

ARTICLE II

DEFINITIONS

Section 200.

GENERAL PURPOSE

Sections 200 through 230 shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Regulations. The meaning and construction of words and phrases as set forth shall apply throughout the Zoning Regulations, except where the context of such words or phrases clearly indicates a different meaning or construction. In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail. Additional definitions may be included in the Special and Supplemental District Regulations of this Ordinance.

Section 210.

GENERAL CONSTRUCTION OF LANGUAGE

The following general rules of construction shall apply to the textual provisions of the Zoning Regulations:

- A. Headings: Section and subsection headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Zoning Regulations.
- B. Illustration: In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
- C. Shall and May: “Shall” is always mandatory and not discretionary “May” is discretionary.
- D. Tenses and Numbers: Words used in the present tense include the future and words used in the singular include the plural, and the plural to singular, unless the context clearly indicates the contrary.
- E. Conjunctions: Unless the context clearly indicates the contrary to the following conjunctions shall be interpreted as follows.
 - 1. ”And” indicates that all connected items or provisions apply.
 - 2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
 - 3. “Either...or” indicates that the connected items or provisions shall apply singly but not in combination.
- F. Public Officials: All public officials, bodies, and agencies to which reference is made are those of the Tunica County Government unless otherwise indicated.

- G. Ordinance: As referred to herein shall mean any order, resolution, rule or legal regulation adopted by the Board of Supervisors.

Section 220.

GENERAL TERMS

- A. Building Official- The officer or other designated authority, or their duly authorized representative who is charged with the administration and enforcement of the Building Code.
- B. Board or Board of Supervisors shall have the same meaning.
- C. Commission or Planning Commission shall have the same meaning.
- D. Comprehensive Plan – The Tunica County Comprehensive Plan adopted _____.
- E. County Planner - A person appointed by the Board of Supervisors to administer the requirements of the Zoning Regulations.
- F. District or Zone – shall have the same meaning and shall refer to districts established by the Zoning Regulations unless otherwise indicated.
- G. Federal – shall mean the Government of the United States of America.
- H. Governing Authority – shall mean the Board of Supervisors of Tunica County.
- I. Section - means a section of the Zoning Regulations unless otherwise indicated.
- J. State - shall mean the State of Mississippi.
- K. Used - includes “arranged for, ” “designed for,” “occupied” or “intended to be occupied for.”
- L. Zoning Map - means the official zoning map or maps maintained by the County Planner.
- M. County Engineer - means a licensed professional engineer appointed by the Board of Supervisors to review and approve certain items stipulated by the Zoning Regulations.

Section 230.

GLOSSARY

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting: Having property or district lines in common.

Access Point: A driveway, local street or collector street intersecting an arterial street; or a driveway or local street intersecting a collector street; or a driveway or local street intersecting a local street.

Accessory Use: Any use on the same lot as a principal building or use that is subordinate or incidental to the main use of the lot. (See also home occupation).

Accessory Structure (Appurtenant Structure): A subordinate structure that is located on the same lot as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation and be designed to have minimum flood damage potential. Examples of accessory structures include, but are not limited to, detached garages, carports, storage sheds, pole barns and hay sheds. When located in a flood hazard district, an accessory structure shall be designed to have minimal flood damage potential, shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters, shall be firmly anchored to prevent flotation and service facilities such as electrical and heating equipment shall be elevated or floodproofed.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is considered new construction. An addition may also include the addition of a second story.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for treating, or storing the produce: provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Agriplex: An agricultural-based meeting and display complex that may include the temporary outdoor display of agricultural equipment and products. This use may include meeting and convention space and provide for the temporary demonstration and display of activities customary to the production and processing of agricultural products. Agriplex uses shall be permitted within in this facility for agricultural research, education, sales and promotion exhibits. Permitted activities and uses may include but are not limited to the following:

1. Aquaculture production and food processing
2. Farm equipment demonstration and sales
3. Agricultural fertilizer and chemical exhibits and sales
4. Livestock production, demonstration and sales
5. Horticultural displays and plant greenhouse or nursery and sales
6. Bee keeping production and exhibits
7. Farmers market, indoor and outdoor

8. Nature study and conservation demonstration areas
9. Agricultural research services
10. Other similar uses as approved

Airport: Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley: A public or private right-of-way used primarily for vehicular service that affords only a secondary means of access for properties abutting thereon.

