

ARTICLE IV

GENERAL REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

- 400.01 Land Use Permit Required in ZONED AREAS of Lamar County: Before any person shall commence with the construction or erection of a building, parking lot or placing of a manufactured or modular home, relocating an existing structure, or expansion of any use of any property within unincorporated areas of Lamar County that are subject to this Zoning Ordinance, he/she shall obtain a Land Use Permit from the Lamar County Planning Department. A Land Use Permit shall also be required for any change of use, such as conversion of an office building to a restaurant. However, fences and buildings that do not have a permanent foundation shall be exempt. A Land Use Permit granted under this ordinance shall expire if the work or change is not commenced within one hundred eighty (180) days from the date the permit is granted, or if the work or change is not substantially completed within two (2) years from the date the permit is granted, although such permit may be renewed for additional periods. Renewal or extension of a permit shall be treated as a new application and shall be subject to all provisions of this ordinance, including construction to be performed in phases.
- 400.02 Site Plan Review and Approval Required for Certain Uses in ALL UNZONED, Unincorporated Portions of Lamar County; Development Permit Required: In accordance with the "Site Plan Review Ordinance" of Lamar County, Mississippi adopted and effective by vote of the Board of Supervisors Meeting on August 17, 2006, site plan review and approval shall be required in all UNZONED, unincorporated portions of 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. A Development Permit shall be obtained from the Lamar County Planning Department prior to new construction of, demolition of, change in use of, substantial enlargement of, and/or alteration of such uses.
- 400.03 Site Plan Review and Approval Required for ALL Uses in Certain Uses in All Zoned Areas of Lamar County: In addition to the requirements of Section 400.02 under the "Site Plan Review Ordinance", site plan review and approval shall be required in all zoned areas for ALL uses in Lamar County subject to the provisions of Sections 2807 through 2810 of this Ordinance.
- 400.04 Compliance with Zoning Ordinance Required: In the zoned areas of Lamar County, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within the Lamar County for an activity which requires a federal, State of Mississippi and/or County license until said license is obtained from the appropriate authorities.

- 400.05 Nonconformities Defined: “Nonconformities” shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Article XXV.
- 400.06 Permitted Uses Constitute Conforming Uses: Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
- 400.07 Transition Rule: In the event that zoning is extended to areas of unincorporated Lamar County that were previously unzoned, approval by the Board of Supervisors of a Development Permit in such areas prior to the effective date of zoning for those areas shall constitute authority to proceed with a development in accordance with an approved site plan. However, if a Development Permit has not been obtained, any person desiring to construct or erect a building, parking lot or to place a manufactured or modular home, relocate an existing structure, or expand any use or change of any use in such areas shall comply with all of the provisions of this Ordinance. Such Development Permit shall be valid for a period of six months following issuance of the permit. If construction has not been initiated within six months of the date of issuance of the permit, the permit shall be considered void.

For proposed subdivisions, if a preliminary plat and construction plans were approved by the Board of Supervisors prior to the effective date of zoning for areas previously unzoned, the developer may proceed with construction of the subdivision in accordance with the approved preliminary plat and construction plans. However, if a preliminary plat and construction plans were NOT approved prior to the effective date of zoning for such areas that were previously unzoned, the developer shall comply with all provisions of this Ordinance.

- 400.08 District Regulations Constitute Minimum Regulations: The regulations established in this Ordinance within each district shall constitute minimum regulations unless otherwise noted.
- 400.09 Uniformity within Districts: The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

SECTION 401 - DIMENSIONAL CONTROLS

- 401.01 Reduction of Yards and Lots Below Minimum Requirements Prohibited: No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 401.02 Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots (“through lots”), the front yard shall be determined by the main entrance to the

building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

401.03 Determination of Setbacks: In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing right-of-way line and the main structure shall be used.

401.04 Encroachment by Cornices and Eaves into Required Side-Yard Setbacks: The eave or cornice of any structure shall not encroach into the required side-yard setback.

401.05 Visibility at Intersections: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets and within a triangular area bounded by the right-of-way lines for a distance of twenty-five (25) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines.

401.06 Accessory Buildings or Uses: No accessory building or use shall be placed within the required front yard of any main building or use in ANY district. However, an accessory building or use may be placed in the required side or rear yard of any main building in any district, provided that the accessory building or use is AT least ten (10) feet from the side and rear property lines.

401.07 Railroad Setbacks: In ALL residential zoning districts a buffer strip of at least one hundred (100) feet in depth in addition to the normal setback required in the district shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots in a residential subdivision (or apartment/ condominium complex lot) and the following wording shall be shown on the plat or site plan: "This strip is reserved for screening. The placement of structures hereon is prohibited."

