

ARTICLE II: DEFINITIONS

SECTION 2.1: Definitions

2.1.1 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 "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied; the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation, as well as an individual; the word "lot" includes "building lot" or "parcel."

2.1.2 Interpretation of 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 Economic Development Department, the interpretation based on its common and ordinary usage.

2.1.3. Definitions

A.A.S. H.T.O.: American Association of State Highway and Transportation Officials

AWWA: American Water Works Association

ABANDONED VEHICLE: Abandoned motor vehicle is defined as one that has remained on the same property for thirty (30) or more days, is in a state of disrepair and/or incapable of being moved under its own power, regardless of whether or not is has a current license or inspection sticker.

ACCESS MANAGEMENT: A technique to improve traffic operations and safety along a major roadway through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

ACCESSORY STRUCTURE: Any building or structure on the same lot with, and customarily incidental and secondary to the main structure.

ACCESSORY USE: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related and zoned in the same manner as the principal use.

ACCESSWAY: Any area intended to provide an entrance or exit for vehicular traffic from a public right-of-way to an off-street parking or loading area. (See Driveway)

ADULT DAY CARE CENTER: A facility which provides care for more than five (5) adults for less than twenty-four (24) hours.

ADULT USES: Any establishment or use which is defined and regulated in the City of Gautier *Adult Entertainment, 3.5-21--3.5-42 Section* of the Code of Ordinances.

ALLEY: A public or private right-of-way primarily designed to serve as a secondary access to abutting properties and not intended for general traffic circulation such as alleys in residential

areas for access to carports and garages and alleys in commercial and industrial areas for loading/unloading goods or bulk items.

AMBULANCE SERVICE: A non-profit or for-profit business, authorized by the local municipality and responds to emergency calls, offering acute medical care and rapid transportation in a special vehicle to medical facilities for care. Services are provided by trained and licensed paramedics and work in conjunction with the local Emergency Medical Service.

AMUSEMENT ARCADE: A building or part of a building in which any combination of five (5) or more pinball machines, pool tables, video games, or other similar player-operated amusement devices are maintained.

AMUSEMENT PARK, OUTDOOR: A facility engaged in providing amusements or entertainment as a commercial business for a fee or admission charge and includes such activities as games, rides on mechanical equipment or horses, mini-golf courses, and similar activities.

ANIMAL SHELTER: A non-residential facility that houses homeless, lost or abandoned animals, primarily dogs and cats for the purpose of providing animals for adoption. Such facilities shall be staffed by full-time personnel and offers humane treatment of animals.

ANTENNA: (SEE ARTICLE XIV.)

APARTMENT BUILDING: A single structure divided into individual dwelling units having a common entrance.

ARBORETUMS OR BOTANICAL FACILITIES: Public Gardens or greenhouses displaying trees and flowers.

ART GALLERY: A commercial establishment which shows and offers for sale fine art, sculpture and/or pottery.

ARTISAN'S STUDIO: The workplace of an artist, craftsman, photographer, sculpture or potter where individually crafted artwork, jewelry, sculpture, pottery, leather craft, hand-woven and related items are produced, displayed and sold.

ASSEMBLY: The process of putting together or packaging.

ASSISTED LIVING FACILITY: A facility which offers non-convalescent nursing care to between five (5) and sixteen (16) individuals by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. Such facilities offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

AUTOMOBILE DEALERSHIP: A retail establishment that is a franchised dealer for one or more automobile manufacturers, whose primary business is the sale and leasing of new cars, light passenger trucks, cargo vans and sport utility vehicles (SUVs). . A limited number of used vehicles may be offered for sale. Auxiliary services include servicing of vehicles.

AUTOMOBILE GAS AND/OR SERVICE STATION: Any premises that is primarily used for retail sale of gasoline and other petroleum products or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term shall not include premises where major vehicular repair such as engine overhauls, painting or body work are conducted. This does not include Truck Stops.

AUTOMOBILE JUNK/WRECKING YARD: An open area other than a street or alley or place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

AUTOMOBILE RECOVERY BUSINESS: An enterprise that engages in the recovery of vehicles for lien holders by picking up vehicles offsite with a wrecker and storing such vehicles in an open fenced area for a limited time. This does not include wrecked or junk vehicles.

AUTOMOBILE REPAIR SHOP, MAJOR: Any premises that is primarily used for general repair, rebuilding, or recondition of engines, motor vehicles, trailers and trucks less than seven thousand (7,000) pounds gross weight to include the following services: rebuilding or reconditioning of engines, bodywork, framework, welding and major painting.

AUTOMOBILE SALES, USED: (See Used Car Sales)

AUTOMOBILE SERVICE CENTER, MINOR: Any premises used primarily for the servicing and minor repair of passenger automobiles and trucks less than seven thousand (7,000) pounds gross weight to include the following services: oil change, installation of shock absorbers, brake lining, muffler installation.

BANK OR FINANCIAL INSTITUTION: A business chartered by the State authorized to accept deposits, clear checks, make loans, pay interest on savings and certificates of deposit, issue certified checks to customers and offer other financial services to its customers. Financial institutions shall include: Commercial banks, Savings and Loans, and Credit Unions but shall not include Check Cashing Businesses or other types of businesses which only loan money on personal possessions or titles held by the lender.

BAR OR TAVERN: An establishment whose primary business is the serving of alcoholic beverages for consumption on the premises and which may also provide pool tables and serve food.

BEAUTY AND BARBER SHOP: A commercial establishment where licensed barbers and/or beauticians cut and style hair and sell hair products.

BED AND BREAKFAST INN: An owner-occupied dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging and where meals may be served to lodgers and guests of receptions and other private functions. A bed and breakfast inn is distinguished from a motel in that it only has one set of kitchen facilities, employees only living in the house and up to one additional employee, and has a façade style consistent with surrounding houses.

BEDROOM: Any room used principally for sleeping purposes, provided that no room having less than seventy (70) square feet of floor area shall be considered a bedroom.

BIG BOX RETAIL STORES: Retail facilities located in large, industrial-style buildings or stores with footprints that generally range from twenty thousand (20,000) square feet to two hundred thousand (200,000) square feet. Big-box retail stores may fall within any of the following subcategories:

- A. Discount Department Stores offering a wide variety of merchandise including automotive parts and services, housewares, home furnishing, apparel, cosmetics, and groceries. Examples of such retailers include Wal-Mart and Target.
- B. Category Killers which offer a large selection of merchandise and low prices in a particular type of product category and includes retailers such as Circuit City, Office Depot, Lowe's, Home Depot and Toys "R" Us.

- C. Outlet Stores are typically the discount arm of a major department store such as J. C. Penny, Nike, Bass Shoes, Burlington Coat Factory and J. Crew.
- D. Warehouse Clubs offer a limited variety of goods, in bulk to customers who join a club. Examples are Sam's Club and Costco Wholesale.

BILLBOARD: An outdoor advertising structure which advertises a use, product, or service not found on the premises.

BINGO HALL: A facility used primarily for the conduct of bingo games, open to the public and operated in compliance with State Statute.

BLOCK: A piece or parcel of land surrounded by highways, streets, streams, railroad rights-of-way, parks, or any other barrier, or a combination thereof.

BOARDING HOUSE: (ALSO SEE ROOMING HOUSE): Any building, or part thereof, containing two (2) or more guest rooms, other than a hotel, motel, or bed and breakfast establishment, that is kept as, used as, maintained as, advertised as, or held out to be a place where, for any type of compensation, sleeping accommodations are furnished for periods of one (1) week or more. A Boarding House may provide meals.

BOAT YARD: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services.

BODY PIERCING BUSINESS: Any business which predominantly specializes in the piercing of body parts and the retail sale of body jewelry.

BOILER WORKS: A heavy manufacturing plant that makes products by using a boiler during the manufacturing process.

BOND, MAINTENANCE: A surety bond for the purposes of guaranteeing the maintenance of all improvements required by the City.

BOND, PERFORMANCE: A surety bond in an amount that will provide for the improvements required by the City.

BOND, SURETY: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit.

BOOKSTORE: A retail establishment which engages in the sale of books, magazines, newspapers, greeting cards, movies, and musical compact disc and which may contain a coffee shop and conduct literary readings and book signings.

BORROW PIT: An area from which soil or other unconsolidated material are removed to be used without further processing as fill for activities such as landscaping, building construction or highway construction and maintenance.

BOWLING ALLEY: An establishment which devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment and playing areas.

BUFFER YARD, LANDSCAPING: An area set aside as a non-buildable area, which may include landscaping, berms, walls, fences or any combination thereof that partially blocks, in a continuous manner, the view from one area to another, and which shall not be penetrated by vehicular access.

BUFFERING: The use of landscaping, berms, walls, fences or any combination thereof, that blocks in a continuous manner, the view from one (1) area to another.

