JACKSON, MS

ZONING ORDINANCE

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May 29, 1974
With Amendments
Last Amendment August 26, 2019

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ORDINANCE AMENDING AND RESTATING THE ZONING ORDINANCE

OF

JACKSON, MISSISSIPPI

WHEREAS, the Mississippi Code Annotated s 17-1-3 to 37, 21-1 -27, 21-13-7 21-19-63, 41-25-13, 43-35-105, 49-23-1 to 29, 49-25-1 to 23 and 75-49-1 (1972), empowers the City to enact provisions for other functions related to this Ordinance such as: planning, airport zoning regulations, a zoning advisory board, control of outdoor advertising along highways, control of junkyards, mobile home construction standards and sanitary regulations, building set-back lines, adoption of official plans, extension or contraction of corporate boundaries, methods for adopting codes, subdivision of land and regulation thereof, among other matters; and

WHEREAS, the City Council has caused to have prepared and has adopted a Comprehensive Plan for the physical development of the City, which among other things, is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and

WHEREAS, the City Council has divided the City into Zoning Districts in conformance with the City's Comprehensive Plan, and has prepared regulations pertaining to such districts, and has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings in accordance with the requirements of the Mississippi Code Annotated, s 17-1-15 and 17-1-17, (1972); and

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

ARTICLE I TITLE AND PURPOSE

Section 101 Title and Short Title

This Ordinance shall be known as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF JACKSON, MISSISSIPPI," and may be so cited, and further referenced elsewhere as "Zoning Ordinance," and herein as "the Ordinance" or "this Ordinance," shall imply the same wording and meaning as the full title.

Section 102 General Purpose and Intent

The general purpose and intent of this Ordinance shall be the attainment of the goals and objectives of the PEOPLE OF THE CITY OF JACKSON, MISSISSIPPI, expressed in the Comprehensive Plan of the City, through provisions of this Ordinance, and to the degree that such attainment may be accomplished. Also, it shall be the intent of this Ordinance that its interpretation and application be as helpful and permissive as possible toward the attainment of said goals and objectives, but within the provisions of the regulations stated herein.

ARTICLE II INTERPRETATION AND DEFINITIONS

Section 201 Rules for Words and Phrases

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

Section 202 Definitions

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

202.01 Abandoned Vehicle or Junked Vehicle: Any vehicle which is without a current license tag and/or which is (a) wrecked, (b) dismantled, (c) partially dismantled, or (d) inoperative. Storage shall mean being on or occupying the premises for thirty (30) days or more.

202.02 Abandoned Personal Property or Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

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

202.04 Accessory Uses and Structures: A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use and/or structure.

202.04 (a) Accessory Uses and Structures\Residential*:* Those uses and structures that are permitted in residential zoning districts, subject to the regulations for the zoning district in which the property is located and the requirements of this Ordinance. Each of the listed uses is considered to be a residential accessory use to a dwelling and shall be situated on the same lot with the principal use (dwelling) to which it serves as an accessory. This list is not necessarily exhaustive of possible permitted accessory uses and structures on the same lot as a dwelling: accessory vehicle parking, basketball court, children's playhouse and play equipment, deck or patio, garage or carport for storing vehicles, guest houses, private kennel for non-commercial purposes; private recreational facility, shelters for man-made and natural catastrophes , storage building, skateboard ramp, swimming pool and bathhouse or cabana, or tennis court, or other uses subject to the determination of the Zoning Administrator.

202.04 (b) Accessory Uses and Structures\Commercial*:* Those uses and structures that are permitted in commercial zoning districts, subject to the regulations for the zoning district in which the property is located and the requirements of this Ordinance. Each of the listed uses is considered to be a commercial accessory use to a commercial building and shall be situated on the same lot with the principal use or structure to which it serves. This list is not necessarily exhaustive of possible permitted accessory uses and structures on the same lot as the principal use or structure: storage areas and bins; vending machines; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculpture, paintings and other works of art; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings; or for operation of appliances and equipment used within a building; sales offices, showrooms and administrative offices; permitted signs; the storage and use of commercial fleet vehicles as part of the principal use; and other accessory uses and structures subject to the determination of the Zoning Administrator.

202.04 (c) Accessory Uses and Structures\Industrial*:* Those uses and structures that are permitted in industrial zoning districts, subject to the regulations for the zoning district in which the property is located and the requirements of this Ordinance. Each of the listed uses is considered to be an industrial accessory use to an industrial building and shall be situated on the same lot with the principal use or structure to which it serves. This list is not necessarily exhaustive of possible permitted accessory uses and structures on the same lot as the principal use or structure: storage facilities and garages, sales

offices, showrooms and administrative offices; radio and television antennas, private satellite dish antennas; the storage and use of fuels for fleet vehicles, heating buildings or for operation of appliances and equipment used within a building; the storage of fully operative fleet vehicles, heavy equipment or trucks as part of the principal use; permitted signs; and other accessory uses and structures subject to the determination of the Zoning Administrator.

202.05 Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

202.06 Adult Bookstore: An establishment which has as a substantial portion of its stock in-trade and offers for sale for any form of consideration any one (1) or more of the following:

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

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

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

202.07(a) Adult Care Center/Residential: An occupied residence in which shelter and personal care are regularly provided for six (6) to ten (10) adults who are not related within the third degree computed according to the civil law to the operator and who are over the age of twenty-one (21) years and receive care for at least four (4) but less than twenty-four (24) hours of the twenty-four (24) hour day.

202.07(b) Adult Care Center/Commercial: A facility (not a residence) in which shelter and personal care are regularly provided for six (6) or more adults who are not related within the third degree computed according to the civil law to the operator and who are over the age of twenty-one (21) years and receive care for at least four (4) but less than twenty-four (24) hours of the twenty-four (24) hour day.

202.08 Adult Entertainment Establishment: An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified

anatomical areas," or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing by patrons.

202.09 Adult Motel (also known as "hourly motels"): shall mean a hotel, motel or similar commercial establishment which:

1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassette, slides, or other photographic reproductions which are characterized by the pornographic depiction or description of "specified sexual activities" or "specified anatomical areas"; and may have a sign visible from the public right of way which advertises the availability of this adult or pornographic type of photographic reproductions showing sexually explicit and/or "X" rated communications. This definition shall not include "R-rated" films so defined by the Motion Picture Association; or
2. offers a sleeping room for rent more than two times in a period of ten hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

202.10Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

202.11 Agriculture: The use of land for agricultural purposes, including tree farming, dairying, pasturage agriculture, horticulture, aquaculture, floriculture, viticulture, and animal and poultry husbandry, but not swine, and the necessary accessory uses secondary to that of normal agricultural activities.

202.12 Alley: Any public or private way permanently reserved as a secondary means of access to abutting property.

202.12 (a) Alcoholic Beverage: Any alcoholic liquid regulated under the laws of the State of Mississippi.

202.13 Amusement Arcade: A building or part of a building in which any combination of five (5) or more pinball machines, pool tables, video games, or other similar player-operated amusement devices are maintained.

202.13 *(a)* Animal Shelter: A facility operated by a licensed humane society, municipal agency for the prevention of cruelty to animals, impounding or caring for animals held under the authority of the City of Jackson or state law and where animals are housed for an extended period of time and are available for adoption or placement.

202.14 Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

202.14 (a) Artist Studio Type A: A place designed to be used as a work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

202.14 (b) Artist Studio, Type B: A place to be used as a place of work by an artist, artisan or craftsperson, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture and writing containing a separate dwelling unit contained within the building.

202.14 (c) Assisted Living Facility: A facility which offers non-convalescent nursing care by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. The facilities typically offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

202. 14 (d) Automobile Sales: A franchised retail automobile dealership that is primarily housed in a structure and characterized by the principle use of the site being the marketing and display of new and/or used automobiles, whether by sale, rental, trade in or lease. A supporting use may include an on-site facility for the repair of automobiles previously sold, rented or leased by the dealership. No abandoned vehicles shall be stored on the premises.

202. 14 (e) Automobile Sales - Used: A retail business which sells operable, used automobiles that meet the requirements of the State of MS (MS Title 27-19) upon display in the open for sale or trade. Secondary supporting uses may include the service of automobiles previously sold or traded as defined under "Garage Mechanical"." No "Junkyard" activities may occur on-site and no abandoned vehicles shall be stored on the premises. *This use does not include those persons who are licensed by the State of MS as a wholesale motor vehicle dealer.*

202.15 Bar (See also Nightclub): A commercial establishment having as its principal use the serving of alcoholic beverages or liquor for consumption on the premises and providing entertainment for its patrons. Food may be served as an accessory use.

202.16 Bed and Breakfast Inn Class A: An owner-occupied dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging and only lodgers are served meals.

202.17 Bed and Breakfast Inn Class B: An owner-occupied dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging and where receptions and other similar private functions may be held. Meals may only be served to lodgers, and guests of receptions and other private functions. For purposes of this definition a private function means a pre-planned,

organized social event for which one host or hostess is responsible. It has defined beginning and ending times and is a celebration of a specific event such as a wedding, high school or college graduation, corporate event or a reception honoring a special person.

202.17(a) Bed and Breakfast Inn, Class B with Restaurant: An owner-occupied dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging and where receptions or other similar private functions may be held. Meals may be served to lodgers, guests of receptions and other private functions and the general public as follows: A Bed and Breakfast Inn, Class B with Restaurant may engage in the preparation and retail sale of food and beverages including sale of alcoholic beverages. Customers are served their foods, or beverages by a restaurant employee at the same table at which said items are consumed. Advertising on local billboards is prohibited. This prohibition will not preclude, however, mailings or advertisements in newspapers and in national, regional, state or local travel and tourism periodicals.

202.18 Bedroom: Any room used principally for sleeping purposes, provided that no room having less than eighty (80) square feet of floor area shall be considered a bedroom.

202.18 (a) Beer and Light Wine: Light wine and beer of an alcoholic content of not more than five (5) percent by weight as defined and regulated by the laws of the State of Mississippi.

202.19 Boarding House (Also see Rooming House): Any building, or part thereof, containing two (2) or more guest rooms, other than a hotel, motel, or bed and breakfast establishment, that is kept as, used as, maintained as, advertised as, or held out to be a place where, for any type of compensation, sleeping accommodations are furnished for periods of one (1) week or more. A Boarding House may provide meals.

202.19(a) Body Piercing Business: Any business which predominantly specializes in the piercing of body parts and the retail sale of body jewelry.

202.20 Borrow Pit: A place or premises where dirt, soil, sand, gravel, or other material is removed by excavation.

202.20(a) Brewpub**:** A general restaurant in which light wine or beer is manufactured or brewed for consumption exclusively on the premises as defined in 27-71-301 (j) of the Mississippi Code of 1972.

202.21 Buffer Area: A landscaped area so planned and which acts as a separation area between two (2) or more uses or structures which are not compatible due to design, function, use, or operation.

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

202.23 Building (See Principal Building)

202.24 _ Building Height: The vertical distance measured from the base point of measurement to the highest point of the parapet or coping of a flat roof, or the deck line of a mansard roof, or one-half the distance between the eave and the ridge line of the highest gable of a pitch or hip roof. When the building is within fifty (50) feet of a street right-of-way, base point of measurement shall be defined as the average elevation of the street crown on that of street occurring between the end lines of the building when projected perpendicular to the street right-of-way. When the building is more than fifty (50) feet from a street right-of-way, base point shall be defined as the average elevation of grade or paving surrounding the building. (See illustrations, page 29)

202.25 Building Official: The administrative official responsible for enforcement of the City Building Codes and issuance of building permits.

202.25(a): Business Incubator Facility: A facility dedicated to the cultivation and enhancement of businesses and business-oriented developments.

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

202.26(a) Catering Service: An establishment which is housed in an existing structure, that serves and supplies food to be consumed off premises, all in accordance with County Health Department standards.

202.27 Cemetery: Dedicated open space land used or intended to be used for the burial of the dead; this includes columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

202.28 Central Business District: The area generally described as being that portion of the City of Jackson bounded on the east by Jefferson Street between George Street and South Street; on the south by South Street between Jefferson Street and South State Street, South State Street between South Street and Silas Brown Street, Silas Brown Street between South State Street and South West Street, South West Street between Silas Brown Street and South Street, and South Street between South West Street and the Illinois Central Railroad; on the west by the Illinois Central Railroad between South Street and Pascagoula Street, Pascagoula Street between the Illinois Central Railroad and Gallatin Street, Gallatin Street between Pascagoula Street and Amite Street, Amite Street between Gallatin Street and the Illinois Central Railroad, and the Illinois Central Railroad between Amite Street and a westerly extension of Hamilton Street; and on the north by Hamilton Street and a westerly extension thereof between the Illinois Central Railroad and Bloom Street, Bloom Street between Hamilton Street and Oakley Street, Oakley Street between Bloom Street and High Street, High Street between Oakley Street and George Street, and George Street between High Street and Jefferson Street.

202.29 Child Care Center/Residential: An occupied residence in which shelter and personal care are regularly provided for six (6) to ten (10) children who are not related within the third degree computed according to the civil law to the operator and who are under the age of twelve (12) years and receive care for at least four (4) but less than twenty-four (24) hours of the twenty-four (24) hour day.

202.30 Child Care Center/Commercial: A facility (not a residence) in which shelter and personal care are regularly provided for six (6) or more children who are not related within the third degree computed according to civil law to the operator and who are under the age of twelve (12) years and receive care for at least four (4) but less than twenty-four (24) hours of the twenty-four (24) hour day.

202.31 Church: A facility regularly used to hold religious services, meetings, and similar activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The term "church" does not apply to detached accessory uses or church related uses, such as schools, residences, coffee houses, day care centers, bingo parlors, and fellowship halls.

202.32 City Council: The seven (7) elected members of the City Council of the City of Jackson.

202.33 City Planning Board: The duly constituted Jackson City Planning Board herewith cited as being the Advisory Committee to the City Council on zoning matters.

202.34 Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological out-patients, provided that patients are not kept overnight, and which may be used by one (1) or a group of such practitioners.

202.35 Club, Country: A private facility providing recreational and related services to members and their guests only, characterized by substantial land and improvements committed to such facilities as golf courses, tennis courts, swimming pools, clubhouses, and the like.

202.36 Club, Private: A facility not open to the general public, providing recreational or food and beverage services to members and their guests only.

202.36(a) Co-Location: The practice of placing communication attachments to any existing tower, building or structure that currently accommodates other communication attachments.

202.36(b) Communication Attachment: Any and all devices intended for transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

202.37 Commercial Communication Tower: A freestanding structure that is intended for transmitting or receiving television, radio, telephone, or similar communications, excluding STL's (Studio to Transmitter Link) transmitting devices which have the following characteristics: (a) line of sight transmission, (b) a height no greater than the minimum height above a tree line for a transmission to a taller tower, (c) transmission that is limited to radio or television broadcast purposes, and (d) the STL is located on property zoned commercial, Industrial, Special Use, Technical Industrial Park (TIP)

Districts or Planned Unit Development (PUD), and excluding attachments, which are separately regulated by 11 04.B of this Zoning Ordinance.

202.37(a) Community Recreational Center*:* Commercial indoor facility that is used for preplanned events, and/or recreational purposes such as miniature golf, batting cages, rock climbing wall, bank shot basketball, bumper boats, go-karts, paintball, skating rinks and other like uses as determined by the Zoning Administrator. Accessory uses may include academic instruction, general restaurant, specialty retail and other accessory uses as determined by the Zoning Administrator.

202.37(b) Condominium**:** An estate in real property consisting of an undivided interest in common in a portion of a parcel together with separate interest in space in a residential, industrial, or commercial building. Such estate may be in fee simple, leasehold or any other estate in real property recognized by law. (See Mississippi State Statute 80-9-7.) Bulk regulations of condominium ownership property are governed by the physical form of the building(s).

202.38 Comprehensive Plan and Planning Process: The officially adopted plan and comprehensive planning process that contains the elements that provide long range development policies for the City of Jackson and the area subject to urbanization in and around Jackson, Mississippi.

202.38 (a) Consume and Consumption: The ingestion of alcoholic beverages, light wine or beer, or the possession of any alcoholic beverages, light wine or beer in any type of drinking container or in any bottle, can, or other container upon which the seal, cork or cap has been opened.

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.

202.40 Convalescent Home (Rest Home or Nursing Home): A licensed facility where persons are housed and furnished with meals and full-time nursing services for a fee.

202.41 Correctional Facility: Any jail, prison, detention center, or work release site where the treatment and rehabilitation of adult and/or juvenile offenders through a program involving penal custody, occurs.

202.42 Court, Inner: An open space without a roof surrounded on four (4) sides by a building or structure.

202.43 Court, Outer: An open space without a roof surrounded on three (3) sides by a building or structure and with an end open.

202.43 (a) Day Spa: A facility offering personalized beautification and relaxation treatment by professional, licensed personnel and therapists on staff which is open ten (10) or less hours during the daytime. Examples of treatment offered may include: body packs & wraps, exfoliation, heat treatments, body toning, waxing, aromatherapy, cleansing facial, non-surgical face lift, electrolysis, hydrotherapy, steam and sauna treatment, exercise, manicures, and pedicures, and make-up consultation and application.

202.44 Density: The intensity of land use and also the maximum intensity of land use possible on a minimum lot observing all yard, height, and lot coverage provisions of the Zoning Ordinance.

202.44(a) Development Plan: A drawing or set of drawings depicting the *ultimate layout* and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may also be considered the "preliminary *plat"* if it meets the requirements of the City of Jackson Subdivision Regulations for preliminary plats. A development plan is sometimes referred to as a "master plan"; however, since the Comprehensive Plan for the City may also be called a "Master Plan," the term Master Plan is not used in this Ordinance.

202.45 District: Any parcel of land within the City of Jackson, Mississippi, for which zoning regulations governing the use of building and premises, the height of buildings, the size of yards, and the intensity of use are established.

202.46 Dwelling, Duplex (Two Family): A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

202.47 Dwelling, Mobile/Manufactured Home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act and is a movable residential dwelling designed for year-round occupancy with no foundation other than wheels, jacks, or skirtings and capable of being moved, towed, or transported by another vehicle. Removal of its wheels and placement upon a permanent foundation shall not warrant re-classification to a conventional single-family dwelling.

202.47(a) Dwelling, Modular Home: A residential dwelling manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site by a trailer or other similar carrier which is not designed to be permanently attached to the dwelling or remain with it after the structure is placed on its permanent foundation. Modular homes are not constructed with an integral chassis, permanent hitch, wheels, axles, or other device allowing transportation. Modular homes must meet the International Building Code and be inspected and approved by the Building Official.

202.48 Dwelling, Multi-Family: A detached residential building containing three (3) or more separate dwelling units, sharing a common entrance, stairs, elevators, and/or other essential facilities, including what is commonly known as an apartment building.

202.49 Dwelling, Single-Family, Attached (See Dwelling, Townhouse): One of two or more residential buildings, each with a separate entrance, having a common or party wall separating dwelling units.

202.50 Dwelling, Single-Family, Detached (See Dwelling, Zero Lot Line): A residential building containing not more than one dwelling unit entirely surrounded by open space.

202.51 _ Dwelling, Townhouse: A structure which is one of a series of dwelling units designed for single-family occupancy, which dwelling units, each with a separate entrance, are structurally connected or immediately adjacent to each other without side yards between individual dwelling units. Also known as "row houses."

202.52 Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

202.53 Dwelling, Zero Lot Line: A detached single-family dwelling unit which is constructed against the lot line on one side of a lot, provided however, that there shall be no windows, doors, or other openings of any kind on this side. This type of dwelling is also sometimes referred to as a court-garden house or patio house. (See illustration, page 30)

202.54 Employee (Staff): This word includes any individual who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purpose of this Ordinance, the maximum number of employees at an establishment at one time constitutes its number of employees.

202.55 Emergency Shelter/Mission: A facility providing temporary housing for one or more individuals who are otherwise homeless.

202.56 Excavate: Means to dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

202.57 Facade: The exterior wall of a building.

202.58 Family: A person living alone or two or more persons related by blood, marriage, or adoption living together in a single-family", "two-family", or "multi-family" residence as a single household or

(a) Up to six (6) persons unrelated to each other by blood, marriage or legal adoption, living together as a single household unit; or

(b) Up to six (6) persons unrelated to each other by blood, marriage or legal adoption, living together as a single household unit in which there is the provision of residential, social, and personal care for children, the aged, and special categories of persons with some limits on ability for self-care, but where medical care is not a major element.

(c) Up to six (6) persons, excluding foster parents and employees, living together in a dwelling unit in a long term environment that may or may not be approved and regulated by the State of MS.

For purposes of this definition, a household does not include individuals occupying a boarding house, lodging house, hotel, club, fraternity or sorority house, or other similar short term lodging establishments requiring membership dues, transfer payments which are public expenditures made for a purpose other than procuring goods, rent, or other compensation, in exchange for lodging.

202.58 (a) Farm Stand**:** A permanent building or structure used for the retail sale of fresh fruits, vegetables, flowers, herbs or plants, with some display outside of a building or structure.

202.59 Fence: A physical barrier of any material or combination of materials erected to enclose or screen areas of land to prevent escape or intrusion, or to mark a boundary.

202.60 Flag Lot (See Lot, Flag): 202.61 Front Yard (See Yard, Front)

202.62 Gaming Casino: An establishment, open to the general public, wherein the principal activity involves the legalized betting of money on games of chance.

202.63 Garage, Mechanical (Also See Service Station): A facility used for the repair of automobiles, trucks, tractors, and similarly powered vehicles and equipment. This includes motor overhaul, body or fender repair or modification, painting, and the installation of accessories such as radios, glass, seating, tires, and sunroofs.

202.64 Grade or Grade Level: The average finished elevation of land, either horizontal or sloping, after completion of site preparations for the construction of structures.

202.65 Gross Floor Area: The sum of the areas of the floor or floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

202.66 Ground Area: The total geometric area of a lot as defined within its boundaries.

202.67 Group Home for the Handicapped**:** - See Transitional Housing

202.68 Gun Shop: An establishment where the principal activity involves the sale and/or repair of firearms and related supplies.

202.69 Half-Way House: See Transitional Housing

202.70 Hardship: An unusual situation on the part of an individual property owner that will not permit the full utilization of their property as is allowed others within the community. In other words, a true hardship exists only when the literal interpretation of the requirements of the Code would place an individual in an unusual circumstance and would deny the right to use property for any purpose, or create an unnecessary burden, unless relief is granted.

202.71 Height (See Building Height):

202.72 Height Clearance: A completely open clearance suitable for the passage of vehicles, height specified by signs, at least from grade to twelve (12) feet above grade.

202.73 Home Occupation: Any occupation in which there is kept no stock in trade or commodity sold on the premises, and in which the nature of the business does not generate an increase in traffic to and from the dwelling, and in which there is no mechanical equipment used, other than that normally permitted for household purposes and no person employed, other than a member of the family residing on the premises, offering services to the general public, and in the connection with which there is no display or artificial lighting that will indicate from the exterior that the dwelling is being utilized in whole or in part for any purpose other than that of a dwelling. A permit granted for a home occupation will be given on a yearly basis by the Zoning Administrator only during the occupancy or ownership of the person to whom it was granted under the conditions described herein.

202.74 Hospice: A facility or program of four (4) or more persons designed to provide a caring environment to supply the physical and emotional needs of the terminally ill.

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

202.76 Hospital, Small Animal: An institution where sick or injured small animals of less than one hundred fifty (150) pounds are given medical care, and in the course of same are housed overnight, fed, and provided related services. Hospital, Small Animal, shall be considered a commercial use.

202.77 Hotel (See Motel): A building where for compensation, lodging is provided or lodging, food, and various personal services are provided for more than twelve (12) persons.

202.78 Household Pet: An animal that is customarily kept for personal enjoyment within the home. Household pets shall include but not necessarily be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

202.79 Industry, Heavy: Those industrial uses which have extensive space requirements and/or generate substantial amounts of noise, vibrations, odors, or possess other characteristics that are detrimental, hazardous, or otherwise offensive and incompatible with other land uses.

202.80 Industry, Light: Those industrial uses which do not generate odors, smoke, fumes, or excessive noises.

202.80(a) Inn: A lodging establishment providing bedrooms and meals to transient guests which contains not more than 25 (twenty-five) bedrooms or suites

202.81 Junkyard: A parcel of land on which waste material, wrecked or inoperative vehicles, used vehicle parts, or other machinery is collected, stored, disassembled, salvaged, or sold.

202.82 Kennel: An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

202.83 Kennel, Private: Any building or buildings, or land designed or arranged for the care of three (3) to five (5) dogs and cats, or a combination thereof, six (6) months of age or older, belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

202.84 Liquor Store: Any retail establishment licensed by the state which sells, and advertises for sale, pre-packaged alcoholic beverages containing more than 4% alcohol by weight, to the general public.

202.85 Livestock: A domestic animal normally raised on a farm such as poultry, swine, cattle, horses, sheep, goats, or similar animals, but not wildlife.

202.85 (a) Live/Work Unit: A structure that contains both a professional office, specialty retail shop or artisan studio, and separate living quarters (usually upstairs) for the proprietor of the business. The minimum floor area of a live/work unit shall be 750 s.f. The residential area shall not be rented separately from the working space.

202.86 Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and open spaces as herein required. Such lot shall have frontage on an improved public street or on an improved private street, and may consist of a single lot of record, a portion of a lot of record, a combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record, a parcel of land described by metes

and bounds provided that in case of division or combination, no lot or parcel shall be created which does not meet the requirements of this Ordinance.

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

202.88 Lot, Corner: A lot abutting on and at the intersection of two or more streets. (See illustration, page 20)

202.89 Lot, Flag: A lot or parcel which may or may not be further subdivided, that has less frontage on a public street than is normally required for the district in which the lot is located and access is provided to the bulk of the lot or parcel by means of a narrow corridor. (See illustration, page 21)

202.90 Lot Interior: A lot other than a corner lot. (See illustration, page 29)

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

202.92 Lot Line, Front: The property line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private street, the front lot line shall be the nearest public street right-of-way line. (See illustration, page 29)

202.93 Lot Line, Rear: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. (See illustration, page 29)

202.94 Lot Line, Side: Any lot line not a front or rear lot line. (See illustration, page 29)

202.95 Lot of Record: A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

202.96 Lot, Substandard: A lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the Ordinance codified in this title.

202.97 Lot, Through: A lot having its front and rear yards each abutting on a street. (See illustration, page 29)

202.98 Lot, Width: The horizontal distance between side lot lines, measured at the required front setback line.

202.99 Manufacturing Establishment: A facility at which goods are made through use of raw materials, machinery, and labor and often employing assembly line techniques.

202.99(a) Manufactured Home (See Dwelling, Mobile/Manufactured Home):

202.99(b) Small Craft Brewery**:** A small scale brewery that primarily produces beer for wholesale distribution. This use may also have a tap room, restaurant, live entertainment, or retail space for on-site consumption subject to the MS laws and regulations for beer and light wines.

202.99(c) Distillery: A licensed manufacturing establishment which produces distilled spirits. This use may offer tastings, may provide on-site sale and consumption of the products, and may serve food. This use type is subject to other regulations in relevant state statutes.

202.100 Mini-Warehouse: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of personal property.

202.101 Mobile Home Park: A parcel of land that has been planned and improved for the rent or lease of sites for the placement of mobile homes for dwelling purposes.

202.102 Mobile Home Subdivision: A parcel of land in which spaces or lots for mobile homes are for sale and in which the purchaser receives fee simple title to the space or lot.

202.103 Mobile Home (See Dwelling, Mobile/Manufactured Home):

202.103(a) Modular Home (See Dwelling, Modular Home)

202.104 Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having parking spaces adjacent to sleeping rooms (bedrooms). An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

202.104(a) Mixed-Use Building: a single structure containing more than one type of land use such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment

202.105 Neighborhood Shopping Center: A commercial center developed as a unit, providing for the sale of goods and personal services for the needs of the immediate neighborhood, and related in its location, size, and type of stores to the area which the unit serves.

202.106 Nightclub (See Also Bar): A bar or similar establishment where a dance floor or live entertainment is provided.

202.107 Non-Conforming Building: A building or structure lawfully existing at the time of the adoption, revision, or amendment of this Ordinance which, by reason of such

adoption, revision, or amendment, does not conform to the regulations of the zoning district in which it is located.

202.108 Non-Conforming Lot: A lot lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which fails by reason of such adoption, revision, or amendment to conform to the regulation of the zoning district in which it is located.

202.109 Non-Conforming Use: A use of land lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which by reason of such adoption, revision, or amendment, does not comply with the regulations for its zoning district.

202.109(a) Office: A room or group of rooms used for conducting the affairs of business, profession, or service, provided that the business, profession or service is not similar to a separately listed use within this, based on a determination of the Zoning Administrator.

202.110 Open Space: A public or private area that is intended to provide light and air, and is designed for environmental, scenic, contemplative, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, cemeteries, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

202.111 Open Space, Common: A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

202.112 Outdoor Storage: A depository or place for storing goods related to the establishment on the same premises and not located within a building.

202.113 Overlay Zone: An overlay zone is a mapped zone that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay zone is established, the property is placed simultaneously in the two zones, and the land may be developed only under conditions and requirements of both zones. In the instance of conflicting regulations, the most restrictive shall apply.

202.114 Owner: An "owner" is an individual who owns a bona fide 25 % or more interest in a dwelling or 25% or more equity interest in a corporation, partnership, or other legal entity owning such dwelling.

202.115 Owner-Occupied: A dwelling is "owner-occupied" when it is the primary residence of the owner or the owner's assignee or designee.

202.116 Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

202.117 Park: Any developed public land or area open to the general public and reserved for recreational purposes.

202.117(A) Park, Pocket: A relatively small open space area located within a developed neighborhood, managed and maintained by a non-profit, a neighborhood association or a public entity but accessible to the general public. Pocket parks are usually located on a lot that fronts a public street that is the typical size of residential uses that surround it. They are used to incorporate green space within the fabric of a neighborhood rather than recreational uses.

202.118 Parking, Off-Street: A parking place not located on a public street.

202.119 Parking Lot, Public: A lot or structure designed and primarily used for the parking and storage of automotive vehicles, operated as a business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

202.120 Parking, shared: The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

202.121 Parking Space: An area within or outside of a building, which must meet City and Federal standards, for the purpose of automobile or other vehicle storage including bicycle parking.

202.122 Party Wall: A wall used jointly by two parties, erected upon a line separating two parcels of land, each of which is a separate real estate entity.

202.123 Patio Home (See Dwelling Zero Lot Line):

202.124 Pawnshop: An establishment engaged in the business of lending money on the security of tangible personal property where such property is deposited with the lender; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

202.125 Personal Care Facility: A facility of four (4) or more persons, who need not be related by blood or marriage, which is licensed by the state to give personal care to ambulant residents who are not in need of convalescent nursing care or institutionalization but who, because of advanced age, physical, or mental infirmities, are in need of assistance with their activities of daily living.

202.125(a) Personal and Commercial Service: a business that engages in the provision of services directly to the consumer at the site of the business or which receives

from/returns to the customer goods that have been treated or processed at another location. This use shall include, but shall not be limited to, barber shops, beauty parlors, currency exchanges, domestic pet grooming, financial institutions, interior design studios, laundry and dry cleaning establishments (plant off-premises), martial arts or dance studios, commercial package or mailing services (distribution off-site), photography processing, self-service laundries, shoe repair shops, tanning or toning salons, tailoring shops, travel agencies and massage therapists. Any similar service is allowed unless a determination is made by the Zoning Administrator that the use is similar to a separately listed use within this.

202.126 Planned Unit Development (PUD): A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

202.127 Planning Department: The City's Department of Planning and Development which provides staff to the Jackson City Planning Board.

202.128 Planning Director: The administrator of the Office of City Planning, within the City's Department of Planning and Development, and the chief technical advisor to the City Planning Board.

202.129 _ Planning Office: The office within the City's Department of Planning and Development which serves as the staff of the Jackson City Planning Board.

202.130 Playground: Any developed area which is used for and has facilities for recreation, primarily for use by children. For purposes of this Ordinance, the term "playground" shall apply to the principal use of land and not an accessory use.

202.130(a) Portable Storage Containers (POD): A box-like container transported by truck to a desired location for drop off. The container is moved from the bed of the delivery truck to the ground and back using a hydraulic metal framework or similar device as defined in Section 83-1 of the City Jackson Code of Ordnances. The Portable storage container may be utilized for a period not to exceed thirty days. On day thirty-one (31), the property owner shall be responsible for obtaining a valid permit from the City of Jackson Building Permit Division. Said permit shall expire on day 60 from original delivery date. Further, under no circumstances shall the POD remain on the premises for more than 60 days in a calendar year unless a valid building permit has been obtained prior to the expiration date of the POD permit. *(s 83-2 & 83-5 of the Jackson, MS Code of Ordnances*)

202.131 Primary Residence: The residence of an "owner" who spends a majority of nights at such dwelling.

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

202.133 Principal Use (Activity): The primary use and chief purpose of a lot or structure, or the major activity occurring within such a structure.

202.133(a) Produce Stand: A site used for the retail sale of fresh agricultural products, grown either on or off site, but may include as an accessory to the principle use, the sale of factory sealed or prepackaged food products This definition does not include the sale of animals or used products similar to a flea market or transient vendors.

202.134 Professional Occupation: A recognized occupation requiring specialized knowledge and often long and intensive academic preparation, such as physicians, dentists, engineers, architects, planners, artists, attorneys, ministers, and similar professions.

202.135 Public Utility Facilities: Electric substations, distribution facilities, pumps, lift stations, power generating plants, telephone exchanges, sewage treatment plants, wells, storage tanks and related installations which are necessary to the provision of utility service.

