

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 200 - RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory and not directory; the word “may” is permissive; the word “used” includes “designed” and “intended or arranged to be used or occupied”; and the word “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

SECTION 201 - DEFINITIONS

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Article II. Any word, phrase or term not defined herein shall be defined by the Zoning Administrator, the interpretation based on its common and ordinary usage.

Accessory Structure or Use: Any detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, including barns, but excluding driveways, sidewalks and fences.

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading and for fire protection.

Apartment: A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants. See also “Condominium.”

Arterial Street/Highway: See “Street.”

Basement: A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level.

Bed and Breakfast Inn: A small hotel or, more often, a private home that offers overnight accommodations and breakfast for paying guests either on a daily or weekly rental basis.

Big Box Retail Establishments: A retail or wholesale commercial use which occupies 50,000 square feet or more of gross floor area and sells grocery items and/ or general merchandise typically found in a department or “discount” store.

Boarding House: A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three or more but not exceeding twelve persons (other than family members) on a weekly or monthly basis. (See also “Rooming House”).

Buffering: open spaces, natural areas, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another.

Buffer Area: An area so planned which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

Buffer Yard/Strip: A Strip of land, identified on a site plan or by the zoning ordinance, which acts to separate two or more incompatible uses and/or districts. Normally, the area is landscaped and kept in open space use.

Buildable Area, Maximum: That portion of a lot remaining after required yards have been provided.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, equipment, goods, or materials. The term “building” shall be construed as if followed by the words “or part thereof.”

Building, Fully-Enclosed: A building having walls on all sides.
(NOTE: This definitions is intended to distinguish between buildings that are “canopies”, which do not have walls on all sides, from those that are fully-enclosed by walls. When the term “fully-enclosed building” is used in this Ordinance, it is intended to prevent exposure of activities, equipment, materials, etc. to the outside world, thereby controlling some characteristics that might be otherwise objectionable, such as noise and uses that are not aesthetically appropriate for a particular zoning district.)

Building Height: The vertical distance measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. See also “Height.”

Building, Portable: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation.

Building Setback Line: See “Setback Line.”

Building, Structural Alteration of: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.

Canopy: A roof-like structure which is not enclosed by walls on all sides and may or may not project from a building.

Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Cellular: See “Wireless Communications” and “Wireless Communications Facility”.

Cemetery: Property used for the interring of the dead. All cemeteries are considered public/quasi-public facilities, subject to the regulations of Section 402.

Change of Use: An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.

Child Care Facility: A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not.

Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners. These shall be regulated as a commercial use.

Collector Street: See “Street.”

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, “comprehensive plan” shall be defined as “a statement of public policy for the physical development of the county---adopted by resolution of the governing body, consisting of the following elements at a minimum: (i) Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---.”

Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: “a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage.”

Conditional Use: A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgement of the Board of Supervisors promote the public health, safety, morals, or general welfare of the County and would not adversely affect adjacent properties.

Conditional Use Permit: Permission granted by the Board of Supervisors to initiate a conditional use (with the necessary restrictions included) that will not change the zoning of the property involved. The use of the property allowed by a conditional use permit may continue as long as the specific use granted by the permit remains the same. The title (deed) to any property that is transferred from one owner to another must state that the specific use of the property will continue following such transfer in ownership. Without such provision in the title, the conditional use permit shall be void, and the use of the property shall be considered nonconforming.

Condominium: Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office, commercial or other land use. (From: Mississippi Code of 1972, Annotated, Section 89-9-7.) See also “Apartment.”

Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Zoning Ordinance.

Construction: Work which is neither alteration nor demolition. Essentially, it is the erection of a new structure, which did not previously exist, even if such a structure is partially joined to an existing structure.

Convalescent Home (Rest Home or Nursing Home): Those health facilities where

persons are housed and furnished with meals and continuing nursing services for a fee.

Convenience Car Care Establishments: See “Service Station”.

Convenience Store: A commercial establishment containing not more than 5,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature; such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.) and may include an automatic car washing service. See “Service Station.”

Country Club: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 402 of this Ordinance.

