

CHAPTER 16

DEFINITIONS

SECTION 1601

STANDARDS

1601.1 Interpretation of Terms or Words. For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- e. The word “lot” includes the words “plot or parcel.”
- f. The word “City” where used shall mean the City of Fulton, Mississippi and its legal entities.

1601.2 Glossary.

A

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.

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 Building, Structure or Use: Any structure or use on the same lot with, and customarily incidental and secondary to the main structure, including but not limited to, satellite receiving dishes, swimming pools, sheds, tree houses, and detached garages or carports.

Accessory Dwelling Unit (ADU): An attached or detached accessory structure secondary to a principal detached single household dwelling; the unit has a kitchen, sleeping and full bathroom facilities and is permitted on single family lots. Accessory dwelling units can take a variety of forms, including but not limited to, a converted garage, an addition above an

existing garage, an addition connected to the side of a house, or a free standing newly built structure. Only one accessory dwelling unit is permitted on any given single-family lot. Terms commonly used to describe an accessory dwelling unit are mother in law house, granny flat, grounds keeper's cottage, etc.

Accessory Farm: An accessory farm is a farm use that is secondary and accessory to a residence on residentially zoned property.

Accidental Discharge: A discharge prohibited by these regulations, which occurs by chance, and without planning or thought prior to occurrence.

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.

Adjacent: Touching, sharing a common boundary or border.

Adult Business Uses:

- 1. Adult Arcade:** An establishment where one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are sexual or pornographic in nature.
- 2. Adult Bookstore:** A commercial establishment that, as one of its principal business purposes, offers for sale or lease for any form of consideration, any one or more of the following: (a) books, magazines, periodicals, or other printed matter, or photographs, films, motions pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".
- 3. Adult Cabaret:** An establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
- 4. Adult Entertainment Establishments:** Any adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult video store, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas", or "where any employee, operator or owner exposes his/her "specified anatomical areas" for viewing by patrons".

5. Adult Motel: An establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material offering public accommodation for any form of consideration, which provides patrons with closed-circuit televised transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

7. Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental any form of consideration of any one or more of the following: (a) photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specific sexual activities" or "specified anatomical areas"; and, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".

Advertising Sign or Structure: Any sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the premises. The area of an advertising structure or sign shall be determined as the area of the largest cross- section of such structure or sign.

Agriculture: The raising or growing of crops, fowl, livestock or swine, in any A Zone, providing such does not constitute a nuisance or health hazard.

Agricultural Building: Structures with no foundation or floors associated strictly with an agricultural use, such as growing, storage, harvesting crops, raising livestock and cultivation of land, whether there is a residential structure already located on the property or not.

Agricultural Livestock: Any animal normally considered to be a farm animal or commercially produced animal. This includes but is not limited to: cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and other forms of poultry.

Aircraft Sales and Service: Any building, structure, or lot used for one or more of the following:

1. offering for retail sale aircraft and aircraft parts and supplies; or
2. the business of repairing aircraft.

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

Alley: See **Thoroughfare**.

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

Animal Hospital: Facility for the medical treatment and care of animals. This shall include Veterinary Clinics.

Animal Shelter: Facility for the temporary care and housing of stray and abandoned animals.

Apartment House or Multifamily Dwelling: Any single detached dwelling unit designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, flats and town houses or condominiums, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels.

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**).

Asphalt and/or Concrete Plant: A facility for the production and distribution of asphalt or concrete.

Assisted Living Home: A facility which provides care for seniors who need help with activities of daily living yet wish to remain as independent as possible. A middle ground between independent living and nursing homes, Assisted Living Facilities aim to foster as much autonomy as the resident is capable of. Most facilities offer 24-hour supervision and an array of support services, with more privacy, space, and dignity than many nursing homes.

Auto Wrecking: The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding, other than custom repair, of more than one (1) motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

Automobile Junk Yard or Graveyard: An area other than a street or alley used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

Automotive Repair, Major: A business mainly engaged in the repair or maintenance of motor vehicles, trailers, and other similar large mechanical equipment, including paint, body, and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

Automotive Repair, Minor: A business mainly engaged in the repair or maintenance of motor vehicles, trailers, and other similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

Automobile Sales And Service: A Building, structure, or lot used for the business of selling and servicing automobiles.

Automobile Service Station: Any building, structure, or lot used for one or more of the following:

1. dispensing, selling, or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles; or
2. the business of repairing automobiles.

This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

B

Bank: A financial institution licensed as a receiver of deposits. May include drive-in services.

Bar: An establishment that primarily serves alcoholic beverages, with no other food accommodation on the premises. A bar is not a nightclub, and does not include adult entertainment and is not open after hours.

Bar And Grill: An establishment that primarily services alcoholic beverages, with accommodation for food as a secondary function (also known as a Sports Bar).

Bed and 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 on adjacent premises. The inn shall contain no more than six guest rooms where lodging is provided for compensation.

Best Management Practices (BMPS): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices designed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating

procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Best Management Practices (BMPS) – Non-Structural: A policy, practice or preventative action that involves operational planning and source controls designed to provide a similar approach to stormwater management.

Best Management Practices (BMPS) – Structural: A physical device designed and constructed or manufactured to trap or filter pollutants from runoff, to reduce runoff velocities, or to minimize or prevent the effects of soil erosion caused by Stormwater Runoff.

Big Box Retail: A very large retail store, usually greater than twenty thousand (20,000) square feet, that does a high volume of business.

Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural and/or drainage channels or a combination thereof.

Block Frontage: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Board or Board of Aldermen: The Board of Aldermen of the City of Fulton, Mississippi.

Boarding House or Rooming House: Any dwelling unit other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

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.

Bowling Alley: A building or room containing lanes for bowling, and which may also contain food vending and game rooms.

Broadcasting Studio: A programming origination studio of a television station, radio station, or cable television provider.

Brown Bag Establishment (BYOB): An unlicensed establishment that allows consumption of alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties. Buffers are normally located within required setbacks, but may extend beyond the setback for certain uses and condition.

Buffer Area: An area which acts as a separation area between two (2) or more noncompatible districts.

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

Building, Alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

Building, Front Line of: A line intersecting the foremost portion of a building and parallel and/or concentric to the street line.

Building Height: The vertical distance from grade plane to the average height of the highest roof surface as defined in the *Building Code*.

Building, Main: Building in which is conducted as the principal use of the lot on which it is situated.

Building Materials And Supply: A building, structure, or lot used for the sale of construction materials. May include lumber yards and wholesale building material supply.

Building Official: The official appointed by the Mayor or the Board of Aldermen and charged with the responsibility of enforcing the City Building Codes and issuance of building permits.

Building Setback Lines: The distance required by these regulations to be maintained between a given lot line, easement or right-of-way line and any structure – front, rear, or side, as specified.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

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

Business Or Financial Services: An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

C

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.

Carwash Facility: A commercial establishment which washes automobile or other motor vehicles. This use may include other goods or services provided to customers.

Cemetery or Mausoleum: A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.

Certificate of Occupancy: A permit issued by the Building Official indicating that the use of the building or land in question is in conformity with these regulations or that there has been a legal variance therefrom, as provided by these regulations.

Check Cashing/Payday Advance/Title Loan Business: An establishment that provides the customer an amount equal to the face value of a check, and/or provides small consumer loans usually until a customer's next payday, and/or an establishment that makes loans leveraged on the equity value of a personal vehicle or other such collateral. All such transactions are typically performed for an excessive fee or above market rate interest.

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 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 two (2) classifications of child care facilities being defined as follows:

- a. **Day Care Center:** A facility (which may also be 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.
- b. **Day 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.

Exempted from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be as stipulated by the Mississippi State Board of Health and current adopted building codes.

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

City Drainage System (CDS): Any City maintained or designated roadway, ditch, culvert, channel, or conduit intended to direct water flows.

City Engineer: An engineer employed directly by the City or hired as a consultant to act on the behalf of the City.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

Clinic, Dental or Medical: 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.

Clubs and Lodges (Civic or Fraternal): Organizations 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.

Coin Laundry: A business establishment with washing and drying machines operated by coins, where items such as articles of clothing may be laundered and dried by the customer.

College: An institution, other than a trade school, which provides full time or part time education beyond the high school level.

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, personal and professional services). Commercial uses are divided into two categories:

- 1. Commercial (Heavy):** A nonresidential use involving open yard sales, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers, or building contractors.
- 2. Commercial (Light):** A nonresidential use involving retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services, or restaurants.

Commercial Strip Center: a retail complex consisting of stores or restaurants in adjacent spaces typically in one long building, typically having a narrow parking area directly in front of the stores.

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

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, "Comprehensive Plan" shall be defined as "a statement of public

policy for the physical development of the entire municipality—adopted by resolution of the governing body, consisting of the following elements at a minimum: (i) Goals and Objectives; (ii) a Land Use Plan; (iii) a Transportation Plan; and (iv) a Community Facilities Plan.

Conditional Use (Special Exception Use): A land use which would not generally be appropriate in a particular zoning district but which, with certain restrictions or conditions, would in the judgment of the Planning Commission promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the Planning Commission for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a “Special Exception”

Conference Center: A facility provided for singular events such as business conferences and meetings.

Conforming Use: Any lawful use of a building or lot which complies with the provisions of these regulations.

Congregate Residence: Any building or portion thereof that contains facilities for living, sleeping, and sanitation as required by these regulations, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

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 Activity: Activities subject to NPDES construction permits. These include construction projects resulting in land disturbances. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

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.

Contractor Shop: A facility used by a person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

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 or automatic or manual car washing service. See **Gasoline, Service or Filling Station**.

Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and similar gatherings, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Corner Lot: See **Lot Types**.

Country Club: a club, usually in a suburban residential district, with a clubhouse and grounds, offering various social activities and generally having facilities for tennis, golf, swimming, and other related activities.

Covenant: A written promise or pledge.

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

Crematory: A place, as a funeral establishment, at which cremation is done.

Cul-de-sac: See **Thoroughfare**.

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.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

D

Dead-end Street: See **Thoroughfare**.

Density: A unit of measurement; the number of dwelling units per acre of land.

Department of Environmental Quality: The official Mississippi State Agency whose responsibilities include environmental issues (also referred to MDEQ).

Develop: To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water; or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

Developer: Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations hereunder for himself or for another.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or a drilling operation that requires the installation of a water supply or wastewater system. Such changes may be made for residential, commercial, or industrial construction.

District: Any section or sections of Fulton, Mississippi 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 vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Dwelling: Any building, or portion thereof, which is designed or used as living quarters for one (1) or more families to be occupied for thirty (30) days or longer. The following types of dwellings are recognized by these regulations:

- 1. Dwelling, Condominium:** An ownership arrangement in which the buyer purchases a dwelling unit within a multifamily 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.
- 2. 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.
- 3. 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.
- 4. Dwelling, Manufactured/Mobile Home:** A structure defined by and constructed in accordance with the *National Manufactured Home and Construction and Safety Standards Act of 1974, as amended, 42, U.S.C. 5401, et seq.*, and manufactured after June 15, 1976, and designed to be used as a single family residential 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; except that such term shall include any structure which meets all the requirements of this code and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the *National Manufactured Home Construction and Safety Standards Act of 1974* and the *Uniform Standards Code for Factory Built Homes Law*, State of Mississippi.
- 5. 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 designed and constructed without carriage or hitch collar as stationary house construction for placement upon a permanent foundation, to be permanently connected to utilities, and to be used for year-round occupancy. It may consist of two (2) or more components that can be separated when transported but designed to be joined into one (1) integral unit. A modular home must meet the minimum construction standards for house construction as specified in the current adopted *Building Code*, the *Federal Housing Administration Minimum Property Standards*, the minimum construction standards as may from time to

time be fixed by the law of the State of Mississippi, and must have a roof with at least a 3/12 pitch.

6. Dwelling, Multifamily: A dwelling designed for occupancy for three (3) or more families living independently of each other.

Dwelling Unit: Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

E

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

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 break-away 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.

Engineer: Any person registered to practice professional engineering in the State of Mississippi (See **Registered Engineer**)

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

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.

Excavate: Means 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.

F

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

1. Churches and other religious institutions
2. Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
3. All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted by right in ANY zoning district, and such facilities are not subject to the requirements of special exceptions.)
4. All hospitals, whether public or private.
5. Convalescent homes or nursing homes.
6. Civic organization buildings and major facilities.
7. Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of these regulations, including site plan review and public hearing requirements).
8. Country clubs and other major recreational facilities constructed by private groups.
9. ALL cemeteries, including associated facilities (e.g., caretaker offices and residence, etc.) NOT INCLUDING funeral homes and mortuaries.
10. Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone towers, natural gas pumping facilities and similar significant uses.

Facility: A structure, installation, or system that is designed to serve a particular purpose, service, or function.

Farm: Use related to the raising of crops, livestock, or other plants and animals, including orchards, vineyards, and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities. This shall include the retail sale of products grown or raised on the premises.

Farm Animals: Animals other than household pets that shall be permitted to be kept and maintained for commercial production and sale and/or family food production, education, or recreation.

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

FEMA: The Federal Emergency Management Agency.

Fence(s): Shall mean solid (privacy) fences when required in these regulations for screening purposes when a commercial or industrial use abuts a residential district or under open storage regulations.

Final Plat: A revised version of the preliminary plan showing exact locations of lot lines, rights-of-way, easements, and dedicated areas. The final plat is recorded in the office of the Chancery Clerk.

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 eighty (80) degrees Fahrenheit, is flammable.

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: An overflowing of water, from watercourses, onto land which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Flood Plain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency.

Flood Plain Management Program: 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.

Floodway: The channel of a river, bayou, or other water course, and the adjacent land areas required to carry and discharge the normal high tidal water, or land areas that are inundated by the normal flow of the water course, including marsh land.

Floor Area: The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for dwelling purposes.

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: An establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

Furniture Sales and Showroom: An establishment which sells and warehouses furniture in a showroom display.

G

Garage Apartment: A dwelling unit erected above a private garage.

Garage, Private: An accessory building or part of a main building used for storage purposes for one (1) or more automobiles.

Garage, Public: Any building other than a private garage, available to the public for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire, or sale.

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: Gasoline, Service or Filling Station).

Gasoline, Service or Filling Station: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not include facilities of lubricating, washing or cleaning, but not including storage and rental of vehicular equipment.