202.136 Rear Yard (See Yard, Rear):

202.137 Recreational Vehicle (RV): See "Transient Trailer" or "Travel Trailer"

202.138 Recycling Center: A facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand. The term "recycling" as used herein shall not include the speculative accumulation of materials in anticipation of recycling opportunities and shall not include the recovery of materials unless the materials recovered have a commercial value.

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

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

202.141 Residential Care Facility: See Transitional Housing

202.141(a) Residential Community Facility: A facility located within a residentially zoned district that will be used for a preplanned, single gathering event or series of related activities to be held for a maximum period of five consecutive days for indoor

activities and two consecutive days for outdoor activities. The events(s) shall be for community oriented, cultural, educational, recreational, religious or political purposes that are sponsored by an individual or entity. The maximum number of attendees shall be for the maximum indoor seating capacity of the facility or three hundred (300) for outdoor activities. For residential properties that are less than three acres the types of events shall be limited to weddings, receptions, recitals, art exhibits, book readings, tasting and executive retreats and other activities approved by the Zoning Administrator.

202.142 Restaurant, Drive Thru: An establishment whose principle business is the sale of foods, frozen desserts, or beverages in edible containers or in paper, plastic, or other disposable containers for consumption either on or off the premises. The foods, frozen desserts, or beverages may be served directly to the customer in the restaurant building or in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.

202.142 (a): Restaurant, Fast-Food: An establishment whose principal business is the sale of foods, frozen desserts, or beverages in edible containers or in paper, plastic, or other disposable containers for consumption either on or off the premises. No drive-through windows are permitted.

202.143 Restaurant, General: An establishment that is engaged in the preparation and retail sale of food and beverages and includes the sale and on premises consumption of alcoholic beverages and entertainment as accessory uses.

202.144 Restaurant, Neighborhood: An establishment engaged in the preparation and retail sale of food and beverages, including alcoholic beverages. Customers are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items; however, food may be prepared for carry-out sale to walk-in customers. Typical uses include restaurants, delicatessens, donut and coffee shops, and other establishments that sell food but do not provide entertainment in any form.

202.145 Restaurant, Overlay District: An establishment located in an adopted overlay district, which is housed in an existing structure, engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages. Customers are served their foods, beverages, and desserts by a restaurant employee at the same table or counter at which said items are consumed; however, food may be prepared for carry-out sale to walk-in customers. Drive through service is prohibited. Typical uses include restaurants, delicatessens, donut and coffee shops, and other establishments that sell food. Live entertainment, on a limited basis, may be performed solely within the building; however, dance halls, discotheques, and pool halls are specifically prohibited.

202.145(a) Retail Stand: An accessory use which offers merchandise, food, snacks, beverages, or food preparation out of a structure no greater than 300 square feet. (Section

30-172 of the Jackson, MS Code of Ordinances). Regulations for retail stands are not applicable to the purchase or sale of agricultural products (Section 30-173 of the Jackson MS Code of Ordinances).

202.145(b) Retail Store: a business that engages in the sale of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes. The sale of any consumer product is allowed in a retail store, unless a determination is made by the Zoning Administrator that the use is similar to a separately listed use within this Section.

202.146 Rooming House (See Boarding House): Meals may not be provided.

202.147 Satellite Dish Antenna: A device incorporating a reflective surface of any configuration. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based transmitters. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

202.148 School: A facility, whether public or private, that provides a curriculum of elementary, secondary, and post-secondary academic instruction, including kindergartens, day care centers, elementary schools, junior high schools, high schools, and accredited two and four-year degree granting institutions of higher learning. For purposes of this Ordinance, the term "school" shall include accessory student athletic facilities when located on the same or adjacent parcels. The term "school" shall not include business, trade or vocational schools or beauty colleges.

202.148 (a) School – Non -Residential*:* A facility, whether public or private, that provides a curriculum of post-secondary academic instruction, including, junior high schools, high schools, and accredited two and four-year degree granting institutions of higher learning. For purposes of this Ordinance, the term "school" shall include accessory student athletic facilities when located on the same or adjacent parcels. The term "school" shall not include business, trade or vocational schools or beauty colleges.

202.148 (b) School - Residential: A facility, whether public or private, that provides a curriculum of post-secondary academic instruction, including, junior high schools, high schools, and accredited two and four-year degree granting institutions of higher learning. For purposes of this Ordinance, the term "school" shall include accessory residential hall or facility for housing a social or service organization and student athletic facilities when located on the same, adjacent parcels or other school owned properties used for school related activities. The term "school" shall not include business, trade or vocational schools or beauty colleges.

202.149 Screening: This term refers to landscaping and/or architectural barriers which block vision.

202.150 Secondhand Store: An establishment primarily engaged in the sale or receipt of used or previously owned tangible personal property, except motor vehicles, books, rare coins and antiques.

202.151 Service Station (See Also Garage, Mechanical): Any building, structure, or land used primarily for the dispensing, sale, or offering for sale at retail of any automotive fuels, oils, accessories, or other sundry items normally sold at service stations for the traveling public, but not including major repair work such as motor overhaul, body and fender repairs, or spray painting.

202.152 Setback: The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building as measured to the outside face at the enclosing wall or in structures lacking walls (as in the case of a carport) to the face of the supporting columns and beams. Setback does not include roof overhangs, except that they shall not encroach on more than fifty percent (50%) of the required setback.

202.152 (a) Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel and adult motion picture theater and the surrounding premises on which the adult arcade, adult bookstore, (etc.) are located.

202.153 Short-Term Lodging: Lodging in which guests may stay no more than fourteen (14) consecutive nights and may stay no more than twelve (12) stays per year.

202.154 Side Yard (See Yard, Side):

202.155 Single Room Occupancy Hotel (SRO): An establishment occupied by more than six (6) persons, where, for compensation, private furnished rooms are offered for either long or short periods of time and where residents may share common kitchen and/or bath facilities. A resident manager shall be required.

202.156 Site Plan: A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, including topography and infrastructure, proposed for a specific parcel of land.

202.157 Site Plan Review Committee: That Committee appointed by the City Council, which shall have the duty to review certain site plans, all as hereinafter provided for in this Ordinance.

202.158 Slope (See Grade):

202.159 Special Exception: A non-retail use which is not permitted in the Zoning District where the property is located under the provisions of this Ordinance but which in the specific case would, in the judgment of the Zoning Hearing Committee, Planning Board, or City Council, promote the public health, safety, morals, or the general welfare

of the community and the granting of which would not adversely affect adjacent properties. A permit granted as a Special Exception will not change the general zoning of the property; will not permit off-street parking within the required front yard setback; nor allow any change in integrity and appearance of the property or the existing structure that would be contrary to the desired character of the district; and will be given on a yearly basis only during the occupancy or ownership of the person to whom it was granted, and upon their vacating the property or structure, the property and/or structure shall revert to the original use.

202.159(a) Specialty Retail: Antique stores, Florists, Bookstores, Sporting Goods and Bicycle Shops, Apparel and Accessory stores, Computer and Software Stores, Stationery Stores, Hobby, Toy and Game Shops, Gift Shops, Luggage and Leather Stores, Coffee Shops and Culinary Stores.

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

202.161 Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this .

202.162 SRO (See Single Room Occupancy Hotel):

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

202.164 Stable, Public: A principal building in which horses are kept for commercial use including boarding, hire, and sale.

202.165 Story: That 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.

202.166 Street: A public or private thoroughfare which affords the principal means of access to abutting property.

202.167 Street, Dedicated: A street with its right-of-way which has been given by the owner for public use and has been accepted by the City and is so dedicated and recorded in the office of the county chancery clerk.

202.168 Street Line: The right-of-way of a street.

202.169 Structure: Anything constructed or erected and use of which requires a fixed location on the ground.

202.170 Subdivision: An area of land divided into two (2) or more lots for development by means of an appropriately recorded legal document.

202.170 (a) Tattoo Parlor: An establishment where tattooing as defined by the* MS State Department of Health is regularly conducted in exchange for compensation other than by a licensed medical practitioner or cosmetologist. (* "Tattoo", "tattooed", " tattooing" shall mean any means to make indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments.)

202.170 (b) Telecommunications, Manager of the Division of: Administrator of the Division of Telecommunications within the City of Jackson's Department of Administration.

202.170 (c) Title Pledge Lender: Any person engaged in the business of making title pledge agreements with pledgers; provided, however, that the following are exempt from the definition of "title pledge lender" and from the provisions of this Ordinance: any bank which is regulated by the department of Banking and Consumer Finance, the Comptroller of the Currency of the United States, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System or any other federal or state authority and all affiliates of such bank, and additionally, any bank or savings and loan association whose deposits or accounts are eligible for insurance by the Bank Insurance Fund or the Savings Association Insurance Fund or other fund administered by the Federal Deposit Insurance Corporation or any successor thereto, and all affiliates of such banks and savings and loan associations, any state or federally chartered credit union and finance company subject to licensing and regulation by the Department of Banking and Consumer Finance.

202.170 (d) Title Pledge Office: The location at which, or premises in which, a title pledge lender regularly conducts business. No business other than title pledge business shall be conducted at a title pledge office.

202.171 (a) Tobacco Paraphernalia means all equipment and materials designed for the smoking, preparation, storing or consumption of tobacco product. This includes but is not limited to hookahs, water pipes, pipes, cigarette rolling machines, and holders of smoking materials of all types.

202.171 (b) Tobacco Product means any product made or derived from tobacco that is intended for human consumption, including any component part, or accessory of a tobacco product. This includes any substance containing tobacco leaf, including but not limited to

cigarettes, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, nicotine gels and nicotine dissolvable or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

202.171 (c) Tobacco Paraphernalia Retail Business means any business location where tobacco paraphernalia are sold, without regard to the quantity of tobacco paraphernalia involved.

202.171 (d) Tower (See Also Antenna): A structure that is intended for transmitting or receiving television, radio, microwave, or telephone communications.

202.172 Townhouse (See Dwelling, Single-Family, Attached): 202.173 Trailer (See Dwelling: Mobile Home):

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

202.173(a) Transient Vendor: Any person who transacts transient business in this state either in one locality or by traveling from place to place in this state. The term includes a vendor who for the purposes of carrying on such business; hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property.

202.174 Transitional housing means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing. Transitional housing is housing in which:

- An organization provides a program of therapy, counseling or training for the residential occupants;
- The organization operating the program is licensed or authorized by the State of MS; or
- The program is for the purpose of assisting the residential occupants in one or more areas including but not limited to:
  - (a) Protection from abuse and neglect;
  - (b) Developing skills necessary to adjust to life;
  - (c) Adjusting to living with the handicaps of physical disability;
  - (d) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation;
  - (e) Limited non-permanent detoxification programs, even if under criminal justice supervision; or

(f) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs.

202.175 Use Permit: A use which is not permitted by right but which is allowed in certain zoning districts, usually subject to conditions, and with the approval of a site plan, as regulated by the provisions of this Ordinance.

202.176 Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary, undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of structure or size of yards, separation of uses, open spaces, and off-street parking spaces; establishment or expansion of a use not permitted shall not be allowed by variance.

202.177 Vehicular Use Area: That area of development subject to vehicular traffic, which is required to be a hard surface, all weather area, including access ways, loading and service areas, areas used for the parking, storage or display of vehicles, boats, or portable construction equipment, and all land which vehicles cross over as a function of primary use.

202. 177 (a) Vendor Park. A site that shall contain more than one vendor on a regular basis as the principal use of the land. This shall include any person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from an approved conveyance at a fixed location. This definition does not include a door-to-door peddler, solicitors, retail stands or garage stands.

- A conveyance includes a privately owned vending structure, vending trailer, mobile food vehicle, or any other device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.

202.178 Veterinary Clinic/Hospital: A commercial facility where sick or injured animals are given medical care, including temporary boarding, and where animals may be housed overnight, fed, and provided related services.

202.179 (a) Wholesale Dealer: A wholesale dealer shall mean any business engaged in the selling or exchanging of used motor vehicles strictly on a wholesale basis with no inventory being maintained which is granted a wholesale license at the discretion of the Commissioner of Revenue of the Department of Revenue. *(Same as wholesale motor vehicle dealer or "wholesale dealer" as defined and regulated in Miss. Code Ann. § 27-19-303-C (l) (2015.)*

202.179 (b) Wholesale Outlet Store: A building used or intended to be used for the bulk storage and sale of quantities of non-hazardous goods, commodities, wares, merchandise, or materials for resale or business use where the general public has no access. Associated activities such as re-packaging, assembling of components and similar activities are also permitted as part of the wholesale outlet use, provided that such activities are clearly accessory to the principal use. This definition is not applicable to those uses where the general public has access, either freely, by membership or by some other form of control. Such uses shall be considered a retail store within the meaning of this Ordinance.

202. 180: Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building

202.181 Yard, Front: A yard extending along the full width of a front lot line between 1side lot lines and from the front lot line to the front building line in depth.
(See illustration, page 29)

202.182 Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot. (See illustration, page 30)

202.183 Yard, Side***:*** A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot. (See illustration, page 30)

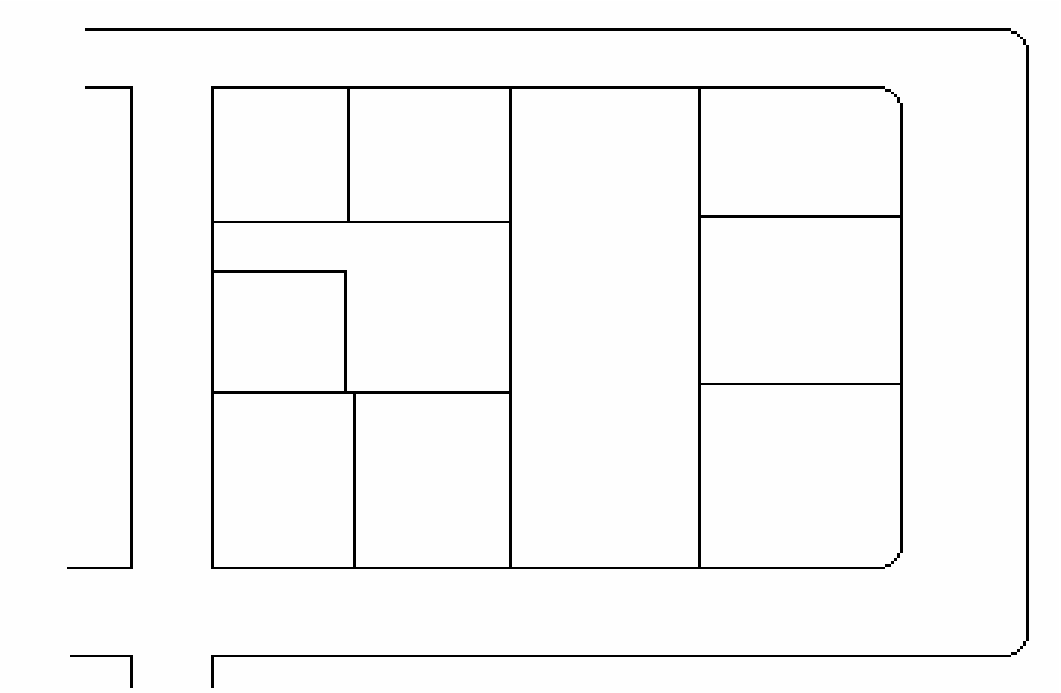
202.184 Zero Lot Line House: (See illustration page 31.)

202.185 Zoning Administrator**:** The City Official responsible for administration and enforcement of the City Zoning Ordinance.

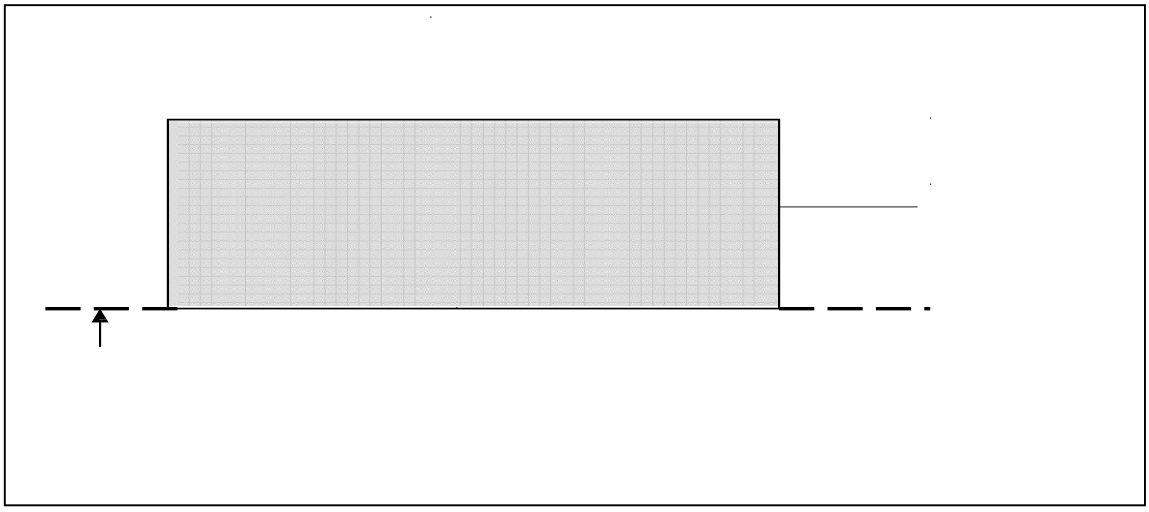
202.186 Zoning Map: The Official Zoning Map or maps which are a part of the Zoning Ordinance and delineate the boundaries of the zoning districts.

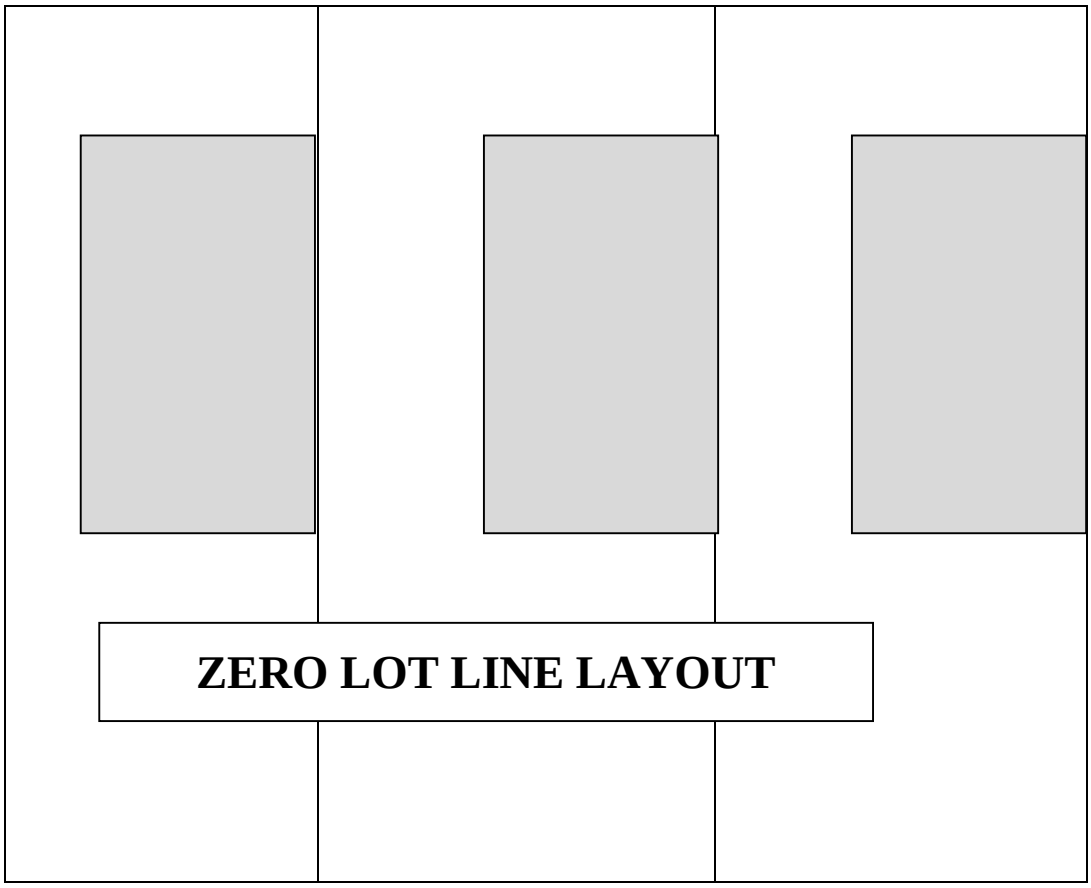
ILLUSTRATIONS – Lots, Setbacks, Property Lines, Sight Distance

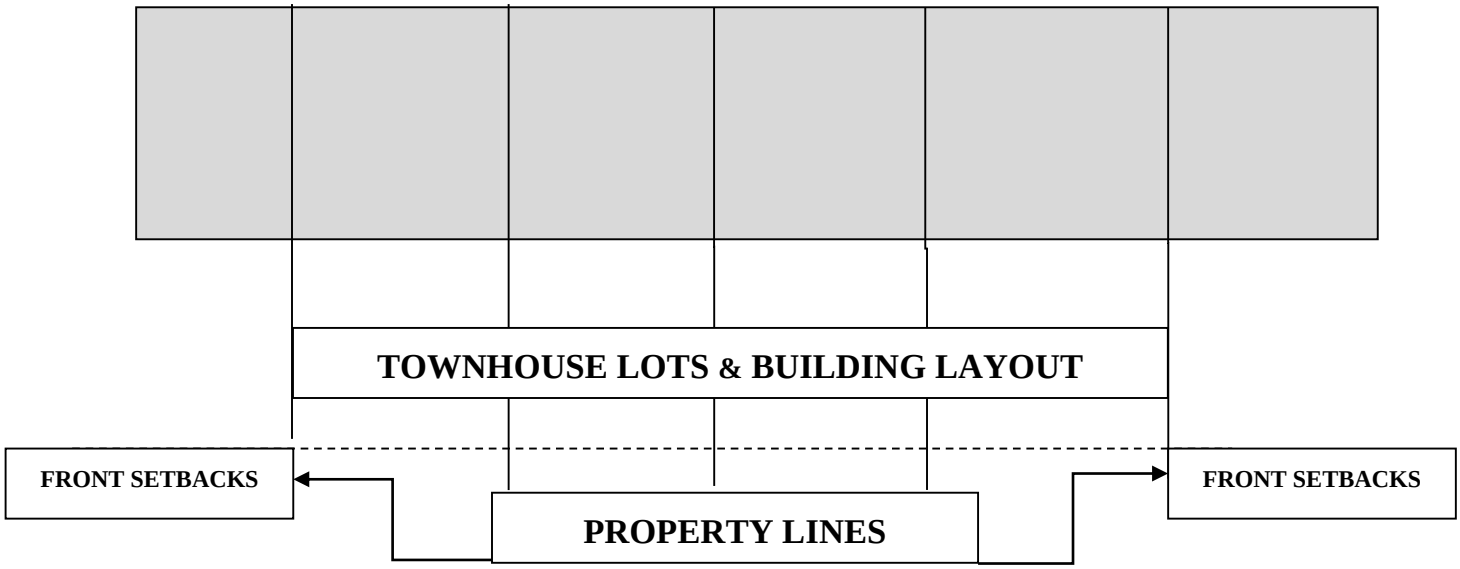
TYPES OF BUILDING LOTS

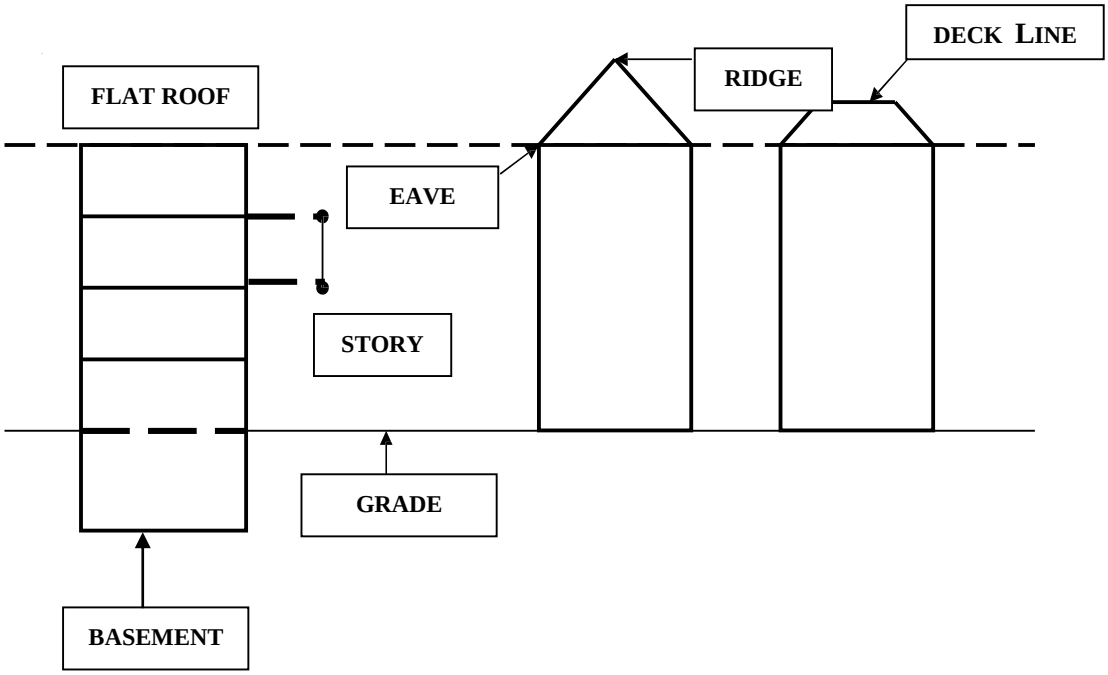


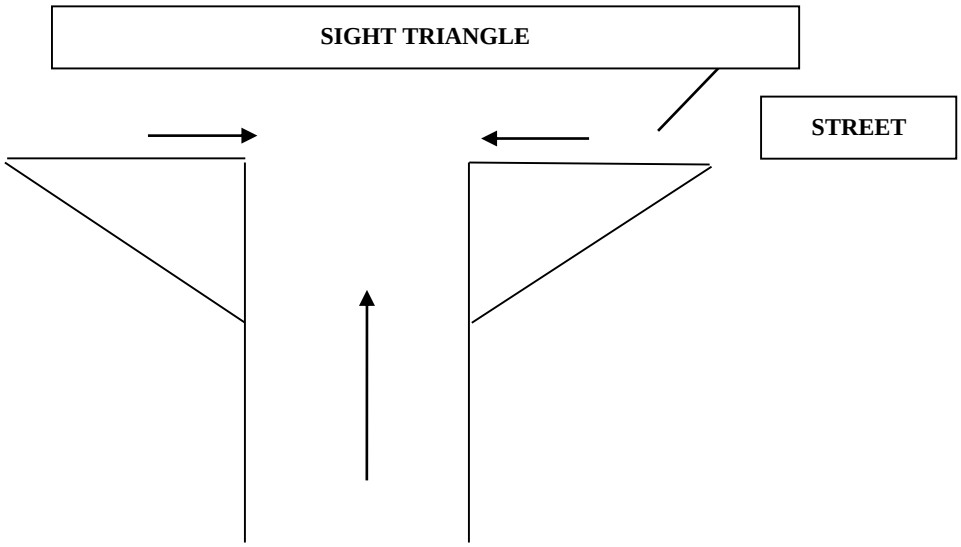
Side Yard




ZERO LOT LINE LAYOUT


TOWNHOUSE LOTS & BUILDING LAYOUT
FRONT SETBACKS
FRONT SETBACKS
PROPERTY LINES





INTERSECTING STREET OR PRIVATE DRIVE

ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS & ZONING MAP

PROVISION FOR THE OFFICIAL ZONING MAP

301 **Zoning Districts**

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

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	

Section 302 Official Zoning Map

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this Ordinance.

302.01 Map Certified: The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words:

"This is to certify that this is the Official Zoning Map adopted as part of Ordinance No._____ of the City of Jackson, Mississippi, on (Month, Day, Year)."

302.02 Location of Map: The Official Zoning Map shall be in the custody of, and shall remain on file in the office of the Zoning Administrator.

302.03 Public Inspection of Map: The Official Zoning Map shall be available for public inspection as provided by law for all matter which is of public record.

302.04 Map Amendment: When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an addendum to the Official Zoning Map as follows: "On(date) by official action of the City Council, the following change (changes) were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and addendum thereto has been made to said map.

Section 303 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. of the City of Jackson, Mississippi, on (Month, Day, Year)."

ARTICLE IV
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Section 401 District Boundary Interpretation - Where uncertainty exists as to the boundaries of the districts on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
6. Boundaries indicated as following the center lines of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed.
8. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 8, the City Planning Board shall recommend and the City Council shall interpret the district boundaries.
10. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the City Planning Board may recommend and the City Council may permit the extension of the regulations for either portion of the lot into the remaining portion of the lot.

ARTICLE V ZONING DISTRICT REGULATIONS

Section 501 Compliance with Regulations - The Regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families or to occupy a greater percentage of lot area than that specified for the district in which it is located.

3. No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; however, in any residential district, where at least sixty-six percent (66%) of all lots on both sides of the same street block as the subject lot have been developed, the front and side yard setbacks of the subject lot shall conform to the average established front and side yard setbacks.
4. No part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, off-street parking or loading space similarly required for any other building.
5. Minimum building setback for lots fronting on an arterial street shown on the City's "Major Streets and Routes Concept Plan" shall be sixty (60) feet from centerline of such street. Where two or more provisions of this Ordinance apply to the front building setback, the greater requirement shall be used.
6. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Established lots of record which do not meet the minimum requirements of lot width and area after the effective date of this Ordinance shall be exempt, provided minimum required yards and open space are provided. However, the creation of flag lots is not permitted.
7. The zoning map and regulation of all territory annexed by the City shall remain in effect subject to a subsequent change by the City after appropriate notice and hearing.
8. All use separation requirements shall be defined as the distance from property line to property line, including right-of-ways.
9. Unless otherwise stated, all uses permitted by Use Permits shall meet the minimum requirement of the district in which the use is permitted.

ARTICLE VI RESIDENTIAL DISTRICT

Section 601 General Provisions

601.01 Uses Permitted: Uses permitted in all residential districts are as follows, provided these uses meet the most restrictive regulations of the particular district in which such uses may be located:

1. Residential, as hereafter regulated;
2. Agriculture;
3. Public parks and open spaces, including playgrounds;
4. Public Libraries;
5. Churches, on sites not less than one (1) acre. For churches on sites of less than one (1) acre and greater than ten thousand (1 0,000) square feet, see 602.02.3;
6. Schools (including public, private, and parochial) on sites not less than five (5) acres. For schools on sites less than five (5) acres and greater than ten thousand (10,000) square feet, see 602.02.3;
7. Public utility facilities and structures required to provide essential public services; (See 1203-A)
8. Home occupations, subject to provisions of this Ordinance and the issuance of a Home Occupation Permit by the Zoning Administrator;
9. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government.

Section 602 Residential District Subdivisions

The "R" Residential District is hereby further subdivided into subordinate districts which are known as:

1.	R-1	Single-Family Residential District
2.	R-1A	Single-Family Residential District
3.	R-1E	Single-Family Estate Residential District
4.	R-2	Single and Two-Family Residential District
5.	R-2A	Single-Family Residential District
6.	R-3	Townhouse and Zero Lot Line Residential District
7.	R-4	Limited Multi-Family Residential District
8.	R-5	Multi-Family Residential District
9.	R-6	Mobile Home Subdivision Residential District
10.	R-7	Mobile Home Park Residential District
11.	SR	Suburban Rural Residential District

602.02 R-1 Single-Family Residential District

The purpose of this district is to provide areas for the development of low density, single-family residential uses in protected surroundings. It is the intent of this Ordinance that these districts should be located in areas of the City where the environment is conducive to this type of use and also in other established single-family residential areas as a means to ensure their continuance.

602.02.1 Uses Permitted:

1. Single-Family residential dwellings and accessory structures
2. Personal care facilities housing six (6) or fewer residents, excluding staff
3. Transitional Housing for six (6) or fewer residents
4. Portable Storage Containers (POD) on a temporary basis in accordance with s 83-2, 83-3 and 83-5 of the Jackson, MS Code of Ordinances

602.02.2 Uses Which May Be Permitted As Special Exceptions:

Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Adult and Child Care Centers/Residential
2. Professional non-retail offices, including but not limited to, architects, attorneys, engineers, doctors, real estate, and insurance.
3. Dairying and animal husbandry on sites of not less than one (1) acre provided such use does not constitute a nuisance or health hazard. The maximum number **o**f animals per acre shall be two (2) and when
   A. the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of one hundred (100) ft. from all adjacent property lines
   B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process
   C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted
4. Private kennels provided such use does not constitute a nuisance or health hazard and when:
   A. the indoor and/or outdoor enclosures are located at the rear of residential structures with a minimum setback of fifty (50) ft. from all adjacent property lines
   B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process
   C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted
5. Private stables on sites of not less than one (1) acre. The maximum number of animals per acre shall be two (2) and when

A. the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of 100 ft. from all adjacent property lines

B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process

C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

6. Art, dance, music, photography, or swimming instruction.

7. Catering Service, where they are a part of the owner/operator's residence

8. One-chair beauty salons, nail salons, and barber shops, where they are part of the owner's/operator's residence

9. Residential Community Facility

602.02.3 Uses Which May Be Permitted As Use Permits:

The following uses are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Accessory automobile parking and principal access when used to serve a Special Use District, residential, commercial, or industrial use when the land proposed for such accessory parking or access is either immediately adjacent to or across the street from the use which it serves. Accessory parking may also be across the street from the use which it serves. All parking shall be located at least five (5) feet from any public street or any adjoining property line. Only access across this setback area with sidewalks, bikeways, trails, and drives will be permitted.

