

- U. Variance. A relaxation of the terms of this ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

## **ARTICLE II SITE PLAN REVIEW**

### **Section 1. Applicability**

- A. Site plan review shall apply to all development proposals for new construction of, demolition of, change in use of, substantial enlargement of, and/or alteration of: (1) commercial, retail, multi-family, industrial, institutional buildings and structures; (2) campgrounds; (3) mobile home parks; (4) their accessory uses and structures.
- B. A site plan will not be required in the event of a single duplex or triplex development on a vacant parcel of property.

### **Section 2. Site Plan Content & Application Procedures**

- A. The Site Plan of Development Application shall include as a minimum:
1. A map or maps prepared at a scale of not less than one (1) inch to 50 feet and shall include:
    - a. Lot lines (property lines);
    - b. The names and owners of adjacent lots;
    - c. Right-of-way of existing and proposed streets;
    - d. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles onto public streets and curb and sidewalk lines;
    - e. All existing and proposed easements;
    - f. All existing and proposed water and sewer lines;
    - g. All existing and proposed fire hydrants;
    - h. Drainage plans showing existing and proposed storm drainage facilities, Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications;
    - i. Building lines and the locations of all structures, existing and proposed;
    - j. Area of the parcel;
    - k. Proposed gross lot coverage;
    - l. Sign location;
    - m. A copy of the floor plan of every building, provided on 11x17 paper;
    - n. Any additional data necessary to allow for a thorough evaluation of the proposed use.
  2. A written statement by the applicant that shall consist of:
    - a. Evidence by the applicant of his title and interest in the land for which the application covers;
    - b. A description of the proposed uses to be located on the site, including quantity and type of residential unit, if any;
    - c. Total floor area and ground coverage of each proposed building and structure and percentage of lot covered buildings or structures;
    - d. Summary of restrictions and covenants placed on the property;
    - e. The proposed method of solid waste disposal;
    - f. A Stormwater Pollution Prevention Plan (SWPPP; developed in accordance with the Lamar County Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance) if required;
    - g. The applicant's evaluation of the availability and suitability of off-site public facilities, including sewer, water, and streets;

- h. A statement from the Developer's Engineer that the proposed road or street construction will meet county specification;
- i. An estimate of the date when construction will start and when the development will be completed;
- j. A statement describing the construction phasing of the development from start to finish;
- k. A statement indicating the general design, style, and architecture of the building or structure and signage;
- l. Proposed materials and color schemes to be utilized in the construction of the exterior of the structures;
- m. Number of stories and total square feet, including a notation as to the square footage on each floor or level;
- n. Proposed height in feet;
- o. Any additional data necessary to allow for a thorough evaluation of the proposed use.

**B. Application Procedures**

- 1. The application shall be filed with the Planning Department for review.
- 2. The Planning Department may request a meeting with the developer and or the developer's engineer.
- 3. Within fifteen (15) working days of receiving the application, the Planning Department shall approve, approve with conditions, or disapprove the application. The Planning Department shall notify the applicant in writing either that the application has been approved, approved with conditions, or disapproved, with the specific reasons for conditional or disapproval. The time limit for review may be extended by agreement of the Planning Department.

**Section 3. Performance Standards**

The following standards are to be used by the Planning Department in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Department, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

- 1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal and disturbance of soil, and by retaining existing vegetation during construction. The lot shall be landscaped in order to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties, and to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses. A minimum of ten percent (10%) of the parcel must be maintained as green space. Green space does not include utility easements, sewer treatment facilities, and similar uses.
- 2. Relationship of the Proposed Building(s) to Environment: Proposed structure(s) shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed building(s). Special attention shall be paid to the bulk, location, and height of the building(s) and such natural features as slope, soil type, and drainage ways.
- 3. Vehicular Access: The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers, and control of access points, including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the county road system. The applicant will be responsible for the upgrades to the county road system on which they have a direct impact.
- 4. Roadways: All design, construction, and materials must conform to the appropriate sections or subsections of the Mississippi Standard Specifications for State Aid Road and Bridge Construction.
- 5. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas.

6. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run-off waters shall be utilized to minimize discharges from the site.
7. Advertising Features: The size, location, design, lighting, and materials of exterior signs or outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties, shall be of professional quality, and be continually maintained.
8. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
9. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties.
10. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
11. County Services: The development will not have an unreasonable adverse impact on the County services, including county road systems, fire department, sheriff's department, solid waste program, schools, open spaces, recreational programs and facilities, and other county services and facilities.
12. Environmental Issues: The construction, use, or habitation of the development will not result in undue air or water pollution. In making this determination, it shall consult federal and state authorities to determine applicable air quality laws and regulations.
13. Water: The development must have sufficient water available for the reasonably foreseeable needs of the development.
14. Erosion: The development will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
15. Waste: The development will provide for adequate sewage waste disposal. Verification will be required from the appropriate State Department.
16. Any applicant must apply and receive all necessary state or federal permits prior to the start of construction.

#### **Section 4. General Provisions**

- A. The Planning Department may modify or waive any of the above application requirements when the Planning Department determines that, because of the special circumstances of the site, such application requirements would not be applicable.
- B. The Planning Department may require the filing of a Performance Bond or the execution of a conditional agreement with the County by the applicant.
- C. The Planning Department may require the filing of a plat in regard to development of multiple structures or multiple units on a parcel of property.
- D. All construction performed under the authorization of a building permit issued for development within the scope of this ordinance shall be in conformance with the approved site plan.
- E. A permit granted under this ordinance shall expire if the work or change is not commenced within one hundred eighty (180) days from the date the permit is granted, or if the work or change is not substantially completed within two (2) years from the date the permit is granted, although such permit may be renewed for additional

periods. Renewal of a permit shall be treated as a new application and shall be subject to all provisions of this ordinance.

### **Section 5. Review Fee**

\$300 (Original submittal and 1 resubmittal)

Re-submittals: \$100 for the 2<sup>nd</sup> submittal and each subsequent submittal.

Not all site plans are reviewed by The County Engineer.

Lamar County will bill the developer for any fees charged by the County Engineer related to the development.

### **Section 6. Final Approval**

Upon approval, or approval with conditions of the site plan by the Planning Department, the Planning Department shall request final approval by the Board of Supervisors before a permit will be issued.

### **Section 7. Permit Placement**

The permit shall be placed onto the property receiving the permit. It shall be located a minimum ten (10) feet to a maximum thirty-five (35) feet from the nearest accessible roadway, and posted at least three (3) feet above ground level, in plain view for public viewing. The permit shall be weather protected to prevent damage.

## **ARTICLE III ENFORCEMENT, APPEALS, VARIANCE, EFFECTIVE DATE**

### **Section 1. Violation, Enforcement, and Fines**

In accordance with Section 17-1-27 of the Mississippi Code of 1972, as amended, any person, firm, or corporation who shall knowingly and willfully violate the terms, conditions or provisions of this ordinance for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

The County Planner and the Development Official are hereby authorized and directed to institute any and all actions and proceedings, including stop work orders, seeking injunctions of violations, and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of Lamar County.

### **Section 2. Validity and Severability and Conflict with Other Ordinances**

- A. Validity and Severability: Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance.
- B. Conflict with Other Ordinances: Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirements shall apply.

### **Section 3. Appeals**

If the Planning Department disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully