

ARTICLE

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Definitions

When used in this Ordinance, the following words and terms shall have the meaning set forth in this Section, unless other provisions of this Ordinance specifically indicate otherwise:

ACCESSORY BUILDING: A building or structure which is on the same lot as, and of a nature customarily incidental and subordinate to, another building or structure, and the use of which is clearly incidental and subordinate to that of the other building or structure.

ACCESSORY STRUCTURE: See Accessory Building.

ACCESSORY USE: A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

ACTIVE CONSTRUCTION: Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE: A measure, structure, or device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

AGRICULTURAL: The use of land for agricultural purposes, including tree farming, dairying, pasturage agriculture, horticulture, aquaculture, floriculture, viticulture, and animal and poultry husbandry, but not swine, and the necessary accessory uses secondary to that of normal agricultural activities.

ALLEY: A minor way which is used primarily for vehicular service to the back or to the side of properties otherwise abutting on a street.

AMUSEMENT ESTABLISHMENT: An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks. This shall not include recreation centers or such amusements which are accessory to churches, schools, or colleges.

Animal Shelter

ANIMAL SHELTER: any structure or property which is used for housing or sheltering common household pets .

APARTMENT BUILDING: See Dwelling, Multi-Family

APPEAL: A request for a review of the City's interpretation of any provision of this Ordinance.

AREA OF SPECIAL FLOOD HAZARD: In the absence of a Flood Insurance Study, Flood Hazard Boundary Map, or Flood Insurance Rate Map issued by the Federal Emergency Management Agency, the areas of special flood hazard shall include, at a minimum, the following: identified wetlands, low-lying areas along the shores of lakes and streams, areas subject to shallow flooding during intense storms, and areas known to have flooded historically, together with any area identified by the Ordinance Administrator. As portrayed on maps issued by FEMA, the "area of special flood hazard" is that anticipated to be inundated by the base flood.

ART/ARTIST STUDIO: Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Does not include artist studios that are accessory to a residential use.

AS-BUILT PLAN: A reproducible mylar plan showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

ASPHALT & CONCRETE PLANT: An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphalted cement, cement or concrete products.

ASSISTED LIVING FACILITY: A facility which offers non-convalescent nursing care by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. The facilities typically offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

AUTOMOBILE REPAIR, GARAGE: an establishment engaged primarily in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, provided it is conducted within a completely enclosed building

AUTOMOBILE SERVICE FACILITY: an establishment engaged primarily in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided it is conducted within a completely enclosed building.

AUTOMOBILE SERVICE STATION: Any building, structure, or lot used for one or more of the following: (1) dispensing, selling, or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles; or (2) the business of repairing automobiles. This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

AWNING: Any non-rigid material such as fabric or flexible plastic that is supported or attached to a frame and that extends from the exterior wall of

<p>a building.</p> <p>AWNNG SIGN: A sign that is either attached to, affixed to, painted or printed on an awning.</p> <p>AVIATION SERVICE: Uses that are limited to aviation activities, businesses, and services dependent upon direct access to airport facilities.</p> <p>BANNER: Any sign that is made of a non-rigid material with no enclosing framework such as but not limited to cloth, fabric, or paper.</p> <p>BASE FLOOD: The flood having a one (1) percent chance of being equaled or exceeded in any given year (also called the “100 year flood”). Base flood is the term used throughout this ordinance.</p> <p>BASEMENT: A story wholly or partially underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (½) of its height is above the average grade level.</p> <p>BED AND BREAKFAST INN: An operator-occupied residence where eight or fewer rooms are rented on an overnight basis, guests are served no more than one meal per day, no cooking facilities are provided in the rooms, and the length of stay does not exceed 14 consecutive days.</p> <p>BLINKING: A means of animation on electronic message board signs whereby the message winks or flashes on and off.</p> <p>BOND: Any form of security including a cash deposit, surety bond, collateral, or property in an amount and form satisfactory to the Board. All bonds must be approved by the Board wherever a bond is required by these regulations.</p> <p>BREAKAWAY WALL: Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of the building and which is designed to break away during floods without damage to the structural integrity of the building</p>	<p>on which they are used or any buildings to which they might be carried by flood waters.</p> <p>BROADCASTING STUDIO: A programming origination studio of a television station, radio station, or cable television provider.</p> <p>BUFFER: A strip of land which is used to separate land uses from each other or to separate development from a stream or other water body, as required by this Ordinance.</p> <p>BUILDABLE AREA: That portion of a lot remaining after required yards have been provided.</p> <p>BUILDING: Any structure which is enclosed and isolated by exterior walls and constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which requires or would require a building permit under the building code.</p> <p>BUILDING, ACCESSORY: See Accessory Building.</p> <p>BUILDING CODE(S): The Standard Building Code, National Electric Code, Standard Gas Code, Standard Housing Code, Standard Plumbing Code, Standard Swimming Pool Code, Standard Mechanical Code, Standard Fire Prevention Code, and/or Standard Life Safety Code, used singularly or any combination thereof.</p> <p>BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.</p> <p>BUILDING LINE: A line beyond which buildings must be set back from the street or road right-of-way line on which the property abuts.</p> <p>BUILDING PERMIT: A permit issued by the Building Department pursuant to Article 3, Section 3.10 of this Ordinance and the State building code.</p>
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Building, principal

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING SETBACK LINE: A line establishing the minimum allowable distance between the nearest portion of any building and a property line when measured perpendicularly thereto.

