

Section 18. DEFINITIONS

Unless otherwise stated within a section, the following definitions shall apply to every section of the Unified Development Code. For words, terms, and phrases used in this Code that are not defined in this section or elsewhere in the City's Code, the City Planner shall have the authority to interpret or define such words, terms and phrases. In making such interpretations or definitions, the city planner may consult secondary sources related to the planning and legal professions, such as "Black's Law Dictionary" (West Publishing Company, St. Paul, Minn., most current edition), "The Latest Illustrated Book of Development Definitions" by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 2007, or most current edition), for technical words, terms, phrases, and graphics, or any "Webster's Dictionary" for other words, terms and phrases.

A

Abandonment- To cease or discontinue a use or activity for six (6) months or more 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.

Abandoned and/or obsolete sign- A sign in such a state of disrepair so as to be considered an unsightly nuisance, a sign which no longer serves any useful purpose for the owner or the advertiser thereon, or a sign which fits the requisites for an abandoned and/or obsolete sign set out herein. An abandoned or obsolete sign is a sign that contains obsolete advertising or no advertising matter for a period of twelve (12) consecutive months or otherwise fits the definition set out herein.

Abatement- The method of reducing the degree of the nuisance.

Abutting, Abut- Having a common border with, or being separated from such a common border by, a right-of-way, alley, or easement.

Accessory use or structure (excluding dwellings)- An accessory use or structure that is incidental and subordinate to the principal use of the primary building. Structures with bathing facilities shall be considered accessory dwellings.

ADA- Americans with Disabilities Act of 1990.

ADA Accessible route- A continuous unobstructed path connecting all accessible elements and spaces of a building or facility.

ADA Act- A 1990 federal law designed to bring Americans with disabilities into the economic main street by providing them with equal access to jobs, transportation, public facilities and services.

Addition (to an existing building)- Any walled and roofed expansion to the perimeter or height of a building.

Administrative adjustment- Any minor dimensional or percentage departure from the requirements in a zoning district, use standards, or development standards that still meets the intent of this code.

Administrative appeal- any appeal from administrative interpretations on all matters pertaining to the adopted codes of the city that does not require a variance, waiver, use exception, or special exception.

Adult oriented business- Any business or establishment that, as a regular or substantial course of conduct, performs or operates as an adult arcade, adult bookstore or video store, adult theater, adult motion picture theater, adult cabaret, adult model studio, adult hotel/motel, or any other business establishment that, as a regular and substantial course of conduct, offers to its patrons' products, merchandise, services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts. Adult-oriented businesses or establishments does not include any uses or activities in which regulation is preempted by state law. Adult-oriented businesses and establishments shall also include any business or establishment that, as a regular or substantial course of conduct, provides or allows performers, models, actors, actresses or employees to appear in any place in lingerie or similar attire that does not opaquely cover specified anatomical parts.

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Aeration- The adding of oxygen into water, typically in retention ponds, through means of fountains, waterfalls, or other mechanical means.

Agent- A person with express written consent to act upon another person's behalf. See "Applicant".

Aggrieved party- A person with a standing to appeal that is injuriously affected by a decision from any review or decision-making body of the City, including any officer or agent of the City.

Agriculture- The act of and business of raising or growing of crops, fowl, or livestock, provided such use does not constitute a nuisance or health hazard.

Airport- The area comprising land used by aircraft for taking off and landing, together with all adjacent land and facilities used in connection with aircraft and flight operations, existing and proposed. This shall not include helipads associated with a hospital.

Alley- A public or private way permanently reserved as a secondary means of access to abutting property. An alley is subordinate and supplemental to a street and typically provides access to the rear of a property

Alteration, altered- The word "alteration" shall include any of the following:

Any addition to the height, width or depth of a building or structure;

Any change in the location of any of the exterior walls of a building or structure;

Any increase in the interior accommodations of a building or structure;

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

ANSI A300: American National Standards Institute (ANSI) A300 Standards for Tree Care Operations- Tree, Shrub, and Other Woody Plant Management—Standard Practices. ANSI A300 standards are the generally accepted industry standards for tree care practices. More information can be found at the Tree Care Industry Association website.

Amendment- See "Rezoning"

Amortization- A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

ANSI- American National Standards Institute (ANSI) A300 Standards for Tree Care Operations- Tree, Shrub, and Other Woody Plant Management - Standard Practices: ANSI A300 standards are the generally accepted industry standards for tree care practices.

Animal boarding facilities- Any building, structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, fowl, or other domestic animals, but excluding animals used for agricultural purposes.

Animal hospital, clinic, or grooming facility- A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a boarding facility shall be limited to short-time stays and shall be only incidental to the veterinarian facility. Such use type shall also apply to facilities that provide grooming and general care services to animals.

Applicant (Agent, Developer)- A person who is authorized by the provisions of this Code to file an application. See also the definition for "Agent."

Application- The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate City department, board, or commission as part of the review for an application.

Arcade- A Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade of the First Story remains at the Frontage Line.

Arterial street- Roads/streets that are used primarily for fast and heavy traffic.

Assisted living facility- A type of housing and limited care facility that is designed for senior citizens or those with physical or mental disabilities who need some assistance with daily activities but do not require full-time care.

Automotive wrecking yard- See "Junkyard"

Auxiliary- See "Accessory use or structure"

Awning- See “sign, awning”

B

Back of house area- Referring to the kitchen area of a restaurant and staff who work in the kitchen.

Banks and financial institutions- A business engaged in deposit banking and/or financial services. Banks and financial institutions may include, but are not limited to: commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses. This does not include any use that is classified as a car title loan, payday advance, or loan business.

Barrier- A solid and unbroken visual screen that presents a one hundred (100) percent opaque screen. An open chain-link fence shall not constitute a barrier.

Base flood- The flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the one hundred (100) year flood or the one (1) percent annual chance flood.

Basement- Any portion of a building having its floor sub-grade or below ground level on all sides.

Bed and breakfast establishments- An owner-occupied private residence which offers, for compensation, short-term overnight lodging and breakfast meals for guests. If not owner occupied, the establishment shall serve as the primary residence of the manager of the establishment.

Berm- Mounding of soil that is planted with living plant material designed as a landscape buffer yard to screen incompatible land uses and/or development or to absorb, or otherwise reduce, nuisance impacts such as smoke, glare, or other similar nuisances.

Best Management Practices (BMPs) (Storm Water)- Stormwater best management practices (BMPs) are engineered facilities designed to reduce and/or treat stormwater runoff, which mitigate the effects of increased stormwater runoff peak rate, volume, and velocity due to urbanization.

Best Management Practice (BMP) (Erosion Control)- An action which landowners, developers, and/or contractors can take to reduce the impact of human activity on the natural environment. BMPs to control pollutant discharges from land disturbance can be divided into two main categories: structural and nonstructural measures to minimize quantity and maximize quality of stormwater runoff from a construction site. BMPs can include sediment and erosion control measures, good housekeeping measures, and stormwater measures. Erosion and sediment controls can each be further described as permanent controls and/or temporary controls. BMPs shall meet or exceed recognized effective industry standards as outlined in the Field Manual (see Field Manual).

BMP Minimum Requirements- The basic and standard practices, devices and/or policies as set forth and approved by the city officials, to serve as a minimum (but not all-inclusive) level of protection on all sites requiring a land disturbance permit, including single-family residential.

Block- A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barriers to the continuity of development.

Block face- That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting street.

Boarding house- An establishment with lodging for five (5) or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family-style, without service or ordering of individual portions from a menu. See “Group care home or facility”.

Bondable improvements- Improvements for which a Performance or Maintenance bond has been established by the City of Starkville.

Borrow pit, soil fill site, and soil storage site- An area from which soil, aggregate, or other unconsolidated materials are removed to be used, with or without further processing, as fill for activities such as landscaping, building construction, or roadway construction and maintenance on another site. This use shall also be granted and maintain all applicable local, state, and federal permits.

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Brewpub- Shall be considered an eating and drinking establishment. A brewpub is a general restaurant in which light wine or beer is manufactured or brewed for consumption exclusively on the premises as defined in 27-71-301 (j) of the Mississippi Code of 1972.

Brick masonry wall- A solid wall clad in clay brick or other masonry material that is approved as part of architecture review.

Buffer (*Erosion Control*)- means land that serves as a protective barrier. A buffer may include undisturbed vegetation and/or re-establishment of vegetation.

Buffer area, yard, or zone- A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. Landscaping can be existing and/or installed, and berming and/or a fence or wall can be part of a buffer area. While similar to a screening, screening focuses more on views, while buffers typically feature greater depth to mitigate other impacts, such as sound, glare and odor. See "Screening."

Building- A structure built, maintained, or intended for use for the support, shelter, or enclosure of persons, animals, or property of any kind or any occupancy or storage. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building area- The portion of the lot occupied by the main building, including porches, carports, accessory buildings or other structures.

Building official- The City official responsible for issuance of building permits.

Building envelope- The area formed by the front, side, and rear, and any other applicable setbacks, on a lot within which principal buildings must be constructed.

Building footprint- The area encompassed by a building's outer wall at ground level.

Building height- The vertical distance, as measured in stories, from the average ground elevation to the highest point of a building or structure. See also "Height, building."

Building line- The line parallel to the street line that passes through the point of the principal building nearest the front lot line.

Building permit- A permit issued by the City Building and/or Codes Official authorizing the construction, placement, or structural alteration of a specific building on a specific lot.

Building, portable- Any building in excess of one hundred and forty-four (144) square feet in size that is portable in nature, without wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.

Building, principal- A building in which the main or primary use of the lot or parcel is conducted, or which is intended to be conducted, is located.

Building width- The distance from outside of eave strut of one sidewall to outside of eave strut of the opposite sidewall. Building width does not include the width of lean-to buildings or roof extensions.

Build-to line- The minimum and maximum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building, as the case may be, including terraces or other covered projection thereof, excluding steps. The build-to line might also consist of a distance range. See also "Setback."

Business offices- See "Offices-professional."

Bypass- Bypass systems or channels are conveyance systems which are used to pass flows from upstream contributing areas through a property without impacting the on-site stormwater management facilities including those used for conveyance, detention, and/or retention.

C

Caliper- The diameter of a tree trunk.

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

Canopy- A semi-permanent removable roof-like shelter attached to a building façade. A canopy can be made of a solid material such as wood, but can also include an awning, which consists of a supporting framework covered with cloth or a similar non-rigid material.

Car title loan, payday advance, or loan business- A business, other than a financial institution, with a primary business activity of making small consumer loans. This activity includes loans using the equity value of a car or other vehicle as collateral when the title to such vehicle is owned free and clear by the borrower. This also includes loans that are usually backed by a post-dated check or authorization to make an electronic debit against an existing financial account, with loan repayment typically due when the borrower's next paycheck is issued to reclaim the postdated check or cancel the electronic debt. This does not include any use that is classified as banks and financial institutions.

