ZONING ORDINANCE

OF THE

CITY OF CLINTON, MISSISSIPPI

Prepared By

CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT
1170 Lakeland Drive/ Post Office Box 4935
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CITY OFFICIALS

Mayor Rosemary Aultman

BOARD OF ALDERMEN

Jehu Brabham, Alderman at Large
Tony Hisaw, Ward 1
Tony Greer, Ward 2
William Barnett, Ward 3
Kathy Peace, Ward 4
Mike Morgan, Ward 5
Mike Cashion, Ward 6

OTHER OFFICIALS

Jerry Bounds, Director of Community Development
Barry Burnside, Fire Chief
Don Byington, Chief of Police
Kenneth R. Dreher, City Attorney
Ray Holloway, Parks and Recreation Director
Jim Powell, Economic Development
Mike Parker, Public Works Director
Bill Owen, City Engineer
Russell Wall, City Clerk/ Chief Financial Officer

PLANNING COMMISSION

Ward 1: Foster Ellis, Jr.
Ward 2: David Ellis
Ward 2: James Martin, Chairman
Ward 3: Nancy Davis
Ward 4: Pat Smith
Ward 5: Bettye King
Ward 6: Mark Williams

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ZONING REGULATIONS

CITY OF CLINTON, MISSISSIPPI

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

PREAMBLE

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

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

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

WHEREAS, Section 17-1-11 of the Mississippi Code, annotated, as amended, states that "the governing body of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan and may create, independently or jointly, a local planning commission with authority to prepare and propose (a) a comprehensive plan of physical development of the municipality or county; (b) a proposed zoning ordinance and map;" and

WHEREAS, pursuant to Section 17-1-11, the Mayor and Board of Aldermen have established such a planning commission; and

WHEREAS, the Mayor and Board of Aldermen on **June 5, 2007,** adopted by resolution a Comprehensive Plan for the City of Clinton following public hearings relative to same; and

WHEREAS, based upon the adopted Comprehensive Plan, and amendments thereto, the Mayor and Board of Aldermen have divided the City into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND IN THE CITY OF CLINTON, MISSISSIPPI.

ARTICLE I

TITLE AND PURPOSE

SECTION 100 - TITLE

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

SECTION 101 - PURPOSE

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

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 200 - RULES FOR WORDS AND PHRASES

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

SECTION 201 - DEFINITIONS

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

Accessory Structure or Use: Any attached or detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, including barns, but excluding driveways, sidewalks and fences. . The term "structure"as defined herein includes buildings. See general regulations pertaining to accessory uses in Article IV of this Ordinance.

For residential uses, this term includes, but is not necessarily limited to: private greenhouses; detached garages; sheds or buildings used for domestic storage; gazebos; tennis courts; tree houses; other play equipment; and similar structures or uses.

For business/ commercial uses, this term includes, but is not necessarily limited to: storage buildings for merchandise or materials normally carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; and detached garages.

For institutional/ public/ quasi-public and office uses, this term includes, but is not necessarily limited to: storage buildings for merchandise or materials normally carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; swimming pools, spas/ hot tubs or tennis courts as part of a public/ quasi-public use as defined by this Ordinance; detached garages; and guardhouses or gatehouses.

For industrial/ manufacturing uses, this term includes, but is not necessarily limited to: maintenance facilities and storage buildings for merchandise or materials normally

carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; guardhouses or gatehouses; and detached garages.

Adult Daycare Facility: A non-residential facility providing activities for elderly and/ or handicapped adults.

Adult Entertainment Use (or Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."

Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

A. Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or

B. instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Adult Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment exposes "Specified Anatomical Areas" of the customer or of the person providing such treatment, manipulation or service or which involves real or simulated "Specified Sexual Activities." This definition shall not include services provided by a medical doctor, osteopathic physician, or chiropractor licensed by the State

of Mississippi as a medical professional, or similarly licensed professional providing massage therapy as part of a bonafide health procedure.

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

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

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

Alternative Financial Service Providers (AFSP's): A term that describes the array of financial services offered by providers that operate outside of federally insured banks and thrifts. Check cashing businesses, pay-day loan agencies, title loan companies, pawnshops, and tax refund advance companies are AFSP's (see individual definitions of these terms).

Animal Control Ordinance: When used in this Ordinance, this term shall refer to the **Animal Control Ordinance of the City of Clinton**.

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

Arterial Street/Highway: See "Street."

Bar: A structure or part or a structure used primarily for the sale or dispensing of beer or any alcoholic beverage, as defined by the **Mississippi Code**, *for consumption on the premises by the drink.*

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

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

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

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

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

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

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

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

Building, Fully-Enclosed: A building having walls on all sides.

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

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

Building Permit: A permit issued by the City official designated by the Clinton Mayor and Board of Aldermen authorizing the construction, placement or structural alteration of a specific building on a specific lot.

Building, Portable: Any building that is portable in nature, without any wheels, and built

on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.

Building Setback Line: See "Setback Line."

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

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

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

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

Certificate of Appropriateness: An official signed and dated governmental document issued by a governing authority to permit specific work in an zoning district .

Certificate of Occupancy: A certificate issued by the City official designated by the City of Clinton Mayor and Board of Aldermen to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, state, City and City laws (such as water, sewer, and other necessary infrastructure is in place) and to have a record on the point.

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

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

City: The City of Clinton, Mississippi

Check Cashing Business (also called "Pay-Day Loan Agency"): A commercial use that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing business" does not include a state or federally-chartered bank, savings association, credit union, or industrial loan company. Furthermore, "check cashing business" does not include a retail business engaged primarily in the sale of consumer goods that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business. (See also "Title Loan Company" and "Tax Refund Advance Company")

Child Care Facility: A place that provides shelter and personal care for six (6) or more children who are not related within the third degree computed according to civil law to the operator and who are under thirteen (13) years of age, for any part of the twenty-four hour day, whether that place is organized or operated for profit or not. The term "child care facility" includes day nurseries, day care centers, and any other facility that falls within the scope of the definitions set forth in Section 43-20-5 of the ***Mississippi Code***, regardless of auspices.
(From: Section 43-20-5 of the ***Mississippi Code***)

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

Clinton Historical Preservation Commission: The duly appointed group of citizens charged with the responsibility of reviewing applications for Certificates of Appropriateness in the Olde Towne Clinton (OTC) zoning district.

Collector Street: See "Street."

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

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

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

Condominium: Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office,

commercial or other land use. (From: **Mississippi Code of 1972**, Annotated, Section 89-9-7.) See also "Apartment."

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

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

Convalescent Home (Rest Home or Nursing Home): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee. See also "Institutions for the Aged or Infirm".

Convenience Car Care Establishments: See "Service Station".

Convenience Store: A commercial establishment containing not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature. Such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.);however, such establishments shall NOT include the provision of mechanical service (repairs, oil change, etc.) for vehicles.

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

Coverage: That part of a lot covered by buildings.

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

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

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

Development Plan: A drawing or set of drawings depicting the ***ultimate layout*** and proposed land uses for a large tract of land, usually involving varying lot sizes and/or

different proposed land uses. A development plan of a subdivision may also be considered the "preliminary *plat" if it meets the requirements of the City of Clinton Subdivision Regulations for preliminary plats.* A development plan is sometimes referred to as a "master plan"; however, since the Comprehensive Plan for the City may also be called a "Master Plan," the term Master Plan is not used in this Ordinance.

Dimensional Variance: See "Variance."

Director of Community Development/ Director of Community Development: The official (or officials) charged by the Mayor and Board of Aldermen with the administration and enforcement of this Zoning Ordinance, or his/ her duly authorized representative.

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

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

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

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

Drive-In Restaurant: See "Restaurant, Fast Food":

Dwelling: Any building, or portion thereof, or manufactured home, which is designed and used for human habitation.

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

Dwelling, Two-Family (Duplex): A detached residential building designed to be occupied by exclusively by two families living independently of each other, with separate utilities and entrances, on a single lot.

Dwelling, Multiple-Family: Any residential building or portion thereof which is occupied by ***three or more*** families living independently of each other. The term "multiple-family dwelling" shall be understood to include ***apartment houses or "complexes" and condominiums.*** This includes "triplexes", "quadraplexes" and other

multifamily uses that are not defined as townhouses.

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

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

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

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

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

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

(a) Churches and other religious institutions.

(b) Schools, including all private, public or parochial schools, **excluding institutions of higher learning which shall be zoned "Special Use" districts only.**

(c) All **governmental buildings** (including municipal buildings and buildings erected by City, State or Federal governments) and **major governmental facilities**, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.

(d) All public parks or other recreational facilities and open space facilities. (Note: The decision by any governmental unit to establish or expand any park, recreational facility or open space facility should be subject to the same requirements as other governmental facilities, even though the facility is for the common good of the people.)

(e) All hospitals, whether public or private.

(f) Institutions for the aged or infirm, as defined by this Ordinance, excluding "Comprehensive Elderly Retirement Facilities" which shall be zoned as "Special Use" districts only.

(g) Group homes as defined by this Ordinance.
(Note: The ***Federal Fair Housing Amendments Act of 1988*** prohibits zoning practices that discriminate against or unfairly restrict community-based housing for people with developmental disabilities).

(h) Civic organization buildings and major facilities.

(i) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).

(j) Country clubs and other major recreational facilities constructed by private groups.

(k) ALL cemeteries, including associated facilities (e. g., caretaker offices and residence, etc.) **NOT INCLUDING funeral homes and mortuaries.**

(l) **Major facilities associated with privately-owned utilities** (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone towers, natural gas pumping facilities and similar significant uses.

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

Fast Food Restaurant: See "Restaurant, Fast Food."

Farm Tractor: Any motor vehicle designed and intended to be used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

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

Fortune-Telling Businesses: A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall be limited to uses where fortune is told through astrology, card reading, magic mediumship, clairvoyance, crystal gazing, palm-reading, or similar means. Fortune telling does not include any of the foregoing arts when presented in an assembly of people who purchase tickets to a presentation involving such arts.

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

Full Service Restaurant: See "Restaurant, Full Service".

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

Future Land Use Plan: See "Land Use Plan."

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

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

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

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

Goals and Objectives: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "goals and objectives (are a list of policies, adopted by the governing authorities) for the long-range (twenty to twenty-five years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential,

commercial, and industrial development; parks, open space and recreation, street or road improvements; public schools and community facilities."

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

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

Group Home: A residence designed or converted to serve as a non-secure home for eight or fewer unrelated persons who share a common characteristic. People who live in such a group home may be recovering chemically-dependent persons, mentally or physically handicapped, abused or neglected youths, youths with behavioral or emotional problems, or battered women. A group home can also refer to family homes in which children and youth of the foster care system are placed until foster families are found for them.

(Note: A group home differs from a halfway house in that it is ***not restricted to convicted criminals***, and also in that residents usually are encouraged or required to take an active role in the maintenance of the household, such as by performing chores or helping to manage a budget.)

Halfway House: A licenced facility owned or operated by an agency authorized to provide housing, food, treatment and supportive services ***for inmates on supervised release from the criminal justice system*** from more restrictive confinement in order to mainstream residents back into society, enabling them to live independently.

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

Home Occupation: Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or an accessory building. A building permit (if construction is necessary in connection with the proposed home occupation) or a change of use permit (if no construction is necessary) must be obtained from the Director of Community Development prior to initiation of a home occupation. The criteria for issuance of a permit for a home occupation are listed under Section 405 of this Ordinance.

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

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

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

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

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

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

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

Inoperable Vehicle: Any vehicle which does not have a current inspection sticker and current license plate affixed to the vehicle, irrespective of its condition, or if the vehicle has tires (for a week or more) that are continuously flat or deflated. (see Section 406.03 of this Ordinance.)

Institutions for the Aged or Infirm: A place either governmental or private which provides group living arrangements ***for four (4) or more persons*** who are unrelated to

the operator and who are being provided food, shelter and personal care whether such place be organized or operated for profit or not. The term "institution for aged or infirm" includes nursing homes, pediatric skilled nursing facilities, psychiatric residential treatment facilities, convalescent homes, homes for the aged and adult foster care facilities, provided that these institutions fall within the scope of the definition above.

(From: Section 43-11-1 of the **Mississippi Code**).

For purposes of this Ordinance, personal care homes are grouped under this definition.

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

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

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

Landscaping: Any improvement or vegetation including, but not limited to: shrubbery, trees, plantings, planters, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site re-grading, fill deposition, and paving.

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

Liquor Store: Any store which sells, distributes or offers for sale or distribution any alcoholic beverage for use or consumption by the purchaser. (From Section 67-1-5 of the **Mississippi Code**).

Lodging House: See "Rooming House."

Lot: **Lot**: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the **Zoning Ordinance of the City of Clinton, Mississippi**. Such lot shall have frontage on an improved public (dedicated) street specifically approved by the Mayor and Board of Aldermen through the subdivision plat review process prescribed in the **Subdivision Regulations** or through the site plan review process required by this Ordinance for multifamily dwellings and other developments.

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

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

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

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

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

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

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

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

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

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

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

Main Street Clinton: A member of the Mississippi Main Street Association, which is is a program of the National Trust for Historic Preservation and the Mississippi Development Authority. Main Street is an economic development program based in historic preservation.

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

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

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

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

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

Massage: The rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Mississippi.

Massage Clinic: (Not to include Adult Massage Parlor) An establishment where for any form of consideration or gratuity, massage services are provided by a licensed medical practitioner including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.

"Mini-Warehouse": See "Warehouse, Self-Storage".

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

Modular Home: A dwelling unit constructed *on-site* composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Mortuary: See "Funeral Home."

Motel: See "Hotel."

Multiple Family Dwelling: See "Dwelling, Multiple Family."

Nonconformities: Any land, lot, building, structure or parts thereof existing prior to the

enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 2801 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record," (2) nonconforming structures, and (3) nonconforming uses).

Nursery, Child Care: See "Child Care Facility."

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

Nursing Homes: See "Convalescent Home."

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

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

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

Panel Truck: A cargo van with no side windows aft of the front doors built on a truck chassis, frequently used as delivery vehicles or used by construction and maintenance contractors.

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

Pawn Shop: An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. This does not include banks or other financial institutions.

Patio House or Patio Home: See "dwelling, patio (or house or home)."

Personal Care Home: See "Institutions for the Aged or Infirm".

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

Planning Commission: The duly appointed Planning Commission of City of Clinton, Mississippi.

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

Plat: A map, plan or layout of a subdivision showing the information required by the **Subdivision Regulations of the City of Clinton, Mississippi.**

Portable Building: See "Building, Portable."

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

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

Public/Quasi-Public Facilities and Utilities: See "Facilities and Utilities, Public/Quasi-Public."

Reclamation Plan: A regulatory document used to ensure that operators of mining sites will restore their sites to productive use through an orderly schedule of steps. The reclamation plan shall consist of a combination of graphic representation and written text of sufficient detail as determined by the City of Clinton Mayor and Board of Aldermen. It shall include, but not be limited to the following elements:

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

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

Rest Home: See "Convalescent Home."

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

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

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

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

Service Station/ Convenience Car Care Establishment: A commercial use that is primarily used for the retail sale of gasoline, diesel fuel, oil, or vehicle accessories and incidental services including facilities for lubricating, washing, (either automatic or hand) and cleaning, or otherwise servicing automobiles and light trucks. The use of the term "service station" shall include "convenience car care establishments" (lubrication, tune-up, etc.), but **DOES NOT include painting, body repairs or other major repair of vehicles**

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

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

Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.

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

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

Sign: See definitions of signs in Article XXVII of this Ordinance.

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

Site Plan Review: The process specified under Sections 2207 through 2210 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Director of Community Development in coordination with other City officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by City officials, the Planning/Zoning Commission and the Mayor and Board of Aldermen for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Mayor and Board of Aldermen.

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

Special Exception: See "Conditional Use."

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the areolae; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such

contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.

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

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

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

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

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

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

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

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

Structural Alteration of a Building: See "Building, Structural Alteration of."

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

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

Subdivision Regulations: The adopted **Subdivision Regulations of the City of Clinton, Mississippi.**

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

Supermarket: A commercial establishment containing **20,000 square feet of gross floor area (including storage) or more** primarily selling food as well as other convenience and household goods, and divided into departments such as produce, meat market, bakery products, pharmacy, etc.

Tattoo Parlor: A commercial use in which the principal business activity is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of needles or other instruments designed to contact or puncture the skin.

Tax Refund Advance Company: A commercial use that makes loans for a set interest rate based upon anticipated tax refunds, secured by title to a vehicle, dwelling or other property. This term does not include a state or federally-chartered bank, savings association, credit union, or industrial loan company that provides loans backed by such collateral. (See also "Check Cashing Business" and "Title Loan Company").

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

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

Through Lot: See "Lot, Double Frontage."

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

Title Loan Company: A commercial use that makes loans for a set interest rate that are secured by title to a vehicle, dwelling or other property which become a lien that such company has against default on the loan. This term does not include a state or federally-

chartered bank, savings association, credit union, or industrial loan company that provides loans backed by such collateral. (See also "Check Cashing Business" and "Tax Refund Advance Company").

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

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

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

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

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

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

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

Undeveloped Lot: A vacant lot or parcel of land.

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

Use, Accessory: See "Accessory Use."

Utility: See "Facilities and Utilities, Public/Quasi-Public."

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship

shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section 2204 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

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

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

Veterinary Hospital: See "Hospital, Veterinary."

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

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

Yard, Front: The required unoccupied and unobstructed space *at the front elevation of the main building*, extending the full width of the lot, and situated between the front property line and *the nearest vertical portion of the main building*.

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

Yard, Side: The required unoccupied and unobstructed space across the side of a lot, being the minimum distance between the side property line and the nearest vertical portion of the main building.

Zoning Commission: See "Planning Commission."

Zoning District: See "District."

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS:

PROVISION FOR OFFICIAL ZONING MAP

SECTION 300 - ZONING DISTRICTS

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

A-1	Agricultural District
R-E	Single-Family Residential Estate District
R-1	Single-Family Residential District
R-2	Moderate Density Residential District
R-3	Patio Home District
R-4	Townhouse District
R-5	High Density Residential District
R-M	Manufactured Home Park District
PUD	Planned Unit Development District
MU	Mixed Use District
C-1	Restricted Commercial District
OTC	Olde Towne Clinton District
SD	Sarah Dickey Subdivision District
CBC	Clinton Boulevard Corridor District
C-2	General Commercial District
C-3	Major Thoroughfares Commercial District
C-4	Alternative Commercial District
I-1	Limited Industrial District
I-2	Heavy Industrial District
SU	Special Use District

SECTION 301 - OFFICIAL ZONING MAP

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

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

"This is to certify that this is the Official Zoning Map of the City of Clinton, Mississippi, as adopted by the Mayor and Board of Aldermen on _____."

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

301.03 Public Inspection of Map: The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the Director of Community Development of City of Clinton.

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

Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 2214.

SECTION 302 - REPLACEMENT OF OFFICIAL ZONING MAP

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

the City under the following words:

> "This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Clinton, Mississippi, on _____."

SECTION 303 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

D. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.

E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in Section 303, Subsections (A) through (H) above shall be so construed.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 303, the Mayor and Board of Aldermen shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Mayor and Board of Aldermen may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV

GENERAL REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

400.01 Permits Required: Before any person shall commence the construction or erection of a building, parking or placing of a manufactured or modular home, or relocating an existing structure, on any property within the City of Clinton, he/ she shall submit construction plans and drawings and obtain a building permit from the City. Permits are valid for one year from the date of issuance, but an application for extension of the permit may be submitted. All permits for construction for which substantial work (see definition of "substantial work" under Article II) has not begun with sixty (60) days of the date of issuance, or for which work has been abandoned for a sixty (60)-day period are declared null and void.

A permit shall be required for tree trimming or removal services provided by a commercial company or individuals contracted to remove or trim trees and shrubs within the City of Clinton. The permit must be obtained from the office of Community Development prior to initiation of any such work by a commercial company or such individuals under contract for such work.

400.02 Compliance with Zoning Ordinance Required: No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within the City of Clinton for an activity which requires a Federal, State of Mississippi and/or City license until said license is obtained from the appropriate authorities.

400.03 Nonconformities Defined: "Nonconformities" shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Article XXIII.

400.04 Permitted Uses Constitute Conforming Uses: Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district,

but shall without further action be considered a conforming use.

400.05 District Regulations Constitute Minimum Regulations: The regulations established in this Ordinance within each district (Articles V through XXI) shall constitute minimum regulations unless otherwise noted.

400.06 Uniformity within Districts: The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

400.07 Areas Annexed After Enactment of This Ordinance:
Any land annexed into the City of Clinton following enactment of this Ordinance shall bear the zoning classifications of Hinds County and be subject to the zoning regulations of Hinds County, until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the Zoning Ordinance of the City of Clinton. Following such public hearings and action by the Mayor and Board of Aldermen, the annexed land shall be subject to the regulations of this Ordinance rather than those of Hinds County.

400.08 Pending Applications for Building Permits: Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within sixty (60) days of the effective date of this Ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder's control. *All permits for which construction has not begun within sixty (60) days of the effective date of this Ordinance are hereby revoked and void.*

400.09 Conformance with Subdivision Regulations:
No building shall be constructed on any lot which does not conform to the provisions of the **Subdivision Regulations of the City of Clinton.**

SECTION 401 - DIMENSIONAL CONTROLS

401.01 Height Measurement: The height of buildings shall be measured according to the definition in the latest edition adopted by the City of the ***International Building Code.***

401.02 Reduction of Yards and Lots Below Minimum Requirements Prohibited:
No yard or lot of record existing at the time of passage of this Ordinance

shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

401.03 Front Yards on Corner or Double Frontage Lots:
On corner lots the minimum front yard of one street frontage shall be as prescribed in the zoning district where the use is located; the front yard for the other street frontage shall be ten (10) feet less than the front yard setback prescribed in the zoning district where the use is located. However, in order to maintain a *uniform front yard setback line*, the front yard setback of proposed buildings on corner lots shall be the same as other buildings where other previously constructed buildings exist on the same street. On double frontage lots ("through lots"), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing right-of-way upon which the lot abuts.

Rear yards for corner lots shall be the yard opposite the main entrance to the building. For the purposes of this ordinance, double-frontage lots do not have a "rear yard". In accordance with the **Subdivision Regulations of the City of Clinton, Mississippi**, Section 302.4, item 19, and Section 307.5, item 11, "building set-back lines (dashed)" shall be shown on all preliminary and final plats.

401.04 Determination of Setbacks: In measuring a required front yard (i.e., setback), within the vehicle turn-around of a cul-de-sac, the minimum horizontal distance between the existing back of curb and the main structure shall be used. In Single-Family Residential District (R-1) the minimum distance shall be thirty (30) feet or a minimum of fifteen (15) feet from the right -of-way, whichever is the greater distance. In Moderate Density Residential District (R-2) the minimum distance shall be twenty-five feet (25) feet or a minimum of fifteen (15) feet from the right-of-way, whichever is the greater distance.

401.05 Visibility at Intersections: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets and within a triangular area bounded by the right-of-way lines for a distance of twenty-five (25) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines.

401.06 Accessory Buildings or Uses:

(a) Accessory buildings or uses are PROHIBITED in the front yard and side yard of ANY district.

(b) Accessory buildings or uses may be placed in the required rear yard of any main building or use in ANY district, provided that the accessory building or use is at least five (5) feet from the rear property line and at least five (5) from the side property line.

(c) Accessory buildings shall not exceed 150 square feet in ANY district.

(d) Accessory buildings shall not exceed a height of twelve (12) feet, (exception: private garages, as defined in Section 201, shall not exceed a height of twenty (20) feet), unless a greater height is approved by the Mayor and Board of Aldermen.

(e) Exterior and materials of the accessory buildings or uses shall be compatible with surrounding structures, unless accessory building is screened by solid fencing as to not be visible from the street or any sides.

(f) No accessory building shall be used as a residence (that is, for living, sleeping, cooking, etc.) except in the Olde Towne Clinton (OTC) District. Garage apartments are prohibited in ALL districts except the OTC District.

(g) A building permit is required for ALL accessory buildings. ***Permits are always required for any electrical, plumbing, or mechanical (heating, cooling, etc.) improvements made to an accessory structure or use.***

401.07 Railroad Setbacks: In ALL residential zoning districts a buffer strip of at least one hundred (100) feet in depth in addition to the normal setback required in the district shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots in a residential subdivision (or apartment/ condominium complex lot) and the following wording shall be shown on the plat or site plan: "This strip is reserved for screening. The placement of structures hereon is prohibited."

401.08 Exceptions to Height Regulations: The height regulations contained in the District Regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and

not intended for human occupancy.

SECTION 402 - PUBLIC/ QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located in ANY district in the City, provided:

(a) That all applicable requirements of federal, state and county or City laws shall be met.

(b) That all such proposed uses shall be subject to the procedures stated under Section relative to Special Exceptions (Conditional Uses).

No public or quasi-public facility or utility shall be located in a residential district or in any area where the proposed use would be incompatible with surrounding land uses.

SECTION 403 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS

Developers of churches, schools, hospitals, civic organizational buildings, country clubs, and other public/ quasi-public facilities or utilities IN ANY DISTRICT shall comply with the following dimensional requirements:

403.01 Maximum Building Height: 35 feet, ***unless greater height is specifically approved by the Mayor and Board of Aldermen*** based upon the required site plan review.

403.02 Minimum Lot Area: Minimum lot areas for ALL public/quasi-public uses shall be based upon the proposed use, subject to approval of a site plan submitted in accordance with Sections 2607 through 2610 of this Ordinance.

403.03 Minimum Lot Width: Established based upon proposed use.

403.04 Minimum Yards: Minimum yards for public/quasi public structures shall be the same as for all other structures in individual zoning classifications.

SECTION 404 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

404.01 Arterial Street Landscaping for Subdivisions: Developers of all residential, commercial or industrial subdivisions shall provide a landscaped easement at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways

designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Clinton. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Planning Commission. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency.

At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of the required landscaped easement shall rest with the developer, if he retains ownership of such areas, or with a homeowners association if ownership of such landscaped areas is transferred to a homeowners association.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

404.02 Arterial Street Landscaping for Developments Not Involving the Subdivision of Land: Developers of all multiple family residential (apartments or condominiums), manufactured/ mobile home parks, commercial, industrial or public/quasi public uses *not involving the subdivision of land* shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Clinton. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the required site plan. A site plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not the City of Clinton. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

SECTION 405 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this Ordinance, may be permitted in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Mayor and Board of Aldermen for the protection of the health, safety and welfare of the citizens of City of Clinton:

405.01 Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.

405.02 Maximum Area: Not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. Any accessory building used in connection with the home occupation shall not exceed 150 square feet in area.

405.03 Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Director of Community Development), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Director of Community Development at the time of the application for a building permit.

405.04 Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.

405.05 Signs Relating to Home Occupations: Signs are not allowed for any home occupation.

405.06 Non-Resident Employees: No non-resident employee (i.e., a person not residing on the same premises with the operator) shall be employed in connection with any home occupation.

405.07 Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

405.08 Privilege License Required: Existing and new home occupations are required to have a privilege license in accordance with State law. A building permit (if construction is necessary in connection with proposed home occupation) or a change of use permit (if no construction is necessary) must be obtained from the Director of Community Development prior to the initiation of a home occupation.

SECTION 406 - MISCELLANEOUS GENERAL REGULATIONS

406.01 Road/ Street Access Required: Every structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or road or to an approved private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

406.02 Fences, Walls and Hedges: *(Amended May 1, 2006)*
Fences, walls, and hedges or other densely planted vegetation shall be permitted along the edge of any side or rear yard. Fences and walls along the edge of side or rear yards shall not exceed 6 feet in height, and hedges shall not exceed 8 feet in height, unless greater height is approved by the Director of Community Development. Upon the effective date of this Ordinance, the erection of fences or walls and the planting of dense vegetation (hedges, etc.) in front yards in such a manner as to impede the vision of motor vehicle operators entering a public street shall be prohibited. ***The erection of chain-link fences in front yards in ANY district is prohibited.*** No fence shall cross any drainage easement, ditch or swale, that would impede the flow of water.

406.03 Abandoned, Junked or Wrecked Vehicles: Abandoned, junked, wrecked, inoperable or partially dismantled vehicles located on public or private property are considered a public nuisance for the following reasons:

(a) Such vehicles constitute an attractive nuisance, creating a hazard to health, and safety of minors;
(b) Such vehicles create an unsightly condition on property that tends to reduce property values;
(c) Such vehicles promote urban blight and deterioration of neighborhoods; and
(d) Such vehicles invite plundering to create fire hazards.

A vehicle is classified as "inoperable" if it does not have a *current inspection sticker* ***and*** *current license plate affixed to the vehicle*, irrespective of its condition, or if the vehicle has tires (for a week or more) that are continuously flat or deflated.

The storage of such vehicles on public or private property within the city for a period in excess of ten (10) days is prohibited unless such vehicles are completely enclosed within a building or unless such vehicles are stored or parked on the property of a duly licensed commercial business where such parking or storing is necessary to the operation of the business.

406.04 Use of Any Recreational Vehicle As a Residence: No recreational vehicle, as defined herein, may be used as a residence (that is, for living, sleeping, cooking, etc.) in any zoning district other than in a section of a Manufactured Home Park (zoned R-M) reserved for such use.

406.05 Prohibited Uses: Within the City of Clinton, no lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise (that is, ***no noise in excess of 65 DNL, or 65 decibels as determined by an outdoor day-night average sound level***), odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of Natural Resources, Bureau of Pollution Control and the Mississippi State Board of Health.

406.06 Materials and Growth Constituting Public Health and/or Safety Hazards Prohibited: All trees, shrubs, and other landscaping shall be properly maintained to remain in a healthy growth state, and any dead growth shall be removed. Any vegetation, including native and/ or wild vegetation in lawn areas or adjacent to a building or structure that is overgrown or lacking maintenance as to be unsightly to neighboring property or not in character with the neighborhood, or potentially, because of size and lack of maintenance, shall be removed or trimmed. Shrubbery used for landscaping around the perimeter of a house shall not be allowed to grow higher than the first floor or eve of a residence.

No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate City Official (the Director of Community Development, Fire Chief, or other authorized City employee) or health official to constitute a menace to the public health and/or safety.

Items such as, but not limited to, washers, dryers, refrigerators, ovens, freezers, lawn mowers, string trimmers, edgers, tillers, rakes, shovels, mattresses, box springs, couches, sofas, recliners, ice chests, boxes, crates, storage bins, storage tubs, file cabinets, grills, kennels, barrels, drums, shall not be stored on a porch, breezeway, or balcony if the porch, breezeway, or balcony is visible from the street.

Placement of basketball goals on public streets or right-of-way is prohibited.

406.07 Maximum Diameter and Location of Satellite Dish Antennas: Satellite dish antennas are accessory uses, and, as such, are subject to the dimensional controls of Section 401.06 of this Ordinance. In all residential zones, no ground-mounted dish antenna may exceed a diameter of twelve (12) feet. Satellite dish antennas that are visible from the street on which a dwelling fronts are prohibited on the roof of any structure in a residential zone, unless a clear line of sight to a satellite is needed. However, if installed on roofs in residential zones, such antennas shall not exceed a diameter of two (2) feet. For non-residential zones, there are no maximum diameter regulations. In any zone where the regulations of this section would prevent the property owner from locating a satellite dish antenna on his/ her property with a clear line of sight to a satellite, the Director of Community Development shall have the authority to waive the appropriate regulation.

406.08 Portable Storage Containers: Portable storage containers may be placed in the front or side yard in a residential district not to exceed thirty (30) days, provided that the unit meets a ten (10) foot front yard setback and a five (5) foot side yard setback from the property lines. Exception: The building official may permit the placement of a portable storage container in a residential district for up to ninety (90) days, provided that the property owner has a valid building permit or has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but not limited to, disasters such as tornado, fire or flood.

406.09 Incidental Sale of Vehicles:No more than two (2) vehicles by any one (1) owner or seller may be offered for such incidental sale at any given time, provided the vehicle has been used for transportation by the owner. A pattern of offering vehicles for sale in this manner on a continuing basis shall be grounds for determining the sales to be non-incidental, and a violation of this Ordinance. Exception: Except for property zoned where such sale of vehicles is a permitted use.

406.10 Prohibited Parking or Storage of Vehicles in Front and Side Yards and on Public Streets or Rights-Of-Way: No vehicle shall be parked or stored in any front yard or side yard within any residential zoned district, except within a garage, carport, apron or driveway. Driveways cannot cover more than 50 % of the front yard and a driveway must be solid surfaced with brick, asphalt or concrete. In no case shall parking be allowed in front of the main body of the residence.

Parking and/or storage of any vehicle on a public street or public right-of-way is prohibited within ANY zoning district where NO PARKING signs have been installed. EXCEPTION: Parking for isolated, non-recurring gatherings, parties, or visitors will be permitted.

Recreational vehicles, transient trailers, travel trailers, motor homes and the like must be parked or stored within a garage or open carport or behind the back line of the building (rear yard). Such vehicles may be parked in the driveway, front or side yard for loading/unloading, cleaning or repair for a period not to exceed seventy-two (72) hours.

Trailers, boats, all-terrain vehicles (ATV), shall be parked or stored within a garage or open carport or behind the back line of the building (rear yard). EXCEPTION: Such items may be placed in side yard and if enclosed by solid fencing in a manner that prevents direct visibility from the street or from adjoining properties.

406.11 Farm Tractors Prohibited in All Residential Districts Except Agricultural (A-1) Districts: Farm tractors as defined by this Ordinance shall not be parked or stored on any lot in any residential district, except for Agricultural (A-1) districts, unless such farm tractors are completely screened by means of fencing from view from the street(s) on which the residence fronts and all neighboring properties or housed in a completely enclosed building (such as an accessory outbuilding or garage). If fencing is used to screen such uses, the proposed fencing shall be approved by the Clinton Director of Community Development prior to installation. Likewise, all buildings used to house such equipment shall be subject to all provisions of this Ordinance for accessory structures.

406.12 Repair of Vehicles: Minor repairs such as changing oil, or the replacement of the air filter, spark plugs, brakes, tires, shocks, etc. are permitted in the residential zoned district. Minor repairs of any vehicle performed other than within a fully enclosed building shall not exceed a seventy-two (72) hour period of time.

Major repairs such as, but not limited to, replacing or overhauling of engine, transmission, or auto bodywork or other repairs that exceed a 72 hour period is only permitted if such work is being conducted within a fully enclosed building. Minor or major repairs as stated are only permitted on vehicles registered to the property owner or tenant of the said property on which the repairs are conducted. Vehicle repair shops are prohibited within any residential district.

