

**ZONING ORDINANCE**  
**OF**  
**LAMAR COUNTY, MISSISSIPPI**

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## ZONING REGULATIONS

### LAMAR COUNTY, MISSISSIPPI

#### AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR LAMAR COUNTY, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

#### PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the **Mississippi Code of 1972**, annotated, as amended, empower the LAMAR COUNTY, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the **Mississippi Code of 1972**, annotated, as amended, states that “zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements”; and

WHEREAS, the Lamar County Board of Supervisors succeeded in obtaining passage of a local and private bill (House Bill 1661) by the Mississippi Legislature which allowed the County to enact zoning for portions of the unincorporated County; the bill allows the Board of Supervisors to enact zoning regulations for such unincorporated portions of the County “...for the purpose of promoting the health, safety, morals or the general welfare of its citizenry, including, but not limited to, the height, number of stories and size of buildings and other structures, the percentage of a lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes;” and

WHEREAS, that Bill passed by the Legislature, further states: “In the exercise of the authority granted by this act, all of the provisions of Chapter 1, Title 17, Mississippi Code of 1972, shall be applicable, except that such zoning ordinances, regulations and requirements *need not be made in accordance with a Comprehensive Plan embracing the entire county but may be made in accordance with a plan applicable to any part or portion of the county, including one or more supervisor’s districts or beats, or part or portion thereof, or any other clearly defined geographic area of the county* (emphasis added);” and

WHEREAS, Section 17-1-1 of the **Mississippi Code of 1972**, annotated, as amended, defines the term “comprehensive plan” as “a statement of public policy for the physical development of the-county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality-; (2) a land use plan-; (3) a transportation plan-; and (4) a community facilities plan—“; and

WHEREAS, the Board of Supervisors on **December 18, 2008**, adopted by resolution a Comprehensive Plan for Lamar County following public hearings relative to same; and

WHEREAS, based upon the adopted Comprehensive Plan, the Board of Supervisors have divided portions of the County into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land within such districts, and

WHEREAS, the Board of Supervisors have given due public notice of a hearing relating to said zoning ordinance and map and have held a public hearing in accordance with the requirements of Section 17-1-15 of the *Mississippi Code of 1972*, annotated, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND *IN CERTAIN PORTIONS OF UNINCORPORATED LAMAR COUNTY, MISSISSIPPI.*

## **ARTICLE I**

### **TITLE AND PURPOSE**

#### **SECTION 100 - TITLE**

The Ordinance shall be known as the “Zoning Ordinance of Lamar County, Mississippi,” and may be so cited, and further reference elsewhere as “Zoning Ordinance,” and herein as “the Ordinance” or “this Ordinance” shall imply the same wording and meaning as the full title.

#### **SECTION 101 - PURPOSE**

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the Lamar County and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

#### **SECTION 102 - RELATIONSHIP TO RESTRICTIVE COVENANTS**

This Ordinance shall not terminate, supercede or nullify any valid restrictive covenants or other restrictions upon the use of any property, and this Ordinance shall not prohibit or prevent the enforcement of any valid restrictive covenants or other restrictions upon the use of any property.

The dimensional requirements set forth in the various zoning districts provided for in this Ordinance shall not be applicable to any subdivisions in Lamar County, Mississippi that were platted prior to the effective date of this Ordinance and are subject to enforceable restrictive covenants which either (i) set forth dimensional requirements for all lots in the subdivision, or (ii) include a method for imposition of dimensional requirements on all lots in the subdivision by an owners’ association, the developer of the subdivision, the declarant of the restrictive covenants, a committee of any of the foregoing persons or entities or other similar method.

## ARTICLE II

### INTERPRETATION AND DEFINITIONS

#### SECTION 200 - RULES FOR WORDS AND PHRASES

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

#### SECTION 201 - DEFINITIONS

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

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

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

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

**Arterial Street/Highway:** See “Street.”

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

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

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

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



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

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

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

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

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

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

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

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

**Building Setback Line:** See “Setback Line.”

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

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

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

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

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

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

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

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

**Collector Street:** See “Street.”

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

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

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

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

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

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

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

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

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

**Convenience Car Care Establishments:** See “Service Station”.

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

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

**Coverage:** That part of a lot covered by buildings.

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

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

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

**Development Permit:** A permit required in all *UNZONED* areas of unincorporated Lamar County for all development proposals for new construction of, demolition of, change in use of, substantial enlargement of, and/or alteration of: (1) commercial, retail, multi-family, industrial, institutional buildings and structures; (2) campgrounds; (3) mobile home parks; (4) their accessory uses and structures. See Section 400.02 of this Ordinance for requirements relating to issuance of a Development Permit.

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

**Dimensional Variance:** See “Variance.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Lodging House:** See “Rooming House.”

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Mortuary**: See “Funeral Home.”

**Motel**: See “Hotel.”

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

**Nonconformities**: Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 2001 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record," (2) nonconforming structures, and (3) nonconforming uses).

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

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

**Nursing Homes**: See "Convalescent Home."

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

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

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

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

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

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

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

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

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

**Portable Building:** See “Building, Portable.”

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

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

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

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

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

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

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

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

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

**Rest Home:** See “Convalescent Home.”

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**Site Plan Review:** The process required by the “Site Plan Review Ordinance” of Lamar County, Mississippi adopted and effective on August 17, 2006, applying to all development proposals for new construction of, demolition of, change in use of, substantial enlargement of, and/or alteration of: (1) commercial, retail, multi-family, industrial, institutional buildings and structures; (2) campgrounds; (3) mobile home parks; (4) their accessory uses and structures.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

**Through Lot:** See “Lot, Double Frontage.”

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

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

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

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

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

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

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

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

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

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

**Undeveloped Lot:** A vacant lot or parcel of land.

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

**Use, Accessory:** See “Accessory Use.”

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

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

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

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

**Veterinary Hospital:** See “Hospital, Veterinary.”

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

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

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

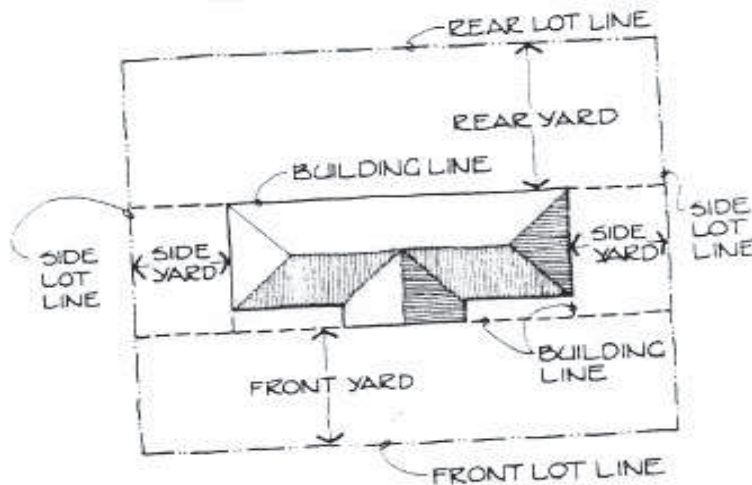
**Yard (or “Minimum Yard” or “Setback”):** The required open space between any main building or portion thereof and the adjoining lot lines, WHICH SHALL REMAIN UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE, except as otherwise specifically provided herein. In measuring a lot for the purpose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

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

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

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

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



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

**Zoning Commission:** See "Planning Commission."

**Zoning District:** See "District."

## ARTICLE III

### ESTABLISHMENT OF ZONING DISTRICTS:

#### PROVISION FOR OFFICIAL ZONING MAP

#### SECTION 300 - ZONING DISTRICTS

For the purpose of promoting public health, safety, morals, or general welfare, the Lamar County, Mississippi, is hereby divided into the following zoning districts:

A/G	Agricultural/ General Areas (Unzoned Areas of the County)
RE	Single-Family Residential Estate District (minimum ½ acre lots)
RE-MH	Single-Family Residential Estate District (minimum ½ acre lots)
R-1	Low-Density Single-Family Residential District (minimum 10,000 square feet lots)
R-2	Moderate Density Single-Family Residential District (minimum 8,000 square feet lots)
R-3	High Density Residential: Includes apartments or condominiums with a maximum gross density of 10.0 units per acre; also includes duplexes, triplexes, fourplexes, etc. not separated by lot lines
PH	Patio Home Residential District: Minimum lot size of 6,500 square feet
TH	Townhouse Residential District: Includes: townhouses as defined by this Ordinance
MHP	Manufactured Home Park District
MHS	Manufactured Home Subdivision
PUD	Planned Unit Development: Allows single-family residences with common open space connecting units
C-1	Restricted Commercial District: Includes primarily office uses of all types
C-2	General Commercial District: Includes independent “indoor-type” commercial uses and shopping centers
C-3	Highway Commercial District: Includes commercial uses that involve significant outdoor display or storage of goods/ materials
C98/589	Corridor 98/589 District: Allows primarily commercial uses along U.S. Highway 98 and Mississippi Highway 589 subject to approval of a development plan and individual site plans
MX	Mixed Use District: Allows a diversity of land uses subject to approval of a development plan and individual site plans
I-1	Light Industrial: Includes warehousing and manufacturing activities conducted in completely enclosed buildings
I-2	Heavy Industrial District: Includes manufacturing activities that are conducted at least partially outdoors and/or uses that involve storage of goods/ materials outdoors.
SU	Special Use District: Includes special uses that do fit compatibly into other districts, such as large educational institutions, comprehensive elderly retirement facilities, Interstate or other limited access highways, and the Longleaf Trace Multipurpose Trail.

## **SECTION 301 - OFFICIAL ZONING MAP**

The aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map: Lamar County, Mississippi," and said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

301.01 Map Certified: The Official Zoning Map shall be identified by the signature of the President of the Board of Supervisors, attested by the Chancery Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this is the Official Zoning Map of the Lamar County, Mississippi, as adopted by the Board of Supervisors on \_\_\_\_\_."

301.02 Location of Official Zoning Map: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section 301.01 and located in the Lamar County Planning Department and shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the Lamar County.

301.03 Public Inspection of Map: The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the Lamar County Planning Department.

301.04 Map Amendment: If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE Board of Supervisors. All such amendments shall be recorded by the Planning Department in a book known as the Log of Amendments to the Official Zoning Maps, and these entries shall include description of the nature of the change, date of approval, minute book number and initial of the authorized official.

Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Board of Supervisors in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 2814.

## **SECTION 302 - REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by ordinance, designate a new Official Zoning Map which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall



be identified by the signature of the President of the Board of Supervisors, attested by the Chancery Clerk, and shall bear the seal of the County under the following words:

“This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the Lamar County, Mississippi, on \_\_\_\_\_.”

### **SECTION 303 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.
- D. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in Section 303, Subsections (A) through (E) above shall be so construed.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 303, the Board of Supervisors shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Board of Supervisors may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

## 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)



## ARTICLE V

### AGRICULTURAL/ GENERAL AREAS (UNZONED)

#### SECTION 500 - AGRICULTURAL OR GENERAL AREAS OF LAMAR COUNTY

In accordance with House Bill 1661 passed by the Mississippi Legislature in 2006, Lamar County may enact zoning for portions of the unincorporated County, and “--- such zoning ordinances, regulations and requirements need not be made in accordance with a Comprehensive Plan embracing the entire county but may be made in accordance with a plan applicable to any part or portion of the county, including one or more supervisor’s districts or beats, or part or portion thereof, or any other clearly defined geographic area of the county. Accordingly, those areas shown on the adopted Land Use Plan map, color-coded **white**, shall not be subject to any provisions of this Ordinance. However, in accordance with the “Site Plan Review Ordinance” of Lamar County, site plan review and approval shall be required IN ALL PARTS OF UNINCORPORATED LAMAR COUNTY for all development proposals for new construction of, demolition of, change in use of, substantial enlargement of, and/or alteration of: (1) commercial, retail, multi-family, industrial, institutional buildings and structures; (2) campgrounds; (3) mobile home parks; (4) their accessory uses and structures.

Furthermore, minimum lot sizes for any use in such areas shall be subject to State Health Department requirements for the installation of on-site wastewater disposal systems.

Developers shall also comply with the following in all parts of unincorporated Lamar County:

- ▶ the Lamar County Ordinance for Stormwater Runoff, Illicit Discharges, and Illegal Connections;
- ▶ the Lamar County Flood Damage Prevention Ordinance; and
- ▶ the Subdivision Regulations of Lamar County.

## ARTICLE VI

### RESIDENTIAL ESTATE DISTRICT (R-E)

#### SECTION 600 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for large lot, low density residential development including existing subdivisions containing lots with a minimum area of .5 acre (21,780 square feet) or areas of the County that should remain Residential Estate due to their proximity to existing large lot subdivisions. The preservation of these neighborhoods for large lot development is important in order to protect the property values of people living in existing Residential Estate subdivisions or other large lot developments. Areas classified as Residential Estate may or may not have public sewerage or central treatment plant, but if they do not, they should have a minimum lot size as determined by the State Health Department for on-site wastewater disposal systems.

#### SECTION 601 - LAND USES PERMITTED

- A. Single family detached dwellings with only one principal dwelling per lot.
- B. Modular housing as defined by this Ordinance.
- C. Accessory uses and structures associated with the use of the land for residential purposes.
- D. Home occupations in compliance with Section 405 of this Ordinance.
- E.. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways, other limited access highways and the Longleaf Trace Multipurpose Trail, which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.
- B. Inns or bed and breakfast inns.
- C. Manufactured homes or mobile homes
- D. Wireless communications facilities.
- E. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- F. Horticultural uses not involving the sale of produce on the premises
- G. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as “grazing livestock” shall be kept on a tract or lot of one (1) acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or existing street right-of-way line.

**SECTION 603 - DIMENSIONAL REQUIREMENTS**

- 603.01 Maximum Building Height: 70 feet unless greater height is approved by the Board of Supervisors.
- 603.02 Minimum Lot Area: 21,780 square feet (½ acre)
- 603.03 Minimum Lot Width: 60 feet at the front yard setback.
- 603.04 Minimum Yards:
  - (a) Front Yard: 25 feet from the street right of way line to the building setback line.

(b) Side Yards: 10 feet

(c) Rear Yard: 25 feet.

603.05 Accessory Buildings: Accessory buildings shall be set back a minimum of 50 feet from the street or road right-of-way line on which the lot and main building fronts and a minimum of 10 feet from the side lot line and/or rear lot line. No accessory building shall occupy more than 10 percent of a required rear yard. No accessory building shall be used as a permanent dwelling.

**SECTION 604-HOMEOWNERS ASSOCIATION REQUIRED FOR ALL RESIDENTIAL ESTATE SUBDIVISIONS**

A Homeowner's Association shall be required for any subdivision in a Residential Estate (R-E) district. The Homeowners Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.

## ARTICLE VII

### RESIDENTIAL ESTATE- MANUFACTURED HOUSING DISTRICT (RE-MH)

#### SECTION 700 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for large lot, low density residential development including existing subdivisions containing lots with a minimum area of .5 acre (21,780 square feet) or areas of the County that should remain Residential Estate due to their proximity to existing large lot subdivisions. The preservation of these neighborhoods for large lot development is important in order to protect the property values of people living in existing Residential Estate subdivisions or other large lot developments. Areas classified as Residential Estate may or may not have public sewerage or central treatment plant, but if they do not, they should have a minimum lot size as determined by the State Health Department for on-site wastewater disposal systems.

#### SECTION 701 - LAND USES PERMITTED

- A. Single family detached dwellings with only one principal dwelling per lot.
- B. Manufactured homes or mobile homes.
- C. Modular housing as defined by this Ordinance.
- D. Accessory uses and structures associated with the use of the land for residential purposes.
- E. Horticultural uses not involving the sale of produce on the premises.
- F. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as “grazing livestock” shall be kept on a tract or lot of one (1) acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or existing street right-of-way line.
- G. Home occupations in compliance with Section 405 of this Ordinance.
- H. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of

this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.

- I. Public roads and highways, excluding Federal Interstate highways, other limited access highways and the Longleaf Trace Multipurpose Trail, which are regulated as special uses in SU-1 districts.
- J. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.
- B. Inns or bed and breakfast inns.
- C. Wireless communications facilities.
- D. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.

**SECTION 703 - DIMENSIONAL REQUIREMENTS**

- 703.01 Maximum Building Height: 70 feet unless greater height is approved by the Board of Supervisors.
- 703.02 Minimum Lot Area: 21,780 square feet (½ acre)
- 703.03 Minimum Lot Width: 60 feet at the front yard setback.
- 703.04 Minimum Yards:
  - (a) Front Yard: 25 feet from the street right of way line to the building setback line.
  - (b) Side Yards: 10 feet
  - (c) Rear Yard: 25 feet.



703.05            Accessory Buildings: Accessory buildings shall be set back a minimum of 50 feet from the street or road right-of-way line on which the lot and main building fronts and a minimum of 10 feet from the side lot line and/or rear lot line. No accessory building shall occupy more than 10 percent of a required rear yard. No accessory building shall be used as a permanent dwelling.

**SECTION 704-HOMEOWNERS ASSOCIATION REQUIRED FOR ALL RESIDENTIAL ESTATE SUBDIVISIONS**

A Homeowner's Association shall be required for any subdivision in a Residential Estate (R-E) district. The Homeowners Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.

## ARTICLE VIII

### LOW DENSITY RESIDENTIAL DISTRICT (R-1)

#### SECTION 800 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities. No area shall be zoned R-1 unless it has either public sewer service or a central wastewater treatment facility. These zones are sometimes used as a transitional residential density between Residential Estate areas and smaller lot residential areas.

#### SECTION 801 - LAND USES PERMITTED

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Modular housing as defined by this Ordinance.
- C. Accessory uses and structures associated with the use of the land for residential purposes.
- D. Home occupations in compliance with Section 405 of this Ordinance.
- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and other limited access highways which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

#### SECTION 802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805

- A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance are the only uses that may be considered as conditional uses in R-1 districts.

- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- C. Manufactured homes or mobile homes. Persons proposing to locate a manufactured/ mobile home in an R-1 district shall demonstrate a genuine hardship to the Board of Supervisors. A genuine hardship shall only consist of:
  - (a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired; or
  - (b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician's statement confirming such hardship shall accompany the application for a conditional use permit.

## **SECTION 803 - DIMENSIONAL REQUIREMENTS**

803.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

803.02 Minimum Lot Area: 10,000 square feet.

803.03 Minimum Lot Width: 50 feet at the front yard setback.

803.04 Minimum Yards:

- (a) Front yard: 25 feet from the street or road right-of-way line to the building setback line. See Section 401.02 regarding double-frontage and corner lots.
- (b) Side yards: 10 feet.
- (c) Rear yard: 25 feet.

803.05 Accessory Buildings: Accessory buildings shall be set back a minimum of 50 feet from the street or road right-of-way line on which the lot and main building fronts and a minimum of 10 feet from the side lot line and/or rear lot line. No accessory building shall occupy more than 25 percent of a required rear yard. No accessory

building shall be used as a permanent dwelling. No accessory building shall be located in the front yard of any lot.

## **SECTION 804 - REQUIRED RESERVATION OF OPEN SPACE FOR LOW DENSITY RESIDENTIAL (R-1) SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a Low Density Residential (R-1) subdivision that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to one percent (1%) of the total gross area of the subdivision. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the Low Density Residential (R-1). The Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

804.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

804.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Low Density Residential (R-1), the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developers specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

804.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, playground equipment (swings, sliding boards, etc.), recreational buildings and swimming pools or similar facilities.

804.04 Performance Bond: Prior to the sale of any lot in a Low Density Residential (R-1), the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

804.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Lamar County: Authority granted by the Board of Supervisors and Lamar County for the development of a Low Density Residential (R-1) shall not be construed as nor constitute an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the Low Density Residential (R-1), the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the Low Density Residential (R-1). In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

804.06 Waivers for Requirements of This Section: Where there are practical difficulties 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 805-HOMEOWNERS ASSOCIATION REQUIRED FOR LOW DENSITY (R-1) SUBDIVISIONS**

A Homeowner's Association shall be required for ALL Low Density Residential (R-1) subdivisions. The Homeowners Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.

## **ARTICLE IX**

### **MODERATE DENSITY RESIDENTIAL DISTRICT (R-2)**

#### **SECTION 900 - PURPOSE OF THIS DISTRICT**

The purpose of this district is to offer a development option for moderate density residential subdivisions in areas served by public sewer or a central wastewater treatment facility at a net density of approximately 3.2 units to 4 units per acre.