BUILDING WALL: An exterior load-bearing or non-load-bearing vertical structure, encompassing the area between the final grade elevation and the eaves of the building, which is used to enclose the space within the building. A porch, balcony, or stoop is part of the building structure and may be considered as a building wall.

BUSINESS COLLEGE/UNIVERSITY SATELLITE: A campus or site of an educational institution that is not temporary, is located in a community beyond a reasonable commuting distance from its parent institution, and offers organized programs of study, not just courses.

CANOPY: A structure constructed of rigid materials, including but not limited to, metal, wood concrete, plastic, canvas or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.

CAR WASH: A commercial establishment which washes automobile or other motor vehicles, whether or not in conjunction with other goods or services provided to customers.

CEMETERY: Property used for interring of the dead.

CHURCH: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

CLINIC: Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, veterinarians, physical or occupational therapists, psychologists, or the like for the

examination and treatment of persons or animals on an out-patient basis only.

CLUBS AND LODGES, CIVIC AND PRIVATE: Private not-for-profit associations, corporations, or other entity consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state and regional officials of that organization.

COLLECTOR STREET: A street which penetrates various land use classifications, and whose primary function is traffic service, collecting traffic from the streets intersecting it and funneling it to thoroughfares.

COLLEGE: An educational institution authorized by the state to award baccalaureate or higher degrees.

COMMUNITY CENTER: A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

COMPREHENSIVE PLAN: The documents entitled "Comprehensive Plan" and "Land Use Plan" and such other policies and documents as may be adopted from time to time to guide future development.

CONDOMINIUM: A dwelling which is subject to Mississippi Code 1972 Annotated Section 89 Article 9, "Condominiums." An estate in real property consisting of an undivided interest in common in a portion of a parcel together with separate interest in space in a residential, industrial, or commercial building. Such estate may be in fee simple, leasehold or any other estate in real property recognized by law. (See Mississippi Code of 1972, amended, Section 89-9-7). Bulk regulations of condominium ownership property is governed by the physical form of the building(s).

CONDOMINIUMUNIT: A part of the condominium property subject to individual ownership or co-

ownership. A unit may include air space only. A unit includes such accessory rights and obligations as are stipulated in the condominium declaration.

CONDITIONAL PERMITTED USE: A land use listed in Article 5 of this Ordinance as a "conditional permitted use" in the zoning district in which it is located, and which is subject to the approval procedures set forth in Article 3, Section 3.15 of this Ordinance.

CONFORMING USE: Any lawful use of a building, structure, or lot which complies with the provisions of this Ordinance.

CONSTRUCTION: Any new construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or any part thereof, which provides, adds to, repairs, or increases the floor area of a residential or non-residential use.

CONTIGUOUS: Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a street; railroad, or public utility right-of-way.

CONTROLLED ACCESS HIGHWAY: A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossings at grade, including any interstate, State, or U.S. Route.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. A retail store with a floor area of less than 5,000 square feet, which sells groceries, gasoline, and/or beer and light wine, and is open 15 to 24 hours a day, but not including an automobile service station.

COPING: The finished edge of a roof.

CORRECTIONAL FACILITY: A public or private facility that houses persons in the custody as a result of conviction of a criminal offense or persons on parole.

CRITICAL FACILITY: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous materials or hazardous waste.

CUL-DE-SAC: A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround, and which does not intersect with another street.

DAY CARE FACILITY, LARGE:COMMERCIAL A day care facility established in a residential or non-residential structure for the care and keeping of five or more persons regardless of age.

DAY CARE FACILITY, SMALL:RESIDENTIAL: A day care facility established in a residential home which is occupied by the provider of the day care services or non-residential structure for the care and keeping of less than five unrelated persons regardless of age. A day care facility established in a residential or non-residential structure for the care and keeping of less than five persons regardless of age.

DAY SPA: A facility offering personalized beautification and relaxation treatment by professional, licensed personnel and therapists on staff which is open 10 or less hours during the daytime. Examples of treatment offered may include: body packs & wraps, exfoliation, heat treatments, body toning, waxing, aromatherapy, cleansing facial, non-surgical face lift, electrolysis, hydrotherapy, steam and sauna treatment, exercise, manicures, and pedicures, and make-up consultation and application.

DENSITY: The number of dwelling units on a particular tract or parcel of land, with gross density taking into account the entire area of that tract or parcel and net density not taking into account

portions of the tract or parcel which contain rights-of-way for collector or larger streets, slopes greater than 20 percent, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers but taking into account all other areas of that tract or parcel.

DETACHED: Not physically connected to another building or structure.

DETENTION CENTER: Any facility used pending court adjudication or disposition or execution of court order for the temporary care of a child alleged or found to have committed a violation of law.

DEVELOPER: The owner or occupant of a lot or parcel of land, or the person or entity developing such land.