2. Churches on sites of less than one (1) acre but greater than ten thousand (10,000) square feet. Regulations for alterations of existing structures or for new construction of churches and schools shall be the same as for the Special Use District.

3. Bed and Breakfast Inn Class A and B:

A. Applicant shall submit to the Zoning Division proof of one of the following:

i. Structure is listed on the National Register of Historic Places; or

ii. Structure is designated as a Jackson Landmark by the Jackson Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or

iii. Structure is deemed eligible for designation as a Jackson Landmark by the Jackson Historic Preservation Commission or as a Mississippi Landmark by the Mississippi Department of Archives and History and is granted designation within one year from the date of eligibility determination.

B. Adequate parking shall be provided. Off-site parking must be within a reasonable walking distance of the bed and breakfast, and proof of such parking (lease agreement, etc.) must be provided annually to the Zoning Division and whenever the contractual rights of the bed and breakfast inn owner in such off-site parking facilities are modified in any way.

C. All exterior lighting shall be directed away from adjacent residential property.

D. Signage shall comply with the City of Jackson Sign Ordinance.

4. Class B Bed and Breakfast Inn with Restaurant. It is expressly understood that a separate Use Permit is required to operate a restaurant in a Class B Bed and Breakfast Inn. Any existing Class B Bed and Breakfast Inns who determine that they wish to operate a restaurant in conjunction with their Class B Bed and Breakfast Inn is permitted to do so by right subject to receipt of a statement indicating this election to include a requirement that a Bed and Breakfast Inn with Restaurant clear Site Plan Review from City Staff.

5. Transitional Housing for seven (7) to twelve (12) residents. In considering applications hereunder, the City shall comply with the provisions of 42 U.S.C. 3604(f) (3) (B).

6. Personal care facilities housing between seven (7) and twelve (12) residents, excluding staff. In considering applications hereunder, the City shall comply with the provisions of 42 U.S.C. 3604(f) (3) (B).

7. Accessory structures used as living quarters for family members, temporary guests, or domestic help subordinate to the principal residence on the same lot.

A. Applicant shall provide a restrictive covenant agreement which runs with the land that the accessory structure will never be made available for lease or rental.

B. Electrical service will be connected to and master metered from the principal residence.

7. Accessory church related uses such as adult and child care centers, schools, gymnasiums, and fellowship halls.

8. Ground Sign (Monument Sign), as defined by the City of Jackson Sign Ordinance, for an adjacent commercial business where both properties are under the same ownership. Regulations shall be the same as the adjacent commercial business, based on its underlying zoning, as regulated by the City of Jackson Sign Ordinance.

602.02.03 Regulations:

1. Minimum lot area - 7,500 square feet.

2. Minimum lot width - sixty (60) feet measured at the front building setback line, except that corner lots shall be a minimum of eighty (80) feet wide.

3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.

4. Minimum side yard depth - five (5) feet, except on a corner lot the minimum side yard depth on the street side shall be twenty-five (25) feet.

5. Minimum rear yard depth - twenty-five (25) feet; however, a one (1) story extension may be projected into the rear yard but no closer than five (5) feet from the rear lot line, provided that such is approved through the following procedure:
Application is filed with the Zoning Administrator who shall place a sign according to his standard posting procedure for a period of not less than fifteen (15) days. The petitioner/property owner shall secure the written approval or acquiescence of such variance from all rear and side adjacent property owners. If, after the fifteen (15) days' notice and the submission of the approval or acquiescence from the adjacent owners, there is no objection filed in writing, the Zoning Administrator may approve

the reduced rear yard setback. If there is written objection, then the request for such variance shall be considered only under the procedure as set forth in Article XIX of this Ordinance.

6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - fifty percent (50%) including accessory structures.
8. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building, shall be set back a minimum of sixty (60) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters, except as provided in 602.02.3(5).
9. In accordance with 83-2 of the Jackson MS Code of Ordinances, the maximum allowable size for a portable storage container in R-1 and R-2 residential districts is 130 square feet with an overall length not to exceed 16 feet.
10. In accordance with s 83-2, 83-3 and 83-5) of the Jackson MS Code of Ordinances, portable storage containers may be utilized for a period not to exceed 30 days except for purposes of reconstruction and/or remodeling of said residence. Any extension of time must coincide with a valid building permit.

602.03 R-1 A Single-Family Residential District

The purpose of this district is to protect single-family uses by permitting development on lot sizes not less than 1 0,000 square feet. All other provisions of the R-1 Residential District shall be applied with the exception of the R-1 minimum lot size.

602.04 R-1 E Single-Family Estate Residential District

The purpose of this district is to provide for the protection of areas presently developed on large tracts of land and to provide for future compatible development in such areas by permitting development on lot sizes not less than one (1) acre.

602.04.1 Uses Permitted:

1. Single-Family residential dwellings and accessory structures.
2. Agricultural uses as defined by this Ordinance. Dairying, animal husbandry, or stabling shall be limited to two (2) animals per acre and require a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s).
3. Transitional housing for six (6) or fewer residents.
4. Personal care facilities housing six (6) or fewer residents, excluding staff.

602.04.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions as listed in the R-1 Residential District.

602.04.2(a) Uses Which May be Permitted as Use Permits:

Any and all Use Permits as listed in the R-1 Residential District.

602.04.3 Regulations:

1. Minimum lot area - one (1) acre.
2. Minimum lot width - one hundred (100) feet measured at front building setback line, except that corner lots shall be a minimum of one hundred-twenty (120) feet wide.
3. Minimum front yard depth - fifty (50) feet from street right-of-way line.
4. Minimum side yard depth - twenty-five (25) feet, except on a corner lot the minimum side yard depth on the street side shall be fifty (50) feet.
5. Minimum rear yard depth - fifty (50) feet.
6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - fifteen percent (15%) for Single-Family dwellings including accessory structures.
8. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building, shall be set back a minimum of eighty (80) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.

602.05 R-2 Single-Family and Two-Family Residential District:

The purpose of this district is to provide areas for the development of low to medium density residential uses and structures. It is the intent of this Ordinance that these districts be located in areas of the City where a protected environment suitable for moderate density residential use can be provided, as well as in established moderate density residential areas as a means to ensure their continuance.

602.05.1 Uses Permitted:

1. Single-Family and Two-Family residential dwellings and accessory structures.
2. Transitional Housing for six (6) or fewer residents
3. Personal care facilities housing six (6) or fewer residents, excluding staff
4. Portable Storage Containers (POD) on a temporary basis in accordance with s 83-2, 83-3 and 83-5 of the Jackson, MS Code of Ordinances

602.05.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions as listed in the R-1 E Residential District.

602.05.3 Uses Which May Be Permitted as Use Permits: The following uses are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

Any and all Use Permits permitted in the R-1 A Residential District.

602.05.4 Regulations:

1. Minimum lot area - 7,500 square feet.
2. Minimum lot width - sixty (60) feet measured at front building setback line, except that corner lots shall be a minimum of eighty (80) feet wide.
3. Minimum front yard depth - twenty-five (25) feet from street right-of way line. Required off-street parking is prohibited in this area or between the street right-of-way and the principal building, with the exception of single-family dwellings.
4. Minimum side yard depth - five (5) feet, except on a corner lot, the minimum side yard on the street side shall be twenty (20) feet. However, no two family dwelling shall be built closer than twenty-five (25) feet to the side lot line of a lot which is zoned R-1E, R-1A, R-1, or R-2A Residential or in any R zone which presently has a detached single-family dwelling located on it.
5. Minimum rear yard depth - twenty (20) feet, such space can be used for parking purposes and open carports.
6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - fifty percent (50%)
8. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall be set back a minimum of fifty (50) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.
9. Regulations for detached single-family dwellings shall be the same as in the R-1 Residential District.
10. In accordance with 83-2 of the Jackson, MS Code of Ordinances, the maximum allowable size for a portable storage container in R-1 and R-2 residential districts is 130 square feet with an overall length not to exceed 16 feet.
11. In accordance with s 83-2, 83-3 and 83-5 of the Jackson, MS Code of Ordinances, portable storage containers may be utilized for a period not to exceed 30 days except for purposes of reconstruction and/or remodeling of said residence. Any extension of time must coincide with a valid building permit

602.06 R-2A Single-Family Residential District:

The purpose of this district is to provide areas for the development of low to medium density for single-family residential uses only.

602.06.1 Uses Permitted:

Any and all uses permitted in the R-1 Residential District.

602.06.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions as listed in R-1 Residential District

602.06.3 Uses Which May Be Permitted as Use Permits:

Any and all Use Permits Permitted in the R-1 Residential District

602.06.4 Regulations:

1. Minimum lot area - 5,000 square feet.
2. Minimum lot width – forty (40) feet measured at front building setback line, except that corner lots shall be a minimum of fifty (50) feet wide.
3. Minimum front yard depth – Twenty (20) feet from street right-of-way line.
4. Minimum side yard depth –five (5) feet, except on a corner lot, the minimum side yard on the street side shall be fifteen (15) feet
5. Minimum rear yard depth – Fifteen (15) feet, such space can be used for parking purpose and open carports.
6. Maximum height – thirty-five (35) feet.
7. Maximum lot coverage – fifty-five (55) percent
8. Accessory structures – accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall be set back a minimum of forty (40) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.

602.07 R-3 Townhouse and Zero Lot Line Residential District:

The purpose of this district is to provide areas for the development of medium density residential uses and structures. It is the intent of this Ordinance that these districts be located in the portions of the City where a protected environment suitable for medium density residential use can be provided, as well as in established medium density residential areas as a means to ensure their continuance. In fulfilling the purpose of this district, the townhouse or row house concept may be used which permits the construction of single-family dwellings immediately adjacent to one another without side yards between the individual units and which units may or may not be structurally connected. The purpose of this district may also be fulfilled by the use of the zero lot line concept which permits the construction of detached single-family dwellings on lots without a side yard requirement on one side of the lot. This concept permits better use of the entire lot by compacting the usual front, rear, and side yards into one or more internal gardens which may be completely walled in or screened.

602.07.1 Uses Permitted:

1. Any and all uses permitted in the R-2 Residential District.
2. Row or Townhouse dwellings.
3. Zero lot line dwellings.

602.07.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:

Special Exceptions as listed in the R-2 Residential District.

602.07.2(a) Uses Which May Be Permitted as Use Permits: The following uses are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:
Any and all Use Permits provided in the R-2 Residential District.

602.07.3 Regulations:

1. Minimum lot area - 2,400 square feet for townhouses and 3,200 square feet for zero lot line dwellings.
2. Minimum lot width - twenty-four (24) feet for townhouses and forty (40) feet for zero lot line houses, except that for corner lots the minimum shall be thirty-four (34) feet for townhouses and fifty (50) feet for zero lot line dwellings.
3. Minimum front yard depth - twenty-five (25) feet. Required off-street parking is prohibited in this area or between the street right-of-way and the principal building.
4. Minimum side yard depth - none for townhouses, except on a corner lot the minimum side yard on the street side shall be twenty (20) feet. In zero lot line lots, there shall be no minimum on one side and ten (10) feet on the opposite side except on a corner lot, the minimum side yard on the street side shall be twenty (20) feet. However, in no case shall a townhouse or zero lot line dwelling be built closer than twenty-five (25) feet to the lot line of a lot which is zoned R-1 E, R-1A, or R-1 Residential, or a lot which presently has a detached single-family dwelling located on it.
5. Minimum rear yard depth - twenty (20) feet for townhouses and zero lot line houses, such space may be used for parking purposes and open carports. Where dwelling units are designed to face upon an open space or common access court, no minimum rear yard depth is required but this open court shall be a minimum of forty (40) feet in width and said court shall not include any vehicular use area.
6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - sixty percent (60%) including accessory structures.
8. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall be set back a minimum of fifty (50) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.
9. A maximum of eight (8) living units shall be allowed in each row of townhouses. When an end unit of a row house does not side on a street, an open space or court of at least twenty (20) feet in width shall be provided between it and the adjacent row of townhouses, and this open space or court shall be divided between the two immediately adjacent townhouse lots as to property or lot lines.
10. Townhouses shall be constructed up to side lot lines without side yards and no windows, doors, or other openings shall face a side lot line except that the outside wall of end units may contain such openings.
11. Zero lot line dwellings shall be constructed against the lot line on one side of a lot and no windows, doors, or other openings shall be permitted on this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.

12. The developer (owner) shall utilize one of the following general plans for providing for the ownership, use, maintenance, and protection of any common open space:
    - **A.** Establish an association or non-profit corporation of all individuals and entities owning property within the development.
    - **B.** Applicant (owner) to retain ownership control of such area and be responsible for the maintenance thereof.
    - **C.** Any other method proposed by the applicant (owner) which is acceptable to the City Legal Department. Said proposed alternative method shall serve the purpose of providing for the ownership, use, maintenance, and protection of the common open space areas.

602.08 R-4 Limited Multi-Family Residential District

The purpose of this district is to provide areas for the development of higher density multifamily apartment and condominium uses with adequate, usable open space to prevent overcrowding. The R-4 District is appropriate for the development of multifamily housing in a campus-like setting on land near office and light commercial uses or large tracts of land near existing lower- density housing. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing and where the multifamily housing will not intrude on lower-density residential areas.

602.08.1 Uses Permitted:

1. Any and all uses provided in the R-2 and R-3 Residential Districts ***except for PODs.***
2. Apartments or multi-family dwellings less than forty-five (45) feet in height.

602.08.2 Uses Which May be Permitted as Special Exceptions:

Special exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Special Exceptions as listed in the R-3 Residential District.

602.08.3 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 R-3 Residential District.
2. Adult and Child Care Centers/Commercial. Regulations for alterations of existing structures or for new construction of child care centers shall be as follows:
    - **A.** All principal structures shall be located at least twenty-five (25) feet from any public street or any adjoining property line.
    - **B.** Maximum height -forty-five (45) feet.

C. Maximum lot coverage - forty-five percent (45%) including accessory structures.

3. Boarding house, transitional housing, hospice, emergency shelter/mission, SRO, and rooming house, but no boarding house, transitional housing, hospice, shelter, SRO, or rooming house shall be located within one thousand (1,000) feet of any other such use and not exceed twelve (12) persons.

4. Assisted Living Facilities on sites not less than three (3) acres.

602.08.4 Regulations:

1. Minimum lot area - multi-family dwellings shall have at least 2,000 square feet of land for each family unit thereof.

2. Minimum lot width - eighty (80) feet measured at front building setback line, except that corner lots shall be a minimum of one hundred (100) feet wide.

3. Minimum front yard depth - fifteen (15) feet, measured from any vehicular use area, except where the building fronts on a dedicated street, the front yard requirement shall be increased to twenty-five (25) feet.

4. Minimum side yard depth –fifteen (15) feet, except on a corner lot the minimum side yard depth on the street side shall be twenty-five (25) feet. However, no multi-family dwelling shall be built closer than twenty-five (25) feet to the side lot line of a lot which is zoned R-1 E, R-1A, or R-1, R-2, or R-3 Residential, or which presently has a detached single-family dwelling located on it.

5. Minimum rear yard depth - twenty (20) feet. However, no multifamily dwelling shall be built closer than twenty-five (25) feet to the rear lot line of a lot which is zoned R-1, R-1A, R-1E, R-2, or R-3 Residential, or which presently has a detached single-family dwelling located on it.

6. Maximum height - forty-five (45) feet.

7. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall be set back a minimum of fifty (50) feet from the front lot line, fifteen (15) feet from the side lot line, and fifteen (15) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.

8. When more than one principal building is located on a parcel, an open space or court between buildings shall be provided as follows:

Building Orientation	Distance
Face to face (A)	25’
Face to end (B)	20'
Corner to corner	15'
End to end	15'

A. Face - Exterior plane of a building having the greatest length.

B. End - A secondary exterior plane of a building, not a face.

9. The required front, side and rear yards shall not be used for off-street parking; however, side, front and rear yards not included in the required landscape buffer may be used for portions of internal streets.

10. All multifamily dwellings must have direct access to a collector or arterial street as defined by the City of Jackson Traffic Engineering Department.

11. Regulations for conventional single-family and two-family dwellings shall be the same as the R-2 Residential District.

12. All structures and off-street parking and service areas will be separated by a Class C buffer (as stipulated in the Landscape Ordinance) along the side or rear yard of a lot which is zoned R-1, R-1 A, R-1 E, R-2, or R-3 Residential, or which presently has a detached single-family dwelling located on it.

13. Regulations for townhouses and zero lot line dwellings shall be the same as set forth in the R-3 Residential District.

602.08.4(A) Existing Uses and Structures: On January 5, 2005, any land or structures being used as multi-family within an R-4 District will be a legal conforming use for all purposes of this Ordinance. Further, this provision applies to all plans, construction or designated use any of any building or land which, before January 5, 2005, either (1) the Zoning Administrator has issued a zoning verification letter stating that multifamily are a permitted use; (2) the Owner or other entity with a legal interest in the property has filed for Site Plan Review to construct or has filed for a building permit to improve apartments in an R-4 District; or (3) the owner or an entity with a legal interest in the property has lawfully begun construction of multifamily units.

602.09 R-5 Multi-Family Residential District:

The purpose of this district is to provide for high density residential uses and structures and certain commercial uses generally compatible with high density residential development. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing.

602.09.1 Uses Permitted: The following uses are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Any and all uses permitted in the R-2 and R-3 Residential District ***except for POD***s.
2. Multi-family buildings seventy-five (75) feet or less in height.
3. Boarding house, transitional housing, hospice, emergency shelter/mission, SRO, and rooming house, but no boarding house, transitional housing hospice, shelter, SRO, or rooming house shall not exceed twelve (12) persons.
4. Bed and Breakfast Inn Class A and B.
5. Personal care facilities which do not exceed twelve (12) residents, excluding staff.
6. Assisted Living Facilities on sites not less than three (3) acres.

609.09.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:
Special exceptions as listed in the R-4 Residential District.

602.09.3Uses Which May Be Permitted as Use Permits:

1. Apartment buildings of more than seventy-five (75) feet in height except for lots which abut R-1, R-1 E, R-1A, R-2, or R-3 districts or existing lower density residential uses.
2. Apartment buildings forty-five (45) feet or more in height, the ground floor may be used for any permitted use in the C-2 district.

602.09.4 Regulations:

1. Minimum lot area – Fifteen thousand (15,000) square feet for multi-family dwellings.
2. Minimum lot width - eighty (80) feet measured at front building setback line, except that corner lots shall be a minimum of one hundred (100) feet wide.
3. Minimum front yard depth - fifteen (15) feet, measured from any vehicular use area, except where the building fronts on a dedicated street, the front yard requirement shall be increased to twenty-five (25) feet.
4. Minimum side yard depth - fifteen (15) feet, plus two (2) feet for every fifteen (15) feet in height over forty-five (45) feet. On corner lots, the minimum side yard depth on the street side shall be twenty (20) feet plus two (2) feet for every fifteen (15) feet in height over forty-five (45) feet. However, no multifamily dwelling shall be

built closer than twenty-five (25) feet to the side lot line of a lot which is zoned R-1E, R-1A, or R-1, R-2, or R-3 Residential, or which presently has a detached single-family dwelling located on it.

5. Minimum rear yard depth – twenty-five (25) feet.

6. Maximum height – one-hundred fifty (150) feet.

7. Maximum lot coverage - not regulated.

8. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall be set back a minimum of fifty (50) feet from the front lot line, ten (10) feet from the side lot line, and ten (10) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.

9. When more than one principal building is located on a parcel, an open space or court between buildings shall be provided as follows:

Building Orientation	Distance
Face to face (A)	25'
Face to end (B)	20'
Corner to corner	15'
End to end	15'

10. Single-Family and Two-Family dwelling regulations shall be the same as the R-2 Residential District.

11. Regulations for Row or Townhouse~~s~~ dwellings shall be the same as set forth in the R-3 Residential District.

12. Regulations for Bed and Breakfast Inns shall be the same as set forth in 602.02.3(3) of the R-1 Residential District

13. All structures and off-street parking and service areas will be separated by a Class C buffer (as stipulated in the Landscape Ordinance) along the side or rear yard of a lot which is zoned R-1, R-1A, R-1E, R-2, or R-3 Residential, or which presently has a detached single-family dwelling located on it.

14. All multi-family dwellings must have direct access to a collector or arterial street as defined by the City of Jackson Traffic Engineering Department.

602.09.4(a) Existing Uses and Structures: On January 5, 2005, any land or structures being used as multi-family within an R-5 District will be a legal conforming use for all purposes of this Ordinance. Further, this provision applies to all plans, construction or designated use any of any building or land which, before January 5, 2005, either (1) the Zoning Administrator has issued a zoning verification letter stating that multifamily are a permitted use; (2) the Owner or other entity with a legal interest in the property has filed for Site Plan Review to construct or has filed for a building permit to improve apartments in an R-5 District; or (3) the owner or an entity with a legal interest in the property has lawfully begun construction of multifamily units.

602.10 R-6 Mobile Home Subdivision Residential District:

The purpose of this district is to provide for needed and properly planned subdivisions for mobile/manufactured homes in which lots are offered for sale, and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these districts may be located in such areas as to not adversely affect the established residential subdivisions and residential densities of the City. Such location, however, should have necessary public services, a healthful living environment and normal amenities associated with residential districts of the City.

602.10.01 Uses Permitted

1. Single-family mobile/manufactured homes and accessory structures.
2. Common storage area intended to serve only residents of the mobile home subdivision.
3. Mobile/manufactured home subdivisions may include laundromats and similar commercial and service establishments intended to serve only residents of the mobile/manufactured home subdivision. Such establishments shall be designed and located to protect the character of the mobile/manufactured home subdivision and the surrounding neighborhood and shall occupy, including related parking area, not more than five percent (5%) of the area of the subdivision.

602.10.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Special exceptions as listed in the R-5 Residential District.

602.10.2 Regulations

1. Minimum size of subdivision - five (5) acres.
2. Minimum lot size - 4,000 square feet.
3. Minimum lot width - forty (40) feet.
4. Minimum front yard - fifteen (15) feet.
5. Minimum side yard - ten (10) feet, except on a corner lot, the minimum side yard on the street side shall be fifteen (15) feet.
6. Minimum rear yard - ten (10) feet.
7. Maximum lot coverage - fifty percent (50%) including accessory structures.
8. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall not be located in any required setback. No accessory structure may be used as living quarters.
9. Maximum development density - eight (8) lots per gross acre in subdivision.
10. Common storage area - common storage areas may be provided with an enclosed fenced area for the residents of the mobile home subdivision for the storage of recreational vehicles, trailers, travel trailers, boats, and other licensed vehicles.

11. Minimum setbacks - where adjacent to any zone other than R-6 and R-7, all mobile homes shall be located at least twenty-five (25) feet from any public street and/or any property line adjoining the mobile home subdivision. No other building of any kind and no parking will be permitted in this setback area but access across this area with walks, bikeways, trails, and drives will be permitted.

12. The developer (owner) shall utilize one of the following general plans for providing for the ownership, use, maintenance, and protection of any common areas:

A. Establish an association or non-profit corporation of all individuals and entities owning property within the tract development.

B. Applicant (owner) to retain ownership control of such area and be responsible for the maintenance thereof.

C. Any other method proposed by the applicant (owner) which is acceptable to the City. Said proposed alternative method shall serve the purpose of providing for the ownership, use, maintenance, and protection of the common areas.

602. 11 **R-7 Mobile Home Park Residential District:**

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

602.11.1 Uses Permitted

1. Single-family mobile/manufactured homes, either owner occupied or on a rental basis and accessory structures.

2. Any and all uses provided in the R-6 Residential District.

602.11.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:

Special Exceptions as listed in the R-6 Residential District.

602.11.3 Regulations:

1. Minimum size of park - five (5) acres.

2. Minimum mobile/manufactured home space within park-3,200 square feet.

3. Minimum space width - forty (40) feet.

4. Minimum front yard - fifteen (15) feet.

5. Minimum side yard - ten (10) feet, except on a corner lot the minimum side yard on the side street shall be fifteen (15) feet.
6. Minimum rear yard - ten (10) feet.
7. Accessory structures - accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall not be located in any required setback. No accessory structure may be used as living quarters.
8. Maximum development density - ten (10) units per gross acre of land.
9. Common storage area - common storage areas may be provided with an enclosed fenced area for the residents of the mobile home park for the storage of recreational vehicles, trailers, travel trailers, boats, and other licensed vehicles.
10. Minimum setbacks - all mobile homes shall be located at least twenty-five (25) feet from any public street or any property line adjoining the mobile home park. No building of any kind and no parking will be permitted in this setback area but access across this area with walks, bikeways, trails, and drives will be permitted.
11. Minimum required common open space - five percent (5%) of the site, exclusive of the required perimeter buffer, centrally located and suitable for active recreation.
12. The developer (owner) shall utilize one of the following general plans for providing for the ownership, use, maintenance, and protection of any common areas.
    - **A.** Establish an association or non-profit corporation of all individuals and entities owning property within the tract development.
    - **B.** Applicant (owner) to retain ownership control of such area and be responsible for the maintenance thereof.
    - **C.** Any other method proposed by the applicant (owner) which is acceptable to the City Council. Said proposed alternative method shall serve the purpose of providing for the ownership, use, maintenance, and protection of the common areas.

602.12 RESERVED

602.13 SR SUBURBAN RURAL RESIDENTIAL DISTRICT:

The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the periphery of the city, and newly annexed areas.

It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.

602.13.1 Uses Permitted:

Any and all uses permitted in the R-1 E Single-Family Residential District.

602.13.2 Uses Which May Be Permitted as Special Exceptions:

Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Special Exceptions as listed in the R-1 Residential District

602.13.3 Uses Which May Be Permitted As Use Permits:

The following uses are permitted provided they are established accordance with the procedures and provisions of this Ordinance:

1. Accessory structures used as living quarters for family members, temporary guests, or domestic help subordinate to the principal residence on the same lot no larger than fifty (50) percent of the principal residential structure or eight-hundred fifty (850) square feet, whichever is smaller.
2. Golf Course on lots of not less than fifty (50) acres.
3. Private parks and/ or playgrounds on lots of not less than five (5) acres.
4. Country Clubs, private tennis and swim clubs on lots of not less than ten (10) acres.

602.13.4 Regulations:

1. Minimum lot area – three (3) acres or 1 30,680 square feet.
2. Minimum lot width – two hundred (200) feet measured at the front building setback line
3. Minimum front yard depth –seventy-five (75) feet from street right-of-way line.
4. Minimum side yard depth – thirty-five (35) feet, except that any permitted pen or building in which livestock is kept shall be located not less than one hundred (100) feet from any lot line.
5. Minimum rear yard depth – sixty-five (65) feet.
6. Maximum height – thirty-five (35) feet.
7. Maximum lot coverage – fifteen (15) percent.
8. Accessory structures – accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building, shall be set back a minimum of ninety-five (95) feet from the front lot line, fifteen (15) feet from the side and rear lot lines. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line.

ARTICLE VII COMMERCIAL DISTRICT

Section 701 General Provisions

The uses permitted in all commercial districts are as follows:

1. Commercial, as hereinafter regulated;
2. Public parks, open spaces, and recreational areas including playgrounds;
3. Libraries;
4. Schools, including public, private, and parochial, all on sites of not less than ten thousand (10,000) square feet;
5. Churches; provided all requirements contained herein for off-street parking are complied with;
6. Public utility facilities and structures required to provide essential public services. (See 1203-A)
7. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government.
8. Off street surface parking.
9. Residential uses in non-residential structures which meet the requirements of and qualify for the municipal ad valorem tax exemption of the City of Jackson, enacted on January 22, 2002, and recorded in Minute Book A5-F at Page 462.

Section 702 Commercial District Subdivision

The "C" Commercial District is hereby further subdivided into five (5) subordinate districts which are known as:

1. C-1 Restricted Commercial District
2. C-1A Restricted Commercial District
3. C-2 Limited Commercial District
4. C-3 General Commercial District

702.01 Continuance:

In Commercial Districts minimum lot area and lot width measurements set forth by this Ordinance shall not be applicable upon existing and developed commercial lots at the date of adoption of this Ordinance which do not meet such regulations as set forth herein. However, all other commercial properties shall comply with provisions of this Ordinance.

702.02 C-1 Restricted Commercial District

The purpose of this district is to provide relatively quiet, attractive and spacious areas for the development of office and limited retail uses. This district is intended to encourage high quality attractive office park development in protected environments.

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

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

702.02.2 Regulations:

1. Minimum lot area - 5,000 square feet.
2. Minimum lot width - fifty (50) feet.
3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.
4. Minimum side yard width - five (5) feet, except where it adjoins residentially or a mixed use zoned property, the side yard requirement shall be increased to twenty-five (25) 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.
6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - fifty percent (50%), including accessory structure
8. No exterior storage shall be permitted.

702.03 C-1A Restricted Commercial District

The purpose of the C-1A District is to provide for areas where existing residential structures can be used for low-intensity commercial uses, to serve as transitional zones between residential uses and higher intensity commercial uses or arterial streets. These districts are intended to encourage adaptive reuse of existing residential dwellings in order to preserve the original urban form of these areas.

702.03.1 Uses Permitted:

1. Any type of professional occupation as defined in this Ordinance and any other office type activity which offers only a service to the general public.
2. Bed and breakfast inn (Class A).
3. Art gallery, museum, studio, antique, and/or specialty retail shop.
4. All uses permitted in the R-2 Single-Family and Two-Family Residential District.
5. Personal and commercial services
6. Multifamily dwellings of up to eight (8) units

702.03.2 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. Commercial banks, saving institutions, and credit unions.
2. Adult and child care centers/Commercial.
3. Restaurants, Neighborhood
4. Wholesale Dealer

702.03.3Regulations:

1. Minimum lot size- 6,000 square feet
2. Minimum lot width- fifty (50) feet.
3. Minimum front yard depth- The minimum front yard setback shall be equal to the median front setback for all the houses on the same block and the same side of the street.
4. Minimum side yard- five (5) feet.
5. Minimum rear yard- 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. Parking facilities may be located within the rear year except for the required landscaping buffer between commercial uses and residential uses.
6. Maximum building height- thirty-five (35) feet
7. Commercial dumpsters are prohibited.
8. No parking is permitted in front of the principal building. For detached single-family residential uses, parking on the side of the principal structure shall be permitted only on a surface typically used for vehicle parking. Parking areas for uses other than detached single-family residential shall comply with the City of Jackson's Landscape Ordinance.

9. Residential structures shall not be demolished or relocated unless they constitute a public nuisance, are a threat to the public health and safety, or have met the following conditions:

A. The request for demolition or relocation is accompanied with a development proposal for the same parcel. This request is submitted to the Department of Planning and Development for review.

B. The development proposal shall be reviewed by a committee including at least the Zoning Administrator, the Historic Preservation Planner and the District Planner for the area, to ensure that the proposed development is consistent with the existing urban form of the rest of the district in regards to building setbacks, orientation, massing, height, and roof shape and pitch.

C. The development proposal shall be reviewed and final approval granted by the Site Plan Review Committee.

D. Appeals of decisions of either the Department of Planning and Development or the Site Plan Review Committee shall be heard by the Planning Board.

702.04 C-2 Limited Commercial District

The purpose of this district is to provide attractive areas for the medium density development of office buildings and neighborhood type stores, services, and commercial centers that address the daily needs of the surrounding residential community.

702.04.1 Uses Permitted:

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. Coin laundry and dry cleaning establishments.
6. Adult and child care centers.
7. Restaurant, Neighborhood Shopping Center, where part of a neighborhood shopping center.
8. Restaurant, Fast-Food, where part of a neighborhood shopping center.
9. Retail Stand
10. Commercial Banks, Savings Institutions and Credit Unions
11. Transient Vendors in Neighborhood Shopping Centers – when located completely indoors. Outdoor display of merchandise is prohibited.

702.04.1(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
14. Vendor Park

702.04.2 Regulations:

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.

15. Use Permits for a vendor park shall be issued to the owner of the vendor park and renewed annually. The Use Permit will not run with the land and the subsequent owners of a vendor park at the location must apply for and receive a new Use Permit.

702.05 C-3 General Commercial District:

The purpose of this district is to provide for the preservation and perpetuation of retail and commercial enterprise, to provide areas for the development of retail type and personal service type commercial, community, and regional shopping centers of integrated design and high density development of commercial businesses in certain areas adjacent to major transportation arteries or thoroughfares within the City.

