

**ZONING
REGULATIONS:
CITY OF CLARKSDALE
AND COAHOMA COUNTY,
MISSISSIPPI**

BY
BEN A. SMITH

AND

THE CLARKSDALE-COAHOMA
COUNTY PLANNING COMMISSION

The preparation of this report was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development.

MISSISSIPPI RESEARCH AND DEVELOPMENT CENTER

3825 RIDGEWOOD ROAD · JACKSON, MISSISSIPPI

APRIL, 1974

BIBLIOGRAPHIC DATA SHEET		1. Report No. MSROC-73-CA-719-02	2.	3. Recipient's Accession No.
4. Title and Subtitle ZONING REGULATIONS CITY OF CLARKSDALE AND COAHOMA COUNTY, MISSISSIPPI 1974			5. Report Date April, 1974	6.
7. Author(s) Ben A. Smith			8. Performing Organization Rept. No.	
9. Performing Organization Name and Address Mississippi Research and Development Center P. O. Drawer 2470 Jackson, Mississippi 39205			10. Project/Task/Work Unit No. CPA-MS-64-25-1002	11. Contract/Grant No. CPA-MS-64-25-1002
12. Sponsoring Organization Name and Address Department of Housing and Urban Development 300 Woodrow Wilson Boulevard West, Jackson Mall Jackson, Mississippi 39213			13. Type of Rept. & Period Covered Final	
14.				
15. Supplementary Notes Prepared in cooperation with the Clarksdale-Coshoma County Planning Commission.				
16. Abstracts This document establishes regulations governing the use of land within the corporate limits of the City of Clarksdale and surrounding portions of Coahoma County, Mississippi. These regulations are designed to implement the recommendations outlined in the comprehensive plan for Clarksdale, Mississippi, and to provide procedures for enforcement, administration, and amendment.				
17. Key Words and Document Analysis. 17a. Descriptors				
17b. Identifiers/Open-Ended Terms CLARKSDALE (Mississippi) COAHOMA COUNTY (Mississippi)				
17c. COSATI Field/Group				
18. Availability Statement Available to the public from the City of Clarksdale, Mississippi, and Coahoma County, Mississippi.			19. Security Class (This Report) Unclassified	21. No. of Pages 56
			20. Security Class (This Page) Unclassified	22. Price

DEC 8 1978

BOOK 72 PAGE 104

508.01.01. Written application for a variance has been submitted.

508.01.02. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of such land or building.

508.01.03. That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as recommended by the planning commission is the minimum variance that will accomplish this purpose.

508.01.04. That the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the planning commission, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.

508.02. The findings of the planning commission shall be forwarded by the zoning administrator to the Board of Mayor and Commissioners or the Board of Supervisors for final determination.

Section 2. This regulation shall take effect and be in force thirty (30) days from and after its passage. Adopted this 2nd day of October, 1978.

APPROVED:

City of Clarksdale, Mississippi

Richard M. Webster, Jr.
Mayor

Attest:

John H. [Signature]
City Clerk

APPROVED:

Coahoma County, Mississippi

Robert L. Dennis
President, Board of Supervisors

Attest:

J. A. [Signature]
Clerk

Table of Contents

BIBLIOGRAPHIC DATA SHEET	iii
PREAMBLE	1
ARTICLE I: ZONING DISTRICTS AND MAP	3
100 Zoning Districts	3
101 Official Zoning Map	3
102 District Boundaries	4
ARTICLE II: GENERAL PROVISIONS	5
200 Required Conformance	5
201 Nonconforming Uses	6
202 Accessory Buildings	8
203 Pending Applications for Building Permits	8
204 Street Frontage Required	8
205 Corner Lots	9
206 Off-Street Parking	9
207 Annexation	10
ARTICLE III: DISTRICT REGULATIONS	11
300 A-1 Agricultural District	11
301 R-1 Single-Family Residential District	12
302 R-2 Single- and Two-Family Residential District	14
303 R-3 Multi-Family Residential District	15
304 R-4 Multi-Family Residential District	16
305 C-1 Central Commercial District	17
306 C-2 Highway Commercial District	18
307 C-3 General Commercial District	19
308 C-4 Neighborhood Convenience District	20
309 I-1 Industrial District	21
310 Area, Height, and Setback Requirements	22

Table of Contents (Continued)

ARTICLE IV: SUPPLEMENTARY DISTRICT REGULATIONS	24
400 Floodplain Areas	24
401 Mobile Home Parks	24
402 Shopping Centers	26
403 Signs and Outdoor Advertising	27
404 Planned Residential Developments	28
ARTICLE V: ENFORCEMENT AND ADMINISTRATION	30
500 Interpretation and Conflict	30
501 Enforcement by Zoning Administrator	30
502 Required Building Permits	30
503 Duty of Zoning Administrator	31
504 Expiration of Building Permits	32
505 Required Conformance	32
506 Duties of Planning Commission	32
507 Powers, Conditional Uses	32
508 Powers, Variances	33
509 Expiration of Variances and Conditional Uses	35
510 Public Notice Required	35
ARTICLE VI: AMENDMENTS	37
600 Declaration of Policy	37
601 Procedure	37
602 Applications	40
ARTICLE VII: DEFINITIONS	42
700 General	42
ARTICLE VIII: MISCELLANEOUS	49
800 Validity	49
801 Repealer	49
802 Penalty	49
803 Effective Dates	50

AN ORDINANCE/RESOLUTION ESTABLISHING JOINT ZONING REGULATIONS FOR THE CITY OF CLARKSDALE, MISSISSIPPI, AND THAT PART OF COAHOMA COUNTY, MISSISSIPPI, LYING OUTSIDE THE CORPORATE LIMITS OF ALL MUNICIPAL CORPORATIONS WITHIN COAHOMA COUNTY; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; AND FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, AND CODES IN CONFLICT HEREWITH.

WHEREAS, the statutes of the State of Mississippi, Title 17, Chapter 1 of the *Mississippi Code of 1972*, empower the city and county to enact a joint zoning regulation and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Mayor and Commissioners and the Board of Supervisors deem it necessary, for the purpose of promoting the health, safety, and general welfare of the city and county, to enact such a regulation; and

WHEREAS, the Board of Mayor and Commissioners and the Board of Supervisors have divided the city and county into districts and have prepared, pertaining to such districts, regulations designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate provision of adequate streets, water, sewerage, schools, parks, and other public necessities; and

WHEREAS, the Board of Mayor and Commissioners and the Board of Supervisors have given reasonable consideration, among other things, to the character of the districts and their suitability

for particular uses, with a view to conserving the value of land and encouraging the most appropriate use of land throughout the city and county; and

WHEREAS, the Board of Mayor and Commissioners and the Board of Supervisors have given due public notice of a hearing pertaining to such zoning districts, regulations, and restrictions, and have held such public hearing in accordance with Section 17-1-15 of the *Mississippi Code of 1972*;

BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF CLARKSDALE, MISSISSIPPI, AND RESOLVED BY THE BOARD OF SUPERVISORS OF COAHOMA COUNTY, MISSISSIPPI:

ARTICLE I
ZONING DISTRICTS AND MAP

100. Zoning Districts

100.01 In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density of population, the City of Clarksdale and Coahoma County, Mississippi, are divided into ten (10) zoning districts. The use and area regulations are uniform in each district, and said districts shall be known as:

- A-1 Agricultural District
- R-1 Single-Family Residential District
- R-2 Single- and Two-Family Residential District
- R-3 Multi-Family Residential District
- R-4 Multi-Family Residential District
- C-1 Central Commercial District
- C-2 Highway Commercial District
- C-3 General Commercial District
- C-4 Neighborhood Convenience District
- I-1 Industrial District

101. Official Zoning Map

101.01 The boundaries of these districts are hereby established as shown on the Official Zoning Map of the City of Clarksdale and Coahoma County, Mississippi. Said zoning map and all notations and references and other matters shown thereon shall be and are hereby made a part of this regulation. Said zoning map shall be and shall remain on file in the office of the Zoning Administrator.

101.02 Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Zoning Administrator's office shall be the final authority as to the current zoning status of land, buildings, and other structures within the City of Clarksdale and Coahoma County.

101.03 In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the number of changes or additions, the Board of Mayor and Commissioners and the Board of Supervisors may, by ordinance and resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new map shall bear a statement certifying that it is the new official zoning map and supersedes and replaces the official zoning map adopted _____ and also stating the date of adoption (the date of original adoption) of the new map.

102. District Boundaries

102.01 Except where referenced and noted on the zoning map by designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of the passage of this regulation, or the extension of such lines.

102.02 The Zoning Administrator shall interpret the boundary lines on the zoning map. When the Zoning Administrator's interpretation is disputed, the boundary lines shall be determined by the Planning Commission as provided in Article V.

ARTICLE II
GENERAL PROVISIONS

200. Required Conformance

200.01 Except as hereinafter specifically provided:

200.01-01 No land shall be used except for a purpose permitted in the district in which it is located.

200.01-02 No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any structure be used except for a use permitted in the district in which it is located.

200.01-03 No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such structure is located.

200.01-04 No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any structure be used except in conformity with the area regulations of the district in which such structure is located.

200.01-05 No structure shall be erected, enlarged, moved, or structurally altered except in conformity with the off-street parking and loading regulations of this regulation.

200.01-06 The minimum yards, frontage, parking spaces, and open spaces, including lot area per family, required by this regulation for every structure existing at the time of passage of this regulation, or for any structure hereafter erected or structurally altered, shall not be encroached upon or be considered as part of the yards, frontage, parking spaces, or open spaces required for any other structure.

200.01-07 No structure shall be constructed, enlarged, reconstructed, or materially altered without first obtaining a building permit, and no building permit shall be issued except in strict conformance with the provisions of this regulation.

201. Nonconforming Uses

201.01 Any lawful use existing at the time of the effective date of this regulation, except as hereinafter specified, may be continued although such use does not conform to the provisions of this regulation.

201.01-01 The Board of Mayor and Commissioners or the Board of Supervisors may permit substitution of a new nonconforming use for an existing nonconforming use, provided that any change of use will be less detrimental to the neighborhood than the existing use. A recommendation pertaining to such change in use shall first be obtained from the Planning Commission.

201.02 A nonconforming use of a structure or premises which have been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exists:

201.02-01 When the use has been discontinued for six (6) months, except for reasons beyond the owner's control; or when the nonconforming use has been replaced by a conforming use, or when it has been changed to another permitted or conditionally permitted use by permit.

201.03 Except as hereinafter specifically provided, no nonconforming use, except when required by law or regulation, shall be enlarged, extended, reconstructed, or structurally altered.

201.03-01 Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming structure.

201.03-02 No nonconforming structure shall be moved in whole or in part to any other location unless such structure and the yard and other open spaces provided are made to conform to all the regulations of the district in which such structure is to be located.

201.03-03 The reconstruction of a nonconforming use damaged by fire, explosion, or act of God to the extent that the repairs exceed sixty (60) percent of its value is not allowed.

201.03-04 Any owner-occupied residential structure which is nonconforming due to its location in a C-1, C-2, C-3, C-4, or an I-1 District may be enlarged, extended, reconstructed, or structurally altered, provided it meets the yard, setback, and area requirements of the R-4 District.

→ 201.03-05 All existing lots of record, which at the time of adoption or amendment of this regulation become nonconforming lots in regard to lot area or width, and which are under single ownership and not of continuous frontage with other lots under the same ownership, may be used for any permitted use in the district in which they are located. The owner of such a lot shall apply to the Planning Commission for a variance to the district regulations, and he shall make every effort to comply with the district regulations. A variance to the district regulations shall not allow any use of the property other than for permitted uses within that district. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage and under single ownership are of record at the time of adoption or amendment of this regulation, and if all or part of the lots do not meet the requirements established for lot area or lot width, the lands involved shall be considered to be an undivided parcel for the purposes of this regulation. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this regulation, nor shall any

division of any parcel be made which creates a lot with a width or an area below the requirements stated in this regulation.

202. Accessory Buildings

202.01 Accessory buildings shall be subject to the following requirements:

202.01-01 No accessory building shall be erected in any required yard, other than a rear yard.

202.01-02 No accessory building shall be erected closer than five (5) feet from the lot line or another building.

203. Pending Applications for Building Permits

203.01 Nothing in this regulation 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 regulation. Construction shall have been started within six (6) months of the effective date of this regulation and completed in a normal manner within a subsequent two (2) year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date or amendment of this regulation are hereby revoked and void.

204. Street Frontage Required

204.01 Except as permitted by other provisions of this regulation, all lots created after the adoption of this regulation shall have frontage on a dedicated public street.

205. Corner Lots

205.01 Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. On only one (1) side abutting either street shall the front setback be required; on the remaining side, a setback of one-half (1/2) of the front setback shall be provided.

206. Off-Street Parking

206.01 In connection with every commercial, business, trade, institutional, recreational, residential, or other use, off-street parking space for parking and storage of vehicles shall be provided in accordance with the following schedule:

206.01-01 Dwelling units - Two (2) spaces per family or dwelling unit.

206.01-02 Retail stores - One hundred (100) percent of the gross floor area.

206.01-03 Wholesale establishments - One (1) space per two (2) employees.

206.01-04 Manufacturing, processing, and industrial establishments - One (1) space per two (2) employees.

206.01-05 Hotels, motels, and lodging houses - One (1) space per guest room plus one (1) space per two (2) employees.

206.01-06 Hospitals - One (1) space per three (3) beds plus one (1) space per two (2) employees.

206.01-07 Restaurants and other eating establishments - One (1) space per three (3) seats.

206.01-08 Churches - One (1) space per six (6) seats in the principal assembly hall.

206.01-09 Business and professional offices - One hundred (100) percent of the gross floor area.

206.01-10 Theaters - One (1) space per four (4) seats.

206.02 In case of any use which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the Planning Commission.

207. Annexation

207.01 Any land hereafter annexed into the City of Clarksdale shall continue to be zoned as shown on the Official Zoning Map of the City of Clarksdale and Coahoma County, Mississippi.

ARTICLE III
DISTRICT REGULATIONS

300. A-1 Agricultural District

300.01 The A-1 Agricultural District is hereby created in order that certain undeveloped areas within the county continue in use primarily for agricultural purposes until such time that water and sewer facilities become available and the areas may be developed for more intensive urban uses.

300.02 The following uses are permitted in the A-1 District:

300.02-01 Single-family dwellings, mobile homes, and farm buildings and structures.

300.02-02 All forms of agriculture and forestry.

300.02-03 Sale of products which are raised, produced, and processed on the premises.

300.02-04 Nurseries and greenhouses.

300.02-05 Radio and television studios or transmitting stations.

300.02-06 Golf courses and country clubs.

300.02-07 Churches and cemeteries.

300.02-08 Other similar and/or related uses.

300.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

300.03-01 Mobile home parks subject to the limitations in Section 401.

U
300.04 Any accessory use or structure customary and incidental to the principal use is permitted, provided that such accessory buildings and uses shall not involve any type of business, trade, manufacturing, or industry.

300.05 Off-street parking shall be as prescribed in Section 206.

300.06 Area, yard, and height requirements shall be as prescribed in Section 310.

301. R-1 Single-Family Residential District

301.01 The R-1 Single-Family Residential District is hereby created in order that certain areas within the city and county be reserved exclusively for single-family residential and related uses. It is the intent of this regulation that existing residential developments be protected from encroachment of undesirable and incompatible uses and new developments be constructed according to sound, reasonable, and desirable regulations as stated within this regulation.

301.02 The following uses are permitted in the R-1 District:

301.02-01 Single-family dwellings.

301.02-02 Churches and other places of worship, provided that buildings shall be located not less than twenty-five (25) feet from any other lot in any residential or agricultural district. Front yard setbacks shall be not less than thirty (30) feet from the street right-of-way. In the event that such use abuts a commercial or industrial district on the side or rear, the side and/or rear yards required for the commercial or industrial district shall apply to the abutting side or rear yard.

301.02-03 Public parks, playgrounds, recreational and community facilities and buildings of a noncommercial nature, golf courses (excluding miniature courses, driving ranges, and lighted courses), and country clubs, provided that

any building so used shall be located not less than forty (40) feet from any lot in any residential or agricultural district. Front yard setbacks shall be not less than forty (40) feet from the street right-of-way. In the event that such use abuts a commercial or industrial district, on the side or rear, the side and/or rear yards required for the commercial or industrial district shall apply to the abutting side or rear yard.

301.02-04 Schools and institutions for academic instruction, provided that any building used therefor shall be located not less than forty (40) feet from any other lot and shall maintain a front yard setback of at least forty (40) feet from the street right-of-way.

301.02-05 Necessary public facilities such as power substations, sewer lift stations, water wells, and fire stations.

301.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

301.03-01 Home occupations.

301.03-02 Nursery schools and kindergartens.

301.03-03 Bed and Breakfast Facilities

301.04 Any accessory use or structure customary and incidental to the principal use is permitted, provided that such accessory building and uses shall not involve any type of business, trade, manufacturing, or industry.

301.05 Off-street parking shall be as prescribed in Section 206.

301.06 Area, yard, and height requirements shall be as prescribed in Section 310.

302. R-2 Single- and Two-Family Residential District

302.01 The R-2 Single- and Two-Family Residential District is hereby created in order that certain areas within the city and county be reserved for single- and two-family residential uses or that older, existing structures may be converted to two-family uses.

302.02 The following uses are permitted in the R-2 District:

302.02-01 Any use or structure permitted in the R-1 District.

302.02-02 Two-family dwellings.

302.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

302.03-01 Any conditionally permitted use allowed in the R-1 District.

302.04 Any accessory use or structure customary and incidental to the principal use is permitted, provided that such accessory building or use shall not involve any type of business, trade, manufacturing, or industry.

302.05 Off-street parking shall be as provided in Section 206.

302.06 Area, yard, and height requirements shall be as prescribed in Section 310.

302.07 A two-family dwelling may be constructed on two adjoining lots with a common wall provided along the middle lot line in order that either occupant may acquire and hold title to one-half (1/2) of the structure.

303. R-3 Multi-Family Residential District

303.01 The R-3 Multi-Family Residential District is hereby created in order that certain areas within the city and county be developed for multi-family residential purposes, and that older, existing structures may be converted to multi-family residential uses.

303.02 The following uses are permitted in the R-3 District:

303.02-01 Any use or structure permitted in the R-2 District.

303.02-02 Multi-family dwellings.

303.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

303.03-01 Any conditionally permitted use allowed in the R-2 District.

303.04 Any accessory use or structure customary and incidental to the principal use is permitted, provided that such accessory building or use shall not involve any type of business, trade, manufacturing, or industry.

303.05 Off-street parking shall be as prescribed in Section 206.

303.06 Area, yard, and height requirements shall be as prescribed in Section 310.

303.07 Multi-family units may be constructed with common walls (townhouses, row houses) along common lot lines in order that individual units may be sold rather than rented. The overall density of such developments shall comply with the requirements of this regulation and the applicable city or county subdivision regulations.

304. R-4 Multi-Family Residential District

304.01 The R-4 Multi-Family Residential District is hereby created in order that certain areas within the city be developed for higher density multi-family residential and related purposes, and that older, existing structures may be converted to multi-family residential uses.

304.02 The following uses are permitted in the R-4 District:

304.02-01 Any use or structure permitted in the R-3 District.

304.02-02 Multi-family dwellings.

304.02-03 Rooming houses and group dwellings.

304.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

304.03-01 Any conditionally permitted use allowed in the R-3 District.

304.03-02 Mobile home parks as regulated in Section 401.

304.03-03 Nursing homes, convalescent homes, private clubs or lodges, and hospitals.

304.03-04 Professional offices, including offices of doctors, lawyers, engineers, architects, accountants, and similar professions which generate a minimum amount of traffic, and at which no products are sold retail or wholesale.

304.04 Any accessory use or structure customary and incidental to the principal use is permitted, provided that such accessory building or use shall not involve any type of retail business, trade, manufacturing, or industry.

304.05 Off-street parking shall be as prescribed in Section 206.

304.06 Area, yard, and height requirements shall be as prescribed in Section 310. Professional offices shall comply with the area, yard, and height requirements specified for multi-family dwellings.

304.07 Multi-family units may be constructed with common walls (townhouses, row houses) along common lot lines in order that individual units may be sold rather than rented. The overall density of such developments shall comply with the requirements of the R-3 Multi-Family Residential District and the applicable city or county subdivision regulations.

305. C-1 Central Commercial District

305.01 The C-1 Central Commercial District is hereby created in order that there be one central area of retail and office use which shall constitute the central business district of the city. It is the intent of this regulation that the C-1 District not be encroached upon by other commercial, industrial, or residential uses which are not compatible with the existing and future retail businesses located within the central business district.

305.02 The following uses are permitted in the C-1 District:

305.02-01 Retail businesses, and medical and professional offices.

305.02-02 General business offices.

305.02-03 Commercial printing establishments.

305.02-04 Restaurants.

305.02-05 Public buildings and facilities.

305.02-06 Hotels and motels.

305.02-07 Other similar establishments, excluding those which are first permitted in the C-2 District.

305.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and

Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

305.03-01 Multi-family dwellings.

305.03-02 Churches.

305.04 Any accessory use or structure customary and incidental to the principal use is permitted.

305.05 Off-street parking shall be as prescribed in Section 206. Provided, however, in cases of small lots or other circumstances which make the provision of off-street parking impracticable, the Board of Mayor and Commissioners may, upon recommendation of the Planning Commission, waive or reduce the off-street parking requirements.

305.06 Area, yard, and height requirements shall be as prescribed in Section 310.

306. C-2 Highway Commercial District

306.01 The C-2 Highway Commercial District is hereby created in order that there be designated areas along major highways and arterial streets used for commercial activities oriented toward use of the automobile or other forms of transportation. It is the intent of this regulation that certain areas along such major transportation routes be reserved for those uses which normally require larger sites and direct access to major thoroughfares.

306.02 The following uses are permitted in the C-2 District:

306.02-01 Any use or structure permitted in the C-1 District.

306.02-02 Warehouses.

306.02-03 Trucklines and other shipping facilities.

306.02-04 Drive-in theaters and restaurants.

306.02-05 Auto and truck laundries.

306.02-06 Farm and construction equipment sales and service.

306.02-07 Lumberyards.

306.02-08 Other similar commercial and service establishments.

306.02-09 Shopping centers as regulated in Section 402.

306.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

306.03-01 Mobile home parks as regulated in Section 401.

306.03-02 Churches.

306.04 Any accessory use or structure customary and incidental to the principal use is permitted.

306.05 Off-street parking shall be as prescribed in Section 206.

306.06 Area, yard, and height requirements shall be as prescribed in Section 310.

307. C-3 General Commercial District

307.01 The C-3 General Commercial District is hereby created in order that there be certain areas within the city used for general sales, repair, and service establishments. It is the intent of this regulation that such areas be devoted primarily to repair, service, construction, and related trades.

307.02 The following uses are permitted in the C-3 District:

307.02-01 Any use or structure permitted in the C-2 District.

307.02-02 Any other commercial, office, or service establishment.

307.03 Any accessory use or structure customary and incidental to the principal use is permitted.

307.04 Off-street parking shall be as prescribed in Section 206.

307.05 Area, yard, and height requirements shall be as prescribed in Section 310.

308. C-4 Neighborhood Convenience District

308.01 The C-4 Neighborhood Convenience District is hereby created in order that small, limited areas within certain neighborhoods may be used for commercial uses which serve only the surrounding area and do not generate excessive traffic. It is the intent of this regulation that these convenience centers be strictly limited to commercial uses which serve the daily household needs of the surrounding area.

308.02 The following uses are permitted in the C-4 District:

308.02-01 Grocery stores of limited size such as the "quick stop" or "one-stop" variety, and not including supermarkets.

308.02-02 Drugstores, barber shops, and beauty shops.

308.02-03 Medical and dental clinics.

308.02-04 Self-service laundries and laundry pick-up stations.

308.03 The following conditional uses may be permitted only if expressly authorized by the Board of Mayor and Commissioners or the Board of Supervisors and are subject to any limitations and restrictions deemed necessary by the Board of Mayor and Commissioners or the Board of Supervisors.

308.03-01 Other commercial uses which will serve only the surrounding neighborhood and will not be detrimental to any adjacent properties.

308.04 Any accessory use or structure customary and incidental to the principal use is permitted.

308.05 Off-street parking shall be as prescribed in Section 206.

308.06 Area, yard, and height requirements shall be as prescribed in Section 310.

308.07 A fence, wall, or other enclosure of at least eight (8) feet in height is required along the rear and side property lines for any property zoned C-4 which abuts any residential or agricultural district.

309. I-1 Industrial District

309.01 The I-1 Industrial District is hereby created in order that there be areas within the city used exclusively for industrial, manufacturing, processing, and related operations which are incompatible with the residential and commercial areas of the city. It is the intent of this regulation that these areas be reserved exclusively for industrial and related purposes.

309.02 The following uses are permitted in the I-1 District:

309.02-01 Uses permitted in the C-2 District.

309.02-02 Junk and salvage yards.

309.02-03 Any industrial, manufacturing, or processing establishment.

309.03 Any accessory use or structure customary and incidental to the principal use is permitted.

309.04 Off-street parking shall be as prescribed in Section 206.

309.05 Area, yard, and height requirements shall be as prescribed in Section 310.

310. Area, Height, and Setback Requirements

Zoning District	Maximum Height Limit	Minimum Lot Frontage at Building Setback Line (Ft.)	Minimum Lot Area (Sq. Ft.)	Front Yard Setback (Ft.)	Minimum Side Yard Width Each Side Yard (Ft.)	Rear Yard Depth (Ft.)
R-1 Single-Family Residential	2½ stories	90	12,000	35	10	35
R-2 Single- and Two-Family Residential	2½ stories	75 (single-family) 100 (two-family)	9,000 (single-family) 12,000 (two-family)	30	8	35
R-3 Single-, Two-, and Multi-Family Residential	2½ stories	60 80 (two- and multi-family)	6,000 (single-family) 10,000 (two-family) 12,000 (multi-family plus 2,000 each additional dwelling over first three)	25	8 (single- and two-family) 12 (multi-family)	25
R-4 Single-, Two-, and Multi-Family Residential	None ¹	60 (single-family) 80 (two- and multi-family)	6,000 (single-family) 9,000 (two-family) 10,000 (multi-family plus 1,200 each additional dwelling over first three)	25	8 (single- and two-family) 12 (multi-family plus 6 each additional story)	25
A-1 Agricultural	None	150 (all uses)	43,560 (all uses) <i>1 Acre</i>	40	30	50

310. Area, Height, and Setback Requirements (Continued)

Zoning District	Maximum Height Limit	Front Yard Setback (Ft.)	Side Yard Each Side (Ft.)	Rear Yard Depth (Ft.)
C-1 Central Business District	None ¹	None	None ²	None ²
C-2 Highway Commercial	None ¹	40	10 ³	20
C-3 General Commercial	None ¹	20	10	20
C-4 Neighborhood Convenience	1 story	35	25	25
I-1 Industrial	None ¹	40	30 ⁴	30 ⁴

1 Maximum height of structures regulated by applicable fire and building codes.
 2 When a butting any residential district, a side or rear yard, or both, of fifteen (15) feet is required.
 3 The owners of two (2) or more adjoining lots may construct a common wall along interior property lines and join two (2) or more structures into one (1) structure.
 4 When a butting any residential district, a side yard or rear yard, or both, of fifty (50) feet is required.