Coverage: That part of a lot covered by buildings.

Density: The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this Zoning Ordinance, exclusive of any publicly dedicated rights-of-way.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Development Permit: A permit required in all *UNZONED* areas of unincorporated Lamar County for 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. See Section 400.02 of this Ordinance for requirements relating to issuance of a Development Permit.

Development Plan: A drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may also be considered the “preliminary plat” if it meets the requirements of the Lamar County Subdivision Regulations for preliminary plats. A development plan is sometimes referred to as a “master plan”; however, since the Comprehensive Plan for the County may also be called a “Master Plan,” the term Master Plan is not used in this Ordinance.

Dimensional Variance: See “Variance.”

Disabled Persons: Individuals suffering from a permanent condition resulting from a mental or physical impairment that leaves such persons unable to perform a “major life functions.” (From: Accommodating Disabilities: Business Management Guide, published by the Commerce Clearing House, Inc., 1992; this publication deals with the requirements of the Americans with Disabilities Act).

District: Any section or sections of the Lamar County for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.

Drainage Channel: A watercourse with a definite bed and banks which conduct and confine the normal continuous and intermittent flow of water.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Drive-In Restaurant: See “Restaurant, Drive-In”:

Dwelling: Any building, or portion thereof, or manufactured home, which is designed and used for human habitation. (See also “Townhouse”).

Dwelling, Multiple-Family: Any residential building or portion thereof which is occupied by two or more families living independently of each other, including duplexes, triplexes, fourplexes, apartment houses or “complexes” and condominiums as defined by this Ordinance. This term does NOT include “townhouses” as defined by this Ordinance.

Dwelling, Single-Family: A detached residential building designed for occupancy by one family.

Dwelling, Two-Family (Duplex): A detached residential building designed to be occupied by exclusively by two families living independently of each other, with no property lines between units (as with townhouses) and with separate utilities and entrances.

Dwelling, Three-Family (Triplex): A detached residential building designed to be occupied by exclusively by three families living independently of each other, with no property lines between units (as in townhouses) and with separate utilities and entrances

Dwelling, Four-Family (Fourplex): A detached residential building designed to be occupied by exclusively by four families living independently of each other, with no property lines between units (as in townhouses) and with separate utilities and entrances.

Dwelling, Patio (or House or Home): A detached single-family dwelling unit that is constructed nearer the lot line on ONE SIDE (but not directly on either lot line) of a lot than the other side.

Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters.

Dwelling, Zero Lot Line: A detached single-family dwelling on a separate lot with open space setbacks on three sides. In order to be considered a true “zero lot line dwelling” the dwelling must rest directly against a lot line on one side of the lot; otherwise, it shall be considered a patio home.

Easement: A grant by the property owner to the public, a corporation or persons for the use of a strip of land for specific purposes.

Employee (Staff): Any person who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purposes of this Ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.

Facilities and Utilities, Public/Quasi-Public: Any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:

- (a) Churches and other religious institutions.
- (b) Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
- (c) All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.
- (d) All public parks or other recreational facilities and open space facilities. (Note: The decision by any governmental unit to establish or expand any park, recreational facility or open space facility should be subject to the same requirements as other governmental facilities, even though the facility is for the common good of the people.)
- (e) All hospitals, whether public or private.
- (f) Convalescent homes or nursing homes, excluding "Comprehensive Elderly Retirement Facilities" which shall be zoned as "Special Use" districts only.
- (g) Civic organization buildings and major facilities.
- (i) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the conditional use provisions of this Ordinance, including site plan review and public hearing requirements).
- (j) Country clubs and other major recreational facilities constructed by private groups.
- (k) ALL cemeteries, including associated facilities (e. g., caretaker offices and residence, etc.) NOT INCLUDING funeral homes and mortuaries.
- (l) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, natural gas pumping facilities and similar significant uses.

[Note: Wireless communications facilities (cellular towers), are allowed only in certain districts as conditional uses. Therefore, they are not considered a public/ quasi-public facility for purposes of this Ordinance.]

Family: One person living alone, or two or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premise residents.

