

ORDINANCE NO. 765

An Ordinance Establishing a Tax Abatement Program for the Downtown Business District and Historic Districts of the City of Picayune

WHEREAS, Section 17-21-5 of the Mississippi Code Annotated grants 'municipalities the authority to exempt from any or all municipal ad valorem taxes excluding ad valorem taxes for school district purposes, for a period of not more than seven (7) years, for any renovations of and improvements to existing structures lying within a designated downtown business district or historic preservation district...', and

WHEREAS, the mayor and Council of the City of Picayune, Mississippi wish to stimulate private investment by providing for a tax abatement program by exempting from any and all municipal ad valorem taxes, excluding ad valorem taxes for school district purposes, for a period of not more than seven (7) years, any renovations of and improvements to existing structures lying within a designated downtown business district or historic preservation districts as designated by Ordinance of the Mayor and Council of the City of Picayune, Mississippi, and

WHEREAS, a certain area of the City of Picayune is designated as downtown commercial and residential district pursuant to Ordinance No. 753, of the City of Picayune, and certain areas of the City of Picayune to be designated historic preservations districts by the Mayor and Council of the City of Picayune, Mississippi; and

WHEREAS, it is the policy of the Mayor and Council of the City of Picayune, Mississippi to promote business, commerce and industry within the downtown business district and to promote historic preservation within the City's historic preservation districts; and

NOW THEREFORE, Be It Ordained by the Mayor and City Council of the City of Picayune, Mississippi:

Section 1. Title.

This ordinance shall hereby be entitled the 'Downtown Commercial and Residential District Tax Abatement Ordinance' and shall hereafter be referred to and known under such title.

Section 2. Purpose.

There is hereby established a tax abatement program within those areas of the City of Picayune designated by Ordinance No. 753 of the Mayor and City Council as either Downtown Commercial and Residential District or as the Historic Picayune District for the promotion of business or for historic preservation, the application of which shall be pursuant to the requirements of this Ordinance.

Section 3. General.

The Mayor and City Council of the City of Picayune, Mississippi may, in their discretion, exempt from any or all municipal ad valorem taxes, excluding ad valorem taxes for school district purposes, for a period of seven (7) years, any new renovations of and improvements to, existing structures lying within areas designated by Ordinance of the Mayor and City Council of the City of Picayune as the Downtown Commercial and Residential District or Historic Picayune District but only in the event that such structures shall have been renovated or improved pursuant to the requirements set forth in this Ordinance.

Section 4. Application Procedures.

Any person or other entity seeking a tax abatement under the provisions of this Ordinance shall apply for a building permit and submit a written request for such exemption. Such letter of request shall accompany the application for a Certificate of Appropriateness for the desired construction, renovation or improvement. Copies of the request, certification and building permit shall be sent to the Main Street Board of Directors for review and action by its Design Committee. The request must include plans, photographs and any other materials that support the request. The Design Committee shall schedule a review of the proposed project at the next Main Street Board of Directors meeting in accordance with its bylaws. The Design Committee shall review the application for a Certificate of Appropriateness on the basis of its merits for compliance with the Design Committee guidelines. The Main Street Board of Directors shall review the application for the requested abatement of taxes on the appraised value of renovations and/or improvements to such property for compliance with program guidelines. If the application is approved in light of the guidelines, it is approved and sent to the Mayor and City Council for approval. At this time, the Mayor and City Council shall approve or disapprove of the property tax abatement. The City Clerk shall then be notified of the approval such exemption.

Section 5. Formula for Determination of Tax Abatement.

The term 'building value' in this formula shall represent the appraised (true) value of a property, minimum the true value of the land, as shown on the records of the Pearl River County Tax Assessor.

1. The minimum project investment shall be five thousand dollars (\$5,000.00), or thirty-five (35) percent of the building value, whichever is greater.
2. Improvements to the exterior of building may be granted a tax abatement of four (4) years in length.
3. An abatement of six (6) years may be granted for repairs to the exterior of a building occupying a corner lot.

4. A tax abatement of four (4) years may be granted to projects which effect the repair of an improvement to the interior of a building.

5. A abatement of six (6) years may be granted if interior improvements place all usable floor space into service.

6. A tax abatement of seven (7) years may be granted for combined exterior and interior renovations if the cost of the improvements has exceeded then thousand dollars (\$10,000.00) or seventy percent (70%) of the building value, whichever is greater.

7. All projects receiving a tax abatement must reach full compliance with the city building code for the area of the building affected by the project.

8. The Main Street Design Committee must approve all exterior improvements before the project may receive a tax abatement.

Section 6. Application for Tax Abatement - Finding.

The Building Official shall monitor the project for compliance with the terms of the Certificate of Appropriateness and all other appropriate City codes and ordinances. Upon final inspection of the project, and if the project is in compliance with such terms and other codes and ordinances of the City, the Building Official shall so notify the applicant and City Clerk in writing. The applicant shall then forward to the Pearl River County Tax Assessor detailed information as Tax Assessor may require in order for the Tax Assessor to determine the increase in appraised (true) value of the structure performed under the application for tax abatement.

At such time as the Pearl River County Tax Assessor makes final determination of the increase in appraised (true) value as a result of the renovations of, and improvements to, the structure performed under the application for tax abatement, the applicant shall present proof of such determination in a form acceptable to the City Clerk.

Final approval of tax abatement shall be expressed in the form of a resolution by the Mayor and City Council of the City of Picayune, to exempt from any or all municipal ad valorem taxes, excluding ad valorem taxes for school district purposes, for a specific period, not to exceed seven (7) years, such new renovations of and improvements to existing structures in compliance with the Certificate of Appropriateness and all other appropriate City codes and ordinances for the purpose of the promotion of business, commerce, or industry if the property is located in the Downtown Commercial and Residential District or for the promotion of historic preservation if the property is located in a designated historic district.

Section 7. Application for Tax Abatement –

Appeals. Any person, firm or corporation aggrieved at the findings of the Mayor and City Council of the City of Picayune, Mississippi shall have the right to appeal from the findings of the Mayor and City Council in the form and manner and as required by the laws of Mississippi.

Section 8. Severability, Conflict and Effective Date.

Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

Conflict in any case where a provision of this ordinance is found to be in conflict with the provisions of any other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this ordinance, the provisions of this ordinance shall take precedence.

This ordinance shall become effective thirty (30) days after its adoption and publication by the Mayor and City Council of the City of Picayune, Pearl River County, Mississippi.

The foregoing ordinance, having first been reduced to writing, was moved upon by Councilmember Guy, seconded by Councilmember Bounds, and voted upon as follows:

Voting Yea: Mayor Mitchell, Councilmembers Roberson, Parker, Watts, Guy and Bounds

Voting Nay: None

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the ordinance passed, approved and adopted on this the 19th day of March, 2002.

Greg Mitchell, Mayor

Attest:

Brenda Ford, Deputy City Clerk