406.13 Conduct of Garage Sale at Any Location Other Than a Single -Family Residence Prohibited; Time Limitation on Garage Sales: Except for the conduct or operation of a garage sale, as defined by this Ordinance, by a non-profit group or groups for charitable purposes with a permit in any commercial zone, the conduct or operation of a garage sale at any location other than a single-family residence is prohibited; this includes but is not limited to the conduct or operation of a garage sale at a self-storage warehouse or "mini-warehouse". The conduct or operation of a garage sale for more than six days within a 12-month period is considered a commercial operation and is prohibited. Garage sales in single-family residential zones shall begin no earlier that 7:00 A. M. and conclude no later than 2:00 P. M. (Monday through Sunday). A permit from the Community Development Department for the conduct or operation of ANY garage sale shall be required.

406.14 Transient Vendors: No transient vendor, as defined by this Ordinance, shall operate for a period of more than 30 consecutive days. ***No transient vendor shall conduct any business or activity without first obtaining a privilege license and without notification of the City of Clinton Police Department by the vendor.***

406.15 House Numbers: House numbers in Arabic numerals, a minimum of six four inches in height to a maximum of six inches in height and a minimum stroke of 0.5 inch, shall be located on each home and/ or at the curb, and shall be plainly visible from the street.

SECTION 407 - PROPERTY MAINTENANCE & PUBLIC NUISANCE

407.01 Owner's Responsibilities: Property owners shall be responsible for the maintenance of the owner's property and premises in a manner consistent with the provisions of this Ordinance; provided, however, that an owner may require by written agreement that a tenant, lessee, or occupant of the owners property maintain same in accordance with this Ordinance but failure of such tenant, lessee, or occupant to so maintain the owner's property shall not relieve the owner of the owners responsibilities hereunder.

407.02 Condition of Buildings, Accessory Structures on Property:

The existence of any of the following conditions on buildings, accessory structures, or property, where same has an adverse impact on safety, health, environment, aesthetics or property values of properties in the near vicinity as a result of being visible from outside the property, is declared to be a nuisance.

1. Broken windows
2. Window shutters that are damaged or not secured properly
3. Rain gutters and down spouts that are rusted, sagging, or improperly fastened
4. A roof with missing or deteriorated roofing materials such that repair or replacement is required
5. Any garage door that is inoperable, broken, sagging, lacking paint or missing visible parts or materials
6. Any driveway that is deteriorated, crumbling, weed-infested, or lacks adequate covering of asphalt, brick, or concrete, stone, gravel or is missing portions thereof
7. Exterior light fixtures in need of repair or replacement
8. Exterior light fixtures that shine directly toward adjacent property (with the exception of front entrance general illumination lights)
9. Exterior walls that have exposed, rotten, or deteriorated materials
10. Screens on doors or windows that are torn or in need of repair or replacement
11. Stairs or railings affixed to the exterior of buildings that are in need of repair or replacement
12. Excessive scaling, peeling or flaking paint
13. Excessive mildew or mold
14. Property damaged or destroyed by fire or acts of nature that has not been demolished or repairs that do not *begin* within three months and continued *uninterrupted* until renovation is completed. Also, debris or refuse resulting from fires or acts of nature remaining on property for three months
15. Torn or ripped window awnings
16. Inadequately secured antennas
17. Damaged, rotted, or decayed mailboxes or mailbox posts
18. Graffiti
19. Construction projects that are on-going for more than twelve months (Exception: Construction projects with a valid building permit may request a time extension due to extenuating circumstances, such as natural disasters.)
20. Scattered building or repair material in a yard
21. Storage of construction, repair or maintenance material or equipment on a premises that is not to be used on the premises
22. Construction debris and refuse remaining on property for thirty

days

23. Lumber or construction materials (excluding materials for a construction project on the property with a current valid permit), salvage items (junk), including but not limited to auto parts, scrap metals, tires, and the like stored on property in excess of seventy-two hours
24. Missing finishes on exterior walls and chimneys
25. Windows, doors, or building exteriors covered with but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending permanent repairs
26. Lawn areas that are not properly planted and maintained to prevent erosion, excessive dust, or the accumulation of water and mud.
27. Building or repair material and building, maintenance, or repair equipment stored for thirty days
28. Piles of dirt, sand, gravel, rock, mulch in excess of fourteen (14) days
29. Scattered or rotted firewood
30. Wheel barrows, lawnmowers, or garden and lawn materials and equipment if visible from the street in excess of a twenty-four hour period
31. Erosion caused by lack of ground cover, resulting in dirt accumulation on sidewalks, streets, or adjacent properties
32. Discarded garbage, rubbish, refuse, or recyclable items that have not been collected within seven days of being deposited on the property and that remain thereon
33. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety.
34. Swimming pools that are not properly maintained and that constitute an adverse impact on safety, health, environment, aesthetics or property values of properties in the near vicinity in the opinion of the Director of Community Development.
35. The above listed items are not intended to be all inclusive.

407.03 <u>Garage or Carports</u>

Garages used for the accumulation or storage of personal property that are unsightly and when viewed from outside the property, shall be kept closed except during ingress and egress.

Materials, equipment, or other items of personal property shall not be stored inside a carport to the extent that such storage prevents the use of an open carport for the parking of the number of motor vehicles for which the open carport is designed.

407.04 Garbage or Refuse Containers

Garbage or refuse containers shall be stored behind the front line of the building and shall not be visible from the street, except when placed for collection. Garbage or refuse containers shall be returned to the storage location not later than 8:00am the day following collection.

It shall be unlawful for any person to dispose of or cause to be disposed of any garbage, rubbish or other waste materials upon property other than a lawfully operated garbage dump or sanitary landfill. Excessive amounts of cutting, clippings, leaves, and other yard debris shall not be allowed to accumulate in the lawn area for up to fourteen (14) days as to adversely affect the value of properties in the near vicinity.

SECTION 408-PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL NEIGHBORHOODS

408.01 Purpose of This Section: The purpose of this section is to promote a clean and nuisance-free environment for all Clinton residential neighborhoods.

408.02 Definition: A commercial vehicle is any panel truck, as defined by this Ordinance, or motor vehicle ***with more than six wheels*** licensed or operated for the purpose of commercial activity. This includes, but is not limited to, all panel trucks, regardless of the number of wheels, and eighteen wheelers, with or without tractor or trailer.

408.03 Applicability: This section applies to ALL residential districts.

408.04 Regulation: Overnight parking of commercial vehicles, as defined above, in residential districts is prohibited.

SECTION 409-REQUIRED ENCLOSURE OF GARBAGE/ TRASH DISPOSAL FACILITIES AND RECYCLE BINS

409.01 Intent of This Section: The intent of this section is to ensure the construction of durable, permanent trash enclosure facilities, in locations that are inconspicuous but easily accessible to collection vehicles, for any land that will or could use garbage cans, trash bins or other similar facilities as a means of storing garbage.

409.02 Definitions for This Section:

"Garbage or Trash": These terms may be used interchangeably to include food wastes as from a kitchen and all forms of rubbish or refuse.

"Garbage/ Trash Disposable Facilities": Any container with a capacity of 40 gallons or more that is designed to be used for the storage of garbage.

"Garbage/ Trash Bin" means a metal trash container that is designed to be hydraulically lifted from the front or rear of a trash collection vehicle. Also called a "dumpster".

"Garbage/ Trash Enclosure" means a permanent, immobile structure, designed for the screening and storage of garbage cans, trash bins, or other trash receptacles.

409.03 Uses To Which This Section Applies: Upon the effective date of this Ordinance, all garbage disposal facilities located on the site of any new (at the effective date of this Ordinance) multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed on three sides in a manner that prevents direct visibility of the garbage cans, dumpster, or recycle bin. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

409.04 Site Plans Shall Include Location and Description of Disposal Facilities:

All site plans for multiple family residential, manufactured home parks, commercial, industrial or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed.

409.05 Screening and Accessibility of Trash Enclosures: Trash enclosures shall be sited and constructed to provide adequate screening from public view of refuse, as follows:

A. Garbage/ trash enclosures shall not be located nearer than twenty feet to streets or sidewalks, and ***shall be located to the rear of a building where possible.***

B. Enclosures shall be easily accessible to collection vehicles and collection personnel. The area directly in front of any trash enclosure should be less than a two-percent slope to make manipulation of the trash bin as easy as possible. Enclosures shall

be of sufficient size to store trash receptacles, or trash bins, as specified by the local solid waste disposal company. Passage routes for collection vehicles shall be a minimum of 12 feet wide and without obstructions, and adequate space shall be provided for maneuvering the collection vehicles.

C. Enclosures shall be constructed to be as inconspicuous as possible. The contents of the enclosures shall be screened from public view.

D. Enclosures shall be consist of a ***brick or masonry fence matching the main structure at least 6 feet in height*** on three sides of the refuse site. ***Architectural review shall be required for all trash enclosures.*** A building permit is not required for trash enclosures which do not exceed six feet in height and do not have a roof.

E. Trash enclosures shall be located at least thirty (30) feet from any front entrance to a structure.

F. Refuse site enclosure gate or doors will be wide enough to maneuver the required refuse containers in and out of the site enclosure area without having to realign the container with the access point. Minimal available clear width of the gate opening will be 12 feet.

G. Ground-attached locks for refuse/recycling site enclosure gates are required.

H. Refuse site enclosure gates hinges will be located on the outside exterior walls. Gates will swing out 180 degrees from the closed position.

I. Refuse site enclosures are to remain free of all other materials that would interfere with the collection or collection vehicle while providing service. Floor will be kept clean and free of grease, oil, and other trip or slip hazards.

J. ***If recycling space is included, additional pad and gate width will be required to meet all of the above criteria.***

K. Storage of oil, grease, cleaning supplies and other flammable or hazardous materials inside trash enclosures is prohibited.

409.06 Pad Size and Site Configuration: Pads for dumpsters shall be constructed with 8-inch thick, Class 3000 cement. Pads shall extend twenty (20) beyond the enclosure with 8-inch thick Class 3000 cement. The pad sizes will be evaluated on a case-by-case basis as part of the Site Plan Review process. Refuse/recycling sites and pads will be sloped to provide positive

drainage. The site and pad drainage slope will provide easy passage by collection vehicles and crews.

409.07 Failure To Maintain Garbage/ Trash Disposal Facilities: Failure to maintain garbage/ trash disposal facilities in a neat and sanitary manner in the opinion of the Director of Community Development shall constitute a violation of this Ordinance and shall be subject to the penalties prescribed herein.

409.08 Exceptions to Requirements: The Director of Community Development has the power to grant an exception to the requirement for a trash enclosure if it is determined that any use in the proposed structure will not generate enough trash to necessitate the use of a garbage can, trash bin, or number of trash receptacles to require screening and enclosure or if such cans, bins, or receptacles are maintained inside of a building.

Furthermore, the Director of Community Development has the power to work with property and business owners to identify options which result in implementation of the spirit and intent of this Section, where unique or unusual circumstances exist such as buildings constructed without setbacks or access to rear portions of the property.

SECTION 410-REGULATION OF MOTOR FUEL FACILITIES, INCLUDING CONVENIENCE STORES THAT SELL FUEL

410.01 Provision of Maneuverability Space: When motor fuel facilities are permitted outright or as conditional uses under this Ordinance, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations in order to minimize conflict with circulation, access and other activities on the site. All proposed fuel facilities shall be subject to site plan review provisions of this Ordinance under Sections 3007 through 3010.

410.02 Pump Islands and Canopies: Wherever fuel pumps are to be installed, pump islands shall be installed, and a protective canopy located over the pump island(s) shall be an accessory structure on the property.

410.03 Required In-Door Storage of Items for Sale at Service Stations and Convenience Stores That Sell Fuel: Items offered for sale at service stations and convenience stores shall be displayed indoors rather that outside the convenience store or service station or at pump islands.

SECTION 410-PANHANDLING PROHIBITED

410.01 Definitions:

(a) "Panhandling" means any solicitation in person, by a person, other than a charitable organization, for an immediate grant of money, goods or any other form of gratuity from another person(s) when the person making the request is not known to the person(s) who is the subject of the request.

(b) "Aggressive Panhandling" means panhandling in the following manner:

(1) To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with: imminent bodily injury; or the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

(2) To persist in panhandling after the person solicited has given a negative response;

(3) To block, either individually or as part of a group of persons, the passage of a solicited person;

(4) To touch a solicited person without the person's consent;

(5) To render any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or

(6) To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to make a

donation.

(c) "Charitable Organization" means any non-profit community organization, fraternal, benevolent, educational, philanthropic, or service organization which solicits or obtains contributions solicited from the public for charitable purposes or holds assets solely for charitable purposes.

410.02 Prohibitions: It shall be unlawful for any person to engage in panhandling or aggressive panhandling at any location in the City of Clinton.

410.03 Exceptions: Nothing in this Ordinance shall abrogate or abridge solicitations made by charitable organizations, or the laws of state and federal government, or any law regulating nonprofit, religious, educational, civic or benevolent organizations.

410.04 Penalties: Penalties for violations of this section shall be as follows:

(a) First violation: Upon a first violation, the person accused of violating this Ordinance shall be issued a warning ticket, which shall not include a summons to appear before a court of proper jurisdiction. The Police Department of City of Clinton is hereby empowered to act on behalf of the Director of Community Development if necessary and to issue a citation to violators who fail to respond within the warning time provided.

(b) Second and subsequent violations: Upon a second violation, and subsequent violations, the person accused of violating this Ordinance shall be issued a written citation, including a summons to appear before the municipal court, and in accordance with Section 3014, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not to exceed one hundred dollars ($100.00), and/or imprisonment not to exceed 30 days.

In case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be separate offense.

SECTION 411- TREE TRIMMING/ REMOVAL: A permit shall be required for tree trimming or removal services provided by a commercial company or individuals contracted to remove or time trees and shrubs within the City of Clinton. The permit must be obtained from the office of Community Development prior to initiation of any such work by a commercial company or such individuals under contract for such work.

The City of Clinton assumes no responsibility for the clean-up or removal of limbs, logs or debris of any kind resulting from cutting, trimming or removal of trees by a commercial company or individual contractor. Allowable limit of trash or debris to be placed at curb side by homeowners shall be one cubic yard.

SECTION 412- MODULAR HOMES AS CONDITIONAL USES IN RESIDENTIAL ZONES: Modular homes, as defined by this Ordinance, may be considered ***as conditional uses*** in all zones where residential uses are allowed outright.

SECTION 413- METAL BUILDINGS IN COMMERCIAL ZONES: No metal building or building with metal siding shall be visible from a street on which the commercial use fronts unless such structure is approved by the Mayor and Board of Aldermen.

SECTION 414-LIGHTING: The following regulations shall apply to ALL commercial districts, Mixed Use districts, the Olde Towne Clinton District, the Clinton Boulevard Corridor District, industrial districts, and Special Use districts:

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

B. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.

C. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries, and shall be directed toward the object or area to be illuminated. Light shall be directed away from residences.

D. Lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation. The glare from the installation of outdoor lights and illuminated signs shall be

contained on the property and shall be shielded from abutting properties. Lighting structures shall be integrated with the site and surrounding uses.

ARTICLE V

AGRICULTURAL DISTRICT (A-1)

SECTION 500 - PURPOSE OF THIS DISTRICT

The purposes of these districts are to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the City of Clinton that are *not served by the public sewer system.* It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

SECTION 501 - LAND USES PERMITTED

A. Single-family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.

B. Accessory buildings and structures associated with the use of the land for residential purposes.

C. Breeding, raising, and feeding of livestock (i.e., horses, cattle, sheep, goats, mules, pigs, etc.), provided that each such animal herein defined as "livestock" shall be kept on a tract or lot of three (3) acres of land or greater for each such animal. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 150 feet from any adjoining property lines or existing street right-of-way line.

D. Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing/proposed street right-of- way line.

E. Private stables

E. Forestry and horticultural uses. The sale of vegetables, fruits and other plants shall only be allowed if permitted as a special exception (see Section 502).

F. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.

G. Home occupations in compliance with Section 405 of this Ordinance.

H. Streets and highways.

SECTION 502 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Manufactured homes *on a minimum lot of three (3) acres with at least 100 feet between such manufactured homes and all side and rear property lines.*

C. Child care facilities.

D. Inns or "bed and breakfast inns."

E. Stables, riding academies, and facilities for the training of horses and similar activities, providing that there shall be *at least three (3) acres of land* for each horse normally kept on the premises.

F. Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.

G. Commercial catfish production.

H. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are proposed, a Reclamation Plan shall be approved by the Mayor and Board of Aldermen prior to the initiation of such open pit mining operations. The operator must obtain required permits and approvals, *which shall not be transferrable*, from other governmental entities and provide the City of Clinton Mayor and Board of Aldermen with written proof of same.

I. Veterinary hospitals and kennels in compliance with the adopted Animal Control Ordinance of the City of Clinton.

J. Animal cemeteries (small domestic animals such as cats and dogs).

SECTION 503 - DIMENSIONAL REQUIREMENTS

503.01 Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

503.02 Minimum Lot Area:

(a) For lots where City of Clinton sanitary sewerage service is NOT available: two (2) acres, subject to Hinds County Health Department approval of all on-site wastewater disposal systems.

(b) For lots where City of Clinton sanitary sewerage service IS available: one (1) acre. However, if livestock are to keep on the property, see Section 501 (c).

503.03 Minimum Lot Width: 200 feet for lots that are not served by public sewerage; 100 feet for lots that are served by public sewerage. However, see Section 501 (C) and (D) when livestock or fowl are to be kept on the premises.

503.04 Minimum Yards:

(a) Front yard: 40 feet from the existing right-of-way line to the building setback line.

(b) Side yard and rear yard: 25 feet, except where Section 501 (C) or (D) requires a minimum yard of 150 feet from any adjoining property line.

503.05 Maximum Buildable Area: No limitation on buildable area.

SECTION 504 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and the side and rear yard setback for swimming pools shall be 5 feet, which is the same as for all accessory uses (see also Section 401.06, Accessory Buildings or Uses). All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self latching gate.

SECTION 505 - OFF-STREET PARKING REQUIREMENTS

See Article XXV for off-street parking and loading requirements for residential and other uses allowed in A-1 districts.

ARTICLE VI

RESIDENTIAL ESTATE DISTRICT (R-E)

SECTION 600 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for large lot (one-half acre or larger), low density residential subdivisions for persons desiring a more "country-like" setting for as a home site. It is also the purpose of these districts to protect the property values of people living in existing Residential Estate subdivisions or other large lot developments. *Neighborhoods zoned to this classification shall either be served by a public sewer system or by a private wastewater treatment facility.*

SECTION 601 - LAND USES PERMITTED

A. Single family detached dwellings with only one principal dwelling per lot.
B. Accessory uses and structures associated with the use of the land for residential purposes.
C. Horticultural uses not involving the sale of produce on the premises.
D. Home occupations in compliance with Section 405 of this Ordinance.
F. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
G. Streets, roads and highways.

SECTION 602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities.
B. Adult daycare facilities.
C. Child care facilities.

SECTION 603 - DIMENSIONAL REQUIREMENTS

603.01 Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

603.02 Minimum Lot Area: one-half acre (21,780 square feet)

603.03 Minimum Lot Width: 100 feet at the front yard setback.

603.04 Minimum Yards:

(a) Front yard: 40 feet from the existing right-of-way line to the building setback line.

(b) Side yard and rear yard: 25 feet.

603.05 Maximum Buildable Area: No limitation on buildable area.

SECTION 604 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 20 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self latching gate.

SECTION 605 - OFF STREET PARKING REQUIREMENTS

See Article XXV for off street parking and loading requirements for residential and other uses allowed in R-E districts.

SECTION 606 - SIGNS

See Article XXVII for sign regulations.

ARTICLE VII

SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

SECTION 700 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities. *No new single-family residential subdivisions shall be developed in R-1 districts after the effective date of this Ordinance without public sewerage.*

SECTION 701 - LAND USES PERMITTED

A. Single-family detached dwellings with only one principal dwelling per lot.
B. Accessory uses and structures associated with the use of the land for residential purposes.
C. Horticultural uses not involving the sale of produce on the premises.
D. Home occupations in compliance with Section 405 of this Ordinance.
E. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
F. Streets and highways.

SECTION 702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities.
B. Adult daycare facilities.
C. Child care facilities.

SECTION 703 - DIMENSIONAL REQUIREMENTS

703.01 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

703.02 Minimum Lot Area: 11,500 square feet.

703.03 Minimum Lot Width: 90 feet.

703.04 Minimum Yards:

(a) Front yard: 30 feet from the street right-of-way line to the building setback line.
(b) Side yards: 8 feet.
(c) Rear yard: 25 feet.

SECTION 704 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 705 - OFF-STREET PARKING REQUIREMENTS

See Article XXV for off-street parking and loading requirements.

SECTION 706 - SIGNS

See Article XXVII for sign regulations.

ARTICLE VIII

MODERATE DENSITY RESIDENTIAL DISTRICT (R-2)

SECTION 800 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of moderate density residential uses in moderately spacious surroundings. It is the intent of this Ordinance that these districts be located primarily in established moderate density residential areas as a means to ensure their continuance.

SECTION 801 - LAND USES PERMITTED

A. Single-family detached dwellings with only one principal dwelling per lot.
B. Accessory uses and structures associated with the use of the land for residential purposes.
C. Horticultural uses not involving the sale of produce on the premises.\
D. The keeping of animals in compliance with the City of Clinton's Animal Control Ordinance.
E. Home occupations in compliance with Section 405 of this Ordinance.
F. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
G. Streets and highways.

SECTION 802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities.
B. Adult daycare facilities.
C. Child care facilities..

SECTION 803 - DIMENSIONAL REQUIREMENTS

803.01 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

803.02 Minimum Lot Area:
(a) Single-family detached residences: 9,500 square feet.
(b) All conditional uses: Based upon site plan review.

803.03 Minimum Lot Width:

(a) Single-family detached residences: 80 feet.

(b) All conditional uses: Based upon site plan review.

803.04 Minimum Yards:

(a) Front yard: 25 feet from the street right-of-way line to the building setback line.

(b) Side yards: 5 feet.

(c) Rear yard: 20 feet.

SECTION 804 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 805 - OFF-STREET PARKING REQUIREMENTS

See Article XXV for off-street parking and loading requirements.

SECTION 806 - SIGNS

See Article XXVII for sign regulations.

ARTICLE IX

PATIO HOME DISTRICT (R-3)

SECTION 900 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of single-family detached houses on small lots in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodated without sacrificing usable open space, privacy or environmental quality. These districts should be located only in those areas of the City of Clinton depicted as "Patio Homes and Townhouses" on the adopted Land Use Plan.

SECTION 901 - LAND USES PERMITTED

A Single-family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Horticultural uses not involving the sale of produce on the premises.

D. Home occupations in compliance with Section 405 of this Ordinance.

E. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Clinton shall comply with the Clinton Subdivision Regulations.

F. Streets and highways.

SECTION 902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities.

B. Adult daycare facilities.

C. Child care facilities.

SECTION 903 - DIMENSIONAL REQUIREMENTS

903.01 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

903.02 Minimum Size of Tract to be Subdivided for Patio Homes: Five (5) acres.

903.03 Minimum Lot Area: 6,000 square feet.

903.04 Maximum Density: Six (6) patio homes per gross acre (including street rights-of-way).

903.05 Minimum Lot Width: 60 feet.

903.06 Minimum Yards:

(a) Front yard: 25 feet from the right-of-way line to the building setback line.
(b) Side yards: 5 feet, but with *a minimum distance between dwelling units on adjoining lots of twenty (20) feet.*
(c) Rear yard: 20 feet.

SECTION 904 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any subdivision in an R-3 zone shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 905 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISIONS:

Where a developer proposes a patio home subdivision, the developer shall provide common open space amounting to ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision or dedicated to the City of Clinton for use by all residents of the City. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

905.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

905.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

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

905.04 Staged Development of a Patio Home Subdivision: If a patio home subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for patio homes and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part --- even though 10% of 5 acres is only one-half acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part or 1.5 acres, in addition to the one-acre reserved for the first phase; thus, the total open space reserved for the 20-acre tract developed in two phases would be 2.5 acres.

905.05 Performance Bond: Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

905.06 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Clinton: Authority granted by the City of Clinton for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Clinton either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the

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

SECTION 906 - REQUIRED OFF-STREET PARKING IN R-3 DISTRICTS
See Article XXV for off-street parking and loading requirements for R-3 districts.

SECTION 906 - SIGNS

See Article XXVII for sign regulations.

ARTICLE X

TOWNHOUSE RESIDENTIAL DISTRICT (R-4)

SECTION 1000 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of two-to-four-family townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition zone between lower density residential districts (R-1) and higher density residential districts (R-5), commercial uses or arterial streets (as reflected in the adopted Thoroughfares Plan) that are not compatible with low-density residential environment. These districts should be located only in those areas of the City of Clinton depicted as "Patio Homes and Townhouses" on the adopted Land Use Plan.

SECTION 1001 - LAND USES PERMITTED

A. Two-family, three-family or four-family townhouses (i.e., townhouses that are part of a townhouse subdivision in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings).
B. Accessory uses and structures associated with the use of the land for residential purposes.
C. Horticultural uses not involving the sale of produce on the premises.
D. The keeping of animals in compliance with the City of Clinton's Animal Control Ordinance.
E. Home occupations in compliance with Section 405 of this Ordinance.
F. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Clinton Subdivision Regulations.
G. Streets and highways.

SECTION 1002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities.
B. Adult daycare facilities.
C. Child care facilities.

SECTION 1003 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS

1003.01 Minimum Size of Tract to be Subdivided for Two-To-Four-Family Townhouses: Five (5) acres.

1003.02 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

1003.03 Minimum Lot Area:

(a) End townhouses: 6,000 square feet.

(b) Interior townhouses: 3,500 square feet.

1003.04 Minimum Lot Width:

(a) End townhouses: 45 feet

(b) Interior townhouses: 30 feet

1003.05 Minimum Yards:

(a) Front yard: 25 feet from the street right-of-way line to the building setback line.

(b) Side yards (for end units): 10 feet from each side lot line, except where abutting an existing single-family detached residence or an R-1 or R-2 district, then 30 feet, which shall be landscaped in accordance with Article XXVI and remain open with no encroachments by driveways, patios or other paved areas.

(c) Rear yard: 20 feet, except where abutting an existing single-family detached residence or an R-1 or R-2 district, then 30 feet, which shall be landscaped in accordance with Article XXVI and remain open with no encroachments by driveways, patios or other paved areas.

SECTION 1004 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any townhouse subdivision in an R-4 zone shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 1005 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONS CONTAINING FIVE ACRES OR MORE

Developers of townhouse subdivisions shall provide common open space amounting to ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the townhouse subdivision or land dedicated to the City of Clinton for use by all residents of the City. The Development

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

1005.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1005.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed townhouse subdivision, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1005.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1005.04 Staged Development of a Townhouse Subdivision: If a townhouse subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for a townhouses and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part

--- even though 10% of 5 acres is only one-half acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part or 1.5 acres, in addition to the one-acre reserved for the first phase; thus, the total open space reserved for the 20-acre tract developed in two phases would be 2.5 acres. If less than five acres is developed initially and the developer wishes to expand the subdivision at a later time to include more than five acres, subsequent plats shall not be approved by the Mayor and

Board of Aldermen until at least 10% of the entire subdivision is reserved for open space.

1005.05 Performance Bonds: Prior to the sale of any lot in a townhouse subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1005.06 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Clinton: Authority granted by the City of Clinton for the development of a townhouse subdivision shall not be construed as nor constitute an obligation on the part of Clinton either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the townhouse subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the townhouse subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

SECTION 1006 - PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES

Any person desiring to construct townhouses shall prepare a sketch plat, preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following approval of the final plat, the builder who proposes such townhouses shall submit a

plot diagram in accordance with the ***International Building Code*** to the Building Inspector prior to the issuance of a building permit; said plot diagram shall indicate as nearly as possible the exact location of the property lines between the townhouses. (Consistent with the ***Subdivision Regulations*** of the City of Clinton, Mississippi).

SECTION 1007 - UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Subdivision Regulations. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The construction drawings submitted by builders of townhouses shall indicate the proposed location of all utility lines on each lot, and these locations shall comply with this Section prior to issuance of a building permit. (Consistent with Section 504 of the Subdivision Regulations of the City of Clinton, Mississippi).

SECTION 1008 - REQUIRED OFF-STREET PARKING FOR TOWNHOUSES

Each townhouse, as defined by this Ordinance, shall front directly upon a public (i. e., dedicated) street rather than a common parking lot or common driveway. Access to required parking by means of easements shall be prohibited. Each townhouse shall be served by a private driveway; common or "flag-type" driveways which serve adjoining townhouses shall be prohibited. Off-street parking for townhouses shall be provided as follows:

A. For all townhouses having 1,500 square feet or less living (heated) area: A fully enclosed garage of adequate size to house at least one (1) full-size automobile; or a carport or paved parking pad in the rear of each townhouse of adequate size for at least two (2) full-size automobiles.

B. For all townhouses having in excess of 1,500 square feet of living (heated) area: A fully enclosed garage of adequate size to house at least two (2) full-size automobiles; or a carport or paved parking pad in the rear of each townhouse of adequate size for at least two (2) full-size automobiles. (This section is consistent with Section 505 of the Subdivision Regulations).

SECTION 1009 - REQUIRED OFF-STREET PARKING FOR NON-RESIDENTIAL USES ALLOWED IN R-4 DISTRICTS

See Article XXV for off-street parking and loading requirements for non-residential uses allowed in R-4 districts.

ARTICLE XI

HIGH DENSITY RESIDENTIAL DISTRICT (R-5)

SECTION 1100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of higher density multiple family (i.e., two or more) residential uses with adequate, usable open space to prevent overcrowding. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. The use of this district is appropriate as a transition between low density (R-1) or moderate density (R-3 and R-4) residential districts and higher intensity uses, such as commercial uses or limited industrial (I-1) uses, that are not compatible with lower density residential environment. All apartment or condominium developments shall front upon at least one street or highway that is classified as a Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan.

All multiple-family residential uses shall be properly landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Article XXVI of this Ordinance.

SECTION 1101 - LAND USES PERMITTED

The following uses are permitted outright in R-5 districts subject to the regulations prescribed herein.

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

SECTION 1102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
B. Child care facilities.

C. Adult daycare facilities.

SECTION 1103 - DIMENSIONAL REQUIREMENTS FOR ALL MULTIPLE FAMILY USES

1103.01 Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

1103.02 Minimum Lot Area: Two (2) acres.

1103.03 Minimum Floor Area:

(a) One bedroom units: 500 square feet.
(b) Two bedroom units: 700 square feet.
(c) Three or more bedroom units: 900 square feet.

1103.04 Maximum Density: Six (6) dwelling units per gross acre.

1103.05 Minimum Lot Width: 100 feet at the building setback line.

1103.06 Minimum Yards:

(a) Front yard: 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
(b) Side and rear yards: 25 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts an existing single-family detached residence or an R-1 or R-2 district, in which case the side or rear yard shall be 50 feet. This yard shall be a landscaped in accordance with Article XXVI with no encroachments permitted including driveways, parking lots, patios, swimming pools, or other paved areas.

1103.07 Minimum Space between Buildings: No principal building or accessory building shall be constructed nearer than thirty (30) feet to any other principal building or accessory building.

SECTION 1104 - REQUIRED OPEN SPACE RESERVATION/ DEDICATION FOR MULTIPLE FAMILY DEVELOPMENTS

A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational use of the residents of the apartment or condominium complex.

The required site plan (see Section 1105) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1104.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1104.02 Steep Slopes: In reviewing the site plan for a proposed apartment or condominium development, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1104.03 Physical Improvements:
Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1104.04 Performance Bonds: Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 1105 - SITE PLAN REQUIRED
The developer of ANY apartment or condominium complex shall submit a site plan to the Planning Commission in accordance with Sections 3007 through 3010 of this Ordinance.

SECTION 1106 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS
Developers of multiple family residential uses and other uses permitted in R-5 zones shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

SECTION 1107 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/ egress to/from the complex. Spacing requirements for these access points are provided under Article XXV. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Article XXV.

SECTION 1106 - SIGNS

See Article XXVII for sign regulations

ARTICLE XII

MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (R-M)

SECTION 1200 - PURPOSE OF THIS DISTRICT

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

SECTION 1201 - LAND USES PERMITTED

A. Single-family manufactured homes (single-wide or larger) or mobile homes (as defined by this Ordinance).
B. Recreational vehicles in areas designated on an approved site plan only.
C. Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use of the residents of the manufactured home park.
D. Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the manufactured home park, and further provided that they be exclusively for the use of the residents of the manufactured home park.
E. Accessory uses and structures as defined under Article II of this Ordinance.
F. Private streets (circulation drives).

SECTION 1202 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 402

A. Public and quasi-public facilities and utilities.
B. Adult daycare facilities.
C. Child care facilities.

SECTION 1203 - SITE PLAN REQUIRED

No building permit to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park shall be issued until the applicant for the building permit has complied with the provisions of Sections 3007 through 3010 relative to site plan review. All new manufactured home parks established after the effective date of this

Ordinance shall comply with all of the provisions herein. With regard to manufactured home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

SECTION 1204 - BUILDING PERMIT REQUIRED

Prior to the connection of utilities (water, sewer, electricity) to serve any manufactured home located in a manufactured home park, the owner of the manufactured home or mobile home, or the owner (or his authorized representative) of the manufactured home park in cases where both the space and the manufactured home are leased or rented, shall apply for a building permit. All electrical wiring and plumbing connections shall be performed in accordance with the adopted codes of City of Clinton by qualified, licensed, and bonded electricians and plumbers.

Furthermore, any person responsible for placing a manufactured home or mobile home in a manufactured home park shall comply with the tie-down standards prescribed in Section G501.3 of the *International Building Code, 2006 or standards in the latest edition* .

SECTION 1205 - DIMENSIONAL REQUIREMENTS (FOR BOTH MANUFACTURED HOMES AND RECREATIONAL VEHICLES)

1205.01 Minimum Size of Park: 10 acres.

1205.02 Maximum Density: The maximum density shall not exceed six manufactured homes per gross acre.

1205.03 Maximum Building Height within Manufactured Home Parks: 20 feet or one story.

1205.04 Minimum Set-Backs for Park Perimeter: All manufactured homes shall be located at least 50 feet from any property line or any existing or proposed right-of-way line of a public street or road. This park perimeter set-back shall be a landscaped in accordance with Article XXVI and remain an open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).

1205.05 Minimum Manufactured Home Space Area Within the Park: 5,000 square feet.

1205.06 Minimum Space Width Within the Park: 50 feet measured at the front set-back line.

1205.07 Required Set-Backs for Individual Manufactured Home Spaces Within the Park:

(a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a park street, or common parking area or other common areas.

(b) Side yards: There shall be a minimum distance of 10 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.