Fast Food Restaurant: See “Restaurant, Fast Food.”

Floor Area: The sum of the gross horizontal area of all floors of a building, excluding all porches, balconies, garages or carports, measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Frontage: Property on one side of a street measured along the line of the street, or in the case of a corner lot or “through lot,” the property on each street measured along the lines of both streets.

Full Service Restaurant: See “Restaurant, Full Service”.

Funeral Home (or Mortuary): A building used for the preparation of deceased human bodies for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Plan: See “Land Use Plan.”

Garage (Private): The term “garage” shall mean a private garage, which is a fully enclosed portion of a main building or a fully enclosed accessory building (i.e., detached from the main building) and used primarily for the storage of privately owned automobiles.

Garage, Mechanical (Repair Shop): A building or portion thereof, other than a private garage or storage garage, designed or used for servicing, repairing, equipping, of motor-driven vehicles and the storage of such vehicles; also, including selling, renting, or leasing of motor-driven vehicles in conjunction with repair work. Repair work includes, but is not limited to, painting, body repairs and other major repair of vehicles.

Garage, Storage: A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided except facilities for washing. Also referred to as a “parking garage.”

“Garage Sale”: The sale or offering for sale to the general public of items of tangible personal household property obtained by the seller for his or her personal use, whether within or outside any building. The sale of a single commodity, such as a vehicle, shall not constitute a “garage sale”. This term shall include: “rummage sales”, “yard sales”, “attic sales”, and all similar terms.

Goals and Objectives: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as

follows: “goals and objectives (are a list of policies, adopted by the governing authorities) for the long-range (twenty to twenty-five years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial, and industrial development; parks, open space and recreation, street or road improvements; public schools and community facilities.”

Grade or Grade Level: The finished elevation of land after completion of site preparations for construction.

Grandfather Clause: The section of the zoning ordinance which allows existing non-conforming uses, buildings, structures, and lots to continue until they are removed by any means.

Homeowners Association: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.

Home Occupation: Any activity carried out for gain by a resident conducted as an accessory use in the resident’s dwelling unit or an accessory building. See Section 405 of this Ordinance for additional details and regulations.

Hospital: A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.

Hospital, Veterinary: A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services. Such uses shall be subject to the regulations of the Animal Control Ordinance of the Lamar County, and shall be considered a commercial use.

Hotel or Motel: A building or buildings where lodging, food and various personal services are provided for more than twenty (20) persons, who are usually but not always transients, for compensation. Hotels and motels shall be considered a commercial use.

Industry, Heavy: Those industrial uses which are not fully enclosed and/or which generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics.

Industry, Limited (Light): Those industrial uses including manufacturing activities conducted wholly within completely enclosed buildings (except for the temporary storage within adequately screened or buffered areas of articles, materials, or other matter to be processed, assembled or otherwise changed) and other industrial-related activities which do not generate objectionable odors, smoke, fumes, vibration, or excessive noise.

Industry, “Wet-Type”: Those heavy industrial uses which require the discharge of by-products or processed waste water through the sewer system. Such industrial uses shall be permitted as a conditional use only in the Heavy Industrial Districts (I-2).

Inn (or “Bed and Breakfast Inn”): An establishment operated in conjunction with a private dwelling where lodging is available OR lodging and food are available for up to twenty (20) persons for compensation.

Internal Building Space: The required minimum space between principal or accessory buildings on the same lot.

Juice Bars: Commercial uses in which non-alcoholic beverages are served along with entertainment, not to include any use defined in this Ordinance as an “adult entertainment use.” Such uses may or may not include some food service.

Junk Yards: A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house dismantling yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations. Also called a “salvage yard”.

Kennel: A facility other than a residence, where four or more dogs or cats, or a combination thereof, are boarded, whether by the owners of the animals or other persons, with or without compensation. A kennel shall be considered a commercial use.

Landscaping: Any improvement or vegetation including, but not limited to: shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site re-grading, fill deposition, and paving.