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

Care center- A place meeting all state requirements which provides shelter and personal care for five (5) or more persons regardless of age for any part of the 24-hour day but not to exceed 12 ½ hours in a day, whether such place be organized or operated for profit or not. This shall include daycares, child or adult care centers, and any other facility that fits within the scope of the definition regardless of ownership. Excluded from this definition is any facility operating as a kindergarten, nursery school, or Head Start in

conjunction with an elementary or secondary school system, whether it is public, private, or parochial, whose primary purpose is a structured school readiness program. Also excluded is any medical care facility such as a hospital, convalescent home, nursing home, rehabilitation center, regulated group home, or group care facility.

Care home- An owner or tenant occupied private residence meeting all state requirements for the care of up to four (4) persons which provides shelter and personal care regardless of age for any part of the 24-hour day but for whom are not permanent residents. The primary caregiver shall live in the residence.

Carriage house- See "dwelling, accessory unit."

Case goods- Includes the two (2) classifications of furniture: upholstery and case goods. Upholstery refers to furniture that has fabric or leather and padding stretched over a frame and is intended for indoor use. Case goods also refers to furniture made of hard materials, such as wood, metal, glass or plastic which provide indoor storage. Examples of all classifications of case goods include sofas, mattresses, chests, dressers, bookshelves, and cabinets.

Certificate of Appropriateness- A certificate issued by the approving authority on approval of the exterior architectural features of any new building construction or alterations to an existing building located within a locally historic district.

Cemetery- A tract of land, private or public, divided into plots for the interment of deceased humans in compliance with applicable state statutes; which may or may not include a columbarium.

Centerline- A line representing the physical center of a roadway between road shoulders.

CFS- Cubic feet per second; a unit of measurement of stormwater runoff.

Child Care- See "Care Centers or Care Homes"

City Engineer- Shall mean the city engineer or his designee.

City Planner- The City official responsible for administration of the "official zoning district map" and Unified Development Code.

Clinic- See "Offices-Medical"

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Clearing- The removal of vegetation or any manipulation of the soil that results in the material damage of vegetation.

Club or Lodge- Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business. See "Community and Civic Associations."

Code, building- The current Building Code promulgated by the International Code Council and adopted by the City.

Code enforcement officer- The City employee who works under the supervision of the Community Development Director to ensure compliance of various City Codes.

Co-location- The act of placing telecommunications equipment on an already existing tower or other established structure being used as a telecommunications structure.

Columbarium- A building or structure for the interment of cremated remains.

Commercial use- An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Common open space- Open space as described herein, but not including lawns and other portions of a lot that serve as yard areas for houses and similar uses. Common open space is intended for the use of the general public and/or residents and employees of the particular development. See "Open space, common."

Community and civic associations- Community serving organizations, headquarters, and meeting facilities for organizations operating on a membership, non-profit, and for profit basis for the promotion of the interests of the members and/or the community, including but not limited to facilities for: business associations, civic, social organizations, public service organizations, political organizations, professional membership organizations, and other membership organizations, labor unions and educational facilities..

Community center- A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs

generally open to the public and designed to accommodate and serve significant segments of the community.

Community services- Buildings arranged for community gatherings for social, cultural, or community services purposes. Examples include: club or lodge, community center, library, museum, galleries and youth centers.

Comprehensive plan- The most recently adopted version of the City of Starkville Comprehensive Plan.

Concrete apron- An extension of a concrete slab in a driveway used to prevent gravel and other debris from washing into right-of-way.

Conditions of approval- Requirements established by the approving authority before preliminary or final approval of an application for development becomes effective.

Condominium- An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential, commercial or industrial building, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be in fee simple, leasehold or any other estate in real property recognized by law. It is that form of ownership of property under which units of improvement are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.

Condominium association- The association that administers and maintains the common property and common elements of a condominium.

Condominium conversion- Condominium project not originally built and sold as condominiums, but subsequently converted to condominium use.

Condominium declaration- Establishes the existence of and further governs the use and maintenance of a condominium property. It is regulated by the Condominium Act and it includes legal descriptions of the condominium and of each individual unit, the nature and scope of the development project (when applicable), and several provisions regarding the use of the condominium units and common areas.

Condominium law, Mississippi - Mississippi Code of 1972, Annotated, Title 89 Chapter 9

Condominium site plan- A map or drawing on which the developer's plan of the condominium proposal is presented and which he/she submits for approval Condominium project.

Condominium unit- The elements of a condominium, which are not owned in common with the owners of other condominium units in the project.

Conference and convention center- A facility used for conferences and conventions with accommodations for food preparation, dining, recreation, entertainment, resource facilities, meeting rooms, and services primarily for conference and convention center guests.

Congregate housing- See "Assisted living facility"

Conservation subdivision development- The division of a tract of land into two or more lots, building sites, or other divisions, along with additional land area set aside as open space for conservation, agricultural, recreational, or other rural purposes.

Control Measures- Means those best management practice devices as specified in the Mississippi Department of Environmental Quality Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (hereinafter Handbook for EC) and Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi (hereinafter Field Manual). Control measures may include, but are not limited to, hay bales, silt fences, earthen berms, retaining walls, temporary or permanent ditch checks, check dams, riprap dams, stormwater retention devices or sediment traps, and any measure certified by a Mississippi Professional Engineer or Qualified Credentialed Professional.

Control Measure Permit- The initial permit provided to the contractor or applicant after the approval of preliminary plat, infrastructure/site plan, and erosion control plan, that allows the contractor to install perimeter control measures such as but not limited to perimeter silt fencing, construction entrance, and protection of existing stormwater conveyance systems (natural or manmade). This permit shall not allow the contractor to perform

any land disturbance activities or any other construction activities outside those required to install the perimeter control measures. City officials must inspect and approve these measures prior to the applicant or contractor acquiring a Land Disturbance Permit.

Construction- The erection of any building or structure or any preparations (including land disturbance activities) for the same.

Contractor's office and construction equipment sheds- A temporary structure dedicated to the storage of equipment or the provision of office space related to a construction project that is designed to be removed upon completion of the project.

Convalescent, rest, and nursing homes- A health facility where persons are housed and furnished with medical and/or nursing care for short or long stays.

Convenience store and gas station- Any retail establishment offering for sale prepackaged food products, household items, beverages, tobacco products, and limited amount of freshly prepared foods. Such establishments may also include pumps for fuel sales for automobiles.

Convenience store and truck stop- A facility intended to provide services to the trucking industry and the traveling public. A truck stop may offer prepackaged food products, household items, beverages, and tobacco products. A truck stop may include restaurants, fuel pumps, overnight parking, and truck scales.

Conveyance- The movement of stormwater through a drainage system, such as pipes, inlets, ditches, swales, streams, watercourse, waterway, etc. In very large rain events, streets may be utilized as a conveyance mechanism.

Copy area- The square or rectangular area which fully encloses the extreme limits of the message, copy, announcement, or decoration on a sign.

Corner lot- A lot abutting two or more streets at their intersection. See "Lot, corner."

Cornice- Any horizontal member, structural, or nonstructural, projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.

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Cottage Court development- A group of small houses centered around a courtyard. The central court enhances the character of the area through the provision of consolidated open spaces. Cottage Court Developments allow for a higher density development than is normally allowed with the underlying zoning district.

County- The city of Starkville is located in Oktibbeha County, Mississippi.

Courtyard- a private or semi-private open space, unobstructed from the ground to the sky, that is bounded on three (3) or more sides by walls of a building or by fencing and landscaping.

Craft distillery- An establishment where grains and/or fruits are distilled into spirituous liquor not to exceed 25,000 gallons of finished product per year, and which may include bottling, storage and aging facilities, as well as an area devoted to the sampling and sales of spirits and spirits-related products.

Crematorium- A place at which cremation is carried out.

Critical areas- Environmentally and ecologically sensitive areas to include but not limited to high risk areas for erosion and/or those within one hundred (100) feet of floodways, floodplains, wetlands, water courses, gullies or publicly used properties such as parks.

Crosswalk- Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other surface markings or by a change in surface material.

Cul-de-sac- A short street having one (1) end open to traffic and being terminated within the plat by a vehicular turnaround. While such streets should be designed at their termination for a permanent condition, there is sometimes the potential for them to be redesigned to extend and connect to a future street network.

Cultural institutions- Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites, but does not include movie theaters.

D

Day care centers- See "Care centers."

db(A)- The unit of measurement for the total sound level of all noise as measured with a sound level meter using the A-weighted network.

Dead-end- A street with a single common ingress and egress.

Dedication- The offer of property interests for transfer from private to public ownership for a public purpose. The dedication may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Decorative wood fence- A fence constructed of wood that consists of six by six (6x6) posts with post caps, wood pickets, wood rails, and wood top rails. The pickets shall not be space more than a quarter ($\frac{1}{4}$) of an inch.

Density- The number of dwelling units per acre of land.

Gross density- The total number of dwelling units divided by the total area of the site, including proposed streets or other land required for public use that is attributable to the site, as dedicated by the owner or predecessor in title.

Net density- The total number of dwelling units divided by the area included within the rear, side, and front lot lines of the site. Does not include existing or proposed public streets or right-of-way.

Design Year Storm- The design year storm is a statistical definition of the percent chance that a storm has of occurring in any given year. That year should not be considered as an actual number of years between occurrences. For example, the "100-year storm" is not necessarily the storm that will occur once every one-hundred years. Rather, it is the storm that has a one percent (1%) chance or greater of occurring each year.

Detention- A facility for the temporary storage of stormwater runoff.

Developer- See "applicant."

Development- The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration,

relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

Development (stormwater)- Any human-made activity that changes the nature of real estate, not limited to buildings or other structures.

Diameter at breast height (DBH)- The diameter of a tree taken at four and one-half (4.5) feet from mean ground level. In the case of a tree that is divided into multiple trunks below four and one-half feet (4.5) feet, it is measured from the most narrow point beneath the point of division.

Discontinued- Abandoned, discontinued, or ceases for a specified continuous period.

Dissolution- The dissolving of an assembly or organization.

Distilleries, small batch- See "Micro Breweries & Small Batch Distilleries."

Disturbance- Removal of vegetative cover, including clearing, grading, filling, and excavating of the land surface.

Dormitory- A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

Double frontage lot- A lot that has a front line abutting on one street and a back or rear lot line abutting on another street. See "Lot, double frontage."

Drainage- The outflow of water or other fluid from a site whether by natural or artificial means.

Drainage channel- A natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

Drainage Plan- A plan that includes but is not limited to an existing conditions/topographic map, proposed drainage map which includes proposed improvements and grading, and a hydraulic and a hydrologic stormwater analysis, which has been certified by a professional engineer licensed to design in the State of Mississippi. The documents included in the Drainage Plan must conform to the regulations set forth in this ordinance and in the City of Starkville Standards of Design and Specifications.

DRC (Development Review Committee)- The review authority established by the City of Starkville's Mayor and Board of Aldermen per Ordinance No. 2008-3, composed of representatives from City departments and area utility providers responsible for reviewing land development proposals within the City.