#### **SECTION 901 - LAND USES PERMITTED**

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Modular housing as defined by this Ordinance.
- C. Accessory uses and structures associated with the use of the land for residential purposes.
- D. Home occupations in compliance with Section 405 of this Ordinance.
- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and other limited access highways, which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

#### **SECTION 902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance are the only uses that may be considered as conditional uses in R-2 districts.



- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- C. Manufactured homes or mobile homes. Persons proposing to locate a manufactured/ mobile home in an R-2 district shall demonstrate a genuine hardship to the Board of Supervisors. A genuine hardship shall only consist of:
  - (a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired; or
  - (b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician's statement confirming such hardship shall accompany the application for a conditional use permit.

### **SECTION 903 - DIMENSIONAL REQUIREMENTS**

903.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

903.02 Minimum Lot Area: 8,000 square feet.

903.03 Minimum Lot Width: 40 feet at front yard setback.

903.04 Minimum Yards:

- (a) Front yard: 20 feet from the street or road right-of-way line to the building setback.
- (b) Side yards: 5 feet
- (c) Rear yard: 20 feet.

903.05 Accessory Buildings: No accessory building shall be located in the front yard or side yard of any principal structure in this district. No accessory building shall be located in the rear yard closer to the rear lot line than 10 feet.

**SECTION 904 - REQUIRED RESERVATION OF OPEN SPACE FOR MODERATE DENSITY (R-2) SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a Moderate Density Residential (R-2) subdivision that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to one (1%) of the total gross area of the subdivision. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the Moderate Density Residential (R-2). The Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

904.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

904.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Moderate Density Residential (R-2), the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

904.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, playground equipment (swings, sliding boards, etc.), recreational buildings and swimming pools or similar facilities.

904.04 Performance Bond: Prior to the sale of any lot in a Moderate Density Residential (R-2), the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

904.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas: Authority granted by the Board of Supervisors and Lamar

County for the development of a Moderate Density Residential (R-2) shall not be construed as nor constitute an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the Moderate Density Residential (R-2), the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the Moderate Density Residential (R-2). In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

904.06 Waivers for Requirements of This Section: Where there are practical difficulties 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 905 - HOMEOWNER'S ASSOCIATION REQUIRED FOR ALL MODERATE DENSITY (R-2) SUBDIVISIONS**

A Homeowner's Association shall be required for ALL Moderate Density Residential (R-2) subdivisions. The Homeowner's Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.

## **ARTICLE X**

### **PATIO HOME DISTRICT (PH)**

#### **SECTION 1000 - PURPOSE OF THIS DISTRICT**

The purpose of this district is to provide areas for the development of single-family detached houses on small lots in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodate without sacrificing usable open space, privacy or environmental quality. All areas zoned PH shall have public sewerage.

#### **SECTION 1001 - LAND USES PERMITTED**

The following uses are permitted in PH districts:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Modular housing as defined by this Ordinance.
- C. Accessory uses and structures associated with the use of the land for residential purposes.
- D. Home occupations in compliance with Section 405 of this Ordinance.
- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and other limited access highways which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

#### **SECTION 1002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance

**SECTION 1003 - DIMENSIONAL REQUIREMENTS**

1003.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

1003.02 Minimum Size of Tract to be Subdivided for Patio Homes: Three (3) acres.

1003.03 Minimum Lot Area: 4,500 square feet

1003.04 Minimum Lot Width: 40 feet.

1003.05 Minimum Yards:

- (a) Front yard: 20 feet from the right-of-way line to the building setback line.
- (b) Side yards: 5 feet, but with a minimum distance between dwelling units on adjoining lots of ten (10) feet. However, where a patio home would abut an R-E, R-1 or R-2 district, then ten (10) feet; which shall remain open with a buffer.
- (c) Rear yard: 20 feet. However, where a patio home would abut an R-E, R-1 or R-2 district, then twenty (20) feet, which shall remain open with a buffer.

**SECTION 1004 - REQUIRED RESERVATION OF OPEN SPACE FOR PATIO HOME (PH) SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a Patio Home (PH) that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to one (1%) of the total gross area of the subdivision. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the Patio Home (PH) subdivision . The

Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1004.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

1004.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Patio Home (PH) , the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1004.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1004.04 Performance Bond: Prior to the sale of any lot in a Patio Home (PH) subdivision the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

1004.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas : Authority granted by the Board of Supervisors and Lamar County for the development of a Patio Home (PH) subdivision shall not be construed as nor constitute an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the Patio Home (PH) subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities



shall rest with the owners of the several lots or parcels of land located within the Patio Home (PH) subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

1004.06 Waivers for Requirements of This Section: Where there are practical difficulties 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 1005-HOMEOWNER'S ASSOCIATION REQUIRED FOR ALL PATIO HOME (PH) SUBDIVISIONS**

A Homeowner's Association shall be required for ALL Patio Home (PH) subdivisions. The Homeowners Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.

## ARTICLE XI

### TOWNHOUSE RESIDENTIAL DISTRICT (TH)

#### SECTION 1100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of two to four-family townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition between lower density residential districts (R-E, R-1, R-2) and higher density (R-3) districts, commercial uses, or arterial streets that are not compatible with low density residential environment. All areas zoned TH shall have public sewerage.

#### SECTION 1101 - LAND USES PERMITTED

- A. Two-family, three-family or four-family townhouses (i.e., townhouses that are part of a townhouse subdivision in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings).
- B. Modular housing as defined by this Ordinance.
- C. Accessory uses and structures associated with the use of the land for residential purposes.
- D. Home occupations in compliance with Section 405 of this Ordinance.
- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance

**SECTION 1103 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS**

- 1103.01 Minimum Size of Tract to be Subdivided for Townhouse Subdivisions:  
Three (3) acres.
- 1103.02 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.
- 1103.03 Minimum Lot Area Each Townhouse Unit:
  - (a) End townhouses: 3,000 square feet.
  - (b) Interior townhouses: 2,500 square feet.
- 1103.04 Minimum Lot Width:
  - (a) End townhouses: 25 feet.
  - (b) Interior townhouses: 20 feet.
- 1103.05 Minimum Yards:
  - (a) Front yard: 15 feet from the street right-of-way line to the building setback line.
  - (b) Side yards (end unit): 10 feet from one side lot line of each end unit, except where abutting an R-E, R-1 or R- 2 district, then 20 feet with a buffer.

- (c) Rear yard: 20 feet, except where abutting an R-E, R-1 or R-2 district, then 20 feet, which shall remain open with a buffer.

## **SECTION 1104 - REQUIRED RESERVATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONS**

Where a developer proposes a townhouse subdivision, the developer shall provide common open space amounting to one (1%) of the total gross area of the subdivision. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the townhouse subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- 1104.01 Maximum Amount of Common Open Space Covered by Water:  
Lakes and ponds shall not constitute 100% of the required open space.
  
- 1104.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed townhouse subdivision, the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
  
- 1104.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
  
- 1104.04 Performance Bond: Prior to the sale of any lot in a townhouse subdivision, the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the

construction plans for all improvements. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

- 1104.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas: Authority granted by Lamar County for the development of a townhouse subdivision shall not be construed as nor constitute an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the townhouse subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the townhouse subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

- 1104.06 Maintenance and Liability with Regard to Private Driveways in Townhouse Subdivisions - If a proposed townhouse subdivision is to contain two-to-four townhouses that will be served by a common private driveway, the developer of the subdivision (i. e., not the individual townhouse builders) shall submit with his application for final subdivision plat approval a legal instrument or instruments which state that the responsibility of liability insurance, taxes, and maintenance of all private driveways shall rest with the owners of the several lots or parcels of land within the subdivision and not Lamar County.

Approval of a final subdivision plat and/or issuance of a Land Use Permit for construction of townhouses that will be served by common private driveways shall not be construed as nor constitute an obligation on the part of Lamar County to maintain such private driveways or to be liable with regard to use of such driveways.

- 1104.07 Waivers for Requirements of This Section: Where there are practical difficulties 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 1105 - PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES**

Any person desiring to construct townhouses shall prepare a preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following approval of the final plat, the builder who proposes such townhouses shall submit a site plan for each group of townhouses in accordance with Sections of this Ordinance indicating *as nearly as possible* the exact location of the property lines between the townhouses.

## **SECTION 1106 - UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES**

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Lamar County Subdivision Regulations. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The site plans submitted by builders of townhouses in accordance with Sections 2707 through 2710 shall indicate the proposed location of all utility lines on each lot.

## **SECTION 1107 - HOMEOWNER'S ASSOCIATION REQUIRED FOR ALL TOWNHOUSE SUBDIVISIONS**

A Homeowner's Association shall be required for ALL proposed Townhouse (TH) subdivisions. The Homeowner's Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.



## ARTICLE XII

### HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

#### SECTION 1200 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of apartments or condominium complexes with adequate, usable open space to prevent overcrowding.

This district also permits duplexes, triplexes and fourplexes, as defined by this Ordinance.

It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the County (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. The use of this district is appropriate as a transition between lower density (R-E, RE-MH, R-1) residential districts or moderate density (R-2) residential districts and higher intensity uses, such as commercial uses or limited industrial (I-1) uses that are not compatible with lower density residential environment.

#### SECTION 1201 - LAND USES PERMITTED

The following uses are permitted outright in R-3 districts subject to the regulations prescribed herein.

- A. Duplexes, triplexes, and fourplexes as defined in Article II.
- B. Multiple family dwellings including apartments and condominiums as defined in Article II.
- C. Single Family Residences
- D. Modular housing as defined by this Ordinance.
- E. Accessory uses or structures in multiple family residential complexes, including laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multiple family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multiple family complex.
- F. Home occupations in compliance with Section 405 of this Ordinance.

- G. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.
- H. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1202 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- C. Manufactured homes or mobile homes. Persons proposing to locate a manufactured/ mobile home in an R-3 district shall demonstrate a genuine hardship to the Board of Supervisors. A genuine hardship shall only consist of:
  - (a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired; or
  - (b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician’s statement confirming such hardship shall accompany the application for a conditional use permit.

**SECTION 1203 - DIMENSIONAL REQUIREMENTS FOR DUPLEXES AND ALL MULTIPLE FAMILY USES**

- 1203.01 Maximum Height: 70 feet, unless greater height is approved by the Board of Supervisors.
- 1203.02 Minimum Lot Area :
  - (a) For duplexes: 12,060 square feet.
  - (b) For triplexes: 16,080 square feet
  - (c) For fourplexes: 20,100 square feet

- (d) For all multiple family uses: two (2) acres.

1203.03 Minimum Floor Area for Multiple Family Uses:

- (a) One bedroom units: 750 square feet.
- (b) Two bedroom units: 950 square feet.
- (c) Three or more bedroom units: 1,200 square feet.

1203.04 Maximum Density for Multiple Family Uses: 10 dwelling units per gross acre.

1203.05 Minimum Lot Width:

- (a) For duplexes: 90 feet.
- (b) For triplexes: 120 feet
- (c) For fourplexes: 150 feet
- (d) For all multiple family uses: 200 feet at the building setback line.

1203.06 Minimum Yards for Duplexes, Triplexes, Fourplexes and Multiple Family Uses:

- (a) Front yard: 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
- (b) Side and rear yards: 15 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts any R-E, RE-MH, R-1, or R-2 district or existing single-family residential use, in which case the side or rear yard shall be 20 feet with buffering from any building to the lot line abutting the R-E, R-1, or R-2 district or existing single-family residential use. Where abutting such districts or an existing single-family residence, this yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.

- 1203.07 Minimum Space between Buildings in an Apartment of Condominium Complex: No principal building or accessory building shall be constructed nearer than thirty (30) feet to any other principal building or accessory building.

## **SECTION 1204 - REQUIRED OPEN SPACE RESERVATION FOR MULTIPLE FAMILY DEVELOPMENTS**

A minimum of 1% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. The required site plan (see Section 2808) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- 1204.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.
- 1204.02 Steep Slopes: In reviewing the site plan for a proposed apartment or condominium development, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning/Zoning Commission shall make a recommendation to the President of the Board of Supervisors and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- 1204.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 1204.04 Performance Bonds: Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The County Engineer in conjunction with the developer

shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1205.05 Waivers for Requirements of This Section: Where there are practical difficulties 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 1205 - SITE PLAN REQUIRED**

The developer of ANY duplex, triplex, fourplex, apartment or condominium complex shall submit a site plan to the Planning/Zoning Commission in accordance with Sections 2807 through 2810 of this Ordinance.

#### **SECTION 1206 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**

Developers of multiple family residential uses and other uses permitted in R-3 zones shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

## ARTICLE XIII

### MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (MHP)

#### SECTION 1300 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for properly planned manufactured home parks in which spaces are offered on a rental or lease basis only for owner-occupied manufactured homes, or in which the space and manufactured home combination are both offered to the public on a rental or lease basis only. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the County. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the County. All areas zoned MHP shall have public sewerage.

#### SECTION 1301 - LAND USES PERMITTED

- A. Single-family manufactured homes (single-wide or larger) or mobile homes (as defined by this Ordinance) provided the trailer or towing tongue or wheels are removed, and the manufactured home is anchored to foundation piers or a concrete slab, not merely resting upon the foundation. Further, the manufactured home must be completely skirted. Conventionally built and modular homes, as defined by this ordinance, are also allowed.
- B. Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use of the residents of the manufactured home park.
- C. Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the manufactured home park, and further provided that they be exclusively for the use of the residents of the manufactured home park.
- D. Accessory uses and structures as defined under Article II of this Ordinance.
- E. Private streets (circulation drives).

**SECTION 1302 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

The only conditional uses or structures which may be considered in MHP districts are public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance. An example of a quasi-public building in an MHP district might involve a manufactured home park owner who wishes to allow a civic club to use a building on the same property with the manufactured home park for meetings, etc.

**SECTION 1303 - SITE PLAN REQUIRED**

No Land Use Permit to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park shall be issued until the applicant for the Land Use Permit has complied with the provisions of Sections 2807 through 2810 relative to site plan review. All new manufactured home parks established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to manufactured home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

(NOTE: In the unzoned portions of Lamar County, a Development Permit shall not be issued to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park ) unless the developer has complied with the Lamar County Site Plan Review Ordinance.)

**SECTION 1304 - LAND USE PERMIT REQUIRED**

Prior to the connection of utilities (water, sewer, electricity) to serve any manufactured home located in a manufactured home park, the owner of the manufactured home or mobile home, or the owner (or his authorized representative) of the manufactured home park in cases where both the space and the manufactured home are leased or rented, shall apply for a Land Use Permit. All electrical wiring and plumbing connections shall be performed by qualified and licensed electricians, plumbers, and installers, as applicable.

**SECTION 1305 - DIMENSIONAL REQUIREMENTS**

- 1305.01      Minimum Size of Park: 5 acres.
  
- 1305.02      Maximum Density: The maximum density shall not exceed ten manufactured homes per gross acre.
  
- 1305.03      Maximum Building Height within Manufactured Home Parks: 20 feet or one story.



- 1305.04 Minimum Set-Backs for Park Perimeter: All manufactured homes shall be located at least 25 feet from any property line or any existing or proposed right-of-way line of a public street or road. This park perimeter set-back shall be a landscaped open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).
- 1305.05 Minimum Manufactured Home Space Area Within the Park: 5,000 square feet.
- 1305.06 Minimum Space Width Within the Park: 50 feet measured at the front set-back line.
- 1305.07 Required Set-Backs for Individual Manufactured Home Spaces Within the Park:
- (a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a park street, or common parking area or other common areas.
  - (b) Side yards: There shall be a minimum distance of 10 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.
  - (c) Rear yards: There shall be a minimum distance of 10 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).
- 1305.08 Accessory Buildings or Uses: Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park.

## **SECTION 1306 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**

See Section 404.02 of this Ordinance regarding the provision of landscaping along arterial streets upon which the manufactured home park abuts.

## **SECTION 1307 - PRIVATE STREETS WITHIN MANUFACTURED HOME PARKS**

All manufactured home lots (spaces) shall abut upon a paved private street of not less than twenty (20) feet in width for one-way streets, and thirty (30) feet for two-way streets. All streets within the manufactured home park shall be constructed with a minimum of six inches of compacted clay gravel and shall be surfaced with asphalt or concrete. Proper maintenance of all streets within manufactured home parks shall be the responsibility of the owner or operator of the park and not Lamar County. Failure to maintain the streets in a satisfactory manner shall constitute a violation of this Ordinance.

## **SECTION 1308 - UTILITIES AND DRAINAGE**

Utilities (electrical power, natural gas, water, and sanitary sewerage) and storm drainage shall be provided in all manufactured home parks in accordance with the requirements of the applicable codes adopted by Lamar County. The maintenance of water and sanitary sewage facilities and storm drainage facilities within manufactured home parks shall be the responsibility of the owner of the park, and not Lamar County.

## **SECTION 1309 - FREEDOM FROM FLOODING AND PONDING**

All manufactured home parks shall be located on ground which is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

## **SECTION 1310 - REFUSE COLLECTION FACILITIES**

The owner, or his authorized representative, of a manufactured home park shall provide for adequate refuse collection approved by Lamar County, and shall be responsible for the cleanliness of the premises. The owner or his authorized representative shall collect refuse in the manufactured home park.

## **SECTION 1311 - ACCESS TO PUBLIC STREETS AND HIGHWAYS**

All access points to public streets or highways shall be approved by the Board of Supervisors and/or the Mississippi Department of Transportation.

## **SECTION 1312 - RECREATIONAL AREA**

A minimum of one (1%) of the gross land area of each manufactured home park shall be set aside as a recreational area or common open space for park residents. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. Parking lots, driveways, front, side, and rear yards MAY NOT be included in calculating this required open space.

Such open space shall consist of land reserved exclusively for the recreational use of the residents of the manufactured home park. The required site plan (see Section 1003) shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 1312.01      Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.
  
- 1312.02      Steep Slopes: In reviewing the site plan for a proposed manufactured home park, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Board of Supervisors as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
  
- 1312.03      Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
  
- 1312.04      Performance Bonds: The developer may be permitted, at the discretion of the Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

## **SECTION 1313 - EXTERIOR LIGHTING**

Adequate street lights shall be provided by the park developer to illuminate all streets and walkways for the safe movement of vehicles and pedestrians at night.

## ARTICLE XIV

### MANUFACTURED/ MOBILE HOME SUBDIVISIONS DISTRICT (MHS)

#### SECTION 1400 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for properly planned manufactured/ mobile home subdivisions in which lots are offered for sale, and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions in the Lamar County. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with other residential zones in Lamar County.

#### SECTION 1401 - WASTEWATER DISPOSAL IN MHS DISTRICTS

Individual manufactured/ mobile home homes existing on a lot in a subdivision zoned “MHS” on the effective date of this Zoning Ordinance shall be permitted to remain where such subdivisions do not have access to a public sewerage system or a community sewerage system. However, on and after the effective date of this Zoning Ordinance, unless the Lamar County Health Department approves the use of an individual on-site wastewater disposal system on a lot in an “MHS” district, no manufactured/ mobile home that did not exist on a lot in a “MHS” district on the effective date of this Zoning Ordinance shall be located on a lot in a “MHS” district. Furthermore, no new manufactured/ mobile home subdivisions shall be approved by the Board of Supervisors on and after the effective date of this Zoning Ordinance unless such subdivisions have access to a public sewerage system or community sewerage system.

#### SECTION 1402 - LAND USES PERMITTED

- A. Single-family manufactured or mobile homes.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Private recreational or open space facilities.
- D. Streets constructed in compliance with the Subdivision Regulations of the Lamar County.
- E. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1403 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Zoning Ordinance.
- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance

**SECTION 1404 - DIMENSIONAL REQUIREMENTS**

- 1404.01 Minimum Size of Subdivision: 10 acres
- 1404.02 Maximum Building Height: 20 feet.
- 1404.03 Minimum Lot Area: 10,600 square feet.
- 1404.04 Minimum Lot Width: 60 feet at the front yard setback.
- 1404.05 Minimum Yards:
  - (a) Front yard: 25 feet from any manufactured home to any right-of-way line of any public road or highway.
  - (b) Side yards: 10 feet.
  - (c) Rear yard: 20 feet.
- 1404.06 Accessory Buildings: No accessory building shall be located in the front yard or side yard of any manufactured home in this district. No accessory building shall be located in the rear yard closer to the rear property line than 10 feet, nor shall an accessory building occupy more than 25 percent of a required rear yard.

**SECTION 1405 - COMPLIANCE WITH LAMAR COUNTY SUBDIVISION REGULATIONS**

As with other residential subdivisions, the developers of a manufactured/ mobile home park subdivision shall comply with the Lamar County Subdivision Regulations, including preparation and submittal of subdivision plats and construction plans, and installation of all required subdivision improvements such as streets, water and sanitary sewer facilities, storm drainage facilities, etc.