Golf Course: A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

Governing Authority: The City of Fulton, Mississippi Board of Aldermen.

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 represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

Green Space: The area that is reserved for the purpose of establishing lawns or landscape planting.

Gross Acreage: The total acreage lying within the boundaries of the plat.

Ground Cover: Natural mulch, permanent type lawn grasses, annual flowering plants, ivy, and evergreen perennials which mature at a height of not more than eighteen (18) inches, installed to form a continuous cover over the ground.

Group Care Facility (Group Home): A facility, required to be licensed by the State of Mississippi, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, or jails. The dwelling typically is shared by the persons with disabilities and support staff who live in a single (1) housekeeping unit. Staff may provide personal care, education, community activities, and similar habilitation services to residents. As used for this definition, disabilities shall mean a temporary or permanent physical, emotional, or mental disability that limits a person's ability to live independently, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments. Group home residents shall not include any person whose residency would constitute a direct threat to the health and safety of others. This definition shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, hospitals, rest homes, nursing homes, boarding homes, homes for orphans or aged, or sub-acute-care detoxification centers of halfway houses. Uses that require state licensure, such as adult foster care facilities, are required to comply with state statutes.

Guest House: An accessory building containing a lodging unit with or without kitchen facilities, and used to house occasional visitors or nonpaying guests of the occupants of a dwelling unit on the same site.

H

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor".

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

Halfway House: A licensed home (state or federal) for inmates on release from more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hardship: Hardship, as related to variances of these regulations, means the exceptional hardship that would result from a failure to grant the requested variance. The Planning Commission 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 these regulations. 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 and Fitness Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna, 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 preliminarily 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 Business: A home occupation which allows customers and other activities as specified in this ordinance.

Home Occupation (Live/Work): An occupation or profession which involves the rendering of a service in exchange for:

1. monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and
2. is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

This occupation can in no way be apparent from the outside by signs, traffic generation, etc. Note that the partial use of a home is for commercial or non-residential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

Homeowners' or Property Owners' Association: A formally constituted nonprofit 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 where sick or injured persons are given medical care and in the course of the same are housed overnight, fed and provided nursing and related services.

Hotel or Motel: A building containing sleeping rooms occupied, intended or designed to be occupied more or less as temporary abiding place of persons who are lodged with or without meals for compensation.

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.

I

Illegal Connections: Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the drainage system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, or any other such discharge, to enter the City Drainage System and any connections to the City Drainage System from any source, regardless of whether such pipe, open channel, drain, connection, or source had been previously allowed, permitted, or approved by the City.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Impervious Surface: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conveniently surfaced streets, roofs, sidewalks, parking lots, and similar structures.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

Industrial or Research Park: A tract of land developed in accordance with a master Site Plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

Institution: A building occupied or operated by a nonprofit 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.

In-House Staff Review: Consideration of matters which are authorized to be determined by the Planning Director and/or staff.

J

Junkyard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto-wrecking yards, house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed structure, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

K

Kennel: An establishment in which more than six (6) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded or trained for remuneration or offered for sale.

Kindergarten: A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

L

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Land Use and Control Measures: Zoning ordinances, subdivision regulations and other ordinances, to provide standards and effective enforcement provisions for the prudent use and occupancy of flood prone areas.

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.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.), indicating that construction activities may occur on a specific plot.

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

Letter of Credit: A written statement from a bank or loan company, written against the good standing of a developer, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the developer fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. (See also, **Performance Bond or Surety Bond**)

Library: A place where books, magazines, and other materials (such as videos and musical recordings) are available for people to use or borrow.

Life Care Community: A building or group of buildings which contains dwelling units where the occupancy is restricted to persons who are at least sixty-two (62) years of age, or married couples in which one of the persons is at least sixty-two (62) years of age, and which provides nursing and/or medical care as well as support services, such as common dining facilities, retail stores, and personal service establishments, which are operated by the owner of the life care community or lessees of the owner. Life care communities are designed to meet the basic needs of residents for shelter, food, and health care, regardless of the level of independence of the individual resident and regardless of how these needs may change over time.

Lifestyle Center: a shopping center or mixed-used commercial development that combines the traditional retail functions of a shopping mall with leisure amenities oriented towards upscale consumers.

Liquor Store: A licensed retail shop that sells prepackaged alcoholic beverages - typically in bottles - intended to be consumed off the store's 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.

Location Map: See **Vicinity Map**.

Lot: A subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for building development or both, and which abuts on a public right-of-way. Lots mean tracts, sites or parcel.

Lot Area: The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **Yards** in this section.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: The line separating said lot from the street. In the case of a corner or through lot, there will be two or more front lot lines. Front lot line is synonymous with street right-of-way line.

Lot Measurements: A lot shall be measured as follows:

1. **Depth of a lot:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width of a lot:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Chancery Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot:** A lot other than a corner lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

5. **Flag Lot:** A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle.

