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 May 21, 2018 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Vice President, Ward 2; Ashby Foote, Ward 1 and Aaron Banks Ward 6. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; and Dana Sims, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3; De'Keither Stamps, Ward 4 and Virgi Lindsay, Ward 7.

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The meeting was called to order by **President Charles H. Tillman.**

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President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4004, 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.

President Tillman requested that the Clerk read the Order:

ORDINANCE GRANTING DONNY L. & SANDRA M. BARNES A REZONING OF THE PORTION OF THE PROPERTY LOCATED AT 5310 OLD BYRAM RD FROM C-3 (GENERAL) COMMERCIAL DISTRICT TO R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT., CASE NO. 4004.

WHEREAS, Donny L. & Sandra M. Barnes has filed a petition to rezone the portion of the property located at 5310 Old Byram Rd., in the City of Jackson, First Judicial District of Hinds County, Mississippi, that is zoned C-3 (General) Commercial District to R-1A (Single-Family) Residential District; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the subject property from C-3 (General) Commercial District to R-1A (Single-Family) Residential District; 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, May 21, 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 April 5, 2018 and April 19, 2018 that a hearing had been held by the Jackson City Planning Board on April 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 property to R-1A (Single-Family) 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 property located in the City of Jackson, First Judicial District of Hinds County, Mississippi, more particular described as follows:

> Five (5) acres, more or less, of the land situated in the Southwest corner of the Southwest ¼ of the Northeast ¼ of the Section (7) in Township Four (4) North Range 1 (1) East, in Hinds County, Mississippi, said five (5) acre tract measuring five hundred and twenty-five (525) feet East and West, and four hundred and twenty (420) feet North and South.

is hereby modified so as to approve the rezoning of the portion of the property located at 5310 Old Byram Rd. that is zoned C-3 (General) Commercial District to R-1A (Single-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. 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.

Yeas- Banks, Foote, Priester and Tillman.
Nays- None.
Absent- Lindsay, Stamps and Stokes.

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

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President Tillman recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 4005, 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.

President Tillman requested that the Clerk read the Order:

> **ORDINANCE GRANTING WARREN L. SPEED A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-3 (TOWNHOUSE AND ZERO LOT LINE) RESIDENTIAL DISTRICT FOR PROPERTIES LOCATED AT 1220, 1228, 1236, 1244 & 1252 DRUID HILL DR., CASE NO. 4005.**

WHEREAS, Warren L. Speed has filed a petition to rezone properties located at 1220, 1228, 1236, 1244 & 1252 Druid Hill Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1A (Single-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-1A (Single-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, May 21, 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 April 5, 2018 and April 19, 2018 that a hearing had been held by the Jackson City Planning Board on April 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:

Lot 10, Druid Hills Subdivision, a subdivision according to a 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 5 at Page 11, reference to which is hereby made in aid of and as a part of this description.

Lots 11, 13 and 14, Druid Hills Subdivision, a subdivision according to a map or plat thereof, which is on file and of record in the office of the Chancery Clerk of Hinds County, Jackson, Mississippi, in Plat Book 5 at Page 11, reference to which is hereby made in aid of and as a part of this description.

LOT 12, DRUID HILLS SUBDIVISION, 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 5 at Page 11, 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 1220, 1228, 1236, 1244 & 1252 Druid Hill Dr. from R-1A (Single-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.

President Tillman recognized **Warren L. Speed**, Applicant, who spoke in favor to allow a Rezoning from R-1A (Single-Family) Residential to R-3 (Townhouse and Zero Lot Line) Residential District.

There was no opposition from the public.

Thereafter, **President Tillman** called for a vote on said item:

Yeas- Banks, Foote, Priester and Tillman.
Nays- None.
Absent- Lindsay, Stamps and Stokes.