Land Use Permit: A permit issued by the Planning Department of Lamar County authorizing the use of land for a specific purpose as prescribed by the Zoning Map of Lamar County and the provisions of this Ordinance.

Land Use Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with the Transportation/ Thoroughfares Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: “a land use plan designates in map or policy form the proposed general distribution and extent of the use of land for residences, commerce, industry, recreation, and open space, public/ quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category.”

Lodging House: See “Rooming House.”

Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the Lamar County, Mississippi.

Lot Area: The total area of a lot included within the boundary lines of a lot.

Lot, Corner: A lot abutting upon two or more streets at their intersections.

Lot Depth: The average horizontal distance between the front and rear lot line.

Lot, Double Frontage: A lot which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called “through lots.”

Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, ALL SIDES OF SUCH LOTS ABUTTING ON PUBLIC STREETS SHALL BE CONSIDERED LOT FRONTAGE, and yards shall be provided as indicated in this Ordinance.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as such parcel of land is defined herein.

Lot Line, Front: In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face.

Lot Line, Rear: The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot of Record: A lot which is a part of a subdivision, the map of which is recorded in the office of the Chancery Clerk of Lamar County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

Lot Width: The distance from side of lot to side of lot measured at the front minimum building setback line.

Manufacturing Use: A facility at which goods are made from secondary materials (previously prepared or refined materials) or raw materials (unrefined materials) through the use of machinery and labor and often employing assembly line techniques. In the case of “light” manufacturing uses, most goods are produced from secondary materials, except for processing, packaging, or canning of food products, and little or no water is used in the manufacturing process. In the case of “heavy” manufacturing, goods are often produced from raw materials and may involve the use of large amounts of water.

Manufactured Home: A single-family residential dwelling built in a factory in accordance with the National Manufactured Home Construction and Safety Standards Act after June 15, 1976. Manufactured homes shall be considered structures for the purposes of this Ordinance. “Transient trailers” (travel trailers), as defined herein, shall not be considered manufactured homes, and they are deemed vehicles but not dwellings or structures. See also “Mobile Home” and “Modular Housing”.

Manufactured Home Park: An area, tract, site or plot of land of at least ten acres, which has been planned, improved and meets the requirements of this Ordinance, and in which spaces are provided on a rental basis or lease basis only for owner-occupied homes or in which both the space and the manufactured home are offered to the public on a rental or lease basis only.

Manufactured Home Space: A plot of ground within a manufactured home park designed for and designated as (on an approved site plan) the location of one manufactured home, and which has water, sewer and electricity at the space.

Manufactured Home Stand or “Pad”: The paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area.

“Mini-Warehouse”: See “Warehouse, Self-Storage”.

Mobile Home: A transportable, factory-built home, designed to be used as a year-round dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Housing: A single family dwelling unit which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems within the home; (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. It is the intent of this Ordinance that this definition not include double or single wide mobile or manufactured homes.

Mortuary: See “Funeral Home.”

Motel: See “Hotel.”

Multiple Family Dwelling: See “Dwelling, Multiple Family.”

Nonconformities: Any land, lot, building, structure or parts thereof existing prior to 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. (See Section 2001 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record, (2) nonconforming structures, and (3) nonconforming uses).

Nursery, Child Care: See “Child Care Facility.”

Nursery, Horticultural: Commercial uses in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.

Nursing Homes: See "Convalescent Home."

Open Space or “Common Open Space”: A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development (such as a conventional residential subdivision, an apartment complex, a manufactured home park or a Planned Unit Development).

Office: A room, group of rooms or building in which commercial activities primarily involving the provision of services rather than the sale of commodities are conducted.

Office Park: A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Parking Space: For the purposes of this Ordinance, the term “parking space” shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile, or 200 square feet in area for each such space, exclusive of the necessary maneuvering space providing access to each parking space, unless otherwise approved as part of the site plan review Process.

Patio House or Patio Home: See “dwelling, patio (or house or home).”

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation. Two-family or multiple family dwellings, commercial development or public/quasi-public facilities or utilities may only be permitted in a Planned Unit Development if a Development Plan is submitted and appropriate rezoning (or a Special Exception for public/quasi-public uses) is approved by the Board of Supervisors.