(c) Rear yards: There shall be a minimum distance of 10 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).

1205.08 Accessory Buildings or Uses: Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park.

SECTION 1206 - OFF-STREET PARKING REQUIREMENTS

In order to provide for free movement of traffic through the park on park streets, no on-street parking shall be permitted on any manufactured home park street. See Article XXV for the off-street parking requirements of this district.

SECTION 1207 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

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

SECTION 1208 - PRIVATE STREETS WITHIN MANUFACTURED HOME PARKS

All streets (circulation drives) within a manufactured home park shall be at least 28 feet in width (traveled road), with curbs and gutters. All streets shall be constructed in accordance with low and medium density residential zone standards for local streets as specified under Section 409 of the Clinton *Subdivision Regulations*. Proper maintenance of all streets within manufactured home parks shall be the responsibility of the owner or operator of the park and not the City of Clinton.

SECTION 1209 - WHEEL REMOVAL AND PLACEMENT OF MANUFACTURED HOME ON A CONCRETE PAD OR PERMANENT FOUNDATION/ SKIRTING REQUIREMENTS

The owner of any manufactured home located or re-located in an R-M district on and after the effective date of this Ordinance shall be responsible for removing the wheels of such manufactured homes and placing the manufactured home on a concrete pad or permanent foundation. Furthermore, the owner of any manufactured home located or re-located in an R-M district on or after the effective date of this Ordinance shall be responsible for installing skirting around the base of the manufactured home, thereby completely covering all sides of the manufactured home from the concrete pad or foundation to the bottom of the manufactured home. Proposed skirting materials shall be approved by the Director of Community Development prior to installation.

SECTION 1210 - UTILITIES AND DRAINAGE

Utilities (electrical power, natural gas, water, and sanitary sewerage) and storm drainage shall be provided in all manufactured home parks in accordance with the requirements of the Clinton Subdivision Regulations and applicable codes adopted by the City of Clinton. *All electrical, telephone and cable television lines shall be installed underground to eliminate overhead wires.* The maintenance of water and sanitary sewage facilities and storm drainage facilities within manufactured home parks shall be the responsibility of the owner of the park, and not the City of Clinton.

SECTION 1211 - FREEDOM FROM FLOODING AND PONDING

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

SECTION 1212 - REFUSE COLLECTION FACILITIES

The owner, or his authorized representative, of a manufactured home park shall provide adequate refuse collection stations approved by the City of Clinton for the proper storage of all refuse produced by residents of the manufactured home park, and shall be responsible for the cleanliness of the premises. The City of Clinton will collect refuse at container stations provided that the residents of the manufactured home park comply with the regulations of the Sanitation Ordinance of the City of Clinton.

SECTION 1213 - ACCESS TO PUBLIC STREETS AND HIGHWAYS

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

SECTION 1214 - SERVICE BUILDING

A service building containing mechanical laundry equipment including washing machines and dryers for use by park occupants only shall be provided in every manufactured home park.

SECTION 1215 - RECREATIONAL AREA

A minimum of thirty percent (30%) of the gross land area of each manufactured home park shall be set aside as a recreational area or common open space for park residents. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational use of the residents of the manufactured home park. The required site plan (see Section 1103) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1215.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1215.02 Steep Slopes: In reviewing the site plan for a proposed manufactured home park, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1215.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1215.04 Performance Bonds: Prior to the rental/ lease of any space within a proposed manufactured home park (or the expanded portion of an existing park), the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of

Mississippi. The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 1216 - EXTERIOR LIGHTING

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

SECTION 1217 - FIRE HYDRANTS

Fire hydrants approved by the Clinton Fire Department shall be placed a maximum of 250 feet from each manufactured homes stand and every building within the manufactured home park.

SECTION 1218 - REQUIRED PLANTING SCREEN FOR ALL MANUFACTURED HOME PARKS

Developers of manufactured home park are required to plant appropriate shrubbery to form a planting screen that will reach a height of at least six feet along the sides and rear property lines of the proposed park. The location and type of planting screen to be installed shall be noted on the site plan, which shall be acceptable to the City prior to approval of the site plan. *Maintenance of this required planting screen shall be the responsibility of the property owner and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.*

SECTION 1218 - COMMON MAIL DELIVERY FACILITY REQUIRED

A common mail delivery facility (or facilities if the park is large enough to necessitate more than one) shall be constructed in the manufactured home park to eliminate individual mailboxes for each manufactured home.

SECTION 1219 - ANNUAL INSPECTION REQUIRED

An annual inspection for compliance with this Ordinance and other City of Clinton ordinances or codes of all manufactured home parks by the Director of Community Development or his designated representative shall be required.

ARTICLE XIII

PLANNED UNIT DEVELOPMENT ("PUD") DISTRICT

SECTION 1300 - PURPOSES OF THIS DISTRICT

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

A. To encourage the development of properly planned residential communities on sites greater than 5 acres.

B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements.

SECTION 1301 - PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Development shall be a *superimposed designation* over a low density residential district R-1 or R-2.

SECTION 1302 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 3006 of this Ordinance indicating which areas he desires to be rezoned to R-3, R-4 or R-5.

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

If the subdivider wishes to reserve portions of the proposed PUD for moderate density or high-density development or commercial development, such areas shall be shown on a sketch plat or "development plan", which shall be submitted with an application for rezoning. A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the higher density residential or commercial development) substantially conform to the development plan.

SECTION 1303 - LAND USES PERMITTED

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

A. Single-family detached dwellings (only one main structure per lot).

B. Accessory uses and structures as defined under Article II of this Ordinance.

C. Horticultural uses not involving the sale of produce on the premises.

D. The keeping of animals in compliance with the City of Clinton's *Animal Control Ordinance.*

E. Home occupations in compliance with Section 405 of this Ordinance.

F. Public streets and highways.

G. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this ordinance. Lakes deeded to a homeowners association or dedicated (public) to the City of Clinton shall comply with Clinton ***Subdivision Regulations.***

SECTION 1304 - CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS)AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities.
B. Adult daycare facilities.
C. Child care facilities.

SECTION 1305 - DIMENSIONAL REQUIREMENTS

1305.01 Minimum Size of PUD: The minimum size of any PUD shall be five (5) acres.

1305.02 Maximum Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

1305.03 Maximum Residential Development Density: Development within PUD districts shall be limited to the number of residential units stipulated by the

Mayor and Board of Aldermen and shall not exceed the theoretical maximum number of lots and/or dwelling units which could be constructed in the basic residential districts on which the PUD district is superimposed.

The theoretical maximum density for a development within a PUD district shall be the number of lots and/or dwelling units that a conventionally designed preliminary lot layout (of a conceptual residential development situated within the property boundaries and on the topography of the site proposed for a PUD) would show could reasonable be constructed on the site following the lot area, lot width and yard requirements for the sites basic zoning, the requirements of this ordinance, and the requirements of the Subdivision Ordinance.

1305.04 Residential Lot area, Lot width and Yards and Design Standards - No minimum lot area or lot width for dwellings is required by this Ordinance in PUD districts. The developer shall set reasonable and uniform minimum requirements for the various parts or phases of the development including lot size, setbacks, street widths, horizontal and vertical alignment, right or way widths, curb and gutter or any other aspect of current zoning and subdivision ordinances. Should these minimum requirements be less than that of the basic residential district (s) on which the PUD designation is superimposed or less than is required by the current subdivision ordinance then they shall be subject to approval by the Mayor and Board of Aldermen at site plan review. Such minimum dimensions shall not permit a dwelling or other structure to be located closer than fifteen (15) feet to the right-of-way or easement line of a public or private street.

1305.05 Commercial Lot Area, Lots Width and Yards: The minimum lot area, lot width and yards for commercial structures shall be the same as those required in the C-1 district.

SECTION 1306- COMMON AREA AND OPEN SPACE REQUIREMENT

A. For a development within a PUD district, the developer shall set aside and convey, to the developer's successive owners of developed properties associated in a Maintenance Organization and/or to an acceptable structured and economically viable country club, at least twenty-five percent (25%) of the gross area of the development as common area and/or open space, which areas shall be accessible subject to reasonable rule, assessments and fees to all residents of the district.

B. No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)

C. The developer shall set aside, improve and donate unencumbered to a Maintenance organization as common area an amount of land and such improved facilities as are sufficient to permit and justify the operation of the Maintenance organization as an entity functioning to fulfill its purposes as provided in the covenants, conditions and restrictions to which developed lots and parcels within the developments are to be subjected.

D. The amount of land to be set aside and donated to a Maintenance Organization, and the amount of land, if any to be set aside and conveyed to a country club, shall be substantiated by the developer to the satisfaction of the Mayor and Board of Aldermen.

E. Open space may be any reasonable use of land that causes spaciousness between groupings lots or dwelling units. Open spaces areas may include areas that are lakes, parks, golf courses, wide medians in boulevard boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreation and pedestrian movement by residents living within the district. Common areas may contain improvements and must be owned and maintained by a Maintenance Organization or Country Club. Common areas may include lands that are open space.

F. The Mayor and Board of Aldermen has the authority to require as a prerequisite to approval of a Site Plan for a development within a PUD district such features, infrastructure, covenants, condition and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Clinton, Mississippi.

G. To be considered as common area or open space which meet the requirements of this section of this ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purposes(s).

H. Because subdivision construction within PUD districts is anticipated to be logically phased or staged in parts, at initial Site Plan Review the developer shall provide to the Mayor and Board of Aldermen a general description of and donation schedule for the total amount of required common area and open space. Such description and schedule shall designate which parts if not all or said proposed common area and open space will be improved, if any, and thereafter when, relative to the development, the developer shall convey to the Maintenance Organization or Country Club such common areas and open space.

I. Such schedule shall reasonable and cumulatively relate the amount or land to be set aside, the cost of common area improvements, if any, to be made by the developer, the estimated cost of maintaining such common area and open space by a Maintenance Organization or Country club, and the number of lots and/or dwelling units anticipated to be completed at the time of such donation. Such description and schedule shall be approved by the Mayor and Board of Aldermen.

J. Should improvements to proposed common areas and open space not be completed in accordance with the approved donation schedule, prior to granting its approval of the record plat of a corresponding part or phase of the development, the Mayor and Board of Aldermen shall require that a performance bond or other sufficient surety be posted with a disinterested Trustee who is empowered to complete the proposed common area and open space improvements should the developer fail to do so within a timely manner.

SECTION 1307- MAINTENANCE OF COMMON AREAS AND OPEN SPACE

A. As a part of the plans and documents submitted for the Site Plan Review of a proposed development within the PUD district, the developer shall include a draft of those covenants, conditions and restrictions to which those covenants, conditions and restrictions to which developed lots and parcels within the development shall be subjected.

B. Such covenants, conditions and restrictions shall provide for the organization and operation of a Maintenance Organization in which each successive property owner (including successive purchasers) within the development shall be a mandatory member subject to reasonable rules, assessments and fees. Such covenants, conditions and restrictions shall also provide that any Country Club to which required common areas and/or open space is conveyed shall permit, subject to reasonable rules, assessments and fees, all residents of the development to be members.

C. The Maintenance Organization or Country Club must be responsible for liability insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned and maintained by such organization or club.

D. The Maintenance Organization must provide for reasonable and pro rata collection from the owners of developed lots and properties within the development of monies sufficient to pay the costs for such insurance, taxes, administration, operation, security, repair and maintenance. The collection of such monies from such owners shall be enforceable by the Maintenance

Organization having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien on the property of owners not paying proper assessments.

E. The legal structure of a Country Club accepting ownership and maintenance responsibility for common areas and/or open space shall provide that the owner(s) or such club are responsible for such insurance, taxes, administration, operation, security, repair and maintenance.

SECTION 1308- COORDINATION WITH SUBDIVISION REGULATIONS

A. Prior to the initiation of construction, a comprehensive site plan of a proposed development within a PUD district shall be submitted to the Mayor and Board of Aldermen for Site Plan Review in accordance with Sections 3007 through 3010 of this Ordinance.

B. Subdivision review under the Subdivision Ordinance may be carried out simultaneously with the Site Plan Review required by this Ordinance.

C. The development plan submitted for Site Plan Review shall be submitted in a form which satisfies the requirements of the Subdivision Ordinance for preliminary plats, or in such other form (or forms) as is necessary to show the infrastructure and other important features of the development and to present generally how the developer intends to progress construction of the development.

D. There shall be no substantial or material deviation from an approved Site Plan until such deviation has been approved by the Mayor and Board of Aldermen.

ARTICLE XIV

RESTRICTED COMMERCIAL DISTRICT (C-1)

SECTION 1400-PURPOSE OF THIS DISTRICT

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

SECTION 1401-PERMITTED USES

The following uses are permitted outright in C-1 districts subject to the regulations prescribed herein:

A. Business and professional offices of all types.
B. Personal services such as hair styling shops and photographic portrait studios.
C. Business-related retail and service establishments not to exceed 25% of the leasable area of any office building or not to exceed 10,000 square feet if freestanding. Permitted uses include, but are not limited to, office supply stores, office equipment dealers, telecommunication equipment sales and service companies, computer stores and services, blueprint and copy services, graphics supply and equipment dealers; private employment agencies; travel agencies; emergency health care clinics; child care facilities; and totally enclosed health club facilities.
D. Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographics schools; barber and beauty schools; and similar facilities.
E. Restaurants, cafeterias, delicatessens, coffee shops and carryout food establishments if located within an office building.
F. Educational and technical training facilities of all types except for those which require outdoor space and/ or industrial type structures or those that involve trucking or similarly sized equipment; included are conference center facilities.
G. *Privately-owned and operated* museums, libraries, galleries, and similar facilities.

H. Residential facilities (e. g., care-taker residences) and ancillary uses commonly associated with any permitted use.

I. Public streets and highways.

SECTION 1402 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 3005

A. Public and quasi-public facilities and utilities.

B. Adult daycare facilities.

C. Child care facilities.

SECTION 1403 - DIMENSIONAL REQUIREMENTS

1403.01 Maximum Building Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

1403.02 Minimum Lot Area: No minimum lot area is required.

1403.03 Minimum Lot Width: No minimum lot width is required.

1403.04 Minimum Yards:

(a) Front yard: 40 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with the landscape standards adopted by the City of Clinton; no parking shall be permitted in driveways.

(b) Side yards and rear yards where NOT abutting a residential district: 10 feet. No landscaping shall be required in this 10 foot open area, and driveways may be constructed inside this setback.

(c) Side yards and rear yards where abutting an existing single-family detached residence or an R-1 or R-2 district: 20 feet, which shall remain open and be landscaped in accordance with Article XXVI AND a six (6)-foot high fence constructed of brick or solid wood (board-to-board); said fence shall be maintained by the property owner and failure to maintain the fence in a reasonably satisfactory condition shall constitute a violation of this Ordinance.

1403.05 Minimum Space between Buildings on the Same Lot: 15 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with landscape standards adopted by the City of Clinton.

SECTION 1404 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning Commission in accordance with Sections 3007 through 3010.

SECTION 1405- REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1406 - REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

SECTION 1407 - SIGNS AND OUTDOOR ADVERTISING

See Section XXVII pertaining to signs and outdoor advertising.

ARTICLE XV
MIXED USE (MU) DISTRICT

SECTION 1500-PURPOSES OF THIS DISTRICT

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

A. Allowing a diversity of uses in close proximity in the district, including residential, retail, office, entertainment, and open space.

B. Encourage a mix of uses in which non-residential development generates revenues for the City and creates jobs, shopping and entertainment opportunities for residents, while residential development generates 24-hour vitality in support of the commercial uses.

C. Providing opportunities for a mixture of uses *in the same building.*

D. Through a planned development process, provide standards for site design, architecture, landscaping and circulation that segregate vehicular and pedestrian traffic, encourage walking and bicycling for recreation and daily errands, and buffer adjacent and internal residential uses from non-residential use impacts. \

E. *Unlike Planned Unit Developments (PUD's), the establishment of a Mixed Use development does not necessarily require conformance with an underlying zoning district.* This is intended to provide maximum flexibility in the design of the MU development. However, a rezoning of the land proposed for development must be obtained along with an amendment to the adopted Land Use Plan. Also, a development plan must be submitted in accordance with Section 1505 below.

SECTION 1501-PERMITTED USES

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

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

B. Single-family detached residential uses allowed outright in R-E, R-1 and R-2 zones.

C. Patio homes and townhouses.

D. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the temporary display of *individual* articles not exceeding a weight of 200 pounds, a height of six feet and a length and/ or a depth of six feet (that is, those articles which can generally be hand-carried by one or two persons), during normal business hours. Such merchandise shall not cover or block more than 1/3 of the depth of the sidewalk on which the commercial use fronts, measured from the face of the building, and shall in no way block people from walking on the sidewalk.

E. Buildings in which the second floor is used for residential purposes and the first (ground) floor is used for office or retail purposes.

F. Hotels and motels.

G. Full service restaurants.

H. Fast food restaurants.

SECTION 1502 - CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS)AS PROVIDED IN SECTION 3005

A. Big box retail establishments.

B. Supermarkets.

C. Convenience stores.

D. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

E. Adult daycare facilities.

F. Child care facilities.

SECTION 1503-DIMENSIONAL REQUIREMENTS

1503.01 Minimum Size of Mixed Use Development:

The minimum size of any Mixed Use development shall be twenty (20) acres.

1503.02 Maximum Height for All Uses: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

1503.03 All Single-Family Detached Uses Except Patio Homes:

The single-family detached residential portions (except patio homes) of an MU development shall be designed as a Planned Unit Development, subject to the basic density of the underlying zone (if there is an underlying R-E, R-1, or R-2 zone). *However, if there is no underlying single-family residential zone or if the developer wishes to establish a different density from the underlying zone, a rezoning must be approved as part of the development plan for the proposed residential type and density. This will also require an amendment to the adopted Land Use Plan.* After the basic density is established for different portions of the MU development (either through underlying zoning or a rezoning based upon the development plan), the MU development shall be designed in accordance with the following requirements:

Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-E, R-1, or R-2) over which the Mixed Use/ PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 11,500 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.78 lots or dwelling units; 30 acres multiplied by 3.78 = 113 lots or single-family detached dwelling units. (Note: This method of calculating residential development density cannot be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc. than do PUD's in which development is concentrated.)

1503.04 Minimum Lot Size, Minimum Lot Width, Minimum Yards and Maximum Height for Single-Familly Detached Residences (Except Patio Homes) in Mixed Use Developments:

(a) Minimum Lot Size: No minimum.
(b) Minimum Lot Width: No minimum.
(c) Minimum Yards: Same as the underlying district or the proposed R-E, R-1 or R-2 classification for each section of the Mixed Use development.

1503.05 Patio Homes and Townhouses: The dimensional requirements for patio homes and townhouses in a Mixed Use development shall be the same as the requirements in Section 903 for patio homes and Section 1003 for townhouses. However, the MU development plan for the patio home and/ or townhouse sections shall be linked to common open space features

of the Mixed Use development.

1503.06 All Commercial Uses and Public/Quasi-Public Uses: Dimensional requirements for commercial portions or public/ quasi-public uses in a Mixed Use Development shall be determined by approval of a development plan submitted in accordance with Section 1505 and the site plans required by Section 1507. All commercial and public/quasi-public sections of a MUD shall be linked to common open space features of the development.

SECTION 1504 - DEVELOPMENT PLAN APPROVAL REQUIRED PRIOR TO DESIGNATION OF MIXED USE DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a Mixed Use development shall first prepare and submit a "development plan" to the Director of Community Development in accordance with the Subdivision Regulations. All development plans for proposed MU development shall be reviewed by the Planning Commission as well as the Director of Community Development and the City Engineer. A development plan is a drawing or set of drawings depicting *the ultimate layout and proposed land uses* for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. *A development plan of a subdivision may be also be considered the "preliminary plat"(if it meets the specifications for preliminary plats), but the preliminary plat for each phase or stage of a Mixed Use development shall be approved by the Mayor and Board of Aldermen prior to the initiation of any construction by the subdivider.* Following approval of the development plan and/ or preliminary plats (where the development plan meets the requirements for a preliminary plat), said *development plan and/ or preliminary plats shall be become the zoning requirements* for the development unless amended in accordance with Section 1506 of this Ordinance.

SECTION 1505 - CHANGES IN DEVELOPMENT PLANS OR SUBDIVISION PLATS

A development plan may include minimum lot sizes and proposed open space keyed to different areas of a proposed Mixed Use development. If the development plan meets the requirements of the Subdivision Regulations for *preliminary plats*, the provisions of this section shall apply to previously approved preliminary plats. If a subdivider proposes *changes in lot sizes* for a particular portion of a Mixed Use District, *changes in land reserved for open space or recreational areas* or *major changes in proposed street configurations* (as determined by the Director of Community Development and City Engineer) from the development plan or preliminary subdivision plat approved by the Mayor and Board of Aldermen, *a public hearing* shall be held before the City of Clinton Planning Commission in accordance with Section 3006 (Amendments to the Official Zoning Map–Rezoning) of this Ordinance to consider the proposed changes (since the development plan constitutes the zoning for the Mixed Use District). Such proposed changes shall be reviewed by the Planning Commission, which shall make a recommendation to the Mayor and Board of Aldermen. The changes may be approved or denied by the Mayor and Board of Aldermen. *No construction that would involve proposed changes in the development plan or subdivision plats previously approved by the Mayor and Board of*

Aldermen shall be initiated by the subdivider prior to approval of the revised development plan or subdivision plats.

SECTION 1506-SITE PLAN REQUIRED FOR COMMERCIAL OR PUBLIC/ QUASI-PUBLIC PORTIONS OF A MIXED USE DEVELOPMENT

In addition to a development plan for a proposed Mixed Use development, site plans shall be prepared in accordance with Sections 3007 through 3010 of this Ordinance for all commercial and public/quasi-public parcels.

SECTION 1507-PERFORMANCE STANDARDS

A. Architecture shall demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.

B. Buildings adjacent to usable open space should generally be oriented to that space, with access to the building opening onto the open space.

C. Landscaped space, and particularly usable open space, shall be designed and located to connect as a network throughout the Mixed Use development. It is also generally intended that said space be designed and located to connect with *existing offsite usable open space*, and provide potential for connection with future open space by extending to the perimeter of the Mixed Use development, particularly when a plan exists for the location and networking of such future open space.

D. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic or late-night activity. No amplified music shall be audible to neighboring residents. Vehicular access to and from public roads is intended to be consolidated. Vehicular access to Mixed Use development sites from a public roadway shall generally be limited to one (1) access point, particularly when Mixed Use development frontage along said roadway is three hundred (300) feet or less.

E. Internal streets shall consist of local and collector roadways, designed in accordance with standard traffic engineering practice. Any street proposed for public dedication shall be designed and constructed in accordance with Clinton Subdivision Regulations.

F. The design should preserve and enhance natural features such as topography, waterways, vegetation, and drainage ways.

G.. The design should minimize impervious surfaces and incorporate other design features to minimize storm water runoff.

H. Mixed Use Developments should maximize pedestrian-oriented development.

SECTION 1508- COMMON AREA AND OPEN SPACE REQUIREMENT

A. The developer of a Mixed Use development shall set aside and convey, to the developer's successive owners of developed properties associated in a Maintenance Organization at least twenty-five percent (25%) of the gross area of the development as common area and/or open space, which areas shall be accessible subject to reasonable rule, assessments and fees to all residents of the district.

B. No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)

C. The developer shall set aside, improve and donate unencumbered to a Maintenance Organization as common area an amount of land and such improved facilities as are sufficient to permit and justify the operation of the Maintenance Organization as an entity functioning to fulfill its purposes as provided in the covenants, conditions and restrictions to which developed lots and parcels within the developments are to be subjected.

D. The amount of land to be set aside and donated to a Maintenance Organization, shall be substantiated by the developer to the satisfaction of the Mayor and Board of Aldermen.

E. Open space may be any reasonable use of land that causes spaciousness between groupings lots or dwelling units. Open spaces areas may include areas that are lakes, parks, golf courses, wide medians in boulevard boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreation and pedestrian movement by residents living within the district. Common areas may contain improvements and must be owned and maintained by a Maintenance Organization. Common areas may include lands that are open space.

F. The Mayor and Board of Aldermen has the authority to require as a prerequisite to approval of a Site Plan for a development within a Mixed Use District such features, infrastructure, covenants, condition and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Clinton, Mississippi.

G. To be considered as common area or open space which meet the requirements of this section of this ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purpose(s).

H. Because subdivision construction within Mixed Use Districts is anticipated to be logically phased or staged in parts, at initial Site Plan Review, the developer shall provide to the Mayor and Board of Aldermen a general description of and donation schedule for the total amount of required common area and open space. Such description and schedule shall designate which parts if not all or said proposed common area and open space will be improved and thereafter when, relative to the development, the developer shall convey to the Maintenance Organization such common areas and open space.

I. Such schedule shall reasonable and cumulatively relate the amount or land to be set aside, the cost of common area improvements, if any, to be made by the developer, the estimated cost of maintaining such common area and open space by a Maintenance Organization, and the number of lots and/or dwelling units anticipated to be completed at the time of such donation. Such description and schedule shall be approved by the Mayor and Board of Aldermen.

J. Should improvements to proposed common areas and open space not be completed in accordance with the approved donation schedule, prior to granting its approval of the record plat of a corresponding part or phase of the development, the Mayor and Board of Aldermen shall require that a performance bond or other sufficient surety be posted with a disinterested Trustee who is empowered to complete the proposed common area and open space improvements should the developer fail to do so within a timely manner.

SECTION 1509- MAINTENANCE OF COMMON AREAS AND OPEN SPACE

A. As a part of the plans and documents submitted for the Site Plan Review of a proposed development within the Mixed Use District, the developer shall include a draft of those covenants, conditions and restrictions to which those covenants, conditions and restrictions to which developed lots and parcels within the development shall be subjected.

B. Such covenants, conditions and restrictions shall provide for the organization and operation of a Maintenance Organization in which each successive property owner (including successive purchasers) within the development shall be a mandatory member subject to reasonable rules, assessments and fees.

C. The Maintenance Organization must be responsible for liability insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned and maintained by such organization.

D. The Maintenance Organization must provide for reasonable and pro rata collection from the owners of developed lots and properties within the development of monies sufficient to pay the costs for such insurance, taxes, administration, operation, security, repair and maintenance. The collection of such monies from such owners shall be enforceable by the Maintenance Organization having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien on the property of owners not paying proper assessments.

E. Authority granted by the City of Clinton for the development of a Mixed Use District shall not be construed as nor constitute an obligation on the part of Clinton either for maintenance or liability in the operation and use of common open space and recreational facilities located in the Mixed Use District.

ARTICLE XVI
OLDE TOWNE CLINTON DISTRICT (OTC)

SECTION 1600 - PURPOSE OF THIS DISTRICT

In accordance with the adopted Goals, Objectives and Policies element of the Comprehensive Plan for the City of Clinton(adopted on June 7, 2007), the purposes of this district are:

A. To preserve the character of Olde Towne Clinton by preventing the location of inappropriate land uses and by prohibiting incompatible architectural design in that area;

B. To establish a pedestrian-friendly area within the historic Olde Towne Clinton district that will be the focal point for community life in Clinton;

C. To create a unique and appealing downtown environment which will encourage and enhance development by private developers consistent with the culture, heritage and vision of the City; and

D. To expand the Olde Towne Clinton District to include areas to the north of the Kansas City Southern Railroad tracks in order to protect the integrity of this historic area and promote consistency of land use and architectural styles in the future development of this area.

It is also the purpose of this district to preserve property values in the Olde Towne Clinton district by requiring that any person proposing new buildings, additions to existing buildings or rehabilitation of/ repairs to existing buildings to not only comply with the ***International Building Code*** but also apply for a *Certificate of Appropriateness* as required under Section 1606 of this Ordinance. This requirement is intended to insure compatibility of such new buildings, additions or repairs with other uses in the district, thereby preserving the property values of other dwellings and businesses.

This district is intended to encourage the development of selected commercial activities that are compatible with historic structures, single-family detached residences and public/quasi-public sector uses. *Uses first permitted in C-3 Major Thoroughfares Commercial districts or in C-4 Alternative Commercial districts shall not be permitted here.*

When any "action", as defined herein, is proposed anywhere in the Olde Towne Clinton district, such actions shall be subject to the provisions of Sections 1605 through 1610 of this Ordinance. An "action" within the context of this Article shall be defined as: "Any construction, restoration or rehabilitation, relocation, painting or re-painting, addition to, interior remodeling, repair of or demolition of a building or structure, or construction and location of parking facilities or the cutting of live trees measuring twelve (12) inches in diameter five feet above the ground level."

SECTION 1601 - LAND USES PERMITTED WITHIN OLDE TOWNE CLINTON DISTRICT

The following uses are permitted outright in the OTC district, subject to the regulations prescribed herein:

A. Single-family detached residences (only one main structure per lot); the garages of all new or reconstructed (after the effective date of this Ordinance) single-family residences shall open parallel to the street (i. e., so that the interior of the garage cannot be seen by a person standing directly in front of the residence) on which the residence fronts, except where and the Clinton Planning Commission recommend otherwise.

B. All uses permitted outright in C-1 Restricted Commercial zones.

C. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the temporary display of *individual* articles not exceeding a weight of 200 pounds, a height of six feet and a length and/ or a depth of six feet (that is, those articles which can generally be hand-carried by one or two persons), during normal business hours. Such merchandise shall not cover or block more than 1/3 of the depth of the sidewalk on which the commercial use fronts, measured from the face of the building, and shall in no way block people from walking on the sidewalk.

D. Full service restaurants ONLY. Fast food restaurants are prohibited in the OTC District.

E. Buildings in which the ground floor is used for commercial purposes allowed under Section 1601 and the upper floor is used as a single-family residence.

F. Specialty shops as defined by this Ordinance.

G. Accessory buildings and uses customarily incidental to the aforementioned uses.

H. Streets and highways.

SECTION 1602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 3005

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Inns or "bed and breakfast inns".

C. New duplexes or expansions of existing duplexes, as defined by this Ordinance.

D. New multiple-family dwellings or expansions of existing multiple-family dwellings, as defined by this Ordinance.

E. Adult daycare facilities.

F. Child care facilities.

SECTION 1603 - DIMENSIONAL REQUIREMENTS FOR THE OLDE TOWNE CLINTON DISTRICT (INCLUDING SINGLE-FAMILY RESIDENTIAL USES)

1603.01 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

1603.02 Minimum Lot Area:

(a) Single-family detached residences: Subject to site plan review.

(b) Commercial uses: 12,000 square feet.

1603.03 Minimum Lot Width:

(a) Single-family detached residences: 80 feet .

(b) Commercial uses: 100 feet.

1603.04 Minimum Yards:

(a) Front yard for *all uses*: 25 feet

(b) Side yards for all residential uses: 5 feet.

(c) Side yards for all proposed commercial uses where NOT ABUTTING an existing residential use or residential district: 20 feet. Driveways and parking are permitted inside this 20 foot sideyard setback, but at least five (5) feet of the setback along the side property line shall be open and landscaped.

(d) Side yards for all proposed commercial uses where ABUTTING an existing residential use or residential district: 20 feet and a fence constructed that is approved as part of the Site Plan review process, OR 50 feet (if no fence is erected). Driveways and parking are permitted inside this 20 foot or 50 foot sideyard setback, but at least five (5) feet of the setback along the side property line shall be open and landscaped.

(e) Rear yard for all residential uses: 10 feet.

(f) Rear yards for all proposed commercial uses where NOT ABUTTING an existing residential use or residential district: 20 feet. Driveways and parking are permitted inside this 20 foot rear yard setback, but at least five (5) feet of the setback along the rear property line shall be open and landscaped.

(g) Rear yards for all proposed commercial uses where ABUTTING an existing residential use or residential district: 20 feet and a fence constructed that is approved as part of the Site Plan review process,

OR 50 feet (if no fence is erected). Driveways and parking are permitted inside this 20 foot or 50 foot rear yard setback, but at least five (5) feet of the setback along the rear property line shall be open and landscaped.

SECTION 1604-PROCEDURE FOR PROPOSED CONSTRUCTION NOT MEETING DIMENSIONAL REQUIREMENTS OF THE OLDE TOWNE CLINTON DISTRICT:

Because many of the businesses and other land uses in the Olde Towne Clinton District, as delineated on the ***Official Zoning Map: City of Clinton, Mississippi***, were constructed very near or directly upon the right-of-way line of Jefferson Street and other adjoining streets and often directly upon lot lines, any person proposing an action in the OTC district that would not comply with the dimensional requirements of this District may apply for a dimensional variance in accordance with the procedures specified under Section 3004 of this Ordinance.

SECTION 1605 - SITE PLAN REQUIRED/ ROUTING THROUGH THE CLINTON HISTORICAL PRESERVATION COMMISSION AND THE CLINTON PLANNING COMMISSION

Within this district any person proposing any action as defined under Section 1600 shall comply with the site plan review requirements of this Ordinance. The developer proposing such action (including principal or accessory structures or uses) in the OTC district shall submit a site plan, along with full construction documents, to the Director of Community Development, who shall forward the site plan and construction documents to the Clinton Historical Preservation Commission and the Clinton Planning Commission. The Clinton Historical Preservation Commission shall make recommendations regarding dimensional requirements, architectural features, landscaping and other matters relating to the OTC district and forward their recommendations to the Clinton Planning Commission. The Clinton Planning Commission shall review the recommendations of the Clinton Historical Preservation Commission and forward the Planning Commission's recommendations, along with those of the Historical Preservation Commission, to the Mayor and Board of Aldermen.

No new or expanded commercial building shall exceed 4,000 square feet in area. Other dimensional requirements for all new, expanded, relocated, or reconstructed principal or accessory buildings in the OTC district shall be established based upon this site plan review.

SECTION 1606 - CERTIFICATE OF APPROPRIATENESS REQUIRED

A Certificate of Appropriateness shall be required before any "action" as defined under Section 1600 can be taken within the Olde Towne Clinton District. A "Certificate of Appropriateness" is a certificate expressing the approval of the Mayor and Board of Aldermen with regard to any proposed "action" in the OTC district. "Appropriateness" shall be defined as conformity to the standards established in this Ordinance or other land development regulations as they now exist or may be amended in the future.

For applications involving a required site plan for a proposed action, the Clinton Historical Preservation Commission shall review the application for a Certificate of Appropriateness *at the*

same time they review the site plan and forward their recommendations to the Clinton Planning Commission. The Clinton Historical Preservation Commission and the Planning Commission, in recommending approval and denial of applications for Certificates of Appropriateness, shall seek to accomplish the purposes of this ordinance. All recommendations by the Clinton Historical Preservation Commission and the Planning Commission shall be in writing (in the form of minutes) and shall state the findings of the Commission, its recommendations, and the reasons therefor.