Alteration, structural: Any change in the supporting members or a building or structure, such as bearing walls, columns, beams, or girders: provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Amusement arcade: An establishment that provides arcade-type entertainment including such items as pinball machines, video games, pool tables, miniature golf and other amusements.

Antenna: (See also satellite dish antenna and tower) Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Apartment: One dwelling unit, including living, cooking and sanitary facilities in a multi-family structure.

Applicant: Any person, individual, firm, partnership, association, corporation, trust or any other group or combination acting as a unit that makes a formal application to the Planning Commission in accordance with these regulations. (See also: Developer).

Aquaculture: Land devoted to the hatching, raising, breeding, production and processing of fish or other aquatic plants or animals.

Automobile wrecking yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which for a period exceeding 30 days, have not been capable of operating under their own power and / or from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard. (See also: Junkyard).

Bar and / or cocktail lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and law excludes minors thereon by law. It shall not mean premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprise less than 25 percent of the gross receipts.

Bed & Breakfast inn or tourist home: A residential structure or portion thereof where short-term lodging rooms and meals are provided. The operators of the inn shall live on the premises or in adjacent premises. The inn shall contain no more than six guestrooms where lodging is provided for compensation.

Bedroom: A room in a dwelling unit planned and intended primarily for sleeping.

Billboard: An object, device, display, sign, or structure displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or place that is not on the premises on which the billboard is located. This definition shall also include an object, device, display, sign or structure used to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard.

Boarding House or Rooming House: A building in which lodging and/or meals are provided for compensation for two or more persons for a prearranged time period.

Borrow Pit: Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction, land leveling, and swimming pool construction.

Buffer, Perimeter Landscape: A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between uses and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

Buildable Area of a Lot: That portion of a lot bounded by the required front, rear and side yards.

Building: A structure having a roof supported by columns or walls and built for the support, shelter or enclosure of persons, animals or property of any kind.

Building Height: The vertical distance from grade to the highest finished roof surface in the case of flat roofs, to the deck line in the case of mansard roofs and to the average height between eaves and the ridge for gable, hip, and gambrel roofs. Building height shall be measured from the grade or from the curb level if the building is not more than ten (10) feet from the front lot line.

Building Line - Front, Side, Rear: Lines that define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Business Services: Establishments that provide aid or merchandise to retail trade establishments including, but not limited to: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service.

Buffer Area: A strip of land identified on a site plan or subdivision plot, established to protect one type of land use from another and use that is incompatible. Normally, the area is landscaped and kept in open space use.

Building or front setback line: An imaginary line parallel to the street line that passes through the point of the principal building nearest the front lot line.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, recreational vehicles and major recreational equipment and which is primarily used for recreational purposes and retains an open air or natural character.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Casino, gaming: An entertainment facility or structure which legally operates as a government-licensed enterprise open to the public in which gaming devices and games are offered to players with food, beverages and retail products normally sold to patrons. The site shall also include all accessory structures, private streets, parking areas, offices, and management facilities used by the enterprise.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematories, mausoleums, mortuaries and funeral homes when operated in conjunction with and within the boundaries of such cemetery.

Change of use: The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, name, or management.