**SECTION 1406 - REQUIRED RESERVATION OF OPEN SPACE FOR MANUFACTURED/ MOBILE HOME (MHS) SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a Manufactured/ Mobile Home (MHS) that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to one percent (1%) of the total gross area of the subdivision. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the Manufactured/ Mobile Home subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1406.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

1406.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed mobile or manufactured (MHS), the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developers specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1406.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1406.04 Performance Bond: Prior to the sale of any lot in a Manufactured/ Mobile Home (MHS) subdivision, the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the

performance bond after reviewing the construction plans for all improvements. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

1406.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas: Authority granted by the Board of Supervisors and Lamar County for the development of a Manufactured/ Mobile (MHS) subdivision shall not be construed as nor constitute an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the Manufactured/ Mobile Home (MHS) subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the Manufactured/ Mobile Home (MHS) subdivision . In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

1406.06 Waivers for Requirements of This Section: Where there are practical difficulties 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 1407-HOMEOWNER'S ASSOCIATION REQUIRED FOR ALL MANUFACTURED/ MOBILE HOME (MHS) SUBDIVISIONS**

A Homeowner's Association shall be required for ALL Manufactured/ Mobile Home (MHS) subdivisions. The Homeowner's Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.



## ARTICLE XV

### PLANNED UNIT DEVELOPMENT (“PUD”) DISTRICT

#### SECTION 1500 - PURPOSES OF THIS DISTRICT

The purposes for establishing Planned Unit Development (“PUD”) districts are:

- A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.
- B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods.
- C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of streets rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.
- D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PUD as open space; this open space will provide recreational opportunities for the residents of the PUD, and will also afford improved, safer pedestrian circulation within the PUD.

#### SECTION 1501 - PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Development shall be a superimposed designation over a low density residential district (R-E, R-1 or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section 1500. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1406.02.

**SECTION 1502 - DEVELOPMENT PLAN APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP**

Any person desiring to subdivide land for purposes of creating a Planned Unit Development shall first prepare and submit a “development plan” to the Zoning Administrator in accordance with the Subdivision Regulations. All development plans for proposed PUD shall be reviewed by the Planning Commission as well as the Zoning Administrator and the County Engineer. A development plan is a drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be also be considered the “preliminary plat” (if it meets the specifications for preliminary plats), but the preliminary plat for each phase or stage of a PUD shall be approved by the Board of Supervisors prior to the initiation of any construction by the subdivider. Following approval of the development plan and/ or preliminary plats (where the development plan meets the requirements for a preliminary plat), said development plan and/ or preliminary plats shall be become the zoning requirements for the development unless amended in accordance with Section 1411 of this Ordinance.

**SECTION 1503 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES**

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multiple-family residential uses, and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2706 of this Ordinance indicating which areas he desires to be rezoned to PH, TH or R-3.

Likewise, portions of a PUD may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the Official Zoning Map.

If the subdivider wishes to reserve portions of the proposed PUD for townhouse, patio home or multiple-family dwelling development or commercial use, such areas shall be shown on a “development plan,” which shall be submitted with an application for rezoning. The same application for rezoning to a PUD may also include a request for rezoning to the appropriate townhouse, patio home, multiple-family dwelling or commercial classification (without the necessity for filing a separate application for these uses).

A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the higher density residential or commercial development) substantially conform to the development plan.

**SECTION 1504 - LAND USES PERMITTED**

The following uses are permitted outright in PUD districts subject to the regulations prescribed herein:

- A. Single-family detached dwellings (only one main structure per lot).
- B. Accessory uses and structures as defined under Article II of this Ordinance.
- C. Home occupations in compliance with Section 405 of this Ordinance.
- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1505 - CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS)  
AS PROVIDED IN SECTION 2705**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Modular housing as defined by this Ordinance.
- C. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.

**SECTION 1506 - DIMENSIONAL REQUIREMENTS**

- 1506.01      Minimum Size of PUD: The minimum size of any PUD shall be five (5) acres.
- 1506.02      Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-E, R1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned “R-1” as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 10,000 square feet (minimum lot size in R-1 districts), resulting

in a quotient of 4.35 lots or dwelling units; 30 acres multiplied by 4.35 = 131 (130.5) lots or single-family detached dwelling units.

1506.03 Minimum Lot Size: No minimum.

1506.04 Minimum Lot Width: No minimum.

1506.05 Minimum Yards:

(a) Front yard: 20 feet. See Section 401.02 regarding double frontage lots and corner lots.

(b) Side yards: 7.5 feet.

(c) Rear yard: 20 feet.

1506.06 Maximum Height: 70 feet

#### **SECTION 1507 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, MULTIPLE FAMILY RESIDENTIAL AND COMMERCIAL PORTIONS OF A PUD**

If an application for rezoning is approved to allow portions of a PUD to be used for townhouses, patio homes, multiple-family dwellings, or some commercial classification, the dimensional requirements of the appropriate district shall apply.

#### **SECTION 1508 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**

See Section 404.01 of this Ordinance regarding the provision of landscaping along arterial upon which the Planned Unit Development abuts.

#### **SECTION 1509 - COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS**

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD residents and owned and maintained by the residents through a Homeowner's Association (see Section 1409.07).

Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or development plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- 1509.01      Minimum Percentage of Land Reserved as Common Open Space:  
Common open space shall comprise at least one (1%) of the gross area (total acreage) of the PUD as shown on the required development plan. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors. Public streets, parking lots (for example, a parking lot for a PUD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.
- 1509.02      Maximum Amount of Common Open Space Covered By Water:  
Lakes and ponds shall not constitute 100% of the required open space.
- 1509.03      Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developers specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Board of Supervisors as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- 1509.04      Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process.
- All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (*precise locations and dimensions and proposed use*). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 1509.05      Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements. This performance bond can be

combined with the performance bond required for street improvements if desired by the County.

- 1509.06 Maintenance/Liability in the Operation and Use of Common Open Space Areas: Authority granted by the Lamar County for the development of a PUD shall not be construed as, nor constitute, an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which transfer ownership of the common open space areas to a homeowners association and shall state that the assumption of liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners (i.e., the homeowners' association) of the several lots or parcels of land located within the PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

- 1509.07 Waivers for Requirements of This Section: Where there are practical difficulties 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 1510 - APPROVAL OF BOARD OF SUPERVISORS REQUIRED FOR EACH PHASE OF STAGED DEVELOPMENT OF PUD**

If a subdivider proposes to develop a Planned Unit Development in stages or phases, a **PRELIMINARY SUBDIVISION PLAT FOR EACH PHASE OR STAGE OF THE DEVELOPMENT SHALL BE APPROVED PRIOR TO INITIATION OF ANY CONSTRUCTION BY THE SUBDIVIDER.** Unless changes are made in the approved development plan and that plan includes all proposed phases of the PUD, the development plan shall constitute the preliminary plat for each phase if the plat is prepared in accordance with the Lamar County Subdivision Regulations.

#### **SECTION 1511 - CHANGES IN DEVELOPMENT PLANS OR SUBDIVISION PLATS**

A development plan may include minimum lot sizes and proposed open space keyed to different areas of a proposed Planned Unit Development. If the development plan meets the requirements of the Subdivision Regulations for preliminary plats, the provisions of this section shall apply to previously approved preliminary plats. If a subdivider proposes changes in lot sizes for a

particular portion of a Planned Unit Development, Changes in land reserved for open space or recreational areas or major changes in proposed street configurations (as determined by the Zoning Administrator and County Engineer) from the development plan or preliminary subdivision plat approved by the Board of Supervisors, a public hearing shall be held before the Lamar County Planning Commission in accordance with Section 2706 (Amendments to the Official Zoning Map–Rezoning) of this Ordinance to consider the proposed changes (since the development plan constitutes the zoning for the PUD). Such proposed changes shall be reviewed by the Planning Commission, which shall make a recommendation to the Board of Supervisors. The changes may be approved or denied by the Board of Supervisors. No construction that would involve proposed changes in the development plan or subdivision plats previously approved by the Board of Supervisors shall be initiated by the subdivider prior to approval of the revised development plan or subdivision plats.



## ARTICLE XVI

### RESTRICTED COMMERCIAL DISTRICT (C-1)

#### SECTION 1600-PURPOSE OF THIS DISTRICT

The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of restricted commercial uses that do not generate substantial volumes of vehicular traffic (i.e., generally, not more than approximately 426 average daily trips per gross acre of land according to the National Cooperative Highway Research Program Report #187 or the latest edition of the Institute of Transportation Engineers manual entitled Trip Generation.) This district is intended to encourage high quality office park development and to serve as a transition zone between low density residential uses (single-family detached dwellings) and higher intensity uses (such as those first permitted under the C-2 General Commercial zone). These districts are appropriate for the fringes of retail zones.

#### SECTION 1601-PERMITTED USES

The following uses are allowed in the C-1 district:

- A. Business and professional offices of all types.
- B. Office showroom facilities in which at least 50% of the tenant area is outfitted as office and in which all loading facilities are at the rear of buildings and completely screened from view of public streets and any adjacent residential property.
- C. Personal service establishments such as hair styling shops and photographic portrait studios.
- D. Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographic schools; barber and beauty schools; and similar facilities.

- E. Business-related retail and service establishments not to exceed 25% of the leased area of any office building. Permitted uses include, but are not limited to office supply stores, office equipment dealers, telecommunication equipment sales and service companies, computer stores and services, copy services, drafting supply and equipment dealers, private employment agencies, travel agencies, quick print shops not over 3,000 square feet in size, emergency clinics, and postal and shipping services.
- F. Residential facilities (i.e., care-taker residences) and ancillary uses commonly associated with any permitted use.
- G. Restaurants, cafeterias, delicatessens, coffee shops and carry out food establishments if located within an office building.
- H. Educational and technical training facilities of all types except for those which require outdoor space and/or industrial type structures or those that involve trucking or similarly sized equipment; included are conference center facilities.
- I. Privately-owned and operated libraries, museums, galleries and similar facilities. (Note: Public or quasi-public facilities of this nature are permitted in ANY district as special exceptions.)
- J. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)
- K. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public/quasi-public facilities and utilities subject to the provisions of Section 402.
- B. Commercial sports and recreational facilities such as swimming pools, tennis courts, and fully-enclosed facilities such as gymnasiums.
- C. Hotels and motels and related restaurants and convention facilities.
- D. Child care facilities.
- E. Wireless communications facilities.

- F. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance

## SECTION 1603-DIMENSIONAL REQUIREMENTS

- 1603.01 Building Heights 70 feet, unless greater height is approved by the Board of Supervisors.
- 1603.02 Required Lot Area and Lot Width: No minimum lot area or lot width is required.
- 1603.03 Maximum Buildable Area: - The aggregate square footage of the ground floor of all buildings shall not exceed fifty (50) percent of the gross lot area.
- 1603.04 Minimum Yards:
1. Front yards: The front yard building setback line shall be a minimum of thirty-five (35) feet from any existing or proposed (on the adopted Land Use and Thoroughfares Plan) right-of-way of any road or highway. However, the first ten (10) feet of this setback shall be open landscaped area, with no parking permitted in this area.
  2. Side and rear yards: When a proposed use on a C-1 lot would adjoin another lot zoned for any commercial or industrial usage, side and rear yards of 15 feet shall be required. Parking or a drive will be permitted.
  3. When a proposed use on a C-1 lot would adjoin a residential district or an existing residential use, side and rear yards of 15 feet shall be required. Parking or a drive will be permitted in the rear with the appropriate buffering. The proposed buffering will be reviewed as part of the site plan by the Planning Commission and Board of Supervisors. There will be no parking allowed on the side. Drives will be permitted with the appropriate buffering.
- 1603.05 Minimum Space Between Buildings on the Same Lot: No principal building or accessory building shall be constructed nearer than twenty (20) feet to any other principal building or accessory building.

## ARTICLE XVII

### GENERAL COMMERCIAL DISTRICT (C-2)

#### SECTION 1700 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide retail stores and personal services for the convenience of people in residential areas of Lamar County. It is also the intent of this district that commercial uses permitted in C-2 districts be limited to those in which services performed and merchandise offered for sale be conducted or displayed entirely within fully-enclosed buildings as defined by this Ordinance.

Uses permitted by conditional only in C-2 districts are those which generally generate more vehicular traffic than those permitted outright, such convenience stores, service stations, and fast food restaurants. These “convenience” type commercial uses need to be evaluated on a case-by-case basis, since some may not appropriate for location in a C-2 district without some attachment of conditions, such as rear parking, screening, special traffic control measures, etc.

#### SECTION 1701 - LAND USES PERMITTED

The following uses are permitted outright in C-2 districts subject to the regulations prescribed herein; C-1. Uses first permitted in C-3 districts shall not be allowed in C-2 districts:

- A.. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within fully-enclosed buildings, EXCEPT FOR THE DISPLAY OF SMALL ARTICLES (i. e., those that can generally be hand-carried by one or two persons) OUTSIDE THE COMMERCIAL USE.
- B. Offices of all types.
- C. Full-service restaurants, excluding fast food restaurants
- D. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)
- E. Veterinary clinics and pet shops, excluding outside runs.
- F. Any other use which the Board of Supervisors determine to be of the same character and nature as those specifically permitted.

- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 401.5 of this Ordinance.
- B. Food product carry-out and delivery stores.
- C. Convenience stores.
- D. Service stations/convenience car care establishments.
- E. Veterinary clinics and pet shops, including outside runs.
- F. Wireless communications facilities.
- G. Any retail business or service establishment which the Board determines to be of the same character and nature as those specifically allowed but not to include those uses which are first permitted in C-3 Highway Commercial districts.
- H. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance

**SECTION 1703 - DIMENSIONAL REQUIREMENTS**

1703.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

1703.02 Minimum Lot Area:

- (a) Shopping centers: Three (3) acres.
- (b) Independent commercial uses: 30,000 square feet.

1703.03 Minimum Lot Width: feet as determined at the building setback line.

- (a) Shopping centers: 200 feet.

- (b) Independent commercial uses: 100 feet. For any lot having a width of less than 200 feet, there shall be no more than one access driveway per lot. For lots having a width of 200 feet or more, two access driveways may be provided for every 200 feet of street/road frontage. Interior circulation streets/frontage roads shall be provided for all commercial subdivisions approved after the effective date of this Ordinance.

1703.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-2 district shall be as follows:

1. Front yard: 35 feet. The front yard setback shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road. However, the first ten (10) feet of this setback shall be open landscaped area, with no parking permitted in this area.
2. Side yards and rear yards where NOT abutting a residential district or residential use: No side yard or rear yard required..
3. Rear yards where abutting ANY residential district or residential use: twenty-five (25) feet. Side yards where abutting ANY residential district or residential use: Side yards with no parking will be fifteen feet (15) feet and side yards with parking and/or drives can be (15) fifteen feet with buffering.

## **ARTICLE XVIII**

### **HIGHWAY COMMERCIAL DISTRICT (C-3)**

#### **SECTION 1800 - PURPOSE OF THIS DISTRICT**

The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities which typically require direct auto traffic access and visibility from highways or other major thoroughfares.

It is the intent of this Ordinance that shopping centers and independent commercial uses be developed so that vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In order to facilitate access between adjoining properties and to reduce the number of curb cuts onto arterial streets, The installation of a service drive or a connecting driveway shall be considered in connection with any independent commercial use (i.e., a commercial use that is not a part of a shopping center) proposed in this district.

#### **SECTION 1801 - LAND USES PERMITTED**

The following uses are permitted outright in the C-3 districts subject to the regulations prescribed herein:

- A. Any use permitted outright in the C-1/Limited Commercial and C-2 General Commercial District.
- B. Supermarkets, as defined by this Ordinance.
- C. Hotels and motels.
- D. Bowling alleys, skating rinks, motion picture theaters and similar indoor recreational or entertainment enterprises conducted entirely within fully-enclosed buildings.
- E. Mortuaries and funeral homes.
- F. All restaurants.
- G. Convenience stores.
- H. Service stations/ convenience car care establishments.



- I. Vehicle sales, rental or lease (both new and used).
- J. Vehicle service centers, as defined herein.
- K. Yard and garden centers, nurseries and greenhouse operations.
- L. Garages/ body shops as defined herein, with indoor storage of all vehicles stored on site.
- M. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)
- N. Any other use which the Board determines to be of the same character and nature as those specifically permitted above, but not to include those uses allowed only as special exceptions under Section 1702.
- O. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 1802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Big box retail establishments. (NOTE: Because of the traffic generating characteristic of big box retailers, the location of these uses must be evaluated on a case-by-case basis to insure that traffic circulation is carefully considered.)
- C. Heavy equipment sales and service.
- D. Building material sales where some or all building materials, such as bricks, lumber, concrete culverts, etc. are displayed/ stored outdoors or are visible from adjoining thoroughfares. (NOTE: This permitted use does NOT include the manufacturing of such building materials on the premises.)
- E. Garages/ body shops as defined herein, with outdoor storage of vehicles. All vehicles stored on site outdoors shall be located in the rear yard and adequately screened (as determined through site plan review).
- F. Recreational vehicle parks.

- G. Juice bars.
- H. Wireless communications facilities.
- I. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.

## **SECTION 1803 - DIMENSIONAL REQUIREMENTS**

1803.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

1803.02 Minimum Lot Area:

1. Shopping centers: three (3) acres.
2. Independent commercial uses: 21,780 square feet (½ acre).

1803.03 Minimum Lot Width:

1. Shopping centers: 200 feet.
2. Independent commercial uses: 200 feet (unless access can be arranged between two or more lots having common frontage with less than 200 feet for each lot).

1803.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-3 district shall be as follows:

1. Front yards: The front yard building setback shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road. However, the first ten (10) feet of this setback shall be open landscaped area, with no parking permitted in this area.
2. Side yards or rear yards where NOT abutting a residential district: No side or rear yard required.

3. Rear yards where abutting ANY residential district or residential use: twenty-five (25) feet. Side yards where abutting ANY residential district or residential use: Side yards with no parking will be fifteen (15) feet and side yards with parking and/or drives can be fifteen (15) feet with buffering.

## **ARTICLE XIX**

### **CORRIDOR 98/589 (C98/589) DISTRICT**

#### **SECTION 1900-PURPOSES OF THIS DISTRICT**

The purposes of the Corridor 98/589 (C98/589) district are:

- A. To protect the integrity of and to provide for a superior environment along the U.S. Highway 98 and Mississippi Highway 589 entranceways in Lamar County. These are Lamar County's "front doors" and it is important to protect the appearance of this corridor.
- B. To prevent the placement of inappropriate land uses along the U.S. Highway 98 and Mississippi Highway 589 corridors.
- C. To promote uniformity with regard to dimensional regulations (maximum height, minimum lot widths and lot area, density, setbacks, and open space).
- D. To protect property values along the U.S. Highway 98 and Mississippi Highway 589 corridors by promoting compatible architectural design.

#### **SECTION 1901 - LAND USES PERMITTED WITHIN THE CORRIDOR 98/589 (C98/589) DISTRICT**

The following uses are permitted outright in the Corridor 98/589 district:

- A. Any use permitted outright in the C-1/Limited Commercial and C-2 General Commercial District.
- B. Supermarkets, as defined by this Ordinance.
- C. Hotels and motels.
- D. Bowling alleys, skating rinks, motion picture theaters and similar indoor recreational or entertainment enterprises conducted entirely within fully-enclosed buildings.
- E. Mortuaries and funeral homes.

- F. Full-service restaurants.
- G. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)
- H. Any other use which the Board determines to be of the same character and nature as those specifically permitted above, but not to include those uses allowed only as conditional use under Section 1902.
- I. Railroads or railroad facilities existing at the effective date of this Ordinance.
- J. Convenience stores.
- K. Fast food restaurants.

**SECTION 1902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 of this Ordinance.
- B. Service stations/ convenience car care establishments.
- C. Vehicle sales, rental or lease (both new and used).
- D. Vehicle service centers, as defined herein.
- E. Yard and garden centers, nurseries and greenhouse operations.
- F. Garages/ body shops as defined herein, with indoor storage of all vehicles stored on site.
- G. Wireless communications facilities.
- H. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.

## **SECTION 1903 - CERTIFICATE OF APPROPRIATENESS REQUIRED**

A Certificate of Appropriateness shall be required before any "action" as defined below can be taken within the Corridor 98/589 District. An "action" shall be defined as any construction, re-construction, relocation, addition to major repair or demolition of a building or structure or construction and location of parking facilities. Major repair is defined as costing in excess of fifty (50) percent of the value of the subject building or structure. A "Certificate of Appropriateness" is a certificate expressing the approval of the Board of Supervisors (or Zoning Administrator in the case of painting/ repainting of an existing structure) with regard to any proposed "action" in the C98/589 District. "Appropriateness" shall be defined as conformity to the standards established in this Zoning Ordinance or other land development regulations as they now exist or may be amended in the future.

