

CHAPTER 1. PURPOSE AND APPLICABILITY

1.1.1. Title; Effective Date

This Ordinance shall be known as the Development Code of the City of Tupelo, Mississippi. This Ordinance shall become effective on November 19, 1994.

1.1.2. General Purposes and Authority

This Ordinance is adopted pursuant to authority granted to the City of Tupelo by Title 17, Chapter 1 of the Mississippi Code, 1972 Annotated. This Ordinance, which has been formulated following a comprehensive plan for the future of the community, is adopted for the following purposes:

- (1) To promote the public health and general welfare;
- (2) To lessen congestion in the streets;
- (3) To secure safety from fire, panic, and other dangers;
- (4) To provide adequate light and air;
- (5) To prevent the overcrowding of land and avoid undue concentrations of population;
- (6) To facilitate the adequate and safe provision of transportation, water, wastewater treatment, schools, parks, and other public facilities and requirements;
- (7) To maintain and enhance the character of various districts within the City, considering their peculiar suitability for particular uses;
- (8) To conserve the value of buildings and land;
- (9) To encourage the most appropriate use of land throughout the community;
- (10) To conserve the natural resources and environmental quality of the City; and,
- (11) To protect development in, and residents of the community from flooding and other hazards.

1.1.3. Official Map of Zoning Districts

The Official Map of Zoning Districts, along with all notations, references, and other information shown, is now incorporated into and made part of this Ordinance. As part of this Ordinance, the Official Map of Zoning Districts shall be amended only by the procedures set forth in Chapter 7 of this Ordinance.

1.1.4. Jurisdiction and Applicability

- (1) The provisions of this Ordinance shall apply to all land, buildings, structures, and uses located within the corporate limits of the City of Tupelo, as identified on the Official Map of Zoning Districts.
- (2) Except as otherwise provided by this Ordinance, all development that occurs

within the City shall comply with the applicable terms and requirements of this Ordinance.

- (3) No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.

1.1.5. Transitional Rules

- (1) Existing unlawful uses and structures. A structure or use not lawfully existing at the time of the adoption of this Ordinance is deemed lawful as of the effective date of this Ordinance, if it conforms with all of the requirements of this Ordinance. However, if such structure or use does not conform to all of the requirements of this Ordinance, then such structure or use remains unlawful hereunder.
- (2) Uses rendered nonconforming. When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance or any amendment no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use is deemed a nonconforming use and shall be controlled by the provisions of Chapter 16 of this Ordinance.
- (3) Buildings, structures, and lots rendered nonconforming. Where any building, structure, or lot which existed on the effective date of this Ordinance does not meet all standards in this Ordinance or any amendment, such building, structure, or lot is deemed nonconforming and shall be controlled by the provisions of Chapter 16 of this Ordinance.

1.1.6. Previously Granted Variances and Conditional Uses

- (1) Any development for which a variance or conditional use has been granted before the effective date of this Ordinance, or before the effective date of any amendment that renders the development nonconforming, may be carried out according to the granted variance or conditional use. It shall be deemed lawfully existing under the terms of this Ordinance, if:
 - (a) The activity for which the variance or conditional use was granted is

commenced within 1 year from the date of adoption of this Ordinance; and,

- (b) All features of the development which are not the specific subject of the variance or conditional use conform to all applicable requirements of this Ordinance.
- (2) If the requirements of (1) above have not been met, then the previously granted variance or conditional use shall become invalid. Development of the property must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance or conditional use, if allowed under the procedures of this Ordinance.

1.1.7. Previously Approved Subdivisions

- (1) All subdivisions that have received preliminary subdivision plat approval since January 1990, by the City Governing Authority by the terms of the previous Subdivision Regulations shall be allowed to be developed as designed, however, it must be completed according to the terms of construction specified by this Ordinance.
- (2) The front and rear yard requirements of the Zoning Ordinance in effect before the adoption of this Ordinance shall apply to all subdivisions described in (1) above rather than the yard requirements contained in Chapters 8 and 10 of this Ordinance. Yard variances granted for said subdivisions shall be allowed and the 1-year time limit specified in 1.1.6(1)(a) shall not apply. However, any restrictive covenants applicable to said subdivisions that require a greater yard than required by this subsection shall take precedence.
- (3) No Subdivision whose approval is more than 5 years old prior to the submittal of Construction Plans will be allowed to develop. Preliminary plat approval shall be obtained through the requirements contained in Chapters 5 and 14 of this Ordinance.

1.1.8. Previously Issued Building Permits

- (1) Any development for which a building permit has been issued before the effective date of this Ordinance, or before the effective date of any amendment that renders the development nonconforming, may be carried out according to that building permit and shall be deemed lawfully existing under the terms of this Ordinance, if:
 - (a) The permit was validly issued; and,
 - (b) The permit has not expired.
- (2) This Section shall not apply where the property owner consents to making the development conform to the requirements of this Ordinance, or any amendment thereto, which would make the development nonconforming.

1.1.9. Severability

If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval or the approval of a conditional use, then such judgment shall not affect any other conditions or requirements attached to the same approval which are not specifically included in that judgment.