

ORDINANCE AMENDING AND CREATING VARIOUS REGULATIONS OF SECTION 40 (NONCONFORMITIES) INCLUDING SECTIONS 40.02, 40.03.B.3, 40.08, 40.10, 40.11, 40.20 AND 340.03.N (CONDITIONAL USES PERMITTED IN MIXED USE DISTRICT – MU-1) AND 410.03 (CONDITIONAL USES PERMITTED IN C-2 GENERAL COMMERCIAL DISTRICT) OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF RIDGELAND, MISSISSIPPI

WHEREAS, the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi did lawfully adopt a Zoning Ordinance on February 4, 2014 after proper notice and a public hearing; and

WHEREAS, the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi subsequently adopted Zoning Ordinance Amendments on February 3, 2015, June 2, 2015, and April 5, 2016 after proper notice and a public hearing; and

WHEREAS, the administration and enforcement of the Zoning Ordinance since that time has resulted in the need for various clerical and administrative revisions to the Zoning Ordinance that would be beneficial to the continued implementation of the ordinances; and

NOW THEREFORE BE IT RESOLVED, the Mayor and Board of Aldermen adopt the following sections as amendments to the Official Zoning Ordinance of the City of Ridgeland, Mississippi by amending the following sections:

Section 1

This Ordinance is a city-initiated Amendment.

Section 2

Amend Section 340.03 (Conditional Uses and Structures as Provided under Section 600.09 in MU-1 Mixed Use District) to add: *“N. Apartment Complexes built prior to October 1, 2016, at a maximum density of ten (10) units per acre calculated upon the total contiguous acreage owned on February 4, 2014, complete with landscaping, signage, and parking and including Multi-family dwellings. Apartment complexes regulated by this Section shall be subject to the dimensional controls and other regulations as listed in Sections 260.04, 260.05, 260.06, 260.07, 260.08, 260.09, and 260.10 of the Official Zoning Ordinance of the City of Ridgeland. Apartment complexes may also include accessory uses such as laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, fences and walls, and similar uses and structures incidental to multi-family buildings. Accessory uses and structures shall be considered an integral part of the Apartment Complex and shall be reserved exclusively for use by residents and guests of residents of the multi-family complex. Provided, however, the provisions of Section 600.09 do not apply to this use.”*

Section 3

Amend Section 410.03 (Conditional Uses and Structures as Provided under Section 600.09 in C-2 General Commercial District) to add: “*E. Apartment Complexes built prior to October 1, 2016, at a maximum density of ten (10) units per acre calculated upon the total contiguous acreage owned on February 4, 2014, complete with landscaping, signage, and parking and including Multi-family dwellings. Apartment complexes regulated by this Section shall be subject to the dimensional controls and other regulations as listed in Sections 260.04, 260.05, 260.06, 260.07, 260.08, 260.09, and 260.10 of the Official Zoning Ordinance of the City of Ridgeland. Apartment complexes may also include accessory uses such as laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, fences and walls, and similar uses and structures incidental to multi-family buildings. Accessory uses and structures shall be considered an integral part of the Apartment Complex and shall be reserved exclusively for use by residents and guests of residents of the multi-family complex. Provided, however, the provisions of Section 600.09 do not apply to this use.*”

Section 4

Add a type of nonconformity to Section 40.02 Types of Nonconformities: “*E. Nonconforming Apartment Complex. Any land, lot, building, structure, or parts thereof with an Apartment Complex use as regulated by this Ordinance, lawfully existed on February 4, 2014, and was built prior to October 1, 2016 but which does not meet density, area, bulk, placement, dimensional, size, configuration, parking, loading, landscaping, signage, property maintenance, fire protection, or other regulations as required in the Official Zoning Ordinance of the City of Ridgeland.*”

Section 5

Add a Categorical Class A Nonconformity to Section 40.03.B: “*4. Nonconforming Apartment Complexes as defined in 40.02.E.*”

Section 6

Replace Section 40.08 Rules for Class A Nonconformities with the following:

40.08 RULES FOR CLASS A NONCONFORMITIES.

- A. No Class A Nonconforming Use or Nonconforming Apartment Complex shall be resumed if it has been discontinued for a continuous period of at least 6 months or if it has been changed to a Conforming Use or conforming Apartment Complex for any period. No Nonconforming Use or Nonconforming Apartment Complex shall be changed to a different Nonconforming Use or enlarged so as to make use of more land area than used at the time of becoming nonconforming.*