For applications involving a required site plan for a proposed action, the Lamar County Planning Commission, in recommending approval and denial of applications for Certificates of Appropriateness, shall seek to accomplish the purposes of this ordinance. All decisions of the Commission shall be in writing and shall state the findings of the Commission, its recommendations, and the reasons therefore.

## **SECTION 1904 - PURPOSES OF A CERTIFICATE OF APPROPRIATENESS**

A "Certificate of Appropriateness" is a document issued by the Board of Supervisors approving a proposed "action" (as defined under Section 1903) in the Corridor 98/589 District. The purposes of the Certificate of Appropriateness are:

1. To preserve the values of existing buildings and structures.
2. To prevent excessive dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures. Poor quality of design in the exterior appearance of structures shall include all metal buildings, which are hereby prohibited in the Corridor 98/589 District, unless covered with brick or other masonry material However backs of the building, not facing any roads, may remain open.
3. To prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with the existing visual features within the district.
4. To prevent harm and damage to the Corridor 98/589 District which will result from the absence of such review and manifest itself by: (a) lower property values; (b) decreased economic growth; or (c) diminished future opportunities for land use and development.

## **SECTION 1905 - SITE PLAN REQUIRED FOR ANY PROPOSED "ACTION" IN THE CORRIDOR 98/589 DISTRICT**

When any "action" as defined under Section 1903 is proposed anywhere within the Corridor 98/589 District, the Lamar County Planning Commission shall review site plans for such actions. Site plans shall be prepared in accordance with Sections 2807 through 2810 of this Ordinance and

persons responsible for initiating such “actions” shall comply with the procedures specified under Section 1806 of this Ordinance.

## **SECTION 1906 - PROCEDURES FOR REVIEW OF SITE PLAN**

The Lamar County Planning Commission shall review all site plans (provided all required data is submitted by the applicant) at their regular meeting. After reviewing all information relative to the site plan, the Planning Commission may recommend issuance of a Certificate of Appropriateness and issuance of a Land Use Permit (see Section 400.01) or recommend denial by the Board of Supervisors. If the Commission determines that the proposed building or structure is excessively dissimilar to other like structures within the district and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in 1904, paragraph 4, and that such finding is not based upon personal preferences as to taste, then the Commission may recommend that no Certificate of Appropriateness be issued and that an application for a Land Use Permit be denied by the Board of Supervisors. If the Commission recommends issuance of a Certificate of Appropriateness and a Land Use Permit, such recommendation shall be contingent upon final review and approval by the Board of Supervisors.

## **SECTION 1907 - PROCEDURES FOR CONSIDERATION OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS**

Anyone desiring to perform any “action” (as defined under Section 1903) in the Corridor 98/589 District must submit an application for a Certificate of Appropriateness (on a form provided by the Lamar County Planning Department) to the Zoning Administrator, who shall forward this application to the Lamar County Planning Commission. The Commission shall review the application and either recommend approval, denial, or make recommendations for changes and modifications as it deems necessary in order for the applicant to meet the standards and guidelines for the action to be performed. If the applicant’s plans meet the approval of the Commission, the Chairman of the Commission shall sign the Certificate and it shall be forwarded to the Board of Supervisors for review and final approval. Following approval by the Board of Supervisors, the Certificate shall be forwarded to the Zoning Administrator for issuance of a Land Use Permit in accordance with Section 400.01 of this Ordinance.

If the Commission should reject the application or recommend changes and modifications not acceptable to the applicant, the applicant may appeal the Commission’s decision directly to the Board of Supervisors.

It is incumbent upon the applicant for a Certificate of Appropriateness to complete an application and submit the completed application and required site plan in time for review by the Lamar County Planning Commission prior to the meeting of the Board of Supervisors at which he desires a decision by that body. If the proposed action also involves an application for a Variance or Conditional Use (see Section 2804 and 2805, respectively) or an amendment to the Official Zoning Map (see Section 2806), the applicant for a Certificate of Appropriateness is advised that a public hearing is required in accordance with Section 2711 of this Ordinance.

No Land Use Permit shall be issued by the Zoning Administrator without an approved Certificate of Appropriateness.

## **SECTION 1908 - EXPIRATION OF CERTIFICATES OF APPROPRIATENESS**

Certificates of Appropriateness shall expire if the work or change is not commenced within one hundred eighty (180) days from the date the Certificate is granted, or if the work or change is not substantially completed within two (2) years from the date the Certificate is issued, although such permit may be renewed for additional periods.

## **SECTION 1909 - DIMENSIONAL REQUIREMENTS**

1909.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

1909.02 Minimum Lot Area:

1. Shopping centers: three (3) acres.
2. Independent commercial uses: 21,780 square feet (½ acre).

1909.03 Minimum Lot Width:

1. Shopping centers: 200 feet.
2. Independent commercial uses: 200 feet (unless access can be arranged between two or more lots having common frontage with less than 200 feet for each lot).

1909.04 Minimum Yards: The minimum yard requirements for all uses permitted in a Corridor 98 District shall be as follows:

1. Front yards: The front yard building setback shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road. However, the first ten (10) feet of this setback shall be open landscaped area, with no parking permitted in this area.
2. Side or rear yards where NOT abutting a residential district: No side or rear yard required.



3. Rear yards where abutting ANY residential district or residential use twenty five (25) feet. Side yards where abutting ANY residential district or residential use: Side yards with no parking will be fifteen (15) feet and side yards with parking and/or drives can be fifteen (15) feet with buffering.

**ARTICLE XX  
MIXED USE (MX) DISTRICT**

**SECTION 2000-PURPOSES OF THIS DISTRICT**

In accordance with Policy 23 of the adopted Comprehensive Plan for Lamar County, “---mixed use developments (large-scale developments containing a mixture of office, retail, and residential uses) are encouraged to locate along arterial highways, roads, and streets in Lamar County.”

The purposes of the Mixed Use Zone (MX) are to:

- A. Allow a diversity of uses in close proximity in the district, including residential, retail, office, entertainment, and open space.
- B. Encourage a mix of uses in which non-residential development generates revenues and creates jobs, shopping and entertainment opportunities for residents, while residential development generates 24-hour vitality in support of the commercial uses.
- C. Providing opportunities for a mixture of uses in the same building.
- D. Through a planned development process, provide standards for site design, architecture, landscaping and circulation that segregate vehicular and pedestrian traffic, encourage walking and bicycling for recreation and daily errands, and buffer adjacent and internal residential uses from non-residential use impacts.
- E. To provide maximum flexibility in the design. Unlike Planned Unit Developments (PUD’s), the establishment of a Mixed Use development does not necessarily require conformance with an underlying zoning district. However, a rezoning of the land proposed for development must be obtained along with an amendment to the adopted Land Use Plan. Also, a development plan must be submitted in accordance with Section 2005 below.

**SECTION 2001-PERMITTED USES**

The following uses are permitted outright in MX districts subject to the regulations prescribed herein:

- A. All uses allowed outright in C-1 district, subject to other requirements of this Ordinance.

- B. Single-family detached residential uses allowed outright in R-E, R-1 and R-2 zones.
- C. Patio homes and townhouses.
- D. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the temporary display of individual articles not exceeding a weight of 200 pounds, a height of six feet and a length and/ or a depth of six feet (that is, those articles which can generally be hand-carried by one or two persons)
- E. Buildings in which the second floor is used for residential purposes and the first (ground) floor is used for office or retail purposes.
- F. Hotels and motels.
- G. Full service restaurants.
- H. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)
- I. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 2002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Big box retail establishments.
- B. Supermarkets.
- C. Convenience stores.
- D. Fast food restaurants.
- E. Wireless communications facilities.
- F. Modular housing as defined by this Ordinance.

- G. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.
- H. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- I. Nursery, Horticulture.
- J. Manufactured Housing.

**SECTION 2003 - DIMENSIONAL REQUIREMENTS**

- 2003.01 **Minimum Size of Mixed Use Development:**  
The minimum size of any Mixed Use development shall be five (5) acres.
- 2003.02 **All Single-Family Detached Uses Except Patio Homes and Townhouses:**  
Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-E, R-1, or R-2 ) that is the most similar to the proposed section or phase of the development.
- 2003.03 Minimum Lot Size, Minimum Lot Width, Minimum Yards and Maximum Height for Single-Family Detached Residences (Except Patio Homes and Townhouses) in Mixed Use Developments:
  - (a) **Minimum Lot Size:** Requirement of the most similar residential zoning district (i.e. R-E, R-1, or R-2) for each section of the Mixed Use development.
  - (b) **Minimum Lot Width:** Requirement of the most similar residential zoning district (i.e. R-E, R-1, or R-2) for each section of the Mixed Use development.
  - (c) **Minimum Yards:** Requirements of the most similar residential zoning district (i.e. R-E, R-1, or R-2) for each section of the Mixed Use development.
- 2003.04 Dimensional Requirements for Patio Homes and Townhouses: Same as the dimensional requirements contained in the PH and TH district regulations.
- 2003.05 All Commercial Uses and Public/Quasi-Public Uses: Dimensional requirements for commercial portions or public/ quasi-public uses in a Mixed Use Development shall be determined by approval of a development

plan submitted in accordance with Section 1905 and the site plans required by Section 1907. All commercial and public/quasi-public sections of a MXD shall be linked to common open space features of the development.

#### **SECTION 2004 - DEVELOPMENT PLAN APPROVAL REQUIRED PRIOR TO DESIGNATION OF MIXED USE DEVELOPMENT ON OFFICIAL ZONING MAP**

Any person desiring to subdivide land for purposes of creating a Mixed Use development shall first prepare and submit a “development plan” to the Zoning Administrator in accordance with the Subdivision Regulations. All development plans for proposed MX development shall be reviewed by the Lamar County Planning Commission as well as the Zoning Administrator and the County Engineer. A development plan is a drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be also be considered the “preliminary plat” (if it meets the specifications for preliminary plats), but the preliminary plat for each phase or stage of a Mixed Use development shall be approved by the Board of Supervisors prior to the initiation of any construction by the subdivider. Following approval of the development plan and/ or preliminary plats (where the development plan meets the requirements for a preliminary plat), said development plan and/ or preliminary plats shall be become the zoning requirements for the development unless amended in accordance with Section 2006 of this Ordinance.

#### **SECTION 2005 - CHANGES IN DEVELOPMENT PLANS OR SUBDIVISION PLATS**

A development plan may include minimum lot sizes and proposed open space keyed to different areas of a proposed Mixed Use development. If the development plan meets the requirements of the Subdivision Regulations for preliminary plats, the provisions of this section shall apply to previously approved preliminary plats. If a subdivider proposes changes in lot sizes for a particular portion of a Mixed Use District, changes in land reserved for open space or recreational areas or major changes in proposed street configurations (as determined by the Zoning Administrator and County Engineer) from the development plan or preliminary subdivision plat approved by the Board of Supervisors, A public hearing shall be held before the Lamar County Planning Commission in accordance with Section 2806 (Amendments to the Official Zoning Map—Rezoning) of this Ordinance to consider the proposed changes (since the development plan constitutes the zoning for the Mixed Use District). Such proposed changes shall be reviewed by the Planning Commission, which shall make a recommendation to the Board of Supervisors. The changes may be approved or denied by the Board of Supervisors. No construction that would involve proposed changes in the development plan or subdivision plats previously approved by the Board of Supervisors shall be initiated by the subdivider prior to approval of the revised development plan or subdivision plats.

#### **SECTION 2006 - LAND USE PERMITS AND SITE PLANS REQUIRED FOR ALL USES IN A MIXED USE DEVELOPMENT**

In accordance with Sections 400.01 and 400.03 of this Ordinance, a Land Use Permit and a site plan shall be required prior to construction of ANY use, including single-family detached residences, within a proposed Mixed Use Development.

## SECTION 2007 - PERFORMANCE STANDARDS

- A. Architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.
- B. Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space.
- C. Landscaped space, and particularly usable open space, shall be designed and located to connect as a network throughout the Mixed Use development. It is also generally intended that said space be designed and located to connect with existing offsite usable open space, and provide potential for connection with future open space by extending to the perimeter of the Mixed Use development, particularly when a plan exists for the location and networking of such future open space.
- D. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents. Vehicular access to and from public roads is intended to be consolidated. Vehicular access to Mixed Use development sites from a public roadway shall generally be limited to one (1) access point, particularly when Mixed Use development frontage along said roadway is three hundred (300) feet or less.
- E. Internal streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall be designed and constructed in accordance with Lamar County Subdivision Regulations.
- F. The design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.
- G. The design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.
- H. Mixed Use Developments shall maximize pedestrian-oriented development.

## **SECTION 2008 - LIGHTING**

All outdoor lighting shall be designed so as not to adversely impact surrounding uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate or be of unusually high intensity of brightness and shielded so that the light does not create a public nuisance.

## **SECTION 2009 - COMMON AREA AND OPEN SPACE REQUIREMENT**

- A. The developer of a Mixed Use development shall set aside and convey, to the developer's successive owners of developed properties associated in a Maintenance Organization at least one (1%) of the gross area of the development as common area and/or open space, which areas shall be accessible subject to reasonable rule, assessments and fees to all residents of the district. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors.
- B. No more than one hundred percent (100%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)
- C. The amount of land to be set aside and donated to a Maintenance Organization, shall be substantiated by the developer to the satisfaction of the Board of Supervisors.
- D. Open space may be any reasonable use of land that causes spaciousness between groupings lots or dwelling units. Open spaces areas may include areas that are lakes, parks, golf courses, wide medians in boulevard boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreation and pedestrian movement by residents living within the district. Common areas may contain improvements and must be owned and maintained by a Owners Association. Common areas may include lands that are open space.
- E. The Board of Supervisors has the authority to require as a prerequisite to approval of a Site Plan for a development within a Mixed Use District such features, infrastructure, covenants, condition and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Lamar County.
- F. To be considered as common area or open space which meet the requirements of this section of this ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purpose(s).

## **SECTION 2010- MAINTENANCE OF COMMON AREAS AND OPEN SPACE**

- A. As a part of the plans and documents submitted for the Development Plan Review of a proposed development within the Mixed Use District, the developer shall include a draft of those covenants, conditions and restrictions to which those developed lots and parcels within the development shall be subjected.
- B. Such covenants, conditions and restrictions shall provide for the organization and operation of an Owners Association in which each successive property owner (including successive purchasers) within the development shall be a mandatory member subject to reasonable rules, assessments and fees.
- C. The Owners Association must be responsible for liability insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned and maintained by such organization.
- D. The Owners Association must provide for reasonable and pro rata collection from the owners of developed lots and properties within the development of monies sufficient to pay the costs for such insurance, taxes, administration, operation, security, repair and maintenance. The collection of such monies from such owners shall be enforceable by the Owners Association having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien on the property of owners not paying proper assessments.



## ARTICLE XXI

### LIMITED INDUSTRIAL (I-1) DISTRICT

#### SECTION 2100 - PURPOSE OF THIS DISTRICT

In accordance with Policy 28 of the adopted Lamar County Comprehensive Plan, “—a separate light industrial zoning district will be established to provide areas adjacent to major transportation arteries and thoroughfares where light industrial, technological and professional firms can locate with the assurance of design quality, extensive site amenities, open space, and environmental protection.”

It is the intent of this Ordinance that Light Industrial land uses be compatible with abutting districts, such as commercial districts, which will serve as transitional zones between industrial uses and residential uses. The uses permitted in I-1 zones shall generate no objectionable odor, smoke, fumes, vibration or excessive noise. It is further the intent of this Ordinance that encroachment by all residential uses shall be prohibited.

#### SECTION 2101 - USES PERMITTED

The following uses are permitted outright in Light Industrial districts:

- A. All uses permitted in C-1 Restricted Commercial districts.
- B. Research and laboratory facilities.
- C. Light manufacturing, compounding, processing, fabricating, assembling, or packaging facilities, with all such activities conducted wholly within enclosed structures. There shall be no exterior evidence of such activities, except for areas reserved for loading/ unloading of materials from trucks. Furthermore, outdoor storage, manufacturing (such as cement manufacturing) or other outdoor activities shall be prohibited
- D. Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site.
- E. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU districts.)
- F. Railroads or railroad facilities existing at the effective date of this Ordinance.

- G. Other similar enterprises which are of the same character and nature as those specifically permitted above, but not to include those uses first permitted in the I-2 Heavy Industrial district.

**SECTION 2102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public/ quasi-public facilities and utilities subject to the provisions of Section 402.
- B. Fully-enclosed commercial sports and recreational facilities.
- C. Hotels, motels, and full-service restaurants. Fast food restaurants or “drive-in restaurants” shall be prohibited in this district.
- D. Mini-warehouses or self-storage warehouses.
- E. High-mast television and radio transmitters.
- F. Wireless communications facilities.
- G. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- H. Nursery, Horticulture.

**SECTION 2103 - DIMENSIONAL REQUIREMENTS**

- 2103.01 Maximum Building Height: No structure shall exceed seventy (70) feet or three stories in height.
- 2103.02 Minimum Lot Area: 10,000 square feet.
- 2103.03 Minimum Lot Width: 100 feet.
- 2103.04 Minimum Yards:

- (a) Front yard: 50 feet. The first ten (10) feet inside this front yard setback (adjacent to the road or highway right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.
- (b) Side yards and rear yards where NOT abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped.
- (c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance with Section 404 of this Ordinance; OR 20 feet, which shall remain open and be landscaped; AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

#### **SECTION 2104 - STORAGE AND REFUSE AREAS**

All temporary storage and refuse collection areas shall be located at the rear of the site and shall be totally encircled or screened by a fence, planting, or other suitable visual barrier. On corner parcels, storage and refuse areas shall be located on the opposite corner of the lot from each street corner.

#### **SECTION 2105 - LOADING/ UNLOADING AREAS**

All loading and unloading space shall be located to the rear of the principal buildings. On corner parcels, or on through parcels, if there is only one principal building, one side of the principal building may be used for loading and unloading. Side loading is also permitted if the loading space is screened from abutting properties and the view from the street.

## ARTICLE XXII

### HEAVY INDUSTRIAL DISTRICT (I-2)

#### SECTION 2200 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements and/or in which all or part of the activities (other than temporary storage) associated with the use are conducted outdoors (outside of buildings). These activities often generate noise, odors, smoke or vibrations detectable to human senses off the premises on which the use is located.

It is the intent of this Ordinance that such “heavy” industrial districts be located insofar as possible adjacent only to C-3 Highway Commercial or Limited Industrial (I-1) districts, which shall serve as transitional zones between I-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to streets, roads, or highways designated as principal or minor arterials on the adopted Thoroughfares Plan of the Lamar County or accessible to railroads.

#### SECTION 2201 - LAND USES PERMITTED

The land uses permitted in I-2 districts may include those located outside of buildings as well as those within buildings, subject to the regulations of this Ordinance and standards established by appropriate Federal and State regulatory agencies. The following uses are permitted outright:

- A. Any use permitted in General Commercial (C-2), Highway Commercial (C-3), and Limited Industrial (I-1) districts, SUBJECT TO THE REGULATIONS OF THOSE DISTRICTS.
- B. Heavy manufacturing uses WHICH ARE NOT POTENTIALLY HAZARDOUS OR OFFENSIVE TO NEIGHBORING LAND USES due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I-2 districts, EXCEPT THAT MANUFACTURING USES OF THE “WET” TYPE (i.e., those industries which require large amounts of water in processing or discharge large amounts of by-products through the sewer system) SHALL BE PERMITTED ONLY AS CONDITIONAL USES.
- C. High-mast transmission and receiving towers.
- D. Wireless communications facilities.

- E. Public roads and highways (excluding Federal Interstate highways, which are regulated as special uses in SU districts.)
- F. Railroads or railroad facilities existing at the effective date of this Ordinance.

**SECTION 2202 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of non-ferrous metals; and similar activities.
- B. Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.
- C. Mining and quarrying (including sand and gravel pits). When “open-pit” mining operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide the Lamar County Board of Supervisors with written proof of same. In accordance with the adopted Land Use Plan land use classification system, “—submission of a reclamation plan to the Board of Supervisors shall required prior to approval of any future extractive industry site.”
- D. Salvage yards (junk yards) and vehicle wrecking yards.
- E. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.
- F. Any other use of a heavy industrial nature which is not prohibited under Section 406.04 of this Ordinance or otherwise prohibited by law may be allowed in I-2 districts, subject to any limitations and restrictions deemed necessary by the Board of Supervisors.
- G. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.