702.05.01 Uses Permitted:

1. All uses permitted in the C-2 Limited Commercial District
2. Apartments, when located in renovated, non-residential structures, which exceed 5,000 square feet, in accordance with 701 (9.) of the Zoning Ordinance.
3. Automotive service and repair establishments
4. Automotive and Truck Rental Business
5. Automobile Sales
6. Bowling centers
7. Car Wash
8. Health Club/Fitness Center
9. Hotels, Inns and Motels
10. Ice and roller skating rinks
11. Mini-warehouses
12. Brewpubs
13. Nightclubs and Bars
14. Nurseries/Yard and Garden Centers
15. Parking Garages
16. Produce Stand
17. Restaurants, drive-in and fast food
18. Restaurants, General

19. Retail Stand
20. Second Hand Stores
21. Service Stations
22. Transient Vendors, when located completely indoors, as in shopping centers, hotels, or motels. Outdoor display of merchandise is prohibited.
23. Veterinarian Clinics and Kennels
24. Wholesale Outlet Stores
25. Vendor Park

702.05.1(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-2 (Limited) Commercial District.
2. Apartments (new construction)
3. Amusement Arcades
4. Amusement parks
5. Amusement Rides
6. Automobile and truck wrecker and recovery businesses, when all vehicles are stored in a completely enclosed building.
7. Bail Bonding Business
8. Billboards
9. Bingo Parlors
10. Body Piercing Business
11. Boarding Houses
12. Check Cashing Business
13. Commercial Communication Towers
14. Community Recreational Center
15. Emergency Shelter/Mission
16. Golf Driving Ranges and Pitch-n-putt
17. Gun Shops
18. Liquor Stores
19. Mobile/Manufactured Home Sales
20. Pawn Shops
21. Recycling Center
22. Recycling Collection Points
23. Single-room occupancy hotels (SRO)
24. Tattoo Parlor
25. Title Pledge Office - Any such uses lawfully operating prior to March 11, 1998, shall be treated as non-conforming uses under this Ordinance, and shall be subject to the requirements of Article XIII-A of this Ordinance, entitled "Non-conforming Use of Lands and/or Structures."
26. Tobacco Paraphernalia Retail Business
27. Automobile Sales - Used
   A. The minimum lot size is twenty-two thousand (22,000) square feet
   B. All service doors, buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.

C. Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be visible from any public right-of-way.

702.05.01(b) Existing Uses and Structures: On June 1, 2002, any land or structures being used as apartments within a C-3 District will be a legally conforming use for all purposes of this Ordinance. Further, this provision applies to all plans, construction or designated use any of any building or land which, before June 1, 2002 either (1) the Zoning Administrator has issued a zoning verification letter stating that apartments are permitted use; (2) the Owner or other entity with a legal interest in the property has applied to construct or improve apartments in a C-3 District; or (3) the owner or an entity with a legal interest in the property has lawfully begun construction of apartments.

702.05.02 Regulations:

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 o**r** 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.

19. Use Permits for a vendor park shall be issued to the owner of the vendor park and renewed annually. The Use Permit will not run with the land and the subsequent owners of a vendor park at the location must apply for and receive a new Use Permit.

ARTICLE VII-A MIXED USE DISTRICTS

701-A General Provisions

The purpose of the Mixed-Use Districts is to allow for the development of a mix of residential, institutional and commercial uses within the same district. These districts are used to establish development centers throughout the city at the neighborhood, community and regional scale, as discussed in the Future Land Use of the Comprehensive Plan.

Mixed-Use Districts implement the following goals and objectives of the Comprehensive Plan:

1. *Quality physical growth and development:* "Promote compact and contiguous development."
2. *Strong neighborhoods:* "Establish a…framework of neighborhoods as villages with viable residential, institutional and commercial components that support the daily lives of residents."
3. *Reliable, cost-effective…infrastructure:* "…a pedestrian environment, landscaped trees, sidewalks, off-street parking and transit."
4. *Quality physical growth and development:* "Diversify downtown Jackson using a mixed-use neighborhood approach…"
5. *Quality physical growth and development:* "…modify land use and development implementation tools…to ensure consistency with the Comprehensive Plan."

702-A NMU-1 Neighborhood Mixed-Use District, Pedestrian-Oriented:

The purpose of the NMU-1 Neighborhood Mixed-Use District is to accommodate the development of residential uses along with compatible, low-intensity commercial uses to serve adjacent residential areas. Uses should be integrated physically and accessible by pedestrians in order to decrease reliance on individual automobiles, conserve land, maximize use of public infrastructure, increase the quality of life in neighborhoods and provide for the welfare of the citizens.

702.01-A Uses Permitted:

A. Residential:

1. Single-family attached dwelling
2. Two-family dwellings
3. Multifamily dwellings
4. Dwelling units in mixed-use buildings
5. Accessory dwelling units
6. Bed and breakfast inns (Class A)
7. Transitional housing for six (6) or fewer residents
8. Personal care facilities housing six (6) or fewer residents, excluding staff

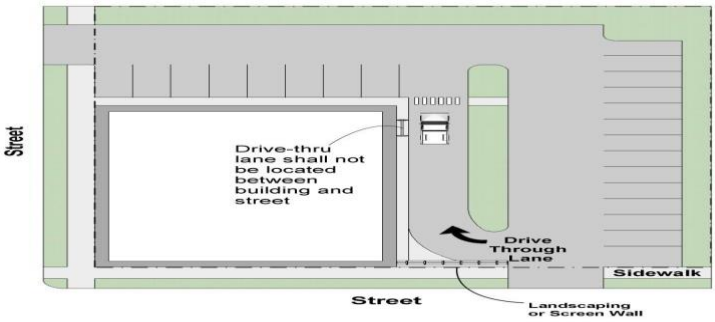
9. Residential day care homes
10. Nursing homes
11. Assisted Living Facility

B. <u>Institutional:</u>

1. Parks
2. Philanthropic institutions
3. Public buildings
4. Schools
5. Churches and places of worship on sites of up to one (1) acre

C. <u>Commercial:</u>

1. Art or photo studio or galleries
2. Offices, up to two-thousand five-hundred (2,500) square feet of floor area
3. Restaurants (Neighborhood) or Restaurants (Neighborhood Shopping Center), including accessory outdoor seating area, provided that the outdoor seating area only operates between 6:00am and 11:00pm.
4. Retail stores, up to three thousand (3,000) square feet of floor area
5. Personal and commercial services, up to three thousand (3,000) square feet of floor area
6. Bars, taverns, cocktail lounges or small craft brewery, including accessory outdoor seating area, provided that the outdoor seating area only is operating between 6:00am and 11:00pm.
7. Home occupations, provided that 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.
8. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance)
9. Restaurant, Fast Food
   - **A.** The drive-through lane shall not be located in the area between a building and a public street (*See the figure below*).
   - **B.** The drive-through lane shall be screened from the public street by landscaping or a low decorative wall to a minimum height of 42 inches and a maximum height of 48 inches. If a low screen wall is installed, the construction material shall match the first floor exterior color and materials used on the primary building or provide a comparable level of quality



10. Commercial Banks, Savings Institutions and Credit Union including those with drive-through facilities
11. Vendor Park with the hours of operation between 7:00 am – 11:00 p.m.

702.02-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. Body Piercing Business
2. Commercial day care centers
3. Community Recreational Center
4. Service stations when:
  A. The front yard setback is at least fifteen (15) feet; and
  B. The side yard setback is at least fifteen (15) feet on street-facing sides; but
  C. All other regulations of the Article shall apply.
5. Parking garages, subject to 702.04-A
6. Liquor stores
7. Surface parking lots, subject to subject to 702.04-A.
8. Tattoo Parlors

702.03-A- Bulk Regulations:

1. Lot area - not regulated.
2. Lot width - All lots shall have at least twenty-four (24) feet of frontage on a public street.
3. Lot coverage - The amount of impervious surface permitted for residential structures shall not exceed eighty (80) percent of the total lot area. The amount of impervious surface permitted for institutional structures shall not exceed sixty-five (65) percent of the lot area. Lot coverage is not regulated for commercial and mixed-use structures.
4. Front yard - Residential and commercial structures shall have a front yard setback of not more than five (5) feet; except where a plaza or courtyard is in the front yard, in which case the maximum setback shall be thirty (30) feet; the plaza or courtyard shall be enclosed on three (3) sides and open to the sidewalk side, but partially enclosed with a combination of landscaping and a small wall or fence, in order to maintain the continuity of the streetscape. Institutional structures shall have a front yard setback of not more than fifteen (15) feet. Accessory building shall have a front yard setback of not less than twenty-five (25) feet.
5. Side yard- Not regulated.
6. Rear yard- All structures shall have a rear yard setback of at least five (5) feet when adjoining an alley or common drive. If not such alley or common drive exists, the rear yard must be sufficient to allow for such alley or drive, based on a determination of the Site Plan Review Committee.
7. Building height- No principal building shall exceed thirty-five (35) feet unless uses are mixed vertically (i.e. ground floor commercial with office or residential in upper floors), in which case the maximum height may be increased to forty-five (45) feet. Accessory buildings shall not exceed fifteen (15) feet in height. Institutional buildings shall not exceed forty-five (45) feet. First floor elevation

shall be at least eighteen (18) inches above finished grade for residential uses. Exceptions to these height regulations shall be made for steeples, cupolas and similar architectural elements.

702.04-A - Parking Regulations: Required off-street parking is governed by 1108-A of this Ordinance, with the following parking reductions allowed:

1. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this article.
2. Shared parking is allowed as governed by this Ordinance.
3. A ten (10) percent reduction in required parking is available for each of the following cases, but not to exceed a total reduction of twenty (20) percent:
   - **A.** For both residential and non-residential uses, when the use is located within a seven-hundred and fifty (750) foot radius of a public transit stop.
   - **B.** For non-residential uses, when the use is located where residents of all residential and mixed-use areas within a fifteen-hundred (1,500) foot radius of the subject property can walk to the non-residential use on a continuous sidewalk system.
   - **C.** For non-residential uses, when the use is located within a seven-hundred fifty (750) foot radius of a parking facility that is available for use by the public at no charge (either directly or through a validation program in which the subject use participates.

702.05-A- Additional Regulations:

1. All buildings shall have the primary entrance visible and accessible from the street
2. Wherever possible, buildings should utilize shared driveways and access roads.
3. No more than one vehicular access point twelve (12) feet or less in width per lot shall be provided from the primary street for single-family and two-family houses.
4. Driveways from the primary street for other than single and two-family homes shall be no more than twenty (20) feet wide, unless the driveway is shared among two separate principal buildings, in which case the width may be increased to the minimum width required by the Site Plan Review Committee.
5. A minimum of seventy-five (75) feet must be provided between each driveway on the same side of the street for all buildings except for residential dwellings.
6. All off-street parking lots shall be located in the rear or side yard of any building for all multifamily and non-residential uses. Side yard parking lots shall account for no more than fifty (50) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three feet in height.
7. In commercial and mixed-use structures, windows, doors, display windows arcades shall comprise 70% of the total area for street-facing facades on the first floor.
8. All new construction in NMU-1 District shall require Site Plan Review as outlined in this Ordinance.
9. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; they 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 the liquor store at this location must apply for and receive a new Use Permit.

10. All off-street parking lots shall adhere to required landscaping buffering, and shall include wrought iron fencing no higher than four (4) feet along the front property line.

11. Automobile parking on surface parking lots located adjacent to non-residential uses shall be located at least five (5) feet from any public street or any adjoining property line. The only access permitted across this setback area shall be sidewalks, bikeways, trails, and drives.

12. Parking garages shall be required to have non-parking commercial uses on the street level except for those parking garages that are completely surrounded by other buildings.

13. Sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing sidewalks or to any proposed developments and is subject to approval by the Site Plan Review Committee.

14. 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.

15. All developments in NMU-1 exceeding 10 acres shall be subject to the following requirements.

A. The submission of a Master Development Plan prior to any subdivision approval or issuance of a building permit.

B. The Master Development Plan shall adhere to the Subdivision Ordinance Requirements Applicable to the Traditional Neighborhood Development.

C. The Master Development Plan shall adhere to the following Zoning Ordinance Traditional Neighborhood Standards as detailed in:

   a. Section 709.02-B Open Space Requirements;
   b. Section 710 Pedestrian, Bicycle and Transit Circulation & Access Standards; and
   c. Section 711 Architectural & Urban Design Standards

D. The Master Development Plan Approval Process shall require:

   a. Pre-Application Conference(s)
   b. Master Development Plan and Site Plan Review Application submitted (Site Plan Review Committee)
   c. Revision of Site Plan Review (if needed)
   d. Preliminary Plat and Construction Plans Approval (Subdivision Review Engineer)
   e. Final Plat Approval and Dedication of Streets (City Council)

703-A CMU-1 Community Mixed-Use District, Pedestrian-Oriented:

The purpose of the CMU-1 Neighborhood Mixed-Use District is to accommodate the development of residential uses along with compatible, low-intensity commercial uses to serve adjacent residential areas. Uses should be integrated physically and accessible by pedestrians in order to decrease reliance on individual automobiles, conserve land, maximize use of public infrastructure, increase the quality of life in neighborhoods and provide for the welfare of the citizens.

703.01-A Uses Permitted:

1. All uses permitted by right in the (NMU-1) Neighborhood Mixed-Use District
2. Commercial day care centers
3. Hotels
4. Retail stores, excluding establishments selling firearms or explosives (above 3,000 square feet of floor area)
5. Offices (above 2,500 square feet of floor area)
6. Restaurants, General
7. Restaurants, Fast-food
8. Colleges
9. Health Clubs
10. Departments Stores
11. Shopping Centers
12. Theaters

703.02-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. Body Piercing Business
2. Commercial Communication Towers
3. Community Recreational Center
4. Service Stations when:
   - **A.** The front yard setback is at least fifteen (15) feet; and
   - **B.** The side yard setback is at least fifteen (15) feet on street-facing sides; but
   - **C.** All other regulations of the Article shall apply.
5. Parking garages, subject to 703.05-A
6. Produce Stand
7. Liquor stores
8. Tattoo Parlor

703.03-A -Bulk Regulations:

1. Lot area- not regulated.
2. Lot width- All lots shall have at least twenty-four (24) feet of frontage on a public street.
3. Lot coverage- The amount of impervious surface permitted for institutional structures shall not exceed seventy-five (75) percent of the total lot area. Lot coverage is not regulated for residential and commercial uses.

4. Front yard- Residential and commercial structures shall have a front yard setback of not more than five (5) feet; except where a plaza or courtyard is in the front yard, in which case the maximum setback shall be thirty (30) feet; the plaza or courtyard shall be enclosed on three (3) sides and open to the sidewalk side, but partially enclosed with a combination of landscaping and a small wall or fence, in order to maintain the continuity of the streetscape. Institutional structures shall have a front yard setback of not more than fifteen (15) feet. Accessory building shall have a front yard setback of not less than twenty-five (25) feet.
5. Side yard- Not regulated.
6. Rear yard- All structures shall have a rear yard setback of at least five (5) feet when adjoining an alley or common drive. If not such alley or common drive exists, the rear yard must be sufficient to allow for such alley or drive, based on a determination of the Site Plan Review Committee.
7. Building height- The minimum building height for principal structures shall be thirty-five (35) feet. The maximum building height for principal structures with frontage on a public street with one-hundred (100) feet or more of public right-of-way shall be ninety (90) feet. The maximum building height for all other principal structures shall be forty-five (45) feet unless uses are mixed vertically (i.e. ground floor commercial with office or residential in upper floors), in which case the maximum height may be increased to sixty (60) feet. Maximum building height for accessory structures shall be twenty-five (25) feet. First floor elevation shall be at least eighteen (18) inches above finished grade for residential uses. Exceptions to these height regulations shall be made for steeples, cupolas and similar architectural elements.

703.04-A Parking Regulations: Required off-street parking is governed by 1108-A of this Ordinance, with the following parking reductions allowed:

1. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this article.
2. Shared parking is allowed as governed by this Ordinance.
3. A ten (10) percent reduction in required parking is available for each of the following cases, but not to exceed a total reduction of twenty (20) percent:
   - **A.** For both residential and non-residential uses, when the use is located within a seven-hundred and fifty (750) foot radius of a public transit stop.
   - **B.** For non-residential uses, when the use is located where residents of all residential and mixed-use areas within a fifteen-hundred (1,500) foot radius of the subject property can walk to the non-residential use on a continuous sidewalk system.
   - **C.** For non-residential uses, when the use is located within a seven-hundred fifty (750) foot radius of a parking facility that is available for use by the public at no charge (either directly or through a validation program in which the subject use participates.

703.05-A Additional Regulations:

1. All buildings shall have the primary entrance visible and accessible from the street.
2. Wherever possible, buildings should utilize shared driveways and access roads.
3. No more than one vehicular access point twelve (12) feet or less in width per lot shall be provided from the primary street for single-family and two-family houses.
4. Driveways from the primary street for other than single and two-family homes shall be no more than twenty (20) feet wide, unless the driveway is shared among two separate principal buildings, in which case the width may be increased to the minimum width required by the Site Plan Review Committee.
5. A minimum of seventy-five (75) feet must be provided between each driveway on the same side of the street for all buildings except for residential dwellings.
6. All off-street parking lots shall be located in the rear or side yard of any building for all multifamily and non-residential uses. Side yard parking lots shall account for no more than fifty (50) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three feet in height.
7. In commercial and mixed-use structures, windows, doors, display windows arcades shall comprise 70% of the total area for street-facing facades on the first floor.
8. All new construction in CMU-1 District shall require Site Plan Review as outlined in this Ordinance.
9. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; they 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 the liquor store at this location must apply for and receive a new Use Permit.
10. All off-street parking lots shall adhere to required landscaping buffering, and shall include wrought iron fencing no higher than four (4) feet along the front property line.
11. Automobile parking on surface parking lots located adjacent to non-residential uses shall be located at least five (5) feet from any public street or any adjoining property line. The only access permitted across this setback area shall be sidewalks, bikeways, trails, and drives.
12. Parking garages shall be required to have non-parking commercial uses on the street level except for those parking garages that are completely surrounded by other buildings.
13. Sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing
14. Sidewalks or to any proposed developments and is subject to approval by the Site Plan Review Committee.
15. 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.

16. All developments in CMU-1 exceeding 10 acres shall be subject to the following requirements.

A. The submission of a Master Development Plan prior to any subdivision approval or issuance of a building permit.

B. The Master Development Plan shall adhere to the Subdivision Ordinance Requirements Applicable to the Traditional Neighborhood Development.

C. The Master Development Plan shall adhere to the following Zoning Ordinance Traditional Neighborhood Standards as detailed in:

a. Section 709.02-B Open Space Requirements;

b. Section 710 Pedestrian, Bicycle and Transit Circulation & Access Standards; and

c. Section 711 Architectural & Urban Design Standards

D. The Master Development Plan Approval Process shall require:

a. Pre-Application Conference(s)

b. Master Development Plan and Site Plan Review Application submitted (Site Plan Review Committee)

c. Revision of Site Plan Review (if needed)

d. Preliminary Plat and Construction Plans Approval (Subdivision Review Engineer)

e. Final Plat Approval and Dedication of Streets (City Council)

704-A AC Mixed-Use Activity Center Overlay District:

The purpose of the Mixed-Use Activity Center (AC) Overlay District is to create focal points of pedestrian and commercial activity within neighborhood and community mixed-use districts. These activity nodes will serve as centers for the mixed-use districts. The AC Overlay District is necessary to ensure commercial activity at key nodes and to prevent the saturation of the mixed-use districts with residential use. Thus, the AC Overlay District is necessary to implement the Future Land Use of the Comprehensive Plan.

704.01-A Regulations:

1. These regulations shall apply to all new development, i.e., new construction or change in use, of property that is designated as AC Mixed-Use Activity Center Overlay District on the Official Zoning Map.

2. The proposed land use of any new development must be allowed in the respective underlying zoning district, as defined in this Ordinance.

3. The proposed development must meet all area, bulk and height requirements of the underlying zoning district, as defined in this Ordinance.

4. The first floor of any new development in the AC Overlay District shall be used for a non-residential use.

705-A UV Urban Village Mixed Use District

The Urban Village Mixed Use District is for the purpose of combining residential uses and complementary commercial uses within a relatively small area that will provide needed services to residents in the general area. The scale of all buildings should be complementary one to another and provide a transition between more intensive commercial areas and low and medium density residential uses. Existing areas that may be considered for this zoning district should have neo-traditional development patterns reminiscent of mid-twentieth century design elements such as connected and narrow streets, alleys to serve certain uses, sidewalks, and street trees. The Urban Village is broadly characterized as having a range of low to medium density residential in the form of single-family and multi-family dwelling units integrated with shops, services and offices.

705.01-A- Uses Permitted:

1. Art galleries, museums, artist studios
2. Banks, savings institutions, and credit unions
3. Bars and taverns
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. Dry cleaner pick up stations
8. Dwelling units above first floor commercial buildings or in mixed-use buildings
9. Transitional housing for six (6) or fewer residents
10. Personal care facilities housing six (6) or fewer residents, excluding staff.
11. Home occupations, provided that 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.
12. Live/Work Units
13. Multi-family dwellings
14. 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.
15. Professional services and offices limited to five thousand (5,000) square feet of floor area or less.
16. Residential Day Care Centers
17. Restaurant, Fast Food
18. Restaurants, General
19. Restaurants, Neighborhood
20. Retail Stores limited to five thousand (5,000) square feet of floor area or less
21. Single-family detached and attached dwellings including condominiums and townhouses; Two-family dwellings; accessory dwelling units

705.02-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.

Accessory parking lots subject to regulations in 705.04-A

705.03-A Bulk Regulations:

1. Lot size - Not regulated.
2. Lot width- All lots shall have at least twenty-four (24) feet of frontage on a private or public street.
3. Lot coverage- Sixty (60) percent for single-family and two-family residential. Eighty percent for townhouses, and eighty-five percent for multi-family. Commercial and mixed-use structures are not regulated.
4. Front yard- All uses except single-family and two-family detached residential shall have a front yard setback of not more than five (5) feet; except where a plaza or courtyard is in the front yard, in which case the maximum setback shall be thirty (30) feet; the plaza or courtyard shall be enclosed on three (3) sides and open to the sidewalk side, but partially enclosed with a combination of landscaping and a small wall or fence, in order to maintain the continuity of the streetscape.
5. Single-family and two-family detached residential may have a maximum setback of fifteen (15) feet. When residential structures have a front yard setback greater than five (5) feet, a wooden, masonry, or wrought iron fence of three feet or less in height shall be erected in line with adjacent non-residential building or at the five-foot setback line.
6. Infill Context for single-family residential: Where sixty-six (66) percent of the single-family structures within the same block have front yards in excess of fifteen (15) feet new single-family construction may comply with this standard.
7. Side yard - None, except when adjacent to a single-family detached or two-family detached residential use, the distance between the commercial structure and the residential structure shall be a minimum of ten (10) feet.
8. Rear yard- Single-family and two-family shall have a rear yard of twenty (20) feet. Multi-family structures shall have a rear yard of at least fifteen (15) feet; however, no multifamily dwelling shall be built closer than twenty-five (25) feet to the rear lot line of a lot which is used for single-family attached or detached use. Commercial uses shall have a five (5) foot rear yard when located adjacent to a public access alley or common drive. If a public access alley or common drive does not exist, commercial uses shall provide sufficient easement to provide for such a drive subject to Site Plan Review design standards. If a commercial use rear yard abuts a detached single-family or detached two-family use, a twenty-five (25) foot yard is required and within this area, a ten (10) feet transitional landscaping buffer shall be provided. The remaining setback may be used for off-street parking.
9. Building height- The maximum building height for principal structures shall be thirty-five (35) feet except for mixed-use buildings in which case the maximum building height shall be forty-five (45) feet. Maximum building height for accessory structures shall be fifteen (15) feet. Height regulations exclude steeples, cupolas and similar architectural elements
10. First floor elevations for residential structures with a five-foot front yard or less shall be at least eighteen (18) inches above the finished grade.

11. Sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing sidewalks or to any proposed developments and is subject to approval by the Site Plan Review committee.

705.03-A - Parking Regulations: Required off-street parking is governed by 1108-A of this Ordinance, with the following parking reductions allowed:

1. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this article.
2. Shared parking is allowed as governed by this Ordinance.
3. A twenty-five (25) percent reduction in required parking shall be available for all uses regardless of conditions specified in 1 and 2 above.

705.04-A - Additional Regulations:

1. All buildings shall have the primary entrance visible and accessible from the street.
2. Wherever possible, buildings should utilize shared driveways and access roads.
3. No more than one vehicular access point twelve (12) feet or less in width per lot shall be provided from the primary street for single-family and two-family houses.
4. Driveways from the primary street for other than single and two-family homes shall be no more than twenty-four (24) feet wide, unless the driveway is shared among two separate principal buildings, in which case the width may be increased to the minimum width required by the Site Plan Review Committee.
5. A minimum of thirty-five (35) feet must be provided between driveways serving single-family, two-family, and multi-family units with eight (8) dwelling units or less. A minimum of fifty (50) feet must be provided between driveways serving all other uses.
6. All off-street parking lots shall be located in the rear or side yard of any building for all multifamily and non-residential uses. Side yard parking lots shall account for no more than twenty-five (25) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three feet in height.
7. Drive-through windows are not permitted on any building.
8. In commercial and mixed-use structures, windows, doors, display windows arcades shall comprise 50% of the total area for street-facing facades on the first floor.
9. All new construction in UV District shall require Site Plan Review as outlined in this Ordinance.
10. All off-street parking lots shall adhere to required landscaping buffering, and shall include wrought iron fencing no higher than four (4) feet along the front right of way line.

706-A UTC Urban Town Center Mixed-Use District:

The purpose of the UTC Urban Town Center Mixed-Use District is to encourage the development of new neo-traditional commercial districts and to allow appropriate infill development within existing commercial districts that would be characterized as pedestrian-friendly shopping areas. The intent of these districts is to encourage the

integration of medium- to high-density residential, certain commercial uses and small-scaled institutional uses into a cohesive development fabric that encourages pedestrian activity. Existing areas that may be considered for this zoning district would typically have existing commercial stores with front windows and displays, curbside on-street parking or parking behind buildings. A mixture of uses including adaptive uses adds to the character of the district and provides services to adjacent residential neighborhoods and to the wider community.

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
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

706.02-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. Body Piercing Business
2. Commercial Day Care Centers
3. Drive-through windows for banks, dry cleaners, drug stores and coffee shops

4. Liquor Stores
5. Parking Garages, subject to restrictions in 706.04-A
6. Accessory Parking Lots, subject to restrictions in 706.04-A
7. Tattoo Parlors
8. Small Craft Brewery

706.03-A Bulk Regulations:

1. Lot area- Not regulated.
2. Lot width- all new lots shall have at least thirty-f our (34) feet of frontage on a public street, public courtyard, or alley.
3. Lot coverage-Not regulated
4. Front yard- Residential and commercial structures shall have a front yard setback of not more than five (5) feet; except where a plaza or courtyard is in the front yard, in which case the maximum setback shall be thirty (30) feet; the plaza or courtyard shall be enclosed on three (3) sides and open to the sidewalk side, but partially enclosed with a combination of landscaping and a small wall or fence, in order to maintain the continuity of the streetscape. Institutional structures shall have a front yard setback of not more than fifteen (15) feet. Accessory building shall have a front yard setback of not less than twenty-five (25) feet.
5. Side yard- None; however, when located adjacent to detached single-family or two family residential uses or property zoned R-1, R-1 A, R-1 E, R-2, or R-3., the side yard requirement shall be increased to fifteen (15) feet, within which area a ten (10) foot transitional landscaping buffer shall be provided.
6. Rear yard- Single-family and two-family shall have a rear yard of twenty (20) feet. Multi-family structures shall have a rear yard of at least fifteen (15) feet; however; no multifamily dwelling shall be built closer than twenty-five (25) feet to the rear lot line of a lot which is used for single-family attached or detached use. Commercial uses shall have a five (5) foot rear yard when located adjacent to a public access alley or common drive. If a public access alley or common drive does not exist, commercial uses shall provide sufficient easement to provide for such a drive subject to Site Plan Review design standards. If a commercial use rear yard abuts a detached single-family or detached two-family use, a twenty-five (25) foot yard is required and within this area, a ten (10) feet transitional landscaping buffer shall be provided. The remaining setback may be used for off-street parking.
7. Building height- The minimum building height for principal structures shall be thirty (30) feet. The maximum building height for principal structures with frontage on a public street with one hundred (100) feet or more of public right-of-way shall be ninety (90) feet. The maximum building height for all other principal structures shall be forty-five (45) feet unless uses are mixed vertically (i.e. ground floor commercial with office or residential in upper floors), in which case the maximum height may be increased to sixty (60) feet.
8. Maximum building height for accessory structures shall be twenty-five (25) feet. First floor elevation shall be at least eighteen (18) inches above finished grade for residential uses. Height regulations exclude steeples, cupolas and similar architectural elements.
9. Any lot that is adjacent to a single family detached residential use or district shall be limited to a building height of thirty-five (35) feet for that portion of the building

that is within fifty (50) feet of said residential property.

10. Sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing sidewalks or to proposed developments subject to approval of the Site Plan Review Committee.

706.03-A - Parking Regulations: Required off-street parking is governed by 1108-A of this Ordinance, with the following parking reductions allowed:

1. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this article.
2. Shared parking is allowed as governed by this Ordinance.
3. A fifty (50) percent reduction in required parking shall be available for all uses regardless of conditions specified in 1 and 2 above.

706.04-A - Additional Regulations:

1. All buildings shall have the primary entrance visible and accessible from the street, courtyard or plaza.
2. No more than one vehicular access point twelve (12) feet or less in width per lot shall be provided from the primary street for single-family. Shared driveways are encouraged.
3. Driveways from the primary street for other than single family homes shall be no more than twenty-four (24) feet wide, unless the driveway is shared among two separate principal buildings, in which case the width may be increased to the minimum width required by the Site Plan Review Committee. Shared access points are encouraged.
4. A minimum of seventy-five (75) feet must be provided between each driveway on the same side of the street for all buildings except for residential dwellings.

5. All off-street parking lots shall be located in the rear or side yard of any building for all multifamily and non-residential uses. Side yard parking lots shall account for no more than fifty (50) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three feet in height.
6. In commercial and mixed-use structures, windows, doors, display windows arcades shall comprise 70% of the total area for street-facing facades on the first floor.
7. Drive-through windows are prohibited except for banks, dry cleaners and drug stores.
8. Parking Garages shall be required to have non-parking commercial uses on the street level except for those parking garages that are completely surrounded by other buildings.
9. All off-street parking lots shall adhere to required landscaping buffering, and shall include a wrought iron fence no higher than four (4) feet along the front r. o. w line.
10. All new construction in an UTC District shall require Site Plan Review as outlined in this Ordinance.
11. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; they 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 the liquor store at this location must apply for and

receive a new Use Permit.

12. 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.
13. Use Permits for a small craft brewery are issued to the owner of the small craft brewery rather than to the owner of the land. The Use Permit will not run with the land and the subsequent owners of a small craft brewery 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 Department of Revenue. The Use Permit will be cancelled upon the cancellation of any of the requirements from the MS Department of Revenue.

706-B Corridor 80 (C80) District

The purposes of the Corridor 80 (C80) district are:

1. To protect the integrity of and to provide for a superior environment along the U.S. Highway 80 entranceway into the City of Jackson. This is one of the City of Jackson's "front doors" and it is important to protect the appearance of this corridor.

2. To allow diverse uses in close proximity in the district, including residential, retail, office, entertainment, public/ quasi-public uses, and open space.

3. To encourage a mix of uses in which non-residential development generates revenues and creates jobs, shopping, and entertainment opportunities for residents, while residential development (especially multi-family residential) generates 24-hour vitality in support of the commercial uses.

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

5. To reduce the number of curb cuts within the Corridor 80 district through the required interconnection of parking lots and by creating "back streets" running parallel to the main thoroughfares.

This District implements the following goals and objectives of the Comprehensive Plan:

1. *Quality physical growth and development*: "Promote compact and contiguous development."

2. *Strong neighborhoods*: "Establish a…framework of neighborhoods as villages with viable residential, institutional and commercial components that support the daily lives of residents."

3. *Reliable, cost-effective…infrastructure*: "…a pedestrian environment, landscaped trees, sidewalks, off-street parking and transit."

4. *Quality physical growth and development*: "Diversify downtown Jackson using a mixed-use neighborhood approach…"

5. *Quality physical growth and development*: "…modify land use and development implementation tools…to ensure consistency with the Comprehensive Plan."

706.01 – B Establishment of C80 Subdistricts

There are hereby established certain subdistricts within the C80 District. The location and boundaries of these subdistricts shall be as shown on the Official Zoning Map of the City. The following are subdistricts within the C80 District:

706.02 – B (C80 - RE) Residential Estate Subdistrict

The purpose of this subdistrict is to provide for the protection of areas presently developed on large tracts of land and to provide for future compatible development in such areas by permitting development on lot sizes not less than one-half (1/2) acre.

706.02.1– B Uses Permitted:

1. Single-family detached dwellings and accessory structures.
2. Agricultural uses as defined by this Ordinance. Dairying, animal husbandry, or stabling shall be limited to two (2) animals per acre provided such use does not constitute a nuisance or health hazard and when:
   - **(a)** the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of one hundred (100) ft. from all adjacent property lines;
   - **(b)** all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process; and
   - **(c)** a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted.

706.02.2-B - Uses Which May Be Permitted as Special Exceptions:

1. Adult and Child Care Centers/Residential.
2. Professional non-retail offices, including but not limited to, architects, attorneys, engineers, doctors, real estate, and insurance.
3. Dairying and animal husbandry on sites of not less than one (1) acre provided such use does not constitute a nuisance or health hazard. The maximum number **o**f animals per acre shall be two (2) and when
   - **A.** the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of one hundred (100) ft. from all adjacent property lines
   - **B.** upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process

C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

4. Private kennels provided such use does not constitute a nuisance or health hazard and when:

A. the indoor and/or outdoor enclosures are located at the rear of residential structures with a minimum setback of fifty (50) ft. from all adjacent property lines

B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process

C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

5. Private stables on sites of not less than one (1) acre. The maximum number of animals per acre shall be two (2) and when:

A. the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of 100 ft. from all adjacent property lines

B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process

C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

6. Art, dance, music, photography, or swimming instruction.

7. Catering Service, where they are a part of the owner/operator's residence.

8. One-chair beauty salons, nail salons, and barber shops, where they are part of the owner/operator's residence.

9. Transitional Housing for six (6) or fewer residents

10. Personal care facilities for six (6) or fewer residents, excluding staff.

706.02.3–B - Uses Which May Be Permitted as Use Permits:

1. Accessory automobile parking and principal access when used to serve a Special Use District, residential, commercial, or industrial use when the land proposed for such accessory parking or access is either immediately adjacent to or across the street from the use which it serves. Accessory parking may also be across the street from the use which it serves. All parking shall be located at least five (5) feet from any public street or any adjoining property line. Only access across this setback area with sidewalks, bikeways, trails, and drives will be permitted.

