

ORDINANCE NO. __-____
CITY OF PASCAGOULA, MISSISSIPPI

AN ORDINANCE OF THE CITY OF PASCAGOULA, MISSISSIPPI
AMENDING SECTION 8.2.E. OF THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING DISCONTINUATION OF NONCONFORMING USES

WHEREAS, Section 8.2.E. of the City of Pascagoula’s Unified Development Ordinance regulates the discontinuance of nonconforming uses; and

WHEREAS, certain revisions to Section 8.2.E. are needed to promote the City’s policy of bringing as many nonconformities into compliance with the Unified Development Ordinance as is reasonably practicable; and

WHEREAS, there exist in the City of Pascagoula multi-unit and multi-lot nonconforming uses that have been substantially discontinued by virtue of less than sixty percent (60%) use, occupancy, or operation; and

WHEREAS, such nonconforming uses that are substantially discontinued for a period of more than six (6) months should be found to have ceased operation as a legal nonconforming use; and

WHEREAS, the amendment set forth herein will improve compatibility among uses and will ensure efficient development within the City, will result in a logical and orderly development pattern, and is necessitated by a demonstrated community need to achieve the objectives and policies stated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA AS FOLLOWS:

SECTION 1. Section 8.2.E. of the Unified Development Ordinance is hereby amended as follows (new language shown in bold and italic):

E. DISCONTINUANCE OF USE

1. *Except as provided otherwise herein*, if a nonconforming use ceases to operate or has been discontinued for a period of six months or longer, it shall not be reestablished and shall only be replaced with a conforming use.
2. *Multi-unit and multi-lot nonconforming uses, including, but not limited to, townhouse dwellings, multifamily dwellings, manufactured home parks, shopping centers, and office buildings, which are substantially vacated for a period of six months or longer, shall be considered discontinued and shall not be reestablished and shall only be replaced with a conforming use. For purposes of this section, “substantially vacated” shall mean that sixty-percent (60%) or more of the units or lots in a multi-unit or multi-lot nonconforming use are vacant.*
3. Time spent renovating or repairing a structure devoted to the nonconforming use is not considered a discontinuance of the use, provided:
 - a. All appropriate development approvals are obtained;
 - b. The renovation or repair is completed within 18 months after commencement of the repair or renovation; and
 - c. The use is reestablished within one month after completion of the renovation or repairs.
4. Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within one month.

SECTION 2. The amendments to this Section shall become effective as provided by law.

The above Ordinance was introduced in writing by Mayor Demetropoulos, seconded for adoption by Councilman _____, and received the following vote: Mayor Demetropoulos voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ voted “___”, Councilman ___ “___”, Councilman ___ voted “___”, and Councilman ___ voted “___”.

Passed this the __ day of _____ 2021.

APPROVED:

/s/
Steve Demetropoulos, Mayor

/s/
Karen Kennedy, City Clerk