ARTICLE IV
SUPPLEMENTARY DISTRICT REGULATIONS

400. Floodplain Areas

400.01 Certain areas along the Sunflower River and its tributaries have been designated as floodplain areas. These areas are delineated by means of a line showing the maximum probable flood elevation for each area. Building permits will be issued for construction in these areas only if the application for a permit is accompanied by evidence that the site is to be filled to an elevation sufficient to eliminate the flood hazard, or that the building is to be constructed in such a manner as to render the building floodproof. If the Zoning Administrator determines that the plans for filling and/or construction are adequate, he may issue a permit for construction. If there is any question concerning issuance of a permit, such question shall be referred to the Board of Mayor and Commissioners or the Board of Supervisors for determination.

401. Mobile Home Parks

401.01 Mobile homes shall be allowed only in mobile home parks authorized and approved by the Board of Mayor and Commissioners or the Board of Supervisors and shall be prohibited from occupying individual lots outside approved mobile home parks. All applications for construction of mobile home parks shall comply with the following regulations:

401.01-01 A written application for review of the mobile home park shall be submitted to the Zoning Administrator fifteen (15) days prior to the Planning Commission's regular monthly meeting. The application shall contain the name, address, and telephone number of the

applicant; the location, description, and current zoning of the property to be developed; and a sketch plan showing the number, location, and size of all lots, service areas, playgrounds, and streets. The minimum size for any proposed mobile home park shall be one-half (1/2) acre.

401.02 As mobile home parks are allowed as conditional uses in certain designated zoning districts, the Planning Commission shall review the application and sketch plan in conformity with the provisions of Sections 507 and 510. Upon finding that the application and sketch plan conform with the provisions of Section 507, the Planning Commission shall recommend to the Board of Mayor and Commissioners or the Board of Supervisors that preliminary approval be given to the developer. Preliminary approval of the mobile home park shall authorize the developer to proceed with preparation of engineering plans and specifications showing the number, location, and size of all lots, service areas, and playgrounds; the location and width of all roadways and walkways; topographic survey showing contours at one (1) foot intervals; and the location and size of all water and sewer lines and riser pipes.

401.03 All streets shall have a minimum paved surface of twenty-six (26) feet. Minimum construction requirements of all streets shall consist of clay gravel base compacted to a minimum of six (6) inches over a well-compacted sub-base and a surface of double bituminous surface treatment, all to meet standards of the engineering department of the appropriate authority.

401.04 All water and sewer lines shall conform to minimum specifications required by the Clarksdale Water and Light Department and the Clarksdale Public Works Department, or the County Engineer.

401.05 All lots shall contain a minimum of three thousand (3,000) square feet, and shall be designed so that no mobile home is placed closer than twenty (20) feet from any other mobile

home, property line, or other building within the park. Each lot shall contain an off-street parking area for two (2) cars.

401.06 Mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home; anchors or tie-downs such as cast-in-place concrete "dead-men," eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be capable of withstanding a minimum load of four thousand eight hundred (4,800) pounds. All mobile homes shall be connected securely to such devices.

401.07 Upon completion of the required plans and specifications, the developer may submit such to the Board of Mayor and Commissioners or the Board of Supervisors for final approval. Final approval of the mobile home park as a conditional use shall be dependent upon the applicant constructing and maintaining the park as shown in the approved plans and specifications. Any variation in such plans and specifications must be approved by the Board of Mayor and Commissioners or the Board of Supervisors. Failure to provide any required improvement or to develop the park according to the approved plans and specifications shall constitute a violation of this regulation.

402. Shopping Centers

402.01 Shopping centers shall be developed as a unit in accordance with a plan filed with the Zoning Administrator, reviewed by the Planning Commission, and approved by the Board of Mayor and Commissioners or the Board of Supervisors. The plan shall provide the following information:

402.01-01 A site plan showing the location and size of the property to be developed; location and size of all proposed building sites and parking areas; means of ingress

and egress with access streets if required; and plans and specifications for storm drainage on the site.

402.02 Applications for review of shopping centers shall be filed with the Zoning Administrator fifteen (15) days prior to the Planning Commission's regular monthly meeting. The Planning Commission shall review the application in conformity with the provisions of Sections 507 and 510. Upon finding that the application conforms with the provisions of Section 507, the Planning Commission shall recommend to the Board of Mayor and Commissioners or the Board of Supervisors that preliminary approval be given to the developer. Preliminary approval of the shopping center shall authorize the developer to proceed with construction of the shopping center. Final approval of the shopping center as a conditional use shall be dependent upon the developer constructing the shopping center in accordance with the approved plans and specifications. Any variation in such plans and specifications must be approved by the Board of Mayor and Commissioners or the Board of Supervisors. Failure to provide any required improvement or to develop the shopping center according to the site plan shall constitute a violation of this regulation.

403. Signs and Outdoor Advertising

403.01 Signs and outdoor advertising shall be classified as a commercial use and be permitted only in zones established for commercial or industrial uses. Placing, tacking, painting, repainting, hanging, or otherwise affixing of any kind of sign, outdoor advertising, or poster of miscellaneous character on the walls of buildings, barns, sheds, trees, fences or any other structure, except as otherwise provided for in this regulation, is prohibited.

403.02 No outdoor advertising display or sign shall be erected, placed, painted, repainted, or hung nearer to the street right-of-way line than the building setback lines provided for in the zoning district where the sign is to be located, except that one

(1) sign advertising the primary nature of the business or industry conducted on the premises may be placed no closer than ten (10) feet from the street right-of-way line and shall in no case obstruct the view of traffic.

403.03 In the R-4 Multi-Family Residential District, signs not exceeding four (4) square feet in area are permitted to identify professional offices. All signs or outdoor advertising devices shall be constructed and maintained in strict accordance with the Southern Standard Building Code as adopted by the city or county.

403.04 Before any person or firm shall erect, place, paint, hang, or otherwise construct any sign or outdoor advertising device, he shall apply for a building permit from the Zoning Administrator. Such application to the Zoning Administrator shall specify the location, size, character, and setback from the street right-of-way for each and every sign to be so constructed.

