

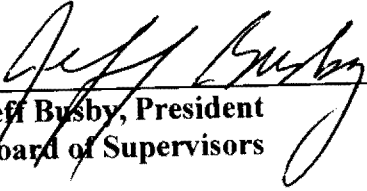
**ORDER: AUTHORIZE CHANGES TO GRANDFATHER CLAUSE OF  
ZONING ORDINANCE**

Motion was made by Chad McLarty duly seconded by Mike Roberts, to authorize changes to Grandfather Clause of Zoning Ordinance.

The vote on the motion was as follows:

Supervisor Kevin Frye. voted yes  
Supervisor Jeff Busby. voted yes  
Supervisor David Rikard. voted yes  
Supervisor Chad McLarty. voted yes  
Supervisor Mike Roberts. voted yes

After the vote, President Busby, declared the motion carried, this the 18<sup>th</sup> day of January, 2018.

  
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Jeff Busby, President  
Board of Supervisors

  
\_\_\_\_\_  
Sherry Wallace, Clerical Clerk

## ARTICLE IV: GENERAL REGULATIONS

### SECTION 400 – APPLICATION OF REGULATIONS

**400.01 Compliance Required:** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations specified for the district in which it is located. Furthermore, no person shall use or occupy a building, structure or land within Lafayette County for an activity which requires a federal, State of Mississippi and/or County license until said license is obtained from the appropriate authorities.

**400.02 Nonconformities Defined:** “Nonconformities” shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Article XX.

**400.03 Permitted Uses Constitute Conforming Uses:** Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

**400.04 Uses Not Permitted:** Any use that is not permitted by right or conditional use is prohibited.

**400.05 District Regulations Constitute Minimum Regulations:** The regulations established in this Ordinance within each district shall constitute minimum regulations unless otherwise noted.

**400.06 Uniformity within Districts:** The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

**400.07 Pending Applications for Building Permits:** Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which preliminary site plan or plat approval has been legally granted by Lafayette County before the enactment of this Ordinance. Construction shall have been started within one (1) year of the effective date of this Ordinance and not discontinued until completion except for reasons beyond the builder's control. All approvals for which start of construction has not begun within one (1) year of the effective date of this Ordinance are hereby revoked and void.

**400.08 Interpretation:** The provisions of this ordinance shall be read and applied in order to achieve consistency in intent and application with all other Lafayette County Ordinances, including the Lafayette County Land Development Standards and Regulations and Building Codes. In the event a provision in this ordinance conflicts with any other Lafayette County regulation or ordinance, the more stringent requirement shall control.

## ARTICLE XX: NONCONFORMITIES

### SECTION 2000 – PURPOSE OF THIS ARTICLE

A nonconformity is any land, lot, building, structure or parts thereof, existing before the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

It is the intent of this Ordinance to permit nonconformities to continue until they are removed. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses (see definition under Section 2001 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which preliminary site plan or plat approval has been legally granted by Lafayette County prior to the effective date of adoption or amendment of this Ordinance.

### SECTION 2001 – TYPES OF NONCONFORMITIES

Where the definition of a nonconformity has been given in Section 201 and under Section 2000, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

**2001.01 Nonconforming Undeveloped "Lot of Record":** This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Lafayette County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is located.

**2001.02 Nonconforming Structure (Including Buildings):** This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the bulk, placement or other dimensional requirements of the zoning district wherein located.

**2001.03 Nonconforming Use:** This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.