Lot Width: The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street 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 replaced 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.

Lumber Yard: A place that sells lumber and other building materials.

M

Machine Shop: A workshop in which work is machined to size and assembled. Includes tool and die operations.

Manufactured Building: A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer. This definition does not apply to mobile homes.

Major Subdivision: A Major Subdivision of land involves six (6) or more lots, any of which is less than three (3) acres, including the original tract, where public improvements are involved, such as the creation, widening or extension of a street, court or public access easement, division or allocation of land as a utility or drainage easement, or when subdividing platted land to create additional lots in a recorded subdivision.

Minor Subdivision: A Minor Subdivision of land involves no more than five (5) lots, being situated on and is along an existing public street with a total frontage of not more than eight hundred (800) feet, and intended for a use compatible with the designated use of the adjacent properties.

Major Thoroughfare Plan: The Comprehensive Plan adopted by the Board of Aldermen indicating the general location recommended for arterial, collector, and local thoroughfares within the city.

Maintenance Bond: An agreement by a subdivider or developer with the City guaranteeing the maintenance of physical improvements for a period of two (2) years or until such time that 85 percent of the number of lots in the subdivision have received a

certificate of occupancy for the dwelling units constructed therein from the release of the performance bond or filing of the final plat.

Manufactured Home Foundation: The site built supporting parts upon which the manufactured home is placed, whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer or shield from such supports, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.

Manufacturing, Heavy: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty five (25) percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following enameling, lacquering, or the plating or galvanizing of metals; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; and tire recapping and retreading. This shall not include resource extraction or recycling and salvage operations, and does not include paper mills or sawmills.

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

Map: The Zoning Map of the City of Fulton, Mississippi.

Marina: A boat basin, harbor or dock, with facilities for berthing and servicing boats, including bait and fishing tackle shop and eating establishment.

Medical And Dental Facilities:

1. Convalescent, Rest, or Nursing Home: A health facility where persons are housed and furnished with medical and/or nursing care.
2. Dental Office or Doctors Office: A facility for the examination and treatment of patients.
3. Hospital: An institution providing comprehensive health services.

4. **Public Health Center:** A facility primarily utilized by a health unit for the provisions of public health services.

Mini (Self) Storage or Mini Warehouse: A building or structure with storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis (often month-to-month).

Miniature Golf Course: A course for a novelty version of golf played with a putter on greens with obstacles such as tunnels, bridges, and other features.

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 Food Vendor: A food service establishment that is vehicle-mounted, trailer-mounted, or wheeled and is capable of being readily movable. This does not include vehicles regularly operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not and may or may not require outside power or utility service but must be fully mobile and able to be relocated within one hour of notice.

Mobile Home Park: A mobile home park shall include any of the following:

1. A parcel, lot, or tract of land on which more than two (2) mobile homes are placed; or
2. Two (2) or more mobile homes placed on any lot, tract, or parcel of land or any adjacent, successive, contiguous or consecutive lots, tract, or parcel of land (whether or not separated by a road) either owner occupied or for rental purposes, or for the purposes of renting the land for placement of two (2) or more mobile homes owned by another;
3. When the density of mobile homes exceeds more than two (2) mobile homes within 1,000 feet regardless of ownership.

Mobile home parks are not permitted within the city limits.

Mobile Home Subdivision: A mobile home subdivision is a tract of land in which spaces or lots for mobile homes are for sale in which the purchaser receives fee simple title to the space or lot.

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.

Monuments: Concrete posts, iron bases or iron pipes which will be set at all lot or parcel corners within the subdivision.

Museum: A building, facility, or yard in which interesting and valuable things (such as paintings and sculptures or scientific or historical objects) are collected and shown to the public.

N

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge

Permit: A permit issued by EPA (or by the State under authority delegated pursuant to (33 USC 1342(b)) that authorizes the discharge of Pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Net Density: the relationship between the number of dwelling units per acre on a site and the gross acreage.

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, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basements, footings, piers or foundations, erection of temporary forms, installation of sewer, gas and water pipes, or electric or other service lines from the street, or existence on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure.

Newspaper (Periodical) Publishing, Printing, & Distribution: A company or operation that publishes, prints, and distributes newspapers and other periodicals.

Nightclub: An establishment licensed to serve alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

Nonconformities: Any land, lot, building, structures, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of these regulations; but which subsequently do not comply with the provisions of these regulations and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established under Article 8.

Non-Stormwater Discharge: Any discharge to the City Drainage System that is not composed entirely of stormwater.

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.

Nursery or Greenhouse: The growing, storage, and wholesale or retail sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials. Such

use may include greenhouses and irrigation systems. Such use may include outdoor storage of goods, materials, and equipment that exceeds the size permitted by accessory use standards; however, all other standards for outdoor storage shall apply.

O

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.