BUILDABLE AREA: The space remaining on a lot after the minimum open space offset, and setback requirements have been complied with; excepting any floodplain wetland, or similarly designated unbuildable lands.

BUILDABLE WIDTH: Width of the building site left after the required yards have been provided.

BUILDING: (ALSO SEE STRUCTURE) Any structure, excluding fences, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include barns, storage sheds, garages, greenhouses, pole barns, or similar structures.

BUILDING ENVELOPE: The building envelope is the separation between the interior and exterior environments of a building.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface. Except that for buildings in special flood hazard areas defined by the Federal Flood Insurance Rate Maps (FIRMS) as adopted by the City of Gautier the building height shall be defined as the vertical distance measured from the minimum building elevation established in chapter 10, sections 10-72 and [10-76] of the building to the highest point of the roof surface.

BUILDING MATERIAL AND SUPPLY ESTABLISHMENT: A retail/wholesale establishment which stocks and sells large quantities of material used in the construction of houses such as lumber, plywood, carpet, tile, bath and kitchen equipment. Such establishments have large outdoor storage areas within fenced and partially covered areas.

BUILDING AND ZONING ADMINISTRATOR: The administrative official responsible for enforcement of the City Building Codes and issuance of building permits.

BUILDING PERMIT: A certificate issued by the Building and Zoning Administrator and in some cases the Economic Development Director, permitting the construction, erection or placement of a dwelling unit upon a lot of an approved recorded development, or any other building or structure constructed, erected or placed for the support, enclosure, shelter or protection of a person or persons, animals, chattels or property of any kind.

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. Portable storage buildings are typically used on residential lots.

BUILDING, PRINCIPAL: A building which houses the main use or uses of the lot on which said building is located.

BUILDING SETBACK LINE: (SEE SETBACK).

BUILDING SITE: A single lot of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

BUILT OUT: Development of land to its full potential or theoretical capacity as permitted under current zoning requirements. (i.e. A Subdivision is "built-out" when all platted lots contain a permitted structure.)

BULK STORAGE: (SEE WAREHOUSE)

CANOPY, BUILDING: A roof element, hood, or covering suspended over a door, window or niche. A covered area which extends from the wall of a building.

CANOPY FOR GASOLINE PUMPS: The structure covering the gasoline pumps at a convenience store, automobile gas station or anywhere fuel dispensing operations are conducted.

CAR WASH, AUTOMATED: An establishment containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and which uses automatic or semi-automatic application of cleaner, brushers, rinse water and heat for drying. Such facilities usually offer personalized services such as hand vacuuming and drying of vehicles and may contain gasoline pumps.

CAR WASH, SELF-SERVICE: A structure housing coin operated equipment used by the customer to spray wash automobiles and light trucks.

CATERING SERVICE: A commercial establishment that prepares, delivers and serves food for special events and off the premises, in accordance with Jackson County Office of the Mississippi State Department of Health.

CEMETARY: A lot of record, private or public, divided into plots for interment of the dead in compliance with applicable state statute and including a columbarium and/or a mausoleum when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF OCCUPANCY: A document issued by the Building and Zoning Administrator and in some cases the Economic Development Director, which acknowledges that such use, structure, or building complies with the provisions of duly adopted ordinances of the City and is habitable.

CERTIFICATE OF ZONING COMPLIANCE: A document issued by the Economic Development Director indicating that the use of the building or land in question is in conformity with the Unified Development Ordinance or that there has been a legal variance granted, or that a legal non-conforming use exists which is allowed to continue.

CERTIFIED SURVEY: A survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

CHARACTER: The physical characteristics of a structure or area that set it apart from other areas and contributes to its individuality.

CHECK CASHING BUSINESS: Any person or entity engaged in the business of cashing checks for a fee, service charge or other consideration, including deferred deposit (post dated checks); but not including federal or state chartered banks, savings and loan associations, credit unions, mortgage brokers, pawnbrokers or insurance companies.

CHILD CARE CENTER/COMMERCIAL: Any facility operated by a person, agency, corporation, institution or any other entity that is licensed by the state and where children under the age of 17 are offered personal care and/or after school activities on a regular basis.

CHURCH OR PLACE OF WORSHIP: An institution that people regularly attend to: participate in or hold religious services, meetings, and related activities. The term *church* shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

CIRCULATION: Systems, structures and physical improvements for the movement of people, goods, fuel, water, air, sewage or power by such means as streets, highway, railways, waterways, towers, airways, pipes and conduits.

CITY: The City of Gautier, Mississippi.

CITY CONSULTING ENGINEER: The person or firm, licensed by the State of Mississippi, that is selected by the City Council to provide certifications of physical conditions as may be applicable to this and other Ordinances of the City.

CITY COUNCIL: The legislative body of the City of Gautier comprised of duly elected members.

CLEAR CUTTING: Removal of an entire stand of trees and shrubs.

CLEAR VISABILITY TRIANGLE: The area on either side of an access-way, at its junction with a street, forming a right-triangle shape, within which clear visibility of traffic and pedestrians shall be maintained.

CLEARING: The removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

CLERK: Shall mean the City Clerk of Gautier.

CLINIC, MEDICAL OR DENTAL: A facility staffed by medically licensed professions who provide medical, psychiatric, surgical or dental services for sick or injured persons exclusively on an out-patient basis, including emergency treatment and diagnostic services. The term "clinic" includes immediate care facilities, where emergency treatment is the dominate form of care provided at the facility.

CLUB PRIVATE: A corporation, association or group of individuals whose primary purpose is social, educational or recreational in nature, but not for profit or to render a service that is normally carried on as a business.

CLUBHOUSE OR LODGE: A facility not open to the general public, providing any or all of the following to members and their guests only: meeting rooms, recreational facilities, food and beverage services.

CLUSTER DEVELOPMENT: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally-sensitive areas, or agriculture.

COLLEGE OR UNIVERSITY: An institution of higher learning chartered by the state which offers a two-year Associate Degree and/or a four-year Bachelors Degree. Such institutions may be managed or owned by the state, a religious domination or a private entity.

COLUMBARIUM: A structure, building or designated area intended to be used for the interment of the cremated remains of a diseased person.

COMMERCIAL USE: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven (7) days during a calendar year.

COMMERCIAL VEHICLE: Any vehicle bearing, or required to bear, commercial license plates and which falls into one or more of the categories listed below:

- A. Truck tractor;
- B. Semi-trailer, which shall include flat beds, stake beds, roll-off container, tanker bodies, dump bodies and full or partial box type enclosures;
- C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by

electrical, plumbing, heating and cooling, and other construction oriented containers;

- D. Tow trucks;
- E. Commercial hauling trucks;
- F. Vehicle repair service trucks;
- G. Any other vehicle with a commercial license plate having gross vehicle weight in excess of ten thousand (10,000) pounds and a total length in excess of twenty-two (22) feet.

COMMERCIALLY DEVELOPED PREMISES: A premises on which there is at least one walled and roofed structure used, or designed to be used, for other than residential purposes.

COMMON AREAS: The elements of a real estate development or subdivision which are owned collectively by the homeowners or the Homeowners Association for the benefit of the residents of the development or neighborhood. These are usually recreational in nature including open spaces, parks, walking trails and/or lakes.

COMMON DEVELOPMENT: A commercial development, consisting of three (3) or more businesses, which is planned and built as a unit, shares common access and common parking areas; or a multi-family residential development, consisting of three (3) or more residences, which operates as a unit and shares common amenities.

COMMUNICATION TOWER: (SEE WIRELESS COMMUNICATION FACILITY)

COMMUNITY CENTER: A private facility where people living in the same community may schedule cultural, recreational or social activities and which may have the following outdoor recreational facilities: patios and decks, tennis courts, swimming pools, badminton and volleyball courts. All outdoor facilities must be fenced.

ECONOMIC DEVELOPMENT DIRECTOR: The City of Gautier Department Director responsible for all planning, building code and City ordinance enforcement activity within the City. *May also be known as the Planning Director or Planning and Economic Development Director.*

COMMUNITY SHOPPING CENTER: A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property, with on-site parking provided. The community shopping center is larger and offers a wider range of stores and goods than the Neighborhood Shopping Center and has a market trade area of three (3) to five (5) miles.

COMPATABILITY: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLEMENTARY LAND USES: These land uses allow a person to meet multiple daily needs by walking from one use to a second use within a small area, typically either on the same site or on adjacent sites with a direct pedestrian connection between the two sites. Complementary uses are categorized into the following six land uses: long-term residential (live), short-term residential/hotel/motel/bed and breakfast/other commercial transient living accommodations (stay), office/government/industrial (work), commercial (shop), civic/recreational (play), educational (learn).

COMPREHENSIVE PLAN: A compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both public and private, of the City as

adopted by the City Council pursuant to Section 17-1-1 and Section 17-1-11 of the revised Statutes of Mississippi, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

CONDOMINIUM: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be in fee simple, leasehold or any other estate in real property recognized by law.

