

ARTICLE

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# General Provisions

1.1 Short title

This Ordinance shall be known as the Land Development Code of the city of Wiggins, Mississippi.

land, buildings, structures and uses located within the corporate limits of the City of Wiggins, as identified on the Official Zoning Map.

1.2 Purpose and authority

This Ordinance is adopted pursuant to authority granted to the City of Wiggins by Title 17, Article 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:

- B. 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.
- C. 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 set forth in this Ordinance.

A. to promote the public health and general welfare

B. to conserve the value of buildings and land

C. to encourage the most appropriate use of land throughout the community

D. to conserve the natural resources and environmental quality of the city, as well as to prevent street congestion, overcrowding of land, and dangers from flooding, fire and other hazards.

1.4 Minimum requirements

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance:

- A. In the application, provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance is adopted. In the event of any conflict between the limitations, requirements or standards contained in different provisions of this Ordinance and applying to

1.3 Jurisdiction

- A. The provisions of this Ordinance shall apply to all

## 1.4 Minimum requirements

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an individual use or structure, the more restrictive provision shall apply. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, or map contained herein, the text shall control.

- B. The words "shall", "must", and "will", are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive in nature. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.
- C. Any act authorized by this Ordinance to be carried out by a specific official of the city is impliedly authorized to be carried out by a designee of such official.

## 1.5 Conflicting provisions

- A. This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. Wherever the provisions of this Ordinance require a greater width or size of yards or courts, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern. Wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of yard or courts, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern.
- B. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement,

however, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance.

## 1.6 Relationship to the Comprehensive Plan

The purpose and role of the Comprehensive Plan in the administration of this Ordinance are as follows:

- A. The Comprehensive Plan for the city of Wiggins, as adopted by the Board of Aldermen and amended from time to time, shall serve as the basic policy guide for the administration of this Ordinance. The Comprehensive Plan serves as the statement of goals and policies to guide new development and redevelopment in the City. It therefore is the intent of the City to administer this Ordinance in accordance with the Comprehensive Plan. The goals and policies of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City. **This Article therefore establishes the procedures for amending the Comprehensive Plan.**
- B. Except as provided in Section 1.4, Minimum requirements, all development within the city shall **adhere to the recommendations and principles defined in be in accordance with the applicable provisions** of the Comprehensive Plan, as adopted or amended by the Board of Aldermen. Amendments to the text of this Ordinance and/or rezoning of property under the provisions of Sections 3.13 (Official zoning map amendment) and 3.12 (Text amendment) of this Ordinance may be required in order to ensure compliance with this Section.

## 1.7 Conformity with article provisions

- A. Subject to Article 9, Nonconformities, no person may use, occupy, or sell any land or buildings, or authorize or permit the use or occupancy under their control, except in accordance with all of the applicable provisions of this Land Development Code.

B. For purposes of this section, the “use” or “occupation” of a building or land relates to anything and everything that is done to, on, or in that building or land.

1.8 Effective date

This Ordinance shall become effective on <DATE>, 2009.

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 permitted 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.

1.10 Relationship to previously existing ordinances

A. Any development for which a variance or conditional permitted 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 permitted use. It shall be deemed lawfully existing under the terms of this Ordinance, if:

1. the activity for which the variance or conditional permitted use was granted is commenced within one (1) calendar year from the date of adoption of this Ordinance
2. all features of the development which are not the specific subject of the variance or conditional permitted use conform to all applicable requirements of this Ordinance

B. If the requirements of 1.10.A have not been met,

then the previously granted variance or conditional permitted 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 permitted use, if allowed under the procedures of this Ordinance

- C. 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 the permit was validly issued and has not expired
- D. This Article 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 this Ordinance.

1.11 Transitional provisions

- A. 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 with all of the requirements of this Ordinance, then such structure or use remains unlawful hereunder.
- B. 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 permitted 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 Article 9, Nonconformities.
- C. 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

## 1.11 Transitional provisions

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the provisions of Article 9, Nonconformities.