401.08 Exceptions to Height Regulations: The height regulations contained in the District Regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 402 - PUBLIC/ QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located in ANY district in the County, provided:

- (a) That all applicable requirements of federal, state and or County laws shall be met.
- (b) That all such proposed uses shall be subject to the procedures stated under Section 2805 relative to Conditional Uses.

SECTION 403 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS

Developers of churches, schools, hospitals, civic organizational buildings, country clubs, and other public/quasi-public facilities or utilities IN ANY DISTRICT shall comply with the following dimensional requirements:

- 403.01 Maximum Building Height: 70 feet, unless greater height is specifically approved by the Board of Supervisors based upon the required site plan review.
- 403.02 Minimum Lot Area: Minimum lot areas for ALL public/quasi-public uses shall be based upon the proposed use, subject to approval of a site plan submitted in accordance with Sections 2807 through 2810 of this Ordinance.
- 403.03 Minimum Lot Width: Established based upon proposed use.
- 403.04 Minimum Yards: Minimum yards for public/quasi public structures shall be the same as for all other structures in individual zoning classifications.

SECTION 404 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

404.01 Arterial Street Landscaping for Subdivisions: Developers of all residential, commercial or industrial subdivisions shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial, on the adopted Thoroughfares Plan of the Lamar County. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Planning Commission. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Landscaping material may include any species of plants acceptable to the Planning Commission.

At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of the required landscaped easement shall rest with the developer, if he retains ownership of such areas, or with a homeowners association if ownership of such landscaped areas is transferred to a homeowners association.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

404.02 Arterial Street Landscaping for Developments Not Involving the Subdivision of Land: Developers of all multiple family residential (apartments or condominiums), manufactured/ mobile home parks, commercial, industrial or public/quasi public uses not involving the subdivision of land shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or

proposed streets or highways designated as Principal Arterial on the adopted Thoroughfares Plan of Lamar County. Landscaping material may include any species of plants acceptable to the Planning Commission.

A site plan shall not be approved unless the developers proposals for the landscaped strip are acceptable to the Board of Supervisors. This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not Lamar County. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

404.03 Visibility at Intersections on Corner Lots and Private Driveways Intersecting Arterial or Collector Roadways : See Section 401.05 regarding visibility at intersections with regard to the landscaping required above. With regard to private driveways intersecting arterial or collector roadway shown on the adopted Thoroughfares Plan, visibility shall not be impeded by landscaping at any intersecting private driveway.

404.04 Waivers for Requirements of This Section: Where there are practical difficulties such as steep slopes, utility location, or other impediments not created by the developer that would make it difficult or impossible to comply with the provisions of this Section, he/ she may apply for a waiver from the development standards specified herein. The Planning Commission shall review the application for a waiver and make a recommendation to the Board of Supervisors as to whether the waiver should or should not be approved. The Board of Supervisors shall render the final decision regarding the requested waiver.

SECTION 405 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this Ordinance, may be permitted in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Board of Supervisors for the protection of the health, safety and welfare of the citizens of Lamar County.

Home occupations include but are not limited to: art/craft making, seamstress services, professional offices (real estate/insurance), vending services, service businesses (contracting/janitorial), instruction (music), consulting, wholesale/catalogue sales and personal service (beauty/barber) shops. Group homes, health care facilities (nursing homes), restaurants, bed and breakfast inns, and animal care facilities are not considered home occupation businesses.

405.01 Employees: No more than one employee or co-worker other than the resident(s) may work from that site.

405.02 Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.

- 405.03 Sales from the Site of the Home Occupation: No retail sales are permitted from the site of the home occupation.
- 405.04 Maximum Area: Not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. Any accessory building used in connection with the home occupation shall not exceed 400 square feet in area.
- 405.05 Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a Land Use Permit.
- 405.06 Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.
- 405.07 Signs Relating to Home Occupations: One non-illuminated wall sign measuring no more than two (2) square feet shall be allowed. The wall sign may contain the occupant's name and home occupation conducted at that location.
- 405.08 Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- 405.09 Land Use Permit Required: New home occupations are required to obtain a Land Use Permit. Following adoption of this Ordinance, a Land Use Permit must be obtained from the Zoning Administrator prior to the initiation of a new home occupation.
- (Note: In accordance with Section 27-15-7 of the Mississippi Code, privileges licenses are not required in counties for operation of a business.)

SECTION 406 - MISCELLANEOUS GENERAL REGULATIONS

- 406.01 Road/ Street Access Required: Every structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or road or to an approved private street or parking area, and shall be so located as to provide

safe and convenient access for servicing, fire protection, and required off-street parking.

