C		P
	Dry Cleaning Pick-up Station		P		P
	Dry Cleaning Plant				P
	Dwelling Units above the 1 <sup>st</sup> Floor of Mixed Use Buildings	P	P	P	P
	Dwelling, Multi-Family	P	P	c	
	Dwelling, Park Model Home	P	P	c	
	Dwelling, Single-family, Attached	P	P	P	
	Dwelling, Single-family, Detached	P	P	P	
	Emergency Shelter/Mission			C	
	Farmer's Market	P	P	c	P
	Fish Camp	P	P	P	
	Funeral Home				C
	Golf Course		c		

Table No. 5: Uses Permitted in Solely Mixed Use Districts					
	MURC-1	MURC-2	MURC-MW	MUMS	
Golf-Driving Range		c			
<del>Group Guest</del> Home for the Handicapped (less than 12 guests)	C	C	C		
Guest House (As Accessory Use)	P	P	P		
Gun Shop		C		C	
Half-Way House		C			
Health Club or Fitness Center	c	P	P	P	
<del>Heavy Equipment Sales and Rental</del>					
Hospice		C	C	C	
Hospital	c	c			
Hotel or Motel	P	P	C	P	
<del>Industrial Park</del>					
Instructional Studio, Public	c	P	P	P	
<del>Junkyard</del>					
Kennel, Commercial				C	
Laboratory, Dental				P	
Laboratory, Research				P	
Laundromat				C	
<del>Lumberyard</del>					
Machine Sales and Services				P	
<del>Machine Shop</del>					
<del>Manufacturing, Heavy</del>					
<del>Manufacturing, Light</del>					
Manufacturing, Wet Type		P			
Marina, Commercial	P	P	P	P	
Marina, Public	P	P	P	P	
Marine Sales and Service	c	P	c	P	
MEMA Cottage	c	c	c	c	
Millwork, Cabinet or Woodworking Shop				P	
<del>Mini Warehouse, Self Service</del>					
<del>Mini Warehouse, Controlled Climate</del>					
Mixed Use Buildings	P	P	P	P	
Mixed Use Buildings with dwelling on 2 <sup>nd</sup> floor and above	P	P	P	P	
<del>Mobile Home Sales</del>					

Table No. 5: Uses Permitted in Solely Mixed Use Districts					
		MURC-1	MURC-2	MURC-MW	MUMS
	Motorcycle Sales and Repair Shop				C
	<del>Moving Services</del>				
	Museum			P	
	Neighborhood Shopping Center	c	P		P
	Nightclub		c	c	P
	Outdoor Seating Area for restaurants, bookstores	P	P	P	P
	Outdoor Storage for Retail				c
	Package Liquor Store				C
	Parking Garage		C	C	P
	<del>Parking Lot, Commercial</del>				
	Parking Lot, Ancillary	C	C	C	C
	Pawn Shop				c
	Plant Nursery, Retail	P	P		P
	Plant Nursery, Wholesale				P
	Playground	P	P	P	P
	Pocket Parks and Plazas	P	P	P	P
	Print/Blueprint Shop				P
	Produce Stand	P	P	P	P
	Professional Occupation Office		P	P	P
	Public Facilities	P	P	P	P
	Public Parks and Open Space	P	P	P	P
	Public Utilities	P	P	P	P
	<del>Quasi-Public Facilities for Youth</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
	Radio & T. V. Broadcasting Studio	P	P	P	P
	<del>Rehabilitation Center</del>		<del>C</del>		<del>C</del>
	Recreational Vehicle Park		P	P	C
	Recreational Vehicle (RV)			C	
	<del>Rehabilitation Center</del>		<del>C</del>		<del>C</del>
	<del>Recycling Center</del>				
	Restaurant, Carry-Out	P	P	P	P
	Restaurant, Drive-in or Fast Food	P	P	P	P
	Restaurant, Neighborhood	P	P	P	P
	Restaurant, Specialty	P	P	P	P
	<del>Rock, Sand, Gravel or Earth Excavation, Crushing or Distribution</del>				
	<del>Rug-Cleaning Plant</del>				

Table No. 5: Uses Permitted in Solely Mixed Use Districts					
		MURC-1	MURC-2	MURC-MW	MUMS
	School, Elementary		C		C
	School, Secondary		C		C
	Second Hand Store		c		c
	Signs as regulated in Article XII	P	P	P	P
	<del>Shopping Mall, Regional</del>				
	Specialty Retail Shop	P	P	P	P
	Sports Facilities, Public		c		
	Stable, Private	c	c		
	<del>Steel Mill, Mini</del>				
	Studio/Multimedia Production	P	P	c	P
	Supermarket		c		P
	Tattoo Parlor				C
	Theatre, Motion Picture		c	c	c
	Theatre, Professional		c	c	c
	Title Loan Business	P	P		P
	<del>Truck Terminal</del>				
	<del>Truck Stop</del>				
	<del>Used Car Sales</del>				
	Utility Substation	c	c		c
	<del>Veterinary Clinic</del>		P	P	P
	Vocational Schools		C		C
	Youth Camp		P	P	P
	<del>Youth Center (Quasi-Public)</del>	P	P	P	P
	<del>Veterinary Clinic</del>		P	P	P
	<del>Warehouse, Commercial</del>				
	<del>Wireless Telecommunication Facilities</del>				
	<del>Wrecker Towing Service</del>				

**Table 7. Intensity and Dimensional Standards**

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			*Tier 1	Tier 2	Tier 3	Front	Side	Rear	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3
AG	20,000 SF	100	35	N/A	N/A	50	20/35	25	none	N/A	N/A	N/A	N/A	N/A	15	N/A	N/A
R-E	43,560	150	35	N/A	N/A	50/35	20/35	35	none	N/A	N/A	N/A	N/A	N/A	20	N/A	N/A
R-1	9,600	80	35	N/A	N/A	25/35	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
R-1A	7,200/10,000	60	35	N/A	N/A	25	10/25	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
	9,600	90	35	N/A	N/A	25	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
R-2	9,600 +2,000 per du	80	35	45	60	25	25	25	15 du	18 du	24 du	N/A	N/A	N/A	30	40	50
R-3 (Modular Home Sub.)	3 acres total 5,000 lot	40	20	N/A	N/A	19	5/19	5/19	none	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30
R-3 (Mobile Home Park)	3 acres total 5,000 lot	35	20	N/A	N/A	15	7	10	8 du	10 du	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C-1	None	100	15	25	35	25/15	15/35/40	15/25/35	none	N/A	N/A	N/A	N/A	N/A	75	80	80
C-2	None	100	25	30	35	40/25	15/35	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
C-3	None	None	35	45	60	40/25	15/35/40	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
I	20,000	100	60	N/A	N/A	40	15/40/80/30	25/80/40	none	N/A	N/A	N/A	N/A	N/A	none	N/A	N/A
PL	43,560 total 30,000	80	45	N/A	N/A	same as adjacent zoning	same as adjacent zoning	same as adjacent zoning	none	N/A	N/A	N/A	N/A	N/A	65	N/A	N/A

\*Note: A standard development not utilizing Tiered System Incentives = Tier 1

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			*Tier 1	Tier 2	Tier 3	Front	Side	Rear	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3
TCMU	43,560 total 2,400	40	30	55	75	25/0 80	0/15/35	0/35	18	24	36	4.0	4.5	5.0	0/90	30	30
MURC-1	None	25	20	30	35	15	15	20	8	10	12	2.25	2.50	3.0	65	65	70
MURC-2	None	50	25	45	60	10	7.5	20	24	36	None	3.0	4.0	5.0	70	75	80
MURC-MW	None	None	35	40	45	10	7.5	20	8	12	18	3.5	4.0	4.5	70	75	80
MUMS	None	None	20	40	65	0	0	15	12	18	24	4.0	4.5	5.0	100	100	100
PUD	2 acres total	None	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	75%	TBD	TBD

\*Note: A standard development not utilizing Tiered System Incentives = Tier 1

#### 5.4.2 AG, Agricultural District

All uses and structures in the AG District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

**A. Minimum Lot Area:**

Single-Family Dwelling — Twenty thousand (20,000) square feet

Agricultural Uses —Three (3) acres

Country Clubs — Five (5) acres

Golf Course and/or Golf Driving Range — Ten (10) acres

**B. Minimum Lot Width:** One hundred (100) feet for both interior and corner lots at front building line and fifty (50) feet on a public or platted street

**C. Minimum Setbacks for Principal structure:**

Front—Fifty (50) feet

Side—Twenty (20) feet for interior lots and ~~fifty~~ ~~thirty-five~~ (50 35) feet for corner lots

Rear—Twenty-five (25) feet

**4. Minimum Setbacks for Accessory structure(s):**

Front—All accessory structures shall be located in the rear yard of the principal use

Side—Ten (10) feet

Rear—Five (5) feet

**5. Maximum Building Height:** Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure

**6. Maximum Lot Coverage:** ~~Twenty-Five~~ ~~Fifteen~~ (25 15) percent for principal structure and accessory structures and accessory structures shall not exceed ~~forty~~ ~~twenty~~ (40 20) percent of the rear/side yard area

**7. Minimum Living Area of Dwelling Units:** Thirteen hundred twenty-five (1,325) square feet

### 5.4.3 R-E, Residential Estate District

All uses and structures in the R-E District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

**A. Minimum Lot Area:**

Single-Family Dwelling—One (1) acre

Country Club or similar facilities—Five (5) acres

Golf Course—Ten (10) Acres

**B. Minimum Lot Width:** One hundred fifty (150) feet for both interior lots and corner lots at the front building line and fifty (50) feet on a public or platted street.

**C. Minimum Setbacks for Principal structure:**

Front—Fifty (50) feet

Side—Twenty (20) feet for interior lots and fifty (50) feet for corner lots

Rear—Thirty-five (35) feet

**D. Minimum Setbacks for Accessory Structure(s):**

Front—All accessory structures shall be located in the rear **or side** yard of the principal use.

Side—Ten (10) feet

Rear—Ten (10) feet

**E. Maximum Building Height:** Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure

**F. Maximum Lot Coverage:** Twenty-five (25) percent for **principle all structure s** and accessory structures shall not exceed **forty fifteen (15 40)** percent of the rear/**side yard lot**-area

**G. Minimum Living Area of Dwelling Units:** Eighteen hundred (1,800) square feet

#### 5.4.4 R-1, Low Density Single-Family Residential District

Single-Family detached dwelling units shall meet the following development standards.

- A. Minimum Lot Area:** Ninety-six hundred (9,600) square feet
- B. Minimum Lot Width:** Eighty (80) feet for interior lots and one hundred (100) feet for corner lots at the front building line. All lots shall have a minimum of forty (40) feet on a public or platted street.
- C. Minimum Setbacks for Principal structure:**
  - Front—Twenty-five (25) feet
  - Side—Ten (10) feet for interior lots and twenty-five (25) feet for corner lots
  - Rear—Twenty-five (25) feet
- D. Minimum Setbacks for Accessory structures(s):**
  - Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard, behind the main structure front building line.
  - Side—Ten (10) feet
  - Rear—Five (5) feet
- E. Maximum Building Height—**Thirty-five (35) feet for principal dwellings; Twenty-five (25) feet for accessory structures
- F. Maximum Lot Coverage—**Twenty-five (25) percent for the principal structure and accessory structures. Accessory structures shall not exceed ~~forty twenty (20 40)~~ percent of the rear/side yard lot area ~~or fifty (50) percent of the main building area, whichever is less.~~
- G. Minimum Living Area of dwelling units—**Thirteen hundred twenty-five (1,325) square feet

#### **5.4.5 R-1A, Medium Density Single-Family and Two-Family Residential District**

Single-family and two-family principal uses and accessory structures in the R-1A District shall meet the following development standards, except as otherwise provided by this Ordinance.

**A. Minimum Lot Area:**

Single-Family Dwelling—Seventy-two hundred (7,200) square feet

Two-Family Dwellings—Ninety-six hundred (9,600) square feet

**C. Minimum Lot Width:**

Single-Family Dwelling—Sixty (60) feet for interior lots and seventy (70) feet for corner lots at the front building line

Two-Family Dwellings—Ninety feet (90) feet for interior lots and one hundred (100) feet for corner lots at the front building line

All lots shall have a minimum of forty (40) feet on a public or platted street.

**C. Minimum Setbacks for Principal structure:**

Front—Twenty-five (25) feet

Side—Ten (10) feet for interior lots and twenty-five (25) feet for corner lots

Rear—Twenty-five (25) feet

**D. Minimum Setbacks for Accessory structure(s):**

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard behind the main structure front building line.

Side— Ten (10) feet

Rear—Five (5) feet

**D. Maximum Building Height:** Thirty-five (35) feet for principal dwellings twenty-five (25) feet for accessory structures

**E. Maximum Lot Coverage:** Thirty (30) percent for the principal structure and accessory structures. Accessory structures shall not exceed ~~forty~~ ~~twenty~~ ~~(20~~ 40) percent of the rear/side yard lot area ~~or fifty (50) percent of the main structure, whichever is less.~~

**G. Minimum Living Area of Dwelling units:** Eleven hundred (1,100) square feet for single-family dwellings and two thousand (2,000) square feet for two-family dwelling units.

## 5.4.6 R-2, High Density Multi-Family Residential District

### A. Campus Type Multi-Family Developments General Regulations:

1. **Minimum Lot Area:** Multi-family Apartments and Condominiums—Ninety-six hundred (9,600) square feet for the first two (2) units plus two thousand (2,000) square feet for each additional family unit.
2. **Minimum Lot Width:** Eighty (80) feet on a public arterial or collector street at the entrance of the subdivision.
3. **Periphery Boundary:** All buildings including accessory and recreational structures shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet, with two (2) additional feet for each floor above forty-five (45) feet. A fifteen (15) feet landscaped buffer shall be required when the multi-family development is located adjacent to a single family zoning district in accordance *Article XI*.
4. **Distance between Buildings:** Thirty (30) feet
5. **Maximum Building Height:** See Table 7 for Tier Bonus Provisions.

### B. Row Type Multi-Family Buildings Facing a Public Street General Regulations:

#### 1. Minimum Lot Area:

Multi-family Apartments and Condominiums—A minimum tract of ninety-six hundred (9,600) square feet for the first two (2) units plus two thousand (2,000) square feet for each additional family unit is required.

Assisted Living—A minimum tract of two (2) acres

2. **Minimum Lot Width:** Eighty (80) feet for interior lots and ninety (90) feet for corner lots at the front building line. All lots shall have a minimum of forty (40) feet on a public or platted street.

#### 3. Minimum Setbacks for Principal Structures:

Front—Twenty-five (25) feet

Side—Twenty-five (25) feet for interior and corner lots

Rear—Twenty-five (25) feet

Front, side and rear yards shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet

#### 4. Minimum Setbacks for Accessory structure(s):

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard, behind the main structure front building line.

Side—Ten (10) feet

Rear—Ten (10) feet

6. **Maximum Building Height:** See Table 7 ~~for Tier Bonus Provisions.~~

6. **Maximum Density:** See Table 7 ~~for Tier Bonus Provisions.~~

**C. Open Space and Recreational Areas.**

For apartments of three (3) or more units, a minimum area equal to five (5) percent of the gross site area shall be set aside for passive recreational use, parks, and/or common ground space. This area shall be in addition to any areas used for swimming pools, tennis courts, basketball courts or other active recreational areas and shall not necessarily include spaces between units, unless such areas are landscaped as usable park areas. All recreational, parks and common space areas shall be located on the site in such a manner as to be easily accessible to all dwelling units within the complex.

**D. Site Access Requirements**

All multifamily dwellings must have direct access to a collector or arterial street as defined by the City of Gautier.

Minimum space between two mobile or modular homes—Twenty-one (21) feet.

5. **Maximum Gross Density:** See Table 7 ~~for Tier Bonus Provisions~~.
6. **Maximum Building Height:** Twenty (20) feet for Mobile homes; thirty-five (35) feet for Community Centers.

**C. Common Ground Green Space**

A minimum of five (5) percent of the total gross area of the Mobile Home Subdivision or Mobile Home Park shall be set aside for common group or green space for the benefit of residents of the neighborhood. Such space shall be reserved in no more than two (2) major areas and used for passive and/or active recreational facilities.

**Additional Regulations Regarding**

All of the following regulations shall also apply to Mobile Homes and MEMA Cottages except where noted.

1. All mobile home lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to a public street which shall be classified as a collector or arterial street as defined by the City of Gautier.
2. All streets, roadways and driveways within a mobile home park shall be hard surface and meet the minimum construction standards recommended by the City Consulting Engineer and shall be sufficiently illuminated at night with street lights.
3. In Mobile Home Subdivisions, only one (1) modular or mobile home shall be permitted per lot.
4. Each mobile home residence must have two (2) hard surface areas for parking of vehicles.

## SECTION 5.5: Commercial Districts

### 5.5.1 C-1, Neighborhood Commercial District

1. **Minimum Lot Area:** None required
2. **Minimum Lot Width:** One hundred (100) feet
3. **Minimum Setbacks:**

Front—Twenty-five (25) feet when parking is in the front of the building, **and** fifteen (15) feet if all parking is on the side and rear of the building

Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be ~~twenty~~thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be forty (40) feet and the outside ten (10) feet shall be a landscaped buffer area in accordance with *Article XI*.

Rear—Fifteen (15) feet when parking is in the front of the building and twenty-five (25) feet when parking is in the side and rear of the building. In cases where lot is adjacent to residentially zoned property, the rear yard requirement shall be thirty-five (35) feet and the outside ten (10) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI*.

4. **Maximum Building Height:** See Table 7 ~~for Tier Bonus Provisions~~
5. **Maximum Lot Coverage:** See Table 7 ~~for Tier Bonus Provisions~~
6. **Maximum Building and Shopping Center Size:** No individual building or structure shall exceed twenty-four hundred (2,400) square feet per use. The total square footage of neighborhood shopping centers shall not exceed ten thousand (10,000) square feet.
7. **Additional Regulations**
  1. No exterior storage shall be permitted
  2. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*.

## 5.5.2 C-2, Community Commercial District

1. **Minimum Lot Area:** None required
2. **Minimum Lot Width:** One hundred (100) feet
3. **Minimum Setbacks:**

Front—Forty (40) feet when parking is in the front of the building, **and** twenty-five (25) feet if all parking is on the side and rear of the building

Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be increased to thirty-five (35) feet and the outside ten (10) feet of the side setback shall be a landscaped buffer area in accordance with *Article XI*.

Rear—None; however, if the commercial lot is adjacent to residentially zoned property, the rear yard requirement shall be increased to thirty-five (35) feet. The outside ten (10) feet of the setback shall be a landscaped buffer area in accordance with *Article XI*.

4. **Maximum Building Height:** See Table 7 ~~for Tier Bonus Provisions~~
5. **Maximum Lot Coverage:** See Table 7 ~~for Tier Bonus Provisions~~
6. **Additional Regulations ~~Other Requirements~~**
  1. No exterior storage shall be permitted
  2. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*

### 5.5.3 C-3, Highway Commercial District

1. **Minimum Lot Size:** None Required
2. **Minimum Lot Width:** None Required
3. **Minimum Setbacks:**

Front—Forty (40) feet when parking is in the front of the building, **and** twenty-five (25) feet if all parking is on the side and rear of the building.

Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be increased to forty (40) feet and all the outside fifteen (15) feet of the side setback shall be a landscaped buffer area in accordance with *Article XI*.

Rear—None; however, if the commercial lot is adjacent to residentially zoned property, the rear yard requirement shall be increased to thirty-five (35) feet. The outside ten (10) feet of the setback shall be a landscaped buffer area in accordance with *Article XI*.

Buildings which are forty-five (45) feet in height shall add two (2) additional feet for each floor above forty-five (45) feet to the required side and/or rear setbacks if adjacent to residentially zoned districts

4. **Maximum Building Height:** See Table 7 ~~for Tier Bonus Provisions~~
5. **Maximum Lot Coverage:** See Table 7 ~~for Tier Bonus Provisions~~
6. **Additional Regulations**
  1. Outdoor storage for retail uses shall be on the same lot and connected to the retail entity it serves.
  2. Exterior storage shall be screened in accordance with *Article XI*.
  3. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*.

pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences. These improvements shall be designed to be consistent with all guidelines of this Section, and shall be reviewed for aesthetic functionality and compatibility with Gautier character.

## **SECTION 5.11 Tiered Land Use System and Bonus Provisions**

- A. Purpose and Intent.** The intent of the bonus provisions in the tiered land use system is to offer applicants incentives for investing in quality, innovative development that enhances site and building design, enhances compatibility, enhances non-motorized mobility, and provides the opportunities for achieving extraordinary public benefit. The tiered land use system implements the City's Comprehensive Plan.
- B. Applicability.** This section shall apply to all development within the COR, Corridor Overlay District and zoned one of the following: TCMU, MUMS, MURC, C-1, C-2, C-3, R-2 and R-3. The height, intensity, and density limits of each of the Tiers is set forth within the Table 7 of this Ordinance.
- C. Establishment of Tiers.** The following land use tiers are hereby established in order to designate the maximum height, density and intensity of development.
- Tier 1. Unless otherwise specified, Tier 1 standards represent the maximum "by-right" building height, density and intensity, which can be achieved by adherence to the standard site development criteria established in this code.
- Tier 2. Tier 2 standards allows for the attainment of additional building height, density and intensity beyond Tier 1.
- Tier 3. Tier 3 standards provide for additional building height, density and intensity beyond Tier 2.
- D. Design Review Requirements.** The following design review requirements shall be adhered to when applying for Tier 2 or Tier 3 approval:
1. Applicants seeking Tier 2 height, density and intensity bonuses shall submit a **Major Development order** application, in accordance with the **major development order** review process established in Article IV, requesting Tier 2 approval and must meet the specified supplemental standards specified in subsection F, below.
  2. Applicants seeking Tier 3 height, density and intensity bonuses shall meet all of the Tier 2 supplemental standards specified in subsection F, Tier 3 supplemental design analysis, and provide public benefits.
- E.** The height, intensity, and density limits of each of the Tiers are set forth within the Table 7 of this Ordinance. The Economic Development Director may also grant at his/her discretion the following administrative variances in accordance with Section 4.18.3:

needed. Such facilities shall be removed upon completion of the project or the expiration of the permit whichever occurs first.

**C. Garage or Rummage Sales**

Garage or Rummage Sales on residential property are not required to obtain a Permit, but must adhere to the criteria below. Temporary Use Permits for garage or rummage sales on commercial property may be granted provided:

1. The sale period does not exceed three (3) days.
2. Suitable safety precautions are taken in accordance with conditions approved by the Economic Development Director to insure that human health and welfare are not jeopardized.
3. No more than three (3) such sales are conducted at any one (1) address during any single year and no more than three such permits are issued to any applicant during any single year.

**D. Portable Storage Container (POD)**

In any residential district, a Temporary Use Permit may be issued for a POD subject to the following regulations:

1. The use of one (1) container shall be limited to no more than thirty (30) consecutive days in any year. In the event of a catastrophic loss of property due to fire, flood or other physical calamity occurring on the property in question, the permit may be extended for two (2) additional thirty (30) day periods.
2. The container shall be placed on a hard surface such as a driveway on the lot it serves, and shall not be placed on a street right-of-way or in the rear of the property.

**E. Real Estate Sales Office**

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision. The permit shall be valid for one (1) year but may be renewed a maximum of three (3) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit whichever occurs sooner.

**F. Seasonal Sale of Farm Produce Outdoors**

Farm produce and seafood which is in its harvested form, may be sold from vehicles which are mobile in Commercial Districts **on private property**, but shall be placed no earlier than 6:00 a.m. and shall be removed daily no later than 9:00 p.m. Such uses shall be limited to the preparation and sale of human food stuffs only **and shall provide property owner approval. The permit shall be valid for three (3) months and each applicant is limited to one (1) permit per year.**

**G. Outdoor Sale of Non-Perishable Goods or Items**

Outdoor sale of goods other than farm produce or seafood may be granted a Temporary Use Permit by the Economic Development Director provided that:

1. The Permit Period does not exceed ten (10) days
2. No more than three (3) such permits are issued to any applicant during any single calendar year

3. All requirements of *Section 6.8.1 General Regulations* are met
4. The sale is in Commercial Districts only on private property. Property owner approval shall be provided.

#### H. Special Events

A Special Event may be granted a Temporary Use Permit by the City Clerk ~~Economic Development Director~~ provided that:

1. A permit application is submitted to the City Clerk's Office ~~Economic Development Director~~ at least thirty (30) days prior to the event. The following information will be required on the application:
  - a. Event details with timeline
  - b. Number of people expected
  - c. Organization name, type and Federal Tax ID number
  - d. Detailed map of proposed route/event area along with request for possible street closures.
  - e. Requested City services such as trash receptacles, barricades, etc.
  - f. If any donated services are requested.
2. The applicant shall submit a hold harmless agreement in a form approved by the City agreeing to hold the City of Gautier free and harmless of any liability which may result from said event, and accept full responsibility for any liability.
3. The applicant must provide a Certificate of Commercial General Liability Insurance listing the City of Gautier as an additional named insured in the amount prescribed by the City Clerk ~~Economic Development Director~~ or designee.
4. An applicant for a permit to hold an event where alcohol is to be sold must provide a Certificate of Insurance in the amount of \$1,000,000 as liquor liability insurance, in addition to the general liability insurance requirements.
5. All requirements of *Section 6.8.1 General Regulations* are met.

<b>TABLE No. 9: Off-Street Parking Spaces Required</b>	
<b>Use/Activity</b>	<b>Minimum Spaces</b>
Laundromat (coin operated laundry)	1 per each 2 clothes washing machines plus 1 per employee
Library	1 per 400 sf of GFA
Miniature Golf	1 per hole
Skating Rink	5 per 100 sf GFA
Theatre, Professional or Motion Picture	1 per each 5 seats
<b>Residential</b>	
Assisted Living Facilities	1 space for every 4 beds plus 1 for each employee of the largest shift
Day Care, Residential	1 space for each employee in addition to resident parking and drive-way or drop-off parking spaces for a minimum of 3 cars
Group Home for the Handicapped	1 space for every 4 beds plus 1 for each employee of the largest shift
Guest House	None
Manufactured or Mobile Home	2 per each mobile home plus 2 for staff if any
Multi-family dwellings or Residential Condominiums	2 per housing unit plus 1 for staff if any
Nursing Home, Hospice	1 space for every 4 beds plus 1 for each employee of the largest shift
Single-Family attached dwellings including townhouses	2 for main residence plus 1 for guest house or garage apartment, if any
Single-Family detached dwellings including patio homes and zero lot homes	2 for main residence plus 1 for guest house or garage apartment, if any
Two-Family Dwelling Unit (Duplex)	4 spaces

### 7.2.6 Location and Construction

- A. Off-street parking required for single-family detached; two-family (duplex); single-family, attached (townhouse); and mobile home lots shall consist of a driveway, garage, or parking lot or a combination thereof and shall be located on the specific lot they are intended to serve. Additional guest parking may be provided for medium density dwellings in a separate parking area.
- B. All off-street parking required in Commercial, Multi-family, Industrial, or Mixed Use Districts shall be located on land owned by the owner or owners of the principal use it is intended to serve except under the Off-Site Cooperative Agreement or Shared On-Site Parking described in 7.2.7 and 7.2.8.
- C. Off-street parking for RV Parks, Mobile Home Parks and/or Fishing Camps or Marinas offering overnight facilities shall be on or adjacent to the residential facility or pad. Additional parking for restaurants or other accessory facilities may be provided for in a separate parking area.
- D. The parking of all motor vehicles shall be confined to **established, defined non-vegetated hard-surface** parking areas such as driveways or designated parking

areas. Parking of motor vehicles in **non-designated unpaved** portions of **required front and side** yards shall not be permitted on a permanent basis, **unless screened from view**.

- E. All off-street parking required shall be provided in a zoning district which permits the principal use proposed to be served by the parking, except that an ancillary parking lot for certain uses may be permitted as a conditional use in Residential Districts upon approval by the City Council.

#### **7.2.7 Off-Site Cooperative Parking**

- A. Off-street parking for other than residential use shall be either on the same lot or within four hundred (400) feet of the building or complex it is intended to serve. The distance shall be measured from the nearest building within the complex to the nearest point of the off-street parking lot, without crossing any major thoroughfares.
- B. Places of worship may establish agreements with other facilities whereby parking lots within five hundred (500) feet are shared; provided that there is no conflict in parking demand and provided parishioners are not required to cross any major thoroughfares. The place of worship must provide fifty percent (50%) or more of the required parking on-site.
- C. The owners or lessee of all properties involved in such situations must enter into a formal agreement or lease of five (5) years or longer in duration stating the hours of use and the terms of the agreement. A notarized copy of the formal agreement or lease shall be furnished to the Economic Development Director at the time of site plan review.
- D. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Article.

