

There came on for consideration at a duly constituted meeting of the City Council and Mayor of the City of Gulfport held on the 17<sup>th</sup> day of April, 2012, the following Ordinance:

**ORDINANCE NO. 2746**

AN ORDINANCE AMENDING THE OFFICIAL TEXT OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI ADOPTED THE 29TH DAY OF JUNE, 1979, AS AMENDED, SECTION I. - DEFINITIONS; SECTION III. – DISTRICT REGULATIONS AND THE CHART OF PERMITTED USES; SECTION VI – OFF-STREET PARKING AND OFF-STREET TRUCK PARKING; AND, SECTION IX. AMENDMENTS

WHEREAS, since the adoption of the community regulating plans for Old Gulfport, Mississippi City and Handsboro, the Governing Authority of the City of Gulfport found that application of the provisions of the SmartCode ordinance has not been practical for infill communities such as these three areas which have existing structures, grid patterns, and uses in place; and

WHEREAS, application of the SmartCode Ordinance in Old Gulfport, Mississippi City and Handsboro has created split zoning, non-conforming uses, setback, parking and building regulation issues, as well as causing conflicts with the Comprehensive Zoning Ordinance and other Gulfport Ordinances; and,

WHEREAS, on the 17<sup>th</sup> day of April, 2012, the Gulfport City Council did vacate and set aside the community regulating plans for Old Gulfport, Mississippi City and Handsboro, while maintaining the existing transect zones (T-zones) in those areas; and,

WHEREAS, the vacating and setting aside of the three community regulating plans from the SmartCode Ordinance in effect eliminates regulations; and,

WHEREAS, it is necessary and vital to amend the Comprehensive Zoning Ordinance to establish regulations to govern those T-zones which have been vacated; and,

WHEREAS, the Mayor and City Council of the City of Gulfport, Mississippi, find and do so determine, based upon the recommendation of the Gulfport City Planning Commission, that the text of the Comprehensive Zoning Ordinance, should be amended as indicated below. The Case File Number is 1203PC014.

Section I - Definitions, (B) *Words and Phrases*  
Section III – District Regulations (A) *General Provisions*, (B) *Agricultural*, (C) *Residential*, (D) *Business Districts*; and (J) *Chart of Permitted Uses*  
Section IV – *Off-street Parking and Off-Street Truck Parking*  
Section IX - *Amendments*

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1: That the Official text of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, as amended, be and the same is hereby amended as follows:

**SECTION I  
DEFINITIONS - (B) WORDS AND PHRASES**

**AMEND TO ADD THE FOLLOWING DEFINITIONS TO Section I. Definitions (B) Words and Phrases:**

**Block:** The aggregate of private lots, passages, rear lanes and alleys, circumscribed by thoroughfares or by thoroughfares and impassable natural features such as waterways.

**Block face:** The aggregate of all the building Facades on one side of a block. The Block Face provides the context for establishing architectural harmony.

**Brownfield:** An area previously used primarily as an industrial site

**Building configuration:** The form of a building, based on its massing, private Frontage, and height.

**Community:** A complex entity including the people, traditions, history, and land associated with a small area with a distinct identity, generally including several neighborhoods and pedestrian sheds, bound by the common physiognomy of the landscape and by physical proximity at the pedestrian scale.

**Community Plan:** An existing-Community Plan: Details the layout of the transect zone districts over the Community

**Context:** Surroundings made up of the particular combination of elements that create specific habitat.

**Driveway:** A vehicular lane within a lot, usually leading to a garage or parking area.

**Facade:** The exterior wall of a building that is set along a Frontage Line.

**Frontage Line:** Those lot lines that coincide with a public frontage.

**Green:** An open space, available for unstructured recreation.

**Greenfield:** A project planned for an undeveloped area outside the existing urban fabric. See *Infill*

**Greyfield:** An area previously used primarily as a parking lot. Shopping centers and shopping malls are typical greyfield sites.

**Infill:** A project within existing urban fabric.

**Lot Width:** The length of the principal frontage line of a lot.

**Streetscreen:** Sometimes called Streetwall. A freestanding wall built along the Frontage Line, or coplanar with the adjacent Facade, often for the purpose of masking a parking lot from the thoroughfare. Streetscreens should be between 4 and 8 feet in height and constructed of a material matching the adjacent building Facade. The streetscreen may be a hedge or fence. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all streetscreens over 4 feet high shall be 30% permeable or articulated to avoid blank walls. A single length of streetscreen along a Frontage, including any pedestrian and vehicle openings, may be no longer than 50 feet maximum.