Planning Commission: The duly appointed Planning Commission of Lamar County, Mississippi.

Planting Screen: Densely planted vegetation used to visually shield or obscure abutting or nearby structures or uses from other uses or structures.

Plat: A map, plan or layout of a subdivision.

Portable Building: See “Building, Portable.”

Principal Structure or Use: The main building(s) or dominant use(s) of a lot.

Property Line: The legal boundary line separating buildings or tracts in different ownership.

Public/Quasi-Public Facilities and Utilities: See “Facilities and Utilities, Public/Quasi-Public.”

Overlay Zone: A zoning district that is superimposed over more than one base-zoning district and is intended to protect certain features and buildings. Where standards of the overlay zone and base-zoning district are different, the more restrictive standards shall apply.

Reclamation Plan: A regulatory document used to ensure that operators of mining sites will restore their sites to productive use through an orderly schedule of steps. The

reclamation plan shall consist of a combination of graphic representation and written text of sufficient detail as determined by the Lamar County Board of Supervisors. It shall include, but not be limited to the following elements:

- (a) Initial condition of the mining site;
- (b) Phasing of operations and reclamation steps;
- (c) Methods and processes of reclamation;
- (d) Final condition of site; and
- (e) Relation of final site condition to adjoining land forms and drainage structures.

Recreational Vehicle (RV): A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For the purposes of this Ordinance, a recreational vehicle shall be considered a vehicle and not a structure. The term recreational vehicle shall include pick up truck campers, motor homes, camping trailers, travel trailers and transient trailers.

Recreational Vehicle Park: A commercial use providing space and facilities for recreational vehicles for recreational use or transient lodging. Uses where occupied recreational vehicles are offered for sale or lease, or are stored, are not included in this definition.

Rest Home: See “Convalescent Home.”

Restaurant, Fast Food TYPE 1: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed.

Restaurant, Fast Food TYPE 2: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed AND the establishment includes a drive-through service facility or offers curb service.

Restaurant, Full-Service: A commercial establishment where customers are served food and beverages by a restaurant employee at the same table or counter where items are consumed. This term does not include “fast food restaurants” as defined herein. “Full-service restaurants” may offer some “carry-out” services where food and beverages are consumed off the premises.

Schools: The term “school” as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools” (i.e., those schools offering training to students in skills required for the practice of trades and industry), but EXCLUDING INSTITUTIONS OF HIGHER LEARNING (colleges and universities), WHICH SHALL BE ZONED AS "SPECIAL USE" DISTRICTS ONLY.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features. Sometimes used in conjunction with a buffer yard.

Service Station/ Convenience Car Care Establishment: A commercial use that is primarily used for the retail sale of gasoline, diesel fuel, oil, or vehicle accessories and incidental services including facilities for lubricating, washing, (either automatic or hand) and cleaning, or otherwise servicing automobiles and light trucks. The use of the term “service station” shall include “convenience car care establishments” (lubrication, tune-up, etc.), but DOES NOT include painting, body repairs or other major repair of vehicles. No service station or car care establishment shall have a capacity for filling more than twenty-four (24) vehicles at one time.

Setback: The area between the street right-of-way line and the building setback line.

Setback Line or Building Setback Line: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.

Shopping Center: A group, consisting of three or more commercial establishments, planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related in its location, size, and type of stores to the trade area or neighborhood which the unit serves.

Side Street: A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the Zoning Administrator; in the case of buildings (as opposed to other types of “structures”), the street which the building faces shall be determined by the principal entrance to the building.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, services, activity, place, person or any other item of information. Signs may be further defined as to the following types:

- A. **Animated Sign:** A type of temporary sign which moves or appears to move by any means, including fluttering or rotating. Animated signs shall include but are not limited to pennants, flags, balloons, ribbons, streamers or propellers, strings of light bulbs, pulsating lights, strobe lights, or beacons. For the purposes of this Ordinance, this term does not refer to changeable copy signs (manual) or changing signs (automatic).
- B. **Changeable Copy Sign (Manual):** Any sign on which copy is changed manually in the field (i.e., reader boards with changeable letters or changeable pictorial panels).
- C. **Changing Sign (Automatic):** Any sign with an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank. No mechanical means.
- D. **Construction Sign:** A on-premises temporary sign erected during the period of construction, indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