#### **7.2.8 On-Site Shared Parking or Combined Parking Lots**

Developments that contain different types of uses which may have different peak parking hours and which are located within the same development or on the same parcel may share off-street parking thereby reducing the number normally required.

- A. An application for approval of a cooperative parking plan shall be filed with the ED Director by the owner(s) of the development site and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided.
- B. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common.
- C. In the future, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with the number of off-street parking spaces required.

## SECTION 7.11: Construction Specifications and Required Maintenance

Parking facilities for residential, commercial and industrial uses shall have an all-weather hard surface, be properly drained to prevent ponding and shall be maintained free of trash and rubbish. For the purpose of this ordinance, all-weather hard surface shall mean asphalt, ~~or concrete, paver units, 610 limestone, gravel combined with an engineered product for stability, or other approved surface with adequate depth for the traffic conditions.~~

### 7.11.1 Specifications for Driveways, Parking Areas

Off-street parking areas and driveways shall be built as follows, ~~unless an alternate design is submitted/approved:~~

- ~~A. Concrete: 6" concrete with 6" of clean sandy compacted base~~
- ~~B. Asphalt: 3" compacted with 8" compacted base  
A surface of four (4) inches of reinforced Portland cement concrete or hot asphalt mixture compacted to a thickness of no less than (3) inches  
A bed of three (3) inches of well compacted and well-drained suitable clay, sandy-clay or other material approved by the City~~
- ~~C. Concrete, brick, or clay interlocking paver units, per manufacturer's recommendations~~
- ~~D. Limestone (610): 6" 610 limestone, geotextile fabric between limestone and base, 18" clean sandy compacted base~~
- ~~E. Gravel with engineered product for stability, per manufacturer's recommendations~~
- ~~F. Grid unit pavers with grass, per manufacturer's recommendations~~

~~Other designs or materials may be used as long as the design is stamped/signed by a professional engineer or architect registered in the State of Mississippi.~~

~~Parking spaces shall be well defined by striping, parking bumpers, or other approved method.~~

~~All parking areas shall be well defined by curbing, landscape timbers, railroad ties, defined landscape borders, or other approved method. Non-paved surfaces shall be defined by an elevated border to prevent loss of material. At no time shall grass and/or soil and parking/driveway surface material be intermingled unless an engineered product utilizing grass within the parking areas/driveways is used.~~

~~If a non-hard surface material is selected for use, all connection points to public roadways shall be paved for at least twenty feet (20') to prevent off-site loss of material. Parking and driveway surfaces shall be properly maintained to prevent ruts, potholes, and uneven surfaces; and be capable of supporting the City's fire apparatus in accordance with the adopted Fire Codes.~~

### ~~7.11.2 Alternative Parking Surfaces for Overflow Parking Areas:~~

~~As an alternative to the surfacing required in the preceding paragraph, areas of low impact parking such as overflow parking areas may be surfaced with the alternative methods of paving. The surfacing material must be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Mississippi. The pavement cross section must demonstrate the structural ability to support the anticipated vehicle loads for the use intended. Alternative paving allowed includes:~~

- ~~A. Grid unit pavers with grass or~~
- ~~B. Concrete, brick, or clay interlocking paver units~~
- ~~C. Other suitable surfaces that comply with sound engineering principals and are approved by the City Consulting Engineer~~

~~**7.11.3 — Alternative Surfaces for Recreational Vehicular Parks, Fish Camps and Marinas**~~

~~Driveways and Parking areas in recreational vehicle campgrounds shall be private and shall be composed of a minimum four (4) inch sub-base with shell or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.~~

~~**7.11.4 — Maintenance of Parking Areas**~~

~~Parking areas shall be maintained in a useful condition free of pot holes; shall be provided with adequate lighting and shall be properly striped to delineate parking areas.~~

**SECTION 7.12: Traffic Impact Analysis**

**7.12.1 Traffic Impact Analysis (TIA) required**

The City of Gautier may request a traffic impact analysis study at the expense of the owner or developer as part of an application for rezoning, conditional use, subdivision or at the time of an application for a Building Permit when:

- A.** When trip generation during any peak hour is expected to exceed one hundred100 trips, based on traffic generation estimates of the Institute of Traffic Engineering’s Trip Generation Manual, unless local trip generation data demonstrate a higher trip rate;
- B.** When the original traffic impact analysis is more than two (2) years old, or where increased land use intensity will result in an increase in traffic generation; or
- C.** Whenever required or authorized elsewhere in this Unified Development Ordinance.

**7.12.2 Implementation of TIA recommendations**

Recommendations to alleviate traffic congestion within the traffic impact analysis shall be required as a condition to the rezoning, conditional use approval, site plan review approval or preliminary plat approval and shall be so indicated as a part of the site plan or in a separate document if required improvements are off-site.

**SECTION 7.13: Exterior Lighting Standards**

A lighting plan for all exterior lighting shall be prepared and submitted which complies with the following standards.

**7.13.1 General Requirements:**

- A.** Private streets, driveways, parking lots, walks and service areas shall be kept properly and adequately lighted at all times so that the area will be safe for occupants and visitors.

## ARTICLE IX: PROCEDURES FOR SUBDIVISION OF LAND

**DELETE SECTIONS 9.1 THROUGH 9.2 IN THEIR ENTIRETY AND INSERT THE FOLLOWING SECTION 9.1 THROUGH 9.7 IN ITS PLACE.**

### **SECTION 9.1: Purpose**

#### **9.1.1 Purpose**

The purpose of this and the following Sections is to provide a uniform process for the division of certain tracts, which may consist of a single lot of record or aggregated lots of record, into lots of record for development and to ensure the availability of supporting infrastructure through either Minor Subdivision Review or Major Subdivision Review.

The purpose of these regulations is to promote and protect the public health, safety and general welfare of the City of Gautier by:

- A.** Establishment of reasonable standards of design and procedures for the subdivision of land;
- B.** Ensuring that adequate public facilities and services are available concurrent with development and insure sufficient capacity to serve the proposed development;
- C.** Preventing and controlling erosion, sedimentation and other pollution of surface and subsurface waters;
- D.** Ensuring for the adequate provision of transportation, water, sewage, stormwater management, and other public facilities;
- E.** Promoting the wise use, development, conservation and protection of the soil, water, wetland, and natural resources;
- F.** Providing for open spaces through the most efficient design and layout of the land;
- G.** Providing opportunities for public input by establishment of predictable procedures and public meetings for review of certain development; and
- H.** Protecting the public from inadequate, inferior and unsafe development.

#### **9.1.2 Applicability**

- A.** No person shall divide any parcel of property into two (2) or more parcels without complying with the provisions of this section.
- B.** No lot proposed to be created shall be sold or offered for sale until a Plat has been approved by the appropriate City staff or board and recorded with the Office of the Chancery Clerk of Jackson County.
- C.** It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the City with the Chancery Clerk of Jackson County unless the same

bears the endorsement and approvals of authorized City representatives in accordance with these regulations.

- D. It shall also be unlawful to offer and cause to be recorded a deed creating a division of land within the City with the Chancery Clerk or any other department of the County, unless the same bears the endorsement and approval of authorized City representatives in accordance with the regulations.

## **SECTION 9.2: Pre-Application Process**

### **9.2.1 Pre-Application Conference**

Whenever a new or replatted subdivision located within the city is proposed, the applicant is recommended to schedule a pre-application conference with the Economic Development and Planning Department. The conference should be attended by other city staff as needed. The purpose of the Pre-application Conference is to assure that the applicant is familiar with the city's overall land development regulatory process, to assist the applicant in determining those reviews and approvals required for this project, to develop an anticipated timeline for such review and approvals, to call the applicant's attention to applicable standards as identified in the ordinances and regulations, and to give the city an opportunity to explore and comment on the scope and impact of the project.

The applicant is encouraged to bring any information available regarding the location of the proposed subdivision, existing surveys, pictures, sketches, the number of lots, any known environmental concern areas (such as wetlands), locations for roadways and utilities, etc. The applicant is cautioned to not put too many resources into the project until after the Pre-Application Conference.

Upon receiving input from the city staff, if the applicant wishes to proceed, he should proceed with either the Minor Subdivision Process or the Major Subdivision Process, as applicable. If applicable, the Master Development Plan process may proceed congruently with the Subdivision Process.

### **9.2.2 Determination of Minor or Major Subdivision**

A Minor Subdivision is a division of land that meets all of the following conditions:

- A. It does not require construction, expansion, or improvement of any public infrastructure other than sidewalks; and
- B. It does not require dedication to the City of any public infrastructure, right-of-way, or land; and
- C. All lots or parcels resulting from the subdivision are adjacent to a publicly maintained street which is in existence at the time of the proposed subdivision of the parcel; and
- D. All lots or parcels resulting from the subdivision have access to public water and sewer facilities, if provided to the area by the City. If public water and sewer facilities are not yet provided to the area by the City, then every resulting lot must have the potential (by means of size and geological characteristics, or by access

to existing facilities) for resolving all water access and sewage disposal issues (if appropriate for its zoning classification and proposed use).

- E. The future development of the parcels from the subdivision of land will not impact traffic, the fire protection/potable water system, the sanitary sewer system, or public safety services.
- F. A Master Development Plan is not required.

All other division shall be considered Major Subdivisions.

## **SECTION 9.3: Minor Subdivision Process**

### **9.3.1 Application**

Applications for a Minor Subdivision may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments, and submittals. Submittals for review may be on standard paper (in lieu of recording media) and do not need to be stamped/signed by the engineer until final submittals are requested.

The Minor Subdivision Plat may consist of survey certified by a professional engineer or survey registered in the state of Mississippi.