Drip line- A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

Drive-in facility- An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Drive-in theater- A theater so arranged and conducted that the customer or patron may view the performance while seated in a motor vehicle.

Drive-through window- A window on the side of a commercial business, such as a fast-food restaurant or bank, in which stacking lanes are provided for motorized vehicles and where a service or product is exchanged between the driving customer and a business employee.

Driveway- A private way, other than a street or alley, that provides access to parcels for the use of vehicles and pedestrians.

Dwelling or dwelling unit- A house or other building used for residential purposes, except that the word "dwelling" shall not include boardinghouses or rooming houses, bed and breakfast inns, Airbnb, weekend rentals, gameday rentals, tents, tourist camps, hotels, trailers, trailer camps, or other structures designed or used primarily for transient residents.

Dwelling, accessory unit- A residential structure containing one (1) dwelling unit that is auxiliary to the primary dwelling unit(s) on the same lot and that having an independent means of access. This includes, but is not limited to dwelling units in guest houses, pool houses, carriage houses, and garage apartments above or beside a garage. An accessory structure shall be considered an accessory dwelling if it includes all of the following: kitchen area, full bathroom, electricity, and is heated or cooled.

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Dwelling, apartment- A residential structure containing eleven (11) or more dwelling units that are vertically or horizontally integrated.

Dwelling, attached duplex- A residential structure containing two (2) dwelling units within one structure that are either vertically or horizontally integrated.

Dwelling, attached triplex- A residential structure containing three (3) dwelling units within one structure that may be vertically or horizontally integrated.

Dwelling, detached- A residential structure containing one (1) dwelling unit that is not attached to any other dwelling by any means.

Dwelling, live/work- A dwelling which includes an office or studio for the resident to operate a home occupation.

Dwelling, manufactured- A factory-built single-unit structure that is manufactured under the authority of 42 U.S.C., Sec. 5401, the National Federal Manufactured Home Construction and Safety Standards Act, is transportable in two or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent non-removable hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have non-removable wheels or hitch-axles, permanently attached to its body or frame. Manufactured homes shall not include travel trailers, camper trailers, campers, self-contained motor homes, or camper buses.

Dwelling, mobile home- A mobile home shall be defined as a residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Mobile homes shall not be placed or moved to another lot within the city limits of Starkville.

Dwelling, modular home- A dwelling built and delivered to a site in two (2) or more sections, meeting City's current adopted building codes when connected to the required utilities.

Dwelling, multiplex- A residential structure containing four (4) to ten (10) dwelling units that are vertically or horizontally integrated with a maximum of one (1) shared entry visible along the primary street frontage.

Dwelling, principal- the main building on a lot.

Dwelling, single unit- One (1) or more rooms in the same structure connected together and constituting a separate housekeeping unit for residential occupancy by one (1) group of individuals and having separate toilets and facilities for cooking and sleeping.

Dwelling, townhouse/rowhouse- A residential structure containing three (3) to six (6) dwelling units that is attached, usually via a common vertical side wall, to one or more dwelling units of similar construction.

Dwelling, triplex- A detached residential building designed to contain three (3) separate dwelling units under the same roof.

E

Easement- The legally granted right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose, such as an access or utility easement, or to control aspects of the land's use and development, as in the case of a conservation easement that precludes development.

Eating and drinking establishment- A business establishment that provides prepared food for patrons for consumption on the premises (inside or outside service) or for take-out; in which the establishment may (or may not) provide alcoholic beverages, beer, and light wine; and live entertainment. Alcoholic beverages (wine, beer, spirits, light wine) may be sold and consumed in conjunction with the food service and shall meet all applicable state and local laws, regulations, and ordinances.

Eave- The projecting lower edges of a roof overhanging the wall of a building.

Educational facilities- Preschool through High School: A public or private institution (for profit or non-profit) at which persons are instructed in the specifics of learning; for the purposes of this code including preschool through grade 12.

Post-Secondary School: A public or private institution (for profit or non-profit), college, university, business or trade school that offers education beyond grade 12.

Effluent- A discharge of liquid waste, with or without treatment, into the environment.

Elevation, ground floor- The floor of a building that is at or nearest to the level of the ground around the building.

Elevated building- A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Emergency shelter/mission- A facility providing temporary housing for one (1) or more individuals who are otherwise homeless.

Encroachment- Any obstruction or intrusion that physically encroaches on the boundary line of a property, roadway, or setback area.

Engineer- A registered engineer licensed to practice in the State of Mississippi.

Entity- Shall mean any property owner, lessee, contractor, utility company, person, firm, corporation, or any legal entity, and their employees and agents. The term entity shall include all entities with authority or control over the property in issue.

EPA- Environmental Protection Agency.

Equestrian facilities- Commercial facilities for the boarding or training of equine owned by persons other than the property owner, which may include stalls, feeding areas, paddocks, haylofts, corrals, and other similar exercises, instructional, or performance areas.

Erosion- The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human or animal activities or effects.

Erosion Control- Measures that prevent erosion (process by which the land surface is worn away).

Erosion Control Plan- Means a document which provides the practices and measures to prevent or reduce erosion on construction and development sites and minimize the impacts of sediment and hydrologic changes off-site. It is the part of a Stormwater Pollution Prevention Plan (SWPPP) that ensures that erosion and sediment control is appropriate for the development activities and planned use of the site.

Expansion- An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

F

FAA- Federal Aviation Administration

Facade- The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Factory-built structure- Any structure that is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. When designed for a long-term residential use, these structures are identified and defined as either "modular homes," "manufactured homes," or "mobile homes."

Family- One (1) or more persons occupying a single dwelling unit and living as a single household unit.

Family child care- See "Care home."

Family child care home- See "Care home."

Farm- A parcel of land used for agricultural production.

Section 18. Definitions

Farm support- A commercial establishment engaged in the sale of farm support goods and services. Examples include: the sale of feed, grains, fertilizers, pesticides, and similar support goods; the provision of warehousing and storage facilities for raw farm products; and the provision of veterinary services for large animals.

Facade, face- The exterior wall of any building oriented toward or set along a Frontage Line.

Facade, false- A false front facade of a building that extends beyond the roofline to form a parapet on only one (1) side of the building. Synonyms (Facade, stage-set).

False mansard- An architectural feature often added to the front of an existing building to provide a permanent awning over lower-floor windows, or to make an old building appear more modern. These assemblies can be framed of wood or steel studs; or of wood or lightweight steel trusses. In some cases buildings actually have flat roofs and the sloped false mansard provides a way to conceal heating, ventilation and air conditioning equipment from persons at ground level.

FCC- Federal Communications Commission.

Fee simple- Absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance.

FEMA-Federal Emergency Management Agency.

Fence- An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Field Manual- Means the most current issue of "Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi" from the Mississippi Department of Environmental Quality and provides guidance for the prevention or minimization of problems related to erosion, sedimentation and stormwater management on construction sites and erodible urban areas. The Field Manual provides a basis for developing sound plans and implementing appropriate measures (BMPs).

Fill material- Materials intended for depositing on land, whether submerged or not, and consisting of sand, gravel, earth, or other materials of any composition whatsoever.

Filling- Depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Final plat- See "plat, final."

Firing range- An indoor or outdoor facility for firearms training.

Flag lot- See "lot, flag."

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 sales.

Floating zone- An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development meeting the zone requirements is approved.

Flood or flooding- A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation determination- A determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

Flood elevation study- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood hazard boundary map (FHBM)- An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood insurance rate map- An official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

Flood insurance study- The official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Flood protection system- Those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain- *100-year Floodplain.* The 100-year floodplain shall be determined to be that area which is inundated by water during the 100-year/24-hour rainfall event as determined by maps developed by FEMA.

Floodplain administrator- The individual appointed to administer and enforce the floodplain management regulations.

Floodplain management- The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain or flood prone area- Any land area susceptible to being inundated by water from any source (See definitions "Flood" or "Flooding").

Flood-related erosion- The collapse or subsidence of land along a body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm.

Floodway- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

without cumulatively increasing the water surface elevation more than a designated height.

Floor- The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Floor area- The sum of the gross floor area for each of a building's stories measured from the interior wall dimensions. The floor area of a building includes the basement floor area. The attic floor area is included only if the attic area meets the City's Building Code standards for habitable floor area. Not included are cellars and unenclosed porches or any floor space in an accessory building. The definition of floor area does not include the area of a garage designed for the parking of motor vehicles to meet the parking requirements of this Code.

Floor plate- The amount of leasable square footage on an individual floor of a building.

Food truck- A licensed, motorized vehicle or mobile food unit which is temporarily parked on private property and not on the right-of-way where food items are sold to the general public. If on the right-of-way, refer to the transient vendor requirements.

Foot candle- A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

Footprint- The area of a building measured from the exterior surface of the exterior walls at grade level where a building is elevated above grade level.

Forestry- The act of harvesting timber grown on a property of more than ten (10) acres. The existence of a stand of timber on a property that is not a tree farm certified by the State of Mississippi shall not be considered a forestry site and cannot be cleared without an approved site plan for development. Proof of certification shall be required to be submitted prior to any approval for land clearing.

Form-based- A land development regulation that focuses on building form as it relates to streetscape and adjacent uses and encourages mixed use. It relies on design concepts and patterns intended to preserve the assets and character of a community.

Section 18. Definitions

Fourplex- See “Dwelling, multiplex.”

Freestanding self-serve structures- Free-standing exterior structures or equipment that operate fully automatic retail and/or services through the use of software integrations to replace traditional retail functions (kiosk, ATM, automated retail, vending machine, self-checkout, interactive kiosk).

Front Facade- The façade of a building that abuts the required front yard.

Fraternity and sorority house- A building containing sleeping rooms, bathrooms, common rooms, a central kitchen, and dining room maintained exclusively for fraternity or sorority members affiliated with an institution of higher learning and their guests or visitors.

Frontage- The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

Frontage, building- The length of an enclosed building facing a public or private street.

Frontage, street- The distance along which a property line of a lot adjoins street.

Front setback- See “setback, front.”

Funeral Home- See “Mortuaries and Funeral Homes.”

G

Gallery- An attached cantilevered shed or a lightweight colonnade extending from a building Facade to overlap the Sidewalk.

Garages and carport- A building, or part thereof, used or intended to be used for the parking and storage of motor vehicles that includes, at a minimum, a roof on supporting walls or columns.

Garage, public- A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately-owned vehicles.

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 “Service station.”

General retail- Retail sale, lease, or rent, of new or used goods and services to the general public conducted within an enclosed building including, but not limited to, food sales. Examples include: department stores, clothing stores, home furnishings, appliance sales, automotive supply/parts stores, gift shops, specialty stores, convenience stores, jewelry stores, cosmetic sales, package liquor stores, tobacco stores, drug stores, variety stores, and concession stands.