DEVELOPMENT: The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to; construction or enlargement of a building or structure; change in the type of use of a building, structure, or land; material increase in the intensity of use of land, such as an increase in the number of units located in a building or structure or on the land; commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land; demolition of a structure or the removal of trees from a parcel of land; deposition of refuse, solid or liquid waste, or fill on a parcel of land; permanent storage of materials or equipment.

DIRECTORY SIGN: A sign located on a single lot with more than one establishment and which displays only a listing of the names of these businesses or organizations located within the establishment

DIGITAL MESSAGE SIGN: A ground sign without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including light emitting

diodes, liquid crystal display, and plasma screen image display.

DRUG STORE: A store where the primary business is a filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well.

DWELLING: A building or portion thereof which is designed, arranged, or used for permanent living quarters for one or more families. This term shall not include a motel, hotel, guest house or other structure designed for transient residence.

DWELLING UNIT, ATTACHED: A building which contains two to four dwelling units, each with a separate entrance and each located on a separate lot, which share one or more common walls for fifty percent (50%) or more of their width.

DWELLING UNIT, DETACHED: A building which is developed with open yards on all sides and contains one dwelling unit, not being attached to any other building or dwelling unit and does not sit on the same lot as any other dwelling unit. This shall not include a manufactured home or mobile home.

DWELLING, DUPLEX: A building which contains two dwelling units which share a common wall and sit on the same lot, with open yards on all sides and not being attached to any other building.

DWELLING, MULTI-FAMILY: A building, other than a townhouse, which contains three (3) or more dwelling units attached along and sharing one (1) or more common walls between and two (2) units and/or stacked one above the other, or one (1) or more dwelling units located in a mixed use the same building as containing other non-residential uses in a non-residential zoning district. The land underneath the individual units are not divided into separate lots. This shall include any such building regardless of the form of ownership (condominium or rental) of the individual dwelling units therein and does not include a

Duplex, Townhouse or any other type of attached dwelling unit in where each unit is located on its own individual lot.

DWELLING, SEMI-DETACHED: A building which contains two to four dwelling units which share one or more common walls for less than fifty percent (50%) of their width, with each dwelling unit located on a separate lot.

DWELLING, SINGLE-FAMILY DETACHED: A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING UNIT: A building or portion of a building, designed, occupied or intended for occupancy as a separate living quarter, with sleeping, cooking, and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household. This term shall not include a motel, hotel, guest house or other structure designed for transient residence.

EASEMENT: A grant by a property owner, to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines or greenways.

ELECTRONIC MESSAGE SIGN: A sign or portion thereof with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the

effective date of this ordinance.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain, which may impede or alter the flow capacity of a floodplain.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FAMILY: One person or a group of persons related by blood or marriage, plus up to three additional unrelated persons.

FARM MARKET: An area which is used on a temporary basis by one or more operators of bona fide farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

FENCE: A structure used to delineate a boundary or as a barrier or means of protection, confinement, or screening.

FLASHING: A change in light intensity at regular intervals, including repeated brightening or dimming of lights, change in contrast or hue, or turning them on and off in a manner in which the duration of light is less than the duration of darkness.

FLEX SPACE: The sale, lease, or rental of space within a structure or multiple structures that will allow a combination of uses.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of

Flood or flooding

normally dry land areas from: a.) The overflow of inland or tidal waters b.) The unusual and rapid accumulation of run-off or surface waters from any source

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): The official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

FLOOD INSURANCE RATE MAP: An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM, (where applicable) and the water surface elevation of the base flood.

FLOODPLAIN: Any land area susceptible to flooding.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS: This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water

surface elevation more than one (1) foot.

FLOODWAY FRINGE: The floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

FLOOR AREA: The gross total horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings, or the centerlines of a party wall separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portions thereof without walls, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

FLOOR AREA RATIO: The numerical value obtained by dividing the gross floor area on a lot by the area or size of such lot.

FORESTRY: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FREEBOARD: A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

FULL PRIVACY FENCE: Fencing that is constructed with overlapping, shadow box, or tongue-and-groove boards which do not allow air or visual space between boards. Used to fully screen objects.

FUNCTIONALLY DEPENDANT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo passengers, ship building, ship repair

or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

GARAGE APARTMENT: A dwelling unit for one family erected above a private garage.

GOLF COURSE: A course with nine or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges which are not accessory to a golf course.

GOVERNMENT OFFICE: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other governmental unit.

GREENHOUSE & NURSERY, RETAIL: Land, greenhouses or retail buildings used to raise and sale flowers, shrubs and plants up to 20,000 square feet in area.

GREENHOUSE & NURSERY COMMERCIAL: Land, greenhouses or retail buildings used to raise and sale flowers, shrubs and plants more than 20,000 square feet in area.

GREENWAY: A linear open space, either privately-owned or owned by the City or another unit of government, which contains a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.

GROUP CARE FACILITY: A dwelling shared by four (4) or more handicapped persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling them to live as independently as

possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) a physical or mental impairment that may substantially limit one or more of such person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "handicapped" shall not include any person currently using, or involved in any program of recovery from, the use of or addiction to alcohol or a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A group care facility may include half-way houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women. It would include a specific treatment providing less than primary health care.

