

CHAPTER 1: PURPOSE AND APPLICABILITY

1.1 Effective Date

This Code shall be known as the Development Code of the City of Tupelo, Mississippi. This Code shall become effective on November 1, 2013.

1.2 General Purposes and Authority

This Code is adopted pursuant to authority granted to the City of Tupelo by Title 17, Chapter 1 of the Mississippi Code, 1972 Annotated. This Code, 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
- (7) treatment, schools, parks, and other public facilities and requirements;
- (8) To maintain and enhance the character of various districts within the City, considering their peculiar suitability for particular uses;
- (9) To conserve the value of buildings and land;
- (10) To encourage the most appropriate use of land throughout the community;
- (11) To conserve the natural resources and environmental quality of the City; and,
- (12) To protect development and residents of the community from flooding and other hazards.

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 Code. As part of this Code, the Official Map of Zoning Districts shall be amended only by the procedures set forth in this Code.

1.4 Jurisdiction and Applicability

- (1) The provisions of this Code 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 Code, all development that occurs within the City shall comply with the applicable terms and requirements of this Code.
- (3) No lot of record which did not exist on the effective date of this Code shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Code.

1.5 Transitional Rule

(1) Existing Unlawful Uses and Structures

A structure or use not lawfully existing at the time of the adoption of this Code is deemed lawful as of the effective date of this Code, if it conforms to all of the requirements of this Code. However, if such structure or use does not conform to all of the requirements of this Code, 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 Code, and this Code 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 this Code.

(3) Buildings, Structures, and Lots Rendered Nonconforming

Where any building, structure, or lot which existed on the effective date of this Code does not meet all standards in this Code or any amendment, such building, structure, or lot is deemed nonconforming and shall be controlled by the provisions of this Code.

1.6 Previously Granted Variances and Conditional Uses

Any development for which a variance or conditional use has been granted before the effective date of this Code, 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 Code, if:

- (1) The activity for which the variance or conditional use was granted is commenced within 1 year from the date of adoption of this Code; and,
- (2) All features of the development which are not the specific subject of the variance or conditional use conform to all applicable requirements of this Code.
- (3) If the requirements of 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 Code, except where the person has applied for and received a new variance or conditional use, if allowed under the procedures of this Code.

1.7 Previously Approved Subdivision

- (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. Any such development must be completed according to the terms of construction specified by this Code.
- (2) The front and rear yard requirements of the Development Code in effect before the adoption of this Code shall apply to all subdivisions described in (1) above rather than the yard requirements contained in this Code. Yard variances granted for said subdivisions shall be allowed and the 1-year time limit specified above 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 five (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 this Code.

1.8 Previously Issued Building Permit

Any development for which a building permit has been issued before the effective date of this Code, 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 Code, if:

- (1) The permit was validly issued; and,
- (2) The permit has not expired.
- (3) This Section shall not apply where the property owner consents to making the development conform to the requirements of this Code, or any amendment thereto, which would make the development nonconforming.

1.9 Severability

- (1) If any court of competent jurisdiction invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code. If any court of competent jurisdiction invalidates the application of any provision of this Code, 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.