404. Planned Residential Developments

404.01 The Planning Commission may review and recommend, as a conditional use, planned residential developments of not less than twenty (20) acres. Such planned residential developments may be constructed only in the A-1, R-1, R-2, R-3, and R-4 Districts. Planned residential developments shall be developed in strict accordance with a development plan filed with and reviewed by the Planning Commission. The development plan shall contain, but not be limited to, the following information:

404.01-01 All information required by the City of Clarksdale or Coahoma County subdivision regulations; detailed land use plan showing all streets, lots, open space, school sites, church sites, and commercial areas; copies of all deed restrictions, constitution and bylaws of homeowners

601-337-0080
Richard Busby

association; any other documents showing how the character of the development will be preserved and maintained; and any other information required by the Planning Commission.

404.02 Such planned unit developments shall contain as the principal land use single-family, two (2) family, and/or multi-family dwellings, and may contain such accessory uses as religious, cultural, recreational, and limited commercial uses, provided that they are of such character and extent as to serve only the residential uses within the development. The overall density of the planned unit development shall not exceed the density provided by the R-3 District.

404.03 The Board of Mayor and Commissioners or the Board of Supervisors may, upon recommendation of the Planning Commission, vary, modify, or relax any provisions of the district or districts in which such planned residential development is located, provided the purpose and intent of this regulation is not violated. Final approval of such planned residential developments shall be that of the Board of Mayor and Commissioners or the Board of Supervisors.

**ARTICLE V
ENFORCEMENT AND ADMINISTRATION**

500. Interpretation and Conflict

500.01 In interpreting and applying this regulation, its provisions shall be held to be the minimum requirements necessary for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this regulation to interfere with or annul any easements, covenants, or other agreements between parties unless they violate this regulation. When two (2) specific provisions of this regulation conflict, or a provision of this regulation conflicts with any other code, statute, law, ordinance or regulation, the most restrictive section shall apply.

501. Enforcement by Zoning Administrator

501.01 There is hereby established the office of Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce this regulation in accordance with the provisions hereof. The Zoning Administrator shall issue all building permits. All departments, officials, and public employees of the City of Clarksdale or Coahoma County vested with the duty or authority to issue other permits or licenses shall conform to the provisions of this regulation and shall not issue a permit for any use, building, or purpose in conflict with the provisions of this regulation. Any permit or license issued in conflict with the provisions of this regulation shall be null and void.

502. Required Building Permits

502.01 It shall be unlawful to commence the excavation or filling of any lot or parcel for any construction of any building, to

begin construction of any building, to commence the moving or alteration of any building, or to commence the development of land for use not requiring a building, until the Zoning Administrator has issued a building permit for such work. Applications for building permits for uses to be served by septic tanks shall be accompanied by a sewerage layout permit from the Coahoma County Health Department. Failure to install the septic tanks and filter field according to the layout described in the permit shall constitute a violation of this regulation.

503. Duty of Zoning Administrator

503.01 The Zoning Administrator shall act upon all applications on which he is authorized to act by the provisions of this regulation within seven (7) days after these are filed in full compliance with all the applicable requirements as specified. He shall either issue a building permit within said seven (7) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to so notify the applicant in case of such refusal within said seven (7) days shall entitle the applicant to submit his request to the Planning Commission for recommendation to the Board of Mayor and Commissioners or the Board of Supervisors.

503.02 If the Zoning Administrator finds that any of the provisions of this regulation are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this regulation to insure compliance with or to prevent violation of its provisions.

504. Expiration of Building Permits

504.01 If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

505. Required Conformance

505.01 Building permits are issued on the basis of plans and applications approved by the Zoning Administrator and authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this regulation.

506. Duties of Planning Commission

506.01 In carrying out its functions and duties, the Planning Commission shall have authority to review and recommend applications for conditional uses and variances, and to review and make recommendations on other matters involving this regulation.

507. Powers, Conditional Uses

507.01 The Planning Commission shall have the power and original jurisdiction to review, in accordance with the provisions of this regulation, applications filed for conditional uses. In considering an application for a conditional use, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and the consistency herewith of the proposed use and development. Before recommending a use as a conditional use, the Planning Commission shall determine whether the proposed use would be

hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, and aesthetic and psychological effects. Upon review of an application for a conditional use, the Planning Commission may recommend such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this regulation for the particular conditional use as the Planning Commission may deem necessary for the protection of adjacent properties and public interest. A conditional use shall not be recommended by the Planning Commission unless and until:

507.01-01 A written application for a conditional use is submitted to the Zoning Administrator indicating the section of this regulation under which the conditional use is sought and stating the grounds on which it is requested.

507.01-02 The Planning Commission shall make a finding that recommending the conditional use will not adversely affect the surrounding neighborhood or the public interest.

507.02 The findings of the Planning Commission shall be forwarded by the Zoning Administrator to the Board of Mayor and Commissioners or the Board of Supervisors for final determination.

Amended 10-2-78
508. Powers, Variances

508.01 The Planning Commission shall have the power to review applications for variances from the provisions or requirements of this regulation as will not be contrary to the public interest, and only in the case of peculiar conditions involving irregular, abnormally narrow, shallow, or steep lots or other unusual physical conditions, whereby strict application of such provisions or requirements would result in practical difficulty

and unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved. No variance from the strict application of any provision of this regulation shall be recommended by the Planning Commission unless they find, beyond reasonable doubt, that all the following facts and conditions exist:

Am. 508.01-01 Written application for a variance has been submitted.

Am. 508.01-02 Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures within the same district.

Am. 508.01-03 Literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this regulation.

Am. 508.01-04 The special conditions and circumstances do not result from the actions of the applicant.

508.01-05 Granting the variance requested will not confer on the applicant any special privilege which is denied by this regulation to other lands, structures, or buildings in the same district.

508.01-06 Granting the variance will be in harmony with the general purpose and intent of this regulation and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Am. 508.02 In no case shall the Planning Commission recommend a variance for a use which is not a permitted use in the district in which the property, building, or structure is located.

508.03 The findings of the Planning Commission shall be forwarded by the Zoning Administrator to the Board of Mayor and Commissioners or the Board of Supervisors for final determination.

509. Expiration of Variances and Conditional Uses

509.01 Every conditional permit or variation of the application of the literal provisions of this regulation, allowed or granted, as provided in this article, shall expire and be of no force or effect six (6) months from the date thereof, unless the beneficiary of such variation or conditional permit shall have actually, within said period, put the subject property to the purpose for which such variation or conditional permit shall have been granted or allowed.

510. Public Notice Required

510.01 Applications for conditional uses or variances shall be made in writing and submitted to the Zoning Administrator at least fifteen (15) days prior to the date when such is to be reviewed by the Planning Commission. Public notice of such application and hearing shall be provided by means of a sign or signs erected in a conspicuous location on the property, using at least one (1) sign for every two hundred (200) feet of frontage on each street upon which the property abuts. Property shall be posted at least ten (10) days prior to the date of hearing. Signs shall be at least two (2) feet by three (3) feet in size, with the lower edge of the sign at least three (3) feet above ground level in letters legible from the nearest street as follows:

PUBLIC NOTICE

This property is being considered for a (CONDITIONAL USE) (VARIANCE). For further information contact the Zoning Administrator, City Engineering Building, Clarksdale, Mississippi,

(telephone number)

510.02 The Planning Commission shall hold a public hearing upon the application, and all persons having an interest in such application shall have the opportunity to be heard. A recommendation shall be rendered to the Board of Mayor and Commissioners or the Board of Supervisors within fourteen (14) days after the hearing is held.