SECTION 1607 - PURPOSES OF A CERTIFICATE OF APPROPRIATENESS

A "Certificate of Appropriateness" is a document issued by the Mayor and Board of Aldermen approving a proposed "action"(as defined under Section 1600) in the Olde Towne Clinton District. The purposes of the Certificate of Appropriateness are:

1. To preserve the values of existing buildings and structures.
2. To prevent *excessive dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures.*
3. To prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with the existing visual features within the district.
4. To prevent harm and damage to the district which will result from the absence of such review and manifest itself by: (a) lower property values; (b) decreased economic growth; or (c) diminished future opportunities for land use and development.

SECTION 1608 - PROCEDURES FOR REVIEW OF SITE PLAN

The Clinton Historical Preservation Commission and the Planning Commission shall review all site plans (*provided all required data is submitted by the applicant*) at their next regular meeting. After reviewing all information relative to the site plan, the Clinton Historical Preservation Commission and the Planning Commission may recommend issuance of a Certificate of Appropriateness (see Section 1609) and issuance of a building permit (if a building permit is required) or recommend denial by the Mayor and Board of Aldermen. If the Clinton Historical Preservation Commission and the Planning Commission determine that the proposed building or structure is *excessively dissimilar* to other like structures within the district and make a specific finding that the structure as proposed would *provoke one or more of the harmful effects as set forth in* 1607, paragraph 4, and that *such finding is not based upon personal preferences as to taste*, then Clinton Historical Preservation Commission and the Planning Commission may recommend that no Certificate of Appropriateness be issued and that an application for a building permit be denied by the Mayor and Board of Aldermen. If the Clinton Historical Preservation Commission and the Planning Commission recommend issuance of a Certificate of Appropriateness and a building permit, ***such recommendation shall be contingent upon final review and approval by the Mayor and Board of Aldermen.***

SECTION 1609 - PROCEDURES FOR CONSIDERATION OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

Anyone desiring to perform any "action" (as defined under Section 1600) in the OTC District must submit an application for a Certificate of Appropriateness (on a form provided by the Community Development Department) to the Director of Community Development, who shall forward copies of this application to the Clinton Historical Preservation Commission and the Planning Commission. The Clinton Historical Preservation Commission and the Planning Commission shall review the application and either recommend approval, denial, or make recommendations for changes and modifications as it deems necessary in order for the applicant to meet the standards and guidelines for the action to be performed. If the applicant's plans meet the approval of the Clinton Historical Preservation Commission and the Planning Commission, the *Chairman of the Planning Commission shall sign the Certificate, and* ***it shall be forwarded to the Mayor and Board of Aldermen for review and final approval.*** Following approval by the Mayor and Board of Aldermen, the Certificate shall be forwarded to the Building Official for issuance of a building permit.

If the Clinton Historical Preservation Commission or the Planning Commission should reject the application or recommend changes and modifications not acceptable to the applicant, the applicant may appeal the Commission's decision directly to the Mayor and Board of Aldermen.

It is incumbent upon the applicant for a Certificate of Appropriateness to complete an application and submit the completed application and required site plan in time for review by Clinton Historical Preservation Commission and the Planning Commission prior to the meeting of the Mayor and Board of Aldermen at which he desires a decision by that body. If the proposed action also involves an application for a Dimensional Variance or Special Exception (see Section 3004 and 3005, respectively) or an amendment to the Official Zoning Map (see Section 3006), the applicant for a Certificate of Appropriateness is advised that a public hearing is required in accordance with Section 3011 of this Ordinance.

No building permit (if a building permit is required) shall be issued by the Clinton building official for any proposed new construction in the OTC District without a Certificate of Appropriateness.

SECTION 1610 - EXPIRATION OF CERTIFICATES OF APPROPRIATENESS

Certificates of Appropriateness shall expire three (3) months after final approval of the Certificate by the Mayor and Board of Aldermen if construction or other proposed action has not been initiated within such time.

SECTION 1611-SUBMISSION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS REQUIRED FOR PROPERTIES ZONED S-1 SPECIAL USE WITHIN THE OLDE TOWNE DISTRICT

The submission of an application for a Certificate of Appropriateness shall be required for all properties that are zoned Special Use (S-1) within the boundaries of the Olde Towne Clinton District as defined on the ***Official Zoning Map***. This includes, but is not necessarily limited to, all properties owned by Mississippi College.

SECTION 1612 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Where space permits, developers of any commercial use or permitted special exception bordering a street classified as a Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan in the OTC district shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

Builders of single-family detached dwellings on lots of record existing at the time of enactment of this Ordinance shall not be required to comply with this Section.

SECTION 1613 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

Off-street parking for individual uses in the OTC district shall be provided in accordance with the Section 2502.02, Schedule of Off-Street Parking Requirements. However, OFF-SITE PARKING MAY BE PROVIDED IF APPROVED THROUGH THE SITE PLAN REVIEW REQUIREMENTS OF THIS ORDINANCE [See Section 2502.01 (b) of this Ordinance].

Off-street loading and access requirements within the OTC district shall also be subject to the site plan review requirements of Article XXX.

SECTION 1614 - FENCES IN THE OLDE TOWNE CLINTON DISTRICT

Decorative fences (such as wrought iron or wooden picket) fences may be erected in the OTC district subject to approval by and the Clinton Planning Commission. Such fences may be erected in the front, side or rear yards, but may not exceed a height of four (4) feet in the front and side yards, and six feet in rear yards. However, in accordance with Section 406.02, no fence shall be erected in such a manner as to impede the vision of motor vehicle operators entering a public street. Furthermore, the erection of a chain-link fence in the front yard of the OTC district is prohibited.

ARTICLE XVII
SARAH DICKEY SUBDIVISION DISTRICT (SD)

SECTION 1700-PURPOSES OF THIS DISTRICT

In accordance with the Goals, Objectives and Policies element of the Clinton Comprehensive Plan adopted on June 7, 2007, the purposes of the Sarah Dickey Subdivision District are:

A. To preserve the integrity of the historic Sarah Dickey Subdivision by preventing encroachment by incompatible land uses; and

B. To limit encroachment by commercial uses, which shall only be allowed as conditional uses subject to strict site plan review requirements.

SECTION 1701-LAND USES PERMITTED

The only uses permitted outright in the SD district are single-family detached residences (only one main structure per lot).

SECTION 1702-CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 3005

A. All uses permitted outright in C-1 Restricted Commercial zones.

B. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the temporary display of *individual* articles not exceeding a weight of 200 pounds, a height of six feet and a length and/ or depth of six feet (that is, those articles which can generally be hand-carried by one or two persons), outside the commercial use.

C. Uses on lots that are smaller than 9,500 square feet in area.

D. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

E. Adult daycare facilities.

F. Child care facilities.

SECTION 1703 - DIMENSIONAL REQUIREMENTS FOR ALL SINGLE-FAMILY DETACHED RESIDENCES

1703.01 Maximum Building Height: The height limitations for all uses in this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

1703.02 Minimum Lot Area: 9,500 square feet.

1703.03 Minimum Lot Width: 80 feet.

1703.04 Minimum Yards:

(a) Front yard: 25 feet from the right-of-way line to the building setback line.

(b) Side yards: 5 feet, but with *a minimum distance between dwelling units on adjoining lots of twenty (20) feet.*

(c) Rear yard: 20 feet.

SECTION 1704 - DIMENSIONAL REQUIREMENTS FOR COMMERCIAL AND PUBLIC/QUASI-PUBLIC USES FOR WHICH CONDITIONAL USES

Dimensional requirements for all commercial and public/ quasi-public uses for which applications for conditional use permits are made shall be established based upon Site Plan Review in accordance with Sections 3007 through 3010 of this Ordinance.

SECTION 1705-PRESERVATION OF HISTORIC SHOTGUN HOUSE ARCHITECTURE

In order to preserve the cultural history of the Sarah Dickey Subdivision district, the construction of dwellings that generally replicate the "shotgun house" architecture shall be encouraged.

The original shotgun house was a narrow rectangular domestic residence, usually no more than 12 feet wide, with doors at each end. It was the most popular style of house in the Southern United States from the end of the Civil War (1861-1865), through the 1920's.

The rooms of a shotgun house are lined up one behind the other, typically a living room is first, then one or two bedrooms, and finally a kitchen in back. Early shotgun houses were not built with bathrooms, but in later years a bathroom with a small hall was built before the last room of the house, or a side addition was built off the kitchen. Some shotguns had as few as two rooms. Chimneys tended to be built in the interior, allowing the front and middle rooms to share a chimney with a fireplace opening in each room. The kitchen usually has its own chimney.

Other than the basic floor layout, shotgun houses had many standard features in common. The house was almost always close to the street, sometimes with a very short front yard, and no porch.

In some cases, the house had no front yard and was actually flush with the sidewalk. The original steps were wood, but were often replaced with permanent concrete steps.

The shotgun house plays a role in the folklore and culture of the south. They also often serve as a convenient symbol of life in the south.

ARTICLE XVIII

CLINTON BOULEVARD CORRIDOR DISTRICT (CBC)

SECTION 1800-PURPOSES OF THIS DISTRICT

The purposes of this District are:

A. To protect the integrity of and to provide for a superior environment along the the Clinton Boulevard entranceway.

B. To prevent the placement of inappropriate land uses along the Clinton Boulevard entranceway.

C. To promote uniformity, with regard to dimensional regulations (i.e., maximum height, lot area and lot width, density, setbacks, and open space).

D. To establish sign regulations to prevent the erection of outdoor advertising that would detract from the aesthetic quality of the Clinton Boulevard Corridor District, thereby diminishing property values.

SECTION 1801-LAND USES PERMITTED

A. All uses allowed outright in C-1 districts.

B. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the temporary display of *individual* articles not exceeding a weight of 200 pounds, a height of six feet and a length and/ or a depth of six feet (that is, those articles which can generally be hand-carried by one or two persons), during normal business hours. Such merchandise shall not cover or block more than 1/3 of the depth of the sidewalk on which the commercial use fronts, measured from the face of the building, and shall in no way block people from walking on the sidewalk.

C. Shopping centers containing any of the uses permitted above in "B".

SECTION 1802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 3005

A. Public and quasi-public facilities and utilities.

B. Adult daycare facilities.

C. Child care facilities.

SECTION 1803 - DIMENSIONAL REQUIREMENTS

1803.01 Maximum Height: The height limitations for all uses in this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

1803.02 Minimum Lot Area:

(a) Shopping centers: No minimum lot area is required.
(b) Independent commercial uses: No minimum lot area is required.

1503.03 Minimum Lot Width:

(a) Shopping centers: No minimum lot width is required.
(b) Independent commercial uses: No minimum lot width required.

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

(a) Front yard: 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

(b) Side yards and rear yards where NOT abutting a residential district: *10 feet*; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Clinton.

(c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Clinton; OR 20 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Clinton AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

1803.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 15 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Clinton.

1803.06 Required Open Space for All Structures or Uses Established After Effective Date of This Ordinance: At least ten percent (10%) of the total lot area of any lot upon which new structures or uses are to be established after the effective date of this Ordinance shall be reserved as open space and landscaped in accordance with Article XXVI of this Ordinance. No paved areas may be included in calculating the required open space the proposed use. However, required yards may be used in meeting this requirement.

SECTION 1804 - SITE PLAN REQUIRED

The developer of any use in a CBC Clinton Boulevard Corridor district shall submit a site plan to the Planning Commission in accordance with Sections 3007 through 3010 of this Ordinance.

SECTION 1805 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1806 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

ARTICLE XIX
GENERAL COMMERCIAL DISTRICT (C-2)

SECTION 1900 - PURPOSE OF THIS DISTRICT

The purpose of this district is to promote the development of well planned shopping centers and independent commercial uses within carefully selected areas of the City of Clinton. The commercial activities permitted in this district include uses of a higher intensity than those first allowed in Restricted Commercial districts (C-1). Although shopping center uses permitted in this zone require access to an arterial street, such uses are not "highway oriented" like those first allowed in the Major Thoroughfares Commercial District (C-3). Uses first permitted in C-3 Major Thoroughfares Commercial districts and C-4 Alternative Commercial districts are prohibited in the C-2 district.

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

SECTION 1901 - LAND USES PERMITTED

The following uses are permitted outright in C-2 districts subject to the regulations prescribed herein:

A. All uses allowed in C-1 Restricted Commercial district. (NOTE: The C-2 district DOES NOT PERMIT SINGLE-FAMILY DETACHED RESIDENCES, which are permitted in the "Olde Towne Clinton District").

B. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, ***except for the display, sales and storage permitted by Section 1904 of this Ordinance.***

C. Shopping centers located on minimum sites of three (3) acres on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan; shopping centers may contain any of the uses permitted outright in C-2 zones.

D. Full Service Restaurants. In accordance with the Comprehensive Plan for the City of Clinton adopted June 5, 2007, fast food restaurants shall be "—permitted only as conditional uses" in C-2 districts.

E. Veterinary clinics and pet shops, excluding outside runs.

F. Bowling alleys, skating rinks and similar recreational or entertainment enterprises conducted entirely within enclosed structures.

G. Streets and highways.

SECTION 1902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2405

A. Big box retail establishments. (NOTE: Because of the traffic generating characteristic of big box retailers, the location of these uses must be evaluated on a case-by-case basis to insure that traffic circulation is carefully considered.)

B. Service Stations/ Convenience Car Care Establishments.

C. Fast food restaurants.

D. Convenience stores.

E. Bars, as defined by this Ordinance. No bar selling intoxicating liquor as defined by the Mississippi Code shall be located less than five hundred (500) feet from any church, school, kindergarten or funeral home.

F. Vehicle sales, rental or lease and vehicle service. Because the sale, rental or lease of vehicles involves outdoor activities, these uses may not be appropriate for all areas zoned C-2 General Commercial; these uses are permitted outright in C-3 Major Thoroughfares districts.

G. Boat and marine sales, rental or lease, and boat/ marine service.

H. Totally enclosed, climate-controlled self-storage warehouses.

I. Hotels and motels.

J. Mortuaries or funeral homes, provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.

K. Horticultural nurseries shall be considered only as conditional uses in C-2 districts because much of the activity associated with these uses is conducted out-of-doors.

L. Nail salons, hair styling shops or hair salons, beauty parlors and tanning parlors, and massage clinics ***only when associated with spa salons which offer more generalized services related to skin health, facial aesthetics, and similar related services.*** None of these uses shall be permitted as stand-alone uses in the General Commercial district. These uses shall be inspected twice per year by the City for compliance with this Ordinance and other City codes.

M. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

N. Adult daycare facilities.

O. Child care facilities.

SECTION 1903 - DIMENSIONAL REQUIREMENTS

1903.01 Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

1903.02 Minimum Lot Area:
(a) Shopping centers: Three (3) acres.
(b) Independent commercial uses: No minimum lot area is required.

1903.03 Minimum Lot Width:
(a) Shopping centers: 200 feet.
(b) Independent commercial uses: No minimum lot width required.

1903.04 Minimum Yards: *(Amended February 3, 1998)*
The minimum yard requirements for all uses permitted in a C-2 district shall be as follows:

(a) Front yard: 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

(b) Side yards and rear yards where NOT abutting a residential district: *10 feet*; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Clinton.

(c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance

with standards adopted by the City of Clinton; OR 20 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Clinton AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance

1903.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 15 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Clinton.

SECTION 1904 - OUTDOOR DISPLAY, SALES AND STORAGE IN GENERAL COMMERCIAL (C-2) DISTRICTS

1904.01 Sidewalk Display and Cart Storage: "Sidewalk display" is a term commonly used in the retail industry to describe display areas along the front of a building. Sidewalk display and cart storage in the sidewalk display area are subject to the following restrictions:

(a) Merchandise may be displayed and carts may be stored within 20 feet of the front of the building.

(b) No *single item* may exceed 12 feet in height.

(c) Items may not be stacked to exceed six feet in height.

(d) A clearly delineated pedestrian walkway at least six (6) feet in width shall be provided contiguous to the 20-foot display and cart storage area to provide unimpeded pedestrian access to the building.

(e) An area the width of the customer entrance and exit door(s) plus 15 feet on either side of the door(s) shall be maintained clear of merchandise and carts to allow unimpeded pedestrian access to the building.

(f) Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within 15 feet on either side of the door(s).

(g) This section does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.

1904.02 Permanent Outdoor Display, Sales and Storage: Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with the following restrictions:

(a) The total square footage of all permanent outdoor storage, display and sales areas shall be limited to 10% of the footprint of the building, but in no event shall exceed 15,000 square feet.

(b) Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within 100 feet of residential property.

(c) The permanent storage, display and sales area shall be enclosed by a *chain link fence* covered with windscreen or *wall of like material to the building* with a minimum height of eight feet. Windscreen shall be maintained in good repair and free of tears. Merchandise may be stacked up to 25-feet high or level with the top of the adjacent side wall, whichever is lower, but may not be stacked above the height of the wall or fence. The roofline on the front façade shall have architectural features, such as gables or parapets, to obscure merchandise stored in the area.

1904.03 Seasonal Outdoor Display and Sales: Christmas trees may be displayed for sale. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation fertilizer, bark, mulch, peat moss and play sand may be also be displayed. The seasonal outdoor sales area shall be limited to 10% of the footprint of the building but in no event shall exceed 12,000 square feet. No merchandise may exceed five feet in height, except Christmas trees.

1904.04 Rear Storage: Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a *chain link fence covered with windscreen*, except for any side or back that is adjacent to any existing single-family residential use or single-family residential district and separated by an eight-foot masonry wall and landscaped bufferyard in accordance with Article XXVI of this Ordinance. Windscreen shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than 25-feet or level with the top of the adjacent side wall of the building, whichever is lower, and may not be stacked above the

height of the chain link fence.

SECTION 1905 - SITE PLAN REQUIRED

The developer of any use in a C-2 General Commercial district shall submit a site plan to the Planning Commission in accordance with Sections 2407 through 2410 of this Ordinance.

SECTION 1906 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1907 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements

ARTICLE XX

MAJOR THOROUGHFARES COMMERCIAL DISTRICT (C-3)

SECTION 2000 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility from major thoroughfares. This district is intended to allow those commercial activities that function relatively independent of intensive pedestrian traffic and proximity to other commercial establishments. In accordance with Policy 14 of the adopted Goals, Objectives and Policies of the ***Comprehensive Plan*** of the City of Clinton, the outdoor commercial uses (i. e., those in which all or much of the business is conducted out-of-doors) first permitted outright in this district shall be located well away from all residential uses.

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

These districts are appropriate for the fringes of retail districts and only along major thoroughfares designated as arterial streets on the adopted Thoroughfares Plan. Uses first permitted in C-4 Alternative Commercial districts, I-1 Limited Industrial districts, and I-2 Heavy Industrial districts shall not be permitted in C-3 districts.

SECTION 2001 - LAND USES PERMITTED

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

A. Any use permitted in the C-2 General Commercial District, SUBJECT TO ALL OF THE REGULATIONS OF THAT DISTRICT.

B. Service Station/ Convenience Car Care Establishments.

C. Convenience stores.

D. Hotels and motels.

E. Vehicle sales, rental or lease and vehicle service.

F. Boat and marine sales, rental or lease, and service.

G. Full-service restaurants and fast food restaurants.

H. Mortuaries or funeral homes.

I. Horticultural nurseries.

J. Boat and marine sales, rental or lease, and boat/ marine service.

K. Totally enclosed, climate-controlled self-storage warehouses

L. Nail salons, hair styling shops or hair salons, beauty parlors and tanning parlors, and massage clinics ***only when associated with spa salons which offer more generalized services related to skin health, facial aesthetics, and similar related services. None of these uses shall be permitted as stand-alone uses in the Major Thoroughfares Commercial district.*** These uses shall be inspected twice per year by the City for compliance with this Ordinance and other City codes.

M. Streets and highways.

SECTION 2002 - CONDITIONAL USES (SPECIAL EXCEPTIONS) AND STRUCTURES AS PROVIDED UNDER SECTION 3005

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, water amusement parks, drive-in theaters, etc.

C. Bars, as defined by this Ordinance. In accordance with the Section 67-1-51 (3) (Permits; distance regulations) **Mississippi Code, 1972 Annotated**, as amended, no bar selling intoxicating liquor as defined by the Mississippi Code shall be located less than five hundred (500) feet from any church, school, kindergarten or funeral home.

D. Building materials sales where some or all such materials are displayed outdoors or are visible from streets or highways.

E. Heavy construction equipment sales and service.

G. Truck stops.

H. Veterinary clinics with outside dog runs.

I. Other similar enterprises or businesses of the same nature which are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above, not to include those uses which are first permitted in the I-1 District. Uses not specifically listed above shall be reviewed by the Planning Commission and approved by the Mayor and Board of Aldermen.

J. Adult daycare facilities.

K. Child care facilities.

SECTION 2003 - DIMENSIONAL REQUIREMENTS

2003.01 Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

2003.02 Minimum Lot Area:

(a) Shopping centers: three (3) acres.
(b) Independent commercial uses: 10,000 square feet.

2003.03 Minimum Lot Width: 100 feet.

2003.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-3 district shall be as follows:

(a) Front yard: 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

(b) Side yards and rear yards where NOT abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Clinton.

(c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Clinton; OR 20 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Clinton AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is

chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

2003.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Clinton.

SECTION 2004 - OUTDOOR DISPLAY, SALES AND STORAGE IN MAJOR THOROUGHFARES COMMERCIAL (C-3) DISTRICTS

Some of the uses allowed outright or as conditional uses in this district, such as vehicle sales, horticultural nurseries, boat and marine sales, outdoor commercial recreational uses, building materials sales, heavy equipment sales, and truck stops, which require outdoor display of merchandise or materials or outdoor activities, are exempt from the provisions of this Section. All other "indoor-type" uses in which all or most of the activity is conducted in enclosed structures, such as big box retail establishments, shall comply with the provisions below:

2004.01 Sidewalk Display and Cart Storage: "Sidewalk display" is a term commonly used in the retail industry to describe display areas along the front of a building. Sidewalk display and cart storage in the sidewalk display area are subject to the following restrictions:

(a) Merchandise may be displayed and carts may be stored within 20 feet of the front of the building.

(b) No *single item* may exceed 12 feet in height.

(c) Items may not be stacked to exceed six feet in height.

(d) A clearly delineated pedestrian walkway at least six (6) feet in width shall be provided contiguous to the 20-foot display and cart storage area to provide unimpeded pedestrian access to the building.

(e) An area the width of the customer entrance and exit door(s) plus 15 feet on either side of the door(s) shall be maintained clear of merchandise and carts to allow unimpeded pedestrian access to the building.

(f) Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within 15 feet on either side of the

door(s).

(g) This section does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.

2004.02 Permanent Outdoor Display, Sales and Storage: Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with the following restrictions:

(a) The total square footage of all permanent outdoor storage, display and sales areas shall be limited to 10% of the footprint of the building, but in no event shall exceed 15,000 square feet.

(b) Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within 100 feet of residential property.

(c) The permanent storage, display and sales area shall be enclosed by a *chain link fence* covered with windscreen or *wall of like material to the building* with a minimum height of eight feet. Windscreen shall be maintained in good repair and free of tears. Merchandise may be stacked up to 25-feet high or level with the top of the adjacent side wall, whichever is lower, but may not be stacked above the height of the wall or fence. The roofline on the front façade shall have architectural features, such as gables or parapets, to obscure merchandise stored in the area.

2004.03 Seasonal Outdoor Display and Sales: Christmas trees may be displayed for sale. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation fertilizer, bark, mulch, peat moss and play sand may be also be displayed. The seasonal outdoor sales area shall be limited to 10% of the footprint of the building but in no event shall exceed 12,000 square feet. No merchandise may exceed five feet in height, except Christmas trees.

2004.04 Rear Storage: Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a *chain link fence covered with windscreen*, except for any side or back that is adjacent to any existing single-family residential use or single-family residential district and separated by an eight-foot masonry wall and landscaped bufferyard in accordance with Article XXVI of this Ordinance. Windscreen shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than 25-feet or level with the top of the adjacent side

wall of the building, whichever is lower, and may not be stacked above the height of the chain link fence.

SECTION 2004 - SITE PLAN REQUIRED

The developer of any use in a C-3 Major Thoroughfares Commercial district shall submit a site plan to the Planning Commission in accordance with Sections 2407 through 2410 of this Ordinance.

SECTION 2005 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of commercial uses in this district shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 2006 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

ARTICLE XXI

ALTERNATIVE COMMERCIAL DISTRICT (C-4)

SECTION 2100 - PURPOSE OF THIS DISTRICT

It is the purpose of this district to regulate alternative financial service providers (AFSP's), as defined by this Ordinance. While these alternative, non-bank financial service providers offer convenient services and access to cash, their services often carry high costs, limiting the ability of individuals or families to accumulate assets and establish a good credit history.

Furthermore, there is evidence that there is the potential for abuse of customers utilizing such providers. The financial performance of AFSP's is enhanced by their ability to generate repeat customers – that is, customers that repeatedly roll over high priced day loans. Studies have found that when customers of AFSP's roll over high-cost short-term loans, they can easily end up trapped in vicious cycle that can result in them paying substantially more in fees than the amount borrowed. Commissioner of Banks data suggest that while less than half of all AFSP customers took out more than 7 loans during 2000, these customers accounted close to three quarters of total revenue for the industry.

It is also the purpose of this district is to regulate the operation and location of adult entertainment establishments for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of the City of Clinton; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning. The Clinton Planning Commission and the Mayor and Board of Aldermen have found that there is substantial evidence, including numerous studies, reports and findings on the potential harmful effect of adult entertainment uses made by cities, experts, urban planners, etc., which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight.

Therefore, this district is intended to regulate adult entertainment uses and AFSP's to insure that these adverse effects will not contribute to blighting or downgrading of surrounding neighborhoods.

SECTION 2101 - LAND USES PERMITTED

The following uses are permitted outright in the C-4 districts subject to the regulations prescribed herein:

A. Any uses permitted outright in C-1 "Restricted Commercial" districts, C-2 "General Commercial" districts and C-3 "Major Thoroughfares Commercial" districts.

B. Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance. However, no such establishment shall be located within two hundred fifty (250) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Use district under this Ordinance.

C. Tattoo parlors.

D. Fortune telling businesses as defined by this Ordinance.

E. Pawn shops, subject to the regulations under Section 2103.

F Check cashing business (also called "Pay-Day Loan Agency"), subject to the regulations under Section 2104.

G. Cash for title stores, subject to the regulations under Section 2104

H. Tax refund anticipation loan offices, subject to the regulations under Section 2104.

SECTION 2102 - CONDITIONAL USES (SPECIAL EXCEPTIONS) AND STRUCTURES AS PROVIDED UNDER SECTION 3005

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance. However, see Section 1701 above for minimum distances between adult entertainment uses and certain public/ quasi-public facilities.

B. Other uses that may be considered as special exceptions for location in C-1 "Restricted Commercial" districts, C-2 "General Commercial" districts and C-3 "Major Thoroughfares Commercial" districts.

SECTION 2103 - REGULATION OF PAWN SHOPS

Pawn shops shall be subject to the provisions of Mississippi law as specified under the Mississippi Pawnshop Act in Title 75 of the ***Mississippi Code***.

Since the location of pawn shops can provide a relatively easy way in which to secure cash, which may obtained through the sale of stolen goods, to procure illegal drugs, the regulation of such businesses is deemed to be important in order to provide for the public safety of the citizens of Clinton. Therefore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Use district under this Ordinance.

SECTION 2104 - REGULATION OF "ALTERNATIVE FINANCIAL SERVICE PROVIDERS (AFSP's)"

No payday loan business, cash for title businesses, tax refund anticipation businesses, check cashing businesses and similar "alternative financial service provider (AFSP)" shall be located within 500 feet of any other such use, or located within 500 feet of any existing residence, any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Use district under this Ordinance.

SECTION 2105 - DIMENSIONAL REQUIREMENTS

2105.01 Maximum Height:Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

2105.02 Minimum Lot Area: 10,000 square feet.

2105.03 Minimum Lot Width: 100 feet.

2105.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-4 district shall be as follows:

(a) Front yard: 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

(b) Side yards and rear yards: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Clinton. This 20 foot side or rear yard setback shall be in addition to the minimum distance (1,000 feet) required between all existing residential uses, residential zones, any public/quasi-public uses listed under Section 1701 (b), and any Special Use (S-1) district.

2105.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Clinton.

SECTION 2106 - SITE PLAN REQUIRED

The developer of any use in a C-4 Adult Entertainment Commercial district shall submit a site plan to the Planning Commission in accordance with Sections 3007 through 3010 of this Ordinance.

SECTION 2107 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

ARTICLE XXII

LIMITED INDUSTRIAL DISTRICT (I-1)

SECTION 2200 - PURPOSE OF THIS DISTRICT

In accordance with one of the adopted goals of the Goals, Objectives and Policies of the City of Clinton expressed in the ***Comprehensive Plan*** adopted on June 5, 2007, the City will continue to encourage the development of lower intensity industrial uses (i. e., uses in which the industrial activity is ***primarily conducted indoors*** and which do not have objectionable characteristics, such as noise detectable off the premises, high volumes of traffic, objectionable odors, etc.). The purpose of this district is to provide areas for the exclusive development of such lower intensity manufacturing and industrial uses within fully enclosed (on all sides) buildings. It is the intent of this Ordinance that I-1 land uses be compatible with abutting districts, such as commercial districts, which will serve as transitional zones between the industrial uses and the lower intensity residential uses. The uses permitted in I-1 districts shall generate no objectionable odor, smoke, fumes, vibration, or excessive noise detectable off the premises. Such limited industrial and related uses shall be located only in areas directly accessible to major thoroughfares or railroads. It is further the intent of this Ordinance that encroachment by all residential uses be prohibited.

SECTION 2201 - LAND USES PERMITTED

The following land uses shall be permitted in I-1 districts, provided such uses conform to standards established by appropriate Federal and State regulatory agencies:

A. Any uses permitted in C-2 General Commercial districts, SUBJECT TO ALL OF THE REGULATIONS OF THE C-2 DISTRICTS.

B. Light or limited manufacturing conducted within fully-enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted outdoors if adequately screened or buffered. The manufacturing activities conducted in I-1 districts shall, in general, be dependent upon raw materials refined elsewhere. The following limited manufacturing uses shall be permitted, provided they are not offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, fire hazards, or other objectionable influences:

1. Processing, canning, packaging and other treatment of food products, including: bakery products, confectionary and related products, fruit and vegetable products, fish, poultry and other meat products, excluding the rendering or refining of fats and oils and the

slaughtering of animals.

2. Manufacturing, assembly or other treatment of products from the following secondary materials (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills).

3. Fabrication of metal products including the manufacture of: machinery (engines and turbines, farm machinery and equipment, etc.); electrical equipment and supplies; transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.); and other secondary metal manufacturing such as metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing fixtures, metal stamping, fabricated wire products, and coating, engraving and allied services.

4. Manufacturing of pottery or similar ceramic products (using only previously prepared or pulverized clay, and kilns fired only by electricity or natural gas).

5. Manufacturing of professional, scientific, and controlling instruments; photographic or optical goods; watches and clocks.

6. Manufacturing of textile mill products, including broad and narrow woven fabrics and other small wares (cotton, man-made fibers, silk and wool), floor coverings (rugs and carpets), yarns and similar products.

7. Manufacturing of apparel and other finished products made from fabrics, leather, fur and similar materials.

8. Assembly, painting, upholstering and similar activities in connection with automobiles, trucks, farm machinery, mobile homes and related products.

C. Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site.

D. Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use.

E. Public streets and highways.

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

SECTION 2202 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

B. Conditional uses listed under the C-3 Major Thoroughfares Commercial District, subject to C-3 regulations.

C. Mini-warehouses or self-storage warehouses.

D. High-mast television and radio transmitters.

E. Railroad rights-of-way and related facilities.

F. Extraction of minerals, including sand and gravel, provided that when open pit operations are conducted, the operator must obtained required permits and approvals from other governmental entities and provide City of Clinton Board of Aldermen with written proof of same.

G. Fences in the front yards of any lot in this district (see Section 406.02 of this Ordinance.)

SECTION 2203 - DIMENSIONAL REQUIREMENTS

2203.01 Maximum Height: Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

2203.02 Minimum Lot Area: 10,000 square feet.

2203.03 Minimum Lot Width: 100 feet.

2203.04 Minimum Yards:

(a) Front yard: 50 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be

landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

(b) Side yards and rear yards where NOT abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Clinton.

(c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Clinton; OR 20 feet, which shall remain open and be landscaped in accordance with the standards adopted by the City of Clinton AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

2203.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Clinton.

SECTION 2204 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning Commission in accordance with Sections 2407 through 2410 of this Ordinance.

SECTION 2205 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 2206 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

ARTICLE XXIII

HEAVY INDUSTRIAL DISTRICT (I-2)

SECTION 2300 - PURPOSE OF THIS DISTRICT

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

It is the intent of this Ordinance that such "heavy" industrial districts be located insofar as possible adjacent only to C-3 Major Thoroughfares Commercial or I-1 Limited Industrial districts, which shall serve as transitional zones between I-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to streets, roads, or highways designated as principal or minor arterials on the adopted Thoroughfares Plan of the City of Clinton or accessible to railroads. (See also Section 407.04 of this Ordinance with regard to prohibited uses.)

SECTION 2301 - LAND USES PERMITTED

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

A. Any use permitted in an I-1 district, SUBJECT TO I-1 REGULATIONS.

B. Heavy manufacturing uses WHICH ARE NOT POTENTIALLY HAZARDOUS OR OFFENSIVE TO NEIGHBORING LAND USES due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I-2 districts, EXCEPT THAT MANUFACTURING USES OF THE "WET" TYPE (i.e., those industries which require large amounts of water in processing or discharge large amounts of by-products through the sewer system) SHALL BE PERMITTED ONLY AS CONDITIONAL USES.

C. High-mast television and radio transmitters.

D. Public streets and highways.

SECTION 2302 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

A. Any conditional use listed under I-1 district regulations, subject to I-1 regulations.

B. Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of non-ferrous metals; and similar activities.

C. Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.

D. Mining, quarrying and crude petroleum and natural gas production (including sand and gravel pits and rock-crushing operations). When "open-pit" mining operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide the Clinton Board of Aldermen with written proof of same.

E. Junk yards or "salvage yards".

F. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

G. Any other use of a heavy industrial nature which is not prohibited under Section 407.04 of this Ordinance or otherwise prohibited by law may be allowed in I-2 districts, subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

H. Railroad rights-of-way and related facilities.

I. Fences in the front yards of any lot in this district (see Section 406.02 of this Ordinance.)

SECTION 2303 - DIMENSIONAL REQUIREMENTS

2303.01 Maximum Height: Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

2303.02 Minimum Lot Area: One (1) acre or 43,560 square feet.

2303.03 Minimum Lot Width: 100 feet.

2303.04 Minimum Yards:

(a) Front yard: 100 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with the standards adopted by the City of Clinton; no parking shall be permitted in these driveways.