CONDOMINIUM PROJECT: The entire parcel of real property to be developed in accordance with *Mississippi Code Annotated Section 89-9 (1972)*.

CONDOMINIUM, RESIDENTIAL: A condominium project which contains residential dwelling units.

CONDOMINIUM UNIT: That portion of the condominium which is not owned in common with the other owners.

CONFERENCE OR MEETING FACILITY: A privately owned building which is designed and built for the purpose of rental for limited time periods to small groups, associations, or neighborhood groups for the purpose of education, training or social functions.

CONDITIONAL USE: Specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another. See subparagraphs below:

MINOR CONDITIONAL USE: These uses are not allowed by right but require a "Finding of Compatibility". Upon review, the Economic Development Director may issue the FOC or require a recommendation by the Planning Commission and the approval of the City Council. These uses do not "run with the land" and may not be transferred from one owner to the next without application for an FOC.

MAJOR CONDITIONAL USE: These uses are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

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

CONSERVATION SUBDIVISION: A new home development that uses seeks to permanently preserve natural areas on the site such as wetlands, treed areas, historic sites and open fields by using a site plan design process which identifies areas to be preserved and then places residences around or in between these natural conservation areas.

CONSTRUCTION: On-site erection, fabrication, installation, alternation, demolition, or removal of any structure, facility, or addition thereto, including all related activities.

CONSTRUCTION PLANS: The details, drawings and specifications showing the specific location and design of public improvements to be installed in accordance with the requirements of the City.

CONTRACTOR'S SHOP: A building or portion thereof used by a contractor both as an office and for the storage of a limited quantity of materials inside a building.

CONTRACTOR'S STORAGE YARD: A fenced storage facility where building contractors store vehicles, equipment and/or building supplies.

CONVALESCENT OR NURSING HOME: A licensed facility, either governmental or private, profit or nonprofit, which provides group living arrangements for four (4) or more persons who are unrelated to the operator and who are provided food, shelter and personal care, and which employs at least one (1) registered nurse or licensed practical nurse. It does not include hospitals, clinics, personal care homes and other institutions devoted primarily to providing medical services.

CONVENTION CENTER: A public or civic use that is used for community meetings, conventions of groups or associations for the purpose of educational, training or social functions and which is managed by the County or City.

CONVENIENCE STORE: A store of not more than three thousand (3,000) square feet of retail sales area, not counting storage, which sells convenience goods such as beverages, snacks, tobacco products and over-the-counter pharmaceuticals. Also may have self-service gasoline pumps, an automated drive-through car wash, and less than one-third (1/3) of the indoor retail areas as a fast-food restaurant.

CORRECTIONAL FACILITY: Any jail, prison, detention center, or work release site operated by an authorized governmental agency, where the treatment and rehabilitation of adult and/or juvenile offenders through a program involving penal custody, occurs.

CORRIDOR, WILDLIFE: A strip of land having vegetation that provides habitat and safe passageway for wildlife from one area to another.

COUNTRY CLUB: A private facility providing recreational and related services to members and their guests only, characterized by substantial land and improvements committed to such facilities as golf courses, tennis courts, swimming pools, clubhouses, and the like.

COURTYARD, EXTERIOR: An open space without a roof surrounded on three (3) sides by a building or structure and with an end open.

COURTYARD, INTERIOR: An open space without a roof surrounded on four (4) sides by a building or structure.

COVERAGE: The percentage of the lot area covered by the building area.

CUL-DE-SAC: A street having only one end open to traffic and being permanently terminated by a vehicle turnaround.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

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

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DENSITY: The intensity of land use and also the maximum intensity of land use possible on a minimum lot observing all yard, height, and lot coverage provisions of the Unified Development Ordinance.

DEPARTMENT STORE: A retail establishment that sells a wide range of products in individualized departments such as apparel, appliances, jewelry, cosmetics, housewares and home accessories.

DETENTION AREA: An area that is designed to capture specific qualities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding or excessive runoff from impervious surfaces.

DEVELOPED AREA: That portion of a parcel of land, excluding public rights-of-way, upon which any manmade change or improvement is proposed, built or in the process of being built.

DEVELOPMENT: Including but not limited to buildings, pavement, landscape material, mining, dredging, filling, grading and/or excavation. Also (a) any manmade change to improved or unimproved lands, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling. (b) the act, process or result of developing; and (c) a developed site.

DEVELOPMENT ORDER: An order granting, denying, or granting with conditions an application for approval of a development permit. A distinction is made between the two distinct types of development permits: final development order and development permit. See subparagraphs below.

FINAL DEVELOPMENT ORDER: The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this code the final development plan approval is the final development order.

DEVELOPMENT PERMIT: For purposes of this code a development permit is that official City document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, permits, tree removal permits, sign permits, development order, zoning permit, subdivision approval, rezoning, certification, conditional use, variance, or any other official City action having the effect of permitting the development of land.

DEVELOPMENT PLAN: (SEE SITE PLAN.)

DISTRICT: Any parcel of land within the City of Gautier, Mississippi, for which zoning regulations governing the use of building and premises, the height of buildings, the size of yards, and the intensity of use are established.

DRIVEWAY: A private roadway or area which provides access to a public right-of-way.

DRUG STORE: A retail establishment which sells pharmaceutical goods, cosmetics, magazines, limited household goods, and fills prescriptions.

DRY CLEANING PICK-UP STATION: A facility where retail customers drop off or pick up laundry or dry cleaning.

DRY CLEANING PLANT: A building or premises used or intended to be used for the large volume cleaning of fabrics, textiles or wearing apparel.

DUMP, SOLID WASTE: A tract or portion of tract of land which is used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DUMPSTER: A container that is designed for temporary storage of trash or garbage and which has a housing mechanism that permits it to be raised and dumped into a garbage or sanitation truck.

DWELLING, MEMA COTTAGE: (See MEMA Cottage).

DWELLING, MOBILE/MANUFACTURED HOME: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act and is a movable residential dwelling designed for year-round occupancy with no foundation other than wheels, jacks, or skirting, and capable of being moved, towed, or transported by another vehicle. Minimum width shall be fourteen (14) feet. Minimum length shall be sixty feet (60). Mobile and/or Manufactured Homes are classified as a separate type of dwell and not considered the same as a convention single family dwelling. Removal of the wheels and placement upon a permanent foundation shall not warrant re-classification to a conventional single-family dwelling.

DWELLING, MODULAR HOME: A modular home is a factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide. It is a residential dwelling manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site by a trailer or other similar carrier which is not designed to be permanently attached to the dwelling or remain with it after the structure is placed on its permanent foundation. Modular homes are not constructed with an integral chassis, permanent hitch, wheels, axles, or other device allowing transportation. Modular homes must meet International Code Council (ICC) standards and be inspected and approved by the Building and Zoning Administrator.

DWELLING, MULTI-FAMILY: A detached residential building containing three (3) or more separate dwelling units, sharing either a common entrance, stairs, elevators, and/or other essential facilities, including what is commonly known as an apartment building.

DWELLING, PATIO HOME: (SEE PATIO HOME)

DWELLING, SINGLE-FAMILY, ATTACHED (SEE DWELLING, TOWNHOUSE): Two (2) or more residential buildings, each with a separate entrance, having a common or party wall separating dwelling units.

DWELLING, SINGLE-FAMILY, DETACHED (SEE DWELLING, ZERO LOT LINE): A residential building containing not more than one dwelling unit entirely surrounded by open space.

DWELLING, TOWNHOUSE: (SEE TOWNHOUSE)

DWELLING, TWO-FAMILY: A residential building designed with two (2) separate dwelling units, but located on an undivided lot.

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ZERO LOT LINE: A detached single-family dwelling unit which is constructed against the lot line on one side of the lot provided however, that there shall be no windows,

doors, or other openings of any kind on this side. This type of dwelling is also sometimes referred to as a court-garden house or patio house. Such dwellings shall meet current code requirements for all construction methods.

EASEMENT: A right-of-way granted, but not dedicated for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road of service drive, and within which the owner of the property shall not erect any permanent structures.

EMERGENCY SHELTER/MISSION: A facility operated by a non-profit, charitable organization, or governmental agency which provides single night, temporary lodging, with or without meals, at no charge for people with no regular home or residential address.

EMPLOYEE: This word includes any individual 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 purpose of this Ordinance, the maximum number of employees at an establishment at one time constitutes its number of employees.

ENCROACHMENT: The act of illegally trespassing upon the domain of another such as the building of a structure across the legal property line of a lot or tract of land or extending beyond the normal limits such as parking vehicles on landscaped areas. Used in a non-legal sense to indicate the partial or gradual displacement of an existing use by another use; as locating commercial or industrial improvements in a residential district where they may become intrusive or disruptive to residential uses.

ENGINEER: means a registered professional engineer, licensed in the State of Mississippi, whose seal shall appear on all subdivision construction drawings.