### **9.3.2 Criteria for Approval**

Minor Subdivision Review shall be made in accordance with the following standards:

- A. The resulting lots will conform to and comply with all applicable requirements of the zoning classification in which they are located, including minimum lot size;
- B. The future development will not impose substantial impacts to traffic, utilities, or drainage;
- C. The resultant of this division will be considered a Minor Subdivision in accordance with Section 9.2.2.

### **9.3.3 Staff Review**

Once the application and submittals are received, staff will review the documents and provide comments if needed. The application cannot proceed until all the staff comments have been addressed.

There are no Public Notice requirements for a Minor Subdivision.

### **9.3.3 Final Submittals**

Once all the comments have been addressed, the applicant may submit the final original Plat which are certified by a professional engineer or surveyor registered in the State of Mississippi. The plats shall meet the recording requirements of the Jackson County Chancery Clerk. The applicant shall submit the proper number of originals to the city to satisfy the County's requirements, provide the applicant with the number of originals needed, and provide the City with two (2) mylar originals.

The City Clerk will obtain all necessary signatures and will notify the applicant when the Final Plats are ready for recording.

#### **9.3.4 Recording of Plat**

After receiving City approval and all needed City signatures on the final plats, the developer is required to record the minor subdivision plat/survey and deed of conveyance creating the Minor Subdivision in the official county records of the Jackson County Chancery Clerk's office, at no expense to the City. After recording, two (2) mylar originals and one (1) digital copy of the recorded plat shall be delivered to the Economic Development & Planning Department.

A copy of the recorded final Plat will be retained in the Economic Development/Planning Department.

### **SECTION 9.4: Major Subdivision Process – General**

The general process for Major Subdivision Approval includes the following steps:

- A.** Preliminary Plat Approval
- B.** Infrastructure Approval & Installation
- C.** Final Plat Approval

### **SECTION 9.5: Major Subdivision Preliminary Plat Process**

#### **9.5.1 Application**

Applications for a Major Subdivision may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments, and submittals. Information for Preliminary Plat Review is conceptual in nature and do not require detailed construction plans and specification. Check with the Economic Development and Planning Department before submittals are generated to determine the requirements. A Master Development Plan shall accompany the Application if applicable to the Project. Master Development Plans are discussed further in this Section.

#### **9.5.2 Staff Review**

Once the application and submittals are received, staff will review the documents and provide comments if needed. The application cannot proceed until all the staff comments have been addressed.

### **9.3.2 Criteria for Approval**

Major Subdivision Review shall be made in accordance with the following standards:

- A.** The proposed division will conform to the standards set forth in Article X; and
- B.** The proposed division is consistent with any approved or proposed Master Property Development Plan, if applicable; and
- C.** The resulting lots, blocks, and right-of-way widths, and other features will conform to the applicable minimum requirements set forth in Article X; and
- D.** The resulting lots will conform to and comply with all applicable requirements of the zoning classification in which they are located, including minimum lot size;
- E.** The future development will not impose substantial impacts to traffic, utilities, or drainage;
- F.** The resultant of this division will be considered a Major Subdivision in accordance with Section 9.2.2.

### **9.5.3 Planning Commission Review**

Once all the comments are addressed, the application will be placed on the next available Planning Commission Agenda.

Refer to Article IV for Public Notice requirements for a Major Subdivision.

A public hearing on the proposed Major Subdivision shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against such amendments.

If a proposed Major Subdivision is determined by the Planning Commission to be in conformance with all applicable provisions of this ordinance, the Planning Commission shall recommend approval of the Preliminary Plat of the Major Subdivision to City Council. A determination by the Planning Commission that all applicable provisions have not been satisfied shall result in a recommendation of disapproval of the Preliminary Plat. In the

case of minor deviations from the requirements of this ordinance, the Planning Commission may recommend approval of the Preliminary Plat subject to conditions.

#### **9.5.4 City Council Review**

Once the Planning Commission has rendered a recommendation, the application will be placed on the next available City Council Agenda.

The applicant may provide revised submittals as needed based on the Planning Commission's comments, if needed. Any revised documents will be provided along with the original Application that is provided to City Council.

The City Council shall have the power to approve, disapprove, or suggest modifications to the Preliminary Plat.

#### **9.5.5 Effect of City Council Approval**

Approval of the Preliminary Plat by the City Council shall have the following effects:

- A.** Approval of Preliminary Plat is only tentative pending submission of the Final Plat.
- B.** Approval of the Preliminary Plat does not constitute approval of subdivision infrastructure construction plans. The developer shall be responsible for obtaining approval of infrastructure construction plans and obtaining a permit from the Economic Development/Planning Department.
- C.** Approval of the Preliminary Plat shall be effective and binding upon the City for eighteen (18) months, and thereafter as long as work is actively progressing on installation of required improvements.
- D.** Receipt by the developer of the executed Approval of Preliminary Plat is authorization to proceed with the Major Subdivision Infrastructure Installation Process below.

### **SECTION 9.6: Major Subdivision Infrastructure Installation Process**

Once Preliminary Plat Approval has been granted by City Council, the developer shall have construction drawings and other required submittals prepared and have improvements installed in accordance with this Section.

#### **9.6.1 Pre-Submittal Meeting**

Prior to construction drawing and other submittal preparation, the developer and project engineer shall meet with City staff to discuss the construction requirements. The meeting may be scheduled by the developer by contacting the Economic Development and Planning Department.

### **9.6.2 Submittal of Required Construction Documents**

The developer shall submit three (3) complete full-size sets of construction drawings, specifications, and other required submittals of the proposed subdivision infrastructure improvements. The plans and specifications shall be prepared by a Professional Engineer licensed in the State of Mississippi.

### **9.6.3 Staff Review**

Staff will review the submittals and provide comments. Once all comments have been addressed, a minimum of three (3) sets of plans and specifications shall be stamped/signed by the project Professional Engineer registered in the State of Mississippi and submitted to the City for a permit. Such plans shall be approved prior to construction of any type beginning in the subdivision. The plans and specifications shall be approved; and all outside agency permits/approval shall be obtained prior to a permit being issued for construction.

### **9.6.4 Preconstruction Conference**

Once the developer has selected a contractor, a preconstruction conference shall be held. The developer or engineer shall coordinate the meeting and shall include City staff, the developer, the developer's project engineer, and utility company representatives providing utilities to the site.

Once the plans and specifications are approved; all outside agency permits/approvals have been obtained; the preconstruction conference has been held; the contractor has obtained the proper City licenses; and the proper fees have been paid in accordance with the City's Comprehensive Fee Schedule; the construction permit may be issued by the Building Official.

### **9.6.5 Construction**

Once the construction permit has been obtained, the contractor may begin construction. The developer shall install all improvements in accordance with the approved construction drawings and this ordinance.

The developer/engineer shall ensure the City is adequately advised of any/all activities to construct the project and shall endeavor to maximize the city's opportunity to observe the work.

The developer/engineer shall ensure the City receives all the required construction paperwork in a timely manner during construction, including material submittals, equipment cut sheets, test reports, stormwater reports, etc.

The engineer shall ensure any field changes are approved by the City and are documented in a timely manner on the “as-built” drawings.

The developer’s engineer shall inspect the improvements as they are installed and certify that each improvement has been constructed in accordance with the approved plat, construction plans, and specifications and requirements of this Ordinance.

#### **9.6.6 Construction Punchlist**

The Building Official shall be notified and be present for the punchlist walk-through. Once the punchlist is generated by the developer/engineer, the list shall be provided to the City for review. Staff shall review and provide any missing comments on the draft punchlist. Any comments shall be incorporated into the punchlist prior to providing to the contractor.

#### **9.6.7 Final Inspection**

The City staff shall be notified when construction is complete, so a field inspection can be conducted of the completed work to verify that the required improvements have been properly constructed in conformity with the approved construction plans and specifications. Such a field inspection shall not relieve the developer of responsibility for any subsequent failure of the constructed improvements in whole or in part. The City will provide comments of any corrections needed. The comments will include any construction paperwork still required such as “as-builts”, product warranty information, owner’s manuals, outside agency final approvals, etc.

The Developer’s engineer shall furnish the appropriate city staff person or consultant with a certificate stating that all work has been completed in conformity with the approved construction plans and specifications.

#### **9.6.8 Warranty**

The developer shall warranty all improvements for two (2) years from the date of final plat approval by the City Council.

A Guarantee of Improvements shall be posted for the warranty period.

### **SECTION 9.7: Major Subdivision Final Plat Process**

Once the Major Subdivision Infrastructure Installation Process is complete or an appropriate Guarantee of Improvements (refer to Article IV) has been posted and approved, the developer may proceed with the Major Subdivision Final Plat Process

#### **9.7.1 Final Plat Initial Review**

The applicant shall submit the “draft” Final Plat for review and any associated documents such as covenants or deed restrictions. Said Final Plat shall meet the requirements of the Jackson County Chancery Clerk’s recording requirements and be prepared by a Professional Engineer or Surveyor licensed in the State of Mississippi.

The plat for review may be on standard paper (in lieu of recording media) and does not need to be stamped/signed by the engineer until final submittals are requested.

The Final Plat shall agree substantially with the approved Preliminary Plat, construction plans, and other City requirements. The City staff may approve minor modifications of the approved Preliminary Plat provided such modifications are consistent with conditions or changes requested by the City Council. If the Final Plat is substantially different than the Approved Preliminary Plat, the Economic Development Director may require the Final Plat be reviewed by the Planning Commission with a Public Hearing.

After the appropriate city departments have had the opportunity to confirm the accuracy and adequacy of the Plat and the applicant has remedied any identified deficiencies, the Economic Development/Planning Department shall place the Final Plat on the next available City Council Agenda.

### **9.7.2 City Council Review**

There are no Public Notice requirements for a Major Subdivision Final Plat review.