- 1. Office, Medical:** A use or building where a medical related business or practice is conducted.
- 2. Office, Non-Medical:** A room or group of rooms, or building whose primary use is the conduct of a business, or governmental activity of a non-retail nature, including administration, record keeping, clerical work, and similar functions. In all circumstances, non-medical business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes, but is not limited to, general business offices, government offices, insurance offices, This use shall not include manufacturing, processing, repair, or storage of materials, products, or vehicles.
- 3. Office, Professional Services:** Establishments which provide services which include, but are not limited to, architectural, engineering, legal, real estate, or accounting.

Office Park: A subdivision or planned unit development containing more than one office building.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation, and the like shall not be included.

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.

Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Outdoor Café: a small restaurant selling light meals and drinks with at least some of the area for dining in an outdoor setting, when weather permits.

Outlet Mall or Factory Outlet: A retail store or collection of stores that sells discounted price items that are irregular, outdated, or have been produced in excess quantities. A

factory outlet store specializes in selling goods from a business may which may be located near its manufacturing facilities or in association with other factory outlet stores.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

P

Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

Paper Mill: A factory in which paper is produced.

Parcel: Any piece of land described by a current deed.

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 these regulations 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.

Parking Space, Off-Street: For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Pawn Shop: An establishment which allows an individual to obtain a loan by providing personal property of an equivalent value, as collateral. If the loan is repaid within the time frame that was agreed, that personal property will be returned. If not, the pawnbroker has the right to liquidate the property in return for the loan.

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

Performance Bond or Surety Bond: An agreement by a developer with the city for the amount of the estimated construction cost (as approved by Board of Aldermen) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See also, **Letter of Credit**)

Performance Guarantee: Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development that are satisfactorily completed.

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, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Personal Service Establishments: A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at that location or another location. This includes, but is not limited to, travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, banks, postal stations, package delivery drop-off and pick-up stations, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, dance and martial arts studios, and domestic pet services. This shall not include automobile service stations.

Pharmacy: A store where medicinal drugs are dispensed and sold.

Psychic/Palm Reader: An establishment that sells the services of psychics and/or palm readers.

Physical Fitness Center: A gym with workout equipment for public use, often requiring membership. May include swimming facilities, ball court facilities, and running facilities.

Planning Commission: The Fulton Planning Commission.

Planning Department: The Fulton Planning Department consisting of the Planning Director and associated staff.

Planning Department Staff or Staff: All personnel who are designated by the Mayor and Board of Aldermen with review or decision making authority under these regulations.

Planning Director: The person designated by the Mayor and Board of Aldermen to administer these regulations.

Planned Unit Development: An area of land, in which a variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the Planning Commission and/or Board of Aldermen for approval, to the county recorder (final) for recording.

Pole Barn: Farm structure with no foundation or floors and no sides, supported by poles set in the ground used strictly for agriculture use, such as storage of farm equipment and accessories.

Pollutant: Any substance which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, petroleum hydrocarbons, automotive fluids, cooking grease, detergents (biodegradable or otherwise), degreasers, cleaning chemicals, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, munitions, accumulations that may cause or contribute to pollution, any floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure including concrete/cement (this includes water from washing out cement trucks) and noxious or offensive matter of any kind or any other substance which has been or may be determined to be a pollutant.

Pollution: The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any substance or condition including but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pool Hall and Arcade: An amusement center having coin-operated games, pool tables, and related uses. May include a concession area where food and drinks are sold, but not alcoholic beverages.

Preliminary Plat: The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed.

Premises: Land together with structure or structures occupying it.

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.

Private Street: A street primarily used for vehicular access to more than two lots owned and maintained by a private entity.

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 or special session of the Planning Commission or Board of Aldermen and is held in accordance with state laws.

Public Safety Station: Police, fire, or paramedic station operated, franchised, or regulated by a government agency.

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

Public Utility Facility: 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.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.(See **Right-of-Way**)

R

Race Track: a track or course that is used for racing.

Radio and TV Broadcast Studio: A facility equipped for making films, television or radio productions, or musical recordings.

Railroad Yard: An area having a network of railway tracks and sidings for storage and maintenance of cars and engines.

Real Estate Sales Office: A building or structure which is located on the site of a development or subdivision and temporarily used to sell or lease properties located within that development or subdivision.

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

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

Recycling Drop-Off Station: One or more outdoor containers designed and intended for the depositing of clean, separated, and recyclable paper, metal, glass, or plastic materials and the collection of such materials for processing at another location, but itself having no mechanical facilities for the processing of such materials.

Registered Engineer: An engineer properly licensed and registered in the State of Mississippi. (See Engineer)

Regulatory Flood: A flood which is representative of large floods known to have occurred generally in the area.

Regulatory Flood Protection Elevation or Base Flood Level: The elevation to which structures and uses regulated by this section are required to be elevated or floodproofed.

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Residential Density: The relationship between the total number of dwelling units on a site and the gross acreage.