EXCAVATE: To dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

FAMILY: A group of two (2) or more persons related by blood, marriage, or adoption. Only for the purposes of defining "single-family", "two-family", and "multi-family" residences in this Ordinance, the term "family" may also mean a household of not more than four (4) persons, excluding domestic help, who need not be related by blood, marriage, or adoption, living together in a single housekeeping unit. Individuals not related by blood, marriage, or adoption occupying a group home for the handicapped, boarding house, lodging house, hotel, club, fraternity or sorority house, or other similar business type establishments requiring membership dues, transfer payments, rent, or other compensation, in exchange for lodging, do not constitute a household for purposes of this Ordinance.

FARM: Any parcel of land two (2) acres or larger in size which is used for the raising of agricultural products, livestock, poultry and dairy products. It may include the domicile of the property owner, necessary farm structures and storage of equipment used on the farm. It does not include riding academies, livery or board stables or dog kennels.

FARMERS MARKET: An area which is used on a temporary basis by one (1) or more operators of bona fide farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

FIRE CHIEF: The person appointed or hired in the legally permitted manner having line responsibility and being in charge of the fire department.

FIRE MARSHAL: The person designated as fire marshal of the City of Gautier. When no person has been formally given that title, any reference to the fire marshal shall be deemed a reference to the Fire Chief of the City of Gautier.

FISH CAMP: A facility adjacent to a body of water which may provide fishing facilities such as boats for rent, marinas and piers and may also offer cabins for rent on a daily or weekly basis but does not offer permanent residential dwellings other than that of the owner or operator.

FLAMMABLE LIQUIDS: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below, a temperature of one hundred (100) degrees Fahrenheit, is flammable.

FLOOD, BASE: Base flood means the flood having a one-percent (1) chance of being equaled or exceeded in any given year (also called the "one hundred-year flood").

FLOOD DAMAGE PREVENTION & CONTROL ORDINANCE: An overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and land use and control measures.

FLOODPLAIN: Lands at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas.

FLOODPROOFING: Structural and/or nonstructural adjustments to a building which make it watertight below the base flood level and which enable the building to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood level. Said adjustments to be certified by a registered professional engineer, licensed by the State of Mississippi.

FLOODWAY: The channel of a river, bayou, or other water course, and the adjacent land areas that must be reserved to carry and discharge the high tidal water, or land areas that are inundated by the base flood of the water course, including marsh land.

FLOOR AREA, RESIDENTIAL: The sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area excludes unfinished basements, attics, attached garages, breezeways, and enclosed or unclosed porches. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

FOOT CANDLE: A unit of luminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

FRONT BUILDING LINE: A building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building.

FRONT YARD (SEE YARD, FRONT)

FRONTAGE, STREET: The linear dimension of a lot measured along the street right-of-way line.

FUNERAL HOME (OR MORTUARY): A building or part thereof used for human funeral services. The building shall not contain facilities for cremation; but may contain space and facilities for: (a) Embalming and the performance of other services used in preparing the dead for burial; (b) The performance of autopsies and other surgical procedures; (c) The storage of caskets, funeral urns, and other related funeral supplies; (d) The storage of funeral vehicles, and (e) a funeral chapel.

GARAGE, PRIVATE: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

GARAGE APARTMENT: An accessory dwelling unit built above a private garage.

GATED COMMUNITY: A residential area in which access to the subdivision streets is restricted by the use of a guard house or electronic arms, and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

GOLF COURSE: A professional designed outdoor recreational use consisting of a series of holes, each consisting of a teeing ground, fairway, rough or other hazards and a green with a flagstick (pin) and cup all designed for the game of golf. Golf courses may include a clubhouse and maintenance sheds for equipment.

GOLF DRIVING RANGE: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting and which may include a snack-bar and pro-shop, but excludes miniature golf courses.

GOVERNING AUTHORITY: The Gautier City Council.

GRADE OR GRADE LEVEL: The average finished elevation of land, either horizontal or sloping, after completion of site preparations for the construction of structures.

GROUND AREA: The total geometric area of a lot as defined within its boundaries.

GROUP HOME FOR THE HANDICAPPED: A dwelling shared by four (4) or more handicapped persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling them to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) a physical or mental impairment that may substantially limit one (1) or more of such person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "handicapped" shall not include any person currently using, or involved in any program of recovery from, the use of or addiction to alcohol or a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

GUEST HOUSE: A secondary residential structure which is detached from and incidental to the primary residence and which is designed and built to provide temporary living quarters for guests and relatives of the occupants of the principal residence.

GUN SHOP: An establishment where the principal activity involves the sale and/or repair of firearms and related supplies.

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

HARDSHIP: Hardship means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the

alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HEALTH CLUB OR FITNESS CENTER: A commercial use with interior spaces designed and used for physical exercise and sports which shall include private athletic clubs or recreational clubs and/or fitness centers offering exercise rooms, locker rooms, sauna and whirlpool facilities, weight training facilities, gymnasiums, racquetball and basketball courts and swimming facilities.

HEALTH DEPARTMENT: The State of Mississippi Department of Health or its successor agency such as the Jackson County Office of the Mississippi State Department of Health.

HEAVY EQUIPMENT SALES AND RENTAL: An establishment which rents and/or sells apparatus used in construction of commercial and industrial building, or roadways, such as but not limited to, trucks, trailers, loaders, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

HEIGHT: (SEE BUILDING HEIGHT)

HEIGHT CLEARANCE/STREETS: A completely open clearance suitable for the passage of vehicles, height specified by signs, at least from grade to twelve (12) feet above grade.

HOBBY: An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation, provided that the items produced or constructed in said shop, studio or work room are not sold either on the premises, and provided such use will not permit the storage of materials outdoors and will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

HOME OCCUPATION: An occupation carried on a residential dwelling unit by the resident thereof; provided that the use is limited, incidental and secondary to the residential use of the building. A Home Occupation permit is non-transferable to future residents.

HOMELESS SHELTER: (SEE EMERGENCY SHELTER/MISSION).

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, parks and other activities and facilities.

HOSPICE: A non-profit or for-profit facility with offering specialized inpatient care for the terminally ill patient and family as a unit, and which employs a medically-directed interdisciplinary team, providing relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness and during dying and bereavement.

HOSPITAL: A facility designed and used to provide primary health services and medical or surgical care to persons designated as inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. This shall include related facilities such as, laboratories, outpatient clinics and medical offices. Such facilities are staffed by professionally accredited medical staffs including nurses, physicians, radiologists, and other technicians.

HOTEL OR MOTEL: A facility built as a cohesive unit and containing twenty (20) or more individual sleeping rooms or suites, off-street parking and indoor and outdoor recreational facilities with each sleeping room having a private bathroom attached thereto. Hotels and Motels provide overnight lodging facilities to the general public for compensation and shall not be

rented for less than a twenty-four (24) hour period. Ingress and egress to and from all rooms is made through an inside lobby or individual access off of a private parking lot. Hotels and Motels shall provide an office supervised by a person in charge at all hours.

HOUSEHOLD PET: An animal that is customarily kept for personal enjoyment within the home. Household pets shall include, but not necessarily be limited to, domestic dogs, domestic cats, domestic tropical birds, and rodents.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that is more impervious than the natural surface, including, but not limited to, buildings, structures, decks and porches, parking and driveway areas, sidewalks and paved recreation areas.

IMPROVEMENT, LAND: To increase the productivity or value of land by land clearing, grading, filling, or excavation and/or installation of sewer, gas, water, or electrical service (underground) or the placement or erection of retaining walls, bulkheads, and drainage ways.

IMPROVEMENTS TO THE SITE: Street pavements with curbs, sanitary and storm sewers, permanent street monuments, water mains, survey monuments, sidewalks, street name signs, traffic control signs, fire hydrants, street lights, and other utility lines.

IMPROVEMENTS, OFFSITE: Improvements made off the development site to mitigate the effect of development such as installation of utilities, turn lanes or de-escalation lanes or traffic lights.

IMPROVEMENT, SUBSTANTIAL: Shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during a ten-year (10) period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the building either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- C. This term includes structures that have incurred "substantial damage" or "repetitive loss," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:
 1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or
 2. Routine maintenance such as painting, replacement of roof shingles, replacement of appliance, fixtures, carpeting or other non structural items;
 3. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
"Substantially improved existing manufactured home parks or subdivision is

where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

INDUSTRIAL PARK: A planned industrial development with individually platted lots of considerable acreage that is accessible to major highways or arterial streets and which contains transportation facilities such as interior roads, railroad spurs, and/or airports. Such facilities may contain light industrial, manufacturing, wholesale facilities and auxiliary uses such as guard houses, daycare, or private automobile service and gasoline pumping facilities.

INDUSTRY, HEAVY: (SEE MANUFACTURING, HEAVY)

INDUSTRY, LIGHT: (SEE MANUFACTURING, LIGHT)

INFILL DEVELOPMENT: A type of development occurring in developed areas of the city. Infill can occur on long-time vacant lots or on pieces of land with dilapidated buildings, or can involve changing the land use of a property from a less to a more intensive one—i.e. from a parking lot to an office building.

INSTRUCTIONAL STUDIO, PRIVATE: A permitted Home Occupation which involves teaching, tutoring, or one-on-one instruction to students in musical or artistic or academic functions such as piano lessons, dance, drawing or art. Such functions shall be limited to one (1) pupil per teacher at any given time.

INSTRUCTIONAL STUDIO, PUBLIC: Any facility where licensed teachers provide instructions to individuals or groups in dance such as ballet, line dancing, tap dancing; aerobics; swimming, or other artistic or athletic activities but not to include health clubs or gymnasiums where sports skills are taught.

JUNKYARD: A place where waste and discharge or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

KENNEL, COMMERCIAL: An enclosed building with outdoor dog runs where domestic animals such as dogs, cats, or similar pets (at least eight (8) weeks of age) are boarded for compensation.

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

KINDERGARTEN: A school for children of preschool age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum and is operating in conjunction with a state approved education program public private, or parochial. (*Classified with Child Care Center, Commercial*)

LABORATORY, DENTAL: An establishment which makes and repair dentures, crowns, bridges and dental implants as a specialized service to licensed dentists.

LABORATORY, RESEARCH: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

LAND USE CONTROL ORDINANCES: Official Ordinances such Zoning Ordinances, Subdivision Ordinances, Unified Development Ordinances and other adopted ordinances which provide standards and effective enforcement provisions for the prudent use and development of land.

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

LAUNDROMAT: A commercial business equipped with self-service clothes washing and drying machines for use by retail customers.

LIGHT MANUFACTURING: (SEE MANUFACTURING, LIGHT)

LIVING AREA: That area of a residential structure that is protected from the elements and is normally heated and cooled. Living area does not include patios, porches, garages, carports or accessory structures that are normally not heated and cooled. Calculations of living area will be taken from inside wall to inside wall about the parameter of the living area.

LOT: A parcel of land that may be occupied by a building and accessory buildings, together with such open spaces and parking spaces or areas as are required under this Ordinance and having principal frontage upon a public or private street or right-of-way.

LOT AREA: The total area included within the front, side and rear lot lines.

LOT AVERAGING: The design of individual adjoining lots within a residential subdivision in which the average lot equals the minimum prescribed area for the zoning district. To maintain an average, some lots may be reduced to a maximum of ten (10) percent below the minimum lot size while a corresponding number of lots shall each maintain a lot area of at least ten (10) percent above the minimum lot size. Allowable density shall be within the prescribed maximums.

LOT CONSOLIDATION: The combining of one (1) or more existing parcels of land into a single new parcel with one (1) legal description.

LOT CORNER: A lot located at the intersection of and abutting two (2) or more streets.

LOT COVERAGE: A measure of intensity of land used that represents the portion of a site that is impervious including but not limited to: all areas covered by buildings, driveways, roads, sidewalks and any area of concrete asphalt as well as portions of the lot that are covered by open sided buildings

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

LOT, FLAG: A lot or parcel not fronting a public roadway or which has less lot frontage than is normally required, and where vehicular and pedestrian access is provided by means of a narrow corridor which is usually considered a part of the Flag lot itself. Flag lots allow buildings to be built behind one another on separate lots.

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 ADJUSTMENT: The sale or exchange of parcels of land between owners or adjoining properties for the purpose of adjustments in boundaries or of adjusting building lines, wherein no new lots are created.

LOT OF RECORD: A lot that has been legally recorded or registered in a deed or on a plat at the Jackson County Chancery Courthouse and subdivided according to City regulations.

LOT, NON-CONFORMING (SUBSTANDARD): A lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the Ordinance codified in this title.

LOT, THROUGH (*DOUBLE FRONTAGE*): A lot having its front and rear yards each abutting on a street.

LOT WIDTH: The horizontal distance between side lot lines, measured at the required front setback line.

LUMBERYARD: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MACHINE SALES AND SERVICES: A commercial establishment that sells various types of mechanical or electronic machines and which offers repair services either onsite or at customer's place of business or residence.

MACHINE SHOP: A shop or part of a factory where power-driven tools are used for making, finishing or repairing machines or machine parts.

MACHINING: A series of processes in which power driven tools such as lathes, milling machines and drill presses are used in the manufacturing process of metal products.

MAJOR DEVIATION(S): A deviation from a final development plan, including any change to a condition in the final development order that was expressly imposed by the City Council; or any change that adversely affects the compatibility of the proposed project; or any change that the City Manager, or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change.

MALL, REGIONAL: A self-contained shopping center where stores front an interior hallway and which serves a regional market area.

MANUFACTURING, HEAVY: (Heavy Industry) A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of raw materials used in manufacturing. The following uses are considered Heavy Manufacturing or Industrial uses:

- A. Manufacture of chemicals such as alcohol, ammonia, bleaching powder or chlorine
- B. Manufacture of concrete or cement products, brick, tile, or terra cotta
- C. Asphalt manufacture of refining; and/or
- D. Any other industrial or manufacturing facility which has the potential of negatively impacting surrounding uses as determined by the City Council.

MANUFACTURED HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)

MANUFACTURED HOME SUBDIVISION: A planned subdivision where lots for mobile/manufactured homes are for sale and in which the purchaser receives fee simple title to the lot.

MANUFACTURING, LIGHT: (Light Industry) The manufacture or assembly predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.

MANUFACTURING, "WET-TYPE": Those heavy industrial uses which require the discharge of byproducts or processed waste water through the sewer system. Such industrial uses shall be permitted as a Conditional Use only in the Industrial District.

MARINA: A facility that provides storage, servicing, fueling, berthing and securing of pleasure boats and yachts.

MARINA, COMMERCIAL: A facility that provides storage, servicing, fueling, berthing and securing of pleasure boats and yachts and which may offer ancillary services such as servicing, pumping-out, chartering, launching, and dry storage of boats and boating equipment.

MARINA, PUBLIC: A Marina that is owned by a public entity such as the city, county or state.

MARINE SALES AND SERVICES: A commercial use that sells and services pleasure boats and yachts.

MASTER PLAN: The general layout plan of a master-planned development or phased subdivision.

MASTER PLANNED COMMUNITY: A mixed use development, by one (1) or more developers, or real estate consisting of residential, commercial, industrial, educational, health care, open space, employment-based and recreational land use components that is developed pursuant to a Master Plan as defined in this Ordinance.

MEDICAL 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.

MEMA COTTAGE: A manufactured single or multi-bedroom structure provided by the State of Mississippi to victims of Hurricane Katrina.

METES AND BOUNDS DESCRIPTION: A description of real property described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.

MILLWORK, CABINET OR WOODWORKING SHOP: A facility where finished wood products such as doors, windows, blinds, mantels, stairway components (balusters and rails), moldings and interior trim is produced.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of personal property.

MINI-WAREHOUSE (CONTROLLED AIR): A building with one (1) to two (2) floors which is built in the style of an office building but with limited windows, common access (front door) and which is air-conditioned and heated with varying sizes of individual stalls or rooms for the storage of personal property.

MINOR DEVIATION(S): A deviation from a final development plan that does not meet the definition of a major deviation.

MINOR REPLAT: The re-subdivision of two lots into two lots or parcels or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, and where the resultant lots comply with the standards of this Code.

MIXED USE BUILDING: A single building containing more than one type of permitted use including but not limited to: residential, retail and office space.

MIXED USE DEVELOPMENT: A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. Such developments maximize space usage, have amenities and architectural expression and tend to mitigate traffic and sprawl with pedestrian-oriented destinations.

MOBILE HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)

MOBILE HOME PARK: A parcel of land that has been planned and improved for the rent or lease of sites for the placement of mobile homes for dwelling purposes.

MOBILE HOME SALES: A commercial establishment which stocks and sells mobile homes.

MODULAR HOME: (SEE DWELLING, MODULAR HOME)

MORATORIUM: A legally enacted and temporary halting or severe restriction on specified development activities, pending the completion, adoption, or revision of a revised plan, ordinance or regulation.

MORTUARY: (SEE FUNERAL HOME)

MOTORCYCLE SALES AND REPAIR SHOP: An establishment which stocks, sells and performs minor repairs motorcycles within an enclosed area.

MOVING SERVICES: A commercial business which leases or rents dollies, vans, and/or light trucks to individuals to move personal chattels. May also define a commercial moving service which offers moving services. Both uses are characterized by large outdoor storage of trucks and vans.

MULTIFAMILY RESIDENTIAL DEVELOPMENT: A planned development which contains multifamily units, common ground, off-street parking, internal streets, and recreational facilities for the use of residents.

MUSEUM: A permanent institution, usually non-profit, which is open to the public and which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, cultural, historical or historical artifacts such as fine art, sculpture, artistic compositions, pottery, personal possessions of famous persons, or graphic depictions of nature, people or historic events.

NEIGHBORHOOD SHOPPING CENTER: A group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, with on-site parking provided. The neighborhood shopping center is architecturally designed and landscaped as one (1) unit and contains uses which provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood or within a mile radius.

NEIGHBORHOOD RETAIL COMMERCIAL GOODS AND SERVICE ESTABLISHMENTS: Establishments primarily engaged in the provision of: 1) frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies; and 2) frequently or recurrently needed services, such as laundromats, cleaners, alterations, banking, drug stores and other personal services. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

NEW CONSTRUCTION: The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, and the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading and filling.

NIGHTCLUB: An establishment which sells or allows customers to bring alcoholic beverages for consumption on the premises, provides space for customers to dance and which provides live or recorded entertainment.

NON-CONFORMING BUILDING: A building or structure lawfully existing at the time of the adoption, revision, or amendment of this Ordinance which, by reason of such adoption, revision, or amendment, does not conform to the regulations of the zoning district in which it is located.

NON-CONFORMING LOT: (SEE LOT, NON-CONFORMING)

NON-CONFORMING USE: A use of land lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which by reason of such adoption, revision, or amendment, does not comply with the regulations for its zoning district.

OFF-STREET PARKING: A parking lot or facility either controlled or uncontrolled, provided for the use of occupants, employees, visitors, patients, patrons or students, without charging for its use.

OFFICE, ANCILLARY: A room or group of rooms used for conducting the affairs of the business of which it is a part.

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.

OPAQUE: Not transparent; dull; obscure.

OPEN SPACE, COMMON: A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

OUTDOOR EATING AND/OR DRINKING AREA: A secondary serving area, usually on a deck, patio or concrete area which may be covered or uncovered; used by customers of an establishment serving food or beverages to have food served or where they may consume food or beverages outside the main dining area. In certain circumstances, such areas may require buffering from adjacent uses.

OUTDOOR SEATING AREA: An outdoor service area with seats and tables located outside of a restaurant, coffee shop, bookstore, or other type of food establishment.

OUTDOOR STORAGE: The keeping or storage of goods related to the establishment on the same premises but not within the enclosed area of a building.

- A. Bulk: Goods for sale or display that have a large size, mass, or volume and are not easily moved or carried, and which may require mechanical lifting devices or assistance from store personnel to move to the customer's vehicle such as large bags of feed, concrete blocks, etc.
- B. Non-bulk: Goods for sale, storage or display that are moved to the inside of the business during the time the business is not open but which may be more effectively displayed outdoors such as bikes, outdoor furniture, lawn accessories and outdoor grills.
- C. Seasonal: Goods for retail sale that are by their nature sold during peak season, including fruit, vegetables, Christmas trees, pumpkins, and bedding plants.

OVERLAY DISTRICT (ZONE): A district to be applied to a site in combination with the underlying base district, intended to create a special sense of place and established by ordinance to prescribe special regulations and/or lessen certain planning standards and otherwise apply redevelopment strategies.

OWNER OCCUPIED: A dwelling is "owner-occupied" when it is the primary residence of the owner or the owner's assignee or designee.

OWNER OR OWNER OF RECORD: An "owner" is an individual who has twenty-five (25) percent or more legal title to the property in question, or twenty-five (25) percent or more equity interest in a corporation, partnership, or other legal entity owning such dwelling.

OWNER'S REPRESENTATIVE: A person, legal entity, or employee with legal written authority to act on behalf of the titleholder or lessee.

PACKAGE LIQUOR STORE: Any retail establishment licensed by the state which sells, and advertises for sale, pre-packaged alcoholic beverages containing more than four (4) percent alcohol by weight, to the general public.

PARCEL: A lot or continuous group of lots in single ownership or under single control, considered a unit for purposes of development.

PARK MODEL HOME: Movable resort homes that are designed exclusively for part-time recreational use. Park models are built on a single chassis and mounted on wheels. Typically upscale in appearance, they can include electric range, frost-free refrigerator, bay windows, hardwood floors or carpeting, cathedral ceilings, window treatments, and covered patios.

PARK, PUBLIC: Land owned by a public entity which is predominately open space and is used principally for active or passive recreational, scenic or leisure activity.

PARK, PRIVATE: Land owned or controlled by private persons or groups of persons used for active and/or passive recreational, scenic or leisure activity.

PARKING, OFF-STREET: Parking places not located on a public street which offers parking to customers, clients, employees and/or persons using the facility on the site.

PARKING GARAGE: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles.

PARKING LOT, ANCILLARY (OR OFF-SITE): A surface parking lot which is built or is used specifically for the use of a church or civic use which is either not immediately adjacent to the use it serves, or is zoned in a residential classification. Ancillary parking lots for churches and places of worship located in residentially zoned districts are considered a Conditional Use and require a public hearing.

PARKING LOT, COMMERCIAL: A lot or structure designed and primarily used for the parking and storage of automotive vehicles, operated as a business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

- A. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
- B. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

PARKING, SHARED: The development and use of parking areas for the joint use by the businesses located on those properties.

PARKING SPACE: An area within or outside of a building sufficient in size to store one (1) automobile and which meets the dimensional requirements of the City and Federal standards.

PARKING, SURFACE: A parking lot or area for motor vehicles where there is no building area below or above the parking area.

PARTY WALL: A wall common to but dividing contiguous buildings.

PATIO: A level surface area directly adjacent to a principal building used for outdoor lounging, dining and the like.

PATIO HOME: A Single-family detached dwellings located on reduced lots which have outdoor living areas, such as decks and/or patios within the side or rear yards.

PAWN SHOP: A regulated business engaged in the business of lending money on the security of tangible personal property where such property is deposited with the lender; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PEDESTRIAN-ORIENTED DEVELOPMENT: Development designed with an emphasis on pedestrian access and connectivity between uses, containing an abundance of landscaped sidewalks, controlled vehicular traffic and areas where shoppers may sit in outdoor areas.

PEDESTRIAN ACCESS: A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

PERIMETER: The aggregate of the lines of the lot or lots comprising the development.

PERMITTED USE: That legally permitted use which is among those itemized within applicable sections of this ordinance in accordance to the zoning of the property.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or similar organization, and includes a trustee, a receiver, an assignee, or a similar representative, and includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PLANNING COMMISSION: The duly constituted Gautier Planning Commission herewith cited as being the Advisory Committee to the City Council on planning and zoning matters.

PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR: (See Economic Development Director.)

PLANNED UNIT DEVELOPMENT (PUD): An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses; open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing, densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A planned unit development also includes "cluster developments," which are development design techniques that concentrates buildings in a specified area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.

PLANT NURSERY, RETAIL: A commercial business that sells products related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities directly to the consumer. Also known as a "garden center."

PLANT NURSERY, WHOLESALE: A non-retail facility that is engaged in the business of growing, storage and sale of garden plants, shrubs, trees or vines for resale to a retail or commercial outlet.

PLAT: (SEE SUBDIVISION PLAT).

PLAYGROUND: An area developed for active play and has appropriate facilities for use by children.

PLAZA: A hard surface outdoor area which serves adjacent commercial uses and may contain fountains, landscaping or tables for consumption of beverages or food.

POCKET PARK: A relatively small green area which may be a vacant residential or commercial lot.

PONDS FOR LIVESTOCK OR FISHING: A relatively small body of water which is man-made, privately owned and created for the purpose of providing water to livestock. Such ponds may be stocked with fresh-water fish.

PRELIMINARY PLAT: (SEE SUBDIVISION PLAT, PRELIMINARY).

PREMISES: Land together with structures or structures occupying it.

PRIMARY CONSERVATION AREA: Land which must be set aside due to environmental, cultural and regulatory constraints within Conservation Subdivisions.

PRIMARY RESIDENCE: The residence of an "owner" who spends a majority of nights at such dwelling.

PRINCIPAL BUILDING: A single structure or, where the context so indicates, a group of structures in which is conducted the principal use of the lot on which such structure is located.

PRINCIPAL USE (ACTIVITY): The primary use and chief purpose of a lot or structure, or the major activity occurring within such a structure.

PRINT SHOP/BLUEPRINT PRINTING SHOP: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment and includes collating services, facsimile, transfer and shipping services as well as limited supplies for same.

PRIVATE CLUB SWIMMING POOL: A pool owned by a private association or club which is not open to the general public but to an association of property owners or by members of the private club for use and enjoyment by members, their families and guests.

PRIVATE PROFESSIONAL OFFICE: A home office maintained by the occupant as an ancillary work place which does not involve the sale or transfer of goods on the premises and which does not involve visits by clients. A Private Professional Office is considered a permitted Home Occupation and must be granted approval as such.

PRIVATE ROAD: Any road which is to be privately maintained and has not been accepted for maintenance by the City, but which meets the requirements of this Ordinance and has been approved as a private road by the City.

PRODUCE STAND: A retail establishment which sells seasonal produce and blooming plants with indoor and outdoor sales display areas.

PROFESSIONAL OCCUPATION: A recognized occupation requiring specialized skill and knowledge and often long and intensive academic preparation, such as engineers, architects, planners, artists, attorneys, ministers, counselors and similar professions.

PROFESSIONAL OCCUPATION OFFICE: A building or a portion of a building where the offices are located for the use of professional occupations and which does not involve the sale or transfer of goods by the business to the customer, but where clients visiting the office receive professional assistance. For the purpose of this Ordinance, Doctors and Dentists are not included in this category, but are considered a "Medical Clinic."

PUBLIC HEARING: A meeting which is announced and advertised in accordance with State Statute and conducted by a commission or board of the City or the City Council, in which members of the public have an opportunity to give comments.

PUBLIC MEETING: An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project or plan.

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

QUASI-PUBLIC YOUTH CENTER: A permanent facility run by a qualified staff with indoor and outdoor facilities which provides organized youth-oriented activities and recreation, after-school and during the summer months including but not limited to Boys' and Girls' Clubs.

RADIO AND T. V. BROADCASTING STUDIO: A facility where radio or television programs are recorded and/or broadcast from and which offer limited access to the public. Such facilities may have outdoor equipment such as satellite dishes.

REAR YARD: (SEE YARD, REAR)

RECREATIONAL VEHICLE (RV): A self-contained or towable vehicle designed to provide temporary shelter for persons who are traveling or on vacation. Various types of "Recreational Vehicles" include:

- A. Travel trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
- B. Pickup camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
- C. Motor home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

RECREATIONAL VEHICLE (RV) PARK: A parcel of land upon which sites are rented or leased for the temporary or periodic placement of recreational vehicles as temporary living quarters for recreational or vacation purposes.

RECREATIONAL VEHICLE (RV) SITE: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle on a temporary basis.

RECYCLING CENTER: A facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand. The term "recycling" as used herein shall not include the speculative accumulation of materials in anticipation of recycling opportunities and shall not include the recovery of materials unless the materials recovered have a commercial value.

REHABILITATION CENTER: A medical facility where temporary inpatient treatment is given by licensed and trained professional health care counselors, doctors and other staff to persons seeking rehabilitation from addictive behavior and use of alcohol, drugs and/or controlled

substances, but not including facilities where such persons are committed for an inestimable length of time.

RECREATIONAL FACILITIES FOR USE OF RESIDENTS: A facility which is approved by the city or is permitted within a development or subdivision which is privately owned but offers facilities for the exclusive use of residents of that particular neighborhood or development. Examples are: Tennis or basketball courts; paved walking trails, swimming pools or community meeting facilities.

REMODELING: The act of reconstructing a building or site for the purpose of making improvements. Any change or modification in existing exterior construction.

REPLATTED LOTS: Lots which are consolidated and re-subdivided with different size and/or number of lots from that shown on the original plat.

RESIDENTIAL STRUCTURE: A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels, and motor lodges.

RESTAURANT, CARRY-OUT: An establishment such as a pizza delivery service whose method of operation involves sale of prepared food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises. The establishment may deliver food to the customer, or the customer may pick the food up. A Carry-out Restaurant does not contain areas where food may be consumed on the premises.

RESTAURANT, DRIVE-IN OR FAST FOOD: An establishment whose principle business is the sale of foods, frozen desserts, or beverages in paper, plastic, or other disposable containers for consumption either on or off the premises. Food or beverages may be served directly to the customer in the restaurant building or in a motor vehicle either by a carhop or by a drive-through facility which eliminates the need for the customer to exit the motor vehicle.

RESTAURANT, NEIGHBORHOOD: A commercial establishment where food and beverages are prepared, served and consumed primarily within the restaurant and ancillary outdoor eating areas, but does not provide a "drive-through window" or deliver food to patrons in their car. "Carry-out" service may be provided.

RESTAURANT, SPECIALTY: An establishment with a limited menu that specializes in certain food items such as coffee, baked goods, delicatessen food, ice-cream or frozen desserts. Limited food preparation occurs at the facility. Food may be consumed on the premises or carried out.

RIGHT-OF-WAY: A portion of land used or intended to be used for a street, crosswalk, railroad, road, or other public use not included within the dimensions or areas of lots or parcels

ROCK, SAND, GRAVEL OR EARTH EXCAVATION, CRUSHING OR DISTRIBUTION: An industrial use that mines, crushes, stores and/or distributes natural materials such as rock, sand, gravel or dirt.

ROOMING HOUSE : (SEE BOARDING HOUSE)

RUG CLEANING PLANT: A commercial enterprise which picks up rugs at residential and/or commercial businesses, takes rugs to a centralized cleaning facility, cleans and dries the rug and then delivers the rug back to the customer. Such cleaning facilities shall be conducted indoors.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface of any configuration. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based transmitters. This definition is meant to include but not be

limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SECOND HAND STORE: An establishment which acquires used merchandise from individuals and resells such merchandise to other individuals, engaging primarily in used household items and clothing. Does not include pawn shops, used car lots, or antique stores

SECONDARY CONSERVATION AREA: Land which may be set aside to preserve natural resources or cultural sites within Conservation Subdivisions.

SCHOOL: A facility, whether public or private, that provides a curriculum of elementary, secondary, and post secondary academic instruction, including kindergartens, day care centers, elementary schools, junior high schools, high schools, and accredited two (2) and four-year (4) degree granting institutions of higher learning. For purposes of this Ordinance, the term "school" shall include accessory student athletic facilities when located on the same or adjacent parcels. The term "school" shall not include vocational schools for instruction in business, beauty or barber, technical or trades.

SCHOOL, ELEMENTARY: A facility whether public or private, that provides a curriculum of instruction of children in any or all of the grades between first and sixth grade.

SCHOOL, MIDDLE: A facility whether public or private, that provides a curriculum of instruction of youth in any or all of the grades between elementary and secondary school grades.

SCHOOL, SECONDARY or High School: A facility whether public or private, that provides a curriculum of instruction of youth in any or all of the grades following the middle school grades up to the 12th grade.

SETBACK: (SEE YARD) The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building as measured to the outside face at the enclosing wall or in structures lacking walls (as in the case of a carport) to the face of the supporting columns and beams. Setback does not include roof overhangs, except that they shall not encroach on more than fifty (50) percent of the required setback.

- A. **SETBACK, FRONT:** The yard area extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.
- B. **SETBACK, REAR:** The yard area extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.
- C. **SETBACK, SIDE:** The yard area lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of a front yard or a rear yard, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

SHOPPING CENTER: A group, consisting of four or more commercial establishments, planned, developed, owned and managed by one (1) entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic consideration and protection from the elements, and landscaping and signage in accordance with a cohesive plan. The type and size of stores are related to the trade area or neighborhood which the unit serves.

SHOOTING RANGE: means the use of a structure or portion of land for archery and/or discharge of firearms for recreational or training purposes.

SHORELINE: That point at which the mean level, at normal state, a body of water meets dry land.

SIDE YARD: (SEE SETBACK, SIDE)

SIDEWALK: A hard-surface, all-weather area of a minimum of four (4) feet in width designed for the convenience of pedestrian access, which is normally located immediately within the public right-of-way.

SITE PLAN: A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, including topography, infrastructure, significant and protected trees and landscaping proposed for a specific parcel of land.

SKETCH PLAN: Written and graphic documents that indicate in conceptual form the proposed land uses and their location.

SLOPE: Describes the steepness, incline, gradient or grade of a straight line. A higher slope value indicates a steeper incline.

SPECIAL EVENT: A temporary outdoor use on private or public property which extends beyond the normal uses and standards normally allowed by the zoning district such as festivals, fairs, block parties or parades. Such events are scheduled and designed to attract substantial crowds and traffic and required a Temporary Use Permit.

SPECIAL PAVING: Interlocking pavers, bricks or special materials that are distinct from monolithic surfaces and call attention to entry areas, crosswalks and sidewalks.

SPECIALTY RETAIL SHOP: A commercial business that sells a limited range of merchandise, such as a clothing and clothing accessories; jewelry; home and decorating accessories; crafts; antiques; musical instruments; floral arrangements; candy; hardware, bicycle and fitness equipment; cameras and electronic equipment, stationery and cards; hobby, toys and games; luggage and leather; and culinary stores. Most stores have an extensive width and depth of stock in the item they specialize in and provide high levels of service and expertise.

SPORTS FACILITY, PUBLIC: An indoor or outdoor recreational facility with seating or standing areas for the public where group sports such as baseball, softball, soccer, or hockey are played.

STABLE, PRIVATE: An accessory building which is designed and equipped to keep horses are for the private use of the property owner and not for remuneration, hire, or sale.

