

**BE IT REMEMBERED** that a Regular Zoning Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 2:30 p.m. on August 20, 2018 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Virgi Lindsay, Vice President; Ward 7; Ashby Foote, Ward 1; De'Keither Stamps, Ward 4 and Aaron Banks Ward 6. Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Ramina Aghili, Associate Planner and Shanda Lewis, Deputy City Attorney.

Absent: Melvin Priester, Jr., President, Ward 2; Kenneth I. Stokes, Ward 3; and Charles Tillman, Ward 5.

\*\*\*\*\*

The meeting was called to order by **Vice President Virgi Lindsay**.

\*\*\*\*\*

**Vice President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4010, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

-----

**Vice President Lindsay** requested that the Clerk read the Order:

**ORDER GRANTING WILLIAM MCCLAIN A SIX (6) FOOT VARIANCE FROM THE REQUIRED TWENTY-FIVE FEET (25') SETBACK REQUIREMENT FOR FRONT YARDS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE WITHIN A R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 149 AB E. COHEA ST., CASE NO. 4010.**

**WHEREAS**, William McClain has filed a petition for a six (6) foot Variance from the required twenty-five feet (25') setback requirement for front yards to allow for the construction of a single-family residence to be located at 149 AB E. Cohea St. in an R-4 (Limited Multi-Family) Residential District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, Jackson City Planning Board, after holding the required public hearing on July 25, 2018, has recommended approval of the said petition; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, August 20, 2018 to consider said change, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on July 5, 2018 and July 19, 2018 that a hearing would be and had been held by the Jackson City Planning Board, as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned six (6) foot Variance from the required twenty-five feet (25') setback requirement for front yards to allow for the construction of a single-family residence to be located at 149 AB E. Cohea St within an existing R-4 (Limited) Residential District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the granting of the Variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar lands, structures or buildings in the same district within the existing R-4 (Limited) Residential District of the City of Jackson; and

**NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

PARCEL NUMBER 74-50  
SUBDIVISION NUMBER 371  
90 FT N END E ½ w ½ Lot 6 Cohea SYPT2

be and is hereby granted a six (6) foot Variance from the required twenty-five feet (25') setback requirement for front yards to allow for the construction of a single-family residence to be located at 149 AB E. Cohea St. within a R-4 (Limited) Residential District. However, that before a Variance is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

**Council Member Banks** moved adoption; **Council Member Foote** seconded.

Yeas- Banks, Foote, Lindsay and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

**Note:** There was no presentation from the Applicant and no opposition from the public.

\*\*\*\*\*

**Vice President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4011, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

-----

**Vice President Lindsay** requested that the Clerk read the Order:

**ORDINANCE GRANTING WARREN L. SPEED A REZONING FROM R-2 (SINGLE-FAMILY & TWO-FAMILY) RESIDENTIAL DISTRICT TO R-3 (TOWNHOUSE AND ZERO LOT LINE) RESIDENTIAL DISTRICT FOR PROPERTIES LOCATED AT 1202-1273 MELWOOD PL., CASE NO. 4011.**

WHEREAS, Warren L. Speed has filed a petition to rezone properties located at 1202-1273 Melwood Pl., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-2 (Single-Family & Two-Family) Residential District to R-3 (Townhouse and Zero Lot Line) Residential District to allow for the redevelopment of the properties for townhouses or zero lot line dwelling units; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the properties from R-2 (Single-Family & Two-Family) Residential District to R-3 (Townhouse and Zero Lot Line) Residential District to allow for the redevelopment of the properties for townhouses or zero lot line dwelling units; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, August 20, 2018 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on July 5, 2018 and July 19, 2018 that a hearing had been held by the Jackson City Planning Board on July 25, 2018, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned rezoning of the above described properties to R-3 (Townhouse and Zero Lot Line) Residential District; and

WHEREAS, the Council after having considered the matter, is of the opinion that such changes would be in keeping with sound land use practice and to the best interest of the City and that there has been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