(b) Side yards and rear yards where NOT abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with the standards adopted by the City of Clinton.

(c) Side yards and rear yards where abutting ANY residential district: 100 feet, which shall remain open and be landscaped in accordance with the standards adopted by the City of Clinton.

2303.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Clinton.

SECTION 2304 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning Commission in accordance with Sections 3007 through 3010 of this Ordinance.

SECTION 2305 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 2306 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

ARTICLE XXIV

SPECIAL USE DISTRICT (S-1)

SECTION 2400 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of special uses, which, because of their size, institutional nature and/or unique characteristics, do not fit compatibly into other zoning districts of the City. Such uses commonly constitute "self-contained communities" with housing, dining/ food service facilities, recreational uses, commercial-type outlets, and parking lots provided primarily for the benefit of the staff, students, and residents of the institution on the grounds. ***The uses permitted in S-1 districts do not include "public/quasi-public facilities and utilities" as those are defined by this Ordinance.***

SECTION 2401 - ZONING OF ALL PROPERTY OWNED BY INSTITUTIONAL USES PERMITTED IN THIS DISTRICT SHALL BE S-1 UNLESS REZONED

The zoning of all property owned by institutions permitted in this district, including educational institutions, comprehensive elderly retirement facilities, or large-scale group care facilities shall be "S-1 Special Use District" unless the land owned by such institutions is rezoned by the Mayor and Board of Aldermen. Furthermore, if the operators of such institutions propose to acquire additional land following the effective date of this Ordinance, the operators of such institutions shall file an application for the appropriate zoning if not already zoned consistent with the proposed use. If the land to be acquired is to be used for the purposes specified in this article, then the land shall be zoned "S-1" accordingly.

This provision is intended to alert the public as to the possible character of future development of land proposed for rezoning by the operators of such institutional uses: for example, a proposed rezoning from "S-1" to a commercial classification.

SECTION 2402 - LAND USES PERMITTED

A. Educational institutions, including large-scale (with campuses generally encompassing 50 acres or more) colleges and universities, religious seminaries, and technical and vocational training facilities. Uses permitted in such S-1 districts include administrative buildings/ offices; educational facilities such as classrooms, libraries, laboratories, and gymnasiums; stadiums, auditoriums and coliseums; student or faculty housing; dining or food service facilities; recreational facilities such as golf courses, tennis courts, swimming pools, and similar uses; chapels and places of worship; commercial-type facilities such as bookstores, laundries, hair styling shops and similar enterprises primarily intended for the benefit of students and

staff; parking lots intended primarily for staff and students of the institution; and other uses commonly associated with educational institutions. ***Small-scale educational uses (generally, with campuses encompassing less than 50 acres), including elementary schools and secondary schools, are not included as special uses under this article, but are regulated as public/ quasi-public uses under Section 402.***

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

* residential units of varying size (i. e., number of bedrooms, different square footage depending upon the needs of the individual residents);

* common dining facilities and some or all meals;

* housekeeping and linen service, available if desired by the residents;

* laundry services, available if desired by the residents;

* commercial facilities intended primarily for the benefit of staff and residents of the retirement facility, including such facilities as a beauty salon or barber shop, bookstores, and convenience-type commercial uses on site;

* local transportation provided directly by the facility (i.e. not contracted through taxicabs, etc.) for outings for residents;

* recreational facilities intended primarily for the benefit of staff and residents, such as a library, meeting/ game room, spa or swimming pool, etc.; and

* security features, such as emergency pull cords in each residential unit;

* on-site health care services and/ or facilities; and

* dwelling units for resident managers;

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

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

D. The Natchez Trace Parkway and all uses within the Parkway right-of-way.

SECTION 2403 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 3005

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

SECTION 2404 - DIMENSIONAL REQUIREMENTS

2404.01 Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.

2404.02 Minimum Lot Area: Two (2) acres.

2404.03 Minimum Lot Width: Not regulated.

2404.04 Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of the site in an "S-1" district as is necessary to conduct the permitted activity.

2404.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Clinton.

2404.06 Minimum Yards:

(a) Front yard: 50 feet from the front of any proposed building to the right-of-way of any public (i. e., dedicated) street or highway; or 20 feet from the front of any proposed building to the curb or pavement line of any existing or proposed private street (i. e., circulation driveway) on the property of the S-1 use.

(b) Side yards and rear yards where NOT abutting a residential district or an existing single-family detached residential use: 20 feet from any property line to any building; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with the standards adopted by the City of Clinton.

(c) Side yards and rear yards where abutting ANY single family residential district or existing single-family detached residential use: 50 feet from any property line to any building, which shall remain open and be landscaped in accordance with the standards adopted by the City of Clinton; OR 20 feet from any property line to any building, which shall remain open and be landscaped in accordance with the standards adopted by the City of Clinton AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

SECTION 2405 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning Commission in accordance with Sections 3007 through 3010 of this Ordinance.

SECTION 2406 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 2407 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXV for off-street parking, loading and access control requirements.

ARTICLE XXV

OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS

SECTION 2500 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to establish requirements regarding: (1) sufficient space for the off-street parking and, where required, parking lot landscaping; (2) sufficient space for loading (or unloading) of all motor vehicles; and (3) design standards for access ways within the City of Clinton. The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

SECTION 2502 - OFF-STREET PARKING

2502.01 General Requirements: Off-street parking and loading space shall be provided in accordance with the following regulations:

(a) Provision of Parking Space on the Same Lot with all Residential Uses: Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is appurtenant.

(b) Non-residential Uses and Off-site Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant. However, following site plan review by the Planning Commission in accordance with Sections 2407 through 2410 of this Ordinance, the Mayor and Board of Aldermen may authorize in writing an alternative off-site location (for example, in "Olde Towne Clinton") to the required parking space for such non-residential land uses if:

(1) There are practical difficulties preventing the location of parking space on the same parcel; and/or

(2) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.

(c) Provision of Access and Maneuver Space: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley; and exiting will not require backing into a public street.

(d) Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within ten (10) feet of a fire hydrant.

2502.02 Schedule of Off-Street Parking Requirements:

For the purpose of this ordinance, an "off-street parking space" shall consist of a space sufficient in size to store one full size automobile (minimum of 200 square feet in area) with room for opening doors on both sides. When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this Section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theatre, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses (subcategories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule:

(a) All Residential Uses Other Than Multiple Family: Two ***covered*** spaces per dwelling unit.

(b) Multiple Family Uses: 2.5 spaces per dwelling unit.

(c) General Business, Commercial or Service Establishments Catering to the Retail Trade: One parking space for each 200 square feet of GROSS floor area, except for the following prescribed uses:

(1) Hotels and motels - One space for each guest room plus one space for each employee on the largest shift.

(2) Restaurants and similar establishments serving food and beverages - One space for each 50 square feet of floor area devoted to patron use, plus one space for each employee on the largest shift. *(Amended October 27, 1998)*

(3) Offices of physicians and dentists - Three spaces for each professional staff member (including physicians, dentists, nurses, dental hygienists, etc.)

(4) Other business and professional offices (other than physicians or dentists) - One space for each 300 square feet of gross floor area.

(5) Furniture and appliance stores - One space for each 400 square feet of gross floor area.

(6) Theatres, auditoriums and other commercial places of assembly - One space for each four fixed seats.

(7) Gasoline service stations - One space for each employee and five spaces for each wash rack, lubrication rack, repair bay or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space).

(8) "Drive-in service" establishments, such as drive-in banking, drive-in windows" for restaurants, dry-cleaning and laundry establishments and similar uses - In addition to one parking space for every 200 square feet of gross floor area (one space for every 50 square feet of gross floor area in restaurants), each such establishment shall have five standing spaces (i.e., spaces for vehicles waiting in line for service) for each teller window or other facility at which customer service is provided.

(9) Motor vehicle repair shops, body shops, etc. B One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.

(10) Motor vehicle sales, machinery sales and equipment sales establishments - Two parking spaces (one customer and one employee) for each 1,000 square feet of area utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).

(11) Grocery stores (excluding convenience type grocery stores) - One parking space (for employees and customers) for each 200 square feet of gross floor area.

(12) Convenience-type grocery stores - A minimum of four parking spaces for any such use plus one space for each 400 square feet of gross floor area.

(13) Skating rinks and other commercial places of amusement or assembly without a fixed seating arrangement B One parking space for each 75 square feet of floor area devoted to use by patrons.

(14) Bowling alley - Five spaces for each bowling lane.

(d) Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade: One parking space for each 1,000 square feet of gross floor area, or one parking space for each employee on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.

(e) Public/Quasi-Public Facilities and Uses: Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a site plan and in accordance

with the following schedule of requirements:

(1) Churches - One parking space for each five fixed seats in the principal assembly hall or one parking space for every 90 linear inches of pew space, whichever is applicable.

(2) Hospitals - One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.

(3) Rest homes, nursing homes, sanitariums, and convalescent homes - One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.

(4) Libraries, art galleries, and museums, both public and private - One space for each 200 square feet of floor area (excluding storage rooms).

(5) Other public/quasi-public facilities and uses not listed above - The off-street parking requirements for public/quasi-public uses not listed above shall be determined on the basis of a site plan submitted in accordance with Sections 2407 through 2410 of this Ordinance.

2502.03 Design Standards for Off-Street Parking: Off-street parking shall be provided in accordance with the minimum design standards specified in Tables 1 and 2. With regard to the provision of parking for handicapped persons, developers shall comply with the Federal regulations implementing the ***Americans with Disabilities Act***.

A 90-degree parking angle shall be required for all parking lots unless the developer can demonstrate to the Clinton Planning Commission during required site plan review (see Sections 3007 through 3010) that there are unusual circumstances, such as an unusual lot shape, that would make it necessary to use a parking angle other than 90-degree. Parking stalls shall be marked by a four-inch stripe "hairpinned" or looped line painted on the pavement, with a minimum of 12-18 inches between the looped lines. Parking stalls shall be a minimum of nine (9) feet wide, measured center to center of the hairpinned lines.

TABLE 1

DESIGN STANDARDS FOR 90-DEGREE PARKING

Minimum Stall Width Parallel To Aisle	Minimum Stall Depth	Minimum Aisle Width
9.0 Feet	18.5 Feet	24 Feet (2-way)

If unusual circumstances DO exist to necessitate a parking angle other than 90-degrees, the standards specified in Table 2 below shall apply for 45 and 60-degree parking:

TABLE 2

DESIGN STANDARDS FOR 45 AND 60-DEGREE PARKING

Parking Angle and Stall Width	Minimum Stall Width Parallel To Aisle	Minimum Stall Depth (Measured at Right Angle To Aisle)	Minimum Stall Depth To Interlock	Minimum Aisle Width
45-degrees 9.0 feet	12.7 Feet	17.5 Feet	15.3 Feet	12-16 Feet (1-way)
45-degrees 9.5 feet	13.4 Feet	17.5 Feet	15.3 Feet	12-16 Feet (1-way)
60-degrees 9.0 feet	10.4 Feet	19.0 Feet	17.5 Feet	18-22 Feet (1-way)
60-degrees 9.5 feet	11.0 Feet	19.0 Feet	17.5 Feet	18-22 Feet (1-way)

SECTION 2503 - OFF-STREET LOADING SPACE REQUIREMENTS:

Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided on the same premises with the use to which it is appurtenant, unless with a recommendation from the Planning Commission, the Mayor and Board of Aldermen authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this Ordinance, loading, unloading or standing space shall be provided in accordance with the following:

One loading space measuring at least 12 feet by 55 feet with a minimum height clearance of 14 feet for the first 3,000 square feet of building and/ or storage area; PLUS one additional loading space with the same space requirements as above for each 10,000 square feet of building and/ or storage area above the first 3,000 square feet. (Examples: (1) A parcel of land containing 3,000 square feet of area which is used for the storage of building supplies or a commercial building containing 3,000 square feet of floor space: one loading space would be required for either situation; (2) a parcel of land containing 23,000 square feet of outdoor storage area or a building containing 23,000 square feet of floor area: a minimum of three loading spaces would be required in either situation.)

SECTION 2504 - ACCESSWAYS

Developers of public/quasi-public uses, multiple family residentialuses, all commercial uses and all industrial uses shall control access along arterial and collector streets upon which the use abuts in accordance with the following regulations:

2504.01 Access Barrier: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

2504.02 Distances between Access ways on the Same Lot, Minimum Setbacks from Street Intersections, Driveway Width and Minimum Radius Regulations for Multiple-Family Residential, Commercial, Industrial and Public/ Quasi-Public Uses: All access ways for multiple-family residential, commercial, industrial, and public/ quasi-public uses shall comply with Table 3. The functional classification of all streets and highways shall be determined by the classification shown on the adopted Land Use/ Thoroughfares Plan.

2504.03 Common Accessways To Reduce Traffic Hazards on Collector and Arterial Streets: Where practicable, developers of adjoining lots for commercial, industrial, or public/ quasi-public uses shall provide common access ways in order to reduce the number of points of ingress and egress along collector and arterial streets. The provision of such common access ways with adjoining properties shall be considered in the preparation of the site plan required by these regulations. Site plans shall not be recommended for approval unless the Planning Commission determines that the developer has made a reasonable effort to coordinate the provision of common access ways with adjoining property owners.

SECTION 2505 - REQUIRED LANDSCAPING OF PARKING LOTS

Because large undivided parking lots can be a traffic hazard, can be unsightly, and can contribute to an unpleasant environment resulting from glare from reflected sunlight, heat produced by solar radiation and unimpeded winter winds, developers of ANY land use other than single-family and two-family dwellings shall comply with the adopted ***landscaping regulations (See Article XXVI)*** of the City of Clinton. Such landscaping will enhance the safety of parking lots by guiding the circulation of cars and pedestrians enhance the visual appearance of the parking lot and have a moderating effect on the heat and other uncomfortable aspects of the parking lot.

TABLE 3

MINIMUM DISTANCE BETWEEN DRIVEWAYS ON THE SAME LOT,MINIMUM SETBACKS TO INTERSECTIONS AND DRIVEWAY WIDTH REGULATION: MULTIPLE-FAMILY RESIDENTIAL, COMMERCIAL,

INDUSTRIAL, OR PUBLIC/ QUASI-PUBLIC USES

FUNCTIONAL CLASSIFICATION OF STREET	MINIMUM DISTANCE BETWEEN DRIVEWAYS	MINIMUM DISTANCE TO INTERSECTION	DRIVEWAY WIDTH REGULATIONS		MINIMUM RADIUS
			Minimum	Maximum	
Local	22 Ft.	40 Ft.	24 Ft.	35 Ft.	25 Ft.
Collector	22 Ft.	40 Ft.	24 Ft.	35 Ft.	25 Ft.
Principal or Minor Arterial	30 Ft.	50 Ft.	28 Ft.	44 Ft.	25 Ft.

ARTICLE XXV1

LANDSCAPING REGULATIONS

SECTION 2600 - PURPOSE AND INTENT

The purpose of this article is to protect and to promote the public health, safety and general welfare of the citizens of the city; to provide landscaping requirements to protect the public from the effects of erosion, flooding and heavy vehicular traffic; to aid in stabilizing the environment's ecological balance by contributing to the processes of energy and soil conservation, air purification, oxygen regeneration, wastewater neutralization, groundwater discharge, and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement; to ensure that the local stock of native trees and vegetation is replenished; to assist in providing adequate light and air and in preventing overcrowding of land; to provide visual buffering and to enhance the beautification of the city; to safeguard and to enhance property values and to protect public and private investment; to preserve and protect the unique identity and environment of the city; and to preserve the economic base attracted to the city by such factors.

SECTION 2601 - DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessway means an area intended to provide entrance or exit for vehicular traffic from a public or private right-of-way to an off-street parking or loading area.

Berm means mounds or walls of earth that are molded into landforms in a landscaped area. When berms are used for screening, buffering or any other purpose, the berm shall be constructed such that soil erosion is prevented and sight triangles are unobstructed. The surface of the berms shall be completely covered with plant material or durable mulch so that the bare soil is not visible. Allowance for soil settlement shall be calculated at ten percent after the berms are compacted.

Buffering means the use of landscaping, berms, walls, fences or any combination thereof, that at least partially block, in a continuous manner, the view from one area to another.

Clearing means the removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

Common development means a commercial development consisting of three or more businesses, which operates as a unit and shares common access and common parking areas; or a multifamily residential development consisting of three or more residences which operate as a unit and share common amenities.

Deciduous means or refers to a plant which tends to shed its leaves each year.

Development means the act, process or result of developing; a developed site.

Dripline means the periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.

Encroachment means the act of advancing beyond the usual or proper limits, as in the encroachment of a motor vehicle beyond the limits of the parking area into the landscaping.

Encroachment barrier means the protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Protection for all landscaping from vehicular encroachment shall be provided by curbing, wheel stops, landscape timbers, railroad ties or bumper rails.

Evergreen means of or referring to a plant which tends to retain its leaves all yearround.

Fence means an enclosure or barrier intended to mark a boundary, screen a view, or prevent intrusion.

Front building line means a building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building. Steps and unenclosed porches shall be excluded for the purpose of this article.

Grass means low growing plants which creep along the earth surface to form a solid mat or lawn. Only perennial grasses (those which live for more than one growing season) shall qualify to satisfy the requirements of this article.

Groundcover means low growing plants which grow in a spreading fashion to form a more or less solid mat of vegetation, and which are generally included in landscaped areas to prevent soil erosion by providing permeable cover for bare earth.

Hedge means shrubs planted in a continuous line which will block at least 80 percent of a view in a maximum of two growing seasons after installation.

Interior landscaped area means that area inside the perimeter of a site which is permeable and capable of being planted with live landscape materials.

Irrigation means an adequate supply of water which can be made available to landscape plant materials including, but not limited to, underground sprinkler systems or hose bibs.

Landscape material means plant materials including, but not limited to, live trees, shrubs, groundcovers, grass, flowers, and native landscape materials; also including, but not limited to, inorganic features such as planters, stone, brick, and aggregate forms, water, and other landscape elements when used to enhance live plant materials; provided, however, that the use of inorganic materials or grass in combination with inorganic materials shall not predominate over the use of live, organic plants. Artificial plants do not qualify as landscape material.

Landscape permit means a permit issued by the Community Development Department prior to the clearing and development of all land located within the city.

Landscaped area means that area within the boundaries of a given site which is devoted to and consists of landscape material.

Large tree means an evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of eight to ten feet overall height at the time of planting and which attains a minimum height of 15 feet and a maximum height of generally more than 30 feet with few or no branches on its lower part.

Nursery stock quality means that all plant materials must meet minimum standards as set forward in the latest edition of the American Nursery and Landscape Association's ***American Standard for Nursery Stock***.

Loading or service area means the area required for off-street loading prescribed by Section 2503 of this Ordinance.

Owner means the person who has legal title to the property in question; or lessee, agent, employee or other person acting on behalf of the titleholder with written authorization to do so.

Perimeter landscape area means that area surrounding the vehicular use area which is devoted to and consists of landscape materials.

Refuse storage means any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted adjacent to vehicular use areas.

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

Screening means landscaping, berms, fences, walls, or any combination thereof used to block or significantly obscure, in a continuous manner, the view from one area to another.

Shrub means woody or semiwoody perennial plants that are customarily included in landscape designs to provide for lower scale buffering and visual interest.

Sidewalk means a hard-surfaced, all-weather area of a minimum of four feet in width designed for the convenience of pedestrian access, which is normally located immediately within the public right-of-way.

Sight triangle means the area on either side of an accessway at its junction with a street forming a right triangle shape within which clear visibility of traffic and pedestrians shall be maintained.

Soil means the medium in which plants will grow.

Small tree means an evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of six to eight feet overall height at the time of planting and which attains a minimum height of 15 feet and a maximum height of 30 feet generally with few or no branches on its lower part.

Turf means low growing perennial grasses which creep along the earth's surface to form a solid mat or lawn.

Value means that determined as the true value as provided by the tax assessor for tax purposes, or the property owner may provide a current appraisal from a certified licensed appraiser.

Vehicular use area means that area of development subject to vehicular traffic, which is required to be a hard-surfaced, all-weather area, including accessways, loading and service areas, areas used for parking, storage or display of vehicles, boats or portable construction equipment, and all land which vehicles cross over as a function of primary use.

Vines means herbaceous or semiwoody plants requiring support upon which to grow and used to provide some screening or buffering effects.

Wall means an enclosing structure made of brick, stone, earth or other materials intended to mark a boundary, screen a view, or prevent intrusion.

Walkway means a hard-surfaced, all-weather area intended for pedestrian circulation within a development.

SECTION 2602 - APPLICABILITY OF ARTICLE

A. ***Except as otherwise provided in this Article***, this article shall apply to all land located in the city. This Article shall remain and continue with any and all subsequent owners.

B As to new developments and vehicular use areas, a common development which includes more than one lot shall be treated as one lot for the purposes of satisfying this article. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project shall not prevent it from being a common development as referred to in this subsection. Each phase of a phased project shall comply with this article.

SECTION 2603 - REGULATION OF VEHICULAR USE AREAS FOR INSTALLATION AND MAINTENANCE OF ALL-WEATHER SURFACES

2603.01 Required All-Weather Surfaces for Vehicular Use Areas: Any vehicular use area, as defined by this Ordinance, shall have a hard, all-weather surface (asphalt, brick or concrete), ***except for publicly-owned vehicular use areas and uses in industrial districts (I-1 and I-2).***

2603.02 Maintenance of Vehicular Use Areas: Property owners of all required hard, all-weather vehicular use areas shall be responsible for the maintenance of such areas in a reasonable condition as determined by the Director of Community Development. Failure to maintain such areas in a satisfactory manner shall be subject to penalties of this Ordinance as specified under Section 3014.

SECTION 2604 - EXEMPTIONS

This article shall not apply to the following:

A. Building permits for a conventional single-family detached dwelling.

B. Building permits for buildings less than 100 square feet on an out-parcel within a shopping center.

C. Clearing of trees for forestry or agricultural purposes.

D. Building permits for the restoration of a building when restoration is required as a result of damage and/or destruction by fire or natural causes of less than 60 percent of its current market value and provided the permit is applied for within 12 months of the occurrence of fire or natural causes.

SECTION 2605-MINIMUM REQUIREMENTS

The provisions of this article are for the promotion of the public health, safety, morals and general welfare for the city and are considered to be minimum requirements. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances, and deed restrictions or covenants filed of record are not in conflict with the intent and purpose of this article, but impose more restrictive or higher standards, the more restrictive or higher standards shall govern.

SECTION 2606-TREE CREDIT

A. Preservation of existing live natural trees between the principal building and the public street right-of-way can be credited towards the tree planting requirements of this article according to the following ratio: The number of credited trees shall be determined by measuring, at a height 4 1/2 feet above grade level, the circumference (in inches) of each preserved tree, and dividing the sum by six. To be included in the computation for credit for preserved trees, each preserved tree must be at least 12 inches in caliper; however, any existing tree less than 12 inches in caliper but meeting the minimum planting size requirements of this article, may be credited for one required tree. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to ensure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.

B. No credit will be allowed for any tree proposed to be retained if there is any encroachment within the protected ground area defined by a circle which has as its center the trunk of the tree, or if the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees. Such replacement plantings shall meet the requirements of this article.

C. In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain at least one natural tree.

SECTION 2607-PLAN APPROVAL/ CONDITIONAL OCCUPANCY

A. *The clearing from any site of live natural trees eligible for credit under Section 2605 is prohibited unless a permit for such clearing has been issued.* Prior to the issuance of any permit on any site covered by this article, an application fee of shall be paid in accordance with Section 3012 (Fees) and three copies of a landscape plan shall be submitted to and approved by the Community Development Department after review and approval by the Director of Community Development, or designee of the city. The Director of Community Development, or designee, shall act upon the landscape plan within ten (10) working days of its submission, or the landscape plan shall be deemed approved. The landscaping plan

shall contain the following information: The date, scale, north arrow, title and name of the property owners; the approximate location of existing boundary lines; setback lines; rights-of-way; dimensions of the building coverage, existing and proposed; and location of existing and proposed streets, parking spaces and driveways; the location and size of paved and landscape areas, in square feet; the location, number, size and botanical or common name of proposed landscape material; the centerline of adjacent streets; the zoning of the site and adjacent properties; location of available water for irrigation; existing and proposed utilities overhead and underground (gas, telephone, water, sewer, cable, etc.); any existing trees of 12 inches in caliper or larger, as measured 4 1/2 feet above grade level; and whether they are to be removed. No permit shall be issued unless such landscape plan complies with the provisions of this section. A certificate of occupancy shall not be permitted until landscaping is complete, and it shall be unlawful to occupy or use the premises or a vehicular use area unless the landscaping is installed in accordance with the approved landscape plans and the requirements of this section.

B. The Community Development Department may allow conditional occupancy valid for a period of 30 days with extensions not to exceed an accumulation of 180 days if all of the following conditions exist:

1. Except for the completion of landscaping installation, occupancy would normally be allowed.

2. Completion of the required landscaping before a permanent certificate of occupancy is issued would result in hardship to the applicant, as applied in this case.

3. At the time the conditional occupancy is requested, the developer/owner shall make financial arrangements (by bonds, certificate of deposit, or letter of credit) satisfactory to the city in the amount of $3.00 per square foot of required landscaping not yet in place to ensure that it shall be installed. Any owner/developer wishing to make such financial arrangements must also grant the city access to the land to install or complete the required landscaping in the event the landscape installation has not been completed at the end of the required extension period. Such financial arrangements shall be released when the required landscaping is completed.

SECTION 2607-INSTALLATION AND MAINTENANCE OF LANDSCAPING

All landscaping shall be of nursery stock quality and shall be installed in a sound workmanlike manner and according to accepted good planting procedures. All landscaping shall be adaptable to climate conditions of the area, and consideration shall be given to not planting large trees near utilities. All landscaping shall be maintained in good condition and in accordance with all provisions of this article as follows:

A. All landscaping shall present at all times a healthy, neat, clean, orderly, disease-free and pest-free appearance.

B. All landscaping soil and fill shall be free from weeds, refuse, and debris at all times.

C. Landscaping elements such as walls and fences shall be constructed in a sound workmanlike manner with adequate support or footings and shall be repaired or replaced as needed to preserve an attractive appearance and to function as intended.

D. Any dead plant material or material which fails to show healthy growth must be removed within 30 days.

E. Replacement of removed plant material must take place within 90 days of removal or notification by the city, whichever occurs first.

F. Any replacement plant material must meet the size and other characteristics of newly planted material as required in this article.

G. Maintenance of all landscaping is the responsibility of the owners, jointly and separately.

H. Trees and large shrubs shall be adequately supported as necessary, using stakes and guys. Such supports shall be designed so as to protect trees and shrubs from injury. Trees and shrubs shall be fastened to the supports with an acceptable commercial tree tie of plastic or hose covered wire.

I. ***Any landscaped area required by this article shall not be encroached upon by any type of vehicle. All landscaped areas must be protected by an encroachment barrier. A vehicle may overhang a landscaped area provided that a minimum width of three feet in landscaped area remains.***

J. The maximum growth height of any landscaping within the sight triangle shall be three feet in height.

SECTION 2608-LANDSCAPING AND SIDEWALKS WITHIN STREET RIGHTS-OF-WAY

Owners are encouraged to landscape and to maintain the area within the nonpaved street right-of-way abutting their land; provided, however, that:

A. Although the city shall adhere to a general policy of preservation of any such landscaping, the city shall not be responsible or liable in the event any landscaping is required to be removed.

B. Any landscaping in a street right-of-way shall not impede or obstruct visibility of any vehicles.

C. Any underground sprinkler systems, planters or other permanent structures placed in the right-of-way shall require a license agreement with the city.

D. No landscaping shall be placed in an area of right-of-way where a capital improvement project has been funded for such location, unless and until such project has been completed.

E. All landscaping (grass and other plant materials) within the non-paved street right-of-way shall be trimmed away from all sidewalks and maintained in that manner.

SECTION 2609-VEHICULAR USE AREAS -INTERIOR REQUIREMENTS

The following requirements shall apply to the interior areas of vehicular use areas :

A. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. Each unused space resulting from the design or layout of parking spaces, which is over 24 square feet in area, shall be landscaped.

B. The planting of one tree shall be required for every 20 interior parking spaces. All newly planted trees shall be planted in a permeable area of at least nine square feet total permeable area for small trees and 36 square feet total permeable area for large trees, except additional permeable area may be required by the city if necessary to ensure adequate growth.

SECTION 2610-PERIMETER LANDSCAPING REQUIREMENTS

A landscaped buffer of ***at least five feet in width*** shall be installed around the perimeter of all vehicular use areas. The planting of one large tree shall be required, in accordance with the provisions of this article, every 50 linear feet or fraction thereof, or one small tree every 35 linear feet or fraction thereof within the perimeter landscaped area. The remainder of the perimeter landscaped area shall include landscape materials.

SECTION 2611-FRONT SETBACK LANDSCAPING REQUIREMENTS

All sites shall provide that the front setback (corner lots are treated as having two front setbacks) or a portion thereof be landscaped as follows:

A. A minimum landscaped area of ten times the length of the right-of-way in square feet is required.

B. A minimum of five feet width and a maximum of 25 feet of the front setback, as required by the zoning district in which the site is located, shall be the required landscaped area under this section. Accessways are not calculated as part of the landscaped area. The landscaped area shall be immediately adjacent to the public right-of-way or the ***proposed public right-of-way if the site is designated for improvements***. The landscaped area shall contain a minimum of one large tree per 50 linear feet of road frontage or one small tree per 35 linear feet of road frontage. Not more than 15 percent of the total landscaped area shall be an impervious surface, which shall be allowed only for landscape amenities such as paved walks, walls, fountains, signs, public art, etc.

SECTION 2612-COMPOSITE SITE REQUIREMENTS

If all landscape requirements described in this article are met, and the total square footage of the landscaped areas do not equal ten percent of the total site, additional landscaped areas shall be required so that a minimum of ten percent of the total site is landscaped area. Such additional landscaped area may be in the form of additional landscaped vehicular use areas, additional front setback landscaped area or foundation planting around building and structures. At a minimum, all additional landscaped areas shall be completely covered with live turf or grass.

SECTION 2613-LOADING AREA AND SERVICE AREA LANDSCAPING

Other than property located in an industrially zoned district, all loading areas <u>not screened by an intervening building</u> established after the application of this Article shall be screened from view from any public street right-of-way for their entire length except for necessary access. Required off-street loading areas shall be provided in accordance with Section 2503 of this Ordinance.

Screening for loading and service areas may be accomplished by either of the following:

A. A closed fence or wall which is at least six feet high and is made of the same or compatible materials, in terms of texture and quality, with the material and color of the principal building, along with additional natural evergreens, shrubs or trees so that no more than two-thirds of the surface area of the closed fence or wall is visible from the street within three years of erection of the structure; or

B. The screening may be accomplished with natural evergreen shrubs or trees which can be expected to reach six feet or a greater height within three years of planting.

Any natural evergreens, shrubs or trees used to fulfill these requirements shall be a minimum of three feet in height when planted, and spaced no more than four feet apart at the time of planting.

SECTION 2614-REFUSE AREA REGULATIONS

In accordance with Section 409.05 of this Ordinance, all refuse areas shall be completely screened from the street and from adjacent properties by a ***brick, masonry fence or composite material matching the main structure at least 6 feet in height*** on three sides of the refuse site and by natural plants or trees of equal minimum height so planted as to provide maximum opacity. ***Architectural review shall be required for all trash enclosures as part of the Site Plan Review process (Sections 3007 through 3010).***

SECTION 2615-TRANSITIONAL ("BUFFER") LANDSCAPED AREAS

It is recognized that certain land uses, because of their character and intensity, may have an adverse impact on less intensive adjacent uses. The purpose of this section is to establish minimum landscaping requirements between certain uses that will help mitigate negative impacts that could constitute a nuisance ***due to noise, lights, and other characteristics***. Buffers shall be required in accordance with Tables XXVI-1 and XXVI-2 when any use is being developed abutting an existing developed lot or vacant lot. Buffer requirements include a *minimum distance separation from the property line* and required planting of trees and shrubs within the buffer. Buffering between uses shall not be required within the Olde Towne Clinton (OTC) District.

One hundred percent of the applicable buffer requirements shall be the responsibility of the developers of a new land use, except when a residential or public/ quasi-public facility or utility (such as a new church) is developed abutting an existing more intensive use (such as a convenience store) developed prior to the approval of this Ordinance and for which no buffer is in place. In this case, the residential or public/ quasi-public facility or utility shall be responsible for providing a minimum of 50 percent of the required buffer of the developing tract.

TABLE XXVI-1

REQUIRED LANDSCAPING BETWEEN TRANSITIONAL LAND USES

PROPOSED LAND USE/ ZONING DISTRICT	ADJACENT TO EXISTING USE OR DISTRICT	REQUIRED OPEN/ LANDSCAPED SPACE/ FENCE	REQUIRED LANDSCAPING CLASS
Townhouse Residential (R-4)	Existing Single-Family Detached Residence, Single-Family Residential District (R-1) or Moderate Density Residential District (R-2)	30 ft.	A
High Density Residential R-5)-Apartment or Condominium	Existing Single-Family Detached Residence, Single-Family Residential District (R-1) or Moderate Density Residential District (R-2)	50 ft.	C
Manufactured Home Park (R-M)	Existing Single-Family Detached Residence, Single-Family Residential District (R-1) or Moderate Density Residential District (R-2)—see Section 1103.06 (b).	50 ft.	C
Restricted Commercial (C-1)-Offices and Other Uses Allowed Outright in C-1	Existing Single-Family Detached Residence, Single-Family Residential District (R-1) or Moderate Density Residential District (R-2)	20 ft. and a 6-foot high fence —see Section 1403.04 (c)	B
Enclosed Commercial Uses or Uses Allowed Outright in Clinton Boulevard Corridor (CBD) or General Commercial (C-2)	Existing Single-Family Detached Residence, Single-Family Residential District (R-1) or Moderate Density Residential District (R-2)	50 ft. OR 20 ft. and a 6-foot high fence —see Section 1803.04 (c)	B

TABLE XXVI-1, REQUIRED LANDSCAPING BETWEEN TRANSITIONAL LAND USES USES CONTINUED

PROPOSED LAND USE/ ZONING DISTRICT	ADJACENT TO EXISTING RESIDENTIAL USE OR RESIDENTIAL DISTRICT	REQUIRED OPEN/ LANDSCAPED SPACE/ FENCE	REQUIRED LANDSCAPING CLASS
Uses Permitted by Conditional Use Permit in C-2 or C-3 Districts and Uses First Permitted Outright in Major Thoroughfares Commercial (C-3)	Existing Single-Family Detached Residence, Single-Family Residential District (R-1) or Moderate Density Residential District (R-2)	50 ft. OR 20 ft. and a 6-foot high fence	C
Adult Entertainment Commercial Uses Allowed in C-4 Districts	All uses	20 ft. (first 5 ft. landscaped), plus 1,000 ft. between any C-4 use and existing residential uses, residential zones, and public/quasi-public uses	C
Any Use Permitted Outright in Limited Industrial Districts (I-1) and Uses Permitted by Conditional Use Permit	Any existing residential use or district	50 ft. OR 20 ft. and a 6-foot high fence	B
Any Use First Permitted Outright in Heavy Industrial (I-2) or Permitted By Conditional Use Permit in I-2	Any existing residential use or district	100 ft.	C

TABLE XXVI-1: REQUIRED LANDSCAPING BETWEEN TRANSITIONAL LAND USES: CONTINUED

PROPOSED LAND USE/ ZONING DISTRICT	ADJACENT TO EXISTING RESIDENTIAL USE OR RESIDENTIAL DISTRICT	REQUIRED OPEN/ LANDSCAPED SPACE/ FENCE	REQUIRED LANDSCAPING CLASS
Any Use First Permitted in Special Use Districts (S-1)	Any existing residential use or district	50 ft. OR 20 ft. and a 6-foot high fence	B
Any Public\ Quasi-Public Facility or Utility	Any existing residential use or district	50 ft. OR 20 ft. and a 6-foot high fence	B

TABLE XXVI-2

REQUIRED LANDSCAPING CLASSES

All required landscaping shall be provided in the required open areas/buffer areas with trees and shrubs planted according to the following table along the property line inside the required open space. At a minimum, grass sod shall be planted in required open areas that are not occupied by trees or shrubs.