The City Council shall have the power to approve, disapprove, or suggest modifications to the Preliminary Plat.

If the plat is found to substantially conform to the approved Preliminary Plat, the City Council shall approve the plat, and shall cause its approval to be entered on the plat as required.

If the plat is disapproved, the basis for disapproval of the Final Plat shall include:

- A.** A determination that acceptance of any lands or facilities proposed for dedication is not in the best interest of the City, as determined by the City Council in its sole discretion;
- B.** A determination that any proposed waiver recommended by the Staff is not in the best interest of the City or is not consistent with adopted plans and policies of the City;
- C.** Failure of the applicant to install improvements according to detailed plans and specifications as previously approved by the City staff or to provide the required Guarantee of Improvements for such improvements; or
- D.** Failure to comply with any written agreement or conditions of approval.

### **9.7.3 Plat Final Review**

If City Council approves the Final Plat with changes, the applicant shall revise the plat accordingly and submit to the Economic Development/Planning Department for final review. Staff will provide comments if needed. The Final Plat shall not be finalized, signed, and recorded until all comments have been addressed.

### **9.7.4 Final Submittals & Signatures**

Once all final comments have been addressed, the applicant may submit the final original Plats which are certified by a professional engineer or surveyor registered in the State of Mississippi. The plats shall meet the recording requirements of the Jackson County Chancery Clerk. The applicant shall submit the proper number of originals to the City to satisfy the County's requirements, provide the applicant with the number of originals needed, and provide the City with two (2) mylar originals.

Final Plat will not be signed until a Guarantee of Improvements for the Warranty period has been posted. Refer to Section 9.6.8 Warranty for additional information.

The City Clerk will obtain all necessary signatures and will notify the applicant when the Final Plats are ready for recording.

### **9.7.5 Recording**

After receiving City approval and all needed City signatures on the Final Plat, the developer is required to record the major subdivision plat, the restrictive covenants, and any other pertinent agreements required by the City Council, in the official county records of the Jackson County Chancery Clerk's office at no expense to the City. After recording, two (2) mylar originals and one (1) digital copy of the recorded plat shall be delivered to the Economic Development & Planning Department.

A copy of the recorded Final Plat will be retained in the Economic Development/Planning Department.

### **9.7.5 Release of Guarantee of Improvements**

If a Guarantee of Improvements for performance has been posted, the Guarantee shall not be released until all requirements have been met and an approved Guarantee of Improvements for the warranty period has been posted. Refer to Section 9.6.8 Warranty for additional information.

### **9.7.6 Post Warranty Review**

Prior to expiration of the warranty Guarantee of Improvements, the City Staff shall inspect the Subdivision Infrastructure Improvements to verify compliance of the terms of the Guarantee prior to its release.

## **SECTION 9.8: Master Development Plan**

### **9.8.1 Master Plans are required for the following types of development:**

- A. Master Planned Community
- B. Phased **Subdivision** Development
- C. **Subdivision** Developments which deviate from the adopted design standards of the City
- D. Conservation Subdivision

- E. Traditional Neighborhood Development (involving Subdivision of Land)
- F. Cluster Development (involving Subdivision of Land)
- G. Planned Unit Development (PUD)

**9.8.2. General Information Needed for Master Development Plan**

The subdivider shall prepare and file with the Economic Development Director three (3) copies of the Master Plan, at least fifteen (15) days prior to review by the Technical Review Committee drawn at an appropriate scale. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). The Master Plan shall be prepared by a licensed professional(s) such as engineer(s), architect(s), and landscape architect(s). The Master Plan shall be clearly marked, and shall show, or have attached thereto, the following data:

- A. Name, address and contact information for property owner, developer(s), development engineer(s), architect(s), builder(s) and property manager(s)
- B. Survey of existing property showing existing structures, utilities, protected trees, rights-of-way, easements and adjacent property use and zoning
- C. Map showing existing and proposed contour of land with cut and fill calculations
- D. Demolition plan for existing structures
- E. General Layout (site plan) of proposed development which shows lot dimensions; streets; alleys; utilities; easements; landscaping; table of proposed uses including type and number of housing units; square footages of proposed buildings; location of required off-street parking areas; civic uses and any other pertinent information.
- F. General Landscaping and Buffering Design Plan
- G. Proposed phasing of project
- H. Any other information deemed pertinent by the applicant or requested by the city

**9.8.3 Specific Requirements and Procedure for a Planned Unit Development**

**A. Quality of Design Required**

The proposed development must be designed to produce an environment of stable and desirable character which is in harmony with surrounding land uses and must provide standards for open space, landscaping, creative layout and facilities for traffic control, recreational facilities and adequate parking. Architectural harmony is required for all types of buildings.

**B. Additional Information Required at Time of Application for a PUD**

In addition to the requirements for a subdivision given in *Article 9.3.2*, applications for a PUD shall include:

1. Architectural renderings of all commercial, civic and multi-family uses proposed.
2. Architectural renderings and floor plans for examples of each different type of residential structure that is representative of each.
3. Draft of the legal instrument establishing the Homeowners Association and/or Restrictive Covenants.

**C. Review by Planning Commission**

The Planning Commission may impose conditions regarding density, lot sizes, lot size or arrangement, circulation and any other matters that will in their opinion improve the adequacy of the neighborhood or better protect adjacent areas.

After any required changes have been made to the Master Plan, Preliminary Plat or architectural design of buildings, the Planning Commission shall hold a final public hearing for the purpose of approval or denial of the PUD.

**D. Effect of Approval by City Council**

After approval of the Master Plan, Preliminary Plat and architectural design by the Planning Commission, the Economic Development Director shall place the proposed subdivision on the agenda of the City Council for their review and approval.

Approval of the zoning change to a Planned Unit Development constitutes approval of the Master Plan prepared by the applicant and reviewed as a part of the application. The Master Plan establishes new and specific requirements for land use, residential densities, development regulations and location of specific elements of the development such as open space, landscaping and other elements.

The PUD classification replaces any previous zoning district classification on a parcel.

**E. Minor Amendments and Adjustments to Master Plan prior to Final Plat Approval**

The Economic Development Director shall be permitted to approve minor amendments and adjustments to the PUD Master Plan provided the project boundaries are not altered; no additional uses are added; the land allocated to particular uses is not altered more than fifteen percent (15%); housing density is not altered more than ten percent (10%); open space and parks are not decreased; and the height, setback and lots coverage requirements are not substantially altered.

**F. Duration of PUD approval**

The approval of a PUD Master Plan by the City Council shall be valid for a period of three (3) years from the date of such approval, after which such plat shall be void, except upon application to and approval by the City Council for an extension not to exceed a maximum of two (2) one (1) year periods.

**G. Reversion of PUD Zoning and Project**

Should the Master Plan become invalid due to inaction of the developer or at the request of the developer; the zoning of the property shall revert back to the original zoning classification and the Economic Development Director shall cause such changes to be made to the Official Zoning Map.

## **SECTION 10.4: Blocks**

### **10.4.1 General Requirements:**

The following general standards shall apply to blocks:

- A.** The length, width and shape of blocks shall be determined with due regard to:
  - 1. Provision of adequate building sites suitable to specific needs of the type of use contemplated
  - 2. Zoning requirements as to lot sizes and dimensions
  - 3. Needs for convenient access, circulation, control and safety of street traffic
  - 4. Limitations and opportunities of the topography
  - 5. Property fire and police protection
- B.** No residential block shall be shorter than three hundred (300) feet nor longer than twelve hundred (1,200) feet unless the subdivision being platted is a part of a PUD, a conservation subdivision or a subdivision which applies alternative design standards throughout the development. Block lengths of six hundred (600) feet or longer may require a ten (10) foot easement for pedestrian traffic through the middle of the block to provide for access to schools, playgrounds, and other facilities.
- C.** The width of blocks should be arranged so as to allow two (2) tiers of lots, with utility easements.

## **SECTION 10.5: General Grading**

The City ~~Consulting Engineer~~ shall, in accordance with plans and profiles, approve grading and centerline gradients.

### **10.5.1 General**

- A.** Areas to be graded by cutting or filling shall be rough-graded to within 0.5 of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas and other installations.
- B.** Final cross-sections and profiles of streets and other installations shall conform to grades approved by the Street Manager. Elevations shall be based on mean sea level.

### **10.5.2 Disposal of rubbish**

All timber, logs, trees, brush, vegetation waste and other rubbish shall be removed or otherwise disposed of so as to leave the areas that have been disturbed with a neat and finished appearance. Measures shall be taken to prevent erosion as deemed necessary by the Building Official and/or the Economic Development Director.

## **SECTION 10.6: Monuments**

Monuments shall be placed at all corners or changes in alignment along the boundary of the development and at all block corners, angle points, or points of curves in street right-of-way lines. These monuments shall be an iron rod or pipe three fourths (3/4) inches to one and one-fourth (1-1/4) inches in diameter and at least eighteen (18) inches long, driven flush with the surface of the ground. Concrete monuments shall be placed in strategic locations and these monuments

Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight visibility triangle, provided that the location of the tree itself does not create a traffic hazard.

Irrigation systems shall be maintained in proper working condition as part of a regular maintenance program.

#### **11.8.4 Protection**

All required landscape areas shall be protected from vehicular encroachment by the use of wheel stops, curbing, or other suitable methods that are not otherwise prohibited. It shall be unlawful for any person to attach to any tree on any public property any rope, chain, sign, or any other device, except for the purpose of protecting the tree or the public.

### **SECTION 11.9: Reduced Parking Bonus**

If the proposed landscape plan incorporates the retention of existing native species of significant sized trees above as required by this Article, the Economic Development Director may approve a reduction of up to ten percent (10%) of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development.