**SECTION 1.** That the properties located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

**For Parcel Number(s) 437-415, 437-417, 437-419, 437-423 & 437-425:**

Lots 1, 2, 3, 5, 6, MELWOOD PLACE, a subdivision according to the map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 17 at Page 34, thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

**For Parcel Number(s) 437-421, 437-427, 437-429 and 437-431:**

Lots 4, 7, 8 and 9, MELWOOD PLACE, a subdivision according to the map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17 at Page 34, reference to which is hereby made in aid of and as a part of this description.

is hereby modified so as to approve the rezoning of the properties located at 1202-1273 Melwood Pl. from R-2 (Single-Family & Two-Family) Residential District to R-3 (Townhouse and Zero Lot Line) Residential District to allow for the redevelopment of the properties for townhouses or zero lot line dwelling units. However, that before for any structure is erected or use thereof on the said properties, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

**SECTION 2.** That the cost of publication of this Ordinance shall be borne by the petitioner.

**SECTION 3.** That this Ordinance shall be effective thirty (30) days after its passage and after publication of same by the petitioner.

**Council Member Banks** moved adoption; **Council Member Foote** seconded.

-----  
**Vice President Lindsay** recognized **Warren L. Speed**, Applicant, who spoke in favor to allow a Rezoning from R-2 (Single-Family & Two-Family) Residential to R-3 (Townhouse and Zero Lot Line) Residential District.

-----  
There was no opposition from the public.

-----  
Thereafter, **Vice President Lindsay** called for a vote on said item:

Yeas- Banks, Foote, Lindsay and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

\*\*\*\*\*

Vice President Lindsay recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Case No. 4013, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

-----  
Vice President Lindsay requested that the Clerk read the Order:

**ORDER GRANTING COURTENAY GREEN A SIX FOOT (6') VARIANCE FROM THE REQUIRED TWENTY-FIVE (25') FOOT FRONT YARD SETBACK FOR PROPERTIES WITHIN A R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF TOWNHOUSES WITHIN A R-4 (LIMITED MULTI-FAMILY) RESIDENTIAL DISTRICT FOR THE DUNBAR STREET SIDE OF THE PROPERTY LOCATED AT 3601 N. STATE ST., CASE NO. 4013.**

**WHEREAS**, Courtenay Green has filed a petition for a six foot (6') Variance from the required twenty-five (25') foot front yard setback for properties within a R-4 (Limited Multi-Family) Residential District to allow for the construction of townhouses for the Dunbar Street side of the property located at 3601 N. State St. in an R-4 (Limited Multi-Family) Residential District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, Jackson City Planning Board, after holding the required public hearing on July 25, 2018, has recommended approval of the said petition; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, August 20, 2018 to consider said change, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on July 5, 2018 and July 19, 2018 that a hearing would be held by the Jackson City Planning Board on July 25, 2018, as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned six foot (6') Variance from the required twenty-five (25') foot front yard setback for properties within a R-4 (Limited Multi-Family) Residential District to allow for the construction of townhouses for the Dunbar Street side of the property 3601 N. State St. within an existing R-4 (Limited) Residential District of the City of Jackson; and

**WHEREAS**, the Council, after having considered the matter, is of the opinion that the granting of the Variance will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar lands, structures or buildings in the same district within the existing R-4 (Limited) Residential District of the City of Jackson.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

That the property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

S ½ of Lots 17 and 18, Lot 19, Block G, Northview Addition, Hinds County, MS

This is supplemented by the following addendum:

The South Half of Lots Nos. Seventeen (17) and Eighteen (18) and Nineteen (19), Block "G" of North View Addition less ten feet (10') off of West side thereof according to map or plat of Part One (1) of North View Addition which is on file in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, said lands being the same as that Mrs. Mayme E. Ware conveyed to J.P. Ricks and wife, Mrs. M. R. Ricks, by deed dated May 15, 1945, and recorded in said Clerk's office in Deed Book 403, at Page 269, with the interest of said J.P. Ricks being devised to said Mrs. M. R. Ricks in his last will and testament which was fully administered as case No 62-561, on the docket of the Chancery Court of the first Judicial District of Hinds County, MS.