**Transect:** A zoning district which regulates land use, density, height and setbacks.

### **SECTION III DISTRICT REGULATIONS**

To amend and add to Section III. District Regulations. (A) *General provisions. (1) Creation of districts.*

#### ***TO ADD THE FOLLOWING DISTRICTS:***

**T1** - Natural zone

**T2** - Rural zone

**T3**- Sub-Urban zone

**T4L** (T4 “Limited”) – General Urban Zone “Limited”

**T4+** (T4 “Plus”) – General Urban Zone “Plus”

**T5** – Urban Center Zone

**T6** – Urban Core Zone

To amend and add to Section III. District Regulations (A) *General provisions.* (2)  
*District and other regulations.*

**TO ADD THE FOLLOWING DISTRICTS AND CRITERIA:**

*(B) Agricultural districts:*

(The regulations in T1 and T2 districts generally conform to the requirements of the A-1 district unless otherwise specified.)

(1) **T1 districts: Natural Zone:** Consists of land approximating wilderness conditions, conservation areas including land generally unsuitable for development due to wetlands, flood hazard or other criteria.

- (a) *Permitted uses.* See chart at end of this section.
- (b) *Building site area.* Except as provided in section IV, the minimum building site area shall be:
  - For one-family dwelling – 12 acres
  - For a mobile/manufactured home on an individual lot – 12 acres
  - For any other permitted uses-12 acres
- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be ten (10) per cent.
- (d) *Building height limit* – Except as provided in Section IV, no structure shall exceed thirty-five (35) feet in height.
- (e) *Yards required.* Except as provided in Section IV, the minimum dimensions of yards shall be:
  - Front yard – 48 feet
  - Side yard – 96 feet
  - On 2<sup>nd</sup> frontage – 96 feet
  - Rear yard – 96 feet

**T-2 districts: Rural Zone:** Areas intended for preservation, including open land that *may* be cultivated or sparsely settled. One residence per 10 acres is allowed with Planning Commission Approval.

- (a) *Permitted uses.* See chart at end of this section.
- (b) *Building site area.* Except as provided in section IV, the minimum building site area shall be:
  - For one-family dwelling – 3 acres
  - For a mobile/manufactured home on an individual lot – 3 acres
  - For any other permitted uses – 3 acres
- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be ten (10) per cent.
- (d) *Building height limit* – Except as provided in Section IV, no structure shall exceed thirty-five (35) feet in height.
- (e) *Yards required.* Except as provided in Section IV, the minimum dimensions of yards shall be:
  - Front yard – 48 feet
  - Side yard – 35 feet
  - On 2<sup>nd</sup> frontage – 35 feet
  - Rear yard – 35 feet

*(C) Residence districts.*

(The regulations in T3 districts generally conform to the requirements of the R-1-7.5 district unless otherwise specified.)

(11) **T-3 districts: Sub-Urban Zones:** These districts are composed mainly of areas containing detached single-family houses surrounded by lawns and landscaped yards.

- (a) *Permitted uses.* See chart at end of this section.
- (b) *Building site area.* Except as provided in section IV, the minimum building site area shall be:

For one-family dwelling – 7,500 square feet.  
For any other permitted uses-10,000 square feet

- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be sixty (60) per cent.
- (d) *Building height limit* – Except as provided in Section IV, no structure shall exceed thirty-five (35) feet in height.
- (e) *Yards required.* Except as provided in Section IV, the minimum dimensions of yards shall be:
  - Front yard – 20 feet
  - Side yard – 6 feet
  - On 2<sup>nd</sup> frontage – 6 feet
  - Rear yard – 6 feet

(The regulations in the T4L district generally conform to the requirements in the R-O district unless otherwise specified.)

- (12) **T4L districts (T4 “Limited”):** *General Urban Zone “Limited”:* Consists of primarily residential buildings with mixed-use neighborhood limited retail.

- (a) *Permitted uses.* See chart at end of this section.
- (b) *Building site area.* Except as provided in section IV, the minimum building site area shall be:
  - For one-family dwelling – 7,500 square feet.
  - For two-family dwelling units – 8,000 square feet
  - For a multiple-family dwelling –
    - First two (2) dwelling units – 8,000 square feet
    - Each additional dwelling unit – 3,630 square feet (a maximum of 12 dwelling units per acre)
  - For any other permitted uses - 10,000 square feet
- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be seventy (70) per cent.
- (d) *Building height limit* – Except as provided in Section IV, no structure shall exceed thirty-five (35) feet in height.
- (e) *Yards required.* Except as provided in Section IV, the minimum dimensions of yards shall be:
  - Front yard – 15 feet
  - Side yard – 6 feet
  - On 2<sup>nd</sup> frontage 6 feet
  - Rear yard – 6 feet.