GUEST HOUSE: An accessory dwelling unit located on the same lot as a principal dwelling unit which is occupied either the property owner or members of his family, and which is served by the same water, electric and gas meter as the main structure.

HALF-WAY HOUSE: An establishment of four (4) or more persons primarily engaged in the provision of residential, social and personal care for individuals wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently, but where medical care is not a major element. This includes establishments for persons involved in a program of recovery from addiction to alcohol or a controlled substance and those establishments engaged in parole and/or probation programs.

Hanging sign

HANGING SIGN: Signs that hang from and under awnings, canopies, marquees or other structures.

HARDSHIP: (as related to variances of this ordinance)
The exceptional hardship that would result from a failure to grant the requested variance. The Board of Aldermen requires that the variance is exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use that originally intended.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

HISTORIC STRUCTURE: Any structure that is:

- (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district
- (c) individually listed on the Mississippi inventory of historic places
- (d) listed on a local inventory historic places in communities with historic preservation programs that have been certified either: (1.) by an approved state program as determined by the Secretary of Interior (2.) directly by the Secretary of the Interior in states without approved programs

HOLIDAY DECORATIONS: Displays erected on a seasonal basis in observance of religious,

national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.

HOME BUSINESS: A home business which allows customers and other activities as specified in Article 3 of this ordinance.

HOME OCCUPATION: An occupation or profession which involves the rendering of a service in exchange for monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. This occupation can in no way be apparent from the outside by signs, traffic generation, etc.

HOSPITAL, ANIMAL: A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals which are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

HOTEL: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A building or a group of buildings containing sleeping rooms, designed for and rented to temporary guests.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

INDEPENDENT LIVING UNIT: A dwelling unit which is part of a life care community which includes complete facilities for independent living, including cooking and sanitary facilities. The

occupants are presumed to be able to function independently of the support facilities of the life care community.

INTERSTATE HIGHWAY: A controlled access highway which is part of the Federal interstate highway system.

KENNEL COMMERCIAL: An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

KENNEL, PRIVATE: Any building or buildings, or land designed or arranged for the care of three (3) or more dogs and cats, or a combination thereof, six (6) months of age or older, belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

JUNK VEHICLE: Any motor vehicle which does not have a current Mississippi inspection sticker and motor vehicle registration plate or is in such a condition as to be considered inoperable. For the purpose of this Ordinance, a trailer, camper or boat without a current registration plate shall be considered a junk vehicle.

JUNK & SALVAGE YARD: Any land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of waste paper, rags, scrap metal, motor vehicles, machinery, or other junk outside of an enclosed building. This shall not include a publicly-owned landfill, solid waste transfer facility, or other public utility facility, or a recycling and salvage operation.

LABORATORY, MEDICAL, DENTAL & ENVIRONMENTAL: A facility for testing and analysis, and/or research. Examples of this use include clinical laboratories, soils and materials testing labs, forensic labs, and experimental photo or motion picture film labs.

LABORATORY, RESEARCH: A facility for scientific

research, and the design, development, and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories

LAND SURVEYOR, LICENSED: A land surveyor certified and registered by the State Board of Registration for Professional Engineers and Land Surveyors pursuant to Title 73, Article 13, Sections 1-99 inclusive of the Mississippi Code 1972, Annotated, to practice in Mississippi.

LANDOWNER: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

LANDSCAPED BUFFER: A unit of land, together with a specified type and amount of planting, that may be required between land uses to eliminate or minimize conflicts between them.

LANDSCAPE PROFESSIONAL: Someone who is knowledgeable in local climate, soils and ornamental plant material.

LIMITED ACCESS HIGHWAY: A street to which access is prohibited except at specific points.

LOCAL STREET: Streets that are used primarily for access to abutting properties and to discourage through traffic.

LOFT APARTMENT: One or more dwelling units located in the upper stories of a building where the first floor is primarily used for commercial or office purposes.

LOGO: The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, symbols, or illustrations, or the superimposition of letters or numbers or any other use of

graphics or images other than the sequential use of letters and numbers.

building setback line; provided that the width at the street property line is not less than 20 feet.

LOOP STREET: A street which originates and terminates at intersections with the same street.

LOWEST ADJACENT GRADE: The elevation of the sidewalk, patio, deck support or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that component of a building's foundation system.

LOT: A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage, in not built so as to render the structure in violation of the non-elevation provisions of this code.

LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred and thirty-five (135) degrees.

MACHINE SHOP: A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine, welding, and sheet metal shops.

LOT COVERAGE: The percentage of a lot's area which is covered by buildings.

MAJOR ENTRANCE: An entrance or entrances leading from collector streets, major thoroughfares, or highways to subdivisions, multi-family uses, planned unit developments, industrial, commercial, or office and institutional subdivisions as determined by the Land Code Administrator.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

MAJOR SUBDIVISION: any division of land that is not a minor subdivision.

LOT, FLAG: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode is at least eight (8) feet wide or 40 feet long, or which when erected on site is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the

LOT OF RECORD: A lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance.