Child care facility: A place which provides shelter or personal care for four (4) or more hours of any part of the twenty-four hour day for six (6) or more children who are not related within the third degree computed according to civil law to the operator and who are under thirteen (13) years of age. There shall be four (4) classifications of child care facilities being defined as follows:

- a. *Child Care Center/Home*: An occupied residence in which shelter and personal care is regularly provided for sixteen (16) or more children who are not related within the third degree computed according to the civil law to the operator and who are under the age of thirteen (13) and receive care for any part of a twenty-four (24) hour day.
- b. *Child Care Center*: A facility (not a residence) in which shelter and personal care is regularly provided for six (6) or more children who are not related within the third degree computed according to the civil law to the operator and who are under the age of thirteen (13) and receive care for any part of a twenty-four (24) hour day.
- c. *Family Child Care Home*: An occupied residence in which shelter and personal care is regularly provided for five (5) or less children who are not related within the third degree computed according to the civil law to the provider and who are under the age of thirteen (13) years of age and are provided care for any part of the Twenty-four (24) hour day. These homes may be voluntarily registered with the Mississippi State Department of Health.
- d. *Group Child Care Home*: An occupied residence in which shelter and personal care is regularly provided for six (6) to fifteen (15) children who are not related within the third degree computed according to the civil law to the operator and who are under the age of thirteen (13) and receive care for any part of the twenty-four (24) hour day. Children related within the third degree are included in determining space and staff but are not included in the licensed number.

Church: Any structure used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels, and cathedrals and on-site buildings adjacent thereto, such as parsonages, friaries, convents, and fellowship halls. Sunday Schools, rectories, recreation facilities, and parking facilities and grounds.

Circulation area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clinic: Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship. A building or facility owned or operated by a corporation, association, or organization of persons for a social, educational, or recreational purpose.

Commercial: An occupation, enterprise, or employment related to the provision of products and services that is carried on for profit by the owner, lessee, or licensee. (See also retail and wholesale trade and financial, business, personal and professional services).

Communications Tower: Structure used for receiving and relay of communication signals and requiring external wire supports. Communications Towers are allowed only in the AG and M-1 Districts as Conditional Uses. (See also: Wireless Communications; Wireless Communications Facility; Wireless Communications Structure).

Community Facility: A building or structure owned and operated by a governmental agency that provides a governmental service to the public.

Conditional use (special use): A use that owing to some special characteristics attendant to its operation or installation (for example, potential danger, noise, or traffic), is permitted in a district subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

Condominium: An ownership arrangement in which the buyer purchases a dwelling unit within a multi-family or time share development but does not receive the title to any real property. It also refers to a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Congregate housing: A residential facility for four or more elderly persons (age 55 or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments, and counseling.

Conservation areas: Environmentally sensitive and valuable lands protected from activities that would significantly alter their ecological integrity, balance, or character. Conservation areas may include freshwater marshes, lakes, hardwood swamps, wetlands and other areas of significant biological character.

Construction office, temporary: A one-story structure used during the construction period of a principal building or structure on the premise or within a subdivision or project.

Convenience Store: Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, and possibly gasoline, if pumps are provided. It does not include or offer any automobile repair services.

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums.

Day Care Center: A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of six (6) or more children under thirteen (13) years of age for less than twenty-four (24) hours per day without transfer of custody.

Density: Maximum number of dwelling units per acre allowed by this Zoning Ordinance.

Developer: An individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by this Ordinance. The term "developer" may include "subdivider", "owner" or "builder" even though the persons and their precise interests may vary at different project stages. (See also: Applicant).

Development: A manmade change to improved or unimproved real estate, including, but not limited to, the division of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; also includes mining, dredging, filling, grading, paving, excavating, drilling operations, land disturbance, permanent storage of materials and any use or extension of the use of land.

District: Any section or sections of Tunica County for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform. Also known as a zoning district.

Driveway: A privately owned or maintained access from a property or lot to a street or road. All residential driveways shall be paved with gravel as a minimum. All commercial drives shall be paved with a dust-free surface. A single lane drive shall be a minimum of sixteen (16) feet wide at the street and all two (2) lane drives shall be a minimum of twenty-four (24) feet wide. No driveway shall serve more than two (2) residential units.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling, Multi-family: A building designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-family, Attached: A one-family dwelling attached to two or more one-family dwellings by a common vertical fire wall with each dwelling being located on a separate lot. This definition shall include zero lot line development.