- E. Externally Illuminated Sign: Any sign which reflects light from a source intentionally directed upon it; for example, by means of floodlights, gooseneck reflectors, or externally-mounted fluorescent light fixtures.
- F. Ground-mounted Sign (or “Ground Sign”): A sign erected on a free-standing frame, mast or pole and not attached to any building.
- G. Identification Sign: An on-premise ground or wall-mounted sign CONTAINING NO ADVERTISING MATTER, which is intended to identify one of the following land uses: a residential subdivision, Planned Unit Development, apartment/condominium complex, an office building containing more than one tenant, a group (more than one) of businesses/organizations on a single lot, a shopping center, a public/quasi-public facility or utility, or an industrial park. Identification signs may only contain the following information: the "overall" name of the facility (not the individual occupants or tenants); the street address of the land use; the type of activity conducted on the premises, such as apartments, shopping center or mall, church, school, hospital, etc.
- H. Internally Illuminated Sign: Any sign designed to provide artificial light through exposed lighting on the sign face (such as neon tubing or light bulbs arranged to form copy) OR through transparent or translucent material from a light source within the sign; this definition includes automatic changing signs.
- I. Marquee or Canopy Sign: Any sign affixed to a marquee or canopy, as such terms are defined by this Ordinance; such signs may be affixed parallel (i.e., not projecting) to the sides or hung beneath a marquee or canopy.
- J. Miscellaneous Sale Sign: An on-premises temporary sign advertising a “garage or yard sale,” the sale of specific items such as pets, a vehicle or boat, and similar signs. As used in this Ordinance, miscellaneous sale signs DO NOT refer to products or services offered as a home occupation, such as “Tax Returns Prepared” ; home occupations are regulated by Section 406 of the Official Zoning Ordinance of the Lamar County, Mississippi.
- K. Off-Premise Sign: A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered off the premises where the sign is located.
- L. On-Premise Sign: A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered on the premises where the sign is located.
- M. Outdoor Advertising Sign: An off-premises sign which advertises goods, products, or services commonly referred to as a billboard and supported by one or more poles; such sign may be digital or consist of poster panels in the form of pasted paper or painted copy.
- N. Portable Sign or “Trailer Sign”: A type of temporary sign which is constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means and is not designed to be nor is it permanently affixed to a building or lot.

- O. Projecting Sign: Any sign attached to any outside building wall and extending more than 12 inches beyond the surface of such wall.
- P. Real Estate Sign: A on-premises temporary sign erected to announce the sale, rental, or lease of real property.
- Q. Roof Sign: Any sign erected, constructed, or maintained above a roof or on top of or above the parapet of a building.
- R. Temporary Sign: A sign which is not permanent and is erected with a time limitation.
- S. Wall Sign: Any sign affixed directly to or painted on, or otherwise inscribed on the outside wall of a building with the face parallel to and projecting no more than 12 inches from the building wall.
- T. Window Sign: A sign placed in a window inside a building.
- U. Outdoor Advertising Signs: An outdoor off premise sign which advertises goods, products or services. Such signs may be digital or consist of poster panels in form of paper or painted copy and Tri-Vision
- V. At-Grade-Intersection-or-Intersection: The general area where two or more roadways join or cross at grade, including the roadway and roadside facilities for traffic movement within it.
- W. Centerline of Highway: (1) A line equidistant from the median separating the main-traveled ways of a divided highway, (2) The centerline of the main-traveled ways of a divided highway separated by more than the normal median width or constructed or independent alignment.
- Z. Grandfathered Signs: Signs that were erected, permitted or existing prior to the date the new ordinances take effect.
- Y. Height of Sign: The vertical distance from the ground at the support nearest the highway to the highest point of the sign face.
- Z. Height of Sign: The vertical dimension of the panel on which the information contents of a sign are placed, including border and trim, but excluding supports.
- AA. Interchange: A junction of two or more highways by a system of separate levels that permit traffic to pass from one to the other without the crossing of traffic streams.
- BB. Length of Face: The horizontal dimension of the face on which the information contents of the sign are placed, including border and trim, but excluding supports.
- CC. Main-Traveled Way: The traveled way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