LANDSCAPING CLASS/ AREA OF PROPOSED USE IN ACRES	DECIDUOUS TREES PER 100 FT. OF ABUTMENT *	EVERGREEN TREES PER 100 FT. OF ABUTMENT *	SHRUBS PER 100 FT. OF ABUTMENT *
A	0	4	Continuous
B	1	4	Continuous
C:			
½ acre to 2.5 acres	0	3	4
3.0 acres to 2.5 acres	1	3	4
5.5 acres to 7.5 acres	1	4	4
8.0 acres and above	2	6	6

* Evergreens shall be a minimum height of six feet at the time of installation. Deciduous trees shall be between six and eight feet in height. Proposed trees shall be grouped and staggered to present a natural appearance. *Existing trees may count towards the deciduous shade trees per 100 linear feet requirement.* In addition, a continuous evergreen hedge and required fencing shall be solid wood or masonry fence of at least six feet high and shall be placed and maintained adjacent to the lot line. This buffer shall be installed in its entirety during construction of the residential units or the institutional use.

SECTION 2616-ALTERNATIVE LANDSCAPING AND SCREENING REQUIREMENTS

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Article serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Director of Community Development may alter the requirements as long as the existing features of the development site comply with the spirit and intent. *Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Director of Community Development showing existing site features*

that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Director of Community Development shall not alter the requirements unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening. In deciding whether to approve such a plan, the Director of Community Development may consult with the Planning Commission or others as needed.

ARTICLE XXVII
SIGN REGULATIONS

SECTION 2701-PURPOSES OF THESE REGULATIONS

This ordinance is adopted for the following purposes:

A. Assist the local business community in providing signage which directs the public to each individual business establishment.
B. Provide for consistent and equitable signage requirements for both large and small businesses.
C. Provide a reasonable system for the control of signs.
D. Encourage a desirable urban characteristic which has a minimum of overhead clutter.
E. Enhance the economic value of the community and each area thereof through the regulation of such things as size, location, design, and illumination of signs.
F. Encourage signs which are compatible with adjacent land use.
G. Insure that the type and amount of signage accurately reflects the character of the city of Clinton.
H. To reduce possible traffic and safety hazards through sign regulations.

SECTION 2702-DEFINITIONS

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

Abandoned sign: A sign which no longer correctly advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed.

Advertising sign: See "Outdoor Advertising Sign."

Animated sign: A type of temporary sign which moves or appears to move by any means, including fluttering or rotating. Animated signs shall include but are not limited to pennants, flags, balloons, ribbons, streamers or propellers, strings of light bulbs, pulsating lights, strobe lights, or beacons. For the purposes of this Ordinance, this term does not refer to changeable copy signs (manual) or changing signs (automatic).

Balloons: Any display or arrangement of inflated objects, including large inflated characters, blimps, replicas of hot air balloons, etc. which are anchored to the

ground, a building or pole with the intention to attract the attention of the public to a location or business.

Banners: Any flag, pennant, streamers or other objects, constructed of soft or hard materials, ***designed to attract attention to a location or business.***

Business sign: A sign which directs the attention to a business, profession, commodity, service or entertainment conducted, sold, or offered upon the same lot where the sign is located.

Changeable copy sign (manual): A sign on which copy is changed manually (i.e., reader boards with changeable copy) the area of which shall be included within the allotted face of sign square footage, and if ground mounted, enclosed under a locked and vandal proof case, at the discretion of the Director of Community Development.

Changeable copy sign (automatic): Any sign with an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank. No mechanical means.

Civic signs: Signs used for announcements, directing and identification by churches, schools, clubs, and other non-profit organizations.

Construction sign: An on-premises temporary sign erected during the period of construction, indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

Copy: The wording or graphics on a sign surface.

Districts: Zoning districts as established by the Zoning Ordinance.

Development sign: A temporary sign relating to the promotion of a sale or rental of a new development or subdivision being constructed on the site upon which the sign is located, or located off-site and containing information and directions to a new development or subdivision.

Directional sign: An off-premises sign denoting the name and direction to a civic organization.

Existing ground-mounted sign: A ground-mounted sign that existed prior to the effective data of this Ordinance.

Existing wall-mounted sign: A sign attached to or painted on the outside wall of a building that existed prior to the effective date of this Ordinance.

Exterior directory sign: A sign containing the building identification and address and the name and location of each tenant, and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Externally illuminated sign: Any sign which reflects light from a source intentionally directed upon it; for example, by means of floodlights, gooseneck reflectors, or externally-mounted fluorescent light fixtures.

Façade: The face of a building most nearly parallel with the right-of-way line of the street upon which the building faces.

Face of sign: The entire area of a sign on which copy could be placed, and in the instance where a double faced sign is utilized, the area of one face shall be included to determine face square footage, if both faces include the same copy.

Foot frontage: The linear width measured parallel to the street frontage of the heated and enclosed structure, not including out-building or appurtenant structures.

Ground level: Immediate surrounding grade.

Ground-mounted sign: a sign placed in front of a business, self- supporting and not attached to a building. ***The base of all ground-mounted signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.*** The maximum height of such signs shall vary with the zoning district.
(Note: All ground-mounted signs are not "monument signs". By definition, a monument sign is a ground-mounted sign not exceeding a height of six feet.)

Height of sign: The vertical distance measured above the centerline of the adjacent street, highway, or right-of-way to the highest point of the sign.

Identification sign (multi-tenant): An on-premises ground-mounted sign CONTAINING NO ADVERTISING MATTER. The sign is intended to identify one of the following land uses: a residential subdivision, Planned Unit Development, apartment/condominium complex, an office building containing more than one tenant, a group (more than one) of businesses/organizations on a single lot, a shopping center, a public/quasi-public or civic facility or utility, or an

industrial park. Identification signs may only contain the following information: primarily the "overall" name of the facility and the street address and secondary, the individual business or organizations located on site.

Identification sign (single-business): An on-premises ground-mounted sign containing no advertising material. Sign is intended to identify a business or organization.

Instructional sign: A sign conveying instructions strictly for the direction safety and convenience of the public with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a sign identifying restrooms, a trespassing sign, a danger sign and similar signs.

Internally illuminated sign: Any sign designed to provide artificial light through exposed lighting on the sign face (such as neon tubing or light bulbs arranged to form copy) OR through transparent or translucent material from a light source within the sign; this definition includes automatic changing signs.

Marquee or canopy sign: Any sign affixed to a marquee or canopy, as such terms are defined by this Ordinance; such signs may be affixed parallel (i.e., not projecting) to the sides or hung beneath a marquee or canopy.

Miscellaneous sale sign: An on-premises temporary sign advertising a garage or yard sale, the sale of specific items such as pets, a vehicle or boat, and similar signs.

Monument Sign: A ground-mounted sign ***not exceeding a height of six feet*** placed in front of a business, self-supporting and not attached to a building. Note: The only district where ground-mounted signs must be monument signs is the Olde Towne Clinton Distict.

Off-premises sign: A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered off the premises where the sign is located.

Office building: A building principally used by companies to conduct business, or the uses allowed in the C-1 Zoning Districts of the City.

Office park: A project of one or more buildings that has been planned as an integrated unit or cluster on property that is under unified control or ownership or multiple buildings that have been Master Planned and regulated by covenants and may include separate ownerships.

On-premises sign: A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered on the premises where the sign is located.

Opening sign: A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

Outdoor advertising sign: An off-premises sign which advertises goods, products, or services commonly referred to as a billboard and supported by one or more poles; **such sign may be digital or consist of poster panels** in the form of pasted paper or painted copy.

Pole sign: A ground-mounted sign erected on a fee-standing frame, mast, or pole and not attached to any building.

Political sign: A temporary sign erected to publish the name of a candidate in any official public election.

Portable sign or trailer sign: A type of temporary sign which is constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means and is not designed to be nor is it permanently affixed to a building or lot.

Real estate sign: An on-premises temporary sign erected to announce the sale, rental, or lease of real property.

Retail business: A business principally engaged in the sale of commodities, services, or goods to the ultimate consumer.

Roof line: The apex, or highest point of the roof. If there is a series of roofs, the apex of the lowest roof will be considered.

Roof sign: Any sign erected, constructed, or maintained above a roof or on top of or above the parapet of a building.

Set back: The minimum horizontal distance between either the face of curb, the edge of pavement, or the right-of-way line and the sign structure as specified in a

particular section of this Ordinance.

Shopping center: A commercial area consisting of two or more retail businesses providing convenience goods, general merchandise, office or recreational activities; providing for off-street parking adjacent to such activities.

Sign: Any device, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good or service, activity, place, person or any other item of information.

Sign area: The surface area of a sign computed as including the entire area within a rectangle, triangle, circle, or other regular geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports, and other structural members not bearing advertising matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign conversion: The permanent affixation to building, pole, or lot of a portable sign.

Sign structure: Any structure which supports, has supported, or is capable of supporting a sign including decorative cover.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Strip plaza: A linear arrangement of two or more businesses or offices under one or many ownerships or management providing off-street parking.

Subdivision entrance sign: An on-site sign, masonry wall, landscaping, or similar materials or features, which separately or together form a display to identify the subdivision.

Temporary sign: A sign which is not permanent and is erected with a time limitation.

Wall sign: Any sign affixed directly to or painted on, or otherwise inscribed on the outside wall of a building with the face parallel to and projecting no more than twelve (12) inches from the building wall.

Window sign: A sign placed in a window inside or outside of a building.

SECTION 2703-GENERAL REGULATIONS

All signs erected on any lot in all districts of the City, except official, traffic and street signs, shall conform to the provisions of this section, unless otherwise provided in this Ordinance. The following regulations shall apply to signs in all districts:

2703.01 Director of Community Development Discretion in Issuing Sign Permits: Sign permits shall not be issued by the Director of Community Development if, in instances where the number, and/or location of signs as provided for above constitute, in his judgment, a traffic hazard, nuisance or infringement upon the rights of an adjacent property owner. If any party is aggrieved by the decision of the Director of Community Development, appeals shall be made directly to the Mayor and Board of Aldermen through the Director of Community Development.

2703.02 Design Review for New Signs: All new signs shall meet the requirements of this Ordinance, and the proposed design shall be submitted to the Director of Community Development for review. Prior to the issuance of a permit for a new sign, the design of any sign shall be subject to the review and approval of the Director of Community Development or his designated representative. If any party is aggrieved by the decision of the Director of Community Development, appeals shall be made directly to the Mayor and Board of Aldermen though the Director of Community Development.

2703.03 Sign Erection/ Location: No sign shall be erected as to prevent free ingress or egress from any door, a window or fire escape, and no sign of any kind shall be attached to a standpipe, fire escape, stop sign, street sign or pole that supports any of the above.

2703.04 Zoning District Regulations for Business/ Outdoor Advertising Signs:No business sign or outdoor advertisement sign shall be erected in the City unless it is in compliance with the regulations for the district in which it is to be located as set forth in this Ordinance.

2703.05 Exterior Visibility of Signs Advertising Beer or Other Alcoholic Beverages: No sign, symbol, or plaque or advertising device of any kind visible or otherwise except on the interior of a building where alcoholic beverages are sold or made available shall advertise the sale or availability of beer or any other alcoholic beverage.

2703.06 Signs and Intersection Visibility, Traffic Control Devices: No sign shall be erected at the intersection of any streets in such a manner as to obstruct

free and clear vision or at any location where, by reason of position, it may interfere with or obstruct the view of traffic site lines or traffic control devices. No flashing or intermittent blue, red, green or amber illuminations shall be used.

2703.07 General Sign Illumination Regulations: The illumination of any sign within fifty (50) feet of a residential zone lot line shall be diffused or designed to prevent direct rays of light from shining into adjoining residential districts, and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and/or is nearer than two-hundred (200) feet to dwellings in a residential district. Existing lighting is exempt from this regulation. However, additional lighting cannot be added to make the existing non-compliant.

2703.08 Political Signs: Political signs are allowed on residential, individually owned lots only and cannot be placed in common areas. These signs are limited to one (1) sign per candidate per premises, not to exceed six (6) square feet, with the exception of signage placed on outdoor advertising signs. No sign shall be permitted on private property without permission of the owner. Signs may be posted forty-five (45) days before and must be removed seven (7) days after any election to which it refers.

2703.09 Garage Sale, Yard sale, and Similar Signs: Garage sale, yard sale, and like signs shall not be erected on public property right-of-ways but may be erected on private property only with the permission of the property owner. Signs shall be promptly removed immediately after the event to which it refers. THESE SIGNS MUST BE PERMITTED.

2703.10 Trailer Signs: Trailer signs, temporary or portable, with or without wheels, are prohibited within the City limits. Any existing trailer sign located within the City limits is a nonconforming sign and subject to provisions for nonconforming uses.

2703.11 Temporary Signs for New Businesses: Temporary banners for new businesses shall be allowed for a period of thirty (30) days while the permanent sign is being made or installed. THESE BANNERS MUST BE PERMITTED.

2703.12 Outdoor Advertising Signs: Outdoor advertising type signs shall not be erected in the City of Clinton except along the Interstate 20 corridor.

2703.13 Signs Held by Persons, Persons Dressed in Advertising Costumes, Flashing, Animated, Flashing and Rotating Signs: Signs held by persons,

as well as people dressed in costumes with or without signs, flashing, animated, and rotating signs, shall not be permitted in any zoning district along street right-of-ways or parking lots. This does not apply to mascots at sporting events.

2703.14 Changing/ Changeable Copy Signs: The following restrictions shall apply to changing or changeable copy signs:

a. Permitted in commercial, industrial districts, and public/quasi-public and civic locations only.
b. Must be counted as part of the total allowable square footage of sign.
c. Cannot exceed thirty-three (33) percent of total allowable sign footage and must be located in lower half of sign.
d. Changing and changeable copy signs cannot stand alone.

2703.15 Sign Framing Maintenance: Any wood or metal framing materials on all signs in any district shall be maintained in like-new condition.

2703.16 Pole Signs: Where pole signs are allowed by this Ordinance, the pole or supporting masts or frames shall be concealed by masonry or other material approved by the Director of Community Development.

2703.17 Landscaping Required Around All Base of All Ground-Mounted Signs: The base of all ground-mounted signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.

2703.18 Existing Signs: All signs that lawfully existed prior to the effective date of this Ordinance that do not conform to all provisions of this Ordinance after the effective date are deemed legal non-conforming signs. These signs are subject to Section 2704, Non-Conforming Signs, and any other sections that may apply.

SECTION 2704-NONCONFORMING SIGNS

Subject to the regulations of this section and Article XXVIII of the City of Clinton Zoning Ordinance, any nonconforming signs that were lawful on the effective date of this article, may be continued subject to the provisions of this Ordinance.

2704.01 Enlargement or Alteration of Nonconforming Signs: Nonconforming signs may not be enlarged or altered in such a manner as to aggravate the nonconforming condition.

2704.02 Messages and Nonconforming Signs: The owners of a nonconforming sign on the effective date of this Ordinance may change the message of the nonconforming sign as long as it does not create any non-conformities or the cost of the change does not exceed 50% of the replacement cost of the sign.

However, a new owner of a nonconforming sign after the effective date of this Ordinance may not change the message of any sign unless the nonconformity is corrected in full.

2704.03 Repair or Renovation of Nonconforming Signs: Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve (12) month period, fifty (50) percent of the total replacement cost of the sign.

2704.04 Out-of-Business Signs: If a nonconforming sign advertising any business, service, commodity, accommodation, attraction, or other activity that is no longer being operated, offered, or conducted, for a period of ninety (90) days, that sign shall be considered an abandoned nonconforming sign and shall be removed within thirty (30) days after such abandonment by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign.

SECTION 2705-OUTDOOR ADVERTISING SIGNS (BILLBOARDS)

2705.01 State Regulation of Outdoor Advertising Signs: Outdoor advertising signs (billboards) shall include all such signs within the City of Clinton that are regulated by the provisions of 49-23-1 through 49-23-29 of the ***Mississippi Code of 1972*** as the same exist on the effective date of this Ordinance.

2705.02 Prohibited Signs (Billboards): Billboards are hereby declared prohibited signs within the City of Clinton, subject to the right to remain within the City as nonconforming billboards.

2705.03 Nonconforming Billboards: Outdoor advertising signs (billboards) which were legally in existence prior to the adoption of this Ordinance are declared nonconforming billboards. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming billboards is as much subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Ordinance. All outdoor advertising signs (billboards)

heretofore lawfully constructed within the City of Clinton are hereby declared legal nonconforming billboards, and shall not be enlarged or expanded in any manner to increase their nonconformity.

2705.04 Continuation of Nonconforming Billboards: Nonconforming billboards may continue provided that the nonconforming billboard shall not be:

a. Changed to or replaced with another nonconforming sign except to periodically change the sign face.
b. Structurally altered so as to extend their useful life.
c. Expanded.
d. Re-established after damage of more than fifty percent (50%) of the replacement cost of the sign.
e. Modified in any way that would increase the degree of non-conformity of such sign.
f. If a nonconforming billboard remains blank for more than one-hundred eighty (180) consecutive days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, the owner of the property where the sign is located, or any other person having control over such a sign. For the purpose of this section, a sign is blank if:

    (a) the advertising message it displays becomes illegal in whole or substantial part, or
    (b) the advertising copy is paid for by a party other than the sign owner or is promoting an interest other than the retail use for which it was permitted.

2705.05 Strengthening or Restoring to a Safe Condition: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the building inspector. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the replacement cost of the sign.

2705.06 Petition: The owner of any existing billboard may voluntarily petition the Mayor and Board of Aldermen to allow the relocation or modification of an existing billboard. Approval of any such Petition shall be conditioned on an overall net reduction in the number of billboards within the City by voluntary removal. The approval of the Mayor and Board of Aldermen is discretionary. At a minimum, the Petition shall set out the following:

a. A description of any modification to an existing sign.

b. The existing and proposed locations of a relocated sign.
c. The location of any signs proposed to be removed from within the City of Clinton.
d. An acknowledgement that the request is voluntary and that to the extent that compensation may have otherwise been required any such compensation is waived.
e. The time required to remove any existing signs.
f. Other such information as may be requested by the Community Development department.

SECTION 2706-TERMINATION OF NONCONFORMING SIGNS

2706.01 Destroyed Signs: Any nonconforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond fifty (50) percent of replacement cost of the sign shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.

2706.02 Compliant Improvement/ Alteration of Nonconforming Signs: Any nonconforming sign or sign structure which is improved and altered to comply with the provisions of this Ordinance shall thereafter be considered as conforming.

SECTION 2707-DIMENSIONAL VARIANCES FOR NONCONFORMING SIGNS

Signs which are legally in existence on the date of adoption of this Ordinance which are within twenty (20) percent of being in compliance with the set-back, maximum height, and maximum sign area allowances of this Ordinance shall be deemed to be in compliance with this Ordinance and not nonconforming. However, if any one (1) requirement is greater than the allowances by more than twenty (20) percent, the entire sign must be brought into compliance in conjunction with 2703.18 and 2713.02.

SECTION 2708-ILLEGAL SIGNS

2708.01 General Provisions Regarding Illegal Signs: Any sign that is erected, placed, kept, or maintained in violation of the provisions of this chapter, except for nonconforming signs which are dealt with in Section 2704, shall be removed immediately by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign. If a responsible party fails to remove an illegal sign, then the responsible party shall be subject to the penalties provided for in Section 3014 of this Ordinance, and as part of any fine shall be liable to the City for the costs of removal of any such sign.

2708.02 Prohibited Signs: The following signs are prohibited in the City of Clinton:

1. Animated Signs.
2. Flashing signs having intermittent or animated illumination or moving parts. No signs shall have lights which imitate or resemble official emergency vehicle or traffic signs or signals. Changeable copy signs (automatic) are allowed.
3. Strips or strings of lights.
4. Banners, except for banners announcing the grand opening of a new business (see Section 2703.11).
5. Flags, except for corporate flags and other flags allowed elsewhere in this Ordinance (see Section 2715.08), balloons or pennants outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building. This prohibition shall not apply to holiday lights which may be displayed thirty (30) days prior to the holiday and must be removed fourteen (14) days after the holiday of each calendar year.
6. Signs on public property, other than those erected at the direction of and with the permission of a public authority having jurisdiction.
7. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, portable signs (including sign conversions).
8. No sign or other device regulated by this Ordinance shall be erected or continue to be displayed in such a manner as to obstruct the free and clear vision of vehicle drivers; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic or government sign, signal, or device; or which makes use of the words "stop," "look," "danger," or any other words, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
9. Signs which contain reflective materials, which present a hazard or danger to traffic or the general public.
10. Signs which exhibit more than two (2) faces.
11 Off-premises signs, except outdoor advertising signs, which were erected as of the effective date of this Ordinance.
12. Signs which contain words or pictures of an obscene, indecent, or immoral character which could offend public morals or decency.
13. Beacon, strobe, or pulsating lights.
14. Signs which are structurally unsound or which are rendered

structurally sound by guy wires or unapproved facing or bracing.

15. No sign shall be placed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
16. Pole signs where poles are visible (see Section 2703.16).
17. Signs installed, erected, enlarged, or structurally altered in violation of the provisions of this Ordinance.
18. Signs erected on or that project above a roof line or above the face of flat roofed buildings (i.e., roof sign).
19. Any changeable copy sign (manual) that does not have a locked, vandal-proof cover if required by the Director of Community Development.
20. Signs which obstruct any window, door, fire escape, stairway, or any opening intended to provide air, ingress, or egress for any building or structure.
21. No sign or advertising device shall be erected on, be placed on, projected, or overhang any public right-of-way, walkway, street, alley or easement with exception to OTC district.
22. The tacking, painting, posting, or affixing of signs, posters, or advertising devices of any kind on trees, fences, rocks, utility poles, and other such structures.
23. Structures not meeting construction standards, out of date political billboards, and advertising of defunct business, and structures which have been erected without a permit having been issued therefore and thus are illegal.
24. Signs which are illegal under federal or state laws or regulations.
25. All signs which are not expressly permitted by this Ordinance or any other Ordinance of the City of Clinton.
26. Hand painted signs other than signs by a professional artist or sign company.
27. Transient vendor signs.
28. Non-Permitted Signs placed on the outside of a building advertising merchandise for sale.

SECTION 2709-SIGN MAINTENANCE

All signs permitted under the terms of this Ordinance, except for nonconforming signs which are dealt with in section 2706 that are found to be abandoned or are in such disrepair or so poorly maintained so as to produce a visual blight or hazard to the public, shall be removed by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign. If any responsible party fails to remove any such sign within seven (7) days of their receipt of a written request from the City to remove any such sign, then the responsible party

shall be subject to the penalties provided for in Section 3014 of this Ordinance, and as part of any fine shall be liable to the City for the cost of removal of any such sign.

SECTION 2710-CONSTRUCTION

Construction and structural requirements of all signs shall comply with the most current edition of the International Building Codes and National Electrical Code adopted by the City of Clinton.

SECTION 2711-ILLUMINATION

Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign regulations by zoning district.

2711.01 The light for or from any illuminated sign shall be so shaded, shielded, or directed that intensity will not be objectionable to surrounding areas, as determined by the Director of Community Development.

2711.02 No sign shall have blinking, flashing, fluttering lights, or other illuminating device which has a changing light intensity, brightness or color.

2711.03 No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.

2711.04 Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

2711.05 Exposed bulbs shall not be used on the exterior surface of any sign, with the exception to billboard signs which may be externally illuminated or approved by the Director of Community Development.

SECTION 2712-INSPECTION, REMOVAL AND SAFETY

2712.01 Inspection: All signs shall be inspected periodically by the Director of Community Development for compliance with this Ordinance.

2712.02 Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition.

2712.03 Removal of Sign: The Director of Community Development shall give written notice of the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice, the Director of Community Development shall issue a summons to the owner into city court. Temporary signs erected or maintained in violation of this Ordinance may be removed by the building inspector without notice. The

building inspector shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

2712.04 Obsolete and Abandoned Signs: The following regulations shall apply to all obsolete and abandoned signs:

1. Any sign which advertises or pertains to a business, product, service, event, activity, or purpose which is no longer conducted or that has not been in use for three (3) months or which is no longer imminent, or any sign structure that no longer displays any sign copy for a period of at least three (3) months shall be deemed to be obsolete or abandoned.

2. Obsolete or abandoned signs are prohibited and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or site upon which such a sign or sign structure is erected within thirty (30) days after written notification from the Director of Community Development.

3. In the event of noncompliance with the aforesaid terms and provisions, then the Director of Community Development shall have the authority to cite the sign owner and/or lessee into city court for hearing.

SECTION 2713-PERMITS AND FEES

2713.01 Permits and Fee Requirements:

1. All permanent signs permitted under this Ordinance, shall require a permit.
2. No sign shall be erected, altered, or relocated without a permit, except as otherwise provided herein.

2713.02 Sign Registration Required for Signs Existing on Effective Date of This Ordinance and Signs Located in Future Annexed Areas: For any sign existing in the City on the effective due date of this Ordinance, an application for a sign registration must be submitted to the Director of Community Development within ninety (90) days thereafter. For any sign on property annexed at a later date, application for sign registration shall be submitted within ninety (90) days of the effective date of the annexation. Sign applications received after ninety (90)days after the effective date of this Ordinance or annexation shall be subject to all of the terms and conditions of this Ordinance and shall not be entitled to the

protection of Section 2704 (Nonconforming Signs). Pursuant to this provision, applications for registration for existing signs submitted shall be exempt from the fees adopted under authority of this Ordinance.

SECTION 2714-SCHEDULE OF FEES FOR SIGN PERMITS IN THE CITY

A Schedule of Fees for sign permits shall be available at the office of the Director of Community Development.

SECTION 2715-SIGNS NOT REQUIRING A PERMIT

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

2715.01 Governmental Signs: Any sign, including banners as defined by this Ordinance, erected by any federal, state, county or city agency, or under authorization or required by any governmental agency, shall not require a permit. Such signs include, but are not limited to traffic regulatory signs, historic markers, identification signs on buildings or other facilities, holiday decorations, "Yard of the Month" signs, and similar signs.

2715.02 Sporting event scoreboards advertising and other advertising approved by the sporting event sponsor.

2715.03 Utility company standard markers or warning signs denoting utilities.

2715.04 Traffic Directional/Parking Signs and Delivery Signs: Signs providing traffic directions, parking directions, and delivery signs shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be indirectly illuminated, but they shall not exceed four (4) square feet in area and not exceed two (2) feet in height. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area. Each lot cannot exceed three (3) incidental signs and cannot exceed an aggregate twelve (12) square feet.

2715.05 "Private Parking" Signs: Signs warning the public that a parking lot or parking garage is intended for use only by employees or other persons associated with a business or organization shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be directly or indirectly illuminated, but they shall not exceed four (4) square feet in area. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the

maximum allowable aggregate sign area. Each lot cannot exceed three (3) incidental signs and cannot exceed twelve (12) square feet.

2715.06 Address Signs: Address signs are required for all commercial and residential buildings. Not more than one (1) for each street frontage of each principal use on a lot and not exceeding:
-one half (1/2) square feet (72 square inches) in surface area for all single-family residential zones and townhouse zones (for example, numerals measuring up to five (5) inches x fourteen (14.4) inches); and
-two (2) square feet in surface area for all other zones
Address signs shall indicate only the alpha-numerical designation of the premises on which they are situated; for example, "101-A College Street". All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate identification by emergency service personnel. Address signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area.
(NOTE: In order to assist 911 personnel in locating a structure for emergency service, the alpha-numerical number assigned to each building should be legible from the street on which the residence, business, etc. fronts.)

2715.07 Unilluminated, Ground-Mounted Political Signs: Permitted in A-1, R-1, R-2, R-3, R-4 and PUD districts with a maximum area of six (6) square feet. A premises (lot) shall have not more than one (1) political sign per candidate. Such signs shall only be permitted on private property with the consent of the owner. All political signs shall be removed within seven (7) calendar days after the election in which the person's candidacy ends. Any person (candidate) who allows his/her signs to remain on any property for more than seven (7) days after the election shall be guilty of a violation of this Ordinance and subject to the penalties imposed herein. Political signs are not permitted in C-1, C-2, C-3, C-4, I-1, I-2, S-1 and R-5 districts and any property designated as a public/quasi-public facility. Any political signs placed within C-1, C-2, C-3, C-4, I-1, I-2, S-1 and R-5 districts and any property designated as Public/Quasi-public facility shall be removed. **Exception**: Political signs are permitted in the Olde Towne District (OTC) on properties ***specifically used for residential purposes***. Political signs are ***not permitted on properties used for commercial purposes***.

2715.08 Flags or emblems of the United States, the State of Mississippi or their political subdivisions: Flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40)

feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

2715.09 Decals, names, addresses, hours of operation, credit information, etc. attached to doors or windows: These signs must comply with the maximum 20% aggregate area allowable for window signs.

2715.10 Corporate flags: Corporate flags shall not require permits, but shall be subject to approval by the Director of Community Development.

SECTION 2716-SIGN REGULATIONS FOR SIGNS PERTAINING TO PUBLIC/QUASI-PUBLIC AND CIVIC FACILITIES

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

2716.01 Allowable Signs (*By Permit Only* Except Where Exempted under Section 2715):

1. Ground-mounted signs. Size and location shall be determined as allowed by the zoning district where sign is located.
2. Wall-mounted signs. Size and location shall be determined as allowed in the zoning district where sign is located.
3. Changeable copy (manual only) signs. Such changeable copy signs shall only display name of organization and information regarding scheduled activities and must be enclosed to prevent vandalism. (NOTE: These manual changeable copy signs will be permitted for schools, churches, and other public/quasi-public and civic uses, such as the Y.M.C.A., civic clubs, Red Cross, etc.)

2716.02 Illumination of Public/Quasi-Public and Civic Signs: Except for temporary signs which shall not be illuminated, signs allowed for public and quasi-public uses may be externally illuminated or internally illuminated, as defined by this Ordinance. However, no public/quasi-public use sign shall be illuminated by neon tubing or light bulbs arranged to form copy.

2716.03 Maximum Area: The maximum area for wall signs for public/ quasi-public uses is one hundred fifty (150) square feet, with no more than one wall

sign per street frontage. Public/ quasi-public uses may also have a maximum of one ground-mounted sign or changeable copy sign per street frontage with a maximum aggregate area of no more than eighty-four (84) square feet per face.

2716.04 Off-Premises Signs: Upon approval by the Mayor and Board of Aldermen of a sign permit, off-premises signs may be erected.

SECTION 2717-TEMPORARY SIGNS FOR ALL PUBLIC/QUASI-PUBLIC AND CIVIC USES

2717.01 Allowable Temporary Signs: In addition to the signs allowed by permit for public/quasi-public uses (see Section 2716.01), the following signs erected for public/quasi-public uses DO REQUIRE A PERMIT and are subject to the regulations of this Section.

1. On-premises ground-mounted unilluminated construction signs.
2. On-premises ground or wall-mounted, unilluminated signs providing information on special events/activities sponsored by the public/quasi-public use. These signs are limited to two (2) events per calendar year.

2717.02 Maximum Area:

1. On-premises ground-mounted unilluminated construction signs: Sixty-four (64) square feet per lot with no more than thirty-two (32) square feet per sign face.

2. On-premises ground or wall-mounted, unilluminated signs providing information on special events/activities sponsored by the public/quasi-public use: Thirty-two (32) square feet per lot with no more than sixteen (16) square feet per sign face.

2717.03 Removal of Temporary Signs Erected by Public/Quasi-Public Uses:

1. On-premises ground-mounted unilluminated construction signs: Construction signs may remain on the premises to which they are appurtenant until a Certificate of Occupancy is issued for the public/quasi-public use.

2. On-premises ground or wall-mounted, unilluminated signs providing information on special events/activities sponsored by the public/quasi-public use: These signs may be placed seven (7) days

before the event and shall be removed within two (2) days (48 hours) of the cessation of the event or special activities.

SECTION 2718 -SIGN REGULATIONS FOR SINGLE-FAMILY RESIDENTIAL, TOWNHOUSE AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS OR RESIDENTIAL PORTIONS OF PLANNED UNIT DEVELOPMENTS (PUD'S)

The following regulations shall apply to all land zoned Single-Family Residential (R-1), Moderate Density Residential (R-2), Townhouse (R-3), Patio Home (R-4), High Density Residential (R-5) and to single-family/townhouse/multiple-family and residential portions of (PUD) Planned Unit Developments:

2718.01 Allowable Signs (By Permit Only):

1. Permanent residential subdivision ground-mounted signs or wall identification signs.
2. Permanent multiple-family residential (apartments or condominiums) ground-mounted or wall identification signs.

2718.02 Size and Location:

1. Residential subdivision ground-mounted signs:
In single family detached residential developments, there shall be permitted *one subdivision entrance sign at the intersection of every major street of the subdivision.* The entrance signs shall be permanent signs and shall contain only the name of the subdivision. However, *no more than two (2) sign faces per subdivision entrance shall be allowed.*

Maximum area: Thirty-six (36) square feet per face, but in no case shall total sign area exceed seventy-two (72) square feet per subdivision entrance.