LOT WIDTH: The width of a lot that complies with the minimum lot width requirements (Article 8) calculated by any one of the following three methods: (1) the average of the distances between the side lot lines, measured along the rear and the front lot lines; or (2) the distance between the side lot lines, measured at the midpoint of each side lot line between the front lot line and the rear lot line; or (3) the distance between the side lot lines as measured at the

largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structure which meet the above requirements, except for the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This term does not include a "Recreational Vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale. A new manufactured home park or subdivision includes the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (at a minimum including the installation of utilities, the construction of streets, and either final site grading or pouring concrete slabs).

MANUFACTURED HOME PARK OR SUBDIVISION: A subdivision designed specifically for parcel, or contiguous parcels, of land divided into two or more manufactured homes lots with individual lots for rent or sale. A new manufactured home park or subdivision includes the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (at a minimum including the installation of utilities, the construction of streets, and either final site grading or pouring concrete slabs).

MANUFACTURING, HEAVY: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area

occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following; enameling, lacquering, or the plating or galvanizing of metals; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; and tire recapping and retreading. This shall not include resource extraction or recycling and salvage operations.

MANUFACTURING, LIGHT: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute "heavy manufacturing," resource extraction, or recycling and salvage operations.

MARGINAL ACCESS STREET: A street which is parallel to and adjacent to major streets, that serves traffic generated by adjacent non-residential properties and provides protection from through traffic.

MARKET VALUE: The building value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

MAUSOLEUMS: Property used for interring of the dead

above ground.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

MENTAL HEALTH CLINIC/OFFICE: A clinic or office, whether public or private, principally engaged in providing services for the treatment of mental conditions.

MIXED-USE BUILDING: A building that contains one floor or a portion thereof devoted to allowed nonresidential uses and one floor or a portion thereof devoted to allowed residential uses. This shall include adjacent buildings that are connected by a common wall.

MINOR ENTRANCE: A street entrance or entrances leading from collector streets or marginal access streets to subdivisions, multifamily developments, industrial, commercial, office and institutional uses, and planned unit developments as determined by the Land Code Administrator.

MINOR SUBDIVISION: any residential subdivision that is five (5) lots or less.

MOBILE HOME: A structure manufactured before June 16, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and any plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to

which manufacturer voluntarily files a certification required by the Commissioner and complies with the standards established under The Uniform Standards Code for Factory-Built Homes Law, Mississippi Code Ann., Section 75-49-1, et seq.

MOBILE HOME PARK: Any site of tract of land, with two (2) or more lots provided for lease or rental only, upon which mobile home spaces are provided for mobile home occupancy. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator primarily for the use and convenience of mobile home occupants. Recreation buildings, areas, and customary accessory buildings and facilities necessary for the operation and serving of the mobile home park in which they are located.

MODEL SALES HOME: A permanent building which is typical of the dwellings in the residential development in which it is located and which is temporarily used for the purpose of display and sales associated with residential property, but intended for ultimate use as a residential dwelling unit.

MODULAR HOME: A structure 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 with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction Safety Standards Act of 1974.

MORATORIUM: The legally authorized delay of new construction or development.

MOTEL: An establishment providing sleeping

accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. A building or a group of buildings containing sleeping rooms, designed for and rented to temporary guests.

MOTHER-IN-LAW APARTMENT: See Guest House.

MULTI-FAMILY DEVELOPMENT: Two or more multi-family dwellings located on a single property.

MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT: A building or group of buildings under unified ownership or management which contains more than one non-residential establishment or occupant.

MULTI-TENANT SIGN: A ground sign that identifies the name and address of an office complex, business park or shopping center and multiple individual tenants.

NATIONAL GEODETIC VERTICAL DATUM (NGVD): A vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION: Any structure for which the "start of construction" commenced after the effective date of this ordinance. The term also includes and subsequent improvements to such a structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by a community.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to

all the standards and regulations of the adopted or amended ordinance. Signs constructed after the passage of this ordinance which are in violation of this ordinance are illegal and shall not be given the status of nonconforming sign.

NONCONFORMING STRUCTURE: A structure or building, the size, dimensions, or location of which was lawful at the time it was constructed but which fails, by reasons of adoption, revision, or amendment, to conform this Ordinance, or subsequent amendments hereto. Buildings or structures established after the passage of this ordinance which are in violation of this ordinance are illegal and shall not be given the status of nonconforming structure.

NONCONFORMING USE: Any use of a building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one or more of the applicable regulations or standards of this Ordinance, or a subsequent amendment hereto. Uses established after the passage of this ordinance which are in violation of this ordinance are illegal and shall not be given the status of nonconforming uses.

NURSING HOME: A home for elderly, chronically ill, or incurable persons, or a place of rest for those suffering bodily disorders, in which three or more persons, not members of a family residing on the premises, are provided with food, lodging, and primary health care, including congregate care facilities but not including clinics or group care facilities.

NURSING HOME DWELLING UNIT: A room or other portion of a nursing home intended for no more than two persons.

OBSTRUCTION: Includes, but not limited to, any dam, wall, wharf, embankment, levee, dike, pike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its

Obstruction

location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

OFF-PREMISE SIGN: A sign not located on the same lot as the product, service or structure to which the sign relates.