### **SECTION 11.10: Fences, Walls and Hedges**

#### **11.10.1 General Requirements for Fences, Walls and Hedges**

- A. Fences, walls and hedges shall not impede or divert the flow of storm water.
- B. Walls, fences and hedges shall not block access to any above ground, pad mounted transformer, and shall provide a minimum clear access to the transformer door as required by the utility company.
- C. Any solid wall or fence except for those around individual residential lots shall avoid a stockade appearance by using columns and/or offsetting sections of the fence or wall. Fences or walls over sixty (60) feet in distance around subdivisions, commercial or industrial uses shall have offset sections every thirty (30) feet to avoid fencing along a continuous line. Alternating sections shall be offset a minimum of six (6) feet with trees or evergreen shrubs planted within the offset area.
- D. Refer to Article II for the definition of "Fence"
- E. Refer to Article XVI for minimum property maintenance and care standards for fences, walls, and hedges.

#### **11.10.2 Residential Districts**

Fences, walls and hedges may be permitted to enclose portions of residential yards in accordance with the following requirements:

- A. All fences and walls shall be constructed of materials expressly designed for fences.
- B. Masonry walls, brick, stone, wrought iron or combinations thereof are limited to the perimeter of subdivisions unless approved in conjunction with the overall master plan of the subdivision.
- C. Barbed wire, razor wire, spiked posts of similar fencing is prohibited.

- D. ~~Rear/side~~ yard fencing and/or hedges shall not exceed eight (8) feet in height and shall not extend beyond the front building ~~façade~~ setback. ~~For corner lots, the rear/side yard fencing shall not extend into the minimum front yard set-back within the designated secondary front yard area. Refer to Article II, Definitions for additional information on yard designations.~~
- E. ~~On corner lots, back yard fencing must be positioned in such a way as to not intrude on the required sight-visibility triangle.~~
- F. Fences and/or ~~perimeter~~ hedges shall not ~~to~~ exceed four (4) feet in height ~~within a designated front yard, but shall not exceed three (3) feet in height within a~~ ~~are~~ ~~permitted between side property lines provided they do not extend beyond a point ten (10) feet from the street right-of-way and do not intrude on the required sight~~ visibility triangle. See section below for more information on Site Visibility Triangles.
- G. Refer to Article VI for swimming pool, dog kennel/dog run, and home day care fencing requirements.
- H. Refer to the City's Animal Control Ordinance for fencing requirements for animals.

### 11.10.3 Commercial and Industrial Uses

Fencing around commercial and industrial uses shall be prohibited except for required screening, buffering requirements ~~or other exceptions listed in this ordinance. Refer to the following Sections in the Ordinance for fence requirements for the following:~~

- A. Swimming Pools – Article VI
- B. Day Cares – Article VI
- C. Dog Kennels/Dog Runs – Article VI
- D. Outdoor Recreational Facilities – Article VI
- E. Satellite Dish Antennas – Article VI
- F. Mini-Warehouse Storage Facilities – Article VI
- G. Junk Yards – Article VI
- H. Vehicle and Boat Wrecking Yards – Article VI
- I. Mechanical Equipment – Article VIII and Section 11.7 of this Article
- J. Dumpsters and Refuge Areas – Section 11.7 of this Article
- K. Buffers – Sections in the Article
- L. Subdivisions – Article X
- M. Telecommunications Facilities – Article XIV

### 11.11 Clear Visibility Triangle

When any public right of way or private driveway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained that obstructs view at a level between three (3) feet and ten (10) feet above the street grade and within the sight visibility triangles as defined in A and B below. Unobstructed cross-visibility shall be provided within the clear visibility triangle. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the unobstructed cross-visibility area shall be allowed provided they do not

- O. Garage sale signs not exceeding four (4) square feet in sign area which shall only be placed on the site of such sale.
- P. Flags of non-commercial and non-advertising display to include but not be limited to flags of national, state, religious, fraternal, or similar display. One (1) corporate flag is permitted as exempt.
- Q. A-frame signs not to exceed six (6) square feet per face and only exhibited during business hours and limited to one (1) sign per tenant. For businesses with street frontage to Highway 90 or Highway 90 Frontage Road, A-frame signs shall not exceed eighteen (18) square feet per face. All A-frame signs shall be professionally made and shall not be placed in a site triangle as detailed in Section 11.11.
- R. Grand opening signs are allowed for no more than thirty (30) days.

### **SECTION 12.3: Prohibited Signs**

- A. Any sign, other than one which is nonconforming within the terms of this ordinance, which fails to meet the requirements of this ordinance.
- B. Any sign which is tacked, tied, or posted to any hydrant, protected tree, lamppost, utility pole, fence, post, rock, or building unless otherwise authorized herein.
- C. Any sign not complying with the requirements of the standard building code in effect at time of its erection.
- D. Any sign that is hung or supported from another sign and which is not built as an integral part thereof.
- E. Temporary signs except such as are exempt from permitting requirements.
- F. Any sign, which is animated by means of beaming, flashing, scintillating, blinking or traveling lights. Electronic changeable copy signs, or reader boards, utilizing light emitting diode (LED) are not subject to this prohibition, nor are public service information signs.
- G. Any sign placed wholly or partially on or encroaching upon the space above a street right-of-way or any other public property unless otherwise authorized herein.
- H. Abandoned signs.
- I. Unsafe signs.
- J. Unlawful signs.
- K. No person shall park any motor vehicle or trailer on a public street or on public property or on private property so as to be visible from a public street, which has attached thereto or located thereon any sign. This is not to be construed to

prohibit normal vehicle signs attached to or painted thereon identifying the owner or business or activity such vehicle is used in.

- L.** Bench signs on private property without written approval of the Economic Development Director.
- M.** Signs which purport to be or are an imitation of or resemble an official traffic sign or signal.
- N.** Any sign which is attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window, or any sign which obstructs or is attached to a fire escape.
- O.** Any portable sign as defined herein to include portable message board signs, unless otherwise authorized.
- P.** Any sign on public property, excepting only signs placed upon such property by a governmental entity.
- Q.** Any device designed solely to attract attention by projecting light beams.

#### **SECTION 12.4: Permits, Fees, Inspections, Etc.**

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect a sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the Building Official as required in this ordinance. This shall not be construed to require a permit for change of copy on a sign, nor for the repairing, cleaning, and other normal maintenance of a lawful sign or sign structure so long as the sign or sign structure is not modified.

An application for a sign permit shall be filed with the Building Official on a form provided by him/her which shall contain the following information along with any other relevant information required by the Building Official:

- D.** Name and address of the owner of the sign.
- E.** Name and address of the owner of the site where the sign is to be located.
- F.** A sketch showing the position of the sign in relation to other buildings, structures, and signs on the site.
- G.** If requested by the Building Official, a drawing of the sign showing dimensions, type of construction, attachment method to the ground or building, and any related information asked for.
- H.** Name of the person erecting the sign.
- I.** Such other information as the Building Official may require to ensure compliance of said sign with this ordinance and any other law of the city.
- J.** If deemed necessary by the Building Official, the following signs may require certification by a registered engineer. The following signs shall be designed, signed

and certified by a Mississippi registered structural engineer or architect, certifying to the structural integrity of the structure and foundation meeting all wind loads as set forth by the building code, and who shall submit sufficient data to enable the Building Official to determine whether the sign complies with this code:

1. Signs over twelve (12) feet high, including billboards on-site or off-site.
2. Signs with unusual structural features.

- K.** The Building Official shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant or the sign meets the requirements of this ordinance and any other applicable ordinance of the city, and when all required fees have been paid.

If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefore.

- L.** The work under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

- M.** The Building Official may, in writing, revoke a sign permit if it was issued on the basis of a misrepresentation of fact, fraud, or for failure to comply with the terms of the permit, or for a violation of this ordinance. If a sign permit is denied or revoked by the Building Official, he shall give written notice thereof to the applicant or permittee, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the Building Official which may be appealed as other decisions.

- N.** All billboards and free-standing, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a footing inspection to ensure that they comply with the sign permit and this ordinance. If the Building Official determines that the sign as erected does not comply with the terms of the permit and this ordinance, he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

- O.** When a sign is erected before issuance of a permit as required by this ordinance, the fee specified herein shall be multiplied by five (5).

## **SECTION 12.5: Standards of Sign Construction**

Any sign constructed under a sign permit issued under this ordinance shall be constructed in accordance with the provisions of the Building Code in effect at the time such sign permit is issued. If there is a conflict between the provisions of this ordinance and said Building Code, the provisions of the more restrictive shall apply.

## **SECTION 12.6: Maintenance, Repair, and Removal**

2. Each sign on Highway 90 or Highway 57 frontage shall not exceed thirty (30) feet in height. Each additional sign allowed on public streets shall not exceed twenty-five (25) feet in height.
3. Total sign square footage for each sign on Highway 90 or Highway 57 frontage shall not exceed five hundred (500) square feet. Total sign square footage for each additional sign allowed on public streets shall not exceed three hundred (300) square feet.
4. Each store, office or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

#### **12.8.2 Lots That Do Not Abut Highway 90 or Highway 57:**

##### **A. Major and Minor Shopping Centers:**

1. One (1) free-standing, on-site sign shall be permitted.
2. Sign shall not exceed eight (8) feet in height.
3. Sign square footage shall not exceed one hundred (100) square feet.
4. Each store, office, or other place of business within the major, minor, shopping center shall be permitted one (1) ~~under~~ canopy sign and one (1) wall sign or one (1) ~~under~~ canopy sign subject to the area limitation of subsection 12.9, below.

##### **B. Commercial, Mixed-Use and Industrial parcels:**

1. One (1) free-standing, on-site sign shall be permitted.
2. Sign shall not exceed eight (8) feet in height.
3. Sign square footage shall not exceed twenty (20) square feet.
4. Each store, office, or other place of business one (1) under canopy sign and one (1) wall sign or one (1) canopy sign subject to the area limitation of subsection 12.9, below.