ARTICLE VI AMENDMENTS

600. Declaration of Policy

600.01 For the purpose of establishing and maintaining sound, stable, and desirable development within the City of Clarksdale and Coahoma County, Mississippi, this regulation, and as here used the term "regulation" shall be deemed to include the official zoning map, shall not be amended except to correct a manifest error in the regulation, or because of changed or changing conditions in a particular area or in the city and county generally. Amendments shall be limited strictly to those necessary to the promotion of public health, safety, or general welfare. Subject to the above limitations, an amendment to this regulation may be initiated by the Board of Mayor and Commissioners, the Board of Supervisors, the Planning Commission, or by any person, firm, or corporation filing application therefor.

600.02 No amendment to this regulation shall be adopted whereby the regulations and restrictions so established are not uniform for each district having the same zoning classification and bearing the same symbol or designation on the official zoning map. No amendment to this regulation shall be adopted which establishes a new zone, regardless of size, which permits uses not compatible with the uses of surrounding zones or which violates the purpose and intent of this regulation.

601. Procedure

601.01 No amendment to this regulation shall be adopted until the proposed amendment has been examined by the Planning Commission and a recommendation from the Planning

Commission has been received by the Board of Mayor and Commissioners or the Board of Supervisors. The Board of Mayor and Commissioners shall have the authority to hear and approve amendments to the official zoning map for land which is physically located within the corporate limits of the City of Clarksdale. (The Board of Supervisors shall have the authority to hear and approve amendments to the official zoning map for land which is physically located in the unincorporated portions of Coahoma County.) (Amendments to the text of the zoning regulation shall require joint approval of both the Board of Mayor and Commissioners and the Board of Supervisors.)

601.02 No amendment to this regulation shall become effective until after a public hearing in relation thereto has been held by the Board of Mayor and Commissioners and/or the Board of Supervisors. Notice of the time and place of such hearing shall be published at least once in a newspaper of general circulation in the city or county at least fifteen (15) days prior to such hearing. Said notice shall read generally as follows:

PUBLIC NOTICE

✓ Pursuant to the order of the (Board of Mayor and Commissioners) (Board of Supervisors), notice is hereby given to all persons interested in or in any way affected thereby that _____ has filed an application with the undersigned to have rezoned the following described property from _____ to _____.

Map of property
and surrounding
area

(or legal or other description of the property in question)

Said application will be heard by the (Board of Mayor and Commissioners) (Board of Supervisors), at _____, _____, 197____, at which time all parties interested in or affected thereby will be heard. Any objection thereto may be made by any person and if made in writing must be filed with the undersigned before said time of hearing.

This the _____ day of _____, 197____.

Zoning Administrator

601.03 Any area for which an application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the hearing. Such posting shall be by means of a sign or signs erected in a conspicuous location on the property, using at least one (1) sign for every two hundred (200) feet of frontage on each street upon which the property abuts. The sign shall be at least two (2) feet by three (3) feet in size, with the lower edge of the sign at least three feet above ground level, in letters legible from the nearest street as follows:

PUBLIC NOTICE

This property is being considered for REZONING. For further information contact the Zoning Administrator, City Engineering Building, Clarksdale, Mississippi, _____
(telephone number)

601.04 In the event of written protest against such amendment signed by twenty (20) percent or more of the owners of property either within the area to be rezoned, or within one hundred sixty (160) feet therefrom, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Mayor and Commissioners and/or Board of Supervisors.

602. Applications

602.01 All applications for amendments to this ordinance shall be filed with the Zoning Administrator ten (10) days prior to the next regular monthly Planning Commission meeting and shall contain the following information:

602.01-01 The applicant's name, address, and telephone number; a description of the proposed amendment and, if the amendment involves the official zoning map, a map showing the land area to be included in the rezoning; the present zoning of the area, and the location of all streets, alleys, and rights-of-way bounding and/or intersecting the area and abutting properties; or the error in the ordinance, if any, that would be corrected by the proposed amendment or the changing conditions in the area or in the municipality which would make the proposed amendment reasonably necessary for the promotion of the public health, safety, or general welfare.

602.02 Upon receipt of an application for an amendment, properly made as herein set forth, the Zoning Administrator shall transmit copies of the application to the Planning Commission for consideration. Upon receipt of the application, the Planning Commission shall consider the proposed amendment and forward written notice of its findings and recommendations to the Board of Mayor and Commissioners and/or Board of Supervisors. Upon receipt of the application, the Board of Mayor and Commissioners and/or Board of Supervisors shall set the time, date, and place for the public hearing and order that such notice be published and signs erected.

602.03 At the time of filing either an application for rezoning or an application for amendment to the text of the zoning regulation, there shall be paid to the Zoning Administrator the sum of twenty-five (25) dollars to cover the cost of

advertising, posting property, and other expenses incidental to the determination of such matters. Such filing fee is not refundable to the applicant.

602.04 If such amendments are made either to the text of this regulation or to the official zoning map, the text of this regulation shall promptly reflect such amendment or the official zoning map shall be promptly amended. Amendments to the official zoning map shall contain an entry on the map stating the date of the amendment, the nature of the amendment, and the signature of the Mayor or the President of the Board of Supervisors. Such amendments shall not become effective until they have been entered in the text of the regulation or upon the official zoning map.

602.05 Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Zoning Administrator's office shall be the final authority to the current zoning of land within the city and county.

ARTICLE VII DEFINITIONS

700. General

700.01 Certain words and phrases used in this regulation are defined for the purpose thereof as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; "person" includes a corporation as well as an individual; "lot" includes "plot"; "structure" includes "building"; "occupied" includes "designed" or "intended to be occupied"; "used" includes "arranged," "designed," or "intended to be used"; "shall" is mandatory and not directory. Wherever the term "regulation" appears or shall appear, it shall be interpreted to mean and to refer to the zoning regulation of the City of Clarksdale and Coahoma County, Mississippi, inclusive of all amendments and supplemental sections which have been or may be added thereto.

700.02 Accessory Use or Structure: A use or a structure subordinate to the principal use of a building or use on the same lot and serving a purpose customary and incidental to the use of the principal building or use.

700.03 Alterations, Structural: Any change in the supporting members of a building such as walls, floors, columns, beams, or girders.

700.04 Apartment: Two (2) or more rooms, designed for, arranged for, intended for, or occupied as a residence by one (1) family.

700.05 Apartment House: Any building housing three (3) or more apartment units, providing said units are the principal use of the building.

700.06 Board: The Coahoma County Board of Supervisors or the Board of Mayor and Commissioners of the City of Clarksdale.

700.07 Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more persons, and where no cooking or dining facilities are provided in individual rooms.