OFFICE: A use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes, but is not limited to, general business offices, government offices, insurance offices, law offices and real estate sales and management offices.

OPEN AIR MARKET: An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site

OPEN SPACE: Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts.

ORDINANCE ADMINISTRATOR: The individual appointed to administer and enforce these regulations.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

PARK: Any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING SPACE, OFF-STREET: A space which is designed for the parking or temporary storage of one automobile, and is located outside of a

dedicated street right-of-way.

PERMITTED USE: A land use listed in Article 5 of this Ordinance as a "permitted use" in the zoning district in which it is located, and which is subject to the approval procedures set forth in Article 3, Section 3.14 of this Ordinance.

PERSONAL SERVICE ESTABLISHMENTS: a facility which provides care to a person or a person's apparel, seamstress shops, shoe repair shops, coin-operated laundries, optician shops, diet centers, health clubs, spas, pet grooming shops and similar uses. Sales of products must be clearly incidental to the services provided. This shall not include automobile service stations. A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to customers which have been treated or processed at that location or another location. This includes, but is not limited to, travel agencies, laundries, tailors, cosmeticians, toning or tanning salons, postal stations, package delivery drop-off and pick-up stations, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, dance and martial arts studios, and domestic pet services.

PERVIOUS PAVEMENT: pavement that permits full or partial absorption of stormwater into previously unimproved land and includes paving materials such as washed stone, pervious asphalt/concrete or pervious pavers. Gravel is not considered a pervious pavement.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters; appropriate commercial, public or quasi-public uses may be included if such uses are primarily for the benefit of the residential development.

PLANNED UNIT DEVELOPMENT (PUD): A zoning district which allows a master planned communities for which a master land use plan, architectural and landscaping design and a

Preliminary Plat must be submitted along simultaneously with the requested zoning change. Usually contains a variety of housing types, clustered residential lots, open space, parks, lakes or other uses or amenities which are consistent with the approved master plan. A tract of land under single ownership, or under common control evidenced by duly recorded contracts or agreements approved by the Board of Aldermen, that is planned and developed as an integral unit in a single development operation or in a programmed series of development operations in accordance with a master land use plan and detailed engineering and architectural plans as approved by the Board of Aldermen.

PLAT, FINAL: That plat submitted to the Planning Commission and Board of Aldermen for final approval and subsequently to be recorded with the Chancery Clerk's Office of Stone County, Mississippi.

PLAT, PREAPPLICATION: That plat which is submitted to the Land Code Administrator at the pre-application conference.

PLAT, PRELIMINARY: That plat or layout of a proposed subdivision submitted to the Wiggins Planning Commission for approval prior to submission of the final plan.

PRELIMINARY PLAN: The preliminary plat and construction plans for required improvements which are submitted prior to the final plat.

PROJECTING SIGNS: A sign that is attached to a building in a perpendicular manner and which extends more than twelve (12) inches from the surface.

PUBLIC SAFETY AND NUISANCE: Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or bay, stream, canal or basin.

PUBLIC UTILITIES: Any City approved water and/or

sanitary sewer system, including collection and distribution lines, which is constructed to City standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City for operation and maintenance and the facilities, other than a utility substation or transportation facility, which house or contain facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricity services. This does not include recycling and salvage operations.

PUBLIC UTILITY FACILITY: Building, structures and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

RECREATIONAL CENTER: A building, enclosed structure, or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums. This shall include outdoor amphitheaters.

RECREATIONAL VEHICLE: A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or towable by a light duty truck; and (d) designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

RECYCLING AND SALVAGE OPERATION: A facility, other than a recycling drop-off station, for the collection, handling, sorting, storage, processing, compaction, purchase, and/or resale of paper, metal, plastic, glass, or cloth materials that are disposed of by households or by non-residential uses. This shall not include junkyards.

RECYCLING DROP-OFF: One or more outdoor containers designed and intended for the depositing of clean, separated, and recyclable paper, metal, glass, or plastic materials and the collection of such materials for processing at

another location, but itself having no mechanical facilities for the processing of such materials.

REHABILITATION CENTER: A facility whose primary function is to assist individuals to adjust to living with a handicap or physical disability through occupational or physical therapy.

REPETITIVE LOSS: Flood-related damages sustained by a structure on two separate occasions during a ten (10) year period ending on the date of the event for which the second claim was made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the building at the time of each such flood event.

RESEARCH LABORATORY: A facility which is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research.

RESOURCE CONSERVATION FACILITIES: Fish hatcheries and fish ponds; game preserves; botanical and zoological gardens; water reservoirs and dams.

RESOURCE EXTRACTION: Extraction of minerals, ores, soils, and any other solid matter from its original location, including but not limited to quarrying, open-pit mining, drilling, tunneling, strip mining and any other such activities.

RESTAURANT, DINE IN: An establishment where food and drink are prepared, served, and consumed primarily within the principle building. A business whose principal purpose is the sale of food in a state that is ready to eat, either on the premises or off the premises.

RESTAURANT, DRIVE IN: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RESUBDIVISION: The redivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.

RETAIL STORE: A building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.

RETENTION FACILITY: Any type of detention facility which is not provided with a positive outlet.

RIGHT-OF-WAY: An area owned or maintained by the City, the State of Mississippi, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

SANITARY LANDFILL: A site for solid waste disposal.

SATELLITE PARKING: off-site parking that serves nearby businesses in order to meet the off-street parking requirements for a particular use that cannot reasonably be provided on the same lot as the use they are serving.

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provisions for good delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

SPORTS COMPLEX: A multi-use business with primary function being sports or sports related activities, such as sports medicine professionals, dietary consultants, sports rehabilitation, sports equipment and/or clothing sales, sports instruction and/or competition and other activities such as refreshment sales areas.

START OF CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348), including substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SCHOOL: A privately-owned or publicly-owned elementary school, middle school, junior high school, or high school which does not provide lodging for students, including any accessory athletic fields and recreational facilities.

SCINTILLATION: The effect produced by turning lamps on and off in a seemingly random pattern, customarily producing a twinkling effect.

SECURED: Placed in a concrete footing, holes with

compacted earth or gravel, or other approved support, so as to be adequately affixed to the ground as a permanent structure.

SEMI-PRIVATE FENCE: fencing that is constructed to allow air and visual space between the boards, while protecting the space and residents from full view. This can include but is not limited to chain link, picket and split rail type fences.

SHOPPING CENTER: A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed and has been approved by the Board of Aldermen as a shopping center with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public.

SIGN: Any object, device, or structure, or part thereof, which is placed outdoors or placed indoors so as to be seen from the outdoors, and which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters figures, designs, symbols, fixtures, colors, illumination, or projected images. The types of signs vary as follows:

(a) **Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than six (6) inches from such building or structure.

(b) **Changeable Copy:** Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

(c) **Ground:** Any sign that is not attached to a building and is permanently mounted to the ground.

(d) **Illegal:** Any sign erected or maintained in violation of a prior sign ordinance or erected, altered, removed, or replaced in violation of this

Sign, illegal

Ordinance, or any amendments hereto.

(e) Nonconforming: Any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a sub-segment amendment hereto. An illegal sign is not a nonconforming sign.

(f) Off-Site: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

(g) Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; converted to A- or T-frames; and sidewalk and sandwich boards.

(h) Temporary: A sign that can be used only for a designated period of time.

(i) Windblown: Any banner, pennant, spinner, streamer, moored blimp, or gas balloon that is designed to inform or attract attention of persons not on the premises on which it is located.

(j) Window: Any sign that is applied to the glassed area of a building or located such that the message, symbol, insignia, visual representation, logo, or other materials which communicate information can be read from off the property.

SIGN, SURFACE AREA: The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that rectangular area encompassing the individual letters themselves, including any

trim or border and excluding the background behind the letters.

SIGN, UNIFORM: A plan establishing parameters for the size, location, and design of signs on a property which is being constructed and/or managed as a single development.

SITE PLAN: A plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.

SITE SPECIFIC DEVELOPMENT PLAN: A site plan containing all information required of site plans under Article 3, Section 3.6 of this Ordinance, or a plat of subdivision containing all such information in addition to the information required of subdivision plats under Article 3, Section 3.5 of this Ordinance.

SKETCH PLAN: A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

SPECIAL EVENT: Any activity or circumstance of a business or organization which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales, and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

SPECIALITY FOOD STORE: Food stores where sales are limited to a particular type of food or a limited number of closely related food items, including bakeries, butchers, cafés, candy shops and ice cream parlor.

SPECIALITY RETAIL STORE: A retail store which offers for sale one merchandise line or a limited number of closely related merchandise lines, including such establishments as antique shops, book store, art or framing stores, florist shops, glassware and china shops, maternity shops, stationary stores, etc. A specialty retail store shall not include adult uses, convenience stores, food stores, department stores, or pawn

shops.

SPECULATIVE CONSTRUCTION: Construction of a shell building for the purpose of leasing individual spaces to prospective tenants who do not share any legal affiliation with each other. Examples of speculative construction shall include but are not limited to the following: shopping centers, malls, and office buildings that meet the above description.

STORM DRAINAGE FACILITIES: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A public or private right-of-way which is designed, dedicated, or used principally for vehicular traffic.

STRUCTURE: Any improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, signs, manufactured or mobile homes, gas or liquid storage tanks and impervious surfaces.

SUBDIVIDER: Any person, firm, or corporation who divides or develops any land in a subdivision.

SUBDIVISION: Subdivision of land occurs when land is divided into two (2) or more parcels within one (1) calendar year, but shall not include:

- a. the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
- b. the public acquisition by purchase of strips of land for water or sewer infrastructure or the widening or opening of streets
- c. the division of a tract into plots or lots used as a cemetery

SUBDIVISION, MINOR: A subdivision that does not involve the creation of more than five (5) lots nor the creation of any new public streets.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure where the cost of restoring the structure to the before-damaged condition equals or exceeds fifty percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: An improvement which addresses flood damage prevention, or any repair, reconstruction, or improvement of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred.