Georgia Stormwater Management Manual (GSMM)- A document also known as the “Blue Book” developed by the Atlanta Regional Commission designed to provide guidance on the latest and best post-construction stormwater management practices available to minimize the negative impacts of increasing stormwater runoff and its associated pollutants. The document as a whole consists of many sub-manuals including Volume 1 Local Government Guide, Volume 2 Technical Handbook, and various site development tools. For the purpose of this ordinance the GSMM may be utilized for enhanced mitigation and hydraulic analysis techniques.

Golf course- A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Golf driving range- A driving range is a limited area on which players do not walk, but onto which they drive golf balls from a common driving tee.

Government facilities- Buildings arranged for the purpose of providing for the general operations and functions of local, state, regional or federal governments, but does not include jails or airports. Examples include: government offices, post offices, public safety (fire, law enforcement and emergency medical services), and government maintenance, storage and distribution facilities.

Grade- The average level of the finished surface of the ground.

Grading- Means altering the shape of ground surfaces to a predetermined condition; this includes, but is not limited to stripping, cutting, filling, stockpiling and shaping or any combination thereof, and shall include the land in its cut or filled condition.

Grass- Weeds or brush shall mean plants that by reason of abandonment, lack of care or lack of maintenance, choke out the growth of other plant material in the area. Dead, dying or unattended plant life, named or unnamed, which is abandoned or overgrown, shall, for the purposes of this division, be defined as a weed.

Grass- Any vegetation of a large family (Gramineae or Poaceae) of monocotyledonous plants having narrow leaves, hollow stems, and clusters of very small, usually wind-pollinated flowers.

Greenhouse- An enclosed building, permanent or portable, that is largely constructed of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers and other small plants.

Grocery store- An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

Gross density- The total number of dwelling units divided by the total area of the site, including proposed streets or other land required for public use that is attributable to the site, as dedicated by the owner or predecessor in title.

Ground cover- Low-growing ornamental living plant material.

Ground floor- The first floor of a building other than a cellar or basement.

Group care facility- A facility serving individuals who are deemed to be a danger to themselves or others. Group Care Facilities must be identified by the applicant during Site Plan Review.

Group care home- A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A group care facility may include halfway houses, recovery homes, and homes for orphans, foster children, the elderly, and battered women and children. It would include a specific treatment providing less than primary health care.

H

Half story- A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the story immediately below it.

Halfway house- See "group care home or facility."

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

Heavy industrial uses- See "Manufacturing and Industrial Heavy."

Height, building- The vertical distance, as measured in stories, from the average ground elevation to the highest point of a building or structure.

Height, story- Measured from the top of the finished floor to top of the finished floor above.

Highest adjacent grade- The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Historic district, local- A group of two (2) or more tax parcels and their structures, and may be an entire neighborhood of structures linked by historical association or historical development. It is not necessary that all structures within a historic district share the same primary architectural style or be from the same primary historical period. A historic district may also include both non-residential and residential structures, and may include structures covered by two (2) or more zoning classifications. A local historic district may include both contributing and non-contributing structures. A local historic district is designated by the City's Historic Preservation Commission and approved by the City through an ordinance. A local historic district is different from a National Register Historic District, which is designated by the federal government, but they can have overlapping boundaries and cover the same areas.

Section 18. Definitions

Historic district, national- A historic district that is listed in the National Register of Historic Places but which does not prevent the demolition of historic buildings or structures within designated.

Historic landmark- A historic resource of exceptional individual significance, and its historically associated land, which typically could not be included within a local historic district or other appropriate setting. A historic landmark is designated by the Historic Preservation Commission and approved by the City through an ordinance.

Historic property- Any historic district, site, building, structure, or object included or eligible for inclusion on a register of historic places.

Home health care center- Any use conducted entirely within a dwelling where elderly or other individuals are provided minimal health care, lodging, meals and related services, and these services are provided by the owner and occupant of the dwelling.

Home occupation- Any occupation or profession, craft or trade, carried on by a person residing on the premises of a residential dwelling which is clearly incidental and secondary to the use of the residential dwelling, which does not change the character of the dwelling or neighborhood, and which brings little additional traffic and few visitors to the premise.

Homeowners' association- A private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

Horizontally integrated- The configuration of a group of dwelling units on a horizontal linear plane.

Hospital- An institution where sick or injured persons are given medical care and may be housed overnight, fed, and provided nursing and related services.

Hospital, small animal- See "Animal Hospital, Clinic, or Grooming Facility"

Hotels, motels, or inns- A facility offering transient lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Household unit- One (1) or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment or hotel/motel.

Impact- The potential direct or indirect effects of a proposed land use and/or development on the activities, utilities, drainage, circulation, land uses, facilities, environment, character and other factors, on an existing and/or adjacent property or use.

Impervious surface- Impervious surfaces are those which do not absorb water, such as buildings, concrete and asphalt.

Impervious surface area- Impervious surface area means a surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface. It is further defined as a development area that includes or is proposed to have a weighted curve number of ninety (90) as defined by NRCS.

Impounded- To seize and take legal custody of (something, especially a vehicle, goods, animals, or documents) because of a violation of a law or regulation.

Improvements- Purposely installed or constructed physical features such as buildings, pavement, streets, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, structures, landscaping, and other items for the welfare of the property owners and the general public.

Improved property- Shall mean any lot, tract or parcel of land in the city zoned for residential, commercial, professional office or industrial purposes which contains one or more buildings or structures, paving or other

improvements, excluding underground utilities, pipes, wires, cables, culverts, conduits or other similar improvements.

Industrial, heavy- See "Manufacturing and Industrial Heavy."

Industrial, light- See "Manufacturing and Industrial Light."

Indoor furniture- Considered to be furniture such as case goods and upholstered goods that are not weather resistant or weather-proof and are manufactured for use indoors.

Infrastructure- Facilities and services needed to sustain all land-use activities; infrastructure includes, but is not limited to, water and sewer lines and other utilities, streets, roads, communications, and public facilities such as fire stations, parks and schools.

Institutional and health care facilities- Buildings that house and care for the elderly or disabled, housing related to treatment programs, medical and surgical care/treatment facilities and laboratory services, and may provide overnight care as well as outpatient care. Examples include: blood/tissue collection facility; drug or alcohol treatment facility; hospital; medical or dental clinic; medical or dental laboratory; nursing home; outpatient facility; mental health treatment facility; and public health center.

Intermittent stream- A stream that normally flows for at least thirty (30) days after a major rain of the season and is dry a large part of the year.

Internally illuminated- Light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

J

Junk- Old, dilapidated, scrap or abandoned metal, paper, building materials and equipment, bottles, glass appliances.

Junkyard- An open area where wastes are used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Such materials shall include, but are not limited to, scrap iron and other metals, paper,

rags, rubber tires, and bottles. Any automobile wrecking yard is also considered a junkyard.

Junk vehicles- Is inoperative and/or which does not have lawfully affixed thereto both an unexpired license plate and a valid motor vehicle safety inspection certificate and/or which is wrecked; dismantled; partially dismantled; or abandoned; and/or Remains inoperable for a continuous period of more than ten days.

Jurisdictional wetland- An identified wetland area subject to the jurisdiction of any Federal or State regulation.

K

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

L

Land Disturbance- Any clearing, clear cutting, leveling, grading, filling, draining, excavating, ditching, filling or other earthmoving operation which could result in damage to adjacent lands, public or private, from erosion thereto or siltation thereof shall be deemed land-disturbance activity.

Land Disturbance Permit (LDP)- A permit issued by the City of Starkville for the purposes of land disturbance in advance of construction or development activities. This permit shall be provided after the activities required in the Control Measure Permit have been completed and approved.

Land Disturbance/Land Disturbing Activities (*Storm Water*)- Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

Section 18. Definitions

Landfill- A site for the deposit of waste onto or into land where the site is a waste disposal site, or used for the storage of waste.

Landmark- Any site, building, structure, or natural feature that has visual, historic, or cultural significance.

Landmark sites- A location where a primary architectural or historical resource formerly stood or a significant historic event took place or an important archeological resource remains. For the purposes of this article, a landmark site encompasses prehistoric or historic sites on unimproved or improved land. A historic landmark is designated by the commission and approved by the city through an ordinance.

Landscape strip- A portion of land containing trees, barriers, ground cover, and/or other plant material as required.

Landscape waiver- Any request for a waiver from the administrative decision regarding the landscape requirements of the Starkville Unified Development Code

Landscaping plan- A plan showing the proposed landscaping for site that shall be prepared pursuant to Title 73—Chapter 2, "Professions and Vocations—Landscape Architects" of the Mississippi Code of 1972, Annotated. A landscape plan shall be submitted to, and approved by, the development review committee (DRC) prior to the issuance of a site plan approval where applicable, or prior to the issuance of a building or paving permit where a site plan review is not applicable.

Land use plan- See "Comprehensive plan"

Laundry, self-service- A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Lawn, grass- Grass species normally grown as permanent lawns in the vicinity of the City of Starkville, Mississippi.

Legal description- The geographical description of a real estate property for the purpose of identifying the property for legal transactions. A legal description of the property unambiguously identifies the location, boundaries, and any existing easements on the property. A legal description of the real estate property is usually provided in a deed,

mortgage, or other purchase document. It can also be obtained from a county recorder, tax assessor, or similar official.

LIDAR- Light Detection and Ranging. A remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth. These light pulses – combined with other data recorded by the airborne system – generate precise, three-dimensional information about the shape of the Earth and its surface characteristics. Lidar topography data should only be used as supplemental data in conjunction with a topographic survey.

Lien- A legal claim or a right against property. Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this code shall constitute a lien against the property in accordance with the Mississippi State Code of 1972 as amended.

Levee- A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Life care community- A type of Continuing Care Retirement Community that provides independent living, assisted living, and nursing home care. Such facilities require a long-term, upfront financial commitment that, in turn, guarantees housing, services, and nursing care all in one location through the end of life.

Life care facility- A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility. See "Convalescent, Rest, and Nursing Homes."

Liquor store- An establishment licensed by the State exclusively for the retail sale of alcoholic beverages, excluding beer, in original packages for consumption off the premises where sold.

Live/work- See "Dwelling, live/work."

Loading space/area- A space designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lodging- A facility that provides lodging units or rooms for short-term stays of less than thirty (30) days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, laundry facilities, gift shops without a separate exterior entrance, meeting facilities, offices, and parking. See "Hotels, Motels, or Inns."

Logo- A recognizable and distinctive graphic design, stylized name, unique symbol, or other device for identifying an organization.

Lot- A parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law, either vacant or occupied intended as an area of land for the purpose, whether immediate or for the future, of transfer of ownership or possession or for development.

Lot area- The area included within the rear, side, and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use. District density applies, and may require larger lots than those required for an individual building type.

Lot line- A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public place.

Lot line, Front- The line separating a lot from a street right-of-way.

Lot line, Side- Any lot line other than a front or rear lot line.

Lot line, Rear- The lot line opposite and most distant from the front lot.