Which aforesaid ten (10') feet off of west side was more particularly described in that certain Warranty Deed of J. P. Ricks and Mrs. M. R. Ricks unto Champion M. Wilbourn and Mrs. Marjorie B. Wilbourn, dated July 27, 1950, filed for record July 31, 1950, in Deed Book 664, Page 226, reference to which is hereby made for descriptive purposes, and in which said instrument in said Book 664, at Page 226, the following description is set out:

A strip of land ten (10) feet wide off the west side of the South Half of Lot Seventeen (17) in Block "G", Northview Addition, Part One, according to the official map or plat thereof on file and of record in the office of the chancery clerk of Hinds County, at Jackson, MS, and being more particularly described by metes and bounds as follows:

Beginning at a point on the line dividing Lots 16 and 17 in said Northview Subdivision in said Block "G" on the south intersection of said lots, run thence north along the dividing line between said lots 16 and 17 a distance of 75 feet, run thence east along a line parallel with the south line of said Lot 17 a distance of 10 feet, run then south along a line parallel with the west line of said Lot 17 a distance of 75 feet to a point on the south line of said lot 17, which point is 10 feet east of the point of beginning, run thence west along the south line of said lot 17, 10 feet to the point of beginning.

be and is hereby granted a six foot (6') Variance from the required twenty-five (25') foot front yard setback for properties within a R-4 (Limited Multi-Family) Residential District to allow for the construction of townhouses for the Dunbar Street side of the property located at 3601 N. State St. within a R-4 (Limited) Residential District. However, that before a Variance is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

**Vice President Lindsay** moved adoption; **Council Member Banks** seconded.

Yeas- Banks, Foote, Lindsay and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

**Note:** There was no presentation from the Applicant and no opposition from the public.

\*\*\*\*\*

**Vice President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4014, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

**Vice President Lindsay** requested that the Clerk read the Order:

**ORDER DENYING DWAYNE A. STARLING A SPECIAL EXCEPTION TO OPERATE A ONE CHAIR BEAUTY SALON WITH AN R-2 (SINGLE & TWO-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 2230 POWERS AVE., CASE NO. 4014.**

**WHEREAS**, Dwayne A. Starling filed a petition for a Special Exception to allow for a one chair beauty salon on property zoned R-2 (Single & Two Family) Residential District, located at 2230 Powers Ave., in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing has recommended denial of the said petition; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., August 20, 2018 to consider said petition, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on July 5, 2018 and July 19, 2018 that a hearing had been held by the Jackson City Planning Board on July 25, 2018, as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended denial of the petitioned Special Exception of the above described property, within the existing zoning of the City of Jackson; and

**WHEREAS**, it appears to the Council that the documents are in order, and that the recommendation of the Planning Board to deny the petitioned Special Exception to allow for a one chair beauty salon within an area zoned R-2 (Single-Family & Two-Family) Residential District does support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will adversely affect adjacent property owners; and

**WHEREAS**, it appears to the Council that the petition for the Special Exception be denied based on the findings that the granting of the Special Exception does not promote the public health, safety, morals, or the general welfare of the community and the granting of such will adversely affect surrounding properties.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

LOT TWENTY-NINE (29), BLOCK "B", W. P. MOORE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON THE FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY, MISSISSIPPI, IN THE PLAT BOOK 5 AT PAGE 36 THEREOF.

be and is hereby denied the petitioned Special Exception to allow for a one chair beauty salon located at 2230 Powers Ave. on property zoned R-2 (Single & Two-Family) Residential District.

-----  
**Vice President Lindsay** recognized **Dwayne A. Starling**, Applicant, who requested that the Council allow a Special Exception to operate a one chair beauty salon within an R-2 (Single-Family & Two-Family) Residential District.