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

Resource Conservation Facility: Fish hatcheries and fish ponds; game preserves; botanical and zoological gardens; water reservoirs and dams.

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

Restaurant: An establishment that sells prepared food for consumption, and may serve some beer or light wine. However, sixty percent (60%) or greater of the sales volume must be food, as opposed to alcohol sales volume, which must be forty percent (40%) or less of the total sales volume on any given day. Restaurants shall be classified as follows:

- 1. Restaurant, fast food.** An establishment that sells food already prepared for consumption, packaged in paper, styrofoam, or similar materials, and may include drive-in or drive-up facilities for ordering.

2. Restaurant, general. An establishment that sells food for consumption on or off the premises.

3. Restaurant, take-out. An establishment that sells food only for consumption off the premises.

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

Right-Of-Way (Row): A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See **Public Way**)

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.

S

Salon: A business that gives customers beauty treatments (such as haircuts).

Sawmill: a mill or factory where logs are sawed to make boards, plywood, or other wood based products.

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

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

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 (Mini Storage): 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.

Setback Line: A line established by these regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process, or an equally satisfactory process, for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation official having jurisdiction.

Shooting Range: An area provided with targets for the controlled practice of shooting with firearms. Also includes archery practice.

Shopping Center: A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public.

Shopping Mall: A large building or group of buildings containing many different retail stores, often anchored by large department stores.

Sidewalk: The portion of a road right-of-way outside the roadway or a cross walkway, which is improved for the use of pedestrian traffic. See Walkway.

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 twenty-five (25) 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.

Signs:

1. **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.
2. **Outdoor Advertising Sign** – A sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or activity not conducted, or a product not offered or sold upon the premises where such sign is located.

3. **Business Sign (On-Premise Sign)** – Signs advertising activities, products and accommodations conducted or sold on the property upon which the signs are located.
4. **Roof Sign** – Any sign or outdoor advertising device attached to the roof of a building.
5. **Sign** – Any structure or device maintained outside of enclosed buildings for the purpose of advertising, displaying or informing, including poster, pictures, billboards, bulletin boards, banners, etc.
6. **Sign Area** – The entire width within a single, continuous perimeter enclosing the outer dimensions of the actual message area. It does not include decorative trim, customary extensions or embellishments nor any structural elements not forming an integral part of the display.
7. **Off-Premise Sign** – A sign which relates in its subject matter to products, accommodations, services, or activities which are available or conducted at locations other than on the premises where the sign is located.

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.

Site Plan Review Committee: That committee which has the duty to review certain site plans, all as herein provided for in these regulations.

Sketch Plat: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the Planning Commission representatives to offer suggestions for site development.

Small Engine Repair: An operation that primarily specializes in the maintenance and repair of small engines: low-power internal combustion engines or electric engines. Equipment repaired includes chain saws, string trimmers, leaf blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.

Space Satellite Receiving Systems: A structure which receives audiovisual wave frequencies from earth orbiting communications satellites. These satellite systems shall be considered as an accessory use.

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

Special Event Center: A multi-use facility, indoor or outdoor (or a combination of both), which hosts weddings, reunions, parties, and other social events. A special event center may accommodate large crowds and include food preparation facilities on site. Alcohol is not allowed by-right, and the ability to sell or allow consumption of alcohol on the premises must be obtained separately as a special exception for “**Brown Bag Establishment.**”

Special Exception: A use which is not permitted in the zoning district where the property is located under the provisions of these regulations but which in the specific case, would, in the judgment of the Planning Commission, promote the public health and safety, and the general welfare of the community and the granting of which would not adversely affect adjacent properties. A permit granted as a Special Exception will not change the general zoning of the property or allow any change in integrity and appearance of the existing structure that would be contrary to the desired character of the district, during the occupancy or ownership of the person to whom it was granted, and upon their vacating the property or structure, the property and structure shall revert to the original use.

Special Flood Hazard Area: (Flood Plain District) Areas below the base flood level.

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

Stage, Outdoor: An outdoor entertainment venue, typically a platform, used for public concerts, speaking engagements, and other events.

Stage Set Façade: A structure in which the primary elevation of the building presents a distinct and separate design from the remainder of the building. A structure where the continuity of design does not continue beyond the primary elevation to the sides and rear of the building. This may also include separate materials and colors from the remainder of the building. An example of a stage set façade would be a brick façade reflecting a parapet on a pre-engineered steel or wood frame building with a pitched roof.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

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 Department and do not require a Conditional Use Permit under these regulations.

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

Storm Drainage System: Any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including but not limited to any roads with drainage systems, natural and human-made or altered drainage channels, reservoirs, manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets, and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such stormwater facilities.

Stormwater/Stormwater Runoff: Any surface flow, runoff and/or drainage consisting entirely of water from any form of natural precipitation, which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

Stormwater Pollution Prevention Plan (Swppp): A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

Story: That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

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 Line: Public right-of-way line of a street.