**SECTION 2203 - DIMENSIONAL REQUIREMENTS**

- 2203.01 Maximum Building Height: No structure shall exceed seventy (70) feet or three stories in height.

2203.02 Minimum Lot Area: One (1) acre or 43,560 square feet.

2203.03 Minimum Lot Width: 200 feet.

2203.04 Minimum Yards:

- (a) Front yard: 100 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance or left in native vegetation; no parking shall be permitted in these driveways.
- (b) Side yards and rear yards where NOT abutting a residential district or residential use: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped or left in native vegetation.
- (c) Side yards and rear yards where abutting ANY residential district or residential use: 100 feet, which shall remain open and be landscaped or left in native vegetation.

## **ARTICLE XXIII**

### **SPECIAL USE DISTRICT (SU)**

#### **SECTION 2300 - PURPOSE OF THIS DISTRICT**

The purpose of this district is to provide areas for the development of special uses, which, because of their size, institutional nature and/or unique characteristics, do not fit compatibly into other zoning districts of the County. These special uses include, but are not limited to, large educational institutions, comprehensive elderly retirement facilities, Interstate or other limited access highways, and the Longleaf Trace Multipurpose Trail. The uses permitted in SU districts do not include “public/quasi-public facilities and utilities” as those are defined by this Ordinance.

#### **SECTION 2301 - ZONING OF ALL PROPERTY OWNED BY INSTITUTIONAL USES PERMITTED IN THIS DISTRICT SHALL BE S-1 UNLESS RE-ZONED**

The zoning of all property owned by institutions permitted in this district, including educational institutions, comprehensive elderly retirement facilities, or large-scale group care facilities shall be “SU Special Use District” unless the land owned by such institutions is rezoned by the Board of Supervisors. Furthermore, if the operators of such institutions propose to acquire additional land following the effective date of this Ordinance, the operators of such institutions shall file an application for the appropriate zoning if not already zoned consistent with the proposed use. If the land to be acquired is to be used for the purposes specified in this article, then the land shall be zoned “SU” accordingly.

This provision is intended to alert the public as to the possible character of future development of land proposed for rezoning by the operators of such institutional uses: for example, a proposed rezoning from "SU" to a commercial classification.

#### **SECTION 2302 - LAND USES PERMITTED**

- A. Educational institutions, including large-scale (with campuses generally encompassing 50 acres or more) colleges and universities, religious seminaries, and technical and vocational training facilities. Uses permitted in such SU districts include administrative buildings/offices; educational facilities such as classrooms, libraries, laboratories, and gymnasiums; stadiums, auditoriums and coliseums; student or faculty housing; dining or food service facilities; recreational facilities such as golf courses, tennis courts, swimming pools, and similar uses; chapels and places of worship; commercial-type facilities such as bookstores, laundries, hair styling shops and similar enterprises primarily intended for the benefit of students and staff; parking lots intended primarily for staff and students of the institution; and other uses commonly associated with educational institutions. Small-scale educational uses (generally, with campuses encompassing less than 50 acres), including elementary

schools and secondary schools, are not included as special uses under this article, but are regulated as public/quasi-public uses under Section 402.

B. Comprehensive elderly retirement facilities, including only those facilities which shall provide for the use of their residents the following:

- \* residential units of varying size (i.e., number of bedrooms, different square footage depending upon the needs of the individual residents);
- \* common dining facilities and some or all meals;
- \* housekeeping and linen service, available if desired by the residents;
- \* laundry services, available if desired by the residents;
- \* commercial facilities intended primarily for the benefit of staff and residents of the retirement facility, including such facilities as a beauty salon or barber shop, bookstores, and convenience-type commercial uses on site;
- \* local transportation provided directly by the facility (i.e., not contracted through taxicabs, etc.) for outings for residents;
- \* recreational facilities intended primarily for the benefit of staff and residents, such as a library, meeting/game room, spa or swimming pool, etc.; and
- \* security features, such as emergency pull cords in each residential unit;
- \* on-site health care services and/ or facilities; and
- \* dwelling units for resident managers;

(Note: Hospitals which are not a part of a retirement facility are not included as special uses under this article, but are regulated as public/quasi-public uses under Section 402. Furthermore, retirement facilities do not include nursing homes as defined by this Ordinance; nursing homes are regulated as public/quasi-public uses under Section 402.)

C. Large scale group care facilities for the housing and care of orphans, foster children, battered women and children, “disabled” persons (see Article II for definition of “disabled persons”) and other persons requiring specialized treatment, including all uses needed for same.



- D. Interstate Highway Rights-of-Way and Other Limited Access Roadway Right-of-Way.
- E. Longleaf Trace Multipurpose Trail Right-of-Way.

**SECTION 2303 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Wireless communications facilities.
- B. Public and quasi-public facilities and utilities may be allowed in these districts in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

**SECTION 2304 - DIMENSIONAL REQUIREMENTS**

All dimensional requirements for land uses in SU districts are subject to site plan review approval by the Board of Supervisors.

## **ARTICLE XXIV**

### **OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS**

#### **SECTION 2400 - PURPOSE OF THIS ARTICLE**

The purpose of this Article is to recommend that all parking, loading space and access meet industry standards and guidelines. For access requirements please use: Transportation Research Board's Access Management Manual. For parking please use APA's Parking Standards PAS Report No. 510/511.

When consulting the manuals, please use the latest edition.

## ARTICLE XXV

### NONCONFORMITIES

#### SECTION 2500 - PURPOSE OF THIS ARTICLE

A nonconformity is any land, lot, building, structure or parts thereof, existing before the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

It is the intent of this Ordinance to permit nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming USES (see definition under Section 2501 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which ACTUAL CONSTRUCTION WAS LAWFULLY INITIATED PRIOR TO THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS ORDINANCE and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be "actual construction," provided that work shall be carried on diligently.

#### SECTION 2501 - TYPES OF NONCONFORMITIES

Whereas the definition of a nonconformity has been given in Section 201 and under Section 2500, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

- 2501.01 Nonconforming Undeveloped "Lot of Record": This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Lamar County or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is located.
- 2501.02 Nonconforming Structure (Including Buildings): This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the bulk, placement or other dimensional requirements of the zoning district wherein located.

- 2501.03 Nonconforming Use: This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

## **SECTION 2502 - REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD**

- 2502.01 Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any SINGLE nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in SEPARATE OWNERSHIP AND NOT OF CONTINUOUS FRONTAGE WITH OTHER LOTS IN THE SAME OWNERSHIP. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, PROVIDED THAT:

The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located.

Variance of yard requirements shall be obtained only through action of the Board of Supervisors following recommendation of the Lamar County Planning Commission. (See Section 2804 of this Ordinance).

(Explanatory note: Section 2502.01 provides the explicit guarantee that a single-family dwelling may be constructed on any lot of record in a district where single-family dwellings are permitted, provided that yard and other requirements NOT INVOLVING AREA OR WIDTH are met. This complies with the established legal principle that an individual must be allowed to do something with his lot. Furthermore, if the lot is too narrow or too shallow to build a house and yet provide the rear and/ or side yards required in a particular district, he/ she may apply for a variance in accordance with Section 2804 of this Ordinance.)

- 2502.02 Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance (This applies to non platted lots): If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are “of record” at the time of enactment of this Ordinance, and if, subsequent to the passage of this Ordinance, such lots become nonconformities in the district where they are located; and if such lots change ownership after the enactment of this Ordinance, the lands involved shall be considered as UNDIVIDED PARCEL for the purposes of this Ordinance; and, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this Ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 2502.01. However, further division of such nonconforming lots of record shall be prohibited.

No lot shall be created on or after the effective date of this Ordinance which does not meet the lot area and lot width requirements of the district wherein the lot is located.

### **SECTION 2503 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES**

Where a lawful structure exists before the effective date of adoption or amendment of this Ordinance that could not subsequently be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other dimensional requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, PROVIDED THAT:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance. However, structures can be rebuilt using the same footprint as the previous structure in cases of natural disasters as long as the structure is not in the road right-of-way.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### **SECTION 2504 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)**

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, PROVIDED:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

- C. If any such nonconforming use of land ceases for any reason for a period of more than 90 days (except where government action has impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

**SECTION 2505 - REGULATIONS CONCERNING NONCONFORMING USES OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION**

If lawful use involving individual MAJOR structures (i.e., those with a replacement cost of \$1,000 or more) or of such MAJOR structures and land in combination, exists prior to the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve consecutive months or for twelve months during any three year period (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. This period can be extended after review by the Plan Commission and approval by the Board of Supervisors.
- E. When owners of the manufactured homes desires to, they may upgrade a nonconforming manufactured home by purchasing a newer manufactured home in replacement of the older manufactured home. For purposes of this Ordinance, an upgrade will consist of a manufactured that is no older than five years than the current date or is larger in size. i.e., a double or triple wide or two story. It will also consist of upgrading from a mobile or manufactured home to a modular home.

## ARTICLE XXVI

### SIGN REGULATIONS

#### SECTION 2600 - PURPOSES

The purposes of this ordinance are to regulate signs, as defined under Article II, for the following reasons:

- A. To assure that signs are appropriate to the land, building, or use to which they are appurtenant, thereby protecting the character and economic stability of surrounding property.
- B. To assure that signs are adequate but not excessive for their intended purpose.
- C. To prohibit the erection, placement or retention (in the case of signs erected prior to the adoption of this Ordinance) of any sign which constitutes a hazard to the public safety.
- D. To prohibit the erection, placement, or retention of any sign which constitutes a nuisance by reason of glare, noise, animation, flashing, or other objectionable influence.

#### SECTION 2601 - PERMIT REQUIRED/ APPLICATIONS FOR SIGN PERMITS

Except for the signs listed under Section 2603 and temporary signs listed under Sections 2615, 2616, and 2617, no sign shall be constructed, erected, relocated or expanded unless the owner (or his/ her representative) obtains a sign permit from the Zoning Administrator.

If signs are proposed in conjunction with the construction or erection of a building, parking lot, placing of a manufactured or modular home, relocating an existing structure, change or expansion of any use of any property within unincorporated areas of Lamar County that are subject to this Zoning Ordinance, a sign permit may be applied for at the same time that the owner (or his/ her representative) applies for a Land Use Permit (see Section 400.01 of this Ordinance).

If the proposed sign is NOT in conjunction with such construction (for example, an off-premise sign), then the owner (or his/ her representative) shall apply for a separate sign permit under the provisions of this Article.

If the signs for a subdivision are shown on the plat, a land use permit will not be required.

Sight distance along driveways, entrances and intersections must be considered when placing a sign.

The Zoning Administrator shall not issue a sign permit unless the proposed sign complies with the provisions of this Ordinance and other applicable ordinances and regulations of the Lamar County.

Applications for sign permits shall be filed with the Zoning Administrator on a form provided by the County. The permit application shall include, but not necessarily be limited to, the following information:

- A. Name and address of the sign owner and of the sign erector.



- B. Zoning district in which the sign is to be erected, expanded (or otherwise modified) or relocated.
- C. Sign type proposed.
- D. Drawings showing the design, location(s) on the lot(s), materials, finishes of the sign, type of illumination, if any, and such other pertinent information as the Zoning Administrator may require.

**SECTION 2602 - SIGN MEASUREMENT/ SIGN FACES**

The surface area of a sign shall be computed as including the entire area within a rectangle, triangle, circle, or other geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports and other structural members not bearing advertising matter shall not be included in computation of the surface area. In measuring the required setbacks for ground-mounted signs, the measurement shall be from the appropriate street or highway right-of-way or property line to the leading edge of the sign, including the structural members of the sign.

The face of a sign shall be defined as the area of a sign which is *visible from one direction* as projected on a plane; the face is the entire area on which copy is placed. In measuring the area of signs having double faces, the area of each face shall be measured.

**SECTION 2603 - SIGNS NOT REQUIRING A PERMIT**

The following signs shall not require a permit, but shall be subject to the regulations of this Ordinance:

- A. Governmental Signs: Any sign erected by any Federal or State agency or Lamar County, or under authorization or required by any governmental agency, shall not require a permit. Such signs include, but are not limited to: traffic regulatory signs, historic markers, identification signs on buildings or other facilities, holiday decorations, and similar signs.
- B. Utility Signs: Standard markers or warning signs denoting utilities.
- C. Traffic Directional/ Parking Signs and Delivery Signs: Signs providing traffic directions (entrance/ exit signs), parking directions, and delivery signs shall not require a permit. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area.
- D. “Private Parking” Signs: Signs warning the public that a parking lot or parking garage is intended for use only by employees or other persons associated with a business or organization shall not require a permit. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area.
- E. Address Signs: Not regulated.
- F. Window Signs: Permitted only in commercial or industrial districts.



- G. Unilluminated, Ground-Mounted Political Signs: Not regulated.
- H. Flags or Emblems of the United States, the State of Mississippi or Their Political Subdivisions: Not regulated.
- I. Memorial or historical plaques, cornerstones, and the like.
- J. Signs not legible off the lot upon which they are situated, such as drive-up menu boards at fast food restaurants.
- K. Temporary signs subject to Sections 2616, 2617, and 2618.

**SECTION 2604 - REGULATIONS FOR SIGNS PERTAINING TO PUBLIC/  
QUASI-PUBLIC FACILITIES AND UTILITIES**

The following types of signs, subject to the regulations of this Ordinance, are permitted in connection with public/quasi-public facilities and utilities, as such uses are defined by this Ordinance. Where a public/quasi-public use is permitted as a special exception under the Official Zoning Ordinance of Lamar County, Mississippi, these signs are allowed.

2604.01 Allowable Signs (By Permit Only Except Where Exempted under Section 2603):

- (a) Ground-mounted identification signs.
- (b) Wall-mounted identification signs.
- (c) Changeable copy (manual only) signs. Such changeable copy signs shall only display information regarding scheduled activities and must be enclosed to prevent vandalism.  
  
(NOTE: These manual changeable copy signs will be permitted for schools, churches, and other public/quasi-public uses, such as the Y.M.C.A., civic clubs, Red Cross, etc.)
- (d) Off-premise ground-mounted signs with the consent of the property owner on which the ground-mounted sign is to be placed. An example of this type of sign is a sign pointing the direction to a church located on another lot from the one on which the sign is located.
- (e) Temporary construction signs.
- (f) Temporary OFF-PREMISE signs providing formation on special events/ activities sponsored by the public/ quasi-public use.

2604.02 Illumination of Public/Quasi-Public Signs: Except for temporary signs which shall not be illuminated, signs allowed for public and quasi-public uses may be externally illuminated or internally illuminated, as defined by this Ordinance. However, no public/quasi-public use sign shall be illuminated by neon tubing or light bulbs arranged to form copy.

- 2604.03 Maximum Area: For all on-premise signs, a maximum of one ground-mounted, changeable copy (manual), or wall sign per street frontage, with no more than sixty-four (64) square feet per face may be erected. In no case shall total (aggregate) sign area exceed one hundred, twenty eight (128) square feet, regardless of the number of faces.
- 2604.04 Regulations for Temporary Construction Signs for Public/Quasi-Public Facilities and Utilities: See Section 2517.
- 2604.05 Regulations for Temporary Off-Premise Signs Providing Information on Special Events/Activities: A permit shall be required for all off-premise special event/ activities signs. The locations for all such signs shall be reviewed by the Lamar County Planning Commission and approved by the Board of Supervisors.

Regulations regarding maximum aggregate area and illumination shall be the same as those for on-premise special event/activities signs under Section 2617.

### **SECTION 2605 - MINIMUM SET-BACK FROM STREET RIGHT-OF-WAY FOR ALL GROUND-MOUNTED SIGNS**

Except for signs located on Federal-Aid Interstate Highways and Federal-Aid Primary Highways, which are regulated by the State of Mississippi. No portion (including the leading edge of the sign) of a ground-mounted sign shall be located nearer than twenty-five (25) feet from the right-of-way of any street or road in unincorporated Lamar County.

### **SECTION 2606 - OUTDOOR ADVERTISING**

The regulation of outdoor advertising (“billboards”) adjacent to Federal-Aid Interstate Highways and Federal-Aid Primary Highways is subject to the Standard Operating Procedures adopted by the Mississippi Transportation Commission or The Mississippi Department of Transportation. Outdoor Advertising Signs shall be outright permitted in the C-2, C-3, C98/589, I-1 and I-2 zoning districts.

The regulations of outdoor advertising signs adjacent to federal aid interstate highways and federal aid primary highways are subject to the following (SOP Standard Operation Procedures) with the following guidelines

- A. Outdoor Advertising Signs shall be defined as any sign, structure or device which displays information about a business, product or service not located on or offered on the premises on which the sign is located.
- B. Outdoor Advertising Signs shall not be located closer than 1000 feet to any other Outdoor Advertising Signs on the same side of each street, highway or alley.
- C. Outdoor Advertising Signs shall not be located one above another and can not exceed two faces per any one structure.
- D. Outdoor Advertising Signs shall not exceed 672 square feet of sign area on any one side.

- E. Outdoor Advertising Signs shall not exceed 40 feet in height measuring from the adjacent road grade to the top of the outdoor advertising sign area.
- F. Outdoor Advertising Signs shall have a minimum ground clearance of 16 feet for all structures whose largest one display advertising face dimension is equal to or greater than 288 square feet or 12' and 24' (12'x24') and shall have a minimum ground clearance of 10 feet whose largest any one display advertising face dimension is not equal to or is less than 288 square feet or 12' and 24' (12'X24')
- G. The maximum allowed Outdoor Advertising Sign face is 14' and 48' (14'X48')
- H. Outdoor Advertising Signs may be one sided and two sided and may consist of one of the following Display types,
  - a. Tri-Vision
  - b. Digital
  - c. Paper
  - d. Vinyl
  - e. Painted
- I. Outdoor Advertising Signs shall be of all metal single pole, all metal supports and all metal frame construction.
- J. The face and trim of all Outdoor Advertising Signs may be of other durable materials.
- K. Outdoor Advertising Signs may utilize one of the following methods,
  - a. Back to Back Structure
  - b. "V" Structure
  - c. Single Face Structure
- L. Outdoor Advertising Signs shall be located 100 feet from any residentially zoned district including but not limited to the following,
  - a. R1
  - b. R2
  - c. PH
  - d. TH
  - e. R3
  - f. MHP
  - g. MHS
  - h. MX

**SECTION 2607 - MAXIMUM HEIGHTS FOR ALL GROUND-MOUNTED SIGNS**

This section does not pertain to OUTDOOR ADVERTISING SIGNS. The section pertains only to on premise signs. Except for residential districts and temporary ground-mounted signs, if the proposed location of a ground-mounted sign is lower than the elevation of the centerline of the street or highway to which the sign is directed, then the height of the sign shall not exceed thirty-five (35) feet above the said centerline elevation. If the proposed location of the ground-mounted sign is the same or above the elevation of the centerline of the street or highway to which the sign is directed, then the height of the sign shall not exceed thirty five (35) feet above the surrounding grade.

**SECTION 2608 - SIGNS EXCEEDING HEIGHT LIMITATIONS ARE NONCONFORMING STRUCTURES**

All signs existing at the time of passage of this Ordinance which exceed the height limitations of this Ordinance shall be considered nonconforming structures, subject to the provisions of Section 2503 of this Ordinance.

**SECTION 2609 - SIGN REGULATIONS FOR ALL SINGLE-FAMILY RESIDENTIAL DISTRICTS, MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, PLANNED UNIT DEVELOPMENTS, AND MANUFACTURED HOME PARK/ SUBDIVISION RESIDENTIAL DISTRICTS**

The following regulations shall apply to all land zoned Residential Estate (R-E), Residential Estate Manufactured Housing (RE-MH), Low Density Residential (R-1), Moderate Density Residential (R-2), High Density Residential (R-3), Town House Residential (TH), Patio Home (PH), Planned Unit Developments (PUD's), and Manufactured Residential Park (MHP) or Manufactured Home Subdivisions (MHS):

2609.01 Allowable Signs (By Permit Only):

- (a) Permanent residential subdivision ground-mounted (free-standing) identification signs: no more than two per subdivision entrance
- (b) Permanent multiple-family residential (apartments or condominiums) ground-mounted or wall identification signs
- (c) Permanent manufactured home park or subdivision ground-mounted identification signs

2609.02 Size and Location:

- (a) Residential subdivision and manufactured home park/ subdivision ground-mounted identification signs:

Maximum area: Sixty-four (64) square feet per sign face; in no case shall total sign area exceed one hundred twenty eight square feet, regardless of the number of faces.