-----  
**Vice President Lindsay** recognized **Vincent L. Thomas** who spoke in opposition to allow a Special Exception to operate a one chair beauty salon within an R-2 (Single-Family & Two-Family) Residential District.

-----  
**Vice President Lindsay** moved adoption.

**Note:** Said item dies for a lack of a second.

-----  
Thereafter, **Vice President Lindsay** requested that the Clerk read the Order for approval:

**ORDER GRANTING DWAYNE A. STARLING A SPECIAL EXCEPTION TO OPERATE A ONE CHAIR BEAUTY SALON WITH AN R-2 (SINGLE & TWO-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 2230 POWERS AVE., CASE NO. 4014.**

**WHEREAS**, Dwayne A. Starling filed a petition for a Special Exception to allow for a one chair beauty salon on property zoned R-2 (Single & Two Family) Residential District, located at 2230 Powers Ave., in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

**WHEREAS**, the Jackson City Planning Board, after holding the required public hearing has recommended denial of the said petition; and

**WHEREAS**, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., August 20, 2018 to consider said petition, based upon the record of the case as developed before the City Planning Board; and

**WHEREAS**, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Jackson Advocate on July 5, 2018 and July 19, 2018 that a hearing had been held by the Jackson City Planning Board on July 25, 2018, as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended denial of the petitioned Special Exception of the above described property, within the existing zoning of the City of Jackson; and

**WHEREAS**, it appears to the Council that the documents are in order, and that the recommendation of the Planning Board to deny the petitioned Special Exception to allow for a one chair beauty salon within an area zoned R-2 (Single-Family & Two-Family) Residential District does not support the promotion of the public health, safety, morals, the general welfare of the community and the granting of such will not adversely affect adjacent property owners; and

**WHEREAS**, it appears to the Council that the petition for the Special Exception be granted based on the findings that the granting of the Special Exception does promote the public health, safety, morals, or the general welfare of the community and the granting of such will not adversely affect surrounding properties.

**NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI:**

That the property located in the First Judicial District of Hinds County, Jackson, Mississippi, and being more particularly described as follows:

LOT TWENTY-NINE (29), BLOCK "B", W. P. MOORE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON THE FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY, MISSISSIPPI, IN THE PLAT BOOK 5 AT PAGE 36 THEREOF.

be and is hereby granted the petitioned Special Exception to allow for a one chair beauty salon located at 2230 Powers Ave. on property zoned R-2 (Single & Two-Family) Residential District. However, that before for any structure is erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

**Council Member Banks** moved adoption; **Council Member Stamps** seconded.

Yeas- Banks, Foote, Lindsay and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

\*\*\*\*\*

**Vice President Lindsay** recognized Zoning Administrator **Ester Ainsworth** who provided the Council with an overview of changes made to the City of Jackson's Text Amendments.

**Vice President Lindsay** requested that the Clerk read the Order:

**ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF JACKSON AS ADOPTED ON MAY 29, 1974 AND SUBSEQUENTLY AMENDED IN ORDER TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE ZONING REGULATIONS FOR THE CITY OF JACKSON LAND USES.**

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSON, MS:**

**That Article II, Section 202 of the Zoning Ordinance of Jackson, Mississippi, is hereby amended to read as follows:**

202.39 Convenience Type Grocery Store: A store of not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature, and/or the sale of on-site prepared food items. **The food items will be sold in edible containers, or in paper, plastic, or other disposable containers for off-premises consumption.** This type of use is also, commonly referred to as a "drive-in" grocery store with self-service gasoline pumps and may include an automated drive-through car wash.

**That Article VII- A, Section 702.04.2-A for Regulations in the C-2 (Limited) Commercial District is hereby amended to read as follows:**

1. Minimum lot area - not regulated.
2. Minimum lot width - not regulated.
3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.
4. Minimum side yard width - None, except where it adjoins residentially or mixed use zoned property; the side yard requirement shall be increased to twenty-five (25) feet, provided further, that the side yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet. On a corner lot, the minimum side yard depth on the street side shall be twenty-five (25) feet.
5. Minimum rear yard depth - fifteen (15) feet except where it adjoins residentially or mixed use zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
6. Maximum height - seventy-five (75) feet.
7. Maximum lot coverage - not regulated.
8. No exterior storage shall be permitted.
9. The leading edge of canopies shall be a minimum of five (5) feet from any street right-of-way line.
10. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.
11. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.
12. No pawnshop, secondhand store or tobacco paraphernalia retail business shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
13. Use Permits for a tobacco paraphernalia retail business shall be issued to the owner of the store. The Use Permit will not run with the land and the subsequent owners of a tobacco paraphernalia retail business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually. Tobacco paraphernalia that is kept, displayed, sold, or delivered, must be stored or kept in a designated part of the business premises that is not open to view or have immediate access from the general public.
14. **All outdoor food preparation shall be conducted at the side or rear of the building. All outdoor cooking apparatuses must be located at the side or rear of the building and in completely enclosed structures when not in use.**

**That Article VII- A, Section 702.05.2 for Regulations in the C-3 (General) Commercial District is hereby amended to read as follows:**

1. Minimum lot area - none.
2. Minimum lot width - none.
3. Minimum front yard depth - fifteen (15) feet from street right-of-way line.
4. Minimum side yard width - none, except where it adjoins residentially or mixed use zoned property, the side yard requirement shall be increased to twenty-five (25) feet; and provided further, that the side yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet. On corner lots, the minimum side yard depth on the street side shall be fifteen (15) feet.



5. Minimum rear yard depth - none, except where it adjoins residentially or mixed use zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; and provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
6. Maximum height - one hundred-fifty (150) feet.
7. Maximum lot coverage - not regulated.
8. Exterior storage - Exterior storage by a retail establishment is permitted only for items which by their nature are typically used outdoors in an unprotected environment. To protect the integrity of adjacent properties, the Zoning Administrator may require that exterior storage areas be completely screened from the street and from adjacent properties by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.
9. No bingo parlor, pawnshop, title pledge office, or secondhand store shall be located within two hundred fifty (250) feet of any other such use, or located within five hundred (500) feet of any residentially or mixed use zoned property, church, school, park, playground or public library.
10. No pawnshop or secondhand store or tobacco paraphernalia retail business shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
11. The leading edge of canopies shall be a minimum of ten (10) feet from any street right-of-way line.
12. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.
13. Multi-family uses shall be governed by the minimum requirements for the multifamily units as found in R-4 Multifamily Districts as stated in 501(9).
14. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.
15. All outdoor food preparation shall be conducted at **the side** or rear of the building. All outdoor cooking apparatuses must be located at the **side or** rear of the building and in completely enclosed structures when not in use.
16. No person shall control, operate, conduct or manage any tattoo parlor or body piercing business, without first obtaining approval from the MS State Department of Health in accordance with the regulations governing the registration of individuals performing body piercings and tattooing. Evidence of such approval shall be provided to and kept on file by the City of Jackson Zoning Division.
17. Use Permits for a tobacco paraphernalia retail business shall be issued to the owner of the store. The Use Permit will not run with the land and the subsequent owners of a tobacco paraphernalia retail business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually. Tobacco paraphernalia that is kept, displayed, sold, or delivered, must be stored or kept in a designated part of the business premises that is not open to view or have immediate access from the general public.
18. Use Permits for automobile sales – used are issued to the owner of the used car business rather than to the owner of the land. The Use Permit will not run with the land and the subsequent owners of an automobile sales – used business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually with supporting documentation from the MS State Tax Commission. The Use Permit will be cancelled upon the cancellation of any of the requirements from the MS State Tax Commission.