Dwelling, Single-family, Detached: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall, which has no opening in it and extends from the lowest floor to the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this ordinance a townhouse designation shall apply to three (3) or more units built contiguous to each other. This definition does not preclude condominium standards as set forth in the Building Code. This definition does not include zero lot line development.

Dwelling, Two-family (duplex): A building designed to be occupied by two families, living independently of each other having one wall common to both dwelling units, and located on one lot.

Dwelling Unit: One or more rooms in a single-family detached or attached structure, two-family duplex, townhouse, or multi-family structure that is designed as a unit for occupancy by one (1) household that includes permanent provisions for cooking, living, and sleeping purposes.

Easement: The right of a person, government agency, or public utility company to use a designated portion of public or private land owned by another for a limited and specified purpose.

Educational Facilities: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools, vocational schools and art, dance and music schools.

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

Elevation Certificate: A certified statement that verifies the elevation information of a building.

Emergency shelter/mission: A nonprofit, charitable, or religious organization providing boarding and/or lodging and ancillary services on its premises to primarily indigent, needy, homeless, or transient persons. A facility providing temporary housing for one or more individuals who are temporarily homeless.

Erosion: The wearing away of the land surface by running water, wind, ice or other geological agents, or the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Factory Built Housing: A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consists of three (3) types: modular homes, mobile homes and manufactured homes.

Family: One or more persons related by blood, marriage, or other legal arrangement, or a group of unrelated individuals not to exceed six unrelated persons living as a single non-profit housekeeping unit, or as otherwise defined in State law.

Farm: An area of more than ten (10) acres located outside a recorded subdivision which is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton, and grain, and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, mules, cattle, sheep, swine, and fish. The term "farming" includes the operating of such an area for one or more of the above uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals, the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops.

Farm building or structure: Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing, and assembling of farm produce or products associated with farm production, and/or the storage and maintenance of tools and/or implements and equipment involved in normal farming activities conducted on the farm.

Fence: A structure, other than a building, which is a barrier and used as a boundary or means of protection, confinement, or privacy.

Financial Services: Establishments that provide banking, investment or related services.

Flea Market: An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage or yard sales.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from a) the overflow of inland or tidal waters; b) the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain: Any land area susceptible to being inundated by flood waters from any source.

Floodway: A channel of a river or other watercourse and adjacent land areas either natural or excavated or bounded by dikes and levees that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is sometimes considered the transitional area between the active channel and the floodplain.

Floor Area/Gross: The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls. The term gross floor area shall include basements, elevator shafts, stairwells at each story, floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more, penthouses and mezzanines.

Floor Area Ratio: Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Frontage: The frontage is that side of a lot abutting on a street or road and ordinarily regarded as the front of the lot, but shall not be considered as the ordinary side line of a corner lot.

Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services use in preparation of the dead for burial, b) the storage of caskets, funeral urns, and other related funeral supplies and c) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, Private: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (See also: Service Station).

Governing Authority: The Board of Supervisors of Tunica County.

Governmental Services: Fire, Police, Judicial and other services provided by the government.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent refers to the amount of vertical rise or fall, in feet, for every 100 feet horizontally. Also refers to the ground elevation used for the purpose of regulating the height of a building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Group Home for the Handicapped: A dwelling shared by four or more handicapped persons, including 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 the resident to live as independently as possible. The term 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: An accessory building containing a lodging unit with or without kitchen facilities, and used to house occasional visitors or non-paying guests of the occupants of a dwelling unit on the same site.

Habitable Space: Areas within the building designed and/or used as living quarters for human beings.

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

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

Health Club: Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Heliport: Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Area: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because

of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail, or because of their being a part or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation, Urban: An occupation profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Without limiting the generality of the foregoing, use is not defined as having an insignificantly adverse impact on the surrounding neighborhood if: a) goods, stock in trade, or other commodities are displayed, b) any on-premises retail sales occur, c) more than one person, not a resident on the premises, is employed in connection with the purported home occupation, d) it creates objectionable noise, fumes, odor, dust or electrical interference or, e) more than 25 percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.