### **SECTION 12.9: Wall, Roof, Projecting, Canopy, Incidental and Directional Signage**

#### **A. Wall Signs**

1. Wall signs are permitted for a total area not exceeding the maximum area allowed for a free standing sign for the lot as specified in sub-section 12.9 above. In developed sites with multiple occupancies, the permitted area for a wall sign shall not exceed fifty (50) square feet for developments having frontage on Highway 57 or Highway 90, and shall not exceed twenty (20) square feet for lots that do not abut Highway 57 or Highway 90.

- D. Unless the government lessor rules to the contrary, signs on trust lands of the State of Mississippi that are under lease to a private person on the effective date of (3 C) above shall be erected in accordance with the regulations that apply in commercial and industrial districts.

## **SECTION 12.16: Nonconforming Signs**

A nonconforming sign may remain until it loses its nonconforming status in any of the following ways:

- A. It is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) that makes the sign less in compliance with this ordinance than it was before the alteration.
- B. It is relocated in such a way as to make it less in compliance with the requirements of this ordinance.
- C. It is changed to another nonconforming sign.
- D. It is enlarged.
- E. It is damaged in an amount greater than fifty percent (50%) of its value at the time the damage occurs.
- F. It is abandoned.

On the happening of any of the events in (A), (B), (C), (D), (E), or (F), the sign shall be immediately brought into compliance with this ordinance, or it shall be removed.

## **SECTION 12.17: Miscellaneous Rules**

- A. Unless otherwise provided, signs erected under the provisions of this ordinance shall be set back so as not to be on or over any public right-of-way.
- B. To provide an adequate and safe line of sight for motor vehicle operators, no sign shall create a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the grade of the adjacent roadway. If a sign encroaches into this visibility space, the street front setback shall be increased until a safe line of sign is accomplished.
- C. No part of a sign shall be closer than ten (10) feet to a utility pole or an electric power line, except signs exempt from permitting requirements may be placed closer than ten (10) feet to a utility pole.
- D. Billboards and freestanding, on-site signs shall be securely anchored in concrete foundations.
- E. No signs shall be suspended by rope, wire, string, or the like.

- F. For the purpose of this ordinance, a fence under the roof of a building's perimeter shall be considered as an exterior wall. In addition:
1. Any signage mechanically attached to the outside of this fence shall be permitted as a wall sign.
  2. Any signage mechanically attached to the inside of this fence (and which cannot be read from the outside) shall be considered indoor advertising which is exempt from this ordinance.

## **SECTION 12.18: Sign Overlay District**

### **12.18.1 District Creation and Purpose:**

The Sign Overlay District is hereby created and includes lands conterminous with the Corridor Overlay District.

The Purpose of the Sign Overlay District is to increase tourism in tourism-related areas of the city. It shall be the purpose of the ordinance to encourage multi-tenant free-standing signs whenever possible, but also provide for single-business free-standing signs, in order to limit the proliferation of “snipe signs” and aesthetic disharmony in high density areas.

### **12.18.2 District Regulations**

#### **A. General**

1. Off-site directional signage located within the City may not contain business name, business logo, or other advertising material, except as allowed within the Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referenced as an Off-Site Directional Sign Marquee.
2. Marquees shall be referred to as Single Off-Site Marquee or Shared Off-Site Marquee.
3. Shared Off-Site Marquees are encouraged and will be given more flexibility than single Off-Site Marquees.

- B. Applicability** – Only tourism related businesses may install or be located on an off-site directional sign **marquee** which includes the name of the business, logo of business, or any other advertising material. A tourism-related business is defined as a business whose customer base consists largely of non-local patrons, such as hotels, specialty retail, destination shopping venues, and restaurants. Franchise restaurants and retail shall be allowed to advertise on an off-site sign in such instances when the franchise is located within a multi-tenant destination center.

## **SECTION 15.4: Prefabricated or Modularly Constructed Buildings**

Newly constructed, prefabricated components or modularly constructed components are not considered to be a structure when being moved and, therefore, are excluded from the moving requirements set forth herein. However, all such construction is considered new work and as such, will require issuance of a building permit and inspections in accordance with adopted codes of the City of Gautier.

## **SECTION 15.5: Necessary repairs**

It shall be the responsibility of the building permit holder to make within the prescribed one hundred twenty (120) day period, all repairs defined on the evaluation report. Said repairs may include, but are not limited to the following:

- A.** All electrical wiring, service panels, load centers, necessary ground fault breakers, receptacles and other electrical appurtenances shall be installed in accordance with standards set forth in the National Electrical Code.
- B.** All plumbing shall be in accordance with the Southern Standard Plumbing Code and structures are required to be properly connected to city water and sewage.
- C.** Gas piping will be pressure tested following relocation and must meet standard gas codes.
- D.** Heating and ventilation shall meet standard mechanical codes.
- E.** From a structural perspective all relocated buildings must meet new construction standards. Building permit holders shall be required to comply with the Building Official's evaluation report which may require, where necessary, the following:
  - 1.** All deteriorated exterior surfaces shall be replaced with matching materials or approved substitutes. This may include, but is not limited to, facias, soffits, external wall, window and door frames and facings and porches.
  - 2.** Where roofs are required to be repaired the entire roof, including sheathing if necessary, will be replaced when more than twenty-five percent (25%) of the existing roof is damaged or deteriorated.
  - 3.** Structural framing, including but not limited to rafters, ceiling joists, headers, studs, floor joists and sills will be examined for proper sizing, spacing and for termites or rot damage. Relocated structures must meet hurricane clip and strip requirements. Findings will be noted in the evaluation report and all such deficiencies will be repaired prior to issuance of a Certificate of Occupancy.
  - 4.** Minimum housing codes as defined in the International Building Code which has been adopted by the City shall be met with particular reference to required facilities such as sanitary facilities, availability of hot and cold water, cooking devices, fire and smoke detectors and adequate heat, light and ventilation.
  - 5.** Additionally, relocated buildings must meet City codes relative to proper zoning; setbacks; minimum lot size; in the case of residential structures, minimum living area (heating and/or cooled); and, ~~necessary hard surface parking either concrete or asphalt~~ parking pads suitable for two (2) parking spaces per household or as defined by the Economic Development/Planning Department for nonresidential structures.

## SECTION 16.6 Care of Property and Premises

It is unlawful for the owner or occupant of a residential, commercial and industrial property, building, structure, or parcel of land to utilize the premises of such property for the open storage of any abandoned or **non-operable** motor vehicle or parts thereof, appliances, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner, manager or occupant to keep the premises and property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular references to insuring that the appearance will be and remain compatible and harmonious with properties in the general area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values.

- A. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained and free from hazardous conditions. All right-of-ways will be maintained free and clear of any temporary or permanent objects or potential hazards; such as, but not limited to, building, fences, poles, vehicles, signs, yard ornaments, basketball or soccer goals, or other obstructions shall not be permitted.
- B. The owner or tenant is responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. All property and yards shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated plants, flowers and gardens. Shrubs and trees will be trimmed or pruned as necessary to prevent line-of-sight problems and any interference with entranceways, windows and rooflines. All premises shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- C. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- D. No inoperative motor vehicle shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A motor vehicle is permitted to undergo major overhaul, including bodywork, if such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- E. The following shall not be placed or stored on any lot or parcel unless a current building permit for the premises has been obtained and posted and the vehicles or equipment are used pursuant to that building permit. **Exception:** Storage of the following equipment types on large lots or parcels where the equipment is not readily visible to neighbors may be permitted subject to review by the Economic Development Director on a case-by-case basis.
  - 1. Backhoes
  - 2. Trenching machines
  - 3. Bulldozers and other tracked equipment
  - 4. Lifts and cranes

5. Front-end loaders including bobcats
  6. Flatbeds
  7. Landscaping equipment for commercial landscaping business
  8. Heavy trucks and trailers
  9. Similar equipment and vehicles
- F.** The outdoor storage or parking of any recreational vehicle, utility trailer, motorized home and equipment shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, unless the following minimum conditions are met:
1. All such vehicles or equipment shall be placed within a completely enclosed building, or located behind the front building line or lines in the case of a corner lot, but no closer than three (3) feet to any side or rear lot line.
  2. Storage or parking shall be limited to a lot or parcel of land which has an inhabited dwelling unit, and the vehicle or equipment is owned by the occupant.
  3. In the case of multifamily structures, all such recreational vehicles and utility trailers shall be stored at one location and shall be screened from view by a fence or landscaping buffering adequate to conceal the vehicles/trailers from view from the premises.
  4. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have fixed connections to electricity, water, or gas.
  5. Out of town guests of a property owner may be permitted to park within the premises driveway only for a period of seven (7) days provided no portion of the equipment extends into the road right-of-way or where provided, sidewalks.
  6. At no time will any recreational vehicles, equipment, trailers or boats be parked overnight on any city street.
- G.** The parking of all motor vehicles shall be confined to ~~established, defined non-vegetated hard surface~~ parking areas provided i.e., streets and driveways or designated parking areas of multifamily dwellings. Parking of motor vehicles in ~~non designated unpaved~~ portions of yards, or on street median shall not be permitted on a ~~permanent routine~~ basis. ~~“Permanent Basis” shall be as determined by the Building Official based on the condition of the vegetated area. Lack of vegetation, rutting, and, patterns of lawn maintenance will be taken into consideration for the determination.~~ Parking of any vehicle or equipment which requires a commercial ~~“C”~~ drivers license or greater in residential districts is prohibited unless it is an exempted vehicle. Exempted vehicles include but are not limited to fire trucks, school buses, garbage trucks, and delivery trucks making authorized deliveries.
- H.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare of the community. All exterior surfaces, including but not limited to, doors, door and window frames, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be