**That Article VII-A, Section 709.02-A of the Zoning Ordinance of Jackson, Mississippi for the Residential Mix in the Traditional Neighborhood Development is hereby amended to read as follows:**

**A mix of residential Uses of the following types can occur anywhere in the TND**

**District, provided that single-family dwellings shall account for no more than fifty-five (55) percent of the residential units in the TND shall be as follows:**

1. Single-family detached unit and attached dwelling units **including duplexes, townhouses, and row houses**
2. Multi-family units including condos and residential units above commercial uses and live/work units **shall be considered multi-family units**
3. **Special Needs Housing such as assisted living facilities and community living arrangements**

**That Article VII-A, Section 711.02 of the Zoning Ordinance of Jackson, Mississippi for the Zoning and Subdivision Review Involvement in the Traditional Neighborhood Development is hereby amended to read as follows:**

**A. Overview of Approval Process**

Because Traditional Neighborhood Developments are a floating zone and selected by the developer/property owners immediately prior to development or re-development of the site, the procedure involves both a rezoning process and a major subdivision review process. It is the intent of the City that both processes move simultaneously whenever it is practical. The following steps are required:

1. Pre-Application Conference(s)
2. Master Development Plan and Rezoning Application submitted
3. Planning Board Public Hearing (Recommendation on rezoning and approval of Master Development Plan)
4. Revision of Site Plan Review (if needed)
5. City Council Hearing (officially rezone land)
6. Construction Plans Approval (Subdivision Review Engineer)
7. Final Plat Approval and Dedication of Streets (City Council)

**B. Specifics of Approval Process**

The procedure for the rezoning aspect of a TND is the same as that outlined in Article XVII Rezoning (Map Amendments). The rezoning application must be accompanied by the Master Development Plan and verification of the pre-application conference with the Site Plan Review Committee. The specific development requirements and procedures for the subdivision can be found in the Subdivision Ordinance.

**C. Changes to an Approved TND Project**

**Types of Changes -There are three (3) types of changes in the TND that will be subject to an administrative or regulatory review and approval process.**

1. **Minor Change - A minor change is a one that will not alter the basic design and character of the Traditional Neighborhood Development, nor any specified conditions imposed as part of the original approval. This type of change will be subject to an administrative review and approval process by the Zoning Administrator in conjunction with the Site Plan Review Committee provided that the basic layout of the TND District remains the same, and the TND District functions as well as before the revision. Minor changes include, but are not limited to:**
  - (a) **Changes in location of the TND (Neighborhood Center Area-NCA and Mixed Residential Areas -MRA), civic and green spaces.**
  - (b) **Changes in size of the required sub- areas of the TND (Neighborhood Center and Mixed Residential Areas), the Neighborhood Edge Area (NEA), civic and green spaces.**
  - (c) **Change in the construction phasing plan provided it does not exceed the requirements established in Section 1204.05 A (one year with a requested six-month extension)**
  - (d) **Internal rearrangement of a parking area that does not affect the number of parking spaces or alter access locations or design**
  - (e) **Changes in non-residential floor plans, of up to five (5%) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking**

2. **Major Use Change.** A major use change is one that will have significant impacts on the approved Uses within the Traditional Neighborhood Development, or on the site surrounding the Traditional Neighborhood Development. This type of change will be subject to a regulatory review and approval process.
3. **Major Site Change.** A major site change is one that that will have significant impact on the site and layout of the development in the Traditional Neighborhood Development, or on the site surrounding the Traditional Neighborhood Development. This type of change will be subject to a regulatory review and approval process.
4. For the purposes of this Ordinance, the major use and major site changes will be referred to herein as a major change. Major changes include, but are not limited to:
  - (a) Changes in the permitted uses allowed in the TND
  - (b) Changes in the approved regulatory standards for the TND by more the five (5) percent for:
    - i. the development site area
    - ii. approved lot area requirements
    - iii. the density of any permitted use
    - iv. the mix of single-family (attached & detached) unit multi-family units
    - v. an increase in the amount of land allocated for non-residential uses
    - vi. the reduction of the proffered amenities by the applicant\developer
    - vii. the total floor area of non-residential floor plans
  - (c) Deleting or changing flood hazard controls, utility facilities or easements
  - (d) Material and substantive changes to the thoroughfare standards (access, circulation, sections, common parking areas, public and private alleys, etc...)
  - (e) Changes in the approved utility, erosion control, grading and drainage plans
  - (f) Other changes as determined by the Zoning Administrator and/or the Site Plan Review Committee that would be considered adverse to the spirit of the TND and the adjacent community