Set-back from street rights-of-way: These signs may be located at all subdivision entrances at least five (5) feet from the right-of-way line of any street. In accordance with Section 2518, item number 8, no residential identification sign shall be erected in a manner as to obstruct the free and clear vision of vehicle drivers.

Maximum height: fifteen (15) feet.

- (b) Multiple Family Residential (Apartments or Condominiums). Identification Signs, Ground-Mounted or Wall:

Maximum area: Maximum of one ground-mounted or wall sign per street frontage, with no more than sixty-four (64) per face. In no case shall total sign area square feet exceed one hundred twenty eight (128) square feet per lot, regardless of the number of faces. For example, an apartment complex fronting on two streets could have two wall-mounted signs measuring 4 feet x 8 feet each, with no ground-mounted signs; or one wall mounted sign measuring 4 feet x 8 feet and a ground-mounted sign of the same dimensions.

Set-back from street right-of-way for ground-mounted signs: twenty five (25) feet.

Maximum height for ground-mounted signs: fifteen (15) feet.

(c) Temporary signs: See Section 2616.

2609.03 Illumination of Signs in Residential Districts, Manufactured Home Parks/ Subdivisions, and Planned Unit Developments: No sign in residential districts, manufactured home parks or subdivisions, or PUDs shall be internally lighted (i.e., only external lighting, as defined by this Ordinance, is permitted for signs in these districts).

**SECTION 2610 - SIGN REGULATIONS FOR RESTRICTED COMMERCIAL (C-1), GENERAL COMMERCIAL (C-2), HIGHWAY COMMERCIAL (C-3), CORRIDOR 98/589 (C-98/589), INDUSTRIAL DISTRICTS (I-1 AND I-2), AND MIXED USE (MX) DISTRICTS (ON PREMISE SIGNS ONLY)**

The following regulations shall apply to Restricted Commercial (C-1), General Commercial (C-2), Highway Commercial (C-3), Corridor 98/589 (C98/589), and Industrial (I-1 and I-2) zoning districts:

2610.01 Allowable Signs (By Permit Only):

(a) Ground-mounted signs.

(b) Wall signs.

(c) Canopy signs or marquee signs.

(d) Changing signs (automatic) which provide community event information, time and temperature, in addition to advertisement.

(e) Permanent changeable copy (manual) signs.

(f) Ground-mounted identification signs.

2610.02 Individual Ground-Mounted Signs Prohibited Where More Than One Business/Organization Is Located On a Single Lot: Where more than one business or organization is located on a single lot, individual ground-mounted signs for each such business or organization shall be prohibited.

2610.03 Maximum Area for All Signs:

- (a) Ground-Mounted Signs (Other Than Outdoor Advertising), Wall, Canopy or Marquee, Changing (Automatic) Signs: The maximum aggregate square footage for ground-mounted, wall, canopy or marquee, or changing automatic) signs shall be one (1) square feet for each lineal foot of building frontage length, with “building frontage” including each side of a building which fronts on a public street, IN ADDITION TO A GROUND-MOUNTED IDENTIFICATION SIGN. In no case shall the total aggregate square footage for such signs exceed 125 square feet (excluding a ground-mounted identification sign). However, a single business on a lot could not have an additional “identification sign,” since by definition identification signs are only permitted for more than one business on a lot.

For example, a building measuring 100 feet on one street and 50 feet on another street (corner lot) could have up to 125 square feet of ground-mounted signs and wall signs: say, a wall sign measuring 3 feet x 8.33 feet and a ground-mounted sign in the front of the business measuring 4 feet x 25 feet, for a total of 125 square feet.

- (b) Ground-Mounted Identification Signs: In addition to (A) above, ground-mounted identification signs not exceeding fifty (50) square feet per face per street frontage may be erected in all commercial or industrial districts or commercial portions of PUDs, but the total sign area for such identification signs on a single lot shall not exceed 125 square feet per lot. Such ground-mounted signs shall not exceed thirty-five (35) feet in height and shall be located at least five (5) feet from street rights-of-way. For example, two stores on a single corner lot could have one 50 square foot (each face) ground-mounted identification sign on each street.

2610.04 Illumination of Signs: Except for temporary sale/new product signs and “grand opening” signs, signs allowed in commercial and industrial districts may be externally illuminated or internally illuminated, as defined by this Ordinance. However, except for automatic changeable copy signs, no sign shall be illuminated by means of exposed lighting on the sign face, such as neon tubing or light bulbs arranged to form copy. TEMPORARY SALE/ NEW PRODUCT SIGNS SHALL NOT BE ILLUMINATED and “GRAND OPENING” SIGNS MAY ONLY BE EXTERNALLY ILLUMINATED.

2610.05 Private Sign Standards Required: The developer of an office park, shopping center, or other grouping of three or more commercial or industrial tenants on a single lot, or in a subdivision shall prepare a set of sign standards for all exterior signs to be approved by the Lamar County Planning Commission. Developers of Mixed Use (MU) properties shall also prepare a set of sign standards to be submitted to the Planning Commission. Such standards shall run with all leases or sales of portions of the development. The Lamar County Planning Commission, when reviewing these standards, shall consider the following:

- size and height;
- colors;
- materials;
- styles of lettering;



- appearance of any logo;
- type of illumination;
- location; and
- landscaping around the signs.

Sign permits shall not be issued until the Board of Supervisors have approved the sign standards after having been assured that such standards will be enforced by the developer or owner. The sale, subdivision, or other partition of the site after development does not exempt the project or portions of the project from complying with these regulations relative to number of signs and the harmony and visual quality of signs to be installed.

(NOTE: By definition under this Ordinance, a shopping center consists of three (3) or more commercial establishments managed as a unit. Other “groupings” of three (3) or more commercial or industrial uses on a single lot or in a subdivision are also required to submit private design standards.)

### **SECTION 2611 - SPECIAL REGULATIONS FOR SERVICE STATIONS AND CONVENIENCE STORES**

In addition to the signs allowed under Section 2613 in Restricted Commercial (C-1), General Commercial (C-2 as conditional uses) and Highway Commercial (C-3) and industrial (I-1 and I-2) districts, service stations and convenience stores shall be entitled to the following additional signs (by permit only):

- 2611.01 Non-Illuminated Price Signs: Each gasoline service station or convenience store may have one (1) price sign per street front. Such signs shall not exceed two (2) square feet per face and may be located upon the pump island nearest the streets on which the station/store fronts or incorporated into a ground-mounted sign. Price signs shall pertain to fuel products only (i.e., price signs shall not provide prices for cigarettes or other items sold on the premises)

(NOTE: As previously stated, a single business such as a service station on a lot by itself cannot have an identification sign, since by definition identification signs are intended to identify a group of businesses or organizations on a single lot.)

- 2611.02 Non-Illuminated Self-Service/Full Service Signs: Each gasoline service station or convenience store may have two (2) non-illuminated self service or full service signs per pump island. Such signs shall not exceed two (2) square feet in area and shall be attached to the pump or pump island.

### **SECTION 2612 - TEMPORARY SIGNS FOR ALL SINGLE-FAMILY RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, MANUFACTURED HOME PARK/ SUBDIVISION DISTRICTS AND PLANNED UNIT DEVELOPMENTS:**

2612.01 Allowable Signs: The following signs shall not require permits but shall be subject to the regulations of this Section.

- (a) Ground-mounted, on-premise, unilluminated construction signs announcing the construction of a single-family detached residence.

- (b) Ground-mounted, on-premise, unilluminated construction signs announcing the development of a residential subdivision, or the construction of a multiple-family residential development.
- (c) Ground-mounted identification signs.
- (d) Ground-mounted, on-premise or off-premise unilluminated real estate signs.
- (e) Ground-mounted, on-premise, unilluminated miscellaneous sale signs (garage sales, etc.)

2612.02 Maximum Height, Area and Location:

- (a) Maximum Height for All Ground-Mounted Temporary Signs in Residential Districts: No ground-mounted temporary sign in a residential district shall exceed a height of six (6) feet above the surrounding grade.
- (b) Ground-mounted, on-premise, unilluminated construction signs announcing the construction of a single-family detached residence: Nine (9) square feet per face for a single-family residence. In no case shall the total sign area exceed eighteen (18) square feet for a single-family residential lot.
- (c) Ground-mounted, on-premise unilluminated construction signs announcing the development of a residential subdivision or the construction of a multiple-family residential development: Thirty-two (32) feet per face. For residential subdivisions, one such sign shall be permitted per entrance to the subdivision. For multiple-family residential developments (apartments or condominiums), one such sign shall be permitted per street frontage.

No construction sign for a residential subdivisions or an apartment/condominium complex shall be off-premise.

- (d) Ground-mounted, on-premise or off-premise unilluminated real estate signs: On-premise signs for all residentially-zoned property: Nine (9) square feet per face for all single-family uses, with a maximum total sign area of eighteen (18) square feet. One such sign shall be permitted per lot per street frontage.

Off-premise signs for residentially-zoned property: With the consent of the property owner upon whose property the off-premise sign is to be placed, off-premise signs may be located on lots at street intersections (for example, "house for sale" with an arrow pointing toward the house that is for sale). Such signs shall not exceed four (4) square feet in area. Under no circumstances shall an off-premise real estate sign be located inside a street/highway right-of-way or upon other public property.

- (e) Ground-mounted, unilluminated miscellaneous sale signs: Four square feet per face. In no case shall the total sign area exceed eight (8) square feet per lot. These signs may be on-premise or off-premise, but off-premise signs shall be located off-premises only with the consent of the property owner on whose property the sign is to be placed.



2612.03 Removal of Temporary Signs:

- (a) Ground-mounted, on-premise, unilluminated construction signs announcing the construction of a single-family detached residence: Construction signs may remain on the premise to which they are appurtenant until all construction is completed.
- (b) Ground-mounted, on-premise unilluminated construction signs announcing the development of a residential subdivision: Construction signs may remain on the premise to which they are appurtenant until all required improvements (not including the final wearing surface of streets) are installed.
- (c) Ground-mounted, on-premise, unilluminated real estate signs: Such signs shall be removed within seven (7) days of the sale, lease or rental of the property.
- (d) Ground-mounted, on-premise and off-premise unilluminated miscellaneous sale signs: Miscellaneous sale signs shall be removed no later than the day after the item(s) is (are) sold.

**SECTION 2613 - TEMPORARY SIGNS FOR ALL COMMERCIAL OR INDUSTRIAL (I-1 OR I-2) DISTRICTS**

2613.01 Allowable Signs: In addition to signs allowed by permit only, the following signs SHALL NOT REQUIRE PERMITS but shall be subject to the regulations of this Section.

- (a) On-premise ground-mounted, unilluminated construction signs announcing the construction of a commercial or industrial building.
- (b) On-premise ground-mounted or wall signs announcing the opening of a newly established, expanded in floor area or relocated commercial or industrial land use.
- (c) On-premise ground-mounted or wall signs relating to a sale or new product.  
  
On-premise ground-mounted or wall, unilluminated real estate signs;  
OFF-PREMISE REAL ESTATE SIGNS SHALL BE PROHIBITED IN ALL  
COMMERCIAL OR INDUSTRIAL DISTRICTS.
- (d) Ground-mounted unilluminated political signs: See Section 2503, paragraph G for regulations.

2613.02 Maximum Height, Area, Location, and Illumination:

- (a) Maximum Height for All Ground-Mounted Temporary Signs in Commercial and Industrial Districts: No ground-mounted temporary sign in a commercial or industrial district shall exceed a height of six (6) feet above the surrounding grade.
- (b) On-premise, ground-mounted, unilluminated construction signs announcing the construction of a commercial or industrial building: fifty (50) square feet per lot, with no more than twenty-five (25) square feet per sign face.

- (c) On-premise ground-mounted or wall sign announcing the opening of a newly established, expanded in floor area or relocated commercial or industrial land use: Temporary ground-mounted or wall signs relating to an opening of a newly-established, expanded in floor area, or relocated commercial or industrial use may be erected in commercial or industrial districts, containing up to twenty-five (25) square feet per street frontage per lot. These signs may be externally illuminated.
- (d) On-premise ground-mounted or wall sign relating to a sale or new product: Temporary signs relating to a sale or a new product may be erected in commercial and industrial districts. Such temporary signs shall not exceed an aggregate area of twenty-five (25) square feet per lot. If ground-mounted, a temporary sale/ new product sign shall be at least five (5) feet from all street rights-of-way. No more than one such sign shall be allowed per street frontage. These signs may be externally illuminated.
- (e) On-premise ground-mounted or wall, unilluminated real estate signs: Twenty-five (25) square feet per face with a maximum of fifty (50) square feet per lot.

2613.03 Removal of Temporary Signs:

- (a) On-premise, ground-mounted, unilluminated construction signs announcing the construction of a commercial or industrial building: Construction signs may remain on the premise to which they are appurtenant until all construction is completed.
- (b) On-premise ground-mounted or wall sign announcing the opening of a newly established, expanded in floor area or relocated commercial or industrial land use: Such “grand opening” signs may be erected for a period not to exceed thirty (30) days.
- (c) On-premise ground-mounted or wall sign relating to a sale or new product: Such sale/ new product signs may be erected for a period not to exceed thirty (30) days.
- (d) Ground-mounted, on-premise, unilluminated real estate signs: Such signs shall be removed within seven (7) days of the sale, lease or rental of the property.

**SECTION 2614 - TEMPORARY SIGNS FOR ALL PUBLIC/QUASI-PUBLIC USES**

2614.01 Allowable Signs: In addition to the signs allowed by permit for public/ quasi-public uses (see Section 2604), the following signs erected for public/ quasi-public uses SHALL NOT REQUIRE A PERMIT but shall be subject to the regulations of this Section.

- (a) On-premise ground-mounted unilluminated construction signs.
- (b) On-premise ground or wall-mounted, unilluminated signs providing information on special events/ activities sponsored by the public/ quasi-public use.

2614.02 Maximum Area:

- (a) On-premise ground-mounted unilluminated construction signs: Sixty-four (64) square feet per lot with no more than thirty-two (32) square feet per sign face.
- (b) On-premise ground or wall-mounted, unilluminated signs providing information on special events/ activities sponsored by the public/ quasi-public use: Sixty-four (64) square feet per lot with no more than thirty-two (32) square feet per sign face.

2614.03 Removal of Temporary Signs Erected by Public/Quasi-Public Uses:

- (a) On-premise ground-mounted unilluminated construction signs: Construction signs may remain on the premise to which they are appurtenant until a Certificate of Occupancy is issued for the public/ quasi-public use.
- (b) On-premise ground or wall-mounted, unilluminated signs providing information on special events/activities sponsored by the public/ quasi-public use: These signs shall be removed within two days (48 hours) of the cessation of the event or special activities.

**SECTION 2615 - PROHIBITED SIGNS**

The following signs are hereby prohibited anywhere in the zoned areas of unincorporated Lamar County:

- (a) Any sign erected on public property (County, State or Federal) or street/ highway right-of-way without the consent of the appropriate governmental entity.
- (b) Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as an official traffic sign, signal or other traffic control device or which hide from view any such traffic control device.
- (c) ALL portable or “trailer” signs.
- (d) Roof signs.
- (e) Signs which are structurally unsound or which are rendered structurally sound by guy wires or unsightly bracing.;
- (f) Signs which contain words or pictures of an obscene, indecent, or immoral character which could offend morals or decency.
- (g) Signs erected in such a manner as to obstruct the free and clear vision of vehicle drivers.
- (h) Signs placed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign, not including signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

- (i) Abandoned or obsolete signs.
- (j) Signs which contain or consist of banners or posters (except for allowed temporary signs), pennants, ribbons, streamers, strings of light bulbs, spinners, or other related items, except where specifically permitted as temporary signs.
- (k) Signs which contain or consist of pulsating lights, strobe lights, or beacons.

**SECTION 2616 - SIGN ILLUMINATION**

The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to motor vehicle drivers or the surrounding area. Signs shall not be erected or maintained which contain, include or are illuminated by flashing, intermittent or moving lights, except those giving public service information, such as (but not limited to) time, date, temperature, weather or news.

**SECTION 2617 - NONCONFORMING SIGNS**

Signs which were in existence prior to the effective date of this Ordinance which do not conform to the provisions of this Ordinance are declared nonconforming signs. Regulations concerning nonconforming signs and other structures are included under Article XXIV of this Ordinance.

## ARTICLE XXVII

### WIRELESS COMMUNICATIONS

#### SECTION 2700-PURPOSE

Lamar County recognizes the need for orderly development of wireless communications technologies for the benefit of the County and its citizens. As a matter of public policy the County aims to encourage the delivery of new wireless technologies, throughout the County while providing assurance to its residents that such technologies are safe, and designed to certain tangible standards. The County will provide areas in which the zoning laws permit the development of wireless communication facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and in the best interest of the future of Lamar County.

#### SECTION 2701 - CERTAIN USES NOT COVERED BY THIS ARTICLE

Nothing in this Article shall reduce any of the permitted uses of any zoned property within the Lamar County. Furthermore, nothing in this ordinance shall affect the right of a property owner to continue any legal non-conforming use.

#### SECTION 2702 -DEFINITIONS

For the purpose of this Article certain words, phrases, and terms used herein shall be interpreted as stated in this Section. The Zoning Administrator shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage. For the purpose of this Article, all definitions defined herein are in addition to all definitions in this Ordinance or any other Ordinance.

**Antenna Array.** An Antenna Array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

**Base Station.** Shall mean the area in which, and all of, the electronic equipment which is installed, and serves as for data processing, conversions, and electrical support systems for the tower and such ground equipment; which includes cabinets, shelters, buildings, platforms, or existing structures, pedestals, and other similar structures to house equipment.

**Base Station Setback.** Shall mean the distance from the perimeter of the ground equipment area on which the Facility is located to a certain point as required to be measured. This shall include any guy wire anchors, and or additional stability supports that are required outside of the ground equipment lease area.

**Collocation Facility.** An antenna array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, not including existing building or structures. This shall not include the base station.

**Collocation/Site Sharing.** Collocation/Site Sharing shall mean use of a common WCF or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

**Conditional Use Permit (CUP).** A permit issued by the County specifically for the location, construction and use of a CF subject to an approved site plan and any special conditions determined by the Zoning Administrator to be appropriate under the provision of this Ordinance.

**Dual Use.** Use of a support structure which serves as a telecommunications facility and a non-telecommunications facility, such as light poles for stadiums, bell towers with working bells.

**Emergency Power (stand-by power).** Shall mean the capability of providing a stand-by power source to operate off of a fuel supply that will last a prescribed amount of time without outside assistance.

**Equipment Facility.** An equipment Facility is any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a building, or an existing structure, pedestals, and other similar structures.

**FAA.** Federal Aviation Administration.

**FCC.** Federal Communications Commission.

**FTA.** Federal Telecommunications Act of 1996.

**Height.** When referring to WCF, Height shall mean the distance measured from the top of foundation to highest point on the WCF, which shall include lightning rods, and antenna arrays.

**Structure Setback.** Setback shall mean the distance from the center point of the base of the structure to a certain point as required to be measured.

**Support Structure.** A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached WCF to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

**Temporary/ Mobile Wireless Communication Facility (Temporary WCF).** Temporary Wireless Communication Facility shall mean a WCF to be placed in use for ninety (120) or fewer days as prescribed by this ordinance; this shall include but not be limited too Cell-on-Wheels (COWS), Mobile Truck Towers, Portable Base Station and antenna equipment without a tower (CALF).

**Wireless Communications.** Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal

communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

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

### **SECTION 2703 - APPLICABILITY AND DESIGNATION**

- 2703.01      Pre-existing Wireless Communications Facility - Wireless communications facilities for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Article.
- 2703.02      Amateur Radio Exclusion - This Article shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas. Such installations shall comply with any other applicable provisions of the Zoning Article.
- 2703.03      Relationship to Other Articles - This Article shall supersede all conflicting requirements of other Articles regarding the locating and permitting of wireless.
- 2703.04      Airport Zoning - Any wireless communications facility located or proposed to be located in airport areas governed by the FAA shall also comply with the provisions of all applicable local, state, and federal airport regulations. Lamar County reserves the ability to add a County or Local Organization review if at any time there may be a concern for surrounding air traffic.
- 2703.05      This article shall apply in general standards to all structures above the maximum allowable height not being a building which has been granted a variance. This Article shall not apply to all federally exempted structures or those exempted by this Ordinance. Further, this Article will not apply to ham operations and associated structures.

### **SECTION 2704 - ALLOWABLE USES/DEVELOPMENT CRITERIA**

- 2704.01      Preferred Locations: Lamar County prefers that wireless facilities searches conducted for a new facility account for these locations before any other location. This shall not limit searches, or the ability to site, locate in other areas.
1. County and other Government Lands
  2. School District Lands
  3. Religious and other Not-for-Profit Lands
  4. Lands with existing Tall Structures
- 2704.02      Allowable Areas:
1. Wireless communications facilities are prohibited in all residential zoned areas including. However, co-locations and roof-top facilities are permitted in all districts.



2. Freestanding facilities are permitted as a conditional in C-1, C-2, C-3, C98/589, MX, SU I-1, I-2, districts subject to conditions and exceptions noted hereafter. Stealth or dual use facilities are preferred.
3. Freestanding facilities may be permitted as conditional use in planned developments and residential districts in open space areas with the implementation of stealth design, or dual use.

2704.03

Height Standards:

The following height standards shall apply to all wireless communications facility installations:

1. Roof Top Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached.
2. Co-location facilities shall not allow for antenna arrays to extend upward beyond the existing crown of the structure or pole, not to include lightning rods, and beacon lights.
3. Wireless communications facilities with support structures shall have a maximum height of 300 feet in the I-1, I-2 districts, 250 feet in C-1, C-2, C-3, C98, MX districts, and 200 feet in any other district.

2704.04

Setback Standards: The following setback standards shall apply to all wireless communications facility installations;

1. Co-location and Roof Top Facilities:
  - a. Antenna arrays for attached wireless communication facilities are exempt from the setback provisions of the zone in which they are located. An attached wireless communication facility antenna array may extend up to thirty (30) inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.
  - b. Base station equipment located on the ground shall locate within the standard setbacks for that district. A variance may be petitioned for to reduce such.
2. Wireless Communications Facilities With Support Structures:
  - a. A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the center point of the tower to the boundary line of the parcel owned by the underlying parcel owner of legal record.



- b. Ability to use undeveloped portions of an adjoining parcel within setback shall be allowed so long as the adjoining parcel owner of legal record agrees to a waiver of the setback and potential fall/ shadow zone being on the parcel. Setback waiver may be allowed for undeveloped portions of adjoining parcel only; and all structures primary and accessory to the use shall not be allowed within setback.

2704.05 Landscaping and Screening:

The following landscaping and screening requirements shall apply to all wireless communications facility installations. Landscaping is required to be placed within lease controlled area if required.

1. New Construction - Shall have at a minimum of at least one (1) evergreen plant hardy in growth to climate zone 8 every seven (7) feet, an example being Photonias, so as to make a hedge at mature growth; formal mulched landscape beds are not required, and all plantings must be outside security fencing.
2. Existing Vegetation - Existing vegetation on a wireless communication facility site may be used in lieu of required landscaping where approved by the Zoning Administrator.

2704.06 Aesthetics, Placement, Materials, and Colors: Wireless communications facilities shall be designed so as to be compatible with existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility, the use of compatible or neutral colors, or stealth technology.

2704.07 Lighting and Signage: The following lighting and signage requirements shall apply to all wireless communications facility installations:

1. Artificial Illumination - Wireless communications facilities shall not be artificially illuminated, directly or indirectly, except for:
  - a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and
  - b. such illumination of the wireless communications facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences. White strobe lighting shall be permitted during daylight hours, however, red beacon shall be utilized during night time hours
2. Signage - Wireless communications facilities shall not display any signage, logos, decals, symbols, or any messages of a commercial or noncommercial nature, except a small message containing provider identification, facility ID name, facility ID number, and emergency telephone numbers and such other information as may be required

by local, state, or federal regulations governing wireless communications facilities.

- 2704.08 Security Fencing: Wireless communications facilities with support structures shall be enclosed by an opaque security fence not less than six (6) feet in height. Security fences may include but not be limited to wooden, chain link with vinyl or aluminum cross slats (no fabric), or any other solid building material. Barbed wire may be used at the top of fence. Security features may be incorporated into the buffer, landscaping, and screening requirements for the site. Nothing herein shall prevent security fencing that is necessary to meet requirements of state or federal agencies.
- 2704.09 Stand-By Power: All new communications facilities whether free-standing, roof-top, or collocation on existing structures must provide a means of secure stand-by power on site for a period of 72 hours without any outside assistance being provided to such facility. A certificate of Compliance shall be provided on the drawings, or as a separate letter, from the design engineer stating such criteria has been met.
- 2704.10 Continuous Transmission: All new communication facilities shall be capable of providing continuous transmission capabilities during natural disaster events unless such facility becomes damaged during such event. Such transmission capabilities shall be able to provide at a minimum voice and text service.
- 2704.11 Radio Frequency Emissions/Sound: The following radio frequency emissions standards shall apply to all wireless communications facility installations:
1. Sound Prohibited - No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted.
  2. Letter of Compliance- A letter stating that all RF emissions, frequencies, and power ratings will be maintained in a compliant manner to FCC regulations. Such letter must be signed by dually authorized employee of Provider and shall be provided in addition by all carriers at time of collocation, or roof-top locating.
- 2704.12 Structural Integrity:
1. Wireless communications facilities with support structures shall be constructed to the American National Standards Institute/ Electronics Industries Association/Telecommunications Industries Association (ANSI/EIA/TIA)222, latest revisions (or equivalent), as it may be updated and amended.
  2. All stealth communication facilities shall provide the maximum amount of accommodation of antenna arrays which design or style structure is suited for.
- 2704.13 Co-location: No permit to construct a communications tower may be issued unless the applicant demonstrates to the Zoning Administrator or, where

applicable, to the Planning Commission, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. Applicants are required to prove need by:

1. A conditional use shall not be issued until the applicant proposing a new communications facility shall demonstrate that it has made a reasonable good faith attempt to locate it facility onto and existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.
2. Demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, structures, elevated tanks, etc., able to provide the antenna platform required.
3. Providing evidence, including propagation coverage maps and technical reports of current and proposed coverages at the different identified candidate locations, demonstrating that collocation on existing sites is not technically possible in order to serve the desired need. Collocation is not possible if:
  - a. Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;
  - b. Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;
  - c. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; or
  - d. Other reasons as determined by the Planning Commission make it impracticable to place the equipment planned by the applicant on existing approved towers.

## **SECTION 2705 - REVIEW PROCESS**

The review process for installation of a wireless communications facility with support structures shall follow all requirements and guidelines as set forth in Section 2705 Conditional Uses section of this Ordinance. In the course of its consideration of an application, the County, the Zoning Administrator, the Planning Commission, or the Board of Supervisors may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the County in the technical aspects of the application. In such cases, a five thousand dollar (\$5,000) deposit shall be submitted to the County for technical review and recommendations.

## SECTION 2706 - APPROVAL PROCESS

- 2706.01      Application Submission: All requests for a permit, regardless of Wireless Communication Facility type, shall submit an application in accordance with the requirements of this section.
1.      Application Contents: The application must contain:
    - a. 7 sets of 11”x17” complete scaled architectural and engineering drawings
    - b. completed application form
    - c. letter of compliance if not on drawings
    - d. propagation study maps
    - e. storm water pollution prevention plan (may be on page within drawings) if over one (1) acre being disturbed
    - f. labeling of surrounding parcel uses (drawings/ survey)
    - g. property, ground space, tower location survey (must show all uses on parcel, parcel lines, and not just lease lines)
    - h. elevation/ profile of site showing structure, maximum designed antenna arrays at proposed locations, screening, and landscaping
    - i. letter of understanding from parcel owner stating that he/she understands limitation placed on parcel by uses approval
    - j. ownership authorization in form of notarized signature granting permission to apply for consideration.
- 2706.02      Planning Commission Review: All proposed facilities which must receive Planning Commission approval will follow the criteria for public hearings as provided for in other sections of this ordinance. No facility shall be allowed to go before a public hearing without first submitting a complete application package, and variance requests if needed prior to the deadline provided by the County.
1.      Timing of Decision: The Planning Commission shall render its decision within 60 days or less of the final submission of all required application documents and technical evaluations, however this time may be increased due to deferrals by either the applicant or the Planning Commission. The Planning Commission shall forward its recommendation to the Board of Supervisors.
  2.      Appeals: The decision of the Planning Commission may also be appealed to the Board of Supervisors under the following circumstances:
    - a.      Only the applicant and those who registered an objection to the conditional use in the record of the Planning Commission shall have standing to appeal.
    - b.      Only such evidence or testimony in support of or opposition to the issuance of the conditional use which was provided to the Planning Commission may be presented to the Board of

Supervisors unless the Board, by majority vote, decides to hear new information.

- c. Notice of appeal shall be accomplished by the appellant in the same manner as a conditional use permit under the Zoning Article NO LATER THAN THE END OF THE 10<sup>TH</sup> BUSINESS DAY FOLLOWING THE DAY OF THE HEARING.

## **SECTION 2707 - TEMPORARY/ MOBILE COMMUNICATION FACILITIES**

2707.01 Allowable Usage, Duration, Location, and Approval: All temporary/ mobile facilities shall at no time be taller than 145 feet above the ground elevation at the citing location unless otherwise stated below. All temporary facilities will be required to file FAA and FCC documents showing the temporary relocation of the center point of the transmission.

2707.02 Major Events: Large venue events where added capacity is needed in order to provide a means of service during such event at the location.

1. Duration of such deployment for such event shall commence no prior to two days prior to official event start, and shall not extend longer than two days after event officially ends.
2. Such facility shall be located on the grounds of the event to which coverage is being provided and be as far as possible from adjoining residential uses, and parcel lines.
3. Such facility requires Planning Commission approval.

2707.03 Emergency Services: Natural disaster and emergency response staging and action areas where there is a need for added capacity, or due to remote nature of location, this facility shall be for the sole use of the emergency area.

1. Duration of such deployment shall commence with the commencement of such emergency area being activated, and shall not last longer than 4 days after such area has been officially declared clear, or no longer of use for emergency purposes.
2. Such facility shall be located as close as possible to the emergency site without interfering with operations.
3. Such facility requires a statement in writing from emergency site command requesting, or acknowledging, a need for such a facility to be provided to the area, and shall approve the location of such facility as not interfering, statement is required to be submitted to County Administrator or designee within 12 hours of deployment of such facility.
4. Such facility shall be evaluated by County Administrator for validity.

5. In the event the duration should be longer than 4 months, an application shall be made, reviewed, and considered by the Planning Commission for a limited conditional use.

2707.04 Offset Repairs: A Roof-top facility where the building on which the facility is located is undergoing major repair work which will require the movement or relocation of equipment for the duration of the work to be performed.

1. The duration of such deployment shall not commence prior than 2 days prior to such repair work formally starting, and shall not extend longer than 2 days after repair has been completed, and shall apply to portion of roof-top where facility is located.
2. Such facility shall be located on the same parcel, and as far away as possible from any residential uses.
3. Such facility shall not be higher than existing permitted equipment.
4. Such facility requires Planning Commission approval for a limited conditional use.

#### **SECTION 2708 - REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES**

Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the wireless communication facility owner shall remove the wireless communication facility within 90 days after notice from the County to remove the wireless communication facility. If the abandoned wireless communication facility is not removed within 90 days, the County may remove it and recover its costs from the wireless communication facility owner. If there are two or more users of a single wireless communication facility, this provision shall not become effective until all providers cease to use the wireless communication facility. If the owner of an abandoned wireless communication facility cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the wireless communication facility is located. The County shall be notified of any technological advances within the industry that will require any changes in the facilities.

#### **SECTION 2709 - NONCONFORMING WIRELESS COMMUNICATIONS FACILITIES**

Wireless Communication Facilities in existence on the date of the adoption of this Article which do not comply with the requirements of this Article (nonconforming wireless communications facility) are subject to the following provisions:

- A. Expansion. Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this Article except as further provided in this Section.
- B. Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under this Article.
- C. Repairs or Reconstruction. Nonconforming wireless communications

facilities which become damaged due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Article. Provided, however, that if the damage to the wireless communication facility exceeds 50% of replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this Article.

- D. Any wireless communications facility not in use for twelve months shall be deemed abandoned and all rights as a nonconforming use shall cease.

#### **SECTION 2710 - REVOCATION OF TOWER USE PERMITS**

Any Conditional Use Permit issued pursuant to this Article may be revoked after a hearing as provided hereinafter. If the Board of Supervisors finds that any permit holder has violated any provision of this Article, or has failed to make good faith reasonable efforts to provide or seek collocation, the Board of Supervisors may revoke the conditional use permit upon such terms and conditions, if any, that the Board may determine. Prior to initiation of revocation proceedings, the County shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the County with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Board of Supervisors shall convene a public hearing to consider revocation of the Conditional Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the County not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Board of Supervisors may impose reasonable restrictions with respect to time and procedure. The proceedings shall be provided by the requesting party at that party's expense.



## ARTICLE XXVIII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 2800 - PURPOSE OF THIS ARTICLE

It is the purpose of this Article to prescribe the legal devices and procedures for administering and enforcing this Ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and groups which are concerned with the administration and enforcement of this Ordinance.

#### SECTION 2801 - DUTIES, POWERS, AND LIMITATION OF POWERS OF THE ZONING ADMINISTRATOR IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

- 2801.01 Duties of the Zoning Administrator: The duties of the person designated as the Zoning Administrator shall include, but not necessarily be limited to, the following:
- A. Coordinate all matters relating to this Ordinance with, as appropriate, other County officials.
  - B. Provide information to the public on matters relating to zoning.
  - C. Provide application forms to the public on matters relating to zoning.
  - D. Maintain, or be responsible for, the maintenance of the Official Zoning Map.
  - E. Review all applications for Land Use Permits in the zoned areas of Lamar County (see Section 400.01 relative to required Land Use Permits).
  - F. Receive and take appropriate action on all applications for dimensional variances, conditional use permits, and zoning amendments (rezoning).
  - G. Receive and take appropriate action on all site plans submitted in accordance with Sections 2807 through 2810 of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies.
  - H. Check construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements of this Ordinance.
  - I. Clear with other local, Lamar County, state, or Federal agencies where such clearance is necessary in connection with zoning matters.
  - J. Appear before the Lamar County Planning Commission and the Board of Supervisors to furnish information helpful to those bodies in carrying out their assigned functions.



- K. Make periodic checks for violations or investigate written complaints of violations of this Ordinance and notify IN WRITING the person(s) responsible for violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Notice to such violators shall be by registered or certified mail.
- L. Report uncorrected violations to the Board of Supervisors and recommend action to prevent or halt violations of this Ordinance.
- M. Advertise public hearings as required by this Ordinance. (Note: The Zoning Administrator may simply notify the Chancery Clerk that advertisement of a public hearing is needed, and the Chancery Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).
- N. Keep records pertaining to zoning matters.
- O. Provide administrative interpretation as provided in Subsection 2801.02.

2801.02 Administrative Interpretation by the Zoning Administrator: In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or district designations or other matters relating to the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative decisions and interpretation. Such decisions or interpretations shall be made in writing by the Zoning Administrator.

- A. Limitation of Powers: Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use permit, dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification -- that is, the rezoning of any land), the provisions for which use are given elsewhere in this Ordinance.
- B. Appeals from the Administrative Interpretation by the Zoning Administrator: Appeals from said administrative interpretation shall be made as provided in Subsection 2813.01 of this Ordinance.
- C. Administrative Interpretation by the Zoning Administrator shall not be used in matters which the Zoning Administrator has personal financial interest or personal gain is involved.

## **SECTION 2802 - DUTIES OF THE LAMAR COUNTY PLANNING COMMISSION**

The Lamar County Planning Commission shall have the duties and responsibilities of a local planning/zoning commission pursuant to Section 17-1-11 of the Mississippi Code of 1972, Annotated, As Amended. The Commission's duties with regard to this Ordinance shall include, but not be limited to:

- A. The Planning Commission shall hold all public hearings on all matters relating to this Ordinance which require such hearings (except appeals to the Board of Supervisors), including:

- applications for dimensional variances;
- applications for conditional use permits;
- applications for amendments to the Official Zoning Map (i.e., applications for rezoning);
- proposed amendments to the text of this Ordinance.

- B. The Planning Commission shall review all applications for Land Use Permits and all site plans (i.e., plans for the development of a SINGLE lot, as opposed to a subdivision plat involving the development of two or more lots) EXCEPT for applications for a Land Use Permit and site plans for single-family dwellings. The Zoning Administrator shall have approval authority for issuance of a Land Use Permit and approval of site plans for single-family dwellings and for changes in land use that do not involve changes in the exterior of a building or changes in required parking space. However, if a proposed change in land use does involve modifications to the exterior of a building or requires additional parking space, the Planning Commission shall review such site plans.
- C. The Commission shall review all development plans (i.e., a drawing or set of drawings depicting the ultimate layout of a large tract of land, usually involving varying lot sizes and/or different proposed land uses).

**SECTION 2803 - DUTIES OF THE BOARD OF SUPERVISORS IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE**

The Board of Supervisors of the Lamar County shall have the final authority with regard to all matters involving this Zoning Ordinance. The duties of the Board of Supervisors shall include, but not necessarily be limited to:

- A. Hear appeals on recommendations of the Planning Commission.
- B. Appointing the members of the Planning Commission.

No Supervisor shall participate in the hearing of the singular item nor vote on any matter before the Board of Supervisors in which he has a personal financial interest.

**SECTION 2804 - DIMENSIONAL VARIANCES**

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Lamar County Planning Commission shall conduct a public hearing on applications for dimensional variances, and is empowered to recommend approval or denial of dimensional variances from the strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

2804.01 Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with ALL of the following. A variance shall not be granted unless the applicant demonstrates:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
- C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zoning district.

2804.02 Existence of Non-Conforming Uses Not Grounds for Variance: The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

2804.03 Site Plan Required for All Applications for Dimensional Variances: A site plan shall be submitted with all applications for a dimensional variances.

2804.04 Public Hearing Required: A public hearing shall be held in accordance with Section 2811 of this Ordinance for all proposed dimensional variances.

2804.05 Public Hearing Before Board of Supervisors Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed dimensional variance, it shall NOT be necessary to hold another hearing on the proposed variance. The Board of Supervisors may act upon the recommendation of the Lamar County Planning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors, with due notice thereof as provided under Section 2711 of this Ordinance.

An aggrieved party may be anyone who lives or works within 1.0 air miles of the subject property and who takes exception with the recommendation made by a majority of a quorum of the Commission. SUCH A HEARING SHALL BE PROVIDED ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE ZONING ADMINISTRATOR WITHIN FIFTEEN (15) DAYS OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION AS PROVIDED UNDER SECTION 2813.02.

2804.06 Required Findings: No variance shall be recommended for approval until the Planning Commission has made a finding that the reasons set forth in the

application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. Furthermore, no variance shall be recommended for approval until the Planning Commission has made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2804.07      **Conditions and Safeguards May Be Prescribed with Dimensional Variance:** In recommending approval of any dimensional variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2714 of this Ordinance.

If such conditions and safeguards are imposed by the Board of Supervisors in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

## **SECTION 2805 - CONDITIONAL USE PERMITS**

The Planning Commission is empowered to hear and make recommendations on whether or not proposed conditional uses authorized under this Ordinance should be granted.

2805.01      Requirements for Granting a Conditional Use Permit: Any person desiring a conditional use shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested. The Planning Commission shall not recommend a conditional use unless satisfactory provision and arrangement has been made concerning ALL of the following:

- A.      Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- B.      Off-street parking and loading areas.
- C.      Refuse and service areas.
- D.      Utilities, with reference to locations, availability, and compatibility.
- E.      Screening and buffering with reference to type, dimensions, and character.

- F. Required yards and other open space.
- G. General compatibility with adjacent properties and other property in the district.
- H. Any other provisions deemed applicable by the Planning Commission or the Board of Supervisors.

2805.02 Demonstration of Change in Character of Neighborhood and Public Need Not Required: Unlike applications for changes in the Official Zoning Map (that is, a rezoning-see Section 2806.03 B), it shall not be necessary for an applicant for a conditional use to demonstrate that the character of the neighborhood has changed to such an extent to justify granting the conditional use or that there is a public need for the exception.

2805.03 Site Plan Required: Every applicant for a conditional use shall submit a site plan.

2805.04 Public Hearing Required: A public hearing shall be held in accordance with Section 2811 of this Ordinance for all proposed conditional uses.

2805.05 Public Hearing Before Board of Supervisors Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed conditional use, it shall NOT be necessary to hold another hearing on the proposed conditional use. The Board of Supervisors may act upon the recommendation of the Planning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors, with due notice thereof as provided under Section 2711 of this Ordinance. An aggrieved party may be anyone who lives or works within 1.0 air mile of the subject property and who takes exception with the recommendation made by a majority of a quorum of the Commission. SUCH A HEARING SHALL BE PROVIDED ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE ZONING ADMINISTRATOR WITHIN FIFTEEN (15) DAYS OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION AS PROVIDED UNDER SECTION 2813.02.

**SECTION 2806 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (REZONING)**

2806.01 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her). All applications for rezoning shall be accompanied by a legal property description in digital form.

2806.02 Site Plan Required: If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application for rezoning shall be accompanied by a site plan.

- 2806.03      Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:
- A.      That there was a mistake in the original zoning. “Mistake” in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Planning Commission’s decision in the minutes. “Mistake” DOES NOT mean that the Planning/Zoning Commission or the Board of Supervisors made a mistake in judgment in their prior zoning, such as not realizing the full import of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.
  - B.      That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.
- 2806.04      Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the Mississippi Code of 1972, As Amended, requires that “zoning regulations shall be made in accordance with a comprehensive plan---.” Accordingly, no amendment to the Official Zoning Map shall be approved by the Planning Commission unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of Lamar County (adopted December 18, 2008), including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.
- 2806.05      Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, a public hearing shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen days notice of the hearing in “---an official paper or a paper of general circulation in such municipality ---specifying the time, place and date of said hearing.” The hearing shall be held in accordance with Section 2711 of this Ordinance.
- 2806.06      Public Hearing Before Board of Supervisors Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed amendment to this Ordinance (either an amendment to the text or Official Zoning Map), it shall NOT be necessary to hold another hearing on the proposed amendment. The Board of Supervisors may act upon the recommendation of the Planning/Zoning Commission. Any party aggrieved by the recommendation of the Planning Commission SHALL be entitled to a public hearing before the Board of Supervisors, with due notice thereof as provided under Section 2711 of this Ordinance. An aggrieved party may be anyone who lives or works within 1.0 air miles of the subject property and takes exception with the recommendation made by a majority of a quorum of the Commission. SUCH HEARING SHALL BE HELD ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE ZONING ADMINISTRATOR WITHIN FIFTEEN (15) DAYS OF THE VOTE OF



THE COMMISSION ON THE RECOMMENDATION AS PROVIDED UNDER SECTION 2813.02.

- 2806.07 Res Judicata: Upon the submission of an application for a rezoning, and a recommendation by the Planning Commission that said application should be denied, the Planning Commission shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board of Supervisors denying said application. This is known as the doctrine of res judicata. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Planning Commission may consider such a proposed rezoning.
- 2806.09 Ordinance Amending Zoning Ordinance Text or Official Zoning Map Required: No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Board of Supervisors. Any ordinance amending the Official Zoning Map shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 2806.03 of this Ordinance.
- 2806.10 Effective Date of Ordinances Amending the Text of this Zoning Ordinance or Official Zoning Map: The effective date of ordinances amending the text of this Zoning Ordinance or the Official Zoning Map shall be in accordance with Mississippi law.

**SECTION 2807 - SITE PLAN REVIEW: PURPOSES AND WHEN REQUIRED**

- 2807.01 Purposes: The purposes of site plan review are: to promote the health, safety and general welfare of the County; to insure that structures are built in accordance with the provisions of this Ordinance and other ordinances of Lamar County; to conserve the value of existing buildings and structures; to prevent excessive dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures; to prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with existing visual features within the district; and to prevent harm and damage to the County which will result from the absence of such review and manifest itself by:
- (i) lower property values;
  - (ii) decreased economic growth; or
  - (iii) diminished future opportunities for land use and development.
- 2807.02 When Site Plan Review Is Required: Site Plan Review shall be required for the following:
- A. In accordance with Section 400.03 of this Ordinance, site plans shall be required in the zoned areas of Lamar County for the construction

or erection of a building, including parking lot relocating an existing structure, change of use or expansion of any use of property.

(NOTE: 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 also be required in all *UNZONED*, 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.)

- B. ALL public/quasi-public utilities and facilities. In accordance with Section 402, such public/quasi-public utilities and facilities shall be allowed only as conditional uses in any district.
- C. ALL proposed floodway modifications.
- D. All proposed off-site parking (i.e., off-street parking proposed on a lot other than the one to which the parking is associated with) in any district.

## **SECTION 2808 - SITE PLAN REVIEW PROCEDURES**

The Zoning Administrator shall act as the coordinator for the site plan review process. He shall advise all applicants for Land Use Permits (see Section 400.01 of this Ordinance) if the proposed use requires the preparation and submission of a site plan and the official approval of that plan prior to the issuance of a Land Use Permit. All applicants shall follow the procedures specified below:

- 2808.01 Sketch Plan: Prior to filing of an application for approval of a site plan, the applicant should meet and consult informally with the Zoning Administrator. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.
- 2808.02 Submission of Site Plan: The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided as prescribed in Section 2809 of this Ordinance.
- 2808.03 Applicant Must Be Represented at Planning Commission and Board of Supervisors Meetings: Applicants (or their designated representative) for site plan approval shall be present at meetings of the Planning Commission and Board of Supervisors when their proposed site plan is to be reviewed, or no action will be taken by those bodies.

The purpose of this review is to ascertain whether or not the applicants proposed building or structure conforms with this Ordinance and other applicable laws, will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet



of the proposed structure as measured from each lot line of the proposed structure excluding streets, alleys, and other public rights-of-way.

After reviewing all information relative to the site plan, the Planning Commission may approve or disapprove the site plan or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. If the Planning Commission determines that the proposed structure is excessively dissimilar and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in 2807.01, and that such finding is not based upon personal preferences as to taste or architectural style or design, then the application for a building permit shall be denied. If the site plan is recommended by the Planning Commission for approval, such recommendation for approval shall be contingent upon final review and approval by the Board of Supervisors.

In any case, the Planning Commission shall make a written statement of its findings (in the form of Minutes) and said statement shall be forwarded to the Zoning Administrator in time for copies of the statement to be available for distribution to the Board of Supervisors at the next meeting of that body following the Planning Commission meeting.

2808.04 Approval of Site Plan by Board of Supervisors: The Zoning Administrator shall forward the recommendation of the Planning Commission to the Board of Supervisors. The Board of Supervisors shall consider whether or not the applicant's proposed building or structure or use will conform with the provisions of this Ordinance and other applicable laws, and whether or not it will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys, and other public rights-of-way). If the Board of Supervisors determine that such structure would cause or provoke one or more of the harmful effects as set forth in 2807.01, and that such finding is not based upon personal preferences to taste or architectural style or design, then the application for a building permit shall be denied.

If the Board of Supervisors approves the site plan, such action by the Board of Supervisors shall constitute final approval and authority for the developer to proceed with the proposed development, subject to the issuance of a Land Use Permit. Following such approval by the Board of Supervisors, the Zoning Administrator shall stamp copies of the site plan "APPROVED," sign them, and return one copy to the applicant. One copy shall be retained by the Zoning Administrator in his files.

2808.05 Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under Section 2808.07 below, shall be consistent with the approved site plan.

2808.06 Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan which comply with the spirit of the Zoning Ordinance and the intent of the Board of Supervisors in

approving the site plan may be authorized by the Zoning Administrator as provided under Sub-section 2701.02.

2808.07 Major Adjustments to the Approved Site Plan:, must be reviewed by the Planning Commission and approved by the Board of Supervisors.

2808.08 Any Improvement or Structure that is built not in accordance with the approved site plan, shall be considered a violation of this Ordinance.

2808.09 Certificate of Occupancy and AS-Built Plan: When a project is completed, the applicant shall call the Planning Department for a site inspection. If the project is in substantial compliance with the approved site plan, a Certificate of Occupancy will be issued. The applicant will also submit an as-built plan for the project. Failure to do so will be considered a violation of the Ordinance.

### **SECTION 2809 - SPECIFICATIONS FOR ALL REQUIRED SITE PLANS AND ELEVATIONS**

2809.01 Site Plan Specifications: The following data shall be supplied by the applicant in connection with required site plans:

1. Lot lines (property lines).
2. The zoning of adjacent lots.
3. The names of owners of adjacent lots.
4. Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.
5. ACCESS WAYS, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.
6. All existing and proposed easements.
7. All existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.
8. A drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water flow rates from off-site and on-site sources.
9. On request by the Zoning Administrator, contours at vertical intervals of five (5) feet or less.
10. Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications.
11. Landscaped areas and planting screens.

12. Building lines and the location of all structures, existing and proposed.
13. Proposed uses of the land and buildings, if known.
14. Open space and recreation areas, when required.
15. Area (in square feet and/or acres) of parcel.
16. Proposed gross lot coverage in square feet (i.e., that portion of a lot occupied by buildings and structures).
17. Number and type of dwelling units (where proposed).
18. Location of sign structures and drawings, etc., in accordance with Section 2600 of this Ordinance.
19. A “development plan” (see Section 2809.04) when staging of development is proposed.
20. Any additional data necessary to allow for a thorough evaluation of the proposed use.

2809.02

Elevations and Associated Data Required: In addition to the data required above for site plans, the developer shall submit the following drawings (elevations) and associated data where site plans are required by this Ordinance:

1. Proposed elevations indicating the general design, style, and architecture of the building or structure.
2. Proposed materials and color schemes to be utilized in the construction of the exterior of buildings and structures.
3. Number of stories and total square feet, including a notation as to the square footage on each floor or level.
4. Proposed height in feet.

2809.03

Other Exhibits: Photographs, renderings, color slides, models and similar items may be presented by the applicant at his discretion.

2809.04

Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring site plan review under this Ordinance by stages, (e.g., PUDs, large multi-family developments, large commercial developments, etc.), sufficient data shall be provided in a development plan (sometimes referred to as a master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. Significant deviations

from the development plan initially approved shall require approval by the Board of Supervisors.

## **SECTION 2810 - CRITERIA FOR SITE PLAN REVIEW**

Criteria for site plan review shall include, but not necessarily be limited to, consideration of the components specified below:

- 2810.01      Consistency with Adopted Land Use Plan and Zoning Ordinance: The proposed site plan shall be consistent with adopted Land Use Plan and Zoning Ordinance (including the Official Zoning Map).
- 2810.02      Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:
- Is the site plan consistent with the adopted Thoroughfares Plan?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/ surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/surface width specifications shown in the adopted Thoroughfares Plan?
  - Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the County Engineer or consultant?
  - Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?
  - Are proposed freight delivery areas separated from customer access in commercial and industrial developments?
- 2810.03      Utilities and Garbage Disposal: The following shall be evaluated with regard to utilities and garbage disposal facilities:
- Water and sewer system capacity and oversizing (future) needs
  - On-site and off-site drainage requirements, including retention ponds
  - Are underground utilities required on the site?
  - Are garbage disposal facilities enclosed in accordance with Section 406.06 of this Ordinance?
- 2810.04      Open Space, Landscaping, and Screening Requirements:
- If the proposed development is residential and will abut the railroad tracks, is the 100-foot railroad setback required under Section 401.07 (Railroad Setbacks) indicated on the site plan?

- Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial or collector streets?
- Open Space/Recreational Facilities: Are open space/recreational facilities proposed for an apartment/condominium complex shown on the site plan?
- Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?
- Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

2810.05 Fire Safety:

- Are there at least two points of access/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?
- Are buildings spaced in accordance with this Ordinance to prevent spread of fires?

2810.06 Signs:

- Do the proposed signs comply with Article XXVI of this Ordinance?

2810.07 Elevations:

- Will the proposed structures maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys and other public rights of way)?
- Are the proposed structures incongruent or inharmonious in such a manner as to cause or provoke one or more of the following: lower property values; decreased economic growth; or diminished future opportunities for land use and development?

## **SECTION 2811 - PUBLIC HEARING NOTICES AND PROCEDURES**

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Planning Commission on the following matters:

- A. All dimensional variances.
- B. All conditional uses.
- C. All amendments to the Official Zoning Map (i.e., rezoning).
- D. All amendments to the text of the Zoning Ordinance

2811.01 Public Hearing Notice in a Newspaper Required: Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the Lamar County, specifying the date, time and place for said hearing. Such notices shall be published in accordance with the following format or a format determined by the Board of Supervisors:

A. For Dimensional Variances:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE \_\_\_\_\_, LAMAR COUNTY, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN LAMAR COUNTY, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

\_\_\_\_\_  
President of the Board of Supervisors's Signature

ATTEST:

\_\_\_\_\_  
Chancery Clerk's Signature

DATE \_\_\_\_\_



B. Conditional Use Permits:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), at (Time), AT THE \_\_\_\_\_, LAMAR COUNTY, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN LAMAR COUNTY, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

\_\_\_\_\_  
President of the Board of Supervisors's Signature

ATTEST:

\_\_\_\_\_  
Chancery Clerk's Signature

DATE: \_\_\_\_\_

C. For an Amendment to the Official Zoning Map (or a rezoning):

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE \_\_\_\_\_, LAMAR COUNTY, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN LAMAR COUNTY, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED:

\_\_\_\_\_  
President of the Board of Supervisors's Signature

ATTEST:

\_\_\_\_\_  
Chancery Clerk's Signature

DATE: \_\_\_\_\_

D. For an Amendment to the Text of the Zoning Ordinance:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE \_\_\_\_\_, LAMAR COUNTY, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF LAMAR COUNTY, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED:

\_\_\_\_\_  
President of the Board of Supervisors's Signature

ATTEST:

\_\_\_\_\_  
Chancery Clerk's Signature

DATE: \_\_\_\_\_

- 2811.02 Public Hearing Notice on Property Signs Required: Whenever any zoning action (i.e., a dimensional variance, conditional use or rezoning) is considered by the Planning Commission, signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected not less than fifteen days prior to the date of the public hearing. When more than one parcel of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected.
- 2811.03 Public Hearings Before the Planning Commission: Where public hearings are required by this Ordinance, the Planning Commission shall conduct a public hearing at which all interested persons shall be recognized and given an opportunity to speak. At the conclusion of the public hearing, the Commission shall, on its own motion, forward their recommendation to the Board of Supervisors. Only a majority vote of a quorum of the members of the Commission shall carry a motion to approve or deny an application for a variance, conditional use permit or amendment to the text of this Ordinance or the Official Zoning Map. Only in case of a tie vote may an application be forwarded to the Board of Supervisors “without recommendation.”
- 2811.04 Changes to an Application for Variance, Conditional Use Permit, or Zoning Ordinance Amendment (Including Re-Zonings): Any change proposed by an applicant for a variance, conditional use permit, or amendment to this Ordinance (including re-zoning applications) at the time of the hearing, except for conditions recommended by the Commission for variances or conditional use permits, shall require a rehearing before the Commission with another public notice. However, if a lower zoning classification (for example, from C-2 General Commercial to C-1 Restricted Commercial), is agreed to by an applicant for a re-zoning, no additional hearing shall be required.

## **SECTION 2812 - FEES**

- 2812.01 Schedule of Fees: The Board of Supervisors shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section 2707 through 2710, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Zoning Administrator and the Chancery Clerk or other designated County official shall be responsible for their collection.
- 2812.02 Amendment of Alteration of Fee Schedule: The schedule of fees may be altered or amended only by the Board of Supervisors.
- 2812.03 Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.
- 2812.04 Fees Not Refundable: No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

2812.05	Fee Schedule:	
	<b>Land Use Permit</b>	
	1) Residential	No Charge
	2) Sign	\$50
	3) Outdoor Advertising Sign	\$85
	4) Transient Vendor	\$50
	5) Home Occupations	\$50
	6) Change of Use	\$50
	<b>Site Plan</b>	\$300+County Engineer Fees
	<b>Certificate of Appropriateness</b>	\$50
	<b>Certificate of Occupancy</b>	\$50
	<b>Variance</b>	\$325+County Engineer Fees
	<b>Conditional Use</b>	\$325
	<b>Zoning Map Amendment</b>	\$325
	<b>Waiver</b>	\$300+County Engineer

### SECTION 2813 - APPEALS

2813.01 Appeals from Administrative Interpretation of the Zoning Administrator: In accordance with Section 2801.02 of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Planning Commission. If the appeal is made to the Planning Commission, the party aggrieved shall submit a written request to the Chancery Clerk one week preceding any regularly-scheduled meeting of the Planning Commission at which the aggrieved party desires to be heard.

All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, conditional use or re-zoning, together with a statement of the reason for the appeal.

2813.02 Appeals from Recommendation of the Planning Commission: Any party aggrieved with the recommendation of the Commission as adopted at any meeting of the Commission shall be entitled to a public hearing before the Board of Supervisors with due notice thereof and after publication for the time and as provided by law. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission and who lives or works within 1.0 air miles of the subject property.

Such a hearing shall be provided ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE ZONING ADMINISTRATOR WITHIN FIFTEEN (15) DAYS OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION. The Board will set a hearing within 30 days of receipt of request.

2813.03 Fee Required for Appeals from Planning Commission Recommendations: Any applicant aggrieved with a recommendation from the Planning Commission regarding a variance, conditional use permit, or amendment to this Ordinance shall file an appeal fee with the Chancery Clerk, the rate for

which shall be set as the same required for publication and public notice as required in the original application.

2813.04 Appeal Hearing by the Board of Supervisors: In the event an appeal is made to the Board of Supervisors by a party aggrieved by the recommendation of the Planning Commission, the Board of Supervisors shall order public notice to be given by publication of the appeal and posting of a sign. The appeal shall be heard as a public hearing and as a matter to be placed on the agenda of a regular or adjourned meeting of the Board of Supervisors. In no case shall the appeal be heard before proper notice shall be given. At the time of the Appeal Hearing, the Board shall hear the recommendation of the Commission, and then hear from the appellant and then the appellee and other interested parties. The Board of Supervisors shall then uphold or reject the appeal, and then accept or reject the recommendation of the Commission upon its own motions. If the appeal or recommendation of the Commission has several parts, the Board of Supervisors may uphold the appeal and accept the recommendation of the Commission on some, and deny and reject others. Any change in any part or parts of the petition which the Board of Supervisors may deem appropriate or necessary resulting from the appeal (except conditions applying to variances and conditional use), shall be referred back to the Planning Commission for reconsideration, subject to public notice and hearing, as a separate and new petition. The filing fee may be waived at the discretion of the Board of Supervisors.

2813.05 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Board of Supervisors may be taken by any person or persons to the Circuit Court of Lamar County.

## **SECTION 2814 - ORDINANCE ENFORCEMENT**

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

The Zoning Administrator (or his duly authorized representative) shall notify *in writing or by sign posted on the property* any person who violates any provision of this Ordinance that he/ she is in violation of the applicable section or sections of the Ordinance and issue a warning to correct the violation within seven (7) days to ten (10) or be subject to a fine as prescribed by Section 17-1-27 cited above. However, if circumstances exist which would prevent the violator from correcting the infraction within seven days, the Board of Supervisors may extend the time for such correction prior to imposition of a fine. If the warning time is extended by the Board of Supervisors, the violator shall be notified in writing by the Zoning Administrator (or his duly authorized representative) of such time extension. If the violator does not correct the infraction within the extended time, he shall be fined for each such day that the violation continues after the ending date of the warning time.

Lamar County is authorized to correct the infraction in case of a non-response by a violator, and to assess the violator's property for the cost of correcting the violation. The assessment shall represent a lien against the property of the violator.

## **ARTICLE XXIX**

### **MISCELLANEOUS PROVISIONS**

#### **SECTION 2900 - PURPOSE OF THIS ARTICLE**

The purpose of this Article is to consolidate all provisions applicable to this Ordinance which are not included under the General Regulations, Zoning District Regulations, or elsewhere herein.

#### **SECTION 2901- OMISSION CLAUSE**

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Zoning Administrator shall apply as provided under Section 2701.02 herein.

#### **SECTION 2902 - SEPARABILITY AND VALIDITY CLAUSE**

Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

#### **SECTION 2903 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF**

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by the Lamar County, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

#### **SECTION 2904 - REFERENCES INCLUDE SUBSEQUENT REVISIONS, AMENDMENTS OR ENACTMENTS**

Where any statute, ordinance, or regulation is referred to or incorporated into this Ordinance, that reference shall include any subsequent revisions, amendments or enactments encompassing the same subject matter.

#### **SECTION 2905 - FAILURE TO ENFORCE ORDINANCE**

Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

#### **SECTION 2906 - EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall become effective January 1, 2010.



**SECTION 2907 - ADOPTION CLAUSE**

Adopted this, the \_\_\_\_ day of \_\_\_\_\_, 2009 at the regular meeting of the Board of Supervisors of the Lamar County, Mississippi.

ATTEST:

\_\_\_\_\_  
President of the Board of Supervisors

\_\_\_\_\_  
Chancery Clerk

I, the undersigned, Wayne Smith, Chancery Clerk of the Lamar County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of the Lamar County at its meeting held on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2009 as it appears in Minute Book \_\_\_\_\_.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chancery Clerk  
Lamar County, Mississippi