DD. **Tri-Vision Outdoor Advertising Sign:** A single face, back-to-back or “V” type advertising structure that has rotating panels on which more than one advertising message may be contained. It is the intent to include within this definition those signs which conform to the industry definition of Tri-Vision Billboard and no other Billboards.

Site Plan: A drawing indicating the location of existing and proposed buildings or other structures, and, where required by this Ordinance, landscaping and planting screens and points of access/egress and driveways on a single lot. A “site plan” differs from a “subdivision plat” in that a subdivision plat reflects certain required information for two or more lots.

Site Plan Review: The process required by the “Site Plan Review Ordinance” of Lamar County, Mississippi adopted and effective on August 17, 2006, applying 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.

Within zoned areas of Lamar County, the site plan review process shall be conducted as specified under Sections 2807 through 2810 of this Ordinance in which site plans for certain proposed developments and/or site plans are required accompanying applications for dimensional variances, conditional uses, and rezonings are reviewed by the Lamar County Planning Department, the Lamar County Planning Commission and the Board of Supervisors for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Board of Supervisors.

Specialty Shop: A store that specializes in a particular line of merchandise, such as baked goods, candy, clothing, hardware, clothing, antiques, bicycles, etc.

Spot Zoning: The improper zoning or re-zoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.

Stable, Private: An accessory building for the housing of horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire.

Stable, Commercial: A stable with a capacity for housing of more than two (2) horses or mules, which stable may be operated for remuneration, hire, sale or stabling.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (See “Basement”).

Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Lamar County Chancery Clerk.

Street Right-of-Way Line: The legal property boundary line delineating the street right-of-way and the abutting property.

Strip Development: Commercial development, usually one store deep, that fronts on a major street.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include “Transient Trailers (Travel Trailers)” as defined herein. The term structure shall be construed as if followed by the words “or part thereof.” The term “structure” is not intended to include driveways, patios, parking lots, or utilities (i.e., utility lines running to a structure).

Structural Alteration of a Building: See “Building, Structural Alteration of.”

Subdivider: Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision: Any change in the boundaries of a single tax parcel that results in a division of land into more than 2 lots, other than a division of family property for use by direct family members.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either; (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alterations of any structural part of the building commences.

Supermarket: A commercial establishment containing 20,000 square feet of gross floor area (including storage) or more primarily selling food as well as other convenience and household goods.

Theater, Motion Picture: A building or part of a building devoted primarily to the showing of motion pictures on a paid admission basis.

Theater, Drive-In: An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Through Lot: See “Lot, Double Frontage.”

Thoroughfares Plan: The primary component of the “Transportation Plan,” which is one of the elements of a Comprehensive Plan, usually developed concurrently with another element, the “Land Use Plan.”

Townhouse: A single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (From: Standard Building Code).

Townhouse Subdivision: A subdivision in which the developer proposes to partition land into individual lots and construct townhouses wherein both the dwellings and the lots will be individually owned by the residents.

“Trailer”: Archaic term sometimes applied to manufactured homes. (See “manufactured home”).

Transient Trailer (Travel Trailer): A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a VEHICLE AND NOT A STRUCTURE. The term transient trailer” or “travel trailer” shall include pick-up truck campers,” “motor homes,” “camping trailers” and “recreational vehicles.”

Transient Trailer Park: A commercial operation where space and service accommodations for transient trailers are provided for a fee on an overnight or daily basis.

Transient Vendor: Any person who sells any product or products door-to-door or from a vehicle or from a portable building or any structure that does not have a permanent foundation.