Home Occupation, Rural: An accessory use to a customary farming operation or a non-farm household located in a rural area designed for gainful employment involving the sale of goods and services that is conducted either from within the dwelling and/or from accessory buildings located within 500 linear feet of the dwelling unit occupied by the family conducting the home occupation.

Homeowners' or Property Owners' Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area that may take permanent responsibility for costs and upkeep of semiprivate community facilities and grounds.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-

patient departments, training facilities, central services facilities, and staff offices that are an internal part of the facilities.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities.

Housing for the Elderly: Multifamily dwelling units occupied by persons 55 years or older. In case of double occupancy of a unit, only one (1) resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to elderly citizens.

Improvements: Physical changes made to raw land and structures on or under the land surface in order to make the land more usable for human activity. Typical improvements in these regulations would include but not be limited to grading, street pavements, curbs, gutters, drainage ditches, storm and sanitary sewers, street name signs, and street trees.

Industry, Heavy: 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 or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social educational or similar services of a charitable character to the public.

Juke Joint: A small, inexpensive local roadside establishment associated with the rural Mississippi Delta that offers liquor, music and dancing.

Junkyard: An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

Kennel: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Kennel, Private: Any building or buildings or land designed or arranged for the care of dogs and cats or other household animals belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

Landfill: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Laundromat: A business that provides coin-operated clothes washing, drying, and/or ironing machines to be used by customers on the premises.

Loading Space: An area logically and conveniently located to provide temporary parking for delivery vehicles while loading and unloading merchandise or materials. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

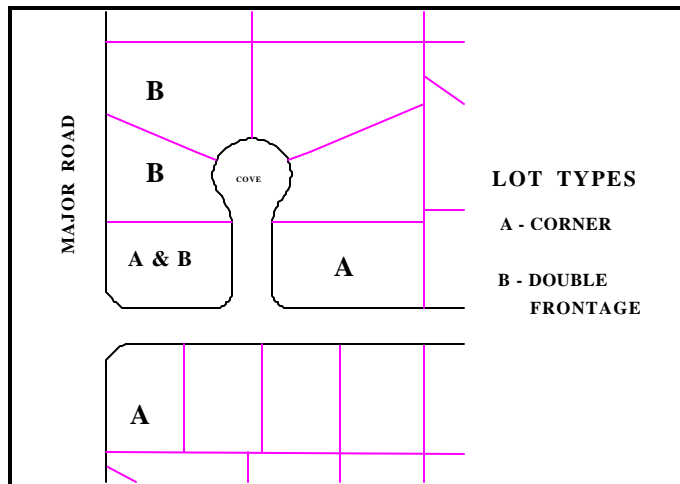
Lot: A piece of land that is occupied or intended to be occupied, whose boundaries have been established by a legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. A lot shall have at least the minimum area required for the zone in which it is located and should have its principal frontage on a street or road. If a public body of any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to, or a lesser interest in, a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained, or the road so created, is such as effectively to prevent the use of this parcel as one (1) lot, then the land on either side of this strip shall constitute a separate lot.

Lot Area: The total horizontal area between lot lines.

Lot Corner: A lot that fronts on two (2) or more streets at the junction of those streets (See Figure II-1).

Lot Coverage: The lot area covered by all buildings located thereon, expressed as a percentage of the total lot area.

Figure II-1 – Lot Types



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

Lot, Double Frontage: A lot that fronts on two or more non-intersecting streets (See Figure II-1).

Lot, Flag: Lots or parcels that the county has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

Lot, Interior: An interior lot is a lot other than a corner lot.

Lot Line, Front: On an interior lot, the lot line abutting a street: or on a corner lot, the shorter lot line abutting a street: or on a through lot, the lot line abutting the street providing the primary access to the lot: or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot Line, Rear: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front line. A lot bounded by only three lot lines will not have a rear lot line.

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

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

Major Road Plan: The official plan adopted by the Tunica County Board of Supervisors (as part of the County Comprehensive Plan) that designates types and locations of major and collector streets within the County limits.