2. Churches on sites of less than one (1) acre but greater than ten thousand (10,000) square feet. Regulations for alterations of existing structures or for new construction of churches and schools shall be the same as for the Special Use District.

3. Bed and Breakfast Inn Class A and B:

A. Applicant shall submit to the Zoning Division proof of one of the following:

i. Structure is listed on the National Register of Historic Places; or
ii. Structure is designated as a Jackson Landmark by the Jackson Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or
iii. Structure is deemed eligible for designation as a Jackson Landmark by the Jackson Historic Preservation Commission or as a Mississippi Landmark by the Mississippi Department of Archives and History and is granted designation within one year from the date of eligibility determination.

B. Adequate parking shall be provided. Off-site parking must be within a reasonable walking distance of the bed and breakfast, and proof of such parking (lease agreement, etc.) must be provided annually to the Zoning Division and whenever the contractual rights of the bed and breakfast inn owner in such off-site parking facilities are modified in any way.

C. All exterior lighting shall be directed away from adjacent residential property.

D. Signage shall comply with the City of Jackson Sign Ordinance.

4. Class B Bed and Breakfast Inn with Restaurant. It is expressly understood that a separate Use Permit is required to operate a restaurant in a Class B Bed and Breakfast Inn. Any existing Class B Bed and Breakfast Inns who determine that they wish to operate a restaurant in conjunction with their Class B Bed and Breakfast Inn is permitted to do so by right subject to receipt of a statement indicating this election to include a requirement that a Bed and Breakfast Inn with Restaurant clear Site Plan Review from City Staff.

5. Transitional Housing personal care facilities housing between seven (7) and twelve (12) residents, excluding staff. In considering applications hereunder, the City shall comply with the provisions of 42 U.S.C. 3604(f) (3) (B).

6. Personal care facilities housing between seven (7) and twelve (12) residents, excluding staff

7. Accessory structures used as living quarters for family members, temporary guests, or domestic help subordinate to the principal residence on the same lot.

A. Applicant shall provide a restrictive covenant agreement which runs with the land that the accessory structure will never be made available for lease or rental.

B. Electrical service will be connected to and master metered from the principal residence.

8. Accessory church related uses such as adult and child care centers, schools, gymnasiums, and fellowship halls.

9. Ground Sign (Monument Sign), as defined by the City of Jackson Sign Ordinance, for an adjacent commercial business where both properties are under the same ownership. Regulations shall be the same as the adjacent commercial business, based on its underlying zoning, as regulated by the City of Jackson Sign Ordinance.

706.02. 4 -B - Dimensional Regulations:

1. Maximum Building Height – There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as

specified in the latest edition of the ***International Building Code*** adopted by the City.

2. Minimum Lot Area – one-half acre (21,780 square feet)
3. Minimum Lot Width – 100 feet at the front yard setback.
4. Minimum Front Yard Depth – 50 feet from the existing right-of-way line to the building setback line.

5. Minimum Side Yard Depth – 25 feet, except on a corner lot the minimum side yard depth on the street side shall be fifty (50) feet.
6. Minimum Rear Yard Depth – 50 feet.
7. Maximum Buildable Area – Fifteen percent (15%) for Single-Family dwellings including accessory structures.
8. Accessory structures – Accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building, shall be set back a minimum of eighty (80) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.

706.03-B - (C80 - R1) Single-Family Residential Subdistrict:

The purpose of this subdistrict is to provide areas for the development of low density, single-family residential uses in protected surroundings. It is the intent of this Ordinance that this subdistrict should be located in areas of the City where the environment is conducive to this type of use and also in other established single-family residential areas as a means to ensure their continuance.

706.03.1 -B Uses Permitted:

Single-family detached dwellings and accessory structures

706.03.2 -B Uses Which May Be Permitted as Special Exceptions:

1. Adult and Child Care Centers/Residential.
2. Professional non-retail offices, including but not limited to, architects, attorneys, engineers, doctors, real estate, and insurance.
3. Dairying and animal husbandry on sites of not less than one (1) acre provided such use does not constitute a nuisance or health hazard. The maximum number of animals per acre shall be two (2) and when
   - **A.** the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of one hundred (100) ft. from all adjacent property lines
   - **B.** upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process
   - **C.** prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

4. Private kennels provided such use does not constitute a nuisance or health hazard and when:

A. the indoor and/or outdoor enclosures are located at the rear of residential structures with a minimum setback of fifty (50) ft. from all adjacent property lines

B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process

C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

5. Private stables on sites of not less than one (1) acre. The maximum number of animals per acre shall be two (2) and when:

A. the indoor and/or outdoor enclosures are located at the rear of residential structures with minimum setback of 100 ft. from all adjacent property lines

B. upon the granting of the Special Exception, all types of enclosures, bufferings and the plan for the removal of wastes must be approved through the Site Plan Review process

C. prior to the granting and renewal of the Special Exception, a notarized letter from a licensed veterinarian verifying the health status and current shot record of the animal(s) is submitted

6. Art, dance, music, photography, or swimming instruction.

7. Catering Service, where they are a part of the owner/operator's residence.

8. One-chair beauty salons, nail salons, and barber shops, where they are part of the owner/operator's residence.

9. Transitional housing for six (6) or fewer residents

10. Personal care facilities housing six (6) or fewer residents, excluding staff.

706.03.3-B Uses Which May Be Permitted As Use Permits:

The following uses are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Accessory automobile parking and principal access when used to serve a Special Use District, residential, commercial, or industrial use when the land proposed for such accessory parking or access is either immediately adjacent to or across the street from the use which it serves. Accessory parking may also be across the street from the use which it serves. All parking shall be located at least five (5) feet from any public street or any adjoining property line. Only access across this setback area with sidewalks, bikeways, trails, and drives will be permitted.

2. Churches on sites of less than one (1) acre but greater than ten thousand (10,000) square feet. Regulations for alterations of existing structures or for new construction of churches and schools shall be the same as for the Special Use District.

3. Bed and Breakfast Inn Class A and B:

A. Applicant shall submit to the Zoning Division proof of one of the following:
i. Structure is listed on the National Register of Historic Places; or
ii. Structure is designated as a Jackson Landmark by the Jackson Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or
iii. Structure is deemed eligible for designation as a Jackson Landmark by the Jackson Historic Preservation Commission or as a Mississippi Landmark by the Mississippi Department of Archives and History and is granted designation within one year from the date of eligibility determination.

B. Adequate parking shall be provided. Off-site parking must be within a reasonable walking distance of the bed and breakfast, and proof of such parking (lease agreement, etc.) must be provided annually to the Zoning Division and whenever the contractual rights of the bed and breakfast inn owner in such off-site parking facilities are modified in any way.

C. All exterior lighting shall be directed away from adjacent residential property.

D. Signage shall comply with the City of Jackson Sign Ordinance.

4. Class B Bed and Breakfast Inn with Restaurant. It is expressly understood that a separate Use Permit is required to operate a restaurant in a Class B Bed and Breakfast Inn. Any existing Class B Bed and Breakfast Inns who determine that they wish to operate a restaurant in conjunction with their Class B Bed and Breakfast Inn is permitted to do so by right subject to receipt of a statement indicating this election to include a requirement that a Bed and Breakfast Inn with Restaurant clear Site Plan Review from City Staff.

5. Transitional housing for seven (7) to twelve (12) residents. In considering applications hereunder, the City shall comply with the provisions of 42 U.S.C. 3604(f) (3) (B).

6. Personal care facilities housing between seven (7) and twelve (12) residents, excluding staff

7. Accessory structures used as living quarters for family members, temporary guests, or domestic help subordinate to the principal residence on the same lot.

8. Applicant shall provide a restrictive covenant agreement which runs with the land that the accessory structure will never be made available for lease or rental.

9. Electrical service will be connected to and master metered from the principal residence.

10. Accessory church related uses such as adult and child care centers, schools, gymnasiums, and fellowship halls.

11. Ground Sign (Monument Sign), as defined by the City of Jackson Sign Ordinance, for an adjacent commercial business where both properties are under the same ownership. Regulations shall be the same as the adjacent commercial business, based on its underlying zoning, as regulated by the City of Jackson Sign Ordinance.

706.03.4 –B Dimensional Regulations:

1. Maximum Building Height – There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height above

the finished ground elevation measured at the front line of the building as specified in the latest edition of the ***International Building Code*** adopted by the City.

2. Minimum lot area – 7,500 square feet.
3. Minimum lot width – Sixty (60) feet measured at the front building setback line, except that corner lots shall be a minimum of eighty (80) feet wide.
4. Minimum front yard depth – Twenty-five (25) feet from street right-of-way line.
5. Minimum side yard depth – Five (5) feet, except on a corner lot the minimum side yard depth on the street side shall be twenty-five (25) feet.
6. Minimum rear yard depth – Twenty-five feet; however, a one (1) story extension may be projected into the rear yard but no closer than five (5) feet from the rear lot line, provided that such is approved through the following procedure:
   - **A.** Application is filed with the Zoning Administrator who shall place a sign according to his standard posting procedure for a period of not less than fifteen (15) days.
   - **B.** The petitioner/property owner shall secure the written approval or acquiescence of such variance from all rear and side adjacent property owners. If, after the fifteen (15) days' notice and the submission of the approval or acquiescence from the adjacent owners, there is no objection filed in writing, the Zoning Administrator may approve the reduced rear yard setback.
   - **C.** If there is written objection, then the request for such variance shall be considered only under the procedure as set forth in Article XIX-A of this Ordinance.
7. Maximum lot coverage – Fifty percent (50%) including accessory structures.
8. Accessory structures – Accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building, shall be set back a minimum of sixty (60) feet from the front lot line, five (5) feet from the side lot line, and five (5) feet from the rear lot line. On corner lots the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters, except as provided in 602.02.3(5).

706.04 -B (C80 - R4) - Limited Multi-Family Residential Subdistrict:

The purpose of this subdistrict is to provide areas for the development of higher density multifamily apartment and condominium uses with adequate, usable open space to prevent overcrowding. The C80-R4 subdistrict are appropriate for the development of multifamily housing in a campus-like setting on land near office and light commercial uses or large tracts of land near existing lower- density housing. It is the intent of this Ordinance that this subdistrict be carefully located within the C80 District only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing and where the multifamily housing will not intrude on lower-density residential areas.

706.04.01-B Uses Permitted:

Multiple family dwellings including apartments and condominiums as defined in Article II.

706.04.2 -B Uses Which May Be Permitted as Special Exception:
Special Exceptions, such as the following non-retail uses, provided they are established in accordance with the provisions of this Ordinance:
Professional non-retail offices, including but not limited to, architects, attorneys, engineers, doctors, real estate, and insurance.

706.04.3 -B Uses Which May Be Permitted As Use Permits: The following uses are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Accessory automobile parking and principal access when used to serve a Special Use District, residential, commercial, or industrial use when the land proposed for such accessory parking or access is either immediately adjacent to or across the street from the use which it serves. Accessory parking may also be across the street from the use which it serves. All parking shall be located at least five (5) feet from any public street or any adjoining property line. Only access across this setback area with sidewalks, bikeways, trails, and drives will be permitted.

2. Churches on sites of less than one (1) acre but greater than ten thousand (10,000) square feet. Regulations for alterations of existing structures or for new construction of churches and schools shall be the same as for the Special Use District.

3. Bed and Breakfast Inn Class A and B:

A. Applicant shall submit to the Zoning Division proof of one of the following:

i. Structure is listed on the National Register of Historic Places; or

ii. Structure is designated as a Jackson Landmark by the Jackson Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or

iii. Structure is deemed eligible for designation as a Jackson Landmark by the Jackson Historic Preservation Commission or as a Mississippi Landmark by the Mississippi Department of Archives and History and is granted designation within one year from the date of eligibility determination.

B. Adequate parking shall be provided. Off-site parking must be within a reasonable walking distance of the bed and breakfast, and proof of such parking (lease agreement, etc.) must be provided annually to the Zoning Division and whenever the contractual rights of the bed and breakfast inn owner in such off-site parking facilities are modified in any way.

C. All exterior lighting shall be directed away from adjacent residential property.

D. Signage shall comply with the City of Jackson Sign Ordinance.

4. Class B Bed and Breakfast Inn with Restaurant. It is expressly understood that a separate Use Permit is required to operate a restaurant in a Class B Bed and Breakfast Inn. Any existing Class B Bed and Breakfast Inns who determine that they wish to operate a restaurant in conjunction with their Class B Bed and Breakfast Inn is permitted to do so by right subject to receipt of a statement indicating this election to include a requirement that a Bed and Breakfast Inn with Restaurant clear Site Plan Review from City Staff.

5. Transitional housing for seven (7) and twelve (12) residents. In considering applications hereunder, the City shall comply with the provisions of 42 U.S.C. 3604(f) (3) (B).
6. Personal care facilities housing between seven (7) and twelve (12) residents, excluding staff. In considering applications hereunder, the City shall comply with the provisions of 42 U.S.C. 3604(f) (3) (B).
7. Accessory church related uses such as adult and child care centers, schools, gymnasiums, and fellowship halls.
8. Ground Sign (Monument Sign), as defined by the City of Jackson Sign Ordinance, for an adjacent commercial business where both properties are under the same ownership. Regulations shall be the same as the adjacent commercial business, based on its underlying zoning, as regulated by the City of Jackson Sign Ordinance.
9. Adult and Child Care Centers/Commercial Regulations for alterations of existing structures or for new construction of child care centers shall be as follows:
   A. All principal structures shall be located at least twenty-five (25) feet from any public street or any adjoining property line.
   B. Maximum height - forty-five (45) feet.
   C. Maximum lot coverage - forty-five percent (45%) including accessory structures.
10. Boarding house, residential care facility, hospice, emergency shelter/mission, SRO, and rooming house, but no boarding house, residential care facility, hospice, shelter, SRO, or rooming house shall be located within one thousand (1,000) feet of any other such use and not exceed twelve (12) persons.
11. Assisted Living Facilities on sites not less than three (3) acres.

706.04.4 -B Dimensional Regulations:

1. Maximum Height – The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.
2. Minimum Lot Area – Two (2) acres.
3. Minimum Floor Area
   A. One bedroom units: 500 square feet.
   B. Two bedroom units: 700 square feet.
   C. Three or more bedroom units: 900 square feet.
4. Maximum Density – Twelve (12) dwelling units per gross acre.
5. Minimum Lot Width – 100 feet at the building setback line.
6. Minimum Front Yard Depth – 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

7. Minimum Side and Rear Yard – 25 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts an existing single-family detached residence or single-family residential district, in which case the side or rear yard shall be 50 feet.

8. Accessory Structures – Accessory structures of a type compatible with the surroundings shall be permitted, and when detached from the main building shall be set back a minimum of fifty (50) feet from the front lot line, fifteen (15) feet from the side lot line, and fifteen (15) feet from the rear lot line. On corner lots, the accessory structure must be erected on the opposite corner of the lot from the street line. No accessory structure may be used as living quarters.
9. Multiple Building on Lots – When more than one principal building is located on a parcel, an open space or court between buildings shall be provided as follows:

Building Orientation	**Distance**
Face to face (A)	25'
Face to end (B)	20'
Corner to corner	15'
End to end	15'

(A) Face - Exterior plane of a building having the greatest length.
(B) End - A secondary exterior plane of a building, not a face.

10. Off-Street Parking – The required front, side and rear yards shall not be used for off-street parking; however, side, front and rear yards not included in the required landscape buffer may be used for portions of internal streets.
11. Access to Arterial or Collector Streets – All multifamily dwellings must have direct access to a collector or arterial street as defined by the City of Jackson Traffic Engineering Department.

706.04.5-B Required Open Space Reservation/Dedication for Multi-Family Developments: A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational use of the residents of the apartment or condominium complex.
The required site plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1. Maximum Amount of Common Open Space Covered by Water – No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.
2. Steep Slopes – In reviewing the site plan for a proposed apartment or condominium development, the Site Plan Review Committee shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. Site Plan Review Committee shall make a recommendation to the City Council as to whether or not any steep slope land should be approved for use in meeting the requirements of this Ordinance.

3. Physical Improvements – Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the City Council as part of the Site Plan Review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
4. Performance Bonds – Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the City Council, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

706.04.6-B Existing Uses and Structures: On September 1, 2011 any structures being used as apartments or multifamily residential which is within a zoning district which permits apartments or multifamily residential within the C80 District shall be a legally conforming use for all purposes of this Ordinance. Dimensional regulations, parking regulations, open space regulations, and density regulations existing at the time of initial construction of said structures shall be followed should reconstruction be warranted.

706.05 -B (C80 - C1) Restricted Commercial Subdistrict:

The purpose of this subdistrict is to provide relatively quiet, attractive and spacious areas for the development of restricted commercial uses that do not generate substantial volumes of vehicular traffic (i.e., generally, not more than approximately 426 average daily trips per gross acre of land according to the National Cooperative Highway Research Program Report #187 or the latest edition of the Institute of Transportation Engineers manual entitled Trip Generation.) This subdistrict are intended to encourage high quality office park development in protected environments and to serve as a transition zones between low density residential uses (single-family detached dwellings) and higher intensity uses (such as those first permitted under the C80-C-2 Limited Commercial subdistrict). This subdistrict is appropriate for the fringes of retail zones.

706.05.1 - B Uses Permitted:

1. Business and professional offices of all types.
2. Personal services such as hair styling shops and photographic portrait studios.
3. Business-related retail and service establishments not to exceed 25% of the leasable area of any office building or not to exceed 10,000 square feet if freestanding. Permitted uses include, but are not limited to: office supply stores, office equipment dealers, telecommunication equipment sales and service companies, computer stores and services, copy services, graphics supply and equipment dealers, private employment agencies, travel agencies, emergency

health care clinics, child care facilities, and totally enclosed health club facilities.

4. Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance, business and stenographic schools, barber and beauty schools, and similar facilities.
5. Restaurants, cafeterias, delicatessens, coffee shops and carryout food establishments if located within an office building, provided that no drive-through service be offered by such facilities.
6. Educational and technical training facilities of all types except for those which require outdoor space and/ or industrial type structures or those that involve trucking or similarly sized equipment; included are conference center facilities.
7. Privately-owned and operated museums, libraries, galleries, and similar facilities.
8. Hospitals, research institutes, convalescent homes, and assisted living facilities on sites of not less than three (3) acres.
9. Auxiliary and related retail uses located entirely within buildings where the predominant use is office, hospital, research institute and/or convalescent home.
10. Personal care facilities and transitional housing which exceed thirteen (13) residents on sites of not less than three (3) acres.

706.05.2-B 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. Commercial banks, saving institutions, and credit unions.
2. Restaurants, Neighborhood

706.05.3 -B Dimensional Regulations:
1. Maximum Building Height – The height limitations for this district shall be determined in accordance with the latest edition of the **International Building Code** adopted by the City.
2. Minimum Lot Area – No minimum lot area is required.
3. Minimum Lot Width – No minimum lot width is required.
4. Minimum Front Yard Depth – 40 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with the landscape standards adopted by the City of Jackson parking shall be permitted in driveways.
5. Minimum Side Yard Depth
   A. Side yards and rear yards where not abutting an existing single-family detached residence or a single-family residential district: 10 feet. No landscaping shall be required in this 10 foot open area, and driveways may be constructed inside this setback.
   B. Side yards and rear yards where abutting an existing single-family detached residence or a single-family residential district: 20 feet, which shall remain open and be landscaped in accordance with the City of Jackson landscape standards and a six (6)-foot high fence constructed of brick or solid wood (board-to-board); said fence shall be maintained by the property owner and

failure to maintain the fence in a reasonably satisfactory condition shall constitute a violation of this Ordinance.

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

706.06-B (C80-C2) Limited Commercial Subdistrict:

The purpose of this subdistrict is to provide attractive areas for the medium density development of office buildings and neighborhood type stores, services, and commercial centers that address the daily needs of the surrounding residential community. It is also the purpose of this subdistrict to promote the development of well-planned shopping centers and independent commercial uses within carefully selected areas of the U. S. Highway 80 corridor. The commercial activities permitted in this subdistrict include uses of a higher intensity than those first allowed in Restricted Commercial subdistrict (C80-C1).

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

706.06.1-B Uses Permitted:

1. All uses permitted in (C80-C1) Restricted Commercial Subdistrict.
2. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the display, sales and storage permitted by 706.06.4-A, paragraph F of this Ordinance.
3. Neighborhood shopping centers, retail convenience stores, and personal services to exclude check cashing and title pledge offices. No single tenant shall occupy more than 40,000 square feet.
4. Restaurants, Neighborhood.
5. Coin laundry and dry cleaning establishments.
6. Restaurant, Neighborhood Shopping Center, where part of a neighborhood shopping center.
7. Restaurant, Fast Food, where part of a neighborhood shopping center.
8. Commercial Banks, Savings Institutions and Credit Unions

706.06.2-B 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. 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.
2. Veterinarian clinic when no storage pens or runs are located outdoors.
3. 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.
4. Nightclubs and bars, as defined by this Ordinance. No bar selling intoxicating liquor as defined by the ***Mississippi Code*** shall be located less than five hundred (500) feet from any church, school, kindergarten or funeral home however, that within and area zoned commercial, mixed use or industrial, such a minimum distance shall not be less than 100 feet.
5. Service stations
6. Car washes
7. Restaurant, General
8. Retail Stand
9. Liquor Stores, where part of a neighborhood shopping center.
10. Convenience stores.
11. Mortuaries or funeral homes, provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.
12. Nail salons, hair styling shops or hair salons, beauty parlors and tanning parlors, and massage clinics *only when associated with spa salons which offer more generalized services related to skin health, facial aesthetics, and similar related services.* None of these uses shall be permitted as stand-alone uses in C80-C2 Limited Commercial subdistrict. These uses shall be inspected twice per year by the City for compliance with this Ordinance and other City codes.
13. Farm stands or farmer's markets as defined by this Ordinance. These are not subject to the provisions of 708.07-A, paragraph F.

706.06.3-B Dimensional Regulations:

1. Maximum Height – The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.
2. Minimum Lot Area
   A. Shopping centers: Three (3) acres.

B. Independent commercial uses: No minimum lot area is required.

3. Minimum Lot Width

A. Shopping centers: 200 feet.

B. Independent commercial uses: No minimum lot width required.

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

5. Minimum Side and Rear Yard Depth

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

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

706.06.4-B <u>Outdoor Display, Sales and Storage in (C80-C2)</u>

1. Sidewalk Display and Cart Storage: "Sidewalk display" is a term commonly used in the retail industry to describe display areas along the front of a building. Sidewalk display and cart storage in the sidewalk display area are subject to the following restrictions:

A. Merchandise may be displayed and carts may be stored within 20 feet of the front of the building.

B. No *single item* may exceed 12 feet in height.

C. Items may not be stacked to exceed six feet in height.

D. A clearly delineated pedestrian walkway at least six (6) feet in width shall be provided contiguous to the 20-foot display and cart storage area to provide unimpeded pedestrian access to the building.

E. An area the width of the customer entrance and exit door(s) plus 15 feet on either side of the door(s) shall be maintained clear of merchandise and carts to allow unimpeded pedestrian access to the building.

F. Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within 15 feet on either side of the door(s).

G. This Section does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.

2. **Permanent Outdoor Display, Sales and Storage:** Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with the following restrictions:
   - **A.** The total square footage of all permanent outdoor storage, display and sales areas shall be limited to 10% of the footprint of the building, but in no event shall exceed 15,000 square feet.
   - **B.** Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within 100 feet of residential property.
   - **C.** The permanent storage, display and sales area shall be enclosed by a *chain link fence* covered with windscreen or *wall of like material to the building* with a minimum height of eight feet. Windscreen shall be maintained in good repair and free of tears. Merchandise may be stacked up to 25-feet high or level with the top of the adjacent side wall, whichever is lower, but may not be stacked above the height of the wall or fence. The roofline on the front façade shall have architectural features, such as gables or parapets, to obscure merchandise stored in the area.
3. **Seasonal Outdoor Display and Sales:** Christmas trees may be displayed for sale. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation fertilizer, bark, mulch, peat moss and play sand may be also be displayed. The seasonal outdoor sales area shall be limited to 10% of the footprint of the building but in no event shall exceed 12,000 square feet. No merchandise may exceed five feet in height, except Christmas trees.
4. **Rear Storage**: Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a *chain link fence covered with windscreen*, except for any side or back that is adjacent to any existing single-family residential use or single-family residential district and separated by an eight-foot masonry wall and landscaped buffer yard in accordance with the Landscape Regulations of the City of Jackson. Windscreen shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than 25-feet or level with the top of the adjacent side wall of the building, whichever is lower, and may not be stacked above the height of the chain link fence.

706.07-B (C80-C3) General Commercial Subdistrict:

The purpose of this subdistrict is to provide for the preservation and perpetuation of retail and commercial enterprise, to provide areas for the development of retail type and personal service type commercial, community, and regional shopping centers of integrated design and high density development of commercial businesses in certain areas adjacent to U. S. Highway 80. It is also the purpose of this subdistrict to provide relatively spacious areas for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility from major thoroughfares. This subdistrict is intended to allow those commercial activities that function relatively independent of intensive pedestrian traffic. Finally, it is also the intent of this Ordinance that shopping centers and independent commercial uses be developed so that vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In order to facilitate access between adjoining properties and to reduce the number of curb cuts onto arterial streets, the installation of a service

drive shall be considered in connection with any independent commercial use (i. e., a commercial use that is not a part of a shopping center) proposed in this district.

706.07.1-B Uses Permitted:

1. All uses permitted in C80-C2 Limited Commercial subdistrict.
2. Automotive service and repair establishments.
3. Automotive and truck rental businesses.
4. Automobile sales.
5. Bowling centers.
6. Car washes.
7. Health club/fitness centers.
8. Hotels and motels.
9. Ice and roller skating rinks.
10. Climate-controlled warehouses.
11. Brewpubs.
12. Nurseries/yard and garden centers.
13. Parking garages.
14. Restaurants, drive-in and fast food.
15. Restaurants, general.
16. Second-hand stores.
17. Service stations.
18. Transient Vendors, when located completely indoors, as in shopping centers, hotels, or motels. Outdoor display of merchandise is prohibited.
19. Veterinarian clinics and kennels, where all activities are fully enclosed (no outside dog runs, etc.)
20. Wholesale outlet stores.

706.07.2-B 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 C80-C2 Limited Commercial subdistrict.
2. Amusement arcades.
3. Amusement parks.
4. Amusement rides.
5. Automobile and truck wrecker and recovery businesses, when all vehicles are stored in a completely enclosed building.
6. Commercial communication towers.
7. Nightclubs, bars and liquor stores, as defined by this Ordinance. In accordance with the 67-1-51 (3) (Permits; distance regulations) **Mississippi Code, 1972 Annotated**, as amended, no bar selling intoxicating liquor as defined by the Mississippi Code shall be located not less than five hundred (500) feet from any church, school, kindergarten or funeral home.
8. Gun shops.

9. Farm stands.
10. Veterinarian clinics and kennels.
11. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, water amusement parks, drive-in theaters, etc.
12. Building materials sales where some or all such materials are displayed outdoors.
13. Heavy construction equipment sales and service.
14. Veterinary clinics with outside dog runs.

706.07.3-B Dimensional Regulations:

1. Maximum Height – The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.
2. Minimum Lot Area
   - **A.** Shopping centers: three (3) acres.
   - **B.** Independent commercial uses: 10,000 square feet.

3. Minimum Lot Width – 100 feet.

4. Minimum Front Yard Depth – 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the City of Jackson's Landscape Ordinance. No parking shall be permitted in these driveways.
5. Minimum Side and Rear Yard Depth
   - **A.** Side yards and rear yards where *not abutting a residential district*: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Jackson.
   - **B.** Side yards and rear yards *where abutting any residential district*: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Jackson; OR 20 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Jackson *and* a fence along side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

6. Minimum Space between Separate (Detached) Buildings on the Same Lot – 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Jackson.

706.07.4-B Outdoor Display, Sales and Storage in (C80-C3)

1. Sidewalk Display and Cart Storage – "Sidewalk display" is a term commonly used in the retail industry to describe display areas along the front of a building. Sidewalk display and cart storage in the sidewalk display area are subject to the following restrictions:

- **A.** Merchandise may be displayed and carts may be stored within 20 feet of the front of the building.
- **B.** No *single item* may exceed 12 feet in height.
- **C.** Items may not be stacked to exceed six feet in height.
- **D.** A clearly delineated pedestrian walkway at least six (6) feet in width shall be provided contiguous to the 20-foot display and cart storage area to provide unimpeded pedestrian access to the building.
- **E.** An area the width of the customer entrance and exit door(s) plus 15 feet on either side of the door(s) shall be maintained clear of merchandise and carts to allow unimpeded pedestrian access to the building.
- **F.** Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within 15 feet on either side of the door(s).
- **G.** Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within 15 feet on either side of the door(s).
- **H.** This does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.

2. Permanent Outdoor Display, Sales and Storage – Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with the following restrictions:

- **A.** The total square footage of all permanent outdoor storage, display and sales areas shall be limited to 10% of the footprint of the building, but in no event shall exceed 15,000 square feet.
- **B.** Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within 100 feet of residential property.
- **C.** The permanent storage, display and sales area shall be enclosed by a *chain link fence* covered with windscreen or *wall of like material to the building* with a minimum height of eight feet. Windscreen shall be maintained in good repair and free of tears. Merchandise may be stacked up to 25-feet high or level with the top of the adjacent side wall, whichever is lower, but may not be stacked above the height of the wall or fence. The roofline on the front façade shall have architectural features, such as gables or parapets, to obscure merchandise stored in the area.

3. Seasonal Outdoor Display and Sales – Christmas trees may be displayed for sale. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation fertilizer, bark, mulch, peat moss and play sand may be also be displayed. The seasonal outdoor sales area shall be limited to 10% of the

footprint of the building but in no event shall exceed 12,000 square feet. No merchandise may exceed five feet in height, except Christmas trees.

4. Rear Storage – Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a *chain link fence covered with windscreen*, except for any side or back that is adjacent to any existing single-family residential use or single-family residential district and separated by an eight-foot masonry wall and landscaped buffer yard in accordance with the Landscape Regulations of the City of Jackson. Windscreen shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than 25-feet or level with the top of the adjacent side wall of the building, whichever is lower, and may not be stacked above the height of the chain link fence.

706.08-B (C80-I1) Light Industrial Subdistrict

The purpose of this subdistrict is to provide for the development of commercial and light manufacturing industries which do not have space requirements and do not generate odors, smoke, fumes, or excessive noise large and also for warehousing and storage, provided the particular uses have not been declared a nuisance in any court of record. It is also the purpose of this subdistrict is to encourage the development of lower intensity industrial uses (i. e., uses in which the industrial activity is *primarily conducted indoors*). It is the intent of this Ordinance that C80- I1 land uses are compatible with abutting districts, such as commercial districts, which will serve as transitional zones between the industrial uses and the lower intensity residential uses.

706.08.1 -B Uses Permitted:

1. Light or limited manufacturing conducted within fully-enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted outdoors if adequately screened or buffered. The manufacturing activities conducted in C80-I1 subdistrict shall, in general, be dependent upon raw materials refined elsewhere. The manufacturing uses shall not be offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, fire hazards, or other objectionable influences.
2. Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site. *This shall include climate-controlled warehouses*.
3. Research and laboratory facilities and business incubator facilities.
4. Private colleges, vocational-technical schools and trade schools.

706.08.2-B 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. Adult and child care center/commercial, as an accessory use.
2. Commercial communication towers.
3. Wrecker services.

706.08.3 -B Dimensional Regulations:

1. Maximum Height – The height limitations for this district shall be determined in accordance with the latest edition of the ***International Building Code*** adopted by the City.
2. Minimum Lot Area – 10,000 square feet.
3. Minimum Lot Width – 100 feet.
4. Minimum Front Yard Depth – 40 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with the City of Jackson's Landscape Ordinance; no parking shall be permitted in these driveways.
5. Minimum Side and Rear Yard Depth
   - **A.** Side yards and rear yards where not abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Jackson.
   - **B.** Side yards and rear yards where abutting any residential district: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Jackson; or 20 feet, which shall remain open and be landscaped in accordance with the standards adopted by the City of Jackson and a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of masonry. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.
6. Minimum Space between Separate (Detached) Buildings on the Same Lot – 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Jackson.

706.08.4 -B Outdoor Storage: Outdoor storage in C80-I1 Light Industrial subdistrict shall be at the sides or rear of the site, and shall be totally encircled by a fence, planting or other suitable visual barrier.

706.09 -B (C80-I2) Heavy Industrial Subdistrict:
The purpose of this subdistrict is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements and/or in which all or part of the activities (other than temporary storage) associated with the use are

conducted outdoors (outside of buildings). These activities often generate noise, odors, smoke or vibrations detectable to human senses off the premises on which the use is located. It is the intent of this Ordinance that such "heavy" industrial districts be located insofar as possible adjacent only to C80-C3 General Commercial subdistrict or C80-I1 Light Industrial subdistrict. Heavy industrial uses shall be located only in areas directly accessible to arterial streets, roads, or highways or accessible to railroads.

706.09.1-B Uses Permitted:

1. Any use permitted in C80-I1 Light Industrial subdistrict.
2. Heavy manufacturing and processing plants, provided however, that these plants are not dangerous to other industrial uses by virtue of explosion and fire hazards, and have not been declared a nuisance in any court of record.
3. Commercial communication towers.
4. Self-storage warehouses or "mini warehouses" (non-climate-controlled).

706.09.2-B 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. Recycling plants.
2. Wrecker services.

706.10 –B (-MU) Mixed-Use Subdistrict:

The purposes of this subdistrict area as follows:

1. To allow a diversity of uses in close proximity in the district, including residential, retail, office, entertainment, and open space.
2. To encourage a mix of uses in which non-residential development generate revenues for the City and creates jobs, shopping and entertainment opportunities for residents, while residential development generates hour vitality in support of the commercial uses.
3. To provide opportunities for a mixture of uses in the same building.
4. To provide through a planned development process, standards for site design, architecture, landscaping and circulation that segregate vehicular and pedestrian traffic, encourage walking and bicycling for recreation and daily errands, and buffer adjacent and internal residential uses from non-residential use impacts.

706.10.1-B Permitted Uses: The following uses are permitted outright in C80-MU subdistrict subject to the regulations prescribed herein:

1. All uses allowed outright in C80-C1 subdistrict, subject to other requirements of this Ordinance.
2. Single-family dwellings.
3. Two-family dwellings.
4. Multifamily dwellings.
5. Dwellings in mixed use buildings.
6. All uses allowed outright in C80-C2 subdistrict
7. Bowling Centers
8. Theaters
9. Shopping Centers
10. Health Clubs/Fitness Centers
11. Ice & Roller Skating Rinks
12. Colleges
13. Brewpub
14. Restaurants, drive in and fast food
15. Restaurant, General
16. Specialty Retail
17. Hotels
18. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance)
19. Vendor Park

Section 706.10.1(a)-B 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. Community Recreational Center
2. Nightclubs, bars and liquor stores, as defined by this Ordinance. In accordance with the 67-1-51 Mississippi Code, 1972 Annotated, as amended, no bar selling intoxicating liquor as defined by the Mississippi Code shall be located not less than five hundred (500) feet from any church, school, kindergarten or funeral home, provided, however, that within an area zoned commercial, mixed use or industrial, such minimum distance shall not be less than 100 feet.
3. 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.

4. Tattoo Parlors
   A. 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.
   B. Evidence of such approval shall be provided to and kept on file by the City of Jackson Zoning Division.

706.10.2 -B Dimensional Regulations:

1. Minimum Size of Development – No minimum.
2. Maximum Height for All Uses – The height limitations for this district shall be determined in accordance with the latest edition of the **International Building Code** adopted by the City.
3. Maximum Multi-Family Residential Density – To be determined through Site Plan Review.
4. All Commercial Uses – Dimensional requirements for commercial portions or public/ quasi-public uses in a C80-MU development shall be determined by approval of a development plan submitted in accordance with 1002.09.3-B, below and the site plans required by Article XII-A.

706.10.3 -B Development Plan Approval Required

Any person desiring to create a development within the Corridor 80 Mixed Use subdistrict shall first prepare and submit a "development plan" to the Zoning Administrator. All development plans for proposed C80-MU uses shall be reviewed by the City's Site Plan Review Committee. A development plan is a drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving different proposed land uses. Following approval of the development plan, said development plan shall be become the zoning requirements for the development unless amended in accordance with 1002.09.4-B, below of this Ordinance.

706.10.4-B Changes in Development Plans:

A development plan may include different land uses keyed to various areas of a proposed development. If the development plan meets the requirements of the Subdivision Regulations for preliminary plats, the provisions of this shall apply to previously approved preliminary plats. If a developer proposes changes from the development plan approved by the City's Site Plan Review Committee, the proposed changes must be approved by the Site Plan Review Committee. No construction that would involve proposed changes in the development plan previously approved by the Site Plan Review Committee shall be initiated by the developer prior to approval of the revised development plan.

706.11 -B Suitability Certificate:

A Suitability Certificate shall be required before any "action" as defined below can be taken within the Corridor 80 District. An "action" shall be defined as any construction, re-construction, relocation, addition to, major repair or demolition of a building or structure, painting or re-painting of a building or structure, construction of new parking facilities or modification (addition or elimination of parking places or re-alignment of parking spaces) of existing parking facilities**.** Major repair is defined as costing in excess of fifty (50) percent of the value of the subject building or structure. A "Suitability Certificate" is a certificate expressing approval of the City Council (or Zoning Administrator in the case of painting/ repainting of an existing structure) with regard to any proposed "action" in the C80 District.

"Suitability Certification" shall be defined as conformity to the standards established in this Zoning Ordinance or other land development regulations as they now exist or may be amended in the future.

For applications involving a required site plan for a proposed action, the Site Plan Review Committee, in recommending approval and denial of applications for Suitability Certification , shall seek to accomplish the purposes of this ordinance.

706.11.1-B Purposes of a Suitability Certificate :

A "Suitability Certificate**"** is a document issued by the Site Plan Review Committee approving a proposed "action"(as defined under **-706.11-B**) in a Corridor 80 District. The purposes of the Suitability Certificate are:

- To preserve the values of existing buildings and structures.
- To prevent excessive dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures.
- To prevent poor quality of design in the exterior appearance of structures.
- To prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with the existing visual features within the district.
- To prevent harm and damage to Corridor 80 Districts which will result from the absence of such review and manifest itself by: (a) lower property values; (b) decreased economic growth; or (c) diminished future opportunities for land use and development.

706.11.2 -B Site Plan Required for Any Proposed "Action" in the Corridor 80 District:
When any "action" as defined under 706.11 is proposed anywhere within a Corridor 80 District, the Site Plan Review Committee shall review site plans for such actions. Site plans shall be prepared in accordance with Article XII-A of this Ordinance and persons responsible for initiating such "actions" shall comply with the procedures specified under 706.11-B of this Ordinance.

706.11.3 -B Procedures for Site Plan Review within the Corridor 80 District:

The Site Plan Review Committee shall review all site plans within Corridor 80 Districts (provided all required data is submitted by the applicant) at their regular meeting. After reviewing all information relative to the site plan, the Site Plan Review Committee may issue a Suitability Certificate and approve issuance of a Building Permit. If the Site Plan Review Committee determines that the proposed building or structure is excessively dissimilar to other like structures within the district and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in , 706.11.1-B paragraph 5**,** and that such finding is not based upon personal preferences as to taste, then the Site Plan Review Committee may refuse to issue a Suitability Certificate and not approve an application for a Building Permit.

706.11.4-B Procedures for Consideration of Applications for Suitability Certification: Anyone desiring to perform any "action" (as defined under 706.11- B**)** in the Corridor 80 District must submit an application for a Suitability Certificate (on a form provided by the Planning and Development Department) to the Zoning Administrator, who shall forward this application to the Site Plan Review Committee. The Committee shall review the application and either recommends approval, denial, or make recommendations for changes and modifications as it deems necessary in order for the applicant to meet the standards and guidelines for the action to be performed. If the applicant's plans meet the approval of the Committee, the Chairman of the Committee shall sign the Certificate, and the Certificate shall be forwarded to the Building Official for issuance of a Building Permit.

If the Site Plan Review Committee should reject the application or recommend changes and modifications not acceptable to the applicant, the applicant may appeal the Committee's decision directly to the City Council.

It is incumbent upon the applicant for a Suitability Certificate to complete an application and submit the completed application and required site plan in time for review by the City Site Plan Review Committee. If the proposed action also involves an application for a Variance, Special Exception, or Use Permit, or an amendment to the Official Zoning Map (see Article XVII-A), the applicant for a Certificate of Appropriateness is advised that a public hearing is required in accordance with Article XVII-A of this Ordinance. No Building Permit shall be issued by the Building Official without an approved Suitability Certificate.

706.11.5-B Expiration of Suitability Certificate: Suitability Certificate shall expire if the work or change is not commenced within one hundred eighty (180) days from the date the Certificate is granted, or if the work or change is not substantially completed within two (2) years from the date the Certificate is issued, although such permit may be renewed for additional periods.

706.12 -B Performance Standards for the Corridor 80 District: Architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site. Except for architectural insulated metal panels, all proposed new metal buildings are prohibited in Corridor 80 District unless covered with brick or other masonry material.

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

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

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

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

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

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

All developments within the C80 District shall maximize pedestrian-oriented development.

706.13- B General Design Guidelines:

706.13.1 –B Building Location and Orientation: Facades with principal entrances shall be oriented to the project's primary street or to an active pedestrian or public zone within the site. For multi-tenant buildings, at least 50% of the entrances shall be oriented to the primary street or pedestrian or public zone. Facades with principal customer entrances may be turned perpendicular to the primary street if they provide a direct pedestrian connection from a public sidewalk to the major customer entrance without interruption by vehicular traffic. The primary street for a development is Highway 80, or other arterial or collector streets that fronts the development. When the development has two primary streets, the site plan shall determine orientation.

Developments at inters shall identify or emphasize their corners with significant landscaping or similar public feature.

A clearly delineated pathway or route should connect all principal building or business entrances to any sidewalks or trails on streets adjacent to the project.

706.13.2 –B Pedestrian Access: Developments shall provide a continuous walkway connection at least 5 feet in width from the public sidewalk to the customer entrances of all principal buildings on the site. Developments adjacent to multi-use trails shall provide a direct connection from the trail to the development's internal pedestrian circulation system. For trails that are proposed in the City's comprehensive plan, trail master plan, or other adopted City document but are not yet constructed, the development plan shall make provisions for a connection to the trail, and shall be responsible for constructing the connection when the trail becomes available.

Multi-building developments shall provide clear and safe walkways at least 5 feet in width that connect all buildings on the site. Buildings not intended for routine customer access or intended solely for drive-up services are excluded from this requirement.

Where the required walkways specified in this cross drives, parking aisles, or other vehicular ways, the crosswalks shall be distinguished from driving surfaces by the use of durable, low-maintenance surface materials such as concrete or brick pavers; scored, colored concrete; or painted concrete.

Pedestrian connections to adjacent developments should be provided.

706.13.3 –B Vehicular Access: Developments should make maximum use of internal cross-easements and shared access points when possible. Main driveways and drive aisles shall provide a continuous system that connects to the main site entrance. Commercial developments are encouraged to provide means of access to residential areas that avoid requiring residents to use arterial streets for short-distance trips. Such connections must be

designed to avoid channeling commercial traffic onto residential streets outside of comprehensively planned, mixed use projects. When possible, shared service and delivery access should be provided between adjacent parcels and buildings.

706.13.4–B Parking: Parking shall be grouped into parking blocks that are divided by pedestrian paths, landscaping, or buildings. A maximum of 400 parking stalls may be located in any one parking block.

706.13.5–B Signs:

1. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building.
2. All lots abutting designated arterial or collector streets shall use monument or ground signs, except that commercial uses within 660 feet of the Interstates 20 and 220 rights-of-way. There shall be one pole sign per premises. These pole signs where permitted shall have a maximum height of 50 feet.
3. A landscaped base area shall be provided for monument or ground signs appropriate to the mass and height of the sign. All areas within 5 feet of the base of any sign shall be landscaped. The landscaped area may include trees, shrubs, flowering perennials, ornamental tall grass, fountains, water features, decorative stonework, planters, sculpture, decorative paving, turf grass, loose stone, and mulch.

706.13.6 –B Screening: Developments shall provide year-round screening of outdoor storage, utility meters, HVAC equipment, trash collection and processing. Utility meters, HVAC, and Trash collection and processing shall be screened to its full vertical height. Outdoor storage shall provide 75% of the vertical plane of this feature up to a height of 8 feet. Trash enclosure gates shall furnish a steel frame with decorative steel or wood covering, or another design acceptable to the Planning Director. Chain-link fencing with inlaid wood or metal slats shall not be considered acceptable. Screening shall be integrated into the overall design of buildings and landscaping and fully contain the visual impact of these service functions from adjacent public streets and neighboring properties.

706.13.7–B Lighting: All lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining residential property through fixture type and location. When lighting is mounted to the underside of canopies, these lights shall be recessed so that the visible light source is no lower than the plane of the underside of the canopy.

The maximum height of lighting standards shall be 45 feet, unless the City grants a specific exception as part of the application approval process.

Exterior lighting of buildings shall be limited to low-level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The City may

approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.

706.13.8–B Mass and Scale for Buildings over 40,000 Square Feet: Variations in the vertical plane of the building shall be incorporated into the mass of the building at significant entrances or along walls that front plazas or other significant pedestrian features. Methods of variation may include towers, pediments, or façade articulations or variations; changes in the horizontal plane; or enhancements in color and materials, consistent with the overall design of the building.

Primary building facades shall meet one of the following guidelines:

Facades greater than 100 feet shall incorporate projections or recesses in the wall plane.

Facades greater than 100 feet shall display a pattern of color change, texture change, material change, or expression of structural bays with an offset of at least 12 inches from the ruling plane of the facade.

The City of Jackson may waive these guidelines if the applicant demonstrates an alternative building design that in the Board's opinion provides visual interest and scale to the building. The Site Plan Review Committee shall review and provide recommendations concerning application to waive these guidelines.

706.13.9 –B Architectural Elements: Front facades facing a primary street shall have visible, clearly defined customer entrances that include at least three of the following elements: canopies or porticos, overhangs, recesses or projections, arcades, raised cornice parapets over the entrance door, distinctive roof forms, arches, outdoor patios or plazas, display windows, or integral planters.

Front facades shall utilize variations in color, horizontal planes, materials, patterns, height, or other techniques to provide visual interest and scale to buildings.

All rear and side facades abutting an arterial or collector shall use a simplified expression of the materials and design used on the front façade.

706.13.10 – B Building Materials: Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, split faced, rock faced, textured, or glazed concrete masonry units; pre-finished architectural metal panel systems; quality metals such as copper; high quality pre-stressed concrete systems; and drainable (water managed) Exterior Insulated Form System (EIFS).

Materials on all sides of the building shall be compatible with materials on the front façade.

These guidelines are not intended to inhibit creativity and innovation in building design. The Architectural Review Committee may permit the use of other materials, if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence.

706.13.11 – B Roof Forms: Buildings with flat or slightly sloped roofs to drain shall incorporate parapets on all facades that face a public street or residential district. Variations in parapet height and articulation of cornice lines may be used to add interest.

Roof forms shall be designed to express various building functions or features, such as entrances.

Visible roof materials shall include clay or concrete tile, split shakes, tern metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.

706.14 – B Design Guidelines for Industrial Uses

706.14 .1– B Building Location and Orientation: To the maximum degree possible, the arrangement of buildings on a site shall screen operational and loading areas from view abutting highway corridor streets.

Buildings with customer entrances shall orient such entrances toward the primary access street. Accessory structures shall not front a primary access street and shall be oriented away from public streets, open space, or residential areas.

Buildings shall be arranged and oriented so that loading docks, outdoor storage, trash collection and processing, HVAC equipment, truck parking and servicing areas and other service functions are not visible from Highway 80 except where surrounding topographic features prevents concealment. Site designs shall maximize the amount of landscaping in street yards along these highways. This standard may be met by building and site orientation, site design, and/or landscaped screening that blocks the view of such areas from the highway corridors. Customer and employee parking areas are permitted in these street yards, subject to other provisions of this regulation.

706.14 .2–B Vehicular Access: To the maximum degree possible, access routes for automobiles and trucks shall be distinguished from one another.

Drives and access points shall be directed away from residential areas.

706.14.3–B Parking: Signage and site design shall distinguish employee and visitor parking areas from truck loading and servicing areas when the project is sufficiently large to make such separation functionally necessary.

Landscaping shall be used to direct vehicles through the site, distinguish between automobile and truck service areas, manage storm water, and break up the size of large impervious automobile parking areas.

706.14.4–B Signs:

1. Attached signs shall be integrated into the design of the building elevation.
2. All new industrial development lots abutting the designated highways shall use monument or ground signs, except that industrial development directly adjacent to or within 660 feet of the Interstate 20 or 220 rights-of-way shall be permitted one pole sign per premises. These pole signs where permitted shall have a maximum height of 50 feet.
3. Lots not abutting the designated highway are allowed pole signs as regulated by the City of Jackson's Sign Ordinance.

706.14.5–B Screening: Developments shall provide year-round screening of outdoor storage, utility meters, HVAC equipment, trash collection and processing. Utility meters, HVAC, and Trash collection and processing shall be screened to its full vertical height. Outdoor storage shall provide 75% of the vertical plane of this feature to a height of 8 feet. Trash enclosure gates shall furnish a steel frame with decorative steel or wood covering, or another design acceptable to the Planning Director. Chain-link fencing with inlaid wood or metal slats shall not be considered acceptable. Screening shall be integrated into the overall design of buildings and landscaping and fully contain the visual impact of these service functions from adjacent public streets and neighboring properties.

All rooftop mechanical equipment shall be screened. Acceptable methods of screening include parapet walls or a free-standing screen of a material and color consistent with the building. Screens shall be at least the same height as the equipment they conceal.

706.14.6–B Lighting: All lighting used to illuminate off-street parking areas, signs or other structures shall be arranged so as to deflect light away from any adjoining residential property through fixture type and location.

The maximum height of lighting standards shall be 45 feet, unless the City grants a specific exception as part of the application approval process.

Exterior lighting of buildings shall be limited to low-level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. The City may approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.

706.15–B Architectural Guidelines for Buildings with Office Areas That Exceed 3,000 Square Feet

706.15.1–B Mass and Scale: For buildings with office areas that exceed 3,000 square feet, the mass of the office portion of a building shall be distinguished from the mass of the industrial operations portion of the building. Office and/or public entrances shall be distinguished by elements that provide both identification and scale to the development. Techniques include but are not limited to the use of canopies or porticos, overhangs, changes in horizontal plane, variations in façade height and design, arches, peaked or special roof forms, and changes in materials.

706.15.2–B Building Materials:

1. Permitted exterior building materials on primary exposure facades shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, split faced, rock faced, textured, or glazed concrete masonry units; pre-finished architectural metal panel systems; quality metals such as copper; high quality pre-stressed concrete systems; architecturally treated tilt-up concrete panels; and drainable (water managed) EIFS. Primary exposure facades shall include any façade that is oriented to Highway 80 and all building facades that intersect a façade oriented to these highway corridors for a distance of 200 feet back from such inter; and any façade oriented to a public open space, or residential area.
2. Smooth-faced concrete block, tilt-up concrete, pre-engineered metal buildings, and standard single- and double-tee concrete systems shall be permitted only on facades that are not primary exposure facades as defined above.
3. These guidelines are not intended to inhibit creativity and innovation in building design. The City of Jackson may permit the use of other materials if the applicant demonstrates that the use of such materials will result in a building that gives a sense of quality and permanence. Before permitting other materials, the City of Jackson shall first receive the recommendation of the Site Plan Review Committee , in the same manner as described in 32.5.2(3) herein.

706.15.3–B Roof Forms: Visible roof materials shall include clay or concrete tile, split shakes, pre-finished metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials.

707-A C-4 Central Business District:

The purpose of this district is to preserve and perpetuate an intensive and cohesive downtown urban core characterized as the center for employment and as the focus of commercial, governmental, and cultural activities. The intent of this district is to develop a strong sense of place by extending the duration of downtown's activities by improving the pedestrian environment and creating mutually supportive land uses such as cultural arts, education, entertainment, housing, business, other commerce and government. The Central Business District is to be located in the vicinity of the City Hall and State Capitol and close to peak traffic and pedestrian flows where residential, commercial, governmental and cultural activities can be conveniently accommodated and made easily accessible to adequate parking, transit, and regional transportation services for clientele and employee groups residing, patronizing, or working in the Central Business District.

707.01-A Uses Permitted:

1. Arts, entertainment, and cultural facilities
2. Adult and Child Care/Commercial
3. General commercial and professional offices
4. Mixed Use buildings which contain offices, retail, restaurants, residential and related services
5. Churches and ancillary services
6. Conference/Convention center
7. Civic and Governmental uses including auditoriums and places of assembly
8. Finance, insurance and professional offices
9. Health/Fitness Club
10. Hotels
11. Museums, Art Galleries
12. Nightclubs, Bars
13. Personal services
14. Pocket Parks, Plazas and Courtyards
15. Public Art subject to approval of the Arts Council of Greater Jackson
16. Residential Uses to include condominiums, cooperatives, multi-family, two-family attached and townhouses.
17. Restaurant, Fast-Food
18. Restaurants, General
19. Multi-modal transportation facilities
20. Wholesale and retail commercial
21. Brewpubs

707.02-A Uses Which May be Permitted as Use Permits: **T**he following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Commercial Communication Towers

2. Residential Uses including single-family detached and zero-lot line detached units
3. Live/Work Units
4. Parking Garages
5. Warehouse and Distribution Facilities
6. Bail Bonding Businesses
7. Service Stations
8. Drive-in facilities for banks and restaurants
9. Commercial Car Washes
10. Motels
11. Liquor Stores
12. Gaming Casinos
13. Surface Parking Lots as principal use except on E. Capitol St. and that portion of W. Capitol Street on the east side of Gallatin St.
14. Small Craft Brewery
15. Distillery

707.03-A Bulk Regulations:

1. Minimum lot area - not regulated.
2. Minimum lot width - not regulated.
3. Minimum front yard depth – not regulated
4. Maximum front yard depth –At least sixty (60) percent of the building wall must be located within five feet of the property line; however, the front façade may recede from the street wall by as much as fifteen (15) feet to allow for columns or other architectural elements. Recesses on the ground floor to accommodate entry ways, display windows, planters, or similar features shall not be considered as setbacks provided the upper stories have been built to the street wall.
5. Corner lots within the CBD shall maintain a zero foot setback from the street wall for at least fifty (50) feet from the inter along each street, or the width of the lot, whichever is less.
6. Minimum side yard width – not regulated.
7. Minimum rear yard depth – not regulated.
8. Maximum height – one hundred-fifty (1 50) feet, unless specified otherwise in overlay districts.
9. Maximum lot coverage – not regulated.

707.04-A Vehicular Parking Regulations:

1. See Article XII Landscaping and Buffering.
2. Parking lots shall be located in the rear or side yard of the principal building it serves. Side yard parking lots shall account for no more than twenty-five (25) percent of required parking.
3. Buildings in the CBD are exempt from off-street parking requirements.
4. No parking lots shall be permitted that front E. Capital Street and that portion of W. Capitol Street on the east side of Gallatin St.

707.05-A Site Design Regulations

1. Lots shall be configured to front a vehicular thoroughfare, with primary entrances visible and accessible from the street, or a public plaza or courtyard.
2. Public sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing sidewalks or to proposed development standards with a minimum and maximum width to be determined by the Site Plan Review Committee.
3. Landscaping of vehicular parking lots, streetscapes, walkways and perimeters of sites shall adhere to the standards in Article XII.
4. Signs shall adhere to the standards of the City of Jackson Sign Ordinance.
5. Sidewalks shall continue across any intervening driveways but shall be textured to indicate a curb cut as a safety feature.
6. Curb cuts and driveways shall not be permitted on any storefront street when access may be provided from a side or rear street located immediately adjacent to a continuous property with the exception of hotel patron drop off drives and church drop-off drives.
7. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street.

707.06-A Building Regulations

1. In retail commercial and mixed-use structures, windows, doors, display windows shall comprise seventy (70) percent of the total area for street-facing facades on the first floor. In the case of corner buildings, that portion of the building considered to be the side façade shall be required to have a minimum of twenty-five (25) percent in windows or doors.
2. All buildings shall have the primary entrance visible and accessible from the street, courtyard or plaza.
3. Industrial and warehousing uses shall not have blank walls greater than fifty (50) feet and building characteristics which encourage pedestrian accessibility are considered desirable.

707.07-A Additional Regulations

1. See Article XII for Landscaping and Buffering Requirements
2. Lighting for parking lots and streetscapes and street furniture shall adhere to the City of Jackson Urban Design Plan. *(BRW, Inc. Hammer Siler George Associates, December, 1992.)*
3. Signs shall adhere to the standards of the City of Jackson Sign Ordinance.
4. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
5. No exterior storage, including vehicle storage associated with a retail establishment, shall be permitted.
6. Skyways and other types of visual obstructions are prohibited over East Capital and West Capital on the East side of Gallatin; Congress St., President Street from Court St. to Fortification St. and State Street from Court to Mississippi St.

7. No buildings shall be permitted between I-55 and the Capital Dome which exceed the elevation of the Capitol Dome Base.
8. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; the Use Permit does 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.
9. Use Permits for a small craft brewery are issued to the owner of the small craft brewery rather than to the owner of the land. The Use Permit will not run with the land and the subsequent owners of a small craft brewery 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 Department of Revenue. The Use Permit will be cancelled upon the cancellation of any of the requirements from the MS Department of Revenue.
10. Use Permits for a distillery are issued to the owner of the distillery rather than to the owner of the land. The Use Permit will not run with the land and the subsequent owners of a distillery 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 Department of Revenue. The Use Permit will be cancelled upon the cancellation of any of the requirements from the MS Department of Revenue.

707.08-A Pre-Existing Conditions

1. Minimum lot area and lot width measurements shall not be applicable upon existing and developed commercial lots which do not meet such regulations at the date of adoption of this Section.
2. Existing buildings that do not conform to the provision of this Section may continue in use as they are until a substantial modification is requested, at which time the Site Plan Review Committee shall determine the provisions of this Section that shall apply.
3. The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this Section.
4. Where buildings exist on adjacent lots, the Zoning Administrator may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of this Section.

707.09-A Procedures for Review

1. No development shall begin or be substantially changed until the Site Plan Review Committee has approved the proposed development or change, except where Ordinances of the City expressly delegate such approval to staff.
2. All demolitions, redevelopment projects, and new construction in the Central Business District shall require Site Plan Review as outlined in this Ordinance.

708- A Old Capitol Green Mixed Use District

708.01-A Purpose of OG MU District - The purpose and intent of the Old Capitol Green Mixed Use District (hereinafter referred to as OCG-MUD) is to develop within the Central Business District of the City of Jackson an area unique with sustainable, energy efficient and environmentally friendly technologies that creates a sense of place where people will live, work, and play. The OCE-MUD is designed to protect the public health, safety, general welfare and environmental health of downtown Jackson. The Mixed Use District will be a mixed-use area with an improved pedestrian environment that creates supportive green public spaces, promotes healthy physical activities and supports creative arts. The intent of the OCG-MUD is to encourage the integration of residential, commercial, recreational, arts and retail markets in Downtown while at the same time introducing green, energy efficient, and eco-friendly techniques and materials to sustain a healthier and vibrant living, working and recreational environment. In creating a sustainable development, OCG-MUD will meet the needs of the present environment without comprising the ability of the future generations to meet their own needs. The OCG-MUD is compatible with the Downtown Regional Mixed Use Center found in the Land Use Plan portion of Jackson's Comprehensive Plan.

The business intent of OCG-MUD is to encourage and enable the creation of complimentary commercial, residential, arts and educational uses scaled to form a cohesive urban fabric and foster long-term sustainable growth in Downtown Jackson. This new fabric will create street walls with retail businesses along major pedestrian routes, public and private courtyards and squares to maximize year round use of outdoor spaces, sidewalk vending and dining, outdoor performance spaces, curbside on-street parking, and multi-deck parking garages with roof top green space. Above the street wall setbacks, the intent will be to create residential uses with specific height and density minimums and maximums. The OCG-MUD when paired with the OCG Master Plan will create new focal points for pedestrian, for artistic activity and commercial activity and contribute to creating a vibrant 24-hour downtown to support other public and private investment in the downtown Jackson community. The OCG-MUD and OCG Master Plan will encourage development around public plazas, street medians, and park nodes. This strategy will serve to ensure the appropriate density and mix of residential, commercial, retail, and public green spaces throughout the District. The scale of all buildings will be complimentary one to another and provide a transition axis between intensive commercial areas and low, medium and high-density residential uses. While at the same time creating the potential for exciting contemporary architecture, the zoning district will respect Jackson's architectural past. These regulations shall apply to all new development and to all enlargements, alterations, or changes of use of existing buildings within the district.

708.02 –A Location OCG- MUD is located on the eastern edge of the Central Business District. More specifically, its boundaries are as follows:

Northern Boundary:	Pearl Street Overpass
Eastern Boundary:	Western side of Jefferson Street
Southern Boundary:	North side of Silas Brown
Western Boundary:	Eastern side of State Street

OCG District consists of approximately 50 +/- acres and encompasses 69 parcels of land. The goals and objectives of the Old Capitol Green Mixed Use District are:

- Foster development in downtown Jackson by improving the working and living environments – promoting healthier lifestyles and a green live, work and play environment.
- Create stronger Neighborhood and Business District – Old Capitol Green's Mixed Use District will encourage within the context of a new community, a return to the traditional town center.
- Mixed income residential development that includes affordable and market rate housing to serve a wide cross of the City of Jackson.
- Institutional development, retail development, and integrated new urbanist community.
- Establish Street and Sidewalk widths, planting and landscaping requirements, and parking requirements.
- Improve the quality of new developments in the OCG Mixed Use District by requiring the provision of specified public amenities in appropriate locations.
- Define permitted uses throughout the site.
- Increase Diversity within Downtown Jackson using a mix-use neighborhood approaches.
- Promote the most desirable use of land, thus conserve and enhance the value of land and buildings, thereby, protecting and growing the City of Jackson's tax revenue. And to ensure consistency who the OCG Master Plan of Development and the City of Jackson's Comprehensive Plan.
- Create Zoning bonuses and other incentives to encourage the development of arts and cultural institutions.
- Define maximum and minimum building heights and densities
- Establish and define requirements to connect to new sustainable infrastructure being developed in OCG
- Establish that all buildings within the OCG-MUD must comply with the OCG high performance green building guidelines.
- Reduce visual impact of surface parking lots and parking garages.
- Create pedestrian linkages from the Old Capital Green Mixed Use District to other downtown sub districts within the CBD and
- Create gateway elements at important entrances.

708.03-A General Regulations:

These General Regulations are the broad guidelines defining the Old Capitol Green Mixed Use District. Specific requirements are defined in each of the separately enumerated sub districts.

708.03.01-A Site Design Guidelines

1. All streets shall have sidewalks. The OCG community is intended to maximize the use of sidewalks in creating a walkable community. Sidewalks shall consist of a minimum of two zones: (a) an amenity zone of not less than three (3) feet in width, (b) an open walkway or pedestrian zone. Sidewalk materials and details will conform to the OCG Design Guidelines and OCG Master Plan. The OCG Master Plan and the guidelines for the specific sub district specifically regulate sidewalk widths.
2. All utilities will be located underground. Water, sewer, storm water collection, telephone, internet, and electrical will be run through underground duct banks and piping systems located underneath the sidewalks. Site access interconnect boxes will be provided every 50 feet along the streets.
3. Building heights, building setbacks and yard requirements will be regulated by these guidelines.
4. Parking requirements are regulated by these zoning regulations.
5. These zoning guidelines will incorporate by reference the OCG Sustainable Design Guidelines. All buildings in the OCG Mixed Use District will be required to comply with the OCG Sustainable Design Guidelines.
6. Sidewalks, lighting, street trees and street furniture shall comply with the OCG Sustainable Design Guidelines and the OCG Master plan.
7. In addition to requirements set forth in 707.09-A, all standards to be imposed by an entity not affiliated with the City of Jackson shall not conflict with any requirement of the Zoning Ordinance, Sign Ordinance, or any other adopted standard of the City of Jackson.
8. All new developments, enlargements, alterations or demolitions of existing buildings within the OCG-MUD will be subject to the Old Capitol Green Sustainable Design Guidelines and the Old Capitol Green Master plan. Such documents will be managed and administered by the Downtown Jackson Partners.
9. Applications for variances shall be submitted in accordance with the Zoning Ordinance, Sign Ordinance or any other adopted standards of the City of Jackson.

708.03.02-A Vehicular Regulations:

1. Required off-street parking is governed by 1108-A of the City of Jackson Zoning Ordinance, with a 50% reduction in all parking requirements.
2. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this Article.
3. Shared parking is allowed as governed by the City of Jackson Parking ordinance.

4. Parking spaces in structured parking (garages), robotic parking garages and on the street anywhere within the OCG Mixed Use District may be counted towards required parking for any permitted use throughout the district.
5. Side yard and front yard parking shall not be permitted anywhere in the OCG Mixed Use District.

708.03.03-A Bulk Regulations and Additional Regulations:

1. Lot area – Not regulated
2. Lot width – all lot widths are regulated by specific minimums detailed under the guidelines for each specific overlay district. Lot coverage may be regulated by rear yard requirements.
3. Front yard – Front yards are strictly regulated.
4. Accessory Building – Regulated. Accessory Buildings must be approved by the City of Planning and Permit Departments on case by case basis.
5. Side yard – Side yards are regulated by specific minimums detailed under the guidelines for each specific sub district.
6. Rear yard- Rear yards are regulated by specific minimums detailed under the guidelines for each specific sub district.
7. Building height – Building heights are strictly regulated. No building shall be higher than 200 feet to the top of the roof. Specific maximum building height limitations are detailed in the guidelines for each specific sub district. Electrical-Mechanical equipment, elevator and stair bulkheads, antennas, microwave towers may extend above the maximum heights defined in these. Building heights are regulated to create streets in character with the Districts described in the Master Plan. Building Heights ranges are indicated in each district.
8. All buildings shall have the primary entrance visible and accessible from the street, courtyard or plaza.
9. No first floor shall be less than 15 feet from the top of the finished floor to the underside of structure except in districts zoned for townhouse development.
10. Driveways from the primary street shall be no more than twenty-four (24) feet wide, shared access points are encouraged.
11. A minimum of seventy-five (75) feet must be provided between each driveway on the same side of the street for all buildings.
12. Drives through windows are prohibited throughout the district. Drive through driveways may be permitted at hotel or residential porte-cocheres as specifically defined in sub districts in OCG.
13. Parking Garages shall be required to have non-parking commercial uses on the street level except for those parking garages that are surrounded by other buildings.
14. All new construction in OCG-MUD shall require Site Plan Review as outlined in this Ordinance.
15. Use permits for liquor stores are issued to the owner of the liquor store rather than the owner of the land, they do no run with 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 the liquor at this location must apply for and receive a new Use Permit.

708.03.04-A Business Improvement District (BID)

The Downtown Business Improvement District will be expanded subject to property owners' approval to include all properties within the confines of the Old Capitol Green Mixed Use District. Property owners will be subject to an annual assessment fee as established by the Downtown Jackson Partners. All new developments, enlargements, alterations or demolitions of existing buildings within the OCT-MUD will be subject to the Old Capitol Green Sustainable Design Guidelines and the Old Capitol Green Master plan. Such documents will be managed and administered by the Downtown Jackson Partners. The documents shall be on file at the City of Jackson's City Clerk's Office.

708.03.05-A Definitions:

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this . Any word, work phrase or term not defined herein shall be defined by the Zoning Administrator; the interpretation shall be based on its common and ordinary usage in addition to their referenced usage in the Old Capitol Green Sustainable Design Guidelines and the Old Capitol Green Master Plan.

For the purpose of this Ordinance, all definitions defined herein are in addition to all definitions in the City of Jackson Zoning Ordinance.

Bank – A financial institution that is open to the public and is engaged in the custody, loan, or exchange of money, for the extension of credit, and for the facilitating the transmission of funds. It may or may not have a drive-up window.

Credit Union – A cooperative organization that makes loans to its members at low interest rates. It typically offers other financial services such as those offered banks (e.g. savings and checking accounts).

Savings Institution – A bank that receives and invests the savings of private depositors and pays interest on the deposits.

Day Spa – A facility offering personalized beautification and relaxation treatment by professional, licensed personnel and therapists on staff which is open ten (10) or less hours during the daytime. Examples of treatment offered may include: body packs & wraps, exfoliation, heat treatments, body toning, waxing, aromatherapy, cleansing facial, non-surgical face lift, electrolysis, hydrotherapy, steam and sauna treatment, exercise, manicures, and pedicures, and make-up consultation and application.

Barber Shop – Any establishment or place of business within which the practice of barbering (cutting hair and trimming or shaving beards) is engaged in or carried on by one or more barbers.

Hairdresser – Any establishment or place of business within which the practice of cutting or arranging women's hair is undertaken.

Health Club – A facility where members use equipment or space for physical exercise.

Dry Cleaner – A building or part of a building used for the purpose of receiving and subjecting fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersion only in volatile solvents. Such establishment may also be used for pressing and/or altering and distributing any articles of fabric that have been received.

Dry Cleaner Pick Up Station – An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of nay laundry or dry-cleaning equipment or machinery on the premises.

Department Store – A single store containing more than 3,000 square feet but less than 10,000 square feet wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited in separate departments of the store and sold directly to the customer for whom the goods and services are furnished.

Drug Store – An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, related supplies and sundries.

Office – A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Medical Office – A building or structure where two or more members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only form the interior of the building or structure.

Ambulatory Clinic – A facility for examining and treating ambulatory patients with medical problems on an outpatient basis and which generally requires a stay of less than 24 hours.

Veterinary Clinic – A place where animals or pets are given medical or surgical treatment and are cared for during time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such clinic use.

Medical Diagnostic Offices – A place where two or more physicians provide medical diagnostic services to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation rooms, and medical diagnostic equipment rooms.

Computer Data Center – A building or part of a building used for the input, processing and printing of computerized data.

Call Center – A building or part of a building engaged primarily in service transactions electronically or through a communication medium and without limiting the generality of the foregoing, may include such establishments as credit card information centers, virtual banking services, on-line services and telephone solicitation services, but shall not include any walk-in or off-the-street traffic or any retail or manufacturing of goods for sales.

Service Stations/Convenience Stores – A commercial establishment containing not more than 3,000 square feet of retail sales areas, not counting storage, which includes the retail sale of automobile fuels, oils, accessories, where repair service, if any, is incidental (including facilities for lubricating, washing—either automatic or hand—and cleaning, or otherwise servicing automobiles and light trucks. The use of the term "service station" *shall include* "convenience car care establishments" (lubrication, tune-up, etc.), but DOES NOT include painting, body repairs or other major repair of vehicles. The facility may offer for sale prepacked food items and tangible consumer goods, primarily for self-service by the consumer. Additionally, a portion of this building may also include a *fast- food restaurant* facility with or without a customer seating area.

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. Small Craft Brewery
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

708.03.06.01-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. Commercial Day Care Centers
2. Liquor Stores
3. Service Station/Convenience Store

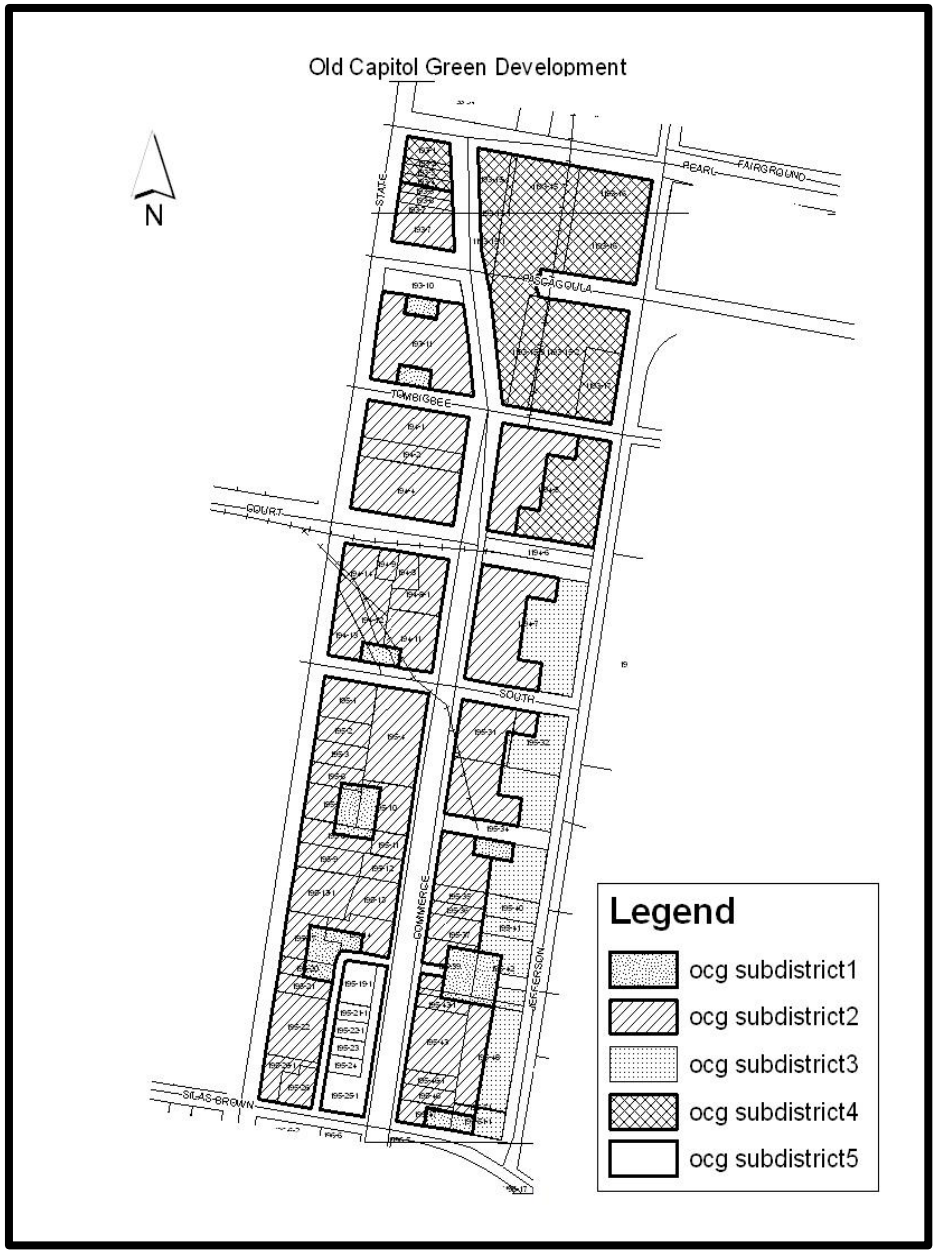
708.04-A Design Standards: OCG- MUD Sub district Design Standards are incorporated as a part of the District by reference and are a separate attachment to this Ordinance.

708.05-A OCG Mixed Use District Sub District Zoning Map and Guidelines

The OCG Mixed Use District Sub District Zoning Map identifies the zoning sub districts for the entire district. New developments, alterations, and additions must comply with the new OCG Mixed Use District regulations. All existing properties fifty (50) years old or older are grandfathered and exempted from the standards of the new (OCG Mixed Use) zoning regulations. For properties fifty (50) years or older, if substantial improvements are made that retain at least 60% of the existing building exterior, the building will be grandfathered and is exempted from complying with the new zoning regulations. All

internal improvements, alterations or additions to existing buildings will be grandfathered and exempted from complying with the new (OCG Mixed Use) zoning regulations.

Old Capitol Green Subdistrict Map



708.05.01-A OCG Sub District 1 Low Rise Residential Townhouse District

This Sub-district is intended to spur townhouse style residential, retail, and commercial development on cross streets.

708.05.01-A. A Building Height

The maximum height of buildings shall be 50 feet. The minimum height is 35 feet. Hyped roofs and mechanical equipment may exceed the 50 foot height limitations.

708.05.01-A. B (a) Permitted Uses on the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings
4. Single-Family detached and attached dwellings including condominiums and townhouses, two family dwellings, accessory dwelling units

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

708.05.01-A.B (a) – Uses Permitted Above the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings

Commercial/Other

Art galleries, museums, artists' studios

708.05.01-A.B (c) Uses Which May Permitted as Use Permits:

Commercial Day Care Center

708.05.01-A. C Lot Requirements

1. Lot Width: The minimum lot width along a public street shall be a minimum of 20 feet and a maximum of 26 feet.
2. Rear yard: Rear yard shall be required. Rear yard shall be 30-foot minimum depth unless parking is provided in rear yard. If parking is provided in rear yard, rear yard between parking structure and rear wall of building shall be a minimum of 15 feet.
3. Side yard: There shall be no requirement for side yard. Should a side yard be provided it shall be a minimum of 5 feet wide and a maximum of 30 feet wide and shall be used to provide direct access to public or private rear courtyards that may occur at rear yards?
4. Front yard: Buildings require a 10-foot minimum front yard. Buildings shall have a 10 foot set back from the front property. Maximum setback shall be 15 feet. All front yards shall have a minimum 3-foot wide planting strip along the property line.
5. Interior Courtyards: Interior courtyards shall be not less than 60 feet by 60 feet.

708.05.01-A. D Parking

1. Required off-street parking is reduced by 50%.
2. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this Article.
3. Shared parking is allowed as governed by the City of Jackson Parking Ordinance.
4. Properties that are developed and bounded by the east side of State Street, the west side of Jefferson Street, the Pearl Street overpass on the north and the north side of South Street shall be exempted from providing parking spaces. Spaces to meet the zoning requirement will be provided by and owned by the City of Jackson. The rates for use of the parking shall be established by the City of Jackson.

708.05.01-A. E Sidewalks

1. Sidewalks shall be 10 feet wide and shall use the pattern and materials specified in the OCG Master Plan and Sustainable Design Guidelines.
2. The 5 foot zone of sidewalk at the property line and extending toward the curb may be used for display of goods, retailing, and dining with no special permission
3. Curb cuts will be limited to one curb cut every 100 feet provided that the curb cut serves as the entrance to a garage and the curb cut is at least 50 feet from a corner intersection.

708.05.02 -A OCG Sub District 2 Mid-Rise Mixed Use Sub District:

This Sub-district is intended to spur midrise mixed use development along State Street and Commerce Street. The intent is to create commercial-retail uses at the street level and residential and commercial uses above the first floor.

708.05.02-A.A – Building Height: This district shall require that all buildings maintain a street wall at the front property line. There shall be zero lot line along any property line that abuts a public sidewalk or roadway. The street wall height may be no less than 25 feet and no greater than 45 feet. Except within 75 feet of the corner of State Street and Commerce Street the building must set back a minimum of 10 feet at the top of the street wall. There shall be no maximum setback at the top of street wall. Surface of setback shall be used as outdoor recreation area and shall receive a green vegetated roof over no less than 35% of its surface area. Buildings located within 75 feet of the corner of State or Commerce Street shall also have a minimum architectural emphasis zone extending 20 feet from the corner along both axis and extending the full height of the building.

1. Building height will be restricted to no more than 8 stories or maximum height of 85 feet, and a minimum height of 60 feet. Buildings within 75 feet of a corner at Commerce Street and at State Street shall be a minimum height of 100 feet and a maximum height of 150 feet.
2. Gabled roofs, mechanical equipment, stair and elevator bulkheads may project higher than the permitted maximum heights.
3. Minimum height of first floor shall be 15 feet except for first floors located within 75 of corners at Commerce Street and State Street shall be a minimum height of 20 feet.

708.05.02- A. B (a) – Permitted Uses on the First Floor

Residential – These residential uses shall be permitted on first floors which do not front Commerce of State Streets

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings

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

708.05.02.-A.B (b) – Uses Permitted Above the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings

Commercial/Other Uses

1. Art galleries, museums, artists' studios
2. Banks, savings institutions and credit union only
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. Medical offices, ambulatory services, veterinary clinics, medical diagnostics offices
8. Office uses
9. Private Security Services
10. Department Stores

11. Educational facilities, colleges, universities, business schools, training facilities, libraries
12. Day spas, barber shops, hairdressers, health clubs

708.05.02.-A. B (c) Uses Which May Be Permitted as Use Permits

1. Commercial Day Care Centers
2. Liquor stores
3. Service Stations/Convenience Store

708.05.02- A. C Lot Requirements

1. Lot Width: The minimum lot width along a public street shall be 50 feet.
2. Rear Yard: The rear yard shall be no less than 50 feet deep. If the base is built from front line to rear line, the rear yard requirement may be waived and met by a rear yard outdoor equivalent space at an elevation no greater than the front build-to line elevation.
3. Side Yard: There shall be no requirement for side yard. Should a side yard be provided, it shall be a minimum of 8 feet wide and shall be used to provide direct access to public or private rear courtyards that may occur at rear yards.
4. Front Yard: No building shall have a front yard. All buildings should be built on the front property line.
5. Interior Courtyards: Interior courtyards shall be no less than 60 feet by 60 feet.

708.05.05-A.D Parking

1. Required off-street parking is reduced by 50%.
2. On street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this Article.
3. Shared parking is allowed as governed by the City of Jackson Parking Ordinance.
4. Properties that are developed and bounded by the east side of State Street, the west side of Jefferson Street, south of Pearl Street overpass on the north and the north side of South Street shall be exempted from providing parking spaces. Spaces to meet the zoning requirement will be provided by and owned by the City of Jackson. The rates for use of the parking shall be established by the City of Jackson.

708.05.06-A. E Sidewalks

1. Sidewalks shall be 15 feet and shall use the pattern and materials specified in the OCG Master Plan and Sustainable Design Guidelines.
2. The seven foot zone of sidewalk starting at the property line and extending toward the curb may be used for display of goods, retailing, and dining with no special permission
3. Curb cuts will be limited to one curb cut every 100 feet provided that the curb cut serves as the entrance to a garage and the curb cut is at least 50 feet from a corner inter.

708.05.03-A OCG Sub District 3 High Rise Residential District

This Sub district is intended to spur high rise residential buildings overlooking the scenic Pearl River and Pearl River Wetlands.

708.05.03-A. Building Height

The minimum height of any building within this district shall be 85' and the maximum height shall be 185'as measured from the curb elevation. If the building does employ a setback as an architectural feature the setback must occur at elevation no lower than 85 feet. The first floor must be a minimum height of 12 feet.

Variances to building height regulation to permit the construction of new buildings that are less than the minimum height or greater than the maximum site shall be submitted and reviewed by the Jackson City Planning Board and approved the Jackson City Council.

708.05.03-A.B (a) Permitted Uses on the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings

Commercial/Other

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

708 05.03-A.B (b) Permitted Uses Above the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation

708 05.03-A.B (c) Uses Which May Be Permitted As Use Permits

1. Commercial Day Care Centers
2. Liquor Stores
3. Service Stations/Convenience Store

708 05.03-_A.C Lot Requirements

1. Lot Width: The minimum lot width along a public street shall be 100 feet.
2. Rear Yard: The rear yard shall be no less than 50 feet deep. If the base is built from front lot line to rear line, the rear yard requirement may be waived and met by a rear yard outdoor equivalent space at an elevation no greater than the front build-to-line elevation.
3. Side Yard: There shall be no requirement for side yard. Should a side yard be provided it shall be a minimum of 8 feet wide and shall be used to provide direct access to public or private rear courtyards that may occur at rear yards.
4. Front Yard: Buildings shall not be required to have a front yard.
   A. If balconies are included as an architectural feature, building must set back from property line so that the balcony does not project over any property line above a public sidewalk or street.
5. Interior Courtyards: Interior Courtyards shall be no less than 60 feet by 60 feet.

708 05.03-A.D Parking

1. Required off-street parking is reduced by 50%.
2. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this Article.
3. Shared parking is allowed as governed by the City of Jackson Parking Ordinance.
4. Properties that are developed and bounded by the east side of State Street, the west side of Jefferson Street, the Pearl Street overpass on the north and the north side of South Street shall be exempted from providing parking spaces. Spaces to meet the zoning requirement will be provided by and owned by the City of Jackson. The rates for use of the parking shall be established by the City of Jackson.

708 05.03-A.E Sidewalks

1. Sidewalks shall be 15 feet wide and shall use the pattern and materials specified in the OCG Master Plan and Sustainable Design Guidelines.
2. The seven foot zone of sidewalk starting at the property line and extending toward the curb may be used for, and dining with no special permission.
3. Curb cuts will be limited to one curb cut every 100 feet provided one of the following conditions is met: curb cut serves as the entrance to a garage and the curd cut is at least 50 feet from a corner inter or curb cut provides vehicular access to a residential porte-cochere.

708.05.04-A OCG Sub District 4 High Rise Mixed Use District

The intent of this Sub district is to create a zone of high rise buildings along Pearl and Jefferson Streets overlooking the scenic Pearl River bluffs and wetlands and to create the borders defining the public green space south of Pearl Street.

708.05.04-A. A Building Height

This district shall require that all buildings maintain a street wall at the front property line. There shall be zero lot line along any property line that abuts a public sidewalks, plaza or roadway. The street wall height may be no less than 80 feet. There is no setback requirement above the street wall. The first floor must be a minimum height of 15 feet.

Building height will be restricted to no more than 200 feet.

708.05.04-A. B (a) Permitted Uses on the First Floor

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

708.05.04-A. B (b) Permitted Uses Above the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings

Commercial/Other

1. Art galleries, museums, artists' studios
2. Hotels and inns
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. Professional services and offices
7. Private Security Services
8. Day spas, barber shops, hairdressers & health clubs
9. Department Stores
10. Retail Stores
11. Broadcast Facilities
12. Theaters – movie and performance indoor/outdoor seating
13. Educational Facilities, Colleges, Universities, Business schools, Training facilities, Libraries
14. Philanthropic Institutions
15. Public and Government Offices
16. Medical offices, ambulatory clinics, veterinary clinics, medical diagnostics offices
17. Office uses other than medical
18. Computer Data and Call Centers

708.05.04-A. B(c) Use Which May Be Permitted as Use Permits:

1. Commercial Day Care Centers
2. Liquor Stores

708.05.04-A. C Lot Requirements

1. Lot width: The minimum lot width along a public street shall be 50 feet.
2. Rear Yard: There is no rear yard requirement
3. Side Yard: There shall be no requirement for side yard. Should a side yard be provided it shall be a minimum of 8 feet wide and shall be used to provide direct access to public or private rear courtyards that may occur at rear yards.
4. Front Yard: All buildings should be built on the front property line.
5. Interior Courtyards: Interior Courtyards shall be no less than 60 feet by 60 feet.

708.05.04-A. D Parking

1. Required off-street parking is reduced by 50%.
2. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this Article.
3. Shared parking is allowed as governed by the City of Jackson Parking Ordinance.
4. Properties that are developed and bounded by the east side of State Street, the west side of Jefferson Street, the Pearl street overpass on the north and the north side of South Street shall be exempted from providing parking spaces. Spaces to meet the zoning requirement will be provided by and owned by the City of Jackson. The rates for use of the parking shall be established by the City of Jackson.

708.05.04-A. E Sidewalks

1. Sidewalks shall be 15 feet and shall use the pattern and materials specified in the OCG Master Plan and Sustainable Design Guidelines.
2. The seven foot zone of sidewalk starting at the property line and extending toward the curb may be used for dining with no special permission.
3. Curb cuts will be limited to one curb cut every 100 feet provided one of the following conditions is met: curb cut serves as the entrance to a garage and the curb cut is at least 50 feet from a corner inter or curb cut provides vehicular access to a residential porte-cochere.

708.05.05-A OCG Sub District 5 Low Rise Warehouse District

The intent of this subdistrict is to preserve the law rise warehouse character of the existing buildings.

708.05.05-A. A Building Height

Building Height will be restricted to no more than 6 stories or maximum height of 70 feet. The street wall height may be no less than 25 feet and no greater than 35 feet. The building must set back a minimum of 10 feet at the top of the street wall. There shall be no maximum setback at the top of street wall. Surface of setback shall be used as outdoor recreation area and shall receive a green vegetated roof over no less than 35% of its surface area.

708.05.05-A. B (a) Permitted Uses on the First Floor

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 Center

708.05.05-A. B (b) Uses Which May Be Permitted As Use Permits

1. Commercial Day Care Centers
2. Liquor Stores
3. Small craft brewery

708.05.05-A. B (c) Permitted Uses Above the First Floor

Residential

1. Live/Work Housing Units
2. Home Occupation
3. Multi-Family Dwellings

Commercial/Other

1. Art galleries, museums, artists' studios
2. Hotels and Inns
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. Theaters – movie and performance indoor/outdoor seating
7. Office Uses

708.05.05-A. C Lot Requirements

1. Lot Width: The minimum lot width along a public street shall be 50 feet.
2. Rear Yard: There is no rear yard requirement.
3. Side Yard: There shall be no requirement for side yard. Should a side yard be provided it shall be a minimum of 8 feet wide and shall be used to provide direct access to public or private rear courtyards that may occur at rear yards.
4. Front Yard: No new building shall have a front yard. All building should be built on the front property line.
5. Interior Courtyards: Interior Courtyards shall be no less than 60 feet by 60 feet.

708.05.05-A. D Parking

1. Required off-street parking is reduced 50%.
2. On-street parking located adjacent to any lot shall be counted toward meeting the parking requirements for that lot as set forth in this article.
3. Shared parking is allowed as governed by the City of Jackson Parking Ordinance.

4. Properties developed and bounded by the east side of State Street, the west side of Jefferson, the Pearl Street overpass on the north and the north side of South Street shall be exempted from providing parking spaces. Spaces to meet the zoning requirement will be provided by and owned by the City of Jackson. The rates for use of the parking shall be established by the City of Jackson.

708.05.05-A. E Sidewalks

1. Sidewalks shall be 15 wide and shall use the pattern and materials specified in the OCG Master Plan and Sustainable Design Guidelines.
2. The seven foot zone of sidewalk starting at the property line and extending toward the curb may be used for dining with no special permission.
3. Curb cuts will be limited to one cut every 100 feet provided that curb cut serves as the entrance to a garage and the curb cut is at least 50 feet from a corner inter.

709- A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

Section 709-A **Purpose of District -** The purpose of the Traditional Neighborhood Development (TND) is to provide for the development of new neighborhoods and the revitalization or extension of existing neighborhoods, which are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces.

A TND District offers integrated land uses within close proximity to each other and should provide varied types of housing types and prices, prominently sited civic and community buildings(s) and stores/officers/workplaces to provide a balanced mix of activities. Places of worship, day care and pre-school facilities are encouraged.
A well-defined town center with courtyards, plazas and parks serves as the core of the larger commercial and higher density uses. A Traditional Neighborhood Development: designed for the human scale.

1. Provides a mixture of uses, including residential, commercial, civic, and open space uses in proximity to one another within the neighborhood,
2. Provides a variety of housing types, and sizes to accommodate households of all ages, sizes, and incomes,
3. Coordinates transportation systems with a hierarchy of appropriately designed improvements for pedestrians, bicycles, and vehicles, which incorporates a system of relatively narrow, interconnected Streets, Roads ,Drives, and other Thoroughfare Types, and provides for the connections of those Thoroughfare Types to existing and future Developments,
4. Retains existing buildings with historical features or architectural features that enhance the visual character of the community,
5. Provides for compatibility of Buildings and other improvements by their arrangement, massing, form, character and landscaping to establish a livable, harmonious and diverse environment,
6. Incorporates significant environmental features into the design, and
7. Provides a range of Open Space configured by squares, plazas, greens, landscaped streets, preserves, greenbelts and parks woven into the pattern of the neighborhoods.

Section 709.01 -A Overview

Neighborhood Size: A TND District consists of an area of not less than 25 contiguous acres on a greenfield site or a re-development site which is to be substantially cleared. Existing neighborhoods of sixteen blocks or larger with grid pattern streets may use the TND Zoning District when appropriate areas can be found to the required public spaces. In this article, property is considered contiguous even if separated by a public roadway. The optimal size of a neighborhood is 1/4 to 1/3 of a mile from center to its edge, a distance equal to a 5 to 10 minute walk at an easy pace. If the greenfield area to be developed is larger than optimal size, it shall be broken down into more than one TND neighborhood which shall be connected by a parkway.

709.01-B Unified Control of Land

All land included in any greenfield TND shall be under the complete, unified and legal control of the applicant, whether the applicant be an individual, partnership, limited liability company, corporation and/or other Person. The developer and/or rezoning petitioner shall provide copies of recorded warranty deeds and a certificate of title from a reputable attorney or escrow company dated within two weeks of the date of the rezoning application.

709.01-C Sub Areas in TND

A TND is divided into at least two types of areas, and each type of area has different land use and site development regulations. A TND District must have one Neighborhood Center Area (Town Center or Village Center) and at least one Mixed Residential Area. A TND may also have a Neighborhood Edge Area, Civic Spaces and Green Spaces.

709.01 -D Neighborhood Center Area (NCA) - The NCA serves as the focal point of a TND District, containing retail, commercial, civic, and/or public services to meet the daily needs of community residents. A "Neighborhood Center" is pedestrian-oriented, and it is designed to encourage pedestrian movement. The Neighborhood Center uses include retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, attached residential dwellings and a public square or park.

709.01-D.01 Uses Permitted

1. Any mixture of residential uses to include:

A. Single-family detached dwellings
B. Single-family attached dwellings including duplexes and townhouses
C. Accessory dwelling units
D. Multi-family dwelling including senior housing and condominiums
E. Special needs housing such as community living arrangements and assisted living facilities
F. Residential units above commercial uses
G. Live/work units

2. Commercial Uses including:

A. Food services such as neighborhood grocery stores, butcher shops, bakeries, restaurants (including the sale and consumption of alcohol), cafes, coffee shops, neighborhood taverns, bars or pubs, ice cream parlors, specialty foods, Class B fast food restaurants with outside dining facilities
B. Specialty retail uses including florists or nurseries, hardware stores, stationery stores, book stores, galleries, artists' studios, drug stores, apparel, antiques, furniture, music, pets, and toy stores
C. Services including child care centers, studios (music, dance or exercise), financial and banks (limited to one drive through window), medical clinics, barber, laundromats, hair salon, dry cleaning pick-up stations, health or fitness, tailor shops and postal services

D. Accommodations including bed and breakfast establishments, boutique hotels or inns
E. Outdoor and indoor farmer's markets

3. Civic or Institutional uses including:
1. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices
2. Places of worship

709.01-E Mixed Residential Area

The MRA includes a variety of residential land uses including single4amily residential, duplex, townhouses, condominiums and multi-family. Small commercial uses including retail and civic uses which blend into the residential character of the neighborhood may be permitted with strict architectural and land use controls. A Mixed Residential area promotes pedestrian activity through well-designed and varied streetscapes that also provide for the safe and efficient movement of both pedestrian and vehicular traffic. Varying lot sizes are encouraged as well as alleys, and pedestrian paths.

709.01-E.01 Uses Permitted
1. Any mixture of residential uses to include:
A. Single-family detached dwellings with or without secondary dwelling units
B. Single-family attached dwellings including duplexes and townhouses
C. Multi-family dwelling including senior housing and condos
D. Special needs housing such as community living arrangements and assisted living facilities
E. Residential units above commercial uses
F. Live/work units

2. Commercial Uses including:
A. Food services such as neighborhood grocery stores, butcher shops, bakeries, restaurants (excluding the sale and consumption of alcohol), cafes, coffee shops, ice cream parlors, fast food restaurants, Class B, specialty foods and/or outside dining patios and areas
B. Services including child care centers, studios (music, dance or exercise)
C. Accommodations including bed and breakfast establishments, boutique, hotels or inns
3. Civic or institutional uses including:
A. Community meeting facilities, and neighborhood community centers
B. Places of worship

709.01-F Neighborhood Edge Area

The NEA is the least dense portion of a TND District, with larger lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular access to streets is permitted. A neighborhood edge area is appropriate along the perimeter of the neighborhood. A portion of a TND that adjoins existing or platted conventional low density housing must be designed as a Neighborhood Edge Area.

709.01-F.01 Uses Permitted

1. Any mixture of residential uses to include:
A. Single-family detached dwellings
B. Single-family attached dwellings including duplexes
C. Secondary dwelling units (granny flats)
2. Any mixture of open spaces to include:
A. Private Parks and playgrounds
B. Environmental corridors dedicated for preservation
C. Protected natural areas
D. Protected streams, ponds, and other water bodies

709.01-F.02 Other Uses

Large office, low-impact manufacturing uses and industrial uses that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area but which serves the local residents may be located in a separate but integrated district

709.02 Development Mix

709.02-A Residential Mix:

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; or

3. Special Needs Housing such as assisted living facilities and community living arrangements

709.02-B Open Space Requirements:

Formal and informal open space is required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks and greenbelts.
Open Space preservation shall be irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and in homeowner covenants. At least twenty (20) percent of the gross acreage of the TND

District must be common open space. Ninety (90) percent of the lots within the areas devoted to residential uses shall be within approximately 1/4 mile distance from open space areas. At least twenty- five (25) percent of open space should be dedicated as parks and ten (10) percent should be formal courtyards, plazas or gathering spaces.

1. Types of Common Open Space: The following uses may account for common open space within the stated limitations:

A. Parks, open greenbelt areas and other recreational space which are readily accessible must account for not less than twenty-five (25) percent.

B. Areas along thoroughfares or within street rights of way may only constitute ten (10) percent.

C. Unpaved lakes, ponds, streams, or creeks, including storm water wet detention basin provided that they are design so that a minimum of fifty (50) percent of abutting shoreline is made accessible for the common use of the development.

D. Hard surface recreational areas such as recreational courts and pedestrian plazas up to twenty-five (25) percent.

2. Space not counted as Open Space. Common Open Space shall not include:

A. Yards which are not accessible for the common use of the development,

B. Parking areas,

C. Drives

D. Required drainage ditches or canals

E. Areas reserved for the exclusive use and benefit of an individual tenant or owner, or

F. Structures (unless they are a part of the open space such as gazebos).

709.02-C Civic Uses

Integrated Civic Uses that are oriented to the general public are permitted in a Neighborhood Center Area and a Mixed Residential Area. These types of uses should become prominent focal points and landmarks for the community.

709.02-D Conditions for Permitted Uses

709.02-D.01 Residential Uses

1. Lot Accessory Dwellings: Guest Cottages, garage apartments and other accessory dwelling units shall comply with the following regulations:

A. Such dwellings may be attached or detached from the principal dwelling. The principal use of the lot shall be a detached single family dwelling.

B. No more than one accessory dwelling shall be permitted one lot. The accessory dwelling shall be owned by the same person as the principal dwelling. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.

C. Detached accessory dwellings shall be housed in a building not exceeding 650 square feet for the first floor area (maximum footprint).Such structures may be dwelling units only or may be combined with a garage, workshop, studio, or similar use.

D. A detached accessory dwelling shall be located in the established rear year and meet the standards for the applicable building and lot type.

2. Day Care Centers, Residential

A. All outdoor play space shall be enclosed on all sides by buildings, and/or permitted types of walls or fences. It shall not include driveways, parking areas, or land otherwise unsuitable for children's play space. Play space shall not be located in an established front yard.

B. Residential day care centers shall be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

C. No outdoor play shall be permitted after sunset.

709.02-D.02 Commercial

Day Care Centers, Commercial

A. All outdoor play space shall be enclosed on all sides by building, and/or permitted types of walls or fences; It shall not include driveways, parking areas, or land otherwise unsuitable for children's play space.

B. Play space shall not be located in a shed front yard.

709.02-D.03 Bulk Regulations

1. Lot widths. Lot widths should create a relatively symmetrical street or road cross that reinforces the public space of street or road. All lots shall front a street, courtyard or square. Lots fronting a square shall be provided rear alley access.

2. Front Building Setback

A. Neighborhood Center Area and Mixed Residential Area— Maximum of five (5) feet for commercial. Single-family detached shall have a building setback between zero (0) and twenty-five (25) feet.

B. Neighborhood Edge Area --- Single-family attached residences and multi-family residences shall have a building setback between zero (0) and twenty-five (25) feet. Accessory residential uses and detached garages shall be in the back yard.

C. Civic and Institutional Uses —Large-scale, single use facilities such as conference spaces, theaters, and athletic facilities may be placed immediately adjacent to a public sidewalk or set back with an open public plaza or entry courtyard in front.

3. Side Yards

- **A.** Single Family Residential Uses —Five (5) feet
- **B.** (Duplexes—Five (5) Feet
- **C.** Zero Lot Line Houses—Zero (0) along one lot line and ten (10) feet on opposite side
- **D.** Townhouse End Units—Fifteen (15) feet between end units Multi-family and Civic Uses—To be determined by Site Plan Review Committee

4. Rear Yards

- **A.** Single Family Residential Uses —Twenty (20) feet
- **B.** Duplexes —Twenty (20) Feet
- **C.** Zero Lot Line Houses—Twenty (20) feet
- **D.** Townhouse End Units—Twenty-five (25) feet If parking is open carport or off-site. Garages placed behind townhouses required a nine (9) feet rear yard.
- **E.** Multi-family and Civic Uses—To be determined by Site Plan Review Committee

709.02-D.04 Off-Street Parking

Shared parking areas shall be encouraged. On-street parking shall count toward the parking requirements.

1. Location of Parking Lots

A. In the Neighborhood Center Area and the Mixed Residential Area, parking lots shall be located at the rear or side of buildings.

B. Side parking lots shall account for no more than twenty-five (25) percent of parking per site and shall be screened from sidewalks by a combination of low wall, fences and landscaping.

C. A parking lot or garage shall not be adjacent to or opposite a street inter.

D. Parking shall be accessed by alleys whenever possible.

2. Off-street parking requirements:

- **A.** Adjacent on-street parking may apply toward the minimum parking requirements.
- **B.** Shared on-site parking may be applied
- **C.** Commercial Uses - One (1) parking space for every one thousand (1,000) feet of gross building area.
- **D.** Institutional Uses - to be determined by Site Plan Review Committee
- **E.** Single-family dwellings - Two (2) parking spaces in the Neighborhood Edge Area and one in other areas.
- **F.** Townhouses and Attached Single family dwellings - One and one-half (1 ½) spaces.
- **G.** Multi-family Uses - One (1) parking space for every first bedroom and one-half (1/2) for each additional bedroom.
- **H.** Assisted Living - One (1) parking space for every three beds.
- **I.** Senior Housing - One (1) parking space for each housing unit.
- **J.** Secondary Dwelling Units - one (1) space per unit in addition to those required by principal dwelling.

3. Parking Facilities, General

A. In residential areas, garage doors which face the front of a lot shall be placed ten (10) feet beyond the setback of the principal structure. This restriction may be modified for no more than twenty (20%) percent of the dwelling units if warranted by topography or other environmental conditions.

B. In non-residential areas, parking lots shall be located to the rear of side of buildings, side parking lots shall account for no more than twenty-five (25%) percent of parking per site and shall be screened from sidewalks by a combination of low walls or fences and landscaping.

C. Off-street parking shall be located in mid-block parking lots located behind buildings.

D. Parking lots of two (2) or more double rows shall be broken up by a combination of islands with sidewalks connecting adjacent uses and landscaping features.

710 Pedestrian, Bicycle and Transit Circulation & Access Standards

1. **Pedestrian Circulation -** Convenient pedestrian circulation systems that minimize vehicular traffic shall be provided continuously throughout the TND. All streets, except for Alleys, shall be bordered by sidewalks on both sides in accordance with the standards found in the Subdivision Ordinance.
2. **Bicycle Circulation**—Bicycle Circulation shall be accommodated on streets and/or on dedicated bicycle paths. Facilities for bicycle travel may include off-street bicycle paths and separate striped lanes on streets.
3. **Public Transit Access**—Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lighted.

711 Architectural & Urban Design Standards

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character. In order to achieve harmonious design throughout the TND District, architectural design guidelines for the residential commercial, office, civic and institutional uses shall be submitted to the Planning Board along with the Rezoning application and Development Plan.

1. Height--New structures within a TND shall be no more than three (3) occupied stories for single-family residential, or five (5) occupied stories for commercial, multifamily residential or mixed-use buildings

2. Entries, Facades, Windows, Doors and Roofs

A. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public thoroughfare.

B. The front facade of the principal building on any lot in a TND shall face onto a public thoroughfare. Corner lots are required to face onto one public thoroughfare.

C. The front facade shall not be oriented to face directly toward a parking lot.

D. Porches, roof overhangs and other similar architectural elements shall define the front entrance to all residences.

E. For commercial buildings, a minimum of fifty (50%) percent of the front facade on the ground floor shall be transparent glass, including window or door openings allowing views into and out of the interior.

F. Structures on opposite sides of the same thoroughfare should follow similar design guidelines. This provision shall not apply to buildings bordering civic sites.

G. Building and parking placement within the Town Center should be arranged to create appropriately scaled continuous building facades with as few non-pedestrian oriented breaks as possible.

H. Walls along thoroughfares shall be made of brick or block and stucco, or other material to match the facade of the principal building.

I. Windows shall use clear glass panels.

J. Flat roofs shall be enclosed by parapets to completely conceal mechanical equipment.

3. Commercial and office development within the TND shall have an architectural design compatible with the design of residential buildings.

4. Utilities--All utilities shall be placed underground

5. Guidelines for garages and secondary dwelling units—Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet or 50% of the heated square feet of the principal residence, whichever is less. Garage doors shall have a minimum setback of twenty (20) feet when accessed from the front property line, and shall have a minimum of setback of nine (9) feet when accessed from a rear alley.

6. Guidelines for Exterior Signage—Comprehensive sign guidelines are required for the entire TND which establishes a uniform sign theme. Such guidelines shall be submitted to the Planning Board. Signs shall share a common style, as to shapes, and materials.

7. Guidelines for Lighting—Lighting along thoroughfares including pedestrian scale lighting, shall be provided. Generally more frequent, smaller lights, as opposed to fewer, high-intensity lights, should be used. Lights shall be installed on both sides of streets at intervals of no greater than seventy-five (75) feet apart.

8. Guidelines for Landscaping and Screening Standards--Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas are preferred to smaller, disconnected areas.

9. Trees Along Thoroughfares

A. Trees shall be placed along thoroughfares in accordance with the street standards of the Subdivision Ordinance.

B. Trees should be located between the sidewalk and the curb in the amenity area, within the landscaped area of a boulevard or in tree walls installed in pavement or concrete.

10. Parking area landscaping and screening

A. All parking and loading areas fronting public thoroughfares of sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide a landscaped area of at least five (5) feet along the public thoroughfare of sidewalk; screening at least three (3) feet in height and not less than fifty percent opaque; and one (1) tree for each twenty-five (25) linear feet of parking lot frontage.

B. The corners of parking lots, "islands", and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation may include grass, perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

C. For all parking lots with more than six (6) spaces, the landscaped area shall be comprised of a minimum of twenty (20) percent of the total parking lot area.

D. In large parking lots containing more than 200 parking spaces, an additional landscaped area of at least 200 square feet shall be provided for each twenty-five (25) parking spaces, containing one (1) shade tree or canopy tree. The remainder shall be covered with grass or other flowering plants, vines or shrubs.

711.01 Application Procedure and Approval Process

Prior to the issuance of any permits for development within a Traditional Neighborhood Development the following steps shall be completed:

711.02 Zoning and Subdivision Review Involvement

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.

ARTICLE VIII INDUSTRIAL DISTRICT

Section 801 General Provisions - To promote the health, safety, and general welfare of the City, all industry locating in I-1, I-2, and TIP as in other districts of the City, shall be considered subject to the requirements and regulations of the appropriate Local, State, and Federal Agencies concerned with pollution control and abatement.

802 Industrial Districts

The "I" Industrial District shall be divided into three (3) sub districts as determined herein:

1. I-1 Light Industrial District
2. I-2 Heavy Industrial District
3. Technical Industrial Park (TIP) District

802.01 I-1 Light Industrial District:

The purpose of this district is to provide for the development of commercial and light manufacturing industries which do not have large space requirements and do not generate odors, smoke, fumes, or excessive noise and also for warehousing and storage, provided the particular uses have not been declared a nuisance in any court of record.

802.01.1 Uses Permitted:

1. Light manufacturing industries
2. Uses as permitted in Commercial "C" Districts, including trade and driving schools but excluding public, private, and parochial, elementary, and secondary schools, hospitals, convalescent homes and all residential uses and retail stands which are listed separately in the relevant commercial zoning districts.
3. Truck terminals, warehouses, and storage buildings
4. Wholesale and supply houses, including building material suppliers requiring outdoor storage
5. Bulk storage and wholesale dispensing of products and materials with the exception of those products and materials that by their nature are considered explosive or otherwise hazardous to other industrial uses as determined by the Zoning Administrator
6. Recycling centers
7. Correctional facilities
8. Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motels, and adult motion picture theaters
9. Amusement parks
10. Bingo parlors
11. Body Piercing Business

12. Emergency shelter/mission
13. Golf driving ranges and pitch-n-putt
14. Liquor Stores
15. Pawn shops
16. Retail Stand
17. Single-room occupancy hotels (SRO)
18. Title Pledge Office - Any such uses lawfully operating prior to March 11, 1998, shall be treated as non-conforming uses under this Ordinance, and shall be subject to the requirements of Article XIII-A of this Ordinance, entitled "Non-conforming Use of Lands and/or Structures."
19. Tobacco Paraphernalia Retail Business
20. Automobile Sales–Used
21. Used tire sales
22. Billboards
23. Bail Bonding business
24. Mobile/Manufactured Home Sales
25. Tattoo Parlors
26. Transient Vendors – Sales from vehicles will be allowed only in the absence of a permanent building. Outdoor display of goods is permitted.

802.01 .1(a) Uses Which May Be Permitted as Use Permits:

1. Adult and Child Care Center/Commercial, as an accessory use.
2. Animal Shelters
3. Commercial Communication Towers
4. Small craft brewery
5. Wrecker Services
6. Distillery

802.01.2 Regulations:

1. Regulations shall be the same as in the C-3 General Commercial District.
2. 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.
3. No correctional facility, adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater, animal shelter, small craft brewery or tobacco paraphernalia retail business as defined in this Ordinance, shall be located within two hundred fifty (250) feet of any other such use, or located within one thousand (1,000) feet of any residentially zoned property with an existing residential structure, church, school, park, playground, or public library. However, within areas that are residentially zoned and undeveloped or zoned industrial such uses shall be located no less than four hundred (400) feet from a church, school, park, playground, or public library. No separation is required for adult entertainment establishments under a common roof with single proprietorship and a single entrance.
4. No bingo parlor, pawnshop, or secondhand store shall be located within two hundred

fifty (250) feet of any other such use, or located within four hundred (400) feet of any residentially zoned property, church, school, park, playground, or public library.

5. 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.
6. Outdoor storage shall be at the sides or rear of the site, and shall be totally encircled or screened by a fence, planting, or other suitable visual barrier.
7. Commercial Communication Towers: See 1104-A

802.02 I-2 Heavy Industrial District:

The purpose of this district is to provide areas for development of heavy industrial uses that have extensive space requirements and/or generate substantial amounts of noise, vibrations, odors, or possess other characteristics that are detrimental, hazardous, or otherwise offensive and incompatible with other land uses.

802.02.1 Uses Permitted:

1. Any use permitted in I-1 Light Industrial District, except adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motels, or adult motion picture theaters
2. Animal Shelters
3. Small craft brewery
4. Recycling plants
5. Heavy manufacturing and processing plants, provided however, that these plants are not dangerous to other industrial uses by virtue of explosion and fire hazards, and have not been declared a nuisance in any court of record
6. Mining, quarrying, and other extractive industries
7. Heavy industrial uses that possess a hazard potential, but not necessary in support of other industrial activities, may be permitted, following review of site plan to ensure that maximum measures were taken to protect other industries that may be located in the area and land uses adjacent to the industrial district. Such determination shall be made by the Site Plan Review Committee, assisted by other departments and agencies of the City as required.
8. Wrecker Services, auto recovery storage lots, and junk yards.
9. Commercial Communication Towers
10. Distillery

802.02.2 Regulations:

1. Regulations for industrial uses not considered dangerous or a nuisance shall be the same as in the I-1 Light Industrial District.
2. For heavy industrial uses possessing a hazard potential and for which a site plan must be submitted, yard requirements shall be that deemed necessary by the Site Plan Review Committee, assisted by appropriate professional assistance, to protect adjacent industrial, commercial, residential and other land uses. However, yards shall not be less than that required for the I-1 Light Industrial District.
3. Commercial Communication Towers: See 1104-A

802.03 TECHNICAL INDUSTRIAL PARK DISTRICT (TIP):

The purpose of the Technical Industrial Park (TIP) District is to provide areas adjacent to major transportation arteries and thoroughfares where light industrial, technological and professional firms can locate with the assurance of a high permanent level of design quality, extensive site amenity, open space, and environmental protection. The operation and development standards of the TIP District are intended to provide for the protection and compatibility of abutting residential and non-industrial parcels and the compatibility and amenity among the firms located in the TIP District, by the application of stringent site planning and aesthetically desirable design.

802.03.1 Uses Permitted:

1. All uses permitted in a C-3 (General) Commercial District, except for new or used car lots, wrecker services, truck, mobile home or boat sales, the sale of heavy construction equipment, and off-premise signs
2. Research and laboratory facilities
3. Warehousing and wholesale establishments, but not truck terminals
4. Light manufacturing, compounding, processing, fabricating, assembling, or packaging facilities
5. Colleges, vocational-technical schools and trade schools
6. All uses permitted shall be limited to those which are free of emissions consisting of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, water-carried waste, or other emissions.

802.03.1(a) Uses Which May be Permitted as Use Permits:

1. Child Care Center/Commercial, as an accessory use.
2. Commercial Communication Towers.

802.03.2 Regulations:

1. Minimum lot area – none
2. Minimum lot width – none
3. Minimum setback for front yards or yards abutting streets - thirty (30) feet. No parking will be permitted in the first fifteen (15) feet, as measured from the street right-of-way, but access across this area with walks, bikeways, trails, and drives and the installation of identification signs will be permitted.
4. Minimum side yard width - ten (10) feet, except where it adjoins residentially zoned property or a Special Use District (excluding Highway Transportation Corridor and Communications) in which case it shall be increased to fifty (50) feet. No building of any kind and no parking will be permitted in this setback area but access across this area with walks, bikeways, trails, and drives will be permitted. (See maximum building height)
5. Minimum rear yard depth - twenty (20) feet, except where it adjoins residentially zoned property or a Special Use District (excluding Highway Transportation Corridor and Communications) in which case it shall be increased to fifty (50) feet. (See maximum building height) No building of any kind and no parking will be permitted in this setback area, but access across this area with walks, bikeways, trails, and drives will be permitted. However, when a parcel adjoins residentially zoned property or a Special Use District

(excluding Highway Transportation Corridor and Communications) if the principal building is less than 10,000 square feet of gross floor area and has no dock high loading space in the rear, parking will only be prohibited in the first twenty-five (25) feet as measured from the abutting residentially zoned property or Special Use District.

6. Maximum building height - seventy-five (75) feet, except where the parcel adjoins low or moderate density residentially zoned property, in which case there shall be added one (1) foot of yard setback for each foot of building height over forty-five (45) feet. No building of any kind and no parking nearer than fifty (50) feet from the abutting residentially zoned property will be permitted in this setback area, but access across this area with walks, bikeways, trails, and drives will be permitted.

7. Maximum lot coverage - fifty percent (50%), except for a building over forty-five (45) feet, the maximum lot coverage shall be thirty percent (30%) including all buildings and accessory structures.

8. All principal uses must be housed in fully enclosed buildings.

9. All storage areas and refuse collection areas shall be located at the rear of the site and shall be totally encircled or screened by a fence, planting, or other suitable visual barrier. On corner parcels, storage and refuse areas must be located on the opposite corner of the parcel from the street corner.

10. All loading and unloading space shall be located to the rear of the principal buildings. On corner parcels, or on through parcels, if there is only one principal building, one side of the principal building may be used for loading and unloading. Side loading is also permitted if the loading space is screened from abutting properties and the view from the street. Front loading space may be permitted under the following conditions:

A. The loading space shall be recessed a minimum of twenty-five (25) feet into the front building elevation.

B. All vehicle maneuverability shall be on-site.

C. The loading space shall not exceed twenty-five percent (25%) of the front building elevation.

11. No structure of a temporary character of any kind shall be permitted except during the construction period.

12. Commercial Communication Towers: See 1104-A

ARTICLE IX-A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 901-A <u>Purpose of District</u>

The purpose of the Planned Unit Development (PUD) District is to permit a development that:

- Permits more flexibility and creativity in individual planned developments while reducing improvement costs through more efficient arrangements of varied land uses, buildings, circulation systems, and infrastructure;

- Permits innovative site plans by granting relief from more strict and fixed regulations provided for in zoning districts otherwise established by this Ordinance;
- Encourages the preservation and enhancement of the natural amenities of land and protects the natural features of a site;
- Permits infill development and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography and by the use of stringent design and development controls;
- Secures more usable open and recreational space than expected by the use of conventional regulations; and
- Provides a living, working, and shopping environment within the layout of the site that contributes to a sense of community.

Section 902-A- <u>Criteria for Evaluation</u> - When evaluating an application for a PUD, the City shall consider:

- The relationship between the proposed development plan and the surrounding land uses;
- The adequacy of existing and proposed vehicular and pedestrian rights-of-way, utilities and other public facilities and services intended to serve the PUD.
- The character, design and appropriateness of the following factors:
- Design and compatibility with existing surrounding land uses;
- Traffic control;
- Noise reduction;
- Sign and light control;
- Preservation of open space, historic sites and structures, and visual corridors;
- Police and fire protection;
- Storm drainage;
- Landscaping and screening; and
- Other matters specifically relevant to the proposed development necessary to foster desirable living and working conditions and compatibility to the existing environment.
- Section 903-A PUD Eligibility Requirements
- The tract of land submitted for PUD development must be developed as a single design entity, even though development may be in phases, and must be under unified control and that control will be maintained throughout the PUD development period.

<u>Section 904-A Uses Permitted</u> - Uses permitted by right in the Planned Unit Development District are those normally necessary to make up a total community and therefore a PUD is consistent with any zoning district.

<u>Section 905-A Regulations</u>

Minimum development area - five (5) acres.

Minimum yard requirements - as stated on the final development plan, as approved by the Site Plan Review Committee.

Maximum height - as stated on the final development plan, as approved by the Site Plan Review Committee.
Maximum lot coverage - as stated on the final development plan, as approved by the Site Plan Review Committee.

Section 906-A Open Space Reservation

The applicant (owner) shall utilize one of the following plans for providing assurance that the common open space in the final development plan is adhered to, to wit:

- Posting a performance, labor and material payment bond, or cash, with surety acceptable to the Planning and Development Director or designee in an amount equal to one hundred ten percent (110%) of the estimated construction cost as determined by the Planning and Development Director or designee;
- Any other method proposed by the applicant (owner) which is acceptable to the City Council. Said alternative method shall serve the purpose of providing assurance that the final development plan is adhered to.

Section 907-A Open Space Responsibility

The applicant (owner) shall, at the time of making an application, commit to utilize one of the following general plans for providing for the ownership, use, maintenance, and protection of the common open space areas:

- Establish an association or non-profit corporation of all individuals and entities owning property within the PUD;
- Applicant (owner) to retain ownership control of such area and be responsible for the maintenance thereof;
- Any other method proposed by the applicant (owner) which is acceptable to the City Council. Said proposed alternative method shall serve the purpose of providing for the ownership, use, maintenance, and protection of the common open space area.

Section 908-A Pre-Application Conference

To address technical requirements, a pre-application conference is required for all proposed PUDs. The pre-application conference is to be an informal meeting with and between the Zoning Administrator, Planning Director, developer and others as required. A plan will be reviewed at the pre-application conference and must be at an appropriate scale. The plan will include the entire PUD tract, and show, in some detail, the location of proposed uses, the proposed development density, housing types, layout of roads by classification, location of all entrances to the tract, and configuration of common open space. The developer will also submit, at the pre-application conference, a brief narrative text that describes the project's general design and architectural policies; the treatment of environmentally sensitive land located in the tract; the proposed time frame, if development is to be phased; and the documents, agreements, provisions or other assurance governing the ownership, use, development and maintenance of the project's common open space areas.

Section 909-A Procedure

The procedure for application for a PUD is to be the same as that outlined in Article XVII Rezoning (Map Amendments), Text Amendments, Special Exceptions, Variances, and Use Permits. Such application shall also include a plan of the entire tract identifying the location of all proposed uses and housing types, layout of roads by classification, entrances to the

tract, and configuration of common open space. The applicant shall also submit a brief narrative text that describes the project's general design and architectural policies; the treatment of environmentally sensitive land located in the tract; the proposed time frame, if development is to be phased; and the documents, agreements, provisions or other assurances governing the ownership, use, development and maintenance of the project's common open space areas.

Section 910-A Minor Revisions to Final Plan

Minor revisions to the final development plan may be approved by the Site Plan Review Committee when, in their opinion, the revisions do not violate the spirit and intent of the final development plan. Changes to the final development plan such as, but not limited to, location of proposed uses, the proposed development density, housing types, layout of roads, location of entrances, configuration of common open space, and/or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in 909-A of this Ordinance.

ARTICLE X-A SPECIAL USE DISTRICT

Section 1001-A Purpose of District: The purpose and intent of the Special Use District zoning classification is to permit the City Council the right to establish needed zoning districts for a number of specific types of land use development which do not fit compatibly into the established zoning districts because of their size, unique characteristics, or institutional nature.

Section 1002-A Uses Permitted

1. Hospitals, public health centers, nurses' training facilities, extended care and nursing facilities, and other directly related medical uses.
2. Country clubs, golf courses, private clubs and parks, public swimming pools, neighborhood parks and playgrounds, public tennis courts, public riding academies and stables~~,~~ football stadiums, outdoor tracks, zoos, soccer facilities, health clubs/fitness centers, Boys & Girls Clubs, YMCA's, YWCA's, and other directly related recreational uses.
3. Public and private schools, colleges, universities, libraries, research centers for institutions of higher learning, and other directly related educational uses.
4. Governmental offices, civic centers, public auditoriums, public and private airports, cultural centers, fire and police department facilities, post offices, public utility buildings, museums, art galleries, and other directly related civic facilities.
5. Churches, synagogues, convents, monasteries, rectories, cemeteries, funeral parlors where part of a cemetery, and other directly related religious institution uses.
6. Interstate Highway rights-of-way.
7. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance)
8. Radio and television stations.

Section 1003-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. Animal Shelters
2. Commercial Communication Towers
3. Community Recreational Center

Section 1004-A Regulations

1. Minimum lot area - five (5) acres.
2. Minimum yard requirements - twenty-five (25) feet, except the yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
3. Maximum height - one hundred fifty (150) feet.
4. Lot coverage - sixty-five percent (65%), including accessory structures.
5. All refuse areas shall 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.

6. No exterior storage shall be permitted.
7. When more than one principal building is located on a parcel, an open space or court between buildings shall be provided as follows:

Building Orientation	Distance
Face to face	30 feet
Face to end	20 feet
Corner to corner	15 feet
End to end	15 feet

   A. Face - exterior plane of a building having the greatest length
   B. End - a secondary exterior plane of a building, not a face

8. Commercial Communication Towers: See 1104-A

ARTICLE XI ADOPTED OVERLAY DISTRICTS

1101 Fondren/North State Street Overlay District

Adopted by the City Council on December 10, 1997 (Minute Book 4X Pages 281-283) and as amended by the City Council on November 17,2017 (Minute Book 5I at Pages 320-321)

1101 .01 Purpose of District

The purpose and intent of the Fondren/North State Street Overlay District is to encourage the maintenance and reuse of existing residential structures, attract new investment that is compatible with the existing residential character of the Fondren/ North State Street corridor and the surrounding residential neighborhood, expedite development, provide for the compatibility of adjacent commercial and residential uses, and to generally provide for land use predictability within the Fondren/North State Street corridor.

1101 .02 Location

The Fondren/North State Street Overlay District is located one tax parcel deep on the east and west sides of North State Street from Hartfield Street to Eubanks Creek.

1101.03 Uses Permitted

1. Antique and Specialty Retail Shop
2. Apartments (Only permitted for property zoned R-4, R-5 and C-1A)
3. Art Studio and Gallery
4. Bed and Breakfast Inn Class A
5. Professional Occupation as defined by this Ordinance
6. Live/work Units as defined by this Ordinance
7. Mixed Use Buildings as defined by this Ordnance
8. Single Family Residential
9. Townhouses and Zero Lot Line Residential (Only permitted on property zoned R-3, R-4 and R-5.)
10. Off street surface parking, subject to the requirements of the Landscape Ordinance, south of Decelle Street on the west side of North State Street and south of Broadway Avenue on the east side of North State Street

1101.04 Uses Which May Be Permitted as Use Permits

1. Shared Parking
2. **Overlay District Restaurants**
3. **Catering Services**
4. **Health Club/Fitness Center when located in an existing structure which does not exceed 3,000 square feet,**
5. Off street surface parking, subject to the requirements of the Landscape Ordinance, north of Decelle Street on the west side of North State Street and north of Broadway Avenue, on the east side of North State Street

1101.05 Building Regulations

1. The front yard setback for new structures and the renovation of existing structures shall conform to the average front yard setback for existing structures on the same street block as the subject property.
2. Maximum height - thirty-five (35) feet.
3. Other building regulations are determined by the underlying zoning except for property zoned C-2 Limited Commercial and property zoned R-5 Multi-Family Residential. Regulations for C-2 zoned property shall follow C-1 standards and R-5 zoned property shall follow R-4 standards.

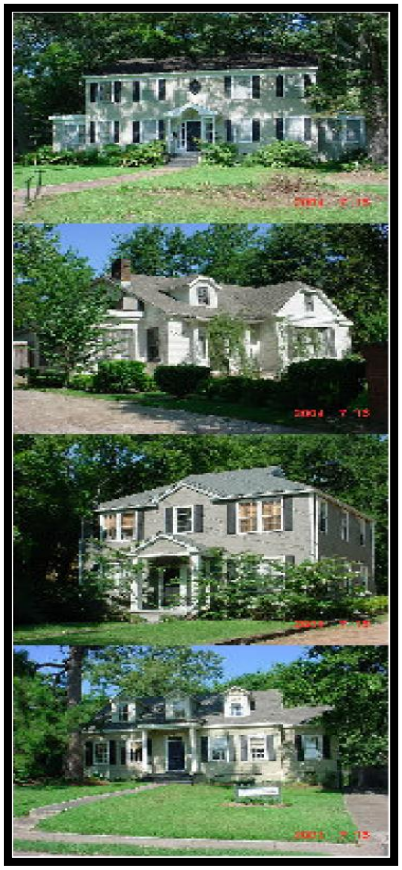
1101.06 General Regulations

1. All structures within the Fondren/North State Street Overlay District shall meet minimum building codes within a period of six (6) months from said adoption of the Fondren/North State Street Overlay District.
2. The conversion of any residential use to a non-residential use shall require an investment in the property to such an extent that it complies with all applicable building codes and other land development ordinances of the City of Jackson and shall be consistent with all the requirements herein.

1101.07 Design Standards

1. No accessory structure shall be permitted except on parcels where detached single-family structures are located.
2. No dumpsters or exterior storage shall be permitted except at restaurants and catering services. The location and screening of dumpsters at restaurants and catering services shall be in accordance with the Landscape Ordinance of the City of Jackson.
3. Except for residential uses, no parking is permitted in front of, or to the side of, the principal building. Parking for the handicapped may be permitted in the front or side yard subject to the approval of the Site Plan Review Committee of the City of Jackson. For residential uses, parking in front of the principal structure shall be permitted only on a surface typically used for vehicle parking. All parking areas (including maneuvering areas) for commercial uses shall be restricted to the rear yard and shall be screened with a solid fence from abutting residential uses. Shared parking areas and shared points of access are encouraged. Unattended vehicles greater than ten thousand (1 0,000) pounds gross vehicle weight (manufacturer's capacity rating) and having tires greater than thirty (30) inches in diameter shall not be parked or stored within the Fondren/North State Street Overlay District.

4. Ground signs for commercial uses shall not be internally illuminated, exceed four (4) square feet in size, on the sign face or four (4) feet in height. Wall signs shall not be illuminated or exceed two (2) square feet in size.
5. All uses, other than detached single-family residential shall comply with the City of Jackson's Landscape Ordinance.
6. To Preserve the existing residential architectural design of the Fondren/North State Street corridor, the construction of new buildings and the renovation of existing buildings shall reflect the predominate design and materials of the Fondren/North State Street corridor. New and renovated buildings shall be consistent with existing buildings in height, scale, setback, and rhythm; relationship of materials, texture, details and color; roof shape; orientation; and proportion and rhythm of openings. The photographs shown are examples of the existing character of the Fondren/North State Street corridor and shall be considered in the design of the renovation of existing structures and the construction of new structures.



Examples of Architectural Styles Found in the North State Street Overlay District

1102 Zoo Area/West Capitol Street Overlay District

Adopted by the City Council on February 4, 1988, and as recorded in Minute Book 4X at Pages 450-453)

1102.01 Purpose of District

The purpose and intent of the Zoo Area/West Capitol Street Overlay District is to encourage the maintenance and reuse of existing residential and commercial structures, attract new investment that is compatible with the existing residential character of the Zoo Area/West Capitol Street corridor and the surrounding residential neighborhood, provide for neighborhood friendly retail opportunities, expedite development, provide for the compatibility of adjacent commercial and residential uses, and to generally provide for land use predictability within the Zoo Area/West Capitol Street corridor.

1102.02 Location

One lot deep along West Capitol Street between Boling Street and Magnolia Street excluding all property zoned Special Use.

1102.03 Uses Permitted

1. Antique and Specialty Retail Shop
2. Apartments (Only permitted for property zoned R-5 and R-4) Art Studio and Gallery
3. Bed and Breakfast Inn Class A
4. Professional Occupation as defined by this Ordinance Single-Family Detached Residential
5. Townhouses and Zero Lot Line Residential (Only permitted on property zoned R-5 and R-4)
6. All uses permitted by right in C-2, including single-family detached residential, for property zoned C-2 Limited Commercial and C-3 General Commercial
7. Schools and churches on sites not less than one (1) acre

1102.04 Uses Which May Be Permitted as Use Permits

1. Shared Parking
2. Child Care/Residential
3. Restaurant, Fast Food (Only for property zoned C-2 and C-3)
4. When the restaurant adjoins residentially zoned property, all exterior lighting shall be directed away from adjacent residential properties;
5. 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.
6. Veterinary Clinic when no storage pens or runs are located outdoors. (Only for property zoned C-2 and C-3)

1102.05 Building Regulations

1. The front yard setback for new structures and the renovation of existing structures shall conform to the average front yard setback for existing structures on the same street block as the subject property.
2. Maximum height - thirty-five (35) feet.
3. All other building regulations are determined by the underlying zoning.

1102.06 General Regulations

1. All vacant structures shall be secured from the elements and trespassers and all lots shall be maintained free of litter and trash within a period of six (6) months from said adoption of the Zoo/Area West Capitol Street Overlay District.
2. The conversion of any residential use to a non-residential use shall require an investment in the property for renovation equal to or greater than 50% of the current Hinds County appraised value of the property before a Certificate of Occupancy is issued.
3. The selling of alcoholic beverages within the Zoo Area/West Capitol Street Overlay District on property zoned C-2 Limited Commercial and C-3 General Commercial shall not be permitted.

1102.07 Design Standards

1. Property zoned C-2 Limited Commercial and C-3 General Commercial shall be exempt from the design standards, however, property zoned C-2 and C-3 shall comply with the City's Landscape Ordinance.
2. No accessory structure shall be permitted except on parcels where detached single-family structures are located.
3. All exterior storage shall be screened from view from the street and abutting properties.
4. Except for residential uses, no parking is permitted in front of or to the side of the principal building. For residential uses, parking in front of the principal structure shall be permitted only on a surface typically used for vehicle parking. All parking areas (including maneuvering areas) for commercial uses shall not exceed 6,000 square feet or 50% whichever is less of the rear yard and shall be screened with a solid fence from abutting residential uses. Shared parking areas and shared points of access are encouraged; new curb cuts are discouraged. Further, unattended vehicles greater than ten thousand (1 0,000) pounds gross vehicle weight (manufacturer=s capacity rating) and having tires greater than thirty (30) inches in diameter shall not be parked or stored within the Zoo Area/West Capitol Street Overlay District.
5. Ground signs for commercial uses shall not be internally illuminated, exceed eight (8) square feet in size or four (4) feet in height. Wall signs shall not be illuminated or exceed two (2) square feet in size.
6. All uses, other than detached single-family residential, shall comply with the City of Jackson's Landscape Ordinance.
7. To preserve the existing residential architectural design of the Zoo Area/West Capitol Street corridor, the construction of new buildings and the renovation of existing buildings shall reflect the predominate design and, materials of the