Set-back from street right-of-ways: These signs may be located only at subdivision entrances at least five (5) feet from the right-of-way line of any street. In accordance with Section 401.05 of the Zoning Ordinance, no residential identification sign shall be erected in a manner as to obstruct the free and clear vision of vehicle drivers.

Maximum height: six (6) feet.

2. Multiple-family residential (apartments or condominiums) ground-mounted or wall identification signs: Ground-mounted identification signs may be erected at the entrances to an apartment or condominium complex or on the wall of a building facing the arterial or collector streets on which the complex fronts. The identification signs shall be permanent signs and shall contain only the name and address of the apartment or condominium complex. In accordance with Section 2703.17, the base of all ground-mounted shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.

Maximum area: Thirty-six (36) square feet per face, but in no case shall total sign area exceed seventy-two (72) square feet for double face signs per apartment entrance, including both ground-mounted signs and wall signs.

Set-back from street right-of-ways: Ground-mounted signs may be located only at apartment or condominium entrances at least five (5) feet from the right-of-way line of any street. In accordance with Section 401.05 of the Zoning Ordinance, no residential identification sign shall be erected in a manner as to obstruct the free and clear vision of vehicle drivers.

Maximum height for ground-mounted signs at entrances to an apartment or condominium complex: six (6) feet.

SECTION 2719-TEMPORARY CONSTRUCTION SIGNS FOR SINGLE-FAMILY RESIDENTIAL, TOWNHOUSE AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS OR RESIDENTIAL PORTIONS OF PLANNED UNIT DEVELOPMENTS (PUD'S)

A temporary construction sign shall be permitted during the construction of a single- family residence, townhouse, or multiple-family residential use under a valid building permit issued by the City of Clinton. For a single-family detached dwelling, townhouse, or multiple family use, the sign face area shall not exceed six (6) square feet. For a multi-family project, the sign face area shall not exceed thirty-two (32) square feet and shall conform to all other requirements of this Ordinance. Construction signs for single-family detached dwellings, townhouses, or multi-family muses shall be set back at least five (5) feet behind the curb face or edge of pavement, or outside of the right-of-way, whichever is further, and shall not exceed six (6) feet in height.

SECTION 2720 -REAL ESTATE SIGNS IN ALL RESIDENTIAL DISTRICTS

In all residential districts, one temporary sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. Said signs shall not exceed the

dimensions of two (2) feet by three (3) feet, with a total maximum sign face area of six (6) square feet per face, with a maximum of two (2) faces on a single plane of material. The maximum height of said signs shall be six (6) feet, and said signs shall be set back no less than five (5) feet from the curb face, edge of pavement, or outside of the right-of-way, whichever is further. Signs shall be removed within seven (7) days of the sale or lease of the property.

SECTION 2721-REAL ESTATE SIGNS IN ALL COMMERCIAL DISTRICTS

In all commercial districts, one temporary sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. Said signs shall not exceed thirty-six (36) square feet per face, with a maximum of two (2) faces. The maximum height of said sign shall be eight (8) feet, and said sign shall be set back no less than five (5) feet from the curb face, edge of pavement, or outside of the right-of-way, whichever is further. Signs shall be removed within seven (7) days of the sale or lease of the property.

SECTION 2722 -SIGN REGULATIONS FOR THE OLDE TOWNE CLINTON (OTC) DISTRICT

The following regulations shall apply to signs in the Olde Towne Clinton (OTC) district:

2722.01 Allowable Signs

1. Monument signs
2. Wall signs
3. Canopy signs
4. Projecting signs
5. Marquee signs
6. Sandwich boards

2722.02 Maximum Area and Height

1. Maximum Height for Monument Signs: By definition, no monument sign shall exceed a height of six (6) feet above the surrounding grade in the Olde Towne Clinton District.

2. Maximum Area for Monument or Wall Signs: The maximum aggregate square footage for monument or wall signs shall be one-half (1/2) square foot for each linear foot of building frontage length, with building frontage including each side of a building which fronts on a public street. However, no monument sign or wall sign shall exceed an area of twenty (20) square feet per face per street frontage, and in no case shall the total aggregate square footage for all signs exceed forty (40) square feet.

3. Projecting signs shall not exceed four (4) square feet. The height shall be eight (8) feet at the lowest level above the sidewalk or ground and shall not project more than four (4) feet from the vertical surface of which the sign is attached.

2722.03 Sandwich Boards

1. Sandwich board signs require a sign permit prior to the placement of the sign.

2. Sandwich board signs shall be no larger than thirty (30) inches in width and forty-eight (48) inches in height and no materials such as papers, balloons, wind socks, etc. may be added to the sign to increase its height and/or width.

3 No sandwich board sign shall be placed in the public street right-of-way or in any public parking place.

4 Sandwich board signs may be used only during the hours when the business is open to the public and may only be placed on the lot in which the business is being conducted.

5 No sandwich board sign shall be placed so as to obstruct vehicular traffic sight distance triangle requirements.

6 All sandwich board signs shall be constructed of wood with black chalk write-on boards on two (2) sides.

7. No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians.

8. No sandwich board sign may contain lights of any kind.

9. Sandwich boards must be placed within twenty (20) feet of the main entrance door of the business to which the sign pertains.

2722.04 Site Plan Review Requirements Include Sign Approval for the Olde Towne Clinton District: The site plan review requirements of Sections 3007-3010 of this Ordinance for all principal and accessory structures or uses in the Olde Towne Clinton District include review of all signs by the Historical Preservation Committee and Clinton Planning Commission. All signs proposed in the Olde Towne Clinton District must be approved by the Mayor and Board of Aldermen prior to erection or modification.

SECTION 2723 -SIGN REQUIREMENTS FOR THE CLINTON PARKWAY CORRIDOR, HAMPSTEAD BOULEVARD AND U.S. HIGHWAY 80

The following types of signs shall be the only signs permitted for uses ***fronting on*** the Clinton Parkway, Hampstead Boulevard or U.S. Highway 80. In instances where a sign setback requirement from the public right-of-way is not physically possible, the Director of Community Development may allow for a smaller sign setback from the right-of-way if in his judgment the placement of the sign will in no manner constitute a traffic hazard, create a nuisance or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right-of-way.

2723.01 Allowable Signs:

1. Wall signs.
2. Ground- mounted signs.
3. Temporary banners advertising a new business for a period of thirty (30) days only. A permit is required.
4. Changeable copy signs.
5. Window signs with a maximum of 20% aggregate of window square footage
6. Sandwich boards.

2723.02 Maximum Area of Signs for Commercial Uses Abutting Clinton Parkway, Hampstead Boulevard and U.S. Highway 80:

1. The occupant of a business abutting these thoroughfares may have one (1) wall sign ***displaying the name or logo, plus specialty items*** of the business and one additional ground-mounted sign on each street upon which the structure fronts. The total area of wall signage shall not exceed one and one-half (1-1/2) square feet of sign for every linear foot of front footage of the applicable building which faces a public street, subject to the following restrictions:

   a. The maximum square footage wall sign allotment shall not exceed one hundred fifty (150) square feet except as provided herein.

   b. Where the front footage of a building would allow for more than the maximum wall sign size as stated above, additional square footage may be allowed, upon approval of the Director of Community Development. This additional square footage shall not exceed one and one half (1-1/2) square feet per linear foot of a building, and shall not exceed a maximum wall sign size of two hundred (200)

square feet.

c. Where a single business fronts on more than one street, the allowable square footage for the wall sign shall be computed separately for each street.

d. The wall signs shall not be higher than the roof line or fascia of the building on which it is attached.

2. A ground-mounted sign may be used in addition to wall signs provided that it does not exceed eighty-four (84)square feet per face per street frontage.

3. A professionally lettered temporary banner advertising a new business shall be allowed for a period of thirty (30) days only. A permit is required.

4. If the occupant elects to use changeable copy, only one of the signs, wall or ground sign, may have changeable copy. No more than one-third (1/3) of the allowable square footage of the ground or wall sign shall be changeable copy sign.

2723.03 Sandwich Boards

1. Sandwich board signs require a sign permit prior to the placement of the sign.

2. Sandwich board signs shall be no larger than thirty (30) inches in width and forty-eight (48) inches in height and no materials such as papers, balloons, wind socks, etc. may be added to the sign to increase its height and/or width.

3 No sandwich board sign shall be placed in the public street right-of-way or in any public parking place.

4. Sandwich board signs may be used only during the hours when the business is open to the public and may only be placed on the lot in which the business is being conducted.

5. No sandwich board sign shall be placed so as to obstruct vehicular traffic sight distance triangle requirements.

6. All sandwich board signs shall be constructed of wood with black chalk write-on boards on two (2) sides.

7. No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians.

8. No sandwich board sign may contain lights of any kind.

9. Sandwich boards must be placed within twenty (20) feet of the main entrance door of the business to which the sign pertains.

2723.04 Maximum Height, Width and Setback: Ground-mounted signs shall have a ***maximum height of twelve (12) feet*** measured from the centerline of the adjacent street or highway and a ***maximum width of twelve (12) feet***. The sign must be set back a minimum of five (5) feet from the curb or street right-of-way.

SECTION 2724 -SIGN REGULATIONS FOR C-1, C-2, C-3 & C-4 AND CLINTON BOULEVARD CORRIDOR (CBC) COMMERCIAL DISTRICTS

The following types of signs shall be the only signs permitted for uses authorized in the commercial districts of the City of Clinton. In instances where a sign setback requirement from the public right-of-way is not physically possible, the Director of Community Development may allow for a smaller sign setback from the right-of-way if in his judgment the placement of the sign will in no manner constitute a traffic hazard, create a nuisance or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right-of-way.

2724.01 Allowable Signs: The following types of signs shall be the only signs permitted for uses authorized in the commercial districts ***not abutting Clinton Parkway, Hampstead Boulevard or U.S. Highway 80***:

1. Wall signs.
2. Ground-mounted signs.
3. Temporary banners advertising a new business for a period of thirty (30) days only. A permit is required..
4. Changeable copy signs.
5. Window signs with a maximum of 20% aggregate of window square footage.
6. Sandwich boards.

2724.02 Maximum Area:

1. The occupant of a business in these commercial districts may have one (1) wall sign ***displaying the name or logo, plus specialty items***

of the business and one additional ground-mounted sign on each street upon which the structure fronts. The total area of wall signage shall not exceed one and one-half (1-1/2) square feet of sign for every foot of front footage of the applicable building which faces a public street, subject to the following restrictions:

a. The maximum square footage wall sign allotment shall not exceed one hundred fifty (150) square feet except as provided herein.

b. Where the front footage of a building would allow for more than the maximum wall sign size as stated above, additional square footage may be allowed, upon approval of the Board of Alderman. This additional square footage shall not exceed one-half (1-1/2) square foot per linear foot of a building, and shall not exceed a maximum wall sign size of two hundred (200) square feet.

c. Where a single business fronts on more than one street, the allowable square footage for the wall sign shall be computed separately for each street.

d. The wall signs shall not be higher than the roof line or fascia of the building on which it is attached.

2. A ground-mounted sign may be used in addition to wall signs provided that it does not exceed eighty-four (84) square feet per face per street frontage and does not extend over twelve (12) feet in height measured the centerline of the adjacent street or highway and a maximum width of twelve (12) feet. The sign must be set back a minimum of five (5) feet from the curb or street right-of-way.

2724.03 <u>Sandwich Boards</u>

1. Sandwich board signs require a sign permit prior to the placement of the sign.

2. Sandwich board signs shall be no larger than thirty (30) inches in width and forty-eight (48) inches in height and no materials such as papers, balloons, wind socks, etc. may be added to the sign to increase its height and/or width.

3. No sandwich board sign shall be placed in the public street right-of-way or in any public parking place.

4. Sandwich board signs may be used only during the hours when the business is open to the public and may only be placed on the lot in which the business is being conducted.

5. No sandwich board sign shall be placed so as to obstruct vehicular traffic sight distance triangle requirements.

6. All sandwich board signs shall be constructed of wood with black chalk write-on boards on two (2) sides.

7. No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians.

8. No sandwich board sign may contain lights of any kind.

9. Sandwich boards must be placed within twenty (20) feet of the main entrance door of the business to which the sign pertains.

2724.04 Changeable Copy Signs in C-1, C-2, C-3, C-4 and Clinton Boulevard Corridor (CBD)Districts: If the occupant elects to use changeable copy, only one of the signs, wall or ground-mounted sign, may have changeable copy. No more than one-third (1/3) of the allowable square footage of the ground or wall sign shall be changeable copy sign.

SECTION 2725 -STRIP PLAZAS, OFFICE PARKS AND SHOPPING CENTERS

2725.01 Strip plazas, office parks, and shopping centers shall be allowed to display one (1) ground sign per street frontage to identify the center. This sign shall not exceed twelve (12) feet in height measured from the centerline of the adjacent street or highway and a maximum width of twelve (12) feet. The sign must be set back a minimum of five (5) feet from the curb or street right-of-way. The sign face shall not exceed eighty-four (84) square feet. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign. The street address shall of the building be included on the sign.

2725.02 Strip plazas, office parks, and shopping centers containing groups of five or more businesses shall be allowed to display one ground sign per street frontage to identify the center. This sign shall not exceed twelve (12) feet in height or fourteen (14) feet in width. The sign face shall not exceed one

hundred twenty-six (126) square feet (for example, 14 feet x 9 feet). The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign. The street address of the building shall be included on the sign.

2725.03 Each individual business within the strip plaza, office park, or shopping center shall be allowed to display one identification sign. The size of the identification sign shall be computed by taking the length of the wall of the tenant's leased area and multiplying it by 1.5. In addition, individual businesses located in shopping centers may place business names on shopping center sign. Must be permitted separately.

SECTION 2726 -SPECIAL REGULATIONS FOR SERVICE STATIONS AND CONVENIENCE STORES

In addition to the signs allowed in the C-2 (by conditional use permit only), C-3 and C-4 (by conditional use permit only) commercial districts, service stations/convenience stores ***engaged in the retail distribution of petroleum and petroleum products*** shall be allowed the following:

(Note: Service stations and convenience stores which sell petroleum and petroleum products are only allowed ***outright*** in C-3 Major Thoroughfare Commercial districts; these uses are allowed ***by conditional use permit only*** in C-2 General Commercial and C-4 Alternative Commercial districts; these use are ***not allowed at all*** in C-1 Restricted Commercial districts, Olde Towne Clinton or the CBC Clinton Boulevard district).

2726.01 One price sign per street frontage. Price sign must be attached to a ground-mounted sign.

2726.02 One self service or full service sign per pump island.

2726.03 Signs displaying the federal and state stamps, octane ratings, use directions, no smoking signs, and other signs as required by federal, state, and local authorities. The accumulation of these signs shall not exceed two (2) square feet per pump island.

2726.04 Additional pricing may be placed on canopy using changeable copy on the side fronting a street. Not to exceed two (2) feet in height and eight (8) feet in length.

2726.05 No additional product advertising will be allowed outside, e.g., drinks, milk, cigarettes, etc.

SECTION 2727 -SIGN REGULATIONS FOR I-1 AND I-2 DISTRICTS

The following types of signs shall be the only signs permitted for uses authorized in the industrial districts of the City of Clinton. In instances where a sign setback requirement from the public right-of-way is not physically possible, the Director of Community Development may allow for a smaller sign setback from the right-of-way if in his judgment the placement of the sign will in no manner constitute a traffic hazard, create a nuisance, or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right-of-way.

2727.01 Allowable Signs:

1. Wall signs.
2. Ground-mounted signs.
3. Temporary banners advertising a new business for a period of thirty (30) days only. A permit is required.
4. Changeable Copy Signs

2727.02 Maximum Area:

1. The occupant of a business in an industrial district may have one (1) wall sign and one additional ground-mounted sign ***displaying the name or logo, plus specialty items*** of the business on each street upon which the structure fronts. The total area of wall signage shall not exceed two (2) square feet of sign for every foot of front footage of the applicable building which faces a public street, subject to the following restrictions:

    a. The maximum square footage wall sign allotment shall not exceed two hundred (200) square feet except as provided herein.

    b. Where the front footage of a building would allow for more than the maximum wall sign size as stated above, additional square footage may be allowed, upon approval of the Board of Alderman. This additional square footage shall not exceed two (2) square feet per linear foot of a building and shall not exceed a maximum wall sign size of three hundred (300) square feet.

    c. Where a single business fronts on more than one street, the allowable square footage for the wall sign shall be computed separately for each street. Each sign must correlate with the allowable linear footage on each street.

d. The wall signs shall not be higher than the roof line. or fascia of the building.

2. A ground-mounted sign may be used in addition to wall signs, provided that it does not exceed eighty-four (84) square feet per face per street frontage.

2727.03 Maximum Height, Width and Setback: Ground-mounted signs shall have a maximum height of twelve (12) feet measured the centerline of the adjacent street or highway and a maximum width of twelve (12) feet. The sign must be set back a minimum of five (5) feet from the curb or street right-of-way.

2727.04 Changeable Copy Signs in I-1 and I-2 Districts: If the occupant elects to use changeable copy, only one of the signs, wall or ground mounted, may have changeable copy. No more than one-third (1/3) of the allowable square footage of the ground or wall sign shall be a changeable copy sign (manual).

2727.05 Window Signs: Window signs are prohibited in I-1 and I-2 districts.

ARTICLE XXVIII

NONCONFORMITIES

SECTION 2800 - PURPOSE OF THIS ARTICLE

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

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

Nonconforming USES (see definition under Section 2801 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination *shall not be extended or enlarged after passage of this Ordinance* by the addition of other uses of a nature which would be prohibited generally in the district involved.

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

SECTION 2801 - TYPES OF NONCONFORMITIES

Whereas the definition of a nonconformity has been given in Section 201 and under Section 2800, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

2801.01 Nonconforming Undeveloped "Lot of Record": This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of City of Clinton or a lot described by metes and

bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not meet the *area or width requirements*, or both, of the district wherein such lot is located.

2801.02 Nonconforming Structure (Including Buildings): This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the *bulk, placement or other dimensional requirements* of the zoning district wherein located.

2801.03 Nonconforming Use: This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

SECTION 2802 - REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

2802.01 Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any SINGLE nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in SEPARATE OWNERSHIP and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, PROVIDED THAT:

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

Variance of yard requirements shall be obtained only through action of the Mayor and Board of Aldermen following recommendation of the Planning/Zoning Commission. (See Section 2204 of this Ordinance).

2802.02 Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance: If two or more undeveloped (or vacant) lots *in single ownership* with continuous frontage are "of record" at the time of enactment of this Ordinance, and if, subsequent to the passage of this Ordinance, such lots become nonconformities in the district where they are located; and if such lots change ownership after the enactment of this Ordinance, the lands involved shall be considered as UNDIVIDED PARCEL for the purposes of this Ordinance; and *no portion of said parcel shall be used in a manner which diminishes compliance with the* ***lot width and/or lot area requirements*** *established by this Ordinance*, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in *single ownership* with continuous frontage which *remain in the same ownership* (or if the lots are conveyed by inheritance or as a gift) following enactment of this Ordinance. Such lots *not changing ownership* shall continue to be considered *divided* parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 2802.01. However, further division of such nonconforming lots of record shall be prohibited.

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

(NOTE: Subsection 2802.02 is intended to prevent the construction of dwelling units at too high a density by individuals purchasing two or more nonconforming vacant lots of record in continuous frontage after the effective date of this Ordinance. At the same time, it is intended to avoid undue harshness with regard to persons who owned such lots prior to the effective date of this Ordinance. The last paragraph is intended to make it clear that land may not be sold with the intent of creating lots which do not meet minimum area and width requirements.)

SECTION 2803 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES

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

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 2804 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

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

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

C. If any such nonconforming use of land ceases for any reason for a period of more than 30 days (except where government action has impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;

D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 2805 - REGULATIONS CONCERNING NONCONFORMING USES OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION

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

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for *six consecutive months or for six months during any three year period* (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

SECTION 2806 - PREVIOUSLY EXISTING USES ALLOWED ONLY AS SPECIAL EXCEPTIONS IN SOME DISTRICTS SHALL BE CONSIDERED CONFORMING USES WITHIN SUCH DISTRICTS

If a land use constructed or initiated prior to the effective date of this Ordinance is permitted as a special exception in a zoning district but the land use is not permitted outright in that district,

said use shall be considered a conforming use. For example, if prior to the effective date of this Ordinance, a convenience store was constructed at a location that is zoned "C-2 General Commercial" under this Ordinance, that convenience store shall be considered a conforming use; convenience stores can be considered for location as special exceptions in C-2 zones, but these uses are not permitted outright in C-2 zones.

ARTICLE XXIX

WIRELESS COMMUNICATIONS

SECTION 2900-PURPOSE

The City recognizes that the city of Clinton desires to encourage the orderly development of wireless communications technologies for the benefit of the city and its citizens. The City also recognizes the excellent character of the residential communities of the City and the dramatic increase in residential growth.

As a matter of public policy the City aims to encourage the delivery of new wireless technologies throughout the City while controlling the proliferation of communications towers. Such development activities will promote and protect the health, safety, prosperity, and general welfare of the citizens of Clinton.

This article is designed to achieve the following:

A. Provide a range of locations for communication towers in various zoning districts;

B. Encourage the location of Wireless Communications Facilities onto existing structures to reduce the number of new communication towers needed within the City of Clinton;

C. Encourage collocation and site sharing of new and existing communication towers;

D. Control the type of tower facility constructed, when towers are permitted;

E. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;

F. Protect the residential areas and the Olde Towne Clinton District (OTC) from the development of wireless communications facilities;

G. Promote the use of suitable sites (public and private) for the location of wireless antennae, towers, and/or wireless communication facilities;

H. Insure the harmonious, orderly, and efficient growth and development of the City;

I. Maximize the economy of the City through the continued use of the City's public resources;

J. Provide areas in which the zoning laws permit the development of wireless communication facilities which are consistent with the requirements of the ***Federal Telecommunications Act of 1996*** and in the best interest of the future of the City of Clinton;

K. Provide clear performance standards addressing the siting of wireless communication facilities; and

L. Streamline and expedite the permitting procedures to effect compliance with the ***Federal Telecommunications Act of 1996***.

SECTION 2901 - CERTAIN USES NOT COVERED BY THIS ARTICLE

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

SECTION 2902 -DEFINITIONS

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

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

Attached Wireless Communication Facility (Attached WCF). An Attached WCF is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

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

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

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

FTA. Federal Telecommunications Act of 1996.

Height. When referring to WCF, Height shall mean the distance measured from ground level to the highest point on the WCF, excluding the Antenna Array.

Setback. Setback shall mean the required distance from the property line of the parcel on which the WCF is located to the perimeter of the fenced area around the Support Structure or, in the case of guy-wire supports, the guy anchors.

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

Temporary Wireless Communication Facility (Temporary WCF). Temporary Wireless Communication Facility shall mean a WCF to be placed in use for ninety (90) or fewer days.

Tower Use Permit (TUP). A permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions determined by the Director of Community Development to be appropriate under the provision of this Ordinance.

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

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

SECTION 2903 - APPLICABILITY AND DESIGNATION

2903.01 Pre-existing Wireless Communications Facility - Wireless communications facilities for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Article.

2903.02 Amateur Radio Exclusion - This Article shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas. Such installations shall comply with any other applicable provisions of the Zoning Article.

2903.03 Relationship to Other Articles - This Article shall supersede all conflicting requirements of other Articles regarding the locating and permitting of wireless communications facilities except in the Olde Towne Clinton District.

2903.04 Airport Zoning - Any wireless communications facility located or proposed to be located in airport areas governed by the FAA shall also comply with the provisions of all applicable local, state, and federal airport regulations.

2903.05 Building Codes - Construction of all wireless communications facilities shall comply with the requirements of the standard building codes as adopted by the City of Clinton and permitting process in addition to the requirements of this Article.

SECTION 2904 - ALLOWABLE USES/DEVELOPMENT CRITERIA

2904.01. Allowable Areas:

1. Wireless communications facilities are ***prohibited*** in all residential zoned areas including R-E, R-1, R-2, R-3, R-4, R-5, R-M, P.U.D., Olde Towne Clinton (OTC) and Sarah Dickey Subdivision (SD) districts.

2. Wireless communications facilities are permitted as a conditional use (special exception) in A-1, Clinton Boulevard Corridor (CBC),C-1, Mixed Use (MU), C-2, C-3, C-4, I-1, I-2, and S-1 districts subject to conditions and exceptions noted hereafter.

2904.02 Height Standards :

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

1. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached.

2. Wireless communications facilities with support structures shall have a maximum height of 250 feet in I-1 & I-2, and 200 feet in C-1, C-2, C-3, C-4, & S-1.

2904.03 Setback Standards: The following setback standards shall apply to all wireless communications facility installations;

1. Attached Wireless Communication Facilities - Antenna arrays for attached wireless communication facilities are except from the setback provisions of the zone in which they are located. An attached wireless communication facility antenna array may extend up to thirty (30) inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

2. Wireless Communications Facilities With Support Structures -

   a. A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.

   b. A minimum distance requirement of a distance equaling the height of the tower plus 200 feet from A-1, R-1, R-2, R-3, R-4, R-M, P.U.D., and O.T.C. districts or the nearest part of any existing dwelling, school, church, or institution for human care, in any other district.

2904.04. Landscaping and Screening :
The following landscaping and screening requirements shall apply to all wireless communications facility installations.

1. New Construction - New wireless communications facilities with support structures and attached wireless communications facilities with new building construction shall be landscaped in accordance

with the applicable provisions of the landscape Article that may now or hereafter be adopted.

2. Land Form Preservation - Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however; that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.

3. Existing Vegetation - Existing vegetation on a wireless communication facility site may be used in lieu of required landscaping where approved by the Director of Community Development.

2904.05 Aesthetics, Placement, Materials, and Colors: Wireless communications facilities shall be designed so as to be compatible with existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility, the use of compatible or neutral colors, or stealth technology. A monopole type structure shall be used, unless approved by the Mayor and Board of Aldermen.

2904.06 Lighting and Signage: The following lighting and signage requirements shall apply to all wireless communications facility installations:

1. Artificial Illumination - Wireless communications facilities shall not be artificially illuminated, directly or indirectly, except for:

   a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and

   b. such illumination of the wireless communications facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences. White strobe lighting shall be permitted during daylight hours, however, red beacon shall be utilized during night time hours

2. Signage - Wireless communications facilities shall not display any signage, logos, decals, symbols, or any messages of a commercial or noncommercial nature, except a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state, or federal

regulations governing wireless communications facilities.

2904.07 Security Fencing: Wireless communications facilities with support structures shall be enclosed by an opaque security fence not less than six (6) feet in height. Security features may be incorporated into the buffer, landscaping, and screening requirements for the site. Nothing herein shall prevent security fencing that is necessary to meet requirements of state or federal agencies.

2904.08 Radio Frequency Emissions/Sound: The following radio frequency emissions standards shall apply to all wireless communications facility installations:

1. RF Impact - The FTA gives the FCC jurisdiction of the regulation of radio frequency (RF) emissions, and wireless communications facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.

2. FCC Compliance - In order to provide information to its citizens, copies of ongoing FCC information concerning wireless communications facilities and RF standards may be requested. Applicants for wireless communications facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

3. Sound Prohibited - No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted.

2904.09. Structural Integrity: Wireless communications facilities with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled ***A Structural Standards for Steel Antennas Towers and Antenna Support Structures*** (or equivalent), as it may be updated and amended.

2904.10. Collocation Agreement: No permit to construct a communications tower may be issued unless the applicant demonstrates to the Director of Community Development or, where applicable, to the Board of Zoning Appeals, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. Applicants are required to prove need by:

1. Demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, structures, elevated tanks, etc., able to provide the antenna platform required;

2. Providing evidence, including coverage diagrams and technical reports, demonstrating that collocation on existing sites is not technically possible in order to serve the desired need. Collocation is not possible if:

   a. Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

   b. Planned equipment will cause RF interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost;

   c. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; or

   d. Other reasons as determined by the Mayor and Board of Aldermen make it impracticable to place the equipment planned by the applicant on existing approved towers.

SECTION 2905 - REVIEW PROCESS

The review process for installation of a wireless communications facility with support structures shall follow all requirements and guidelines as set forth in Section 3005 - Special Exceptions (Conditional Uses) of the City of Clinton Zoning Ordinance (Amended April 4, 1997)

SECTION 2906 - APPROVAL PROCESS

2906.01 Application Submission: All requests for a permit, regardless of Wireless Communication Facility type shall submit an application in accordance with the requirements of this section.

1. Application Contents. Each applicant requesting a conditional use under this Article shall submit a scaled site plan containing a scaled elevation view and other supporting drawings, calculations

and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a Radio Frequency Intermodulation Study with their application.

2. Submission Requirements. Application for a conditional use shall be submitted to the City on forms prescribed by the City. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. The application and site plan shall be placed on the next available commission agenda in accordance with the agenda deadlines established by the City.

3. Application Fees. A plan review fee of $500. These fees may be used by the City to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application or publish notices in local newspaper for public hearing as described in Zoning Article.

4. Technical Assistance. In the course of its consideration of an application, the City, the Director of Community Development, the Planning Commission, or the Board of Aldermen may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the City in the technical aspects of the application. In such cases, a five thousand dollar ($5,000) deposit shall be submitted to the City for technical review and recommendations.

2906.02 Planning Commission Review : The following shall apply to all Tower Use Permit applications requiring submission to the Planning Commission.

1. Review Authority. The Planning Commission shall be the review authority for TUP applications not eligible for Administrative Review or otherwise referred to the Commission.

2. Notice. Notice of the application and the public hearing by the Planning Commission shall be accomplished in the same manner as a Conditional Use Permit under the Zoning Article.

3. Hearing. The Planning Commission shall review and consider the conditional use application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Planning Commission shall consider the following in reaching a decision.

   a. Development Criteria Variance. The conditional use shall be reviewed for compliance with the Development Criteria set for in Section V; provided that the applicable Development Criteria may be amended or waived so long as the approval of the wireless communication facility meets the goals and purposes of the Article. The Planning Commission may authorize a variance from the Development Criteria by specific inclusion in a motion for approval.

   b. Tower Siting Conditions. The Planning Commission may impose conditions and restrictions on the application or on the premises benefited by the conditional use as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this Article. The violation of any condition shall be grounds for revocation of the conditional use. The Planning Commission may impose such conditions in addition to the Development Criteria upon the following findings:

      i. The wireless communication facility would result in significant adverse visual impact on nearby residences.
      ii. The conditions are based upon the purpose and goals of this Article.
      iii. The conditions are reasonable and capable of being accomplished.

   c. Action. Following the public hearing and presentation of evidence, the Planning Commission shall take one of the following actions:

i. approve the application as submitted;
ii. approve the application with conditions or modifications;
iii. defer the application for additional information or neighborhood input; or
iv. deny the application.

4. Findings. All decisions rendered by the Planning Commission concerning a Tower Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.

5. Timing of Decision. The Planning Commission shall render its decision within 60 days or less of the final submission of all required application documents and technical evaluations, however this time may be increased due to deferrals by either the applicant or the Planning Commission.

6. Appeals. The decision of the Planning Commission may be appealed to the Board of Aldermen of the City under the following circumstances:

   a. Only the applicant and those who registered an objection to the conditional use in the record of the Planning Commission shall have standing to appeal.

   b. Only such evidence or testimony in support of or opposition to the issuance of the conditional use which was provided to the Planning Commission may be presented to the Board of aldermen unless the Board, by majority vote, decides to hear new information.

   c. Notice of appeal shall be accomplished by the appellant in the same manner as a conditional use permit under this Zoning Article.

SECTION 2907 - SHARED FACILITIES AND COLLOCATION POLICY

2907.01 Collocation: All new wireless communication facilities with support structures shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A conditional use shall not be issued until the applicant proposing a new wireless

communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its WCF onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

2907.02 Required Antenna Array: All WCF's with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least the four (4) antenna array. All WCF's with support structure up to a height of more than 200 feet shall be engineered and constructed to accommodate at least five (5) antenna array. All WCF's with support structure over 200 feet shall be engineered and constructed to accommodate at least six (6) antenna array.

SECTION 2908 - REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

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

SECTION 2909 - NONCONFORMING WIRELESS COMMUNICATIONS FACILITIES

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

A. Expansion. Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this Article except as further provided in this Section.

B. Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under this Article.

C. Repairs or Reconstruction. Nonconforming wireless communications

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

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

SECTION 2910 - REVOCATION OF TOWER USE PERMITS

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

SECTION 2911 - PENALTY

The fine or penalty for violating any provisions of this Article shall, upon conviction in the municipal court, not exceed one thousand dollars ($1,000.00) for any one specified offense or violation further, that if a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this Article shall not exceed one thousand dollars ($1,000.00) for each day that it may be unlawfully continued.

ARTICLE XXX

ADMINISTRATION AND ENFORCEMENT

SECTION 3000 - PURPOSE OF THIS ARTICLE

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

SECTION 3001 - DUTIES, POWERS, AND LIMITATION OF POWERS OF THE DIRECTOR OF COMMUNIT DEVELOPMENT IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

3001.01 Duties of the Director of Community Development:

A. Coordinate all matters relating to this Ordinance with, as appropriate, other City officials.

B. Provide information to the public on matters relating to zoning.

C. Provide application forms to the public on matters relating to zoning.

D. Maintain, or be responsible for, the maintenance of the ***Official Zoning Map***.

E. Review all building permit applications and plot diagrams as they relate to this Ordinance.

F. Receive and take appropriate action on all applications for dimensional variances, conditional use permits (special exceptions), and zoning amendments (rezonings).

G. Receive and take appropriate action on ***all site plans*** submitted in accordance with Sections 3007 through 3010 of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies.

H. Check construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements of this Ordinance before issuing a *certificate of occupancy*. An example of a use conversion would be a change from

an allowed land use (with only minor construction) in the same building to one that is not allowed in that district.

I.. Clear with other local, City of Clinton, state, or Federal agencies where such clearance is necessary in connection with zoning matters.

J. Appear before the Planning Commission and the Mayor and Board of Aldermen to furnish information helpful to those bodies in carrying out their assigned functions.

K. Make periodic checks for violations or investigate written complaints of violations of this Ordinance and notify IN WRITING the person(s) responsible for violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Notice to such violators shall be by certified mail-return receipt requested. If the violator does not respond to the certified mail notice, Clinton Police shall deliver the violation notice.

L. Report uncorrected violations to the Mayor and Board of Aldermen and recommend action to prevent or halt violations of this Ordinance.

