

ORDINANCE NO. __-____
CITY OF PASCAGOULA, MISSISSIPPI

AN ORDINANCE INSTITUTING A MORATORIUM ON THE ISSUANCE OF BUSINESS PERMITS AND SPECIAL USE PERMITS FOR AUTO SALES OR RENTAL BUSINESSES, AUTO PAINTING OR BODY SHOP BUSINESS, AND AUTO REPAIR AND SERVICING BUSINESSES IN THE COMMUNITY COMMERCIAL (CC) ZONES; TO PROVIDE FOR ITS IMMEDIATE EFFECTIVENESS; AND FOR RELATED PURPOSES.

WHEREAS, the City of Pascagoula has received multiple applicants and inquiries related to auto sales or rental businesses, auto painting or body shop businesses, and auto repair and servicing business in the Community Commercial (CC) zones; and

WHEREAS, these types of businesses are currently permitted or can be permitted with a special use permit in the Community Commercial (CC) zones; and

WHEREAS, existing and proposed locations for such businesses in certain locations within the Community Commercial (CC) are inconsistent with the effective development of the City; further, allowing such business in certain locations will detrimentally impact certain areas within the City; and

WHEREAS, Mississippi Code Sections 21-17-5 and 21-13-1 provide that the City Council possesses the authority to adopt ordinances with respect to property located within the City; and

WHEREAS, Mississippi Code Sections 21-13-3 and 21-13-11 provide that the City Council possesses the authority to adopt ordinances for the immediate and temporary preservation of the public peace, health or safety or for other good cause; and

WHEREAS, the Office of the Mississippi Attorney General has opined that a municipality may adopt an immediately and temporarily effective ordinance instituting a moratorium related to zoning issues (see Opinion No. 2008-00006); and

WHEREAS, it is necessary that an ordinance be adopted placing an immediate and temporary moratorium on the issuance of business permits and special use permits for auto sales or rental businesses, auto painting or body shop businesses, and auto repair and servicing business in the Community Commercial (CC) zones because it is anticipated that applications for such permits will be received in the near future and the City presently lacks the regulations necessary to address the locations of such structures; and

WHEREAS, imposing a moratorium on the issuance of such permits and special use permits for a period of one-hundred-twenty (120) days will allow sufficient time for the City to investigate, research, and develop an appropriate regulatory framework relating to the locations of such businesses; and

WHEREAS, instituting the moratorium 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. The City Council hereby adopts the foregoing recitals as its findings.

SECTION 2. The City Council hereby institutes a moratorium on the issuance of building permits and special use permits, for which application has not been received as of the effective date and time of this ordinance, for auto sales or rental businesses, auto painting or body shop businesses, and auto repair and servicing business in the Community Commercial (CC) zones.

SECTION 3. Measured from its effective date and time, the moratorium established herein shall extend for one-hundred-twenty (120) days or until the legally effective date of ordinances

adopted by the City Council addressing the locations of such businesses, whichever occurs first.

SECTION 4. This ordinance shall not be codified.

SECTION 5. For the reasons set forth in the recitals hereto, this ordinance shall become effective immediately upon its adoption, or as otherwise allowed by law.

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

Passed this the __ day of _____ 2021.

APPROVED:

/s/
Jay Willis, Mayor

/s/
Karen Kennedy, City Clerk