Transition Rule: The provision in this Ordinance under Section 400.07 that allows any person who obtains a Development Permit in previously unzoned areas of unincorporated Lamar County prior to the effective date of zoning in such areas to proceed with the approved development in accordance with an approved site plan.

Transportation Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended.

Truck Stop: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

Undeveloped Lot: A vacant lot or parcel of land.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” shall not be deemed to include any nonconforming use.

Use, Accessory: See “Accessory Use.”

Utility: See “Facilities and Utilities, Public/Quasi-Public.”

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section 2204 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

Vehicle: Any device for carrying passengers, goods, or equipment, usually moving on wheels. This definition does not include manufactured homes, which are considered structures for the purposes of this Ordinance.

Vehicle Service Center: Any building and land upon which the building is located that is used for the performance of minor mechanical repairs and the sale of associated equipment or merchandise for automobiles, light trucks, and vans. Such minor mechanical repairs/ sales may include, but is not necessarily limited to, the following: the sale or installation of tires, batteries, and accessories; the sale or installation of exhaust systems, including mufflers, tail pipes, etc.; front-end and rear-end alignments; complete brake services; the sale and installation of hoses and belts; oil and oil/ filter changes and lubrication services; and minor tune-ups. This term DOES NOT include the following activities: the performance of engine or transmission overhauls; or vehicle painting or body work.

Veterinary Hospital: See “Hospital, Veterinary.”

Warehouse, Self-Storage (Sometimes called a “Mini-Warehouse”): A building or group of buildings divided into separate compartments for the storage of customers’ goods or wares.

Wireless Communications: Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility (WCF): A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cable, and Equipment Facility, and a Support Structure to achieve the necessary elevation.

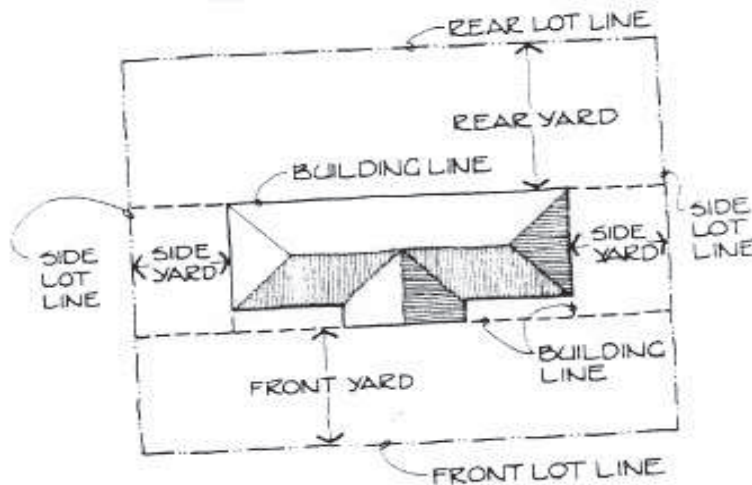
Yard (or “Minimum Yard” or “Setback”): The required open space between any main building or portion thereof and the adjoining lot lines, WHICH SHALL REMAIN UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE, except as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used.

Yard, Front: The required unoccupied and unobstructed space at the front elevation of the main building, extending the full width of the lot, and situated between the front property line and the nearest vertical portion of the main building (see Figure 201-1 below).

Yard, Rear: The required unoccupied and unobstructed space across the rear of a lot, extending the full width of the lot, being the minimum distance between the rear property line and the nearest vertical portion of the main building. On both interior lots and corner lots, the rear yard shall be in all cases at the opposite end of the lot from the front yard (see Figure 201-1 below).

Yard, Side: The required unoccupied and unobstructed space across the side of a lot, being the minimum distance between the side property line and the nearest vertical portion of the main building (see Figure 201-1 below).

FIGURE 201-1: DIAGRAM ILLUSTRATING FRONT YARD, SIDE YARD, REAR YARD AND BUILDING “SET-BACK” LINES



Zoning Administrator: The official (or officials) charged by the Board of Supervisors with the administration and enforcement of this Zoning Ordinance, or his/ her duly authorized representative.

Zoning Commission: See "Planning Commission."

Zoning District: See "District."