

**ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CITY
OF TUPELO, MISSISSIPPI**

WHEREAS, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

WHEREAS, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

WHEREAS, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

WHEREAS, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 11, 2017, on the proposed amendments; and,

WHEREAS, the Tupelo City Council conducted a public hearing, with notice published in the Northeast Mississippi Daily Journal, at its regularly scheduled meeting on November 7, 2017, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

WHEREAS, the City Council finds and determines that pursuant to the authority granted under Miss. Code Anno. Sec. 17-1-3 (1972 as amended), it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code, and the provisions below are text amendments only and do not change or expand the uses of properties within the pertinent zoning classifications, are consistent with the Comprehensive Plan of the

City of Tupelo, are enacted pursuant to the procedures set forth in the Development Code of the City of Tupelo, and are necessary, fair and reasonable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, as follows:

SECTION 1. The prefatory statements are hereby incorporated herein.

SECTION 2. Chapter 4 of the Development Code shall be amended as follows:

Amend Table 4.3 as it pertains to "Accessory Dwelling Unit" by replacing "R" with "C" in "MDR" and "MUR".

Delete 4.8.5.1(2) and renumber all subsequent listed uses by right.

Add 4.8.5.2(12) "Accessory Dwelling Unit (ADU)"

Delete 4.9.5.1(2) and renumber all subsequent listed uses by right

Add 4.9.5.3(18) "Accessory Dwelling Unit (ADU)"

SECTION 3. Chapter 4 of the Development Code shall be amended as follows:

Amend Table 4.3 as it pertains to "Duplex/Semi-Attached Unit" by replacing "C" with "F" in "MDR" and "R" with "C" in "MUR"

Delete 4.8.5.2(1) and renumber all subsequent listed uses by right

Add 4.8.5.2(6) "Duplex Dwelling"

SECTION 4. Chapter 9 of the Development Code shall be amended as follows:

Amend 9.6.2(1) by adding as the third and fourth sentences, the following language:

"Smaller businesses using rolling carts for trash handling similar to those used by residents may use wood fence enclosures for rolling carts used for trash handling. Landscaping around utility equipment shall not be placed around such utility equipment in a manner which will impede maintaining the equipment through access panels or similar devices (e.g. fire hydrants, electrical boxes, HVAC units; meter boxes or panels)."

SECTION 5. This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

SECTION 6. All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

SECTION 7. This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member _____, seconded by Council Member _____, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Councilman Travis Beard	<u>AYE</u>
Councilman Lynn Bryan	<u>AYE</u>
Councilman Mike Bryan	<u>AYE</u>
Councilwoman Nettie Davis	<u>AYE</u>
Councilman Willie Jennings	<u>ABSENT</u>
Councilman Buddy Palmer	<u>AYE</u>
Councilman Markel Whittington	<u>AYE</u>

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the _____ day of, 2017.

CITY OF TUPELO, MISSISSIPPI

BY: _____

Markel Whittington
President of the City Council

ATTEST:

Amanda Daniel
AMANDA DANIEL,
Clerk of the Council

APPROVED:

Jason L. Shelton
Jason L. Shelton, Mayor

DATE

November 8, 2017