- B. *No Class A Nonconforming Structure or Nonconforming Apartment Complex shall be reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the assessed valuation of such structure or building in a complex. Provided, however, in such an event, the Nonconforming Apartment Complex shall be allowed to reconstruct or repair so long as it is in full compliance with the regulations of this Ordinance, including but not limited to density, area, bulk, placement, dimensional, size, configuration, parking, loading, landscaping, signage, property maintenance, and fire protection and the adopted Building Code, the Property Maintenance Code, and other related Ordinances.*
- C. *No Class A Nonconforming Structure, Nonconforming Use, or Nonconforming Apartment Complex shall be used, altered, or enlarged in a way which increases its nonconformity.*

Section 7

Replace Section 40.10 Rules for Class C Nonconformities. with the following:

40.10 RULES FOR CLASS C NONCONFORMITIES. *Within one year of February 4, 2014, all Class C Nonconforming Uses shall cease operation and be brought into compliance with this ordinance or removed. Further, any structure previously occupied or utilized as a Nonconforming Use in whole or in part shall either be converted to a conforming use, or shall be demolished. All Class C Nonconforming Structures and Occupancies shall cease any condition, operation, or occupancy that makes it a nonconformity within one year from the Notice issued by the City of Ridgeland during which time the Applicant may seek a Class A or B Designation or other remedies that may be available subject to the requirements thereof.*

Section 8

Amend Section 40.11 to replace the second to last paragraph:

Any Nonconforming Use required to register under this ordinance that fails to do so within six (6) months of becoming a nonconformity shall be deemed to be a Class C nonconformity, and thereafter shall not be entitled to any benefits of Class A or Class B status unless expressly granted by the procedures established by this ordinance. Any Nonconforming Structure or Occupancy required to register under this ordinance that fails to do so within six (6) months of being given Notice from the City of Ridgeland of the nonconforming status shall be deemed to be a Class C nonconformity, and thereafter shall not be entitled to any benefits of Class A or Class B status unless expressly granted by the procedures established by this ordinance.

Nonconforming Apartment Complexes as defined in 40.02.E are not required to register or re-register under this ordinance.

Section 9

Replace Section 40.20 with the following:

40.20 SUBORDINATION OF NONCONFORMING USE REGULATIONS FOR CONDITIONAL USES AND VARIANCES.

- A. Where a Use or Structure has been permitted as a Conditional Use or has been granted a Variance, the provisions of the Conditional Use or Variance shall control over the nonconforming use regulations in this ordinance to the extent of any conflict between or among them.*
- B. Where a Use lawfully existed as of February 4, 2014, and is allowed by Conditional Use, but which lacks a Conditional Use Permit issued by the Mayor and Board of Aldermen, such shall not be deemed a nonconforming use, but rather shall be considered to exist as a permitted use.*
- C. Government agency property acquisitions. If a structure or occupancy does not comply with the requirements of this Ordinance solely as a result of an acquisition of land by a government agency for a public purpose, then such structure or occupancy on land not acquired by the government shall be deemed conforming.*

The City of Ridgeland, Mississippi, Zoning Ordinance is hereby amended to reflect the foregoing changes from and after thirty (30) days from the date of the adoption by the Board.

SO ORDAINED by the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi at a meeting thereof held on the 18th day of October, 2016.

The ordinance, having been first reduced to writing, was offered for adoption by Alderman Chuck Gautier and seconded by Alderman Wesley Hamlin and submitted to the Board of Aldermen for passing or rejection on roll call vote with the following results:

Alderman Ken Heard (Ward 1) voted:	AYE
Alderman Chuck Gautier (Ward 2) voted:	AYE
Alderman Kevin Holder (Ward 3) voted:	AYE
Alderman Brian Ramsey (Ward 4) voted:	AYE
Alderman Scott Jones (Ward 5) voted:	AYE
Alderman Wesley Hamlin (Ward 6) voted:	AYE

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Alderman D. I. Smith (At-large) voted: AYE

WHEREUPON, the Mayor declared the Motion had carried and the Ordinance adopted this the 18th day of October, 2016.

ATTEST:



Paula Tiers, City Clerk



Gene F. McGee, Mayor

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