(The regulations in the T4+ district generally conform to the requirements in the R-B district unless otherwise specified.)

- (13) **T4+ districts (T4 “Plus”):** *General Urban Zone “Plus”:* Allows greater intensity of mixed use; buildings may be totally residential or a mix of office/retail/residential.

- (a) *Permitted uses.* See chart at end of this section.
- (b) *Building site area.* Except as provided in section IV, the minimum building site area shall be:
  - For one-family dwelling – 7,500 square feet.
  - For two-family dwelling units – 8,000 square feet
  - For a multiple-family dwelling:
    - First two (2) dwelling units – 8,000 square feet
    - Each additional dwelling unit – 2,222 square feet (a maximum of 18 dwelling units per acre)
  - For any other permitted uses - 10,000 square feet
- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be seventy (70) per cent.
- (d) *Building height limit* – Except as provided in Section IV, no structure shall exceed forty-five (45) feet in height.
- (e) *Yards required.* Except as provided in Section IV, the minimum dimensions of yards shall be:

Front yard – 15 feet  
Side yard – 6 feet  
On 2<sup>nd</sup> frontage – 6 feet  
Rear yard – 6 feet.

**D. Business Districts:**

(The regulations in the T5 district general conform to the requirements in the B-1 district unless otherwise specified.)

- (6) **T5 districts: Urban Center Zone:** Consists of shops mixed with townhouses, apartments and offices.
- (a) *Permitted uses.* See chart at the end of this section.
- (b) *Building site area.* There is no minimum required building site area, except that for multiple-family dwellings permitted with Planning Commission approval:  
First three dwelling units – 9,210 square feet  
For each additional dwelling unit – 1,040 square feet (a maximum of 36 dwelling units per acre)
- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be ninety (90) percent.
- (d) *Building height limit.* Except as provided in section IV, no structure shall exceed 100 feet in height.
- (e) *Yards required.* Except as provided in section IV, the minimum dimensions of yards shall be:  
Front yard – 15 feet  
(There are no minimum required side and rear yards except that multiple-family dwellings permitted with Planning Commission approval shall have yards as specified as follows:)  
Front yard—15 feet.  
Side yard – 6  
On 2<sup>nd</sup> frontage – 6 feet  
Rear yard – 6 feet

(The regulations in the T6 district generally conform to the requirements in the B-2 district unless otherwise specified.)

- (7) **T6 districts: Urban Core Zone:** Consists of the highest density, with the greatest variety of uses, and civil buildings of regional importance. It may have larger blocks; streets have steady street tree planting and buildings set close to the frontages.
- (a) *Permitted uses.* See chart at end of this section.
- (b) *Building site area.* There is no minimum required building site area, except that for multiple-family dwellings permitted with Planning Commission approval – a maximum of 48 dwelling units per acre (907.5 square feet per unit)
- (c) *Building site coverage.* The maximum building site coverage by all buildings shall be ninety (90) percent.
- (d) *Building height limit.* Except as provided in section IV, no structure shall exceed 150 feet in height.
- (f) *Yards required.* Except as provided in section IV, the minimum dimensions of yards shall be:  
Front yard – 15 feet  
(There are no minimum required side and rear yards except that multiple-family dwellings permitted with Planning Commission approval shall have yards as specified as follows:.)

Front yard—15 feet.  
 Side yard – 6  
 On 2<sup>nd</sup> frontage – 6 feet  
 Rear yard – 6 feet

- (8) ***SD: Special District:*** This designation is assigned to those areas that are unclassified by a use. A specified use requires rezoning to comply with district requirements.

**SECTION III  
 CHART OF PERMITTED USES**

**REVISE HEADINGS TO ADD TRANSECT (T) ZONES:**

<b>* Need not be conducted entirely within a completely enclosed structure.</b>																						
<b>R = Allowed by Right    P = Planning Commission approval    X = Special exception    – = Not allowed</b>																						
<b>Names of Uses and Conditions</b>	A - 1 , T 1 , T 2	R - E	R - U E	R- 1- 1 5	R- 1- 1 0	R- 1- 7, 5, T3	R - 1 - 5	R - 2	R - 3	R - 4	R - O , T 4 L	R - B , T 4 +	B - 1	B - 2	B - 4	E - G	I - 1	I - 2	I - 3	S B	W F	A E

**SECTION VI.  
 OFF-STREET PARKING AND  
 OFF-STREET TRUCK PARKING**

Section VI (A) (2) *Size and location.*

**AMEND TO ADD THE FOLLOWING:**

(a) *Parking in Transect zones:*

- i. For one and two family dwellings located in zones T2, T3, T4L and T4+, detached open parking areas shall be located beyond the front façade of the principal structure except that driveway aprons and drop-offs may be located within the front yard setback. Garages (attached or detached) and covered carports shall be located at least twenty (20) feet back from the front façade of the principal structure. View of parking areas and parking structures shall be masked from the frontage by a streetscreen. Parking accessed by alley or rear lane when such are available is optional as a secondary access.
- ii. For all other uses in T2, T3, T4L, T4+, T5 and T6 zones, parking shall be located at least twenty (20) feet back from the front façade of the principal structure. View of parking lots and parking garages shall be masked from the frontage by a liner building, other building or streetscreen. Parking accessed by alley or rear lane when such are available is optional as a secondary access.

**SECTION IX.  
 AMENDMENTS**

To amend and add to Section IX. Amendments. (2) Limitations on proposed amendments. (a) Minimum areas for new districts as follows:

**EXISTING:**

R-1, R-1-5, R-1-7.5, R-1-10, R-1-15, R-3 or R-4 Districts:	Four (4) acres, except where the proposed district would abut an existing district zoned the same as the proposed district.
R-2 District:	Four (4) acres, except where the proposed district would abut an existing R-2, R-O or R-B District.
R-O District:	Four (4) acres, except where the proposed district would abut an existing R-O, R-B or B-1 District.
R-B District:	Four (4) acres, except where the proposed district would abut an existing R-B, B-1, B-2, or B-3 District.
B-1 District:	Two (2) acres, except where the proposed district would abut an existing B-1, B-2, B-3, I-1, or I-2 District.
B-2 District:	Four (4) acres, except where the proposed district would abut an existing B-2, B-3, I-1, or I-2 District.
B-3 District:	Twenty (20) acres, except where the proposed district would abut an existing B-3 District.
B-4 District:	Four (4) acres, except where the proposed district would abut an existing B-4 District.
E-G District:	Seven (7) acres of contiguous land, which minimum acreage is comprised of uplands or fastlands only and not bottomlands or tidelands, and is adjacent to and contiguous with U.S. Highway 90 or adjacent in some part to and contiguous with the Mississippi Sound or adjacent harbor areas.
I-1 or I-3 District:	Six (6) acres, except where the proposed district would abut an existing I-1, I-2 or I-3 District.
I-2 District:	Twenty (20) acres, except where the proposed district would abut an existing I-2 District.
A-1 District:	Twelve (12) acres, except where the proposed district would abut an existing A-1 District.
R-E District:	Four (4) acres, except where the proposed district would abut an existing R-E District.

**AMEND TO ADDD FOLLOWING TRANSECT ZONES TO: Section IX**  
Amendments (2) Limitations on proposed amendments. (a) Minimum areas for new districts as follows:

T1 Zone	Twelve (12) acres, except where the proposed district would abut an existing T1 or T2 district.
T2 Zone	Twelve (12) acres, except where the proposed district would abut an existing T1 or T2 district.
T3 Zone	Four (4) acres, except where the proposed district would abut an existing T3 district.
T4L Zone (Limited)	Four (4) acres, except where the proposed district would abut an existing T4L or T4+ district.
T4+ Zone (Plus)	Four (4) acres, except where the proposed district would abut an existing T4+ or T5 district.
T5 Zone	Two (2) acres, except where the proposed district would abut an existing T5 or T6 district.
T6 Zone	Four (4) acres, except where the proposed district would abut an existing T6 district.

SECTION 2: For good cause being shown and the interest and welfare of the City of Gulfport, the citizens thereof require that the said Ordinance be in full force and effect immediately upon its passage should it pass unanimously and this ordinance shall be in full force and effect from and after its passage, but shall nevertheless be published and enrolled as provided by law.

The above and foregoing Ordinance, after having been first reduced to writing, was introduced by Councilmember Pucheu, seconded by Councilmember Flowers and was adopted by the following roll call votes, to-wit:

<u>YEAS:</u>	<u>ABSTENTIONS:</u>	<u>ABSENCES:</u>	<u>NAYS:</u>
Casey	None	None	None
Roland			
Holmes-Hines			
Walker			
Dombrowski			
Flowers			
Pucheu			

WHEREUPON the President declared the motion carried and the Ordinance adopted this the 17<sup>th</sup> day of April, 2012.

(SEAL:)

ATTEST:

ADOPT:

\_\_\_\_\_  
CLERK OF THE COUNCIL

\_\_\_\_\_  
PRESIDENT

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the 18<sup>th</sup> day of April, 2012.

\_\_\_\_\_  
MAYOR