- 406.02 Parking and Storage of Derelict Vehicles: Vehicles that are wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded and are not capable of being legally (that is, if the vehicle does not have a current inspection sticker and current license plate affixed to the vehicle) driven upon the roads, streets or highways of the Lamar County shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets or roads.
- 406.03 Prohibited Uses: Within the Lamar County, no lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise (that is, no noise in excess of 65 DNL, or 65 decibels as determined by an outdoor day-night average sound level), odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of Natural Resources, Bureau of Pollution Control and the Mississippi State Board of Health.
- 406.04 Materials and Growth Constituting Public Health and/or Safety Hazards Prohibited: No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate County Official (the Zoning Administrator or other authorized County employee) or health official to constitute a menace to the public health and/or safety.
- 406.05 Required Enclosure of Garbage Disposal Facilities and Recycle Bins: Following the effective date of this Ordinance, all site plans for proposed new multiple family residential, manufactured home parks, commercial, industrial or public/quasi-public uses shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed. All garbage disposal facilities (i.e., any container with a capacity of over 40 gallons) located on the site of proposed new multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed on all four sides by solid fencing or other material in a manner that prevents direct visibility of the garbage cans, dumpster, or recycle bin. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.
- 406.06 Conduct of Garage Sale at Any Location Other Than a Single -Family Residence or Churches Prohibited; Time Limitation on Garage Sales: The conduct or operation of a garage sale, as defined by this Ordinance, at any location other than a single-family residence or a church is prohibited; this includes but is not limited to the

conduct or operation of a garage sale at a self-storage warehouse or “mini-warehouse”. The conduct or operation of a garage sale for more than six days within a 12-month period is considered a commercial operation and is prohibited. Sales by charitable organizations and groups for charitable purposes shall also be exempt. For purposes of this Ordinance, charitable organizations shall include but not limited to recognized not-for-profit organizations. Groups for charitable purposes are de-facto groups temporarily organized to address a specific need.

406.07 Transient Vendors: No transient vendor, as defined by this Ordinance, shall operate for a period of more than 30 consecutive days. No transient vendor shall conduct any business or activity without first obtaining a Land Use Permit and without notification of the Lamar County Sheriff’s Department. However, the sale of fireworks (from “fireworks stands”) shall be allowed only as a conditional use in C-1, C-2 C-3 or C98/589 districts. Transient vendors are also included in the RE, RE-MH, R-1, R-2, R-3, TH, PH, MHP, MHS, CU, I-1 and I-2 as conditional uses. The Planning Staff will notify the Sheriff’s Department of Land Use Permits issued for transient vendors.

406.08 Screening of Junk Yards (or Salvage Yards) Required: Within sixty (60) days of the effective date of this Ordinance, all owners of salvage yards or junk yards as defined by this Ordinance, shall screen such uses from visibility from all adjacent roads or highways. All proposals for screening of such uses in existence as of the effective date of this Ordinance shall be approved by the Zoning Administrator of Lamar County.

All salvage or junk yards proposed after the effective date of this Ordinance shall only be located in I-2/Light Industrial as a conditional use.

Failure to comply with the screening requirements of this section shall constitute a separate offense for each day that such screening is not erected, and each offense shall be subject to the penalties imposed by this Ordinance.

406.09 Modular Housing Standards: Modular housing shall follow and adhere to the following designed standards that are consistent with other conventional built homes with the surrounding area (being a 1,000 foot radius from the location of the home.)

- A. Foundation: The home must be installed on a permanent foundation system consistent with state requirements for modular homes.
- B. Exterior Materials: The home must be covered with an exterior material customarily used on conventional site built homes and is in fact used on site built homes in the neighborhood (meaning a 1,000 foot radius from the location of the home).
- C. Driveway: A driveway shall be constructed that is consistent with the driveways of other conventional site built homes and is in fact located on properties on which site built homes have been constructed within the neighborhood (meaning a 1,000 foot radius from the location of the home.)

- D. Design: The overall design of the exterior of the home must be consistent with that of other conventional site built homes within the neighborhood (meaning a 1,000 foot radius from the location of the home). Design standards shall include size, exterior materials, general architecture (style of front, side and rear facade as applicable if that facade is visible from any street) and orientation on the lot. General architecture shall include but not be limited to roof pitch, doors, windows, and general architectural design.
- E. Landscaping: The home must be landscaped in a manner consistent with that with that of other conventional site built homes located within the neighborhood (meaning a 1,000 foot radius from the location of the home).
- F. Land Use Permits: When applying for a land use permit, the applicant will file a site plan containing the following information:
- 1) A letter of approval if the proposed home is in a subdivision with an active mandatory home owners association having architectural control over homes in the subdivision.
 - 2) A photograph, or promotional brochure
 - 3) Design and description of the exterior of the home
 - 4) Exterior materials
 - 5) Square footage
 - 6) Foundation detail
 - 7) Orientation on the lot
 - 8) A narrative comparing the exterior of the home to other housing in the sounding area (1,000 foot radius from the location of the home)