**D. Application for Changes.**

1. **Minor Changes -** the Owner (s) of record of the property shall submit a written request to the Site Plan Review Chairman which shall contain the reason (s) for the classification of the change as a minor change. The applicant will also submit a revised Site Plan for the proposed changes. The Site Plan Review Coordinator shall submit the request and revised Site Plan to the Site Plan Review Committee to determine if the proposed changes meet the standards for a minor change designation. The Site Plan Review Coordinator shall within fifteen (15) days of the receipt of the request shall provide a written notice to the applicant that includes the findings and the appropriate actions needed for the review and approval of the proposed minor change(s).
2. **Major Changes -** The Owner(s) of record of the property shall submit a written request to the Site Plan Review Chairman which shall contain the reasons(s) for the major change. The applicant will also submit a revised Site Plan for the proposed changes. The Site Plan Review Coordinator shall within fifteen (15) days of the receipt of the request shall provide a written notice to the applicant that includes the findings and appropriate actions needed for the review and approval of the proposed major change(s).

**E. Appeals.**

Any party aggrieved with the administrative interpretation of the Site Plan Review Committee shall have the right to appeal such interpretation. Such appeals shall be made in accordance with Article XIX-A APPEALS of the Zoning Ordinance of the City of Jackson, Mississippi.

That the relevant Articles and Sections of the City of Jackson Zoning Ordinance are hereby amended to reflect the deletions of the term Convenience Store with Fast Food from the Ordinance.

That this Ordinance shall be in force and effect thirty (30) days after passage and after publication of the same by the petitioner.

Council Member Banks moved adoption; Council Member Stamps seconded.

Yeas- Banks, Foote, Lindsay and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

\*\*\*\*\*

**ORDER GRANTING EXTENSION OF SPECIAL EXCEPTIONS AND USE PERMITS FOR ONE YEAR.**

Coming for consideration are requests for the approval of the following for certification of renewal for one year and after the anniversary date of approval for Use Permit or Special Exceptions as follows:

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE – 1930 Ward 3	Cora Lee Butler	3016 Randolph St. Jackson, MS 39213	One Chair Beauty Salon	08/06/80
SE - 3676 Ward 3	Richard Moman	4644 N. State St. Jackson, MS 39206	Tax Office	08/18/08
SE-3715 Ward 3	Charlotte Ford	227 Stillwood Dr. Jackson, MS 39206	Catering Service	08/17/09
SE – 3946 Ward 7 C-UP	Catholic Diocese of Jackson	921 N. President St. Jackson, MS 39202	Emergency Shelter/Mission	08/15/16

**IT IS HEREBY ORDERED** by the Council of the City of Jackson that the said Use Permits and /or Special Exceptions be and the same are hereby extended for another year from and after the anniversary date granting said permits.

Council Member Banks moved adoption; Council Member Stamps seconded.

Yeas- Banks, Foote, Lindsay and Stamps.

Nays- None.

Absent- Priester, Stokes and Tillman.

\*\*\*\*\*

REGULAR ZONING MEETING OF THE CITY COUNCIL  
MONDAY, AUGUST 20, 2018, 2:30 P.M.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Council Meeting to be held at 10:00 a.m. on Thursday, August 23, 2018; at 3:29 p.m., the Council stood adjourned.

ATTEST:

Krist Moore  
CITY CLERK

APPROVED:

Chapman A. Lumber, 9/6/2018  
MAYOR KL DATE

\*\*\*\*\*