STABLE, PUBLIC: A principal building which is designed and equipped to keep horses for commercial use including boarding, hire, and sale.

STORY: That portion of a building above ground between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY AND ONE HALF: A space under a sloping roof that has the line of intersection of the roof and the exterior wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

STORY, TWO: The first floor of a building plus a story immediately above which is the same size and configuration as the first story.

STEEL MILL, MINI: A heavy manufacturing use that produces steel from scrap and returned steel rather than molten iron, coke-making and iron-making operations.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designed as a road, avenue, highway, boulevard, drive, lane, place, or court and which affords the principal means of access to abutting property. Various types of roads are described below:

- A. Arterial street or roadway: A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Gautier area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- B. Collector street: A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties.
- C. Cul-de-sac: A street or road that terminates in a vehicular turnaround.
- D. Expressways: Limited access interregional arterial routes, such as I-10, designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.
- E. Highways: Streets and roadways which are under the jurisdiction of the Mississippi Department of Transportation such as Highways 57 and 90. Highways may also be classified as expressways or arterial roadways.
- F. Local or minor street: A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or
- G. Arterial roadways. Local streets are designed for low volumes and speeds of 25 mph or less, with numerous curb cuts/
- H. Public street: Any road or portion of a road which has been dedicated to and accepted for maintenance by the City of Gautier.

STREET, DEDICATED: A street with its right-of-way which has been given by the owner for public use and has been accepted by the City and is so dedicated and recorded in the office of the County Chancery Clerk.

STREET LINE: The right-of-way of a street.

STREETSCAPE: The physical street environment comprised of architectural elements, landscaping and possibly street furniture.

STRIP DEVELOPMENT: Commercial development, usually one (1) store deep, that fronts on a major street.

STRUCTURAL ALTERATION: Any repair, reconstruction or improvement of a structure.

STRUCTURE: Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

STRUCTURE, ATTACHED: A structure with a common or party wall with another structure.

STRUCTURE, DETACHED: A structure with no common or party wall with another structure.

STRUCTURE, ENCLOSED: A structure with a solid roof and a minimum of three (3) exterior walls shall be considered an enclosed structured.

STRUCTURE, NONCONFORMING: A structure or portion thereof, that no longer conforms to the required minimum site area, coverage, setbacks, or other open space, height, or other regulations prescribing physical development standards for the district in which a structure is located.

STUDIO/MULTIMEDIA PRODUCTION: A facility for the staging and recording of video or audio productions such as but not limited to music, commercials, programs and motion pictures.

SUBDIVIDER: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity that subdivides land or places an application for same with the City of Gautier.

SUBDIVISION: An area of land divided into two (2) or more lots for development by means of an appropriately recorded legal document.

SUBDIVISION PLAT

PLAT, PRELIMINARY: An initial plan for subdivision drawn to scale indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision.

PLAT, FINAL: A complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries and proposed streets and other improvements.

SUPERMARKET: Large retail establishments, which primarily sell food items but may also sell prescription and over the counter drugs, flowers, small appliances, magazines and books, freshly baked goods.

TATTOO AND TATTOOING: those activities as defined in *Mississippi Code Annotated Section 73-61-1*, said statutory definitions being hereby adopted by reference.

TATTOO PARLOR: A commercial use which engages in the business of marking or coloring of the skin by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

TECHNICAL REVIEW COMMITTEE: That group of staff persons, architecture review members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance. The Technical Review Committee also has authority to approve minor development plans, plats and conditional uses as described in Section 3.3.1 Powers and Duties.

THEATER, MOTION PICTURE: An enclosed building with permanent seating and a motion picture screen used to show motion pictures on a paid admission basis not to include facilities which show adult films which are regulated under City of Gautier Sec. 3.5-21 *Adult Entertainment Ordinance*.

THEATER, PROFESSIONAL: An enclosed building with seating and a raised stage used for presenting stage performances by professional and/or amateur actors not to include "adult uses" regulated separately under City of Gautier Sec. 3.5-21 *Adult Entertainment Ordinance*.

TITLE-LOAN BUSINESS: A business that regularly makes either loans to individuals secured by the title to a vehicle or title pledge agreements with pledgors, unless the business or individual is exempt from the definition of "title pledge lender" under *Mississippi Code Annotated Section 75-67-403 (1972)*, or unless more than ninety (90) percent of the loans that the business makes which are secured by vehicle titles are made in the context of the purchase of the vehicle.

TOWNHOUSE: A structure designed for single-family occupancy on a separate lot and having a front and rear entrance but which is one of a series of dwelling units structurally connected or immediately adjacent to each other without side yards between individual dwelling units. *A townhouse is classified as an Attached, single-family residence.*

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND): A development that is primarily residential but also contains limited, small-scale specialty retail; boutique hotels; public parks and open space; and office uses. TND's are compact with higher densities and a variety of housing products. A TND diversifies and integrates land uses within close proximity to each other, and provides for the daily recreational and shopping needs of residents. Its design adopts the urban conventions which were the norm in the United States from colonial times until the 1940's.

TRADITIONAL URBAN COMMERCIAL DEVELOPMENT (TUCD): A commercial or mixed use development which is under common ownership, developed in accordance to a master plan and has neo-traditional design attributes similar to historic downtowns such as: (a) centrally located main street (b) sidewalks and buildings built to the edge of the sidewalk, (c) parallel or angle parking in the front of stores rather in parking lots, and (d) pedestrian amenities such as fountains, gathering places and/or outdoor cafes.

TRAFFIC CALMING: A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually requires providing more space for pedestrians and cyclists and reducing vehicle speeds with traffic tables at intersections, roundabouts, curved streets, and other creative designs.

TRAILER: (SEE DWELLING: MOBILE HOME)

TRANSIENT VENDOR: Any person who transacts transient business in this state either in one (1) locality or by traveling from place to place in this state. The term includes a vendor who for the purposes of carrying on such business; hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property.

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. Such uses may only be located immediately adjacent to major thoroughfares in C-3 and I Districts.

TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another; cannot be used for permanent or long-term accessory storage for principal land uses at other locations; facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A truck terminal is an industrial use.

TURNAROUND: A space at the end of a public street or drive that permits the turning around of any vehicle including emergency vehicles without such vehicles having to back out of the street.

USED CAR SALES: A retail business which stocks and sells used cars, light passenger trucks, cargo vans and SUVs to the public. Such businesses may offer financing assistance to customers; however no major repair may be conducted on-site.

UTILITY SUBSTATION: Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone

services between the point of generation or treatment and the end user. This shall not include broadcasting studios, satellite dish antennas or wireless telecommunications facilities.

VALUE: Value shall be determined as the true value as provided by the Tax Assessor, for tax purposes, or the property owner may provide a appraisal obtained from a certified licensed appraiser completed within the past three (3) months or less.

VARIANCE: A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in a unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

VEHICULAR USE AREA: Any ground surface area, except public rights-of-way, used by any type of vehicle for driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, activities of a drive-in nature in connection with banks, restaurants, service stations, grocery and convenience stores and other open lot uses, but shall not include areas under, on, or within buildings. In calculations of an area, a vehicular use area shall include interior property landscaped area, but shall not include perimeter landscaped area.

VETERINARY CLINIC: An institution where sick or injured small animals of less than one hundred fifty (150) pounds are given medical care, and in the course of same are housed overnight, fed, and provided related services.

VOCATIONAL SCHOOL: (Trade School and Business College) A privately owned instructional facility with limited curriculum which offers a course of study of two years (2) years of less and prepares adults for specific types of jobs such as secretarial, medical transcription, paralegal, computer programming, data entry, legal transcription, beauty or barber or other types of trades. Such schools must meet state requirements for a vocational facility.

WALL: An enclosing structure made of brick, stone, earth, or other materials intended to mark a boundary, screen a view, or prevent intrusion.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.

WATERFRONT PROPERTY: A parcel of land in compliance with the land development regulations of City of Gautier adjacent to the waterway or body of water that offers the use of recreational watercraft (motorized and non-motorized) swimming, fishing and similar activities.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated conditions. In all cases, a final wetland determination must be made by a licensed professional using the US Corps of Engineers determination criteria.

WIRELESS TELECOMMUNICATION FACILITY (WTF): Any and all devices intended for the purpose of transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

WRECKER TOWING SERVICE: A commercial use which provides a service of moving inoperable motor vehicles from one (1) place to another and which provides temporary storage for same. This may also include automobile recovery businesses.

YARD: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. **(Also see setback)**

YOUTH CAMP: Any facility operating on a permanent campsite with sleeping, eating and recreational accommodations for children six (6) to eighteen (18) years of age; who are supervised by trained counselors and which is run by a qualified supervisory staff. Hunting and fishing camps shall not be included in this definition.

ZONING MAP: The Official Zoning Map or maps of the City of Gautier, which are a part of the Unified Development Ordinance and delineate the boundaries of the zoning districts.