Manufacturing: Establishments engaged in the mechanical or chemical transformations of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquids.

Manufactured Home: A factory-manufactured movable home as provided in *Section 75-49-3, Mississippi Code of 1972, Annotated*. A residential dwelling, transportable in two or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured Homes are defined by and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (HUD Code), and manufactured after June 14, 1976. For the purposes of this ordinance, this definition shall include Modular Homes but excludes Mobile Homes as defined below.

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

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

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services.

Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mixed Use Development: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Home Park: A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing or mobile homes for dwelling purposes.

Mobile Home: Under *Section 75-49-3, Mississippi Code of 1972, Annotated*, a mobile home means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. It is a structure that is transportable in one or more sections, that, in the traveling mode is eight (8) feet or more in width and thirty-two (32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein.

Model Home: A residential structure in an approved subdivision under construction that is used for a temporary period of time to display furnishings and building materials such as carpet, wallpaper and paint color and to display layouts of subdivision plans and home plans for individual lots within the subdivision. A model home may be staffed with homebuilders, sales agents or real estate brokers to show, assist and contract with potential purchasers of homes within the subdivision.

Motel: A building or group of buildings containing apartments and/or rooming units. Such building or group of buildings is designed, intended, or used primarily for the accommodation of automobile travelers and provides automobile parking conveniently located on the premises.

Nightclub: A commercial establishment that may or may not dispense alcoholic beverages for consumption on the premises and in which dancing is encouraged.

Non-conforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Non-conforming Structure or Building: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Non-conforming Use: Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

Nursing Home: A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis and are provided with food, shelter and nursing care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Office: Any room, studio, suite, or building in which the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representative; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers,

accountants, real estate brokers, insurance agents and landscape architects; and including offices for dentists, physicians or other medical practitioners.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Open Space, Common: Open space within or related to a planned development, not individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

Outdoor Storage: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of the same person or persons.

Park: An open area set aside for recreational, educational, cultural or leisure activities, such as, but not limited to, playgrounds, athletic fields and picnic areas and is not used for the operation of a profit making venture.

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Space: An unobstructed space or area other than a street or alley that is required by this Ordinance to be permanently reserved for parking one (1) motor vehicle. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be arranged as to provide for both ingress and egress into any street by forward motion of the parked or parking vehicle.

Permanently-Moored Vessel: A floating watercraft or other floating artificial contrivance not capable of moving under its own power which is used for riverboat gaming activities or an accessory structure to support riverboat gaming activities.

Pedestrian Way: A sidewalk or similar facility that is provided primarily for the movement of pedestrians within or between developments.

Perimeter Landscaping: Landscaped areas intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Permitted Use: Any use specifically identified as being allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Personal Services: Establishments which provide services which include, but are not limited to, laundry, beauty, funeral, and other services to individuals.

Planned Development: Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building locations, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements, as will be, for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Plant Nursery: Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

Principal Building: A building in which the primary use of the lot on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.

Private School: A facility not operated by a public entity that may provide academic instruction from kindergarten through high school. This definition shall not include a home-based school.

Professional Services: Establishments which provide services which include, but are not limited to, architectural, engineering, legal, or accounting.

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed, such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playing fields and parks.

Public Hearing: A meeting for the review of a matter where the public may present opinions. A public hearing may take place during a regular meeting of the Planning Commission or Board of Supervisors and is held in accordance with state laws.

Public Uses: Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

Public Service Facilities: Structures used and operated by a government entity for the benefit of the public. These would not include detention centers, prisons or mental health sanitariums.

Public Utility: Any plant or equipment for the conveyance, production, transmission, delivery of or furnishing of gas, power, water or sewage facilities, either directly or indirectly to or for the public.

Recreational Activities: Sports activities, playground and athletic areas, swimming areas, marinas and other similar activities.

Recreational Facilities: Country clubs, riding stables, golf courses, public swimming pools and other similar areas or facilities.

Recreational Vehicle: A vehicle of 400 square feet or less towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed to provide temporary living quarters for recreation, camping, travel or seasonal use. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up-campers, camping trailers, motor coach homes, converted trucks and buses.