Lot, corner- A lot abutting two (2) or more streets at their intersection. See "Corner lot."

Lot coverage- The part of the lot that is covered by impervious surfaces.

Lot depth- The distance between the front and rear property lines measured along a line midway between the side property lines.

Lot, multiple street frontage- A lot which has a front line abutting on one street and a back or rear lot line abutting on another street.

Lot, flag- A lot consisting of two (2) distinct portions: The flag, which comprises the main body of the lot and which includes the lot's building envelope; and The flagpole, which connects the flag portion of the lot to

the road and which, at any point, is less than the minimum lot width for the zoning district in which it is located.

Lot, frontage- The property lines of a lot abutting any street.

Lot, nonconforming- A lot, the size, dimensions, or location of which was lawful prior the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

Lot of record- A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat with the Office of the Chancery Clerk of Oktibbeha County, Mississippi.

Lot, substandard- A lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot or parcel was of record as a legally created lot on January 3, 1992. See "Substandard lot."

Lot width- The distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line. A lot must meet the minimum lot width for the entire minimum required depth of the parcel except for cul-de-sac lots.

Luminaire- A complete lighting unit consisting of one (1) or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply. Luminaire shall not include the light pole or sign support structure used to support the luminaire.

M

Maintenance guarantee or bond- A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Code or to maintain same.

Manufactured home- See "Dwelling, Manufactured and Modular Home."

Section 18. Definitions

Manufactured home park or subdivision- Parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufacturing and industrial, heavy- A facility conducting any heavy industrial activity which involves the use of hazardous materials, and/or has the potential to generate excessive noise, odor, vibration, or other emissions including but not limited to textile production, building materials, concrete products, millwork, steel products, automotive manufacturing, and recycling centers.

Manufacturing and industrial, light- A facility conducting any light industrial activity which does not involve the use of hazardous materials, and/or has the potential to generate excessive noise, odor, vibration, or other emissions including but not limited to assembling, compounding, food processing, beverage processing, processing, or treatment of products.

Massing- The three dimensional space in which the building occupies.

Master Planned Development- Any development with multiple buildings and/or lots that requires site plan approval.

MCA- Mississippi Code Annotated.

Mean sea level- The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Code, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical or dental clinic- See "Office-medical."

MDOT- Mississippi Department of Transportation.

Micro-breweries and small batch distilleries- A small scale brewery that produces up to five (5,000) thousand barrels of beer annually for wholesale distribution. This use type is subject to other regulations and relevant state statutes.

Mini-storage- Facilities offering enclosed storage with individual access for personal effects and household goods, including mini-warehouses and

mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Mining and quarrying- The extraction of earth materials including oil and natural gas, by extracting directly from the exposed or buried deposits or other materials. The term mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying, drilling, and dredging.

Mixed-use building- A multi-story building constructed to accommodate an allowed commercial use on the ground floor and different allowed commercial and residential uses on the upper floors.

Mobile home- See "Dwelling, mobile home."

Mobile home lot- A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile home park- Any site, field or tract of land privately or publicly owned or operated upon which two (2) or more mobile homes used for living, eating or sleeping quarters are or are intended to be located; such establishments being open and designated to the public as places where temporary or semi-permanent residential accommodations are available whether operated for or without compensation.

Mobile home stand- That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

Mobile home subdivision- A subdivision designed with the special needs of mobile homes as the primary design element for size and shape of subdivision lots.

Modular home- See "dwelling, modular."

Motel- See "hotels, motels, or inns."

Mortuaries and funeral homes- A business that provides services to families of a deceased person including preparing the body for burial or interment offsite and funeral services. A chapel used as part of the service on-site shall not be considered a place of worship.

Mowing- Shall mean cutting and/or trimming of grass, weeds or brush by mechanical means (bush hog-type equipment) without damage to the lot or the mowing equipment. Abatement may occur on a lot having constraining conditions for operation of heavy mechanical mowers by means of light mowing equipment (push mower, riding mower or weed trimmer).

Mulch- A protective covering of organic matter such as pine straw, pine bark, or shredded hardwood, placed around plants to reduce the evaporation of moisture and the growth of weeds. Non-organic material, such as gravel, is not considered mulch.

Municipal buildings and facilities- A City of Starkville owned or managed building used for purposes such as, but not limited to: administrative functions, police or fire stations, or libraries; or a structure or other facility used for infrastructure related municipal uses such as but not limited to sewer lift stations, electric utility substations, water tower, and water pump facilities.

Municipal Property- Shall mean property owned by the city including, but not limited to, city streets, rights-of-way, property and storm drainage systems.

N

Natural Conditions- Reference to the natural condition shall mean the condition of the site before any development occurred at any time. If the natural, existing condition cannot be documented through historical means, the pre-developed site will be evaluated using the slope currently present and an SCS runoff weighted curve number equal to that of seventy (70) percent of the existing value.

Neighborhood recreational facility- A piece of land used for, and usually equipped with facilities for recreation, especially by children. Such facility can include both outdoor and indoor components, but their scale is not intended for a community-wide market.

Net density- The total number of dwelling units divided by the area included within the rear, side, and front lot lines of the site. Does not include existing or proposed public streets or right-of-way.

New Development- New development is defined as land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

Nonconformity- Any parcel of land, use, building, structure, or feature lawfully existing on the date of enactment of this Code, brought into the City by annexation, or on the date of a zoning map change that does not conform to the requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this section and other applicable provisions of this Code.

Nonconforming lot- A lot existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of design or dimensions conform to the regulations of the district in which it is located.

Nonconforming site feature- A physical site feature existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not because of design or dimension conform to the use or development standards for the district in which it is situated.

Nonconforming sign- Means any sign existing at the effective date of the adoption of this article which could not be built under the terms of this article.

Nonconforming structures- A building or structure existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of location, design, or dimensions conform to the regulations of the district in which it is situated.

Nonconforming use- A use existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of use conform to the regulations of the district in which it is located.

Section 18. Definitions

Non-seasonal decorative lighting- Any string lighting (LED Rope Lighting, Traditional Christmas Lights, etc.) that is visible from any public street and used for advertising purposes or for drawing attention to a commercial establishment that is not part of a temporary seasonal display. This shall include lights mounted inside and/or outside the building. This does not include lighting for permanent outdoor dining areas or courtyards.

Non-vehicular and non-pedestrian open space- All open areas that are not part of the buildings, roadway landscape strip, vehicular use area, interior landscape areas, perimeter landscape areas, and internal walkways.

NRCS- Natural Resource Conservation Service. The federal agency that works in partnership with private landowners to conserve and sustain natural resources on private lands. It was previously known as the Soil Conservation Service (SCS).

NRCS (or SCS) TR-55- United States Department of Agriculture, Natural Resources Conservation Service, Engineering Division, Technical Release 55, dated June 1986, Urban Hydrology for Small Watersheds.

Nuisance- A condition or situation that results in an interference with the use and enjoyment of property.

Nursery- An enterprise that conducts the retail and wholesale sale of plants.

O

Obsolete- A loss in value due to reduced desirability and usefulness of a structure because its designed construction becomes outmoded; out-of-date.

Office- A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

Office-medical- A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are

provided on an outpatient basis. Includes medical offices including but not limited to: chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, outpatient surgery, urgent care facilities, dental laboratories, and medical laboratories.

Office-professional- A place in which business, clerical, or professional activities are conducted and provided to the public such as, but not limited to: consultants, lawyers, accountants, advertising agencies, engineering, architects, real estate agencies, insurance agencies, and travel agencies.

Official zoning district map- The location and boundaries of zoning districts established by this Unified Development Code are shown and maintained as part of the City's Geographic Information System (GIS) under the direction of the City Planner. The Zoning GIS layer constitutes the City of Starkville's Official Zoning District Map and is part of this Unified Development Code. All notations, references, and other information shown shall have the same force and effect as if fully set forth or described in this Unified Development Code.

On center- A method of measuring that uses the center (or centerline) of objects as the point of measurement. Examples of such objects include street trees and street lights.

Opacity- Degree of obscuration of light. The range is from zero (0) to one hundred (100) percent. For example, a window has zero (0) percent opacity and a solid brick wall has one hundred (100) percent opacity.

Open space- An essentially undeveloped area that is intended for public or private use, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, active and passive recreation areas, playgrounds, swimming pools, natural open or wooded areas, and watercourses. Open space shall not be deemed to include yards of private lots, buffer strips, driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OSHA- Occupational Safety and Health Administration.

Outdoor/outside- Defined to include porches, open yards, display yards, carports, or any space whether covered or not that is not heated and cooled and has a visible interior from the adjacent street or property line.

Outdoor Advertising Signs- Means any off-site sign commonly referred to as a billboard and supported by one (1) or more poles and is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or lot that the billboard is situated.

Outdoor Amusement- Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusement facilities, including, but not limited to: miniature golf courses, go-cart racing, vehicular race tracks, amusement parks, and water parks.

Outdoor displays and sales- Refers to the showcasing of a sampling of eligible goods and products for sale that are staged on the exterior of a business in order to entice sales of the same or similar products by the seller.

Outdoor/outside furniture- Refers to the lawn and garden, patio, porch or playground furniture that is weather proof or weather resistant and is marketed and intended and designed for exterior use. Such items would include but not be limited to picnic tables, sun umbrellas, swings, patio furniture and similarly designed furniture items.

Outdoor storage- Refers to the permanent staging of products outside the business that comprise a portion of the standing inventory, equipment or materials of the business and that remain for extended periods of time (longer than 72 hours). This excludes the storage of vehicles, commercial goods, or materials in an open lot with no primary structure for more than 24 hours and inoperable vehicles or salvage yards and active construction sites.

Outside equipment- Outside equipment refers to the fully functional equipment that can be used for lawn and garden services, construction services and recreational activities.

Outpatient facility- A facility where patients, who are not lodged overnight are admitted for examination and treatment by one (1) person or a group of

persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, or any such profession, the practice of which is regulated by the State. See "Clinic, medical or dental" and "Medical and dental clinic."

Owner- Shall mean the person whose name appears as the owner of record of the lot as shown on the latest Oktibbeha County Property Tax Roll, which shall be prima facie evidence of ownership for purposes of this division.

P

Parapet- The edge of a roof or the tip of a wall, which forms the top line of a building silhouette. When a building has several roof levels, the roof or parapet shall be the one belonging to that portion of the building where the sign is located.

Parcel- Any legally described piece of land that is created by a partition of land, subdivision, deed, or other instrument recorded with the Oktibbeha County Register of Deeds. See also the definition of "Lot" and "Site."

Parcel of record- Any validly recorded lot which, at the time of its recordation, complied with all applicable laws, ordinances, and regulations.

Parking

Parking, Off-street- Vehicle parking spaces located in a parking lot or garage and not physically integrated as part of a street.

Parking, Off-site- Required parking spaces located on an off-site parking area separate from the site on which the principal use is located but within 500 feet of the site.

Parking, On-street- Vehicle parking spaces physically integrated and formally designated as part of a street, as opposed to being within an off-street parking lot or garage. Parking space designation is typically achieved through paint-striping on the street's paved surface and signage. On-street parking space within the right-of-way that cannot be privately metered or reserved.

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Parking aisle- A subordinated way in a parking lot between rows of parking spaces that vehicles use to drive into and out of the spaces.

Parking area- The entire paved area that encompasses all parking spaces and the parking aisles that provide access to those spaces, but that does not include the entry drive or driveway with no direct access to a parking space. A parking lot can provide both accessory parking for a specific principal use and parking for people not connected to the principal use. When accessory to a principal use, it is not treated as a land use, but rather a site improvement associated with the principal use.

Parking lots and garages- Open paved area or decked structure for parking vehicles. When accessory to a principal use on the same lot, parking lots and garages are not treated as a land use, but rather an accessory use to the principal use.

Parking lot drive aisle- A vehicular traffic way or lane within an off-street parking area, used as means of ingress/egress from parking spaces.

Parking space or stall- An on-street or off-street space/stall available for the parking of one (1) motor vehicle conforming to the standards of this Code.

Parks, Open Space, and Greenways- Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. This includes botanical gardens, nature preserves, recreational trails, greenways, parks, and recreation fields. A public park may contain accessory uses including but not limited to: community centers, museums, and/or libraries. Accessory uses may require a use exception or special exception based on the use chart.

Payday advance or loan business- See "Car Title Loan, Payday Advance, or Loan Business."

Pedestrian- An individual who travels on foot.

Peak Flow- The maximum rate of flow realized at a specific point in time throughout the duration of a rainfall and runoff event.

Performance guarantee or bond- A financial guarantee to ensure that all improvements, facilities or work required by this Code will be completed in

compliance with the Code, regulations and the approved plans and specifications of a development.

Perimeter Control- Means a barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Permit- Written governmental permission issued by an authorized official, empowering the holder thereof to some act not forbidden by law but not allowed without such authorization.

Permitted use- Any use allowed in the zoning district as a matter of right.

Permitted use with additional standards- Uses that are permitted provided they comply with additional standards for the associated use.

Person- A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

Personal care home- See "care home."

Personal service establishments- Establishments primarily engaged in providing services involving the care of a person or his or her apparel. Examples include: beauty salons, barber shops, tanning salons, spa centers, massage facilities, nail salons, aestheticians, tailoring services, shoe repair shops, and tattoo shops.

Places of worship- A facility principally used for people to gather together for public worship, religious training, or other religious activities.

Phasing- Land disturbance of a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

Planned unit development (PUD)- A tract or multiple tracts of land initially under single ownership or control, planned and developed as an integrated unit in a single development according to an approved master plan.

Planned unit development, legacy- Planned unit developments in existence prior to the adoption of the unified development code.

Plat- A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all application sections of the ordinance.

Plat, final- A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording a subdivision of land, and includes the bill of assurance.

Plat, preliminary- A drawing that shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all respects, but not in an acceptable form for recording.

Plaza- An open space that may be improved and landscaped; usually surrounded by streets and buildings.

Pollutant- Includes, but is not limited to, dredged spoil, solid waste, concrete truck washout, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, sediment and industrial, municipal and agricultural waste discharged into water.

Portable Telecommunication Facility- Portable cellular base station with accompanying equipment used to provide temporary wireless network coverage and/or capacity which includes but is not limited to: Cellular on wheels (COW) and Cellular on light truck (COLT).

Post-development- Post-development refers to the time period, or the conditions that may reasonably be expected or anticipated to exist based on the proposed project, after completion of the land development activity on a site, based on the final expected use or fully built condition of the site even if such conditions do not exist at the time of final plat or City adoption of applicable infrastructure.

Pre-development- Pre-development refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Preliminary Plat- See "plat, preliminary."

Principal building- A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

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

Print shop- A retail establishment that provides duplicating services using photocopy, blueprints, and offset printing equipment, including collating of booklets and reports.

Private road or drive- Entryway in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Private recreational clubs or facility- A club or facility, private or public, offering a range of recreational and occasionally dining options for its members. Such clubs may include but are not limited to: swimming, golf, racquetball, and tennis. Accessory uses such as dining, event spaces, and supporting facilities may be permitted as part of this use.

Produce stand/seasonal sales- A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted on a temporary basis pursuant to this Code.

Property- Shall mean any lot, tract or parcel of land, or portion thereof, whether unimproved or improved with buildings or structures.

Property (Erosion Control)- Shall mean any private or municipal property of any size or dimensions whatsoever.

Property line- See "lot line."

Property line, front- That boundary of a lot which abuts an existing or dedicated public or private street or easement.

Property line, rear- The property line that is opposite and most distant from the front property line.

Property line, side- Any property line other than a front or rear property line.

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Proprietor- Any person having a legal or equitable interest in land and its associated structures. See "Owner."

Public buildings and facilities- A building used for local government (other than City of Starkville), state, or federal government uses (used for purposes such as, but not limited to, administrative functions, sheriff or emergency offices, or libraries); or a structure or other facility used for local (other than City of Starkville), state, federal government, or quasi-governmental entities infrastructure related uses (such as but not limited to sewer lift stations, electric utility substations, water towers, and water pump facilities).

Public frontage- The area between the face of the curb and the back of the sidewalk.

Public hearing- A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official City business which requires public participation and input.

Public safety services- Facilities operated by public agencies for the protection of the public that may include fire stations and other fire fighting facilities, sheriff and police stations, and emergency medical service facilities.

Public services- A service relating to the health, safety, and welfare of the population.

Public spaces- An open space area largely devoted to passive outdoor recreation and entertainment, and which tends to have few structures. Examples include parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, and other places of special interest where the public is directly or indirectly invited to visit or permitted to gather. Examples include: community gardens; pocket park/passive recreational facilities; public square or plaza; and community or farmers market.

Public realm- The space around, between and within buildings that are publicly accessible, including streets, squares, parks and open spaces.

Public transportation facilities- Any vehicle or transportation system owned, operated, or regulated by a governmental agency and is used for the mass transport of people.

Q

QCP- Means "qualified credentialed professional" include a registered engineer, landscape architect or land surveyor, a professional geologist, a registered forester, a registered environmental manager as determined by the National Registry of Environmental Professionals (NREP), a certified professional soil scientist (CPSSc) as determined by American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS), successful completion and certification of a construction stormwater management course offered by the Mississippi Department of Transportation (MDOT), and other department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare SWPPPs, to make sound professional judgments regarding Mississippi National Pollutant Discharge Elimination System (NPDES) rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. A QCP shall not be required for any non-single-family lot project.

Quadplex- See "dwelling, multiplex."

Quorum- The minimum number of board, commission or committee members that must be present to conduct official business or take official action.

R

Real estate sales office/model home sales- A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

Rear yard- Defined by reference to the open space between building and property lines at the rear of a property. The rear yard is that yard located on the opposite side of the lot from the front yard.

Rear setback- See "setback, rear."

Record owner- Includes all of the owners of such real property at the time of recordation, but does not include holders of security interests, mineral or royalty interests, easements or rights-of-way.

Recreation and entertainment, indoors- commercial- A place in which commercial indoor recreational options are provided to the public such as, but not limited to: dance halls, exhibit halls (without permanent seating), skating rinks, billiards, arcade games, indoor miniature golf, indoor driving ranges, laser tag, health clubs, and bowling.

Recreation and entertainment, outdoors- commercial- A place in which commercial outdoor recreational options are provided to the public such as, but not limited to amusement parks, zoos, amphitheaters, athletic fields, clubhouses, water parks, shooting/archery ranges, swimming pools, miniature golf, driving ranges, and sports complexes.

Recreational equipment- Including but not limited to: utility trailers, construction dumpsters, and temporary storage containers.

Recreational vehicle- A vehicular unit that is designed to be used primarily for recreational purposes. Examples include, but are not limited to, travel trailers, motor homes, boats, snowmobiles, and jet skis. Recreational

vehicles shall include any mobile structure designed for temporary occupancy, but shall not include mobile homes or manufactured homes. Recreational vehicle shall also include any trailers related to the main vehicle. See "Vehicle, recreational."

Recreational vehicle parks- A parcel of land on which two (2) or more spaces are available for occasional occupancy by recreational vehicles intended for transient dwelling purposes via rental or ownership method. These requirements do not apply to a manufactured home park.

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

Recycling collection point or drop-off- An incidental use that serves as a neighborhood or area drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/ quasi-public areas, such as at churches and schools.

Recycling plant- A facility that is not a junkyard and in which recoverable resources such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Redevelopment- Redevelopment is defined as structural development (construction, installation or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surface not part of routine maintenance, and land disturbing activities associated with structural or impervious development. Any project on a developed site that triggers site plan review shall be considered a redevelopment, even if the overall amount of impervious area is reduced or remains unchanged. Redevelopment does not include such activities as exterior remodeling.

Regulatory floodway- The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood

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without cumulatively increasing the water surface elevation more than one (1) foot.

Rehabilitation center- A facility that provides formal, organized services designed to alter specific physical, mental, or social functions of persons under treatment by reducing disability or discomfort. Such facilities also ameliorate the signs or symptoms causing such functions, which may include counseling, vocational, social and/or educational services aimed at restoring the overall well-being, health, and abilities of those being treated.

Religious institution- See "places of worship".

Research and development facilities- Facilities that are primarily office uses for scientific research that can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not include the fabrication, mass manufacture, or processing of products.

Residential business- See "home occupation."

Residential first floor- Any residential use on the first floor of a building facing the primary street.

Restaurant- An establishment whose principal business is the selling of food and beverages to the customer in a ready-to-consume state, in individual servings. This use type does not include those restaurants serving food and/or beverages to customers in vehicles. See definition of "Restaurant, drive-in."

Restaurant, drive-in- An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises in a car, home or other locations as carry-out services.

Retail sales and service- Establishments primarily engaged in the sale of goods and materials to the general public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

Retail sales and service-inside only- Businesses that offer merchandise and/or services to the public such as, but not limited to furniture, fine antiques, appliances, apparel, drugstores, flowers, decorative objects, furniture, jewelry, hardware, hobby supplies, liquor stores, shoe sales, variety stores, beauty/hair salon, catering, dry-cleaning, laundromat, appliance repair, and tattoo parlor.

Retail sales and service- with outside displays- Businesses that offer merchandise and/or services to the public that includes a need for outdoor displays such as, but not limited to: antique or "junktique" shops, garden furnishings, lumberyards, building supplies, construction equipment, farm equipment, industrial equipment, nurseries and greenhouses, vehicle sales, boat sales, recreational equipment sales, recreational vehicle sales, and car rentals.

Retaining wall- A structure that provides lateral support for a mass of soil and that owes its stability primarily to its own weight and the weight of any soil located directly above its base.

Retirement communities- A development that incorporates a variety of residential and nonresidential use types designed for citizens aged fifty-five (55) and older.

Rezoning- To change the zoning classification of particular lots or parcels of land.

Right-of-way- A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Road or street, arterial- Roads that are intended to provide for connectivity between or within communities or to and from collectors and freeways.

Road or street, collector- Collector roads and streets connect local streets to the highway system's arterial roads or provide access to non-residential uses and arterial streets.

Road or street, local- A roadway, the main purpose of which is to provide access to abutting residential and non-residential properties.

Road, private- A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties. This definition shall not apply to driveways.

Road, public- All public property reserved or dedicated for street traffic. (see also "right-of-way")

Roof, pitch- The steepness of a roof as measured by the vertical rise (in inches) by the horizontal distance (run).

Rooming house- A building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to three (3), but not more than twelve (12), adult persons not related to the owner by blood, marriage or adoption. See "Group Care Home or Facility."

Runoff- The flow of surface water resulting from precipitation.

S

Salvage yard- A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded materials, automobiles, or equipment. Salvage yards are not permitted within the city limits. Recycling centers shall not be considered salvage yards.

Satellite dish antenna- A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

School- A facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools. See "Educational facilities."

Screen(ing)- Defined as an opaque, permanent, rigid structure at a minimum height of six (6) feet.

SCS- Soil Conservation Service is the original organization developed in 1935 by the federal government to work to conserve and sustain natural resources on private land through education and partnership and it is now known as the Natural Resource Conservation Service (NRCS).

Seating capacity- The actual seating capacity of an area based upon the number of seats or one seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the International Building Code.

Sediment- Shall mean topsoil, dirt, mud, sand, gravel, silt, debris or any other material related to real property and its vestiges.

Sediment Control- Measures that prevent and/or minimize eroded sediments from leaving the site.

Self-service station- An establishment where liquids used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant, and may include facilities available for the sale of other retail products.

Self-service storage facility- A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares. This type of facility differs from large scale warehousing typically found in industrial zones and typically accessed by semi-trailer trucks. See "Mini-Storage."

Semi-public building- A building owned by a nonprofit group or organization, but excluding clubs, sororities and fraternal organizations, which is used by select people, such as churches, private schools, and sanitarium.

Service station- Any premises where gasoline and other petroleum products are sold and/or light.

Setback- The minimum or maximum horizontal distance between the lot or property line and the nearest front, side, or rear line of the building, as the case may be, including terraces or other covered projection thereof, excluding steps. See "Build-to line."

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Setback, front- A line parallel to the street right-of-way line and representing the distance that all or any part of the building is set back from said right-of-way line.

Setback, side- A line parallel to the side lot line and representing the distance that all or any part of the building is set back from the side lot line.

Setback, rear- A line parallel to the rear lot line and representing the distance that all or any part of the building is set back from the rear lot line.

Sharrow- A street designed and designated with driving lanes to be shared by both motorized vehicles and bicycles.

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

Short-Term Residential Rental- The short term occupancy of a residential dwelling unit for a fee. Bed and breakfast shall not be considered short-term residential rentals. Examples of short-term residential rental shall include but not limited to: Airbnb, weekend rentals, and gameday rentals.

Shrub- A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk- A hard-surface, all-weather area designed for the convenience of pedestrian access, which is normally located immediately within the public right-of-way.

Sidewalk Development Area:

Any part of the City of Starkville, Mississippi located within the designated sidewalk development area as shown on the City of Starkville Sidewalk Development Plan. The development area includes all parcels within the shown boundary on the map and shall include all parcels up to and adjacent to all roads within the boundary.

Sidewalk, separated: A sidewalk, which is separated from roadways, driveways and parking areas by a barrier curb, planting strip, or other approved measure which would allow safe pedestrian access in conjunction with vehicular traffic.

Sidewalk, separated- A sidewalk, which is separated from roadways, driveways and parking areas by a barrier curb, planting strip, or other

approved measure which would allow safe pedestrian access in conjunction with vehicular traffic.

Sight triangle- Means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection or driveway.

Sign- Any words, lettering, figures, numerals, emblems, devices, trademarks or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention or to convey a message.

Sign, address- Generally applied to a building wall or as a part of a permitted freestanding sign.

Sign, area- Calculated by the total face of the sign including the structure and the copy area.

Sign, awning- A sign where lettering or logos are applied directly to any portion of an awning or gallery.

Sign, auxiliary- A sign that provides special information such as direction, price, sales information, hours of operation, or warning.

Sign, band- See "sign, wall".

Sign, banner- Constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a permanent structure with cord, rope, cable or a similar method.

Sign, billboard- Any off-site sign commonly referred to as a billboard and supported by one or more poles and is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message or product that is not available on the same parcel or lot that the billboard is situated.

Sign, commemorative- A sign, tablet, or plaque commemorating or memorializing a person, event, structure, or site.

Sign, construction- A temporary sign attached to a supporting structure on the site or building on the premises of an active construction site.

Sign, development entrance- A freestanding ground sign identifying the name and address of a master planned development with multiple tenants or a platted subdivision.

Sign, discontinued- Any sign which no longer identifies an activity conducted or present on the premises where the sign is located.

Sign, electronic message center- An exterior sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

Sign face- The area or display surface of a sign used for the message.

Sign, fence screen- Signage applied to a required fence screen to prohibit views into an active construction site.

Sign, height- Calculated from the finished grade at the base of the sign.

Sign, marquee- A vertical sign that is located at the street or alley corner of the building, where it projects at a 45-degree angle. Marquee signs often extend beyond the parapet of the building, but may also terminate below the cornice or eave.

Sign, monument- A freestanding on-premise sign with one (1) or two (2) sides attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts or similar uprights.

Sign, multi-tenant- A freestanding on-premise sign with one (1) or two (2) sides attached to a permanent foundation or decorative base and not attached or dependent on support from any building, poles, posts, or similar uprights on a site with more than three (3) tenants and more than 25,000 square feet of gross floor space.

Sign, nameplate- A sign consisting of either a panel or individual letters applied to a building that lists the names of a building's tenants.

Sign, nonconforming- Means any sign existing at the effective date of the adoption of this article which could not be built under the terms of this article.

Sign, outdoor advertising- See "sign-billboard."

Sign, outdoor display case- A sign type that consists of a lockable metal or wood framed cabinet with a transparent window or windows, mounted

onto a building wall or freestanding support. It allows the contents, such as menus, maps, or directories to be maintained and kept current.

Sign permit- An application for a sign showing the location and dimensions of the proposed sign for review.

Sign, pole- Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and/or reading matter when such sign is supported by one or more upright poles, posts, columns, or braces affixed in the ground or on the ground and not attached to any part of a building. By adoption of this article, pole signs shall be considered nonconforming signs and no new pole signs shall be permitted.

Sign, projecting- A two-sided sign mounted onto the building facade at a right angle to the building facade. These signs are small, pedestrian scaled, and easily read from both sides.

Sign, roof- A sign that is mounted or otherwise located on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, suspended- A two-sided sign mounted to the underside of beams or ceilings of a porch, gallery, arcade, breezeway or similar covered area. They are typically hung in a manner that permits them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides.

Sign, sidewalk (A-Frame) -A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway.

Sign, sidewalk (T-Frame)- A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs. Such signs are placed on a public sidewalk, private sidewalk, or similar walkway.

Section 18. Definitions

Sign, temporary- A sign intended to be displayed for a limited period of time that is portable or easily removed and constructed of cloth, canvas, plastic sheet, cardboard, wallboard, inflatable device, or other like materials.

Sign, wall- A wall sign is a sign attached flat to or mounted away from but parallel to the building wall.

Sign, window- An on-premise sign attached to or parallel to the inside of a window and within thirty-six (36) inches of the surface of the window.

Sign, yard- Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, and that is not attached to any building or permanently attached to the ground.

Site- A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

Site area, gross- The total area of a site, including proposed streets or other land required for public use that is attributable to the site, as dedicated by the owner or predecessor in title.

Site area, net- A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

Site depth- The distance between the front and rear property lines of the site measured along a line midway between the side property lines.

Site plan- A plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Slope- The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Solar panel- A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

Special event- An event held within the city on that will require City Services and approval by the Board of Aldermen. Examples of Event Types

include: walks, runs, processions, concerts, awareness events, rallies, sales, markets and street closing events.

Special exception- Shall include any building, sign, accessory structure, or site feature associated with the use that is being altered or built and is not permitted by right in a zoning district.

Special use- See "Special exception."

Stable, private- An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

Stable, public- A building or land where animals are kept for remuneration, hire, sale, boarding, riding, or show.

Stabilization- means practices that prevent exposed soils from eroding.

Stacking lane or stacking space- A waiting area for motorists who remain in their vehicles awaiting service at a drive-through establishment.

Stadiums and arenas- A large open or enclosed space that is not accessory to an educational facility, used for games, concerts, or other major events and partly or completely surrounded by tiers of seating for spectators.

Staff- The employees of the City of Starkville, Mississippi, administering this Code.

Starkville Landscape advisory board (SLAB)- An advisory body to the Mayor and Board of Aldermen composed of citizen representatives charged with providing guidance to City staff during the development and site plan review process for proposed projects within the City, and to resolve any related appeals of landscape decisions by the City's Development Review Committee and the Director of Community Development.

Start of Construction- Means beginning with the first land disturbance activity associated with a development, including installation of BMPs, and followed by land preparation such as clearing, excavation, grading, and filling.

Storm Event-

2-year/24-hour storm. See National Oceanic and Atmospheric Administration (NOAA) website for Precipitation Frequency Estimates.

10-year/24-hour storm. See National Oceanic and Atmospheric Administration (NOAA) website for Precipitation Frequency Estimates.

100-year/24-hour storm. See National Oceanic and Atmospheric Administration (NOAA) website for Precipitation Frequency Estimates.

Stormwater Detention- A surface water runoff storage facility that is designed to completely drain and be dry between storm events but is designed to detain surface water temporarily during and immediately after a runoff event. These systems can include but are not limited to detention ponds, subsurface tanks, pipes, or reservoirs.

Stormwater Management Facilities- Devices, construction methods, and fixtures that are designed to diminish threats to public health and safety caused by stormwater runoff; reduce economic losses to individuals and the community at large; and protect, conserve and promote the orderly development of land and water resources including but not limited to retention and detention ponds, rain barrels, swales, etc.

Stormwater Pollution Prevention Plan (SWPPP)- Means the SWPPP addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity. Prevention of pollutants in stormwater, to the maximum extent practicable, is controlled through the implementation of best management practices (BMPs). This plan identifies site specific measures and sequencing to be used for the control of erosion and sediment on a development site before, during and after construction.

Stormwater Retention- A pond or basin which always retains a substantial volume of water at a specified elevation (called normal pool) to serve recreational, aesthetic, water supply, water quality, or other functions and to provide runoff storage above normal pool.

Story- Part of a building, except a mezzanine, included between the surface of one (1) floor and the surface of the next floor or, if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.

Street lighting- Lighting on poles, with either underground or overhead service, along a street for purposes of illuminating public or private rights-of-way.

Street line- See "property line, front."

Streets- The term "street" means a way for vehicular traffic and people, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place or however otherwise designated.

Structural alteration- Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure- Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, billboards, swimming pools, tennis courts, canopies, cisterns, sewage treatment plants, and sheds, but not including telephone poles and overhead wires.

Structure, nonconforming- see "nonconforming structure."

Studios- Art, Craft, Music, Dance, and Fitness- A business use that provides instruction or the creation of various forms of artistic, craft, musical training or fitness instruction to the public.

Subdivider- Any person, individual, firm, partnership, association, corporation, estate or trust, or any other group acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

Section 18. Definitions

Subdivision- A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition, nor be subject to the subdivision rules and regulations of this municipality:

- a) The division of land into parcels greater than five acres, and where no additional street right-of-way dedication is involved;
- b) The public acquisition by purchase or dedication of parcels of land for the purpose of widening or opening any public streets, or for making any other public improvements.

Substantial damage- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Super-graphics- Overscaled graphics applied to the exterior or interior of a building, usually incorporating a striking, eye-catching image.

Surveyor- A licensed Professional Land Surveyor registered within the State of Mississippi.

Swimming pool- A structure, whether above or below grade level, designed to hold water more than thirty (30) inches deep to be used for recreational purposes.

T

Tandem parking- Represents a parking configuration where one vehicle parks directly behind another and the vehicle in back must be moved in order for the front vehicle to leave.

Trades and skilled services- Businesses that offer services to the public that require skilled labor or craftsmanship for the repair and upkeep of structures and land including but not limited to plumbing services,

carpentry services, heating/air conditioning services, landscaping services, and general construction.

Transect- A cut or path through part of the environment showing a range of different habitats. In zoning it represents the framework of the rural-to-urban environment divided into “transects” within towns and city neighborhoods.

Telecommunications Facilities- Towers, antennas, boxes, satellite dishes, cellular on wheels (COW), cellular on light truck (COLT), or related facilities for digital distribution of communication with accompanying maintenance structures and equipment.

Telecommunications tower- Towers, antennas, boxes, satellite dishes, or related facilities for digital distribution of communication with accompanying maintenance structures and equipment. Satellite dishes used to provide cable television or internet for a residential dwelling or commercial business shall be exempt from these requirements.

Temporary construction office and storage- A temporary construction office and storage can contain a contractor’s office and equipment sheds, including steel cargo storage containers.

Temporary real estate office- A temporary real estate office (e.g., mobile trailer), may be used in conjunction with an approved subdivision or development project, in any district for sales or leasing.

Temporary sales- The open sale of seasonal items such as produce, crawfish, barbeque, Christmas trees, and pumpkins etc.

Temporary shelter- A temporary dwelling unit that may be used in connection with the construction of a principal dwelling unit and that is to be removed upon completion of the principal dwelling unit.

Temporary storage in portable shipping containers- A portable structure or container that allows for storage of goods or materials, on or off-site, and which is not permanently affixed to a foundation.

Temporary use- A temporary use is a use that is intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis within that zoning district.

Theaters- A facility offering entertainment such as, but not limited to, live music, film, or plays inside a structure designed for such entertainment including exhibition halls with permanent seating.

Three-unit dwelling- See “dwelling, attached triplex.”

Time of Concentration- The time for runoff to travel from the hydraulically most distant point (based on travel time, not travel distance) of the watershed to a point of interest within the watershed, often called the outfall. This parameter is representative of the time taken for the total watershed area to contribute runoff to the outfall point.

Townhouse- See “dwelling, townhouse/rowhouse.”

Trades and skilled service- Businesses that offer services to the public that require skilled labor or craftsmanship for the repair and upkeep of structures and land including but not limited to plumbing services, carpentry services, heating/air conditioning services, landscaping services, and general construction.

Traffic shed- A land area served by a particular segment of an arterial or collector road. The area and boundary of traffic sheds are determined by the anticipated traffic flow generated by the permitted land uses that will be located in that traffic shed utilizing that particular road segment. Arterial sheds are composed of the collector sheds that contribute to traffic generated by land uses surrounding the particular arterial road segment.

Transient dwelling- See “Recreational vehicle”

Transparency- The percentage of visual light transmittance.

Trash compaction and transfer stations- Facilities that receive solid waste for separation (recycling), compaction, and eventual transfer of the waste to a landfill or other appropriate facility.

Travel trailer- A recreational vehicle, intended as a temporary residence, that is towed behind a motor vehicle.

Tree canopy- The amount of ground area directly beneath a tree's crown or the combined crowns of a stand of trees, measured in square feet.

Tree, canopy- A tree which typically grows to a mature height of at least 35 feet, primarily installed for shade provision.

Tree, evergreen- Any tree or other plant which retains its leaves or needles and remains green throughout the year.

Tree, semi-evergreen- Any tree that loses its foliage for a very short period, when old leaves fall off and new foliage growth is starting.

Tree, small- A tree which grows to a mature height of less than 35 feet, primarily established for aesthetics, but often times used for screening or other purposes.

Tree, understory- Trees that grow beneath the overstory trees and will generally reach a mature height of less than 35 feet.

Trees- Self-supporting, woody perennial plants of species that normally, at maturity, have a trunk with a minimum DBH of two and one-half (2.5) to three (3) inches, with an overall height of at least fifteen (15) feet.

Tributary area- The drainage area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

Triplex- See “dwelling, attached triplex.”

Truck stop- A facility intended to provide services to the trucking industry including, but not limited to, convenience stores, gasoline sales, overnight parking, restaurants, and truck scales. See “Convenience Store & Truck Stop.”

Two-unit dwelling- See “Dwelling, attached duplex.”

U

Unimproved property- Shall mean any lot, tract or parcel of land in the city zoned for residential, commercial, professional office or industrial purposes which does not contain any buildings or structures, paving or other improvements, but may include underground utilities, pipes, wires, cables, culverts, conduits or other similar improvements.

Unit- See “Dwelling or dwelling unit,”

Units per acre- Dwelling units per acre, which is a measure of residential density.

Section 18. Definitions

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

Use, accessory- A use subordinate to and servicing the principal use or structure on the same parcel and customarily incidental thereto.

Use exception- Shall include uses that do not significantly modify or alter any building, sign, accessory structure, or site associated with the use. Use exceptions have additional design standards associated with a use that shall be adhered to as a part of the approval unless specifically removed as part of approval.

Use, nonconforming- See “nonconforming, use.”

Use not permitted- Any use that is not permitted within a specific zoning district. Uses not permitted are not allowed to apply for a use or special exception.

Use, principal- The main use of land or buildings, as distinguished from a subordinate or accessory use. A principal use may be either a permitted, special exception, or a use exception.

Use, temporary- A use that is established for a fixed period of time with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Utilities- Facilities that provides public and private utility services to the private and public at large. Utilities include both major utilities, which are infrastructure services that provide regional or community- wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Services may be publicly or privately provided and may include on-site personnel. Examples include: water facilities; sewer facilities; gas distribution facilities; electric transmission and distribution facilities; telephone transmission.

V

Vacation rental home- A single-family dwelling where the entire dwelling is provided to guests for short-term stays of less than thirty (30) days for compensation. See “Bed and breakfast inn” and “Short-term rental property.”

Variance- Shall include any dimensional departure from the requirement in a zoning district such as but not limited to: building setbacks, sign setbacks, sign dimensions, lot area, parking lot dimensions, building height requirements (unless requiring a special exception), building design standards, etc.

Vehicular sales and service- A business that offers services to maintain, repair, clean, and provide other services to automotive vehicles that include but are not limited to tire shops, quick lubes, automotive repair, car washes, and self-serve car washes. This use shall not be permitted as part of a home occupation other than clerical work associated with the use.

Vehicle, recreational- See “Recreational vehicle.”

Vehicle repair and maintenance- Any building or establishment primarily engaged in the repair and maintenance of automobiles, motorcycles, farm machinery, trailers, or similar vehicles including, but not limited to, body, fender, muffler, or upholstery work, oil changes, lubrication, tire services, painting, and installation of aftermarket accessories.

Vertically integrated- The configuration of a group of dwelling units on a vertical linear plane.

Visitor accommodations and services- A facility that provides lodging units or rooms for short-term stays of less than thirty (30) days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, laundry facilities, gift shops without a separate exterior entrance, meeting facilities, offices, and parking. Examples include: hotels, motels, inns, ticket sales, and visitor information centers.

W

Wall-mounted lighting- exterior lighting device that is flush-mounted on a vertical wall surface.

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

Warehousing, distribution, and wholesale services- Industrial scale uses that provide large facilities for the transport, storage, and sale of goods to trade customers, but not the retail public, including but not limited to general freight storage and distribution of goods.

Wastewater disposal site- The primary land or parcel for the land disposal of treated effluent generated by a non-traditional wastewater treatment system. It also includes the required back-up disposal sites. The wastewater disposal site or sites shall be restricted in their usage to only effluent disposal.

Wastewater treatment system- The wastewater system used to collect, treat, and store the wastewater. The system includes all components, such as collector lines, septic tanks, pump stations, treatment unit and storage ponds.

Watercourse- Means gullies, rivers, streams, intermittent streams, ditches, brooks, channels, lakes, ponds, manmade ponds, estuarine waters, swamps, bogs, vernal pools, and all other bodies of water, natural or artificial, intermittent or permanent, public or private which have defined banks of water at least a portion of each year.

Waterway- Means a channel that directs surface runoff to a watercourse, or to the public storm drain.

Wetland- Means areas and waters that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include, but are not limited to, lands and water meeting this

definition and otherwise often referred to as swamps, marshes, bogs, wetland meadows, ephemeral and tributary streams, grady ponds, vernal pools, banks, reservoirs, ponds, lakes and lands under water bodies. The primary ecological parameters for identifying wetlands include hydric soils, hydrophytic vegetation, and hydrologic conditions reflecting temporary or permanent inundation or saturation.

Wholesale services- Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Examples include: retail wholesalers, building hardware, restaurant equipment, office suppliers, special trade tool suppliers, janitorial suppliers, and store fixture sales.

Y

Yard- An open space that lies between the primary building or buildings and the nearest lot line.

Yard, front- A space extending the full width of the lot between the primary building and the front lot line.

Yard, rear- A space extending the full width of the lot between the primary building and the rear lot line.

Yard, side- A space extending from the front yard to the rear yard between the primary building and the side lot line.

Yard sale- is defined as a sale of second-hand items by a resident of the city, charitable, civic, institutional and other non-commercial entity conducted at the primary place of residence of the person(s) conducting the sale or in the case of the other entities, a location providing a temporary use for the purpose of the above referenced sale.

Section 18. Definitions

Z

Zero lot line- The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zone- A portion of the territory of the City, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and

buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings. There are other regulations within this Code that are specific to particular zones.

Zoning map amendment See "rezoning."