Structure: Anything constructed or erected on the ground or building.

Structural Alterations: Any change in the roof, exterior walls or supporting members of a building.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release or the velocity of flow.

Subdivider: Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

Subdivision:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or

easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, does not create additional building sites, shall be exempted; or

2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (See **Major Subdivision**)

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

Surveyor: Any person registered to practice surveying in the State of Mississippi.

Swimming Pool: A tank (as of concrete or plastic) made for swimming, located either in ground or above ground.

T

Tattoo Parlor: An establishment in which tattooing is carried out professionally.

Telecommunications: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunication Facility: 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. Also referred to a Communications Tower.

Telecommunication Structure (Alternative): This shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Telecommunication Tower: A structure used primarily for telecommunications.

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.

Terrain Classification: Terrain within the entire area of the preliminary plat is classified as level, or rolling for street design purposes. The classifications are as follows:

1. **Level:** Land which has a cross slope range of four (4) percent or less;

2. **Rolling:** Land which has a cross slope range of more than four (4) percent but not more than eight (8) percent;

Theater, Indoor: A building used primarily for the presentation of live stage productions, performances, or motion pictures.

Thoroughfare, Street, or Road: The full width between property lines bounding every dedicated travel way, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street or right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is 10 miles per hour.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
4. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
5. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.
7. **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **Frontage Street**.)

Thrift Store: A store selling secondhand clothes and other household goods, typically to raise funds for a charitable organization.

Through Lot: See **Lot Types**.

Tire Recapping: An operation that recaps a worn automobile or truck tire by cementing on a strip of prepared rubber and vulcanizing by subjecting to heat and pressure in a mold.

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.

Trade Market And Show: An indoor or outdoor market of temporary showroom vendor booths generally focused on a retail trade market (Also known as an "Open Air Market").

Trailer, Camper: A portable or mobile dwelling used for temporary occupancy, self-contained, intended for camping purposes and not for extended occupancy.

Transportation Facilities: Stations and related facilities intended for the transition of the public, including bus and railroad passenger stations.

Truck, Heavy Equipment, Sales And Service: An operation that specializes in the sale and service of trucks and/or heavy equipment.

Trucking Company: A company that ships goods or possessions by truck.

Truck Stop: A facility providing services to the trucking industry, including the dispensing of fuel, automated and self-serve car wash facilities, restaurants, gift shops, sales of convenience goods, business service centers, restrooms and shower facilities, scales, and overnight parking facilities.

U

Understory Tree: A vertically inclined woody plant (tree) having one or more trunks, reaching a mature height less than thirty-five (35) feet, and having a full or sparse vegetative canopy.

Unobstructed Open Space: An area of land upon which no structure may be erected.

Use Permit: A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the Planning Commission that under the particular circumstances present such use is in harmony with the Principal Permitted Uses of the Zone. Allowable Use Permits are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

Used Car Sales: Two (2) or more automobiles shown, advertised, or displayed for sale.

Utility: A commodity or service which is of public consequence and need, such as cable television, electricity, gas, sewer, water, or telephone service.

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

V

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle Sale and/or Rental: The sale or rental of all-terrain vehicles, motor vehicles, boats, trailers, or farm equipment. This shall not include salvage operations or scrap operations.

Vehicle Service: Any building, structure, or lot used for the business of repairing automobiles, motorcycles, trucks, boats, recreational vehicles, and other similarly sized vehicles. This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

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

Vehicle Wrecker Service: An establishment operated for temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period of no longer than ninety (90) days. An establishment with ten (10) or more operable vehicles located on-site or stores inoperable vehicles for more than ninety (90) days, stacks vehicles, or dismantle portions of the vehicles shall be considered a junkyard.

Vested Interest: A legally fixed immediate right of present or future enjoyment to real property.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City in order to better locate and orient the area in question.

W

Walkway: A composite term for all formal surfaces supporting walking. This includes sidewalks, trails, paths, stairs, ramps, open passageways, boardwalks, and floating docks/trails.

Warehousing, Distribution and Storage: 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.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse: Any stream, river, or drainage channel or drainage easement, that is located in the City of Fulton, Mississippi.

Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

Wholesale Establishment: 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 Facility (Wcf): A WCF is a structure designed to support an antenna array. A monopole tower is permitted within the guidelines of these regulations. 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.

Woodworking or Cabinet Shop: A shop that conducts the activity or skill of making items from wood, and includes wood carving, joinery, and carpentry.

Y

Yard: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

1. **Yard, Front:** A yard extending between side lot lines between a public right-of-way and the principal building.
2. **Yard, Rear:** A yard extending between side lot lines opposite a front yard between the lot line and the principle building.
3. **Yard, Side:** A yard extending adjacent to either a front or rear yard from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Z

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 City 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.

Zoning Map: The official zoning map or maps which are a part of the Zoning Ordinance and delineates the boundaries of the zoning districts.