Recreational Vehicle (RV) Park: Any parcel of land upon which recreational vehicle sites are located, established, or maintained for temporary occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Collection Point: A collection point for recyclable items, such as bottles, cans and newspapers, located either in a container or small structure.

Repair Services: Those establishments which repair, mend or overhaul merchandise for households or businesses, not to include automobile body repair.

Required Yard, Front, Side, and Rear: See Building Line.

Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Restaurant, Conventional: An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes. If alcoholic beverages are sold, they shall not comprise more than twenty-five (25) percent of the gross receipts.

Restaurant, Drive-in: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, Drive Through: Any establishment whose principal business is the sale of food, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: a) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or b) the establishment includes a drive-up or drive-through service facility or offers curbside service.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way (ROW): A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, communication, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and similar uses.

Roadside Stand: A temporary structure with a floor area of not more than 400 square feet, unenclosed, or partially enclosed, and so designed and constructed that the structure is easily portable.

Rooming House: A residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

Runway: A defined area that is designed for landing and takeoff of aircraft along its length.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow disk, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. 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.

School: An educational facility that provides a curriculum of elementary and secondary academic instruction, including charter, parochial, public and private institutions of learning.

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

Self-service 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 customer's goods or wares. (See also: Mini-Storage).

Services: Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations, including hotels and other lodging places; establishments providing personal, business, repair and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services.

Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine rebuilding, automobile painting, and body work are conducted. (See also: Garage, Repair)

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line as required by this Ordinance.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk: A paved access way intended primarily for pedestrian conveyance and located within a right-of-way or pedestrian easement.

Sight Triangle: A triangular-shaped area formed by the right of way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five (35') feet from the point of intersection of each right of way line. There are restrictions on things erected, placed or planted in this area that would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign: Any identification, description, illustration or device, illuminated or non-illuminated, that is exposed to the view of potential clients or customers or the general public, is located on public or private property, inside or outside of buildings and that directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, except the following:

- a. Merchandise temporarily displayed in show windows that is available for sale on the premises and that does not include flashing, neon or colored lights
- b. National and/or State flags
- c. Decorative devices or emblems as may be displayed on a residential mailbox

Site Plan: A document or group of documents containing sketches, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

Stable, Private: A building, incidental to an existing residential, principal use that shelters animals for the exclusive use of the occupants of the premises.

Stable, Public: An accessory building in which horses are kept for commercial use including boarding, hire, and sale.

Stealth Design (for a Wireless Communications Facility): Any communications tower or Wireless Communications Facility (WCF) which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and tower structures designed to look other than like a WCF and with a visual appearance whereby the structure suggests a purpose other than a WCF. This includes steeples, flagpoles and trees. Towers and other WCF utilizing Stealth Design may be approved by the Planning Commission and do not require a Conditional Use Permit under this Ordinance.

Story: That portion of a building included between the floor and the ceiling above the floor; or any portion of a building used for human occupancy, between the top most floor and the roof. A basement not used for human occupancy shall not be counted as a story. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Story, Half: A story under a sloping roof, the finished floor area which does not exceed one half of the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

Street or Road: A right-of-way for vehicular traffic, whether it is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations, streets or roads are divided into the categories defined below.

Street, Arterial: A major highway used primarily for heavy through traffic that will be so designated on the Tunica County Major Road Plan.

Street, Arterial Highway: a major highway officially designated as a Federal or State Aid highway.

Street, Collector: A street designed to carry traffic from local streets to the arterial streets, including the principal entrance streets to a residential development and the streets for major circulation within such a development.

Street, Local: A street designed to carry traffic from residential areas to collector streets.

Street Line: The property line that bounds the rights-of-way that is set aside for use as a street. Where sidewalks exist and the location of the property line is questioned the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Structure: Any thing constructed or erected, except a fence, the use of which requires location on the ground, or attachment to something being located on the ground.

Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include division of land for agricultural purposes.