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

President Tillman 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 SUBEQUENTLY 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 III, Section 301 of the Zoning Ordinance of Jackson, Mississippi for the establishment of Zoning districts and Zoning map is hereby amended to read as follows:

RESIDENTIAL DISTRICTS	**COMMERCIAL DISTRICTS**
R-1 - Single-Family Residential –	C-1 – Restricted Commercial
R-1A - Single-Family Residential	C-1A – Restricted Commercial
R-1E Single-Family Estate Residential	C-2 – Limited Commercial
R-2 - Single-Family and Two-Family Residential	C-3 – General Commercial
R-2A - Single-Family Residential	
R-3 - Townhouse and Zero Lot Line Residential	
R-4 - Limited Multi-Family Residential	**INDUSTRIAL DISTRICTS**
R-5 - Multi-Family Residential	I-1 - Light Industrial
R-6 - Mobile Home Subdivision Residential	I-2 Heavy Industrial
R-7 - Mobile Home Park Residential	
MIXED USE DISTRICTS	**OTHER DISTRICTS**
C-4 – Central Business	SUD - Special Use District
NMU- 1 - Neighborhood Mixed-Use	TIP - Technical Industrial Park District
CMU-1 Community Mixed Use	PUD - Planned Unit Development
AC – Activity Center Overlay	
OCG – Old Capitol Green	
UV - Urban Village	
TND- Traditional Neighborhood Development	
UTC- Urban Town Center	
C80 District – Highway 80 Corridor	

That Article III, Section 301 of the Zoning Ordinance of Jackson, Mississippi for the establishment of Zoning districts and Zoning map is hereby amended to read as follows:

That Article VII, Section 702.02 of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C-1 (Restricted) Commercial District is hereby amended to read as follows:
702.02.1 Uses Permitted:

1. Any type of professional occupation as defined in this Ordinance and any other office type activity in which there is kept no stock in trade or merchandise for sale and which offers only a service to the general public.
2. Research institutes,
3. Auxiliary and related retail uses located entirely within buildings where the predominant use is office, hospital, research institute and/or convalescent home.
4. Wholesale Dealer

That Article VII, Section 702.02 of the Zoning Ordinance of Jackson, Mississippi for the C-1 (Restricted) Commercial District is hereby amended to read as follows:

702.02.1.(a) Uses Which May be Permitted as Use Permits: The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. **Hospitals**
2. **Convalescent homes, and assisted living facilities, personal care facilities and transitional housing all of which exceed thirteen (13) residents**

That Article VII-A, Section 702.04.1 of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C-2 (Limited) Commercial District is hereby amended to read as follows:

1. Any and all uses, except residential, permitted in C-1 and C-1A Restricted Commercial Districts.
2. Neighborhood shopping centers, retail convenience stores, and personal services. No single tenant shall occupy more than 40,000 square feet.
3. Restaurants, Neighborhood.
4. **Convalescent homes, assisted living facilities, personal care facilities and transitional housing all of which exceed thirteen (13) residents**
5. Convenience type grocery stores.
6. Coin laundry and dry cleaning establishments.
7. Adult and child care centers.
8. Restaurant, Neighborhood Shopping Center, where part of a neighborhood shopping center.
9. Restaurant, Fast-Food, where part of a neighborhood shopping center.
10. Retail Stand
11. Commercial Banks, Savings Institutions and Credit Unions
12. Transient Vendors in Neighborhood Shopping Centers – when located completely indoors. Outdoor display of merchandise is prohibited.

That Article VII-A, Section 702.04.1(a) of the Zoning Ordinance of Jackson, Mississippi for uses Permitted as Use Permits in the C-2 (Limited) Commercial District is hereby amended to read as follows:

702.02.1. (a) Uses Which May be Permitted as Use Permits: The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Any and all Use Permits provided in the C-1 and C-1A Restricted Commercial Districts.
2. Restaurant, Fast-Food.
   A. When the restaurant adjoins residentially zoned property, all exterior lighting shall be directed away from adjacent residential properties;
   B. The location for the point of taking food orders shall be buffered from and so located so as to minimize the intrusion upon adjacent properties.
3. Veterinarian clinic when no storage pens or runs are located outdoors.
4. Automotive service and repair establishments, but excluding major repair work such as motor overhaul, body and fender repairs, spray painting, tire retreading, or other activities which may generate excessive noise or odors which may be incompatible with the character of the district when:

A. Conducted within a completely enclosed building;
B. There is no outdoor storage of automobiles, discarded parts, tires or similar materials.

5. Re-cycling collection point when:

A. The collection point occupies no more than five hundred (500) square feet;

B. Has no processing equipment;

C. Recycling containers are made of durable material and are covered and secured from unauthorized entry;
D. Located two-hundred fifty (250) feet from any residentially zoned property.

6. Nightclubs and bars.
7. Service stations.
8. Car wash.
9. Restaurant, General.
10. Liquor Stores, where part of a neighborhood shopping center.
11. Community Recreational Center, where part of a neighborhood shopping center
12. Tobacco Paraphernalia Retail Business
13. **Hospitals**

That Article VII-A, Section 706.01-A of the Zoning Ordinance of Jackson, Mississippi for uses Permitted in the Urban Town Center Mixed-Use District is hereby amended to read as follows:

706.01-A Uses Permitted:

1. Art galleries, museums, artist studios
2. Banks, savings institutions, and credit unions
3. Bars and taverns including those with outdoor live entertainment
4. Bed and Breakfast Inns—Class A, subject to 602.02.3
5. Churches and Places of Worship limited to one (1) acre or more site.
6. Day Spas and health clubs
7. Department stores
8. Dry cleaners and coin laundries
9. Dwelling units above first floor commercial buildings or in mixed-use buildings
10. Hotels and Inns
11. Live/Work Units
12. Brewpub
13. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance
14. Multi-family dwellings
15. Open space as regulated by 706.04-A
16. Outdoor seating areas for serving food and beverages such as plazas, courtyards, patios and decks when such areas are owned and maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas. Outdoor seating areas may be permitted on public sidewalks subject to approval by the Site Plan Review committee.
17. Professional services and offices
18. Restaurants, Fast Food, Type B
19. Restaurants, General
20. Restaurants, Neighborhood
21. Retail Stores
22. Single-family attached dwellings including condominiums and townhouses
23. Theatres, indoor
24. **Community Recreational Center**

That Article VII-A, Section 708.03.06-A of the Zoning Ordinance of Jackson, Mississippi for uses permitted in the Old Capitol Green Mixed Use District is hereby amended to read as follows:

708.03.06-A Permitted Uses

The following uses shall be permitted in the OCG Mixed Use District. The uses shall be permitted strictly in accordance with the zoning restrictions for each block as established by the zoning guidelines for each sub district.

1. Art galleries, museums, artists' studios

2. Banks, savings institutions and credit unions only
3. Brewpub
4. Hotels and Inns
5. Restaurants, bars, cabarets and taverns including those with outdoor live entertainment venues.
6. Outdoor seating areas for serving food and beverages such as plazas, courtyards, patios and sidewalks when such areas are owned and/or maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas
7. Restaurants, General
8. Restaurants, Fast Food
9. Private Security Services
10. Professional services and offices
11. Private monitoring facilities throughout the District
12. Live/Work Housing Units
13. Microbrewery
14. Home occupation, if the home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling
15. Multifamily dwellings
16. Single-family detached and attached dwellings including condominiums and townhouses
17. Two-family dwellings, accessory dwelling units
18. Day spas, barber shops, hairdressers, & health clubs
19. Dry cleaner and dry cleaner pick up stations
20. Department Stores
21. Retail Stores
22. Drug Stores
23. Broadcast Facilities
24. Wireless broadcast stations (Wi-Fi)
25. Theaters – movie and performance indoor/outdoor with seating
26. Educational facilities, colleges, universities, business schools, training facilities, libraries
27. Philanthropic Institutions
28. Public and governmental offices
29. Open space as included within the overall site plan
30. Parking garages
31. Medical offices, ambulatory clinics, veterinary clinics, medical diagnostics offices
32. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance)
33. Office uses – other than medical
34. Computer Data and Call Centers
35. Recreation facilities including bowling alleys, pool halls, skating rinks
36. Community Recreational Center

That Article VII-A, Section 708.05.01-A.B(a) of the Zoning Ordinance of Jackson, Mississippi for the commercial/other uses permitted on the first floor in the Old Capitol Green Mixed Use Subdistrict 1 is hereby amended to read as follows:

Commercial/Other Uses

1. Art galleries, museums, artists' studios
2. Day Spas, Barber shops, Hairdressers & Health Clubs
3. Restaurants, bars, cabarets and taverns including those with outdoor live entertainment venues.
4. Outdoor seating areas for serving food and beverages such as plazas, courtyards, patios and sidewalks when such areas are owned and/or maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas
5. Restaurants, General
6. Private monitoring facilities throughout the District
7. Retail Stores
8. **Community Recreational Center**

That Article VII-A, Section 708.05.02-A.B(a) of the Zoning Ordinance of Jackson, Mississippi for the commercial/other uses permitted on the first floor in the Old Capitol Green Mixed Use Subdistrict 2 is hereby amended to read as follows:

Commercial/Other

1. Art galleries, museums, artists' studios
2. Commercial Day Care Centers
3. Banks, savings institutions and credit unions only
4. Hotels and Inns
5. Restaurant, bars, cabarets and taverns including those with outdoor live entertainment venues
6. Outdoor seating areas for serving food and beverages such as plaza, courtyards, patios and sidewalks when such areas are owned and/or maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas.
7. Restaurants, General
8. Restaurants, Fast Food Restaurants
9. Neighborhood Department Stores
10. Retail Stores
11. Medical Offices, ambulatory clinics, veterinary clinics, medical diagnostics offices
12. Philanthropic Institutions
13. Day spas, Barbershops, hairdressers, and health clubs
14. Dry cleaner and dry cleaner pick up stations
15. Drug Stores
16. Computer Data and Call Centers
17. **Community Recreational Center**

That Article VII-A, Section 708.05.03-A.B(a) of the Zoning Ordinance of Jackson, Mississippi for the commercial/other uses permitted on the first floor in the Old Capitol Green Mixed Use Subdistrict 3 is hereby amended to read as follows:

Commercial/Other

1. Art galleries, museums, artists' studios
2. Restaurants, General
3. Day Spas, Barber shops, Hairdressers & Health Clubs
4. Retail Stores
5. **Community Recreational Center**

That Article VII-A, Section 708.05.04-A.B(a) of the Zoning Ordinance of Jackson, Mississippi for the uses permitted on the first floor in the Old Capitol Green Mixed Use Subdistrict 4 is hereby amended to read as follows:

1. Art galleries, museums, artists' studios
2. Banks, savings institutions and credit unions only
3. Brewpub
4. Hotels and Inn
5. Restaurants, bars, cabarets and taverns including those with outdoor live entertainment venues.
6. Outdoor seating areas for serving food and beverages such as plazas, courtyards, patios and sidewalks when such areas are owned and/or maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas
7. Restaurants, General
8. Day spas, barber shops, hairdressers, & health clubs
9. Dry cleaner and dry cleaner pick up stations
10. Department Stores
11. Retail Stores
12. Drug Stores
13. Broadcast Facilities
14. Theaters – movie and performance indoor/outdoor seating
15. Educational Facilities, colleges, universities, business schools, training facilities, libraries
16. Philanthropic Institutions
17. Medical Offices, ambulatory clinics, veterinary clinics, medical diagnostics offices
18. Computer Data and Call Centers
19. Public and governmental offices
20. Recreation facilities' including bowling alleys, pool halls, skating rinks
21. **Community Recreational Center**

That Article VII-A, Section 708.05.05-A.B (a) of the Zoning Ordinance of Jackson, Mississippi for the uses permitted on the first floor in the Old Capitol Green Mixed Use Subdistrict 5 is hereby amended to read as follows:

1. Art galleries, museums, artists' studios
2. Brewpub
3. Restaurants, bars, cabarets and taverns including those with outdoor live entertainment venues
4. Outdoor seating areas for serving food and beverages such as plazas, courtyards, patios and sidewalks when such areas are owned and/or maintained by the restaurant, bar or other establishment providing food or drink to patrons in these outdoor areas.
5. Restaurants, General
6. Retail Stores
7. Theaters – movie and performance indoor/outdoor seating
8. Educational Facilities, Colleges, Universities, Business Schools, Training facilities, Libraries
9. Recreational facilities including bowling alleys, pool halls, skating rinks
10. ***Community Recreational Facilities***

That Article XII-A, Section 1203-A of the Zoning Ordinance of Jackson, Mississippi for uses requiring a Site Plan is hereby amended to read as follows:

A site plan shall be required for the following:

1. Adult entertainment establishments
2. All Uses requiring a Use Permit
3. All development to be located within C-4, Central Business District; **Old Capitol Green, OCG;** UV, Urban Village District; UTC, Urban Town Center District; NMU-1, Neighborhood Mixed Use, Pedestrian Oriented; CMU-1, Community Mixed Use, Pedestrian Oriented; High Street Overlay District; Fondren/North State St. Overlay District; and Zoo/West Capital Street Overlay District.
4. Banks with drive-through windows
5. Convenience Type Grocery Stores
6. Dairying and animal husbandry on sites of not less than one (1) acre
7. Demolitions and redevelopment within C-1A Districts
8. Developments of five (5) acres or more
9. Fast food restaurants with drive-through windows
10. Modular Commercial Buildings
11. Multi-family development including condominiums
12. Other special cases and projects that may be brought to the Committee's attention by the City Council, the Planning Director, Zoning Administrator, or Planning Board
13. Planned Unit Developments
14. Private Kennels
15. Private Stables
16. Produce Stands
17. Public utilities facilities and structures required to provide essential public services
18. Residential subdivisions or re-subdivisions of property
19. Restaurants, nightclubs, Commercial Communications Towers
20. Service Stations
21. Retail Stand
22. Structures in excess of forty-five (45) feet in height
23. Substantial remodeling or additions that:
    - affect existing off-street parking;
    - change the land use of the building(s) involved; or
    - increase the square footage of existing non-residential structures fifteen (15) percent or more.
24. Any "action" as defined under **706.11**-B within the Corridor 80 (C80) District

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; **Vice President Priester** seconded.

Yeas- Banks, Foote, Priester and Tillman.
Nays- None.
Absent- Lindsay, Stamps and Stokes.

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ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL LANDSCAPE ORDINANCE OF THE CITY OF JACKSON AS ADOPTED ON AUGUST 14, 1990 AND SUBEQUENTLY AMENDED IN ORDER TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE LANDSCAPING REGULATIONS FOR THE CITY OF JACKSON.

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

That Section 4 of the Landscape Ordinance of the City of Jackson for Exemptions is hereby amended to read as follows:

Exemptions: These exemptions shall not apply to the following:

(a) Building permits for a conventional single-family detached dwelling.
(b) Building permits for buildings located on property zoned C-4 Central Business District.
(c) Building permits for buildings less than one hundred (100) square feet on an out-parcel within a shopping center.
(d) Clearing of trees for forestry or agricultural purposes.
(e) Building permits for the restoration of a building when restoration is required, as a result of damage and/or destruction by fire or natural causes, of less than sixty (60%) percent of its current market value and provided said permit is applied for within twelve (12) months of the occurrence of fire or natural causes.
(f) Building permits for restoration of buildings identified as a landmark, or on a landmark site, or within a historic preservation district, pursuant to Section15 1/2 - 1 ET. Seq. of the Code of Ordinances, City of Jackson, Mississippi.
(g) Multi-storied or covered parking structures shall be exempted from providing interior landscaping.
(h) Property located in an industrially zoned district **except for those properties with identified land uses in the commercial zoning districts** is exempt from the requirements of Section 13.01 of this Ordinance.
(i) Vehicular use areas zoned C-4 Central Business District is exempt from the requirements of SECTION 9, SECTION 12, SECTION 13.01, and SECTION 14 of this Ordinance.

That Section 13.02 of the Landscape Ordinance of the City of Jackson for Refuse Areas with Receptacle (Dumpster) Regulations is hereby amended to read as follows:

All new refuse areas with receptacles (dumpsters) **shall be completely screened from the street and from adjacent properties by a solid wood or masonry fence at least six (6) feet high and if applicable by natural plants or trees of equal minimum height, so planted as to provide maximum opacity.** All refuse areas with receptacles (dumpsters) in existence at the time of the adoption of this amendment (Date: 11/19/96) **shall be completely screened** from the street and from adjacent properties by a solid wood or masonry fence of at least six (6) feet in height. **No refuse receptacle shall be located in the public right-of-way.**

13.02.1-APPLICABLITY

The requirements of this Section shall be applicable to apartments or apartment complexes consisting of five or more living units, commercial land uses and those properties with identified land uses in the commercial zoning districts that are located within industrial zoning districts.

13.02.2 – SCREENING REQUIREMENTS

All new refuse areas with receptacles (dumpsters) shall be completely screened from adjacent properties by an enclosure that is at least six (6) feet high and is completely enclosed on four (4) sides with one of the sides being a gate. Those receptacle enclosures located in front of buildings shall be required to be landscaped. A Building Permit must be obtained prior to the construction and/or installation of the enclosure and subject to the regulations in this Section.

13.02.3 – RECEPTACLE (DUMPSTER) LOCATION & SERVICE ACCESS AREAS

The location and placement of the receptacle shall not be in the public right of way or in a manner that the service vehicle will block any street, public alley or that negatively impacts adjacent properties. The location and placement of dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to each dumpster and the unobstructed opening of the gates during the disposal process.

13.02.4 – CONSTRUCTION REQUIREMENTS

1. Enclosures shall be constructed of walls or fences of wood or plastic lumber, (finished) masonry units, (finished) concrete, corrugated steel or any combination of these elements. The materials used shall be compatible with those of adjacent or surrounding buildings or structures and may be used in any combination of the enclosure materials listed above. The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side. The enclosures shall be of a material and color the same or similar to the existing principal structure.

   (a) Wood lumber -Wood fences shall be pressure treated or have a finish that protects the wood from the elements. The boards shall be a minimum of one inch by six inch and shall have a maximum spacing between boards of one inch.

   (b) Plastic lumber- Lumber shall be plastic members of new or recycled materials that are able to withstand the climatic and ultraviolet conditions of the area. The boards shall be a minimum of one inch by six inch and shall have a maximum spacing between boards of one inch.

   (c) Masonry walls -All exterior faces of walls shall have a finish such as stucco, pre-finished block, painted or similar, installed according to industry standards and meeting with the approval of the building official or his/her designee.

   (d) Concrete walls- Pre-cast or poured concrete walls shall have decorative textured finish of a quality acceptable to the building official or his/her designee.

   (e) Corrugated Steel- Panels should be a minimum of thirty (30) gauge shall have a maximum spacing between panels of one inch.

2. The enclosure shall fully enclose the receptacle (dumpster) and shall not exceed eight (8) feet.
3. All enclosures shall have pedestrian and service access gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material. The gates shall be constructed with commercial grade hinges, poles and hasps.
   (a) Enclosures shall have double gates with an approved latch.
   (b) Enclosures with gates that swing out from the dumpster shall be set back from the property line at least a distance equal to the width of the gate.
4. All new developments shall have bollards placed around the area of the dumpster to protect the enclosure from being hit during the emptying process, preserve the life and aesthetics of the enclosure and to prevent gates from swinging open into traffic.

13.02.5 - MAINTENANCE

(a) Dumpsters shall remain inside the enclosure at all times except during the scheduled collection periods.
(b) Approved enclosures shall be maintained in good condition and appearance at all times.
(c) Gates and latches shall be kept fully operable and shall be closed except during scheduled collection periods.

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; **Vice President Priester** seconded.

Yeas- Banks, Foote, Priester and Tillman.
Nays- None.
Absent- Lindsay, Stamps and Stokes.

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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:

CASE NO.	NAME	LOCATION	USE	GRANTED
SE - 2805 Ward 3	Gloria J. Perkins Cabrera	4119 Oaklawn Dr. Jackson, MS 39206	Two-chair Beauty Salon	05/09/90
SE - 3862 Ward 7	Millsaps College	1702 N. State St. Jackson, MS 39206	Office/Meeting Spaces & Administrative Units	05/19/14
C-UP - 3967 Ward 2	Randall J. Fishman, E. Nicholas Belisomo, Bobby Webb & Randi Belisomo	1001 W. County Line Rd. (Parcels 712-3-2 & 712-3-6)	Operation of a drive-thru fast food restaurant	05/15/17
SE – 3962 Ward 7	Morrison Heights Baptist Church	142 E. Bell St.	Residential Community Facility	04/17/17

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; **Vice President Priester** seconded.

Yeas- Banks, Foote, Priester and Tillman.
Nays- None.
Absent- Lindsay, Stamps and Stokes.

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There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Council Meeting to be held at 6:00 p.m. on Tuesday, May 22, 2018; at 3:10 p.m., the Council stood adjourned.

ATTEST: **APPROVED:**

Kristi Moore
CITY CLERK

Chokwe A. Lumumba PRO 6/4/2018
MAYOR KL **DATE**

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