M. Advertise public hearings as required by this Ordinance. (Note: The Director of Community Development may simply notify the City Clerk that advertisement of a public hearing is needed, and the City Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).

N. Keep records pertaining to zoning matters.

O. Attend Planning Commission meetings as needed but especially when site plans are to be reviewed.

P. Provide administrative interpretation as provided in Subsection 3001.02.

3001.02 Administrative Interpretation by the Director of Community Development: In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or district designations or other matters relating to the ***Official Zoning Map***, the Director of Community Development shall have the power to make such administrative decisions and interpretation. ***Such decisions or interpretations shall be made in writing by the Director of Community Development.***

A. Limitation of Powers: Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use permit (special exception), dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification -- that is, the rezoning of any land), the provisions for which use are given elsewhere in this Ordinance.

B. Appeals from the Administrative Interpretation by the Director of Community Development: Appeals from said administrative interpretation shall be made as provided in Subsection 3013.01 of this Ordinance.

C. Administrative Interpretation by the Director of Community Development shall not be used in matters which the Director of Community Development has personal financial interest or personal gain is involved.

SECTION 3002 - DUTIES AND RULES OF CONDUCT OF THE CLINTON PLANNING COMMISSION

The Clinton Planning Commission shall have the duties and responsibilities of a local Planning/Zoning Commission pursuant to Section 17-1-11 of the **Mississippi Code of 1972**, Annotated, As Amended.

3002.01 Duties of the Planning Commission: The Commission's duties with regard to this Ordinance shall include, but not be limited to:

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

-applications for dimensional variances;

-applications for special exceptions (conditional use permits);

-applications for amendments to the ***Official Zoning Map*** (i.e., applications for rezoning);

-proposed amendments to the text of this Ordinance.

B. The Planning Commission shall review all ***site plans*** (i.e.,plans for the development of a SINGLE lot, as opposed to a subdivision plat involving the development of two or more lots) where such plans are

required under Section 2807 of this Ordinance.

C. In accordance with Section 603, paragraph 1, of the ***Subdivision Regulations of the City of Clinton, Mississippi***, the Director of Public Works and the City Engineer shall review all pre-application sketch plats for proposed subdivisions, and if those two officials determine that the proposed subdivision warrants a review by the Planning Commission, the Planning Commission shall review the sketch plat and make suggestions to the subdivider. The Planning Commission shall review ALL sketch plats for proposed Planned Unit Developments.

D. In accordance with Section 603, paragraph 2, of the ***Subdivision Regulations of the City of Clinton, Mississippi***, the Planning Commission shall review all preliminary plats for subdivisions, including plats for proposed conventional subdivisions and Planned Unit Developments (PUD's).

E. The Commission shall review all ***development plans*** (i.e., a drawing or set of drawings depicting the ultimate layout of a large tract of land, usually involving varying lot sizes and/or different proposed land uses).

3002.02 Rules of Conduct for the Clinton Planning Commission:

In addition to other rules of conduct that the Planning Commission may adopt, the following shall apply:

A. The secretary for the Planning Commission shall report all recommendations regarding variances, special exceptions, rezonings, amendments to the Zoning Ordinance text, site plans, subdivision plats, and other matters through the Minutes of the Planning Commission.

B. The Planning Commission shall hold regular meetings (unless there are no items of business to be considered by the Planning Commission for a particular month) on the fourth Tuesday of each month at 7:00 P. M. UNLESS OTHERWISE DETERMINED BY THE COMMISSION at a site specified by the Chairman of the Planning Commission. Special meetings may be called by the Chairman or two or more members of the Planning Commission within three hours of a meeting. An attempt must be made by the Director of Community Development to notify all members of the Commission of the special meeting.

C. In accordance with Section 302.1 of the ***Subdivision Regulations of the City of Clinton, Mississippi***, all "Applications for Preliminary Plats Approval" and preliminary plats shall be submitted at least twenty-one (21) days prior to the next regular meeting of the Planning Commission at which the application/ plat is to be considered. Site plans required by this Ordinance (see Section 3007) shall also be submitted at least twenty-one days prior to the next regular meeting of the Planning Commission at which the site plan is to be considered. Preliminary plats/ applications and siteplans submitted after this deadline shall not be included on the agenda for the next regular meeting of the Planning Commission.

D. All applications for variances, conditional use permits, amendments to this Ordinance text or to the ***Official Zoning Map*** (re-zonings) shall be submitted to the Director of Community Development in sufficient time to permit placement of the required public notice in a newspaper as required under Section 3011.01 of this Ordinance. Such applications submitted after this deadline shall not be included on the agenda for the next regular meeting of the Planning Commission.

E. In accordance with Section 25-41-5 of the **Mississippi Code of1972**, As Amended, all meetings of the Planning Commission shall be open to the public at all times unless an executive session is declared as provided in Section 25-41-7.

F. No member of the Planning Commission shall participate in the hearing of the singular item nor vote on any matter before the Commission in which he has a personal financial interest.

SECTION 3003 - DUTIES OF THE MAYOR AND BOARD OF ALDERMEN IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

The Mayor and Board of Aldermen of the City of Clinton shall have the final authority with regard to all matters involving this Zoning Ordinance. The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:

A. Acting as a Board of Adjustments and Appeals, including hearing and deciding appeals from actions of the Director of Community Development and Planning Commission.

B. Acting upon all applications for dimensional variances and special exceptions (conditional use permits).

C. Acting upon all applications for rezonings (i.e., amendments to the ***Official Zoning Map***). In accordance with Section 17-1-17 of the **Mississippi Code of 1972**, As Amended, "any party aggrieved with the recommendation of the (planning commission) shall be entitled to a public hearing before the (Mayor and Board of Aldermen), with due notice thereof after publication for the time and as provided by (the **Mississippi Code**)."

D. Acting upon all proposed amendments to the text of the ***Zoning Ordinance***.

E. Accepting, rejecting, or conditionally approving site plans, preliminary subdivision plats and final subdivision plats.

F. Appointing the members of the Planning Commission.

SECTION 3004 - DIMENSIONAL VARIANCES

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

3004.01 Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Director of Community Development) demonstrating compliance with ALL of the following. A variance shall not be granted unless the applicant demonstrates:

A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.

B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zoning district.

3004.02 Existence of Non-Conforming Uses Not Grounds for Variance: The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings ***in other districts*** shall not be considered grounds for issuance of a variance.

3004.03 When a Site Plan Shall Be Required: If the Director of Community Development feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

3004.04 Public Hearing Required: A public hearing shall be held in accordance with Section 3011 of this Ordinance for all proposed dimensional variances.

3004.05 Identification of Adjacent Property Owners: The applicant for a variance shall furnish to the Director of Community Development, with the completed application, the names and addresses of all persons owning land 160 feet from the subject property (excluding the rights-of-way of streets or highways).

3004.06 Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed dimensional variance, it shall NOT be necessary to hold another hearing on the proposed variance. The Mayor and Board of Aldermen may act upon the recommendation of the Planning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen, with due notice thereof as provided under Section 3011 of this Ordinance. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission. **SUCH A HEARING SHALL BE PROVIDED ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE DIRECTOR OF COMMUNITY DEVELOPMENT *WITHIN FIFTEEN (15) DAYS* OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION AS PROVIDED UNDER SECTION 3013.02.**

3004.07 Required Findings: No variance shall be issued until the Planning Commission has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance

constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures.

Furthermore, no variance shall be granted until the Mayor and Board of Aldermen have made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

3004.08 Conditions and Safeguards May Be Prescribed with Dimensional Variance: In granting any dimensional variance, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3014 of this Ordinance.

If such conditions and safeguards are imposed by the Mayor and Board of Aldermen in granting a variance, the applicant shall be required to *sign an agreement* whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

3004.08 Granting of a "Use Variance" Prohibited: Under no circumstances shall the Planning Commission or the Mayor and Board of Aldermen issue a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

SECTION 3005 - SPECIAL EXCEPTIONS (CONDITIONAL USE PERMITS)

The Planning Commission is empowered to hear and decide whether or not proposed special exceptions (conditional uses) authorized under this Ordinance should be granted.

3005.01 Requirements for Granting a Special Exception (or Conditional Use Permit): Any person desiring a special exception shall submit a written application (on a form furnished by the Director of Community Development) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested.

The Planning Commission shall not grant a special exception unless satisfactory provision and arrangement has been made concerning ALL of the following:

A. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience,
traffic flow and control, and access in case of fire or catastrophe.

B. Off-street parking and loading areas.

C. Refuse and service areas.

D. Utilities, with reference to locations, availability, and compatibility.

E. Screening and buffering with reference to type, dimensions, and character.

F. Required yards and other open space.

G. ***General compatibility with adjacent properties*** and other property in the district.

H. Any other provisions deemed applicable by the Planning Commission or the Mayor and Board of Aldermen.

3005.02 Demonstration of Change in Character of Neighborhood and Public Need Not Required: Unlike applications for changes in the ***Official Zoning Map*** (that is, a rezoning), it shall not be necessary for an applicant for a special exception to demonstrate that the character of the neighborhood has changed to such an extent to justify granting the special exception or that there is a public need for the exception.

3005.03 Site Plan Required: Every applicant for a special exception (conditional use permit) shall submit a site plan in accordance with Sections 3007 through 3010 of this Ordinance.

3005.04 Public Hearing Required: A public hearing shall be held in accordance with Section 3011 of this Ordinance for all proposed special exceptions.

3005.05 Identification of Adjacent Property Owners: The applicant for a special exception shall furnish to the Director of Community Development, with the completed application, the names and addresses of all persons owning land 160 feet from the subject property (excluding the rights-of-way of streets or highways).

3005.06 Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed special exception, it shall NOT be necessary to hold another hearing on the proposed special exception. The Mayor and Board of Aldermen may act upon the recommendation of the Planning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen, with due notice thereof as provided under Section 3011 of this Ordinance. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission. **SUCH A HEARING SHALL BE PROVIDED ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE DIRECTOR OF COMMUNITY DEVELOPMENT *WITHIN FIFTEEN (15) DAYS* OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION AS PROVIDED UNDER SECTION 3013.02.**

SECTION 3006 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (REZONING)

3006.01 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the ***Official Zoning Map***, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Director of Community Development (on a form furnished by him/her).

3006.02 Site Plan Required: If a ***specific use*** is identified by the applicant for a rezoning (i.e., a proposed amendment to the ***Official Zoning Map***), then the application for rezoning shall be accompanied by a site plan prepared in accordance with Sections 3008 and 3009 of this Ordinance.

3006.03 Criteria for Rezoning: No amendment to the ***Official Zoning Map*** shall be approved unless the proposed rezoning meets one of the following criteria:

A. That there was a mistake in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Planning Commission's decision in the minutes. "Mistake" DOES NOT mean that the Planning Commission or the Mayor and Board of Aldermen made a mistake in judgment in their prior zoning, such as not realizing the full import of the zoning classification or mistakenly placing the property in one

classification when the evidence indicated that another would have been more appropriate.

B. That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.

3006.04 Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the Mississippi Code of 1972, As Amended, requires that ***"zoning regulations shall be made in accordance with a comprehensive plan---."*** Accordingly, no amendment to the ***Official Zoning Map*** shall be approved by the Mayor and Board of Aldermen unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of the City of Clinton, including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.

3006.05 Public Hearing Required: In accordance with Section 17-1-17 of the **Mississippi Code of 1972**, As Amended, a public hearing shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen days notice of the hearing in "---an official paper or a paper of general circulation in such municipality ---specifying the time, place and date of said hearing." The hearing shall be held in accordance with Section 3011 of this Ordinance.

3006.06 Identification of Adjacent Property Owners: The applicant for the rezoning shall furnish to the Director of Community Development, with the completed application, the names and addresses of all persons owning land 160 feet from the subject property (excluding the rights-of-way of streets or highways).

3006.07 Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed amendment to this Ordinance (either an amendment to the text or ***Official Zoning Map***), it shall NOT be necessary to hold another hearing on the proposed amendment. The Mayor and Board of Aldermen may act upon the recommendation of the Planning Commission. Any party aggrieved by the recommendation of the Planning Commission SHALL be entitled to a public hearing before the Mayor and Board of Aldermen, with due notice thereof as provided under Section 3011 of this Ordinance. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission. Such a hearing shall **be provided ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE**

DIRECTOR OF COMMUNITY DEVELOPMENT *WITHIN FIFTEEN (15) DAYS* OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION AS PROVIDED UNDER SECTION 3013.02.

3006.08 Two-Thirds Vote of Mayor and Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or those within 300 feet (excluding the rights-of-way of streets or highways) of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of three-fifths of all members (members present at the meeting) of the Mayor and Board of Aldermen.

(NOTE: A three-fifths "super-majority" is now required for rezoning under these circumstances.)

3006.09 Res Judicata: Upon the submission of an application for a rezoning, and a determination by the Planning Commission that said application should be denied, the Planning Commission shall not accept a subsequent application to rezone the ***same property*** or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. This is known as the ***doctrine of res judicata***. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Planning Commission may consider such a proposed rezoning.

3006.10 Ordinance Amending Zoning Ordinance Text or Official Zoning Map Required: No amendment to the ***Official Zoning Map*** or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Mayor and Board of Aldermen. Any Ordinance amending the ***Official Zoning Map*** shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 3006.03 of this Ordinance. Section 21-13-11 of the **Mississippi Code of 1972**, As Amended, requires that "every Ordinance passed by (the Mayor and Board of Aldermen)---shall be published at least one time in some newspaper published in such municipality, or, if there be no such newspaper, then in a newspaper within the county having general circulation in said municipality---."

3006.11 Effective Date of Ordinances Amending the Text of this Zoning Ordinance or Official Zoning Map: The effective date of Ordinances amending the

text of this Zoning Ordinance or the Official Zoning Map shall be in accordance with Mississippi law.

SECTION 3007 - SITE PLAN REVIEW: PURPOSES AND WHEN REQUIRED

3007.01 Purposes: The purposes of site plan review are: to promote the health, safety and general welfare of the City; to insure that structures are built in accordance with the provisions of this Ordinance and the International Building Code; to conserve the value of existing buildings and structures; to prevent excessive dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures; to prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with existing visual features within the district; and to prevent harm and damage to the City which will result from the absence of such review and manifest itself by:

(i) lower property values;

(ii) decreased economic growth; or

(iii) diminished future opportunities for land use and development.

In accordance with the above purposes, developers of all commercial properties within the City of Clinton shall demonstrate that proposed design, style, architecture, materials and color schemes to be utilized in the construction of the exterior of buildings and structures are compatible with the general character of the neighborhood (see Section 3009.02 regarding required elevations and associated data).

3007.02 When Site Plan Review Is Required: Site Plan Review shall be required for the following:

A. All new, expanded, relocated or reconstructed *principal* (i.e., not accessory) buildings or structures in all zoning districts, ***other than single-family detached dwellings***. The specific use of such principal buildings does not have to be identified on the site plan. New, expanded, relocated, or reconstructed ***accessory buildings or structures*** shall only require site plan review when such review is determined advisable by the Director of Community Development, EXCEPT FOR THE "OLDE TOWNE CLINTON (OTC) DISTRICT" OR THE CLINTON BOULEVARD CORRIDOR (CDC)" DISTRICT, WHERE SITE PLAN REVIEW SHALL BE REQUIRED FOR ALL ACCESSORY BUILDINGS OR STRUCTURES.

B. If the Director of Community Development determines that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

C. ALL applications for conditional uses.

D. ALL public/quasi-public utilities and facilities. In accordance with Section 402, such public/quasi-public utilities and facilities shall be allowed only as conditional uses in any district.

E. If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application shall be accompanied by a site plan.

F. All proposed "actions" as defined under Section 1600 of this Ordinance within the Olde Towne Clinton (OTC) district.

G. All signs for which permits are required (see Section 2715 for signs not requiring permits; a permit shall be required for all other signs).

H. ALL proposed floodway modifications.

I. All proposed off-site parking (i.e., off-street parking proposed on a lot other than the one to which the parking is appurtenant) in any district.

SECTION 3008 - SITE PLAN REVIEW PROCEDURES

The Director of Community Development shall act as the coordinator for the site plan review process. He shall advise all applicants for building permits if the proposed use requires the preparation and submission of a site plan and the official approval of that plan prior to the issuance of the permit. All applicants shall follow the procedures specified below:

3008.01 Sketch Plan: Prior to filing of an application for approval of a site plan, the applicant should meet and consult informally with the Director of Community Development. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.

3008.02 Submission of Site Plan: Copies of site plans shall be prepared and submitted to the Director of Community Development in the quantity specified by the Director of Community Development for distribution to:

-the Director of Public Works
-the City Engineer
-the Fire Chief
-copies for members of the Planning Commission; and
-copies for members of Clinton Historical Preservation Commission if the proposed development is inside the Olde Towne Clinton (OTC) district.

Consistent with the submittal requirements for subdivision plats, as specified under Section 3002.02 (c), site plans shall be submitted at least thirty (30) days prior to the next regular meeting of the Planning Commission (and the Clinton Historical Preservation Commission if in the OTC district) at which the plan is to be reviewed, or it will not be placed on the Planning Commission (or Clinton Historical Preservation Commission) agenda for that meeting.

The Director of Community Development shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided as prescribed in Section 3009 of this Ordinance.

3008.03 Applicant Must Be Represented at Planning Commission and Mayor and Board of Aldermen Meetings: Applicants (or their designated representative) for site plan approval shall be present at meetings of the Planning Commission, Clinton Historical Preservation Commission (if the site plan is in the Olde Towne Clinton District) and Mayor and Board of Aldermen when their proposed site plan is to be reviewed, or no action will be taken by those bodies.

The Planning Commission (or Clinton Historical Preservation Commission) shall review the site plan and data at its/ their next regular meeting following submission of same to the Director of Community Development. THE DIRECTOR OF COMMUNITY DEVELOPMENT (OR HIS DESIGNATED REPRESENTATIVE) SHALL BE PRESENT AT THE PLANNING COMMISSION OR CLINTON HISTORICAL PRESERVATION COMMISSION MEETING AND MEETINGS OF THE MAYOR AND BOARD OF ALDERMEN.

The purpose of this review is to ascertain whether or not the applicant's proposed building or structure conforms with this Ordinance and other applicable laws, and whether or not such proposed building or structure will maintain harmony and continuity with similar existing uses within the district and considering other like structures *within 500 feet of the*

proposed structure as measured from each lot line of the proposed structure excluding streets, alleys, and other public rights-of-way.

After reviewing all information relative to the site plan, the Planning Commission (or Clinton Historical Preservation Commission) may recommend approval or disapproval of the site plan, or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. If the Planning Commission determines that the proposed structure is excessively dissimilar and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in 3007.01, and that such finding is not based upon personal preferences as to taste or architectural style or design, then the application for a building permit shall be denied. If the site plan is recommended by the Planning Commission (or Clinton Historical Preservation Commission) for approval, such recommendation for approval shall be contingent upon final review and approval by the Mayor and Board of Aldermen.

In any case, the Planning Commission (or Clinton Historical Preservation Commission) shall make a written statement of its findings (in the form of Minutes) and said statement shall be forwarded to the Director of Community Development in time for copies of the statement to be available for distribution to the Mayor and Board of Aldermen at the next meeting of that body following the Planning Commission/ Clinton Historical Preservation Commission meeting.

3008.05 Approval of Site Plan by Mayor and Board of Aldermen: The Director of Community Development shall forward the recommendation of the Planning Commission/ Clinton Historical Preservation Commission to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall consider whether or not the applicant's proposed building or structure will conform with the provisions of this Ordinance and other applicable laws, and ***whether or not it will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys, and other public rights-of-way).*** If the Mayor and Board of Aldermen determine that such structure would cause or provoke one or more of the harmful effects as set forth in 3007.01, and that such finding is not based upon personal preferences to taste or architectural style or design, then the application for a building permit shall be denied.

If the Mayor and Board of Aldermen approves the site plan, such action by the Mayor and Board of Aldermen shall constitute final approval and authority for the developer to proceed with the proposed development

subject to the issuance of a building permit. Following such approval by the Mayor and Board of Aldermen, the Director of Community Development shall stamp copies of the site plan "APPROVED," sign them, and return one copy to the applicant. One copy shall be retained by the Director of Community Development in his files.

3008.06 Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under Section 3008.07 below, shall be consistent with the approved site plan.

3008.07 Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan which comply with the spirit of the Zoning Ordinance and the intent of the Mayor and Board of Aldermen in approving the site plan may be authorized by the Director of Community Development as provided under Section 3001.02.

3008.08 As-Built Plans: In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouse subdivisions) the builder shall submit "as-built plans" of the development following construction. (See also Clinton ***Subdivision Regulations***.)

SECTION 3009 - SPECIFICATIONS FOR ALL REQUIRED SITE PLANS AND ELEVATIONS

3009.01 Site Plan Specifications: The following data shall be supplied by the applicant in connection with required site plans:

1. Lot lines (property lines).
2. The zoning of adjacent lots.
3. The names of owners of adjacent lots.
4. Rights-of-way of existing and proposed streets, including streets shown on the adopted ***Thoroughfares Plan***.
5. Accessways, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.
6. All existing and proposed easements.

7. On request by the Director of Community Development, all existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.

8. On request by the Director of Community Development, a drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water flow rates from off-site and on-site sources.

9. On request by the Director of Community Development, contours at vertical intervals of five (5) feet or less.

10. Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications.

11. Landscaped areas and planting screens.

12. Building lines and the location of all structures, existing and proposed.

13. Proposed uses of the land and buildings, if known.

14. Open space and recreation areas, when required.

15. Area (in square feet and/or acres) of parcel.

16. Proposed gross lot coverage in square feet (i.e., that portion of a lot occupied by buildings and structures).

17. Number and type of dwelling units (where proposed).

18. Location of sign structures and drawings, etc. in accordance with Article XXVII of this Ordinance.

19. A ***"development plan"*** (see Section 3009.04) when staging of development is proposed.

20. In the Olde Towne Clinton (OTC) district only, the location of all trees measuring twelve (12) inches in diameter, including those that the applicant is proposing to cut.

21. In the Olde Towne Clinton (OTC) district only, the proposed paint colors for all structures.

22. Any additional data necessary to allow for a thorough evaluation of the proposed use.

3009.02 Elevations and Associated Data Required: In addition to the data required above for site plans, the developer shall submit the following drawings (elevations) and associated data where site plans are required by this Ordinance:

1. Proposed elevations indicating the general design, style, and architecture of the building or structure.

2. Proposed materials and color schemes to be utilized in the construction of the exterior of buildings and structures.

3. Number of stories and total square feet, including a notation as to the square footage on each floor or level.

4. Proposed height in feet.

3009.03 Other Exhibits: Photographs, renderings, color slides, models and similar items may be presented by the applicant at his discretion.

3009.04 Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring site plan review under this Ordinance by stages, (e.g., PUD's, large multi-family developments, large commercial developments, etc.), sufficient data shall be provided in a development plan to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. ***Significant deviations from the development plan initially approved shall require approval by the Mayor and Board of Aldermen***.

SECTION 3010 - CRITERIA FOR SITE PLAN REVIEW

Criteria for site plan review shall include, but not necessarily be limited to, consideration of the components specified below:

3010.01 Consistency with Adopted Land Use Plan and Zoning Ordinance: The

proposed site plan shall be consistent with adopted ***Land Use Plan*** and Zoning Ordinance (including the ***Official Zoning Map***).

3010.02 Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:

- Is the site plan consistent with the adopted ***Thoroughfares Plan***?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/ surface width requirements indicated on the adopted ***Thoroughfares Plan***? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted ***Thoroughfares Plan***? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/ surface width specifications shown in the adopted ***Thoroughfares Plan***?

- Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the City Engineer or consultant?

- Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?

- Compliance with Ordinance XXV (Off-Street Parking, Loading, and Access Requirements)

- Are proposed freight delivery areas separated from customer access in commercial and industrial developments?

3010.03 Utilities and Garbage Disposal: The following shall be evaluated with regard to utilities:

- Water and sewer system capacity and oversizing (future) needs

- On-site and off-site drainage requirements, including retention ponds

- Are underground utilities required on the site?

- Are garbage disposal facilities enclosed in accordance with Section 409.04 of this Ordinance?

3010.04 Open Space, Landscaping, and Screening Requirements:

- If the proposed development is residential and will abut the Kansas City Southern railroad tracks, is the *100-foot railroad setback* required under Section 401.07 indicated on the site plan?

- Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets?

- Interior Lot Landscaping: Where required by this Ordinance, does the site plan indicate landscaping of for areas not used for buildings and other structures, parking, required lots and driveways? Is the proposed landscaping consistent with Article XXVI of this Ordinance?

- Parking Lot Landscaping: Is the proposed parking lot landscaping shown on the site plan consistent with Article XXVI?

- Open Space/Recreational Facilities: Are open space/recreational facilities proposed for an apartment/condominium complex shown on the site plan?

- Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?

- Is proper use made of floodplains on the site? For example, for open space or passive recreational areas. (NOTE: Open space reserved for residents of townhouse subdivisions, patio home subdivisions, or Planned Unit Developments in accordance with this Ordinance shall be shown on preliminary plats as required by the Clinton ***Subdivision Regulations***.)

3010.05 Fire Safety:

- Are fire hydrants shown on the site plan and properly located to ensure fire protection for all structures?

- Are there at least two points of access/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?

- Are buildings spaced in accordance with this Ordinance to prevent spread of fires?

3010.06 Signs:

- Do the proposed signs comply with Ordinance XXVII of this Ordinance?

3010.07 Elevations:

- Will the proposed structures maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys and other public rights of way.

- Are the proposed structures incongruent or inharmonious in such a manner as to cause or provoke one or more of the following: lower property values; decreased economic growth; or diminished future opportunities for land use and development?

SECTION 3011 - PUBLIC HEARING NOTICES AND PROCEDURES

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Planning Commission on the following matters:

A. All dimensional variances.

B. All conditional uses.

C. All amendments to the text of the Zoning Ordinance or amendments to the Official Zoning Map (i.e., rezoning).

3011.01 Public Hearing Notice in a Newspaper Required: Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Clinton, specifying the date, time and place for said hearing.

Such notices shall be published in accordance with the following format or a format determined by the Mayor and Board of Aldermen:

A. For Dimensional Variances:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT (Street Address/ Building), CLINTON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI:

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor' Signature City Clerk's Signature

DATE_____

B. Conditional Use Permits:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE AT THE (Street Address/ Building), CLINTON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI:

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor' Signature City Clerk's Signature

DATE_____

C. For an Amendment to the Official Zoning Map (or a rezoning):

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE (Street Address/ Building), CLINTON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF CLINTON, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor' Signature City Clerk's Signature

DATE _____

D. For an Amendment to the Text of the Zoning Ordinance:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT (Street Address/ Building), MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CLINTON, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED: ATTEST:

_____ _____

Mayor' Signature City Clerk's Signature

DATE_____

3011.02 Public Hearing Notice on Property Signs Required: Whenever any zoning action (i.e., a dimensional variance, conditional use or rezoning) is considered by the Planning Commission, signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected ***not less than fifteen days prior to the date of the public hearing***. When more than one parcel of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected. The notice to be posted on the property involved shall consist of a sign with letters legible from the nearest street.

3011.03 Public Hearings Before the Planning Commission: Where public hearings are required by this Ordinance, the Planning Commission shall conduct a public hearing at which all interested persons shall be recognized and given an opportunity to speak. At the conclusion of the public hearing, the Commission shall, on its own motion, forward their recommendation to the Mayor and Board of Aldermen. *Only a majority vote of a quorum of the members of the Commission shall carry a motion to approve or deny an application for a variance, conditional use permit or amendment to the text of this Ordinance or the* ***Official Zoning Map****. Only in case of a tie vote may an application be forwarded to the Mayor and Board of Aldermen "without recommendation."*

3011.04 Changes to an Application for Variance, Conditional Use Permit, or Zoning Ordinance Amendment (Including Re-Zonings): Any change proposed by an applicant for a variance, conditional use permit, or amendment to this Ordinance (including re-zoning applications) ***at the time of the hearing***, except for conditions recommended by the Commission for variances or conditional use permits, shall require a ***rehearing*** before the Commission with another public notice. Following a re-hearing, if the applicant has not made an approved change within six (6) months of the approval of the requested change, he shall contact the Director of Community Development to inform him/ her if he/ she still wants the requested change. The Director of Community Development may grant a six (6) month extension; however, no more than one six month extension may be granted. At the end of one year following the re-hearing, a new application must be submitted by the applicant if the change has not been made.

SECTION 3012 - FEES

3012.01 Schedule of Fees: The Mayor and Board of Aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section 3007 through 3010, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Public Works Director, Director of Community Development or other designated City official whose office shall be responsible for their collection.

3012.02 Amendment of Alteration of Fee Schedule: The schedule of fees may be altered or amended only by the Mayor and Board of Aldermen.

3012.03 Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

3012.04 Fees Not Refundable: No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

SECTION 3013 - APPEALS

3013.01 Appeals from Administrative Interpretation of the Director of Community Development:

In accordance with Section 3001.02 of this Ordinance, any party aggrieved with the administrative interpretation of the Director of Community

Development shall have the right to appeal such interpretation. Such appeals may be made directly to the Mayor and Board of Aldermen, or the appeal may be made to the Planning Commission. If the appeal is made to the Mayor and Board of Aldermen, the party aggrieved shall submit a written request to the City Clerk by 12:00 Noon on Wednesdays preceding any regularly-scheduled meeting of the Mayor and Board of Aldermen at which the aggrieved party desires to be heard. Appeals to the Planning Commission shall also be made by 12:00 Noon on Wednesdays preceding any regularly- scheduled meeting of the Planning Commission.

All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, special exception or rezoning, together with a statement of the reason for the appeal.

3013.02 Appeals from Recommendation of the Planning Commission: Any party aggrieved with the recommendation of the Commission as adopted at any meeting of the Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen with due notice thereof and after publication for the time and as provided by law. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission.

Such a hearing shall be provided ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE DIRECTOR OF COMMUNITY DEVELOPMENT *WITHIN FIFTEEN (15) DAYS* OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION.

The Board will set a hearing within 30 days of receipt of request.

3013.03 Fee Required for Appeals from Planning Commission Recommendations: Any applicant aggrieved with a recommendation from the Planning Commission regarding a variance, conditional use permit, or amendment to this Ordinance shall file an appeal fee with the City Clerk, the rate for which shall be set as the same required for publication and public notice as required in the original application.

3013.04 Appeal Hearing by the Mayor and Board of Aldermen: In the event an appeal is made to the Mayor and Board of Aldermen by a party aggrieved by the recommendation of the Planning Commission, the Mayor and Board of Aldermen shall order public notice to be given by publication of the appeal and posting of a sign. The appeal shall be heard as a public hearing and as a matter to be placed on the agenda of a regular or

adjourned meeting of the Mayor and Board of Aldermen. In no case shall the appeal be heard before proper notice shall be given. At the time of the Appeal Hearing, the Board shall hear the recommendation of the Commission, and then hear from the appellant and then the appellee and other interested parties. The Mayor and Board of Aldermen shall then uphold or reject the appeal, and then accept or reject the recommendation of the Commission upon its own motions. If the appeal or recommendation of the Commission has several parts, the Mayor and Board of Aldermen may uphold the appeal and accept the recommendation of the Commission on some, and deny and reject others. Any change in any part or parts of the petition which the Mayor and Board of Aldermen may deem appropriate or necessary resulting from the appeal (except conditions applying to variances and special exceptions), shall be referred back to the Planning Commission for reconsideration, subject to public notice and hearing, as a separate and new petition. The filing fee may be waived at the discretion of the Mayor and Board of Aldermen.

3013.05 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Mayor and Board of Aldermen may be taken by any person or persons to the appropriate court Court of Hinds County.

SECTION 3014 - ORDINANCE ENFORCEMENT

In accordance with Section 17-1-27 of the **Mississippi Code of 1972**, As amended, "Any person---who shall knowingly and willfully violate the terms, conditions or provisions of (this Ordinance), for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not to exceed one hundred dollars ($100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be separate offense."

The Director of Community Development or his duly authorized representative is hereby authorized and directed to enforce all the provisions of this Ordinance. Upon presentation of proper credentials, the Director of Community Development or his duly authorized representative may enter at reasonable times any building, structure, or premises in the City of Clinton to perform any duty imposed upon him by this Ordinance.

The Director of Community Development (or his duly authorized representative) shall notify *in writing* any person who violates any provision of this Ordinance that he/ she is in violation of the applicable section or sections of the Ordinance and issue a warning to correct the violation within fifteen (15) days or be subject to a fine as prescribed by Section 17-1-27 cited above. However, if circumstances exist which would prevent the violator from correcting the infraction within seven days, the Mayor and Board of Aldermen may extend the time for such correction prior to imposition of a fine. If the warning time is extended by the Mayor and Board of Aldermen, the

violator shall be notified in writing by the Director of Community Development (or his duly authorized representative) of such time extension. If the violator does not correct the infraction within the extended time, he shall be fined for each such day that the violation continues after the ending date of the warning time. The Police Department of City of Clinton is hereby empowered to act on behalf of the Director of Community Development if necessary and to issue a citation to violators who fail to respond within the warning time provided.

ARTICLE XXXI

MISCELLANEOUS PROVISIONS

SECTION 3100 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to consolidate all provisions applicable to this Ordinance which are not included under the General Regulations, Zoning District Regulations, or elsewhere herein.

SECTION 3101 - OMISSION CLAUSE

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Director of Community Development shall apply as provided under Section 3001.02 herein.

SECTION 3102 - SEPARABILITY AND VALIDITY CLAUSE

Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

SECTION 3103 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by the City of Clinton, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

SECTION 3104 - REFERENCES INCLUDE SUBSEQUENT REVISIONS, AMENDMENTS OR ENACTMENTS

Where any statute, Ordinance, or regulation is referred to or incorporated into this Ordinance, that reference shall include any subsequent revisions, amendments or enactments encompassing the same subject matter.

SECTION 3105 - FAILURE TO ENFORCE ORDINANCE

Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

SECTION 3106 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective THIRTY CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

SECTION 3107 - ADOPTION CLAUSE

Adopted this, the 1ST day of February. 2011, with amendments adopted on the 20TH day of September. 2011, at the regular meetings of the Mayor and Board of Aldermen of the City of Clinton, Mississippi

ATTEST:

Rosemary G. Aultman
Rosemary Aultman, Mayor

Russell L Wall
Russell Wall, City Clerk

I, the undersigned, Russell Wall, City Clerk of the City of Clinton, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the City of Clinton at its meeting held on the as the same appear in Minute Book February 1, 2011

Given under my hand and official seal, this the 14th day of MAY, 2012.

Russell L Wall
City Clerk
City of Clinton, Mississippi

CITY OF CLINTON OFFICIAL SEAL MISSISSIPPI