This term does not include any project for improvement of a structure necessary to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure which is listed on the National Register of Historic Places or a state inventory of historic places.

SUBSTANTIAL PROGRESS: For the purposes of determining whether substantial progress has been made on the site of an approved site plan, continuous construction activity toward the completion of a site or subdivision plan, including but not limited to obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days, installation and approval of on-site infrastructure, or obtaining a building permit for the construction and approval of the building foundation.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or

Substantially improved existing manufactured home parks or subdivisions

improvement commenced.

townhouse.

SWMMING POOL (NON-RESIDENTIAL): A permanently constructed swimming pool that is not an accessory use to a residential structure.

TRACT: All contiguous land and bodies of water under single ownership, or contiguous land and bodies of water in diverse ownership which is being developed as a unit, although not necessarily all at one time. A tract may consist of one or more parcels or lots.

TEMPORARY USE: A land use identified as a "temporary use" in Article 11, Section 3 of this Ordinance, and which is subject to the approval procedures set forth in Article 5, Section 3 of this Ordinance.

TRADE/VOCATIONAL SCHOOL: A school, other than a college, which provides part-time education beyond the high school level, principally in the vocational arts, and does not provide lodging or dwelling units for students or faculty.

TENNIS COURT (NON-RESIDENTIAL): One or more tennis courts that are not an accessory use to a residential structure.

TRANSPORTATION FACILITIES: Stations and related facilities intended for the transition of the general public, including bus and railroad passenger stations.

THEATER: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

TRUCK TERMINAL: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

THOROUGHFARE: A street which serves as a primary traffic artery serving major centers of activity and carrying traffic between such centers at moderate speeds which primarily has the function of carrying traffic which has an origin and destination removed from that street itself, and access to which is primarily provided by at-grade intersections which may be signal-controlled.

UNIFORM SIGN PLAN: A plan establishing requirements for the size, location, and design of signs on a property that is being constructed and/or managed as a single development.

THOROUGHFARE, LIMITED ACCESS: A thoroughfare whose sole function is to carry large volumes of traffic safely and expediently through developed areas, and access to which is controlled to occur only at intersections with other thoroughfares or streets, with such intersections spaced at intervals which promote traffic progression with the absolute minimal delays incurred. Speeds on limited access thoroughfares are typically limited to no greater than 45 miles per hour.

UNIVERSITY: See also college.

TOWNHOUSE: A two-story, one-family dwelling attached to one or more such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is attached, but separated from any other unit by one or more vertical, common fire-resistant walls that extend through the roof line so as to create separate roofs for each

UTILITY SUBSTATIONS: Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services between the point of generation or treatment and the end user. This shall not include broadcasting studios or satellite dish antennas.

VARIANCE: A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

VEHICLE RENTAL: the use of any building, land area or other premises for the rental of cars, light trucks and/or light equipment

VEHICLE SALES AND SERVICE: The use of any building, land area or other premises for the display and sale or lease of any new or used car or light truck, and may include outside storage of inventory, any warranty repair work or other repair service conducted as an accessory use.

VEHICLE, TOWING & STORAGE: The temporary storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment in a public or private impound yard. This use does not include automotive sales and service or a junk/salvage yard.

VEHICULAR USE AREA: Any portion of the site or property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

VESTED RIGHT: The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

VETERINARIAN: A place where animals are given medical care and the boarding of animals is limited to short-term care.

VIOLATION: The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certificates or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WAREHOUSING & DISTRIBUTION: A business or government agency operation for which the primary purpose is (1) the storage of goods, materials, vehicles, trailers, or boats, or (2) or the distribution of goods and materials to another location for the purposes of resale or

use at the place distributed to. This shall include offices located on the same property in conjunction with such uses. This shall not include heavy manufacturing, resource extraction, scrap operations or salvage operations.

WAREHOUSING & STORAGE: A building used primarily for the storage of goods and materials.

WASTE: Surplus materials resulting from on-site construction which are disposed of at other locations which includes bulky waste, construction waste, hazardous waste, special waste, wood pulp waste and yard waste.

WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WHOLESALE OR JOBBING ESTABLISHMENT: The sale of goods and materials in large quantity for resale to retail customers. This shall not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

YARD: An open space on a lot which is unoccupied by any building or structure, except as otherwise allowed in this Ordinance. The front yard is the portion of a lot which is bounded by the side lot lines, a street right-of-way, and the required front yard line. The rear yard is the portion of a lot which is bounded by the side lot lines, the rear lot line, and the required rear yard line. The side yard is the portion of a lot which is bounded by a side lot line, a required side yard line, the rear yard line, and the front yard line. Any such yard abutting a street shall be treated as a "front yard."

YARD LINE: A line in a lot which is parallel to the lot line along which an applicable yard or setback requirement extends, and which is at no point nearer to such lot line than the required width or depth of the applicable yard or setback.

Zoning District

ZONING DISTRICT: The Residential Districts including A-R, R-1, R-2, R-3, R-4, R-O and Non-Residential Districts including C-1, C-2, C-3, I-1 established under this ordinance in Article 4.

A specifically delineated area or district in a municipality with which uniform regulations and requirements govern the use, placement, spacing and size of land and building.