Telecommunications Structure: A building, tower or other structure and equipment used for the transmission, retransmission, broadcast or promulgation of telephone, telegraph, radio, television or other communications signals.

Temporary Emergency, Construction, or Repair Residence: A residence (which may be a mobile home) that is: a) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or b) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or c) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. (1 year limit).

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is towed on its own chassis composed of a frame and wheels. The structure is to be used without a permanent foundation.

Topography: General term to include characteristics of the ground surface such as plains, hills or mountains. Also refers to the degree of relief, steepness of slopes and other physiographic features of the land.

Tower: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications. May also include private radio towers on residential sites in rural areas.

Truck Terminal: Land and buildings used as relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use: The purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies.

Variance: A relaxation of the dimensional requirements of the zoning regulations where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.

Vehicle wash: An area of land and / or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Veterinarians and Kennels, Small Animals: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided that they are located within the building. This definition excludes livestock and other large animals.

Violation: The failure of a structure or other development to be fully compliant with the Zoning Ordinance and/or building code. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Warehouse: A building used primarily for the storage of goods and materials.

Warehousing and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Watercourse: A permanent channel designed to carry concentrated stormwater flows without erosion; applicable to open channels, roadside ditches and natural channels that are modified to accommodate increased flows generated by land development.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies.

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

Wireless Communications Facility (WCF): A WCF is any unstaffed facility for the transmission and/or reception of wireless telecommunication services, usually consisting of an antenna array, cabling and associated equipment and a support structure.

Wireless Communications Structure: A communications tower is a structure designed to support an antenna array. A monopole tower is permitted within the guidelines of this Ordinance. Guyed towers hereinafter referred to as Communications Towers, and requiring external wire supports are allowed only in the Agricultural and Industrial Districts as Conditional Uses.

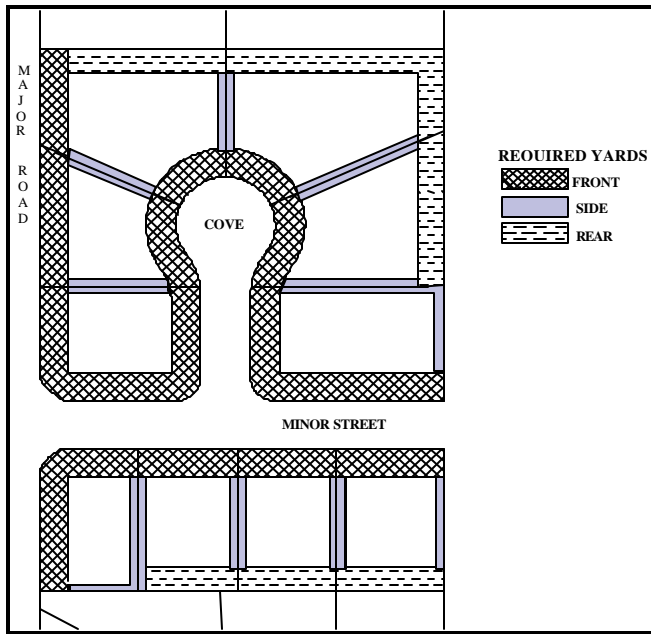
Yard: Any open space on the same lot with a principal building that is open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this Ordinance (see Figure II-2 - Required Yards). The measure of a yard shall be the minimum horizontal distance between any part of the principal building and the property or street right-of-way lines.

Yard, Front: The unoccupied space on the same lot with a building and situated between the street line and the front line of the building projected to the sideline of the lot. (See Figure II-2)

Yard, Side: Yard between the main building and the sideline of the lot, and extending from the front yard line to the rear yard line on a corner or interior lot, or from one front yard line to the other front yard line on a double frontage lot. (See Figure II-2)

Yard, Rear: A yard extending the full width of the lot between a main building and the rear lot line. (See Figure II-2)

Figure II-2 – Required Yards



Zero Lot Line: The location of a building on a lot in such a manner that one or more of its sides rest directly on a lot line.

Zoning District: Any section of the County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.