700.08 Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

700.09 Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip, or gambrel roofs.

700.10 City: The City of Clarksdale, Mississippi.

700.11 County: Coahoma County, Mississippi.

700.12 Dwelling: Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, or a room in a hotel or motel.

700.13 Dwelling, Single-Family: A building designed for or used for residence purposes by one (1) family or housekeeping unit.

700.14 Dwelling, Two-Family: A building designed for or used for two (2) families or housekeeping units.

700.15 Dwelling, Multi-Family: A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

700.16 Dwelling, Rear: A building designed for or used as the residence or sleeping place of one (1) or more persons, located in the rear portion of a lot occupied by an existing structure.

700.17 Dwelling Unit: One (1) room or a suite of two (2) or more rooms designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.

700.18 Family: One (1) or more persons living as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel, or hotel.

700.19 Filling Station: Any building used for the supply of gasoline, oil, or other fuel for motor vehicle propulsion which may also include space and facilities for washing, polishing, greasing, and servicing motor vehicles.

700.20 Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

700.21 Garage, Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling, or storing vehicles, or similar equipment.

700.22 Home Occupation: An occupation conducted in a dwelling unit, provided that: no person other than members of the family residing on the premises shall be engaged in such occupation; the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, nonilluminated, and mounted flat against the wall of the principal building. No home occupation shall be conducted in any accessory building; no traffic shall be generated by such home occupation in

greater volumes than would normally be expected in a residential neighborhood; and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

700.23 Hotel: A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.

700.24 Junk Yard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto-wrecking yards, house-wrecking yards, used lumberyards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including such 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.

700.25 Lot: A piece, parcel, or tract of land occupied or intended to be occupied by a principal building, or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance and having frontage on a public street.

700.26 Lot, Corner: A lot at the juncture of and fronting on two (2) or more intersecting streets.

700.27 Lot, Area: The computed area contained within the lot lines.

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

700.29 Lot Lines: The property lines bounding the lot.

700.30 Lot Line, Front: The property line separating the lot from a street right-of-way.

700.31 Lot Line, Rear: The lot line opposite and most distant from the front lot line.

700.32 Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

700.33 Lot Width: The width of the lot measured at the building setback line.

700.34 Mobile Home: A single- or two (2) family residence, not including camp or travel trailers, designed for transportation on streets, highways, land, air, or water, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy after location on the site, whether the location be by wheels, jacks, or permanent foundations, and connection to utilities and the like.

700.35 Motel or Tourist Court: A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests and not containing individual cooking or kitchen facilities.

700.36 Nonconforming Use: A building, structure, or premises legally existing or used at the time of adoption of this regulation which do not conform with the use or area regulations prescribed by this regulation for the district in which they are located.

700.37 Parking Space: The area required for parking one (1) automobile, not less than eight (8) feet wide and eighteen (18) feet long, either within a structure or in the open, exclusive of driveways or access drives.

700.38 **Planning Commission:** The Clarksdale—Coahoma County Planning Commission as appointed by the governing bodies of the City of Clarksdale and Coahoma County, Mississippi.

700.39 **Setback Line:** The closest point at which a building may be constructed in relation to the lot line.

700.40 **Story:** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

700.41 **Structure:** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

700.42 **Tourist Home:** A building or part thereof, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

700.43 **Tourist Court:** See Motel.

700.44 **Yard:** An open space at grade between the edges of a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

700.45 **Yard, Front:** An open space extending the full width of the lot between the edge of a building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

700.46 **Yard, Rear:** An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

700.47 Yard, Side: An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

700.48 Zoning Administrator: The person authorized to issue building permits and to enforce the zoning regulation of the City of Clarksdale and Coahoma County, Mississippi.

ARTICLE VIII
MISCELLANEOUS

800. Validity

800.01 If for any reason, any section, paragraph, subdivision, clause, phrase, or provision of this regulation should be held invalid, it shall not affect the remaining provisions of this, or any other ordinance or regulation of the city or county, to which these rules and regulations relate.

801. Repealer

801.01 All other ordinances, codes, or regulations and/or parts of ordinances, codes, or regulations in conflict with the provisions of this regulation are hereby repealed to the extent necessary to give this regulation full force and effect.

802. Penalty

802.01 Any person, firm or corporation who violates, neglects, or refuses to comply with any of the provisions of this regulation may be fined not less than five (5) dollars or more than one hundred (100) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

803. Effective Dates

803.01 This regulation shall take effect and be in force thirty (30) days from and after its passage. Adopted the 6th day of June, 1974.

(Signed) Joseph D. Nosef
Mayor, City of Clarksdale

ATTEST:

(Signed) Horace G. Howell
Clerk, City of Clarksdale

803.02 This regulation shall become effective from and after its passage as provided by law. Approved the 29th day of May, 1974.

(Signed) Graham Bramlett
President, Board of Supervisors

ATTEST:

(Signed) Frank P. Foster
Chancery Clerk, Coahoma County

DEC 8 1978

BOOK 102 PAGE 103

AN ORDINANCE/RESOLUTION AMENDING SECTION 508 AND SUPPLEMENTARIES THEREUNDER OF THE JOINT ZONING REGULATIONS FOR THE CITY OF CLARKSDALE, MISSISSIPPI, AND THAT PART OF COAHOMA COUNTY, MISSISSIPPI, LYING OUTSIDE THE CORPORATE LIMITS OF ALL MUNICIPAL CORPORATIONS WITHIN COAHOMA COUNTY.

WHEREAS, the statutes of the State of Mississippi, Title 17, Chapter 1 of the Mississippi Code of 1972, empower the city and county to enact a joint zoning regulation and to provide for its administration, enforcement and amendment; and

WHEREAS, the Board of Mayor and Commissioners and the Board of Supervisors upon the recommendation of the planning commission have given reasonable consideration to amending certain sections of said joint zoning regulations with regard to variances; and

WHEREAS, the Board of Mayor and Commissioners and the Board of Supervisors have given due public notice of a hearing pertaining to such amendments, and have held such public hearing in accordance with Section 17-1-15 of the Mississippi Code of 1972:

BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF THE CITY OF CLARKSDALE, MISSISSIPPI, AND RESOLVED BY THE BOARD OF SUPERVISORS OF COAHOMA COUNTY, MISSISSIPPI:

Section 1. That sections 508 through 508.03 of the joint zoning regulations adopted June 6, 1974, by the Board of Mayor and Commissioners of the City of Clarksdale, Mississippi, and the Board of Supervisors of Coahoma County, Mississippi, be, and the same hereby is, amended to read as follows:

508. Powers; variances.

508.01. The planning commission shall have the power to review applications for variances from the provisions or requirements of this regulation and to recommend to vary or adopt the strict application of any of the requirements of these regulations in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In recommending any variance, the planning commission shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of these regulations shall be recommended by the planning commission unless it finds: