

ARTICLE XIII: NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 13.1: Purpose and Intent

The purpose of this Article is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of this Ordinance which do not conform to the standards of this Ordinance. The intent of the regulations in this Article are as follows:

- A.** To permit these nonconformities to continue until they are eventually removed, but not to encourage their continuation.
- B.** It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for placing additional signs, adding other structures or uses except in conformance with this ordinance.

SECTION 13.2: Nonconforming Structures

Any non-conforming structure which was lawful before the adoption of this ordinance may continue to be used as long as it is adequately maintained and does not constitute a public hazard or nuisance.

13.2.1 Enlargements and Additions

A nonconforming structure shall not be expanded, extended, enlarged in floor area or changed in basic structural design and integrity. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions or enlargements and use is made to conform to all of the regulations of the district in which it is located.

13.2.2 Changes which result in compliance

Any non-conforming structure which has been improved and altered to comply with the provisions of this Ordinance shall be considered as conforming.

13.2.3 Vested Interest Provision

Any non-conforming use of buildings and land which was lawful before the adoption of this Ordinance may be continued, and further no structure that was lawfully approved or on which construction has begun prior to the effective date of adoption of this Ordinance shall be required to change plans or proposed use of any building provided construction takes place in the time required by this Ordinance. Within the MURC-MW zoning district, mobile homes existing as of June 21, 2011, may be replaced so long as the nonconforming structure is not enlarged and meets all other requirements of the Code.

13.2.4 Repair and maintenance of nonconforming structure.

Ordinary repairs and replacement of nonbearing walls, fixtures, wiring or plumbing may be performed provided that the nonconforming structure is not increased in size.

13.2.5 Moving a Nonconforming Structure

Should a nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to these regulations for the district in which it is located after it is moved.

13.2.6 Major Damage to Nonconforming Structures

Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of fifty (50) percent of the true value as determined by the Jackson County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances, however, this provision shall not apply to any nonconforming use which at the time of destruction or damage is owned by the same persons or entity who was the owner at the time of the passage of the Unified Development Ordinance, dated December 7, 2010.

SECTION 13.3: Nonconforming Use of Structures and Premises

A nonconforming use shall not be expanded, extended or enlarged in floor area, or changed to another nonconforming use. Structures housing a nonconforming use may be improved or extended to an extent which does not exceed fifty (50) percent of the market value as appraised by the Jackson County Tax Assessor's appraisal on record.

13.3.1 Termination of Nonconforming Use

A nonconforming building, structure, dwelling, or land use or portion thereof, existing at the time of adoption of these regulations which is or hereafter becomes vacant for any reason, for a period in excess of sixty (60) consecutive days any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located.

SECTION 13.4: Catastrophic Provisions

In the event of a natural disaster, which is determined by the State of Mississippi or the United States Government; any damaged nonconforming uses may be continued, where such continuance is declared to be in the public interest by the City Council.

SECTION 13.5: Outdoor Advertising and Structures

When any commercial advertising structure or billboard, being an outdoor sign whereby the advertising content is for lease or rent, that is legally in existence either as a conforming sign or a nonconforming sign that is required to be removed for public purposes, just compensation shall be paid for the removal thereof according to the terms and conditions as found in the laws of the State of Mississippi controlling outdoor advertising.

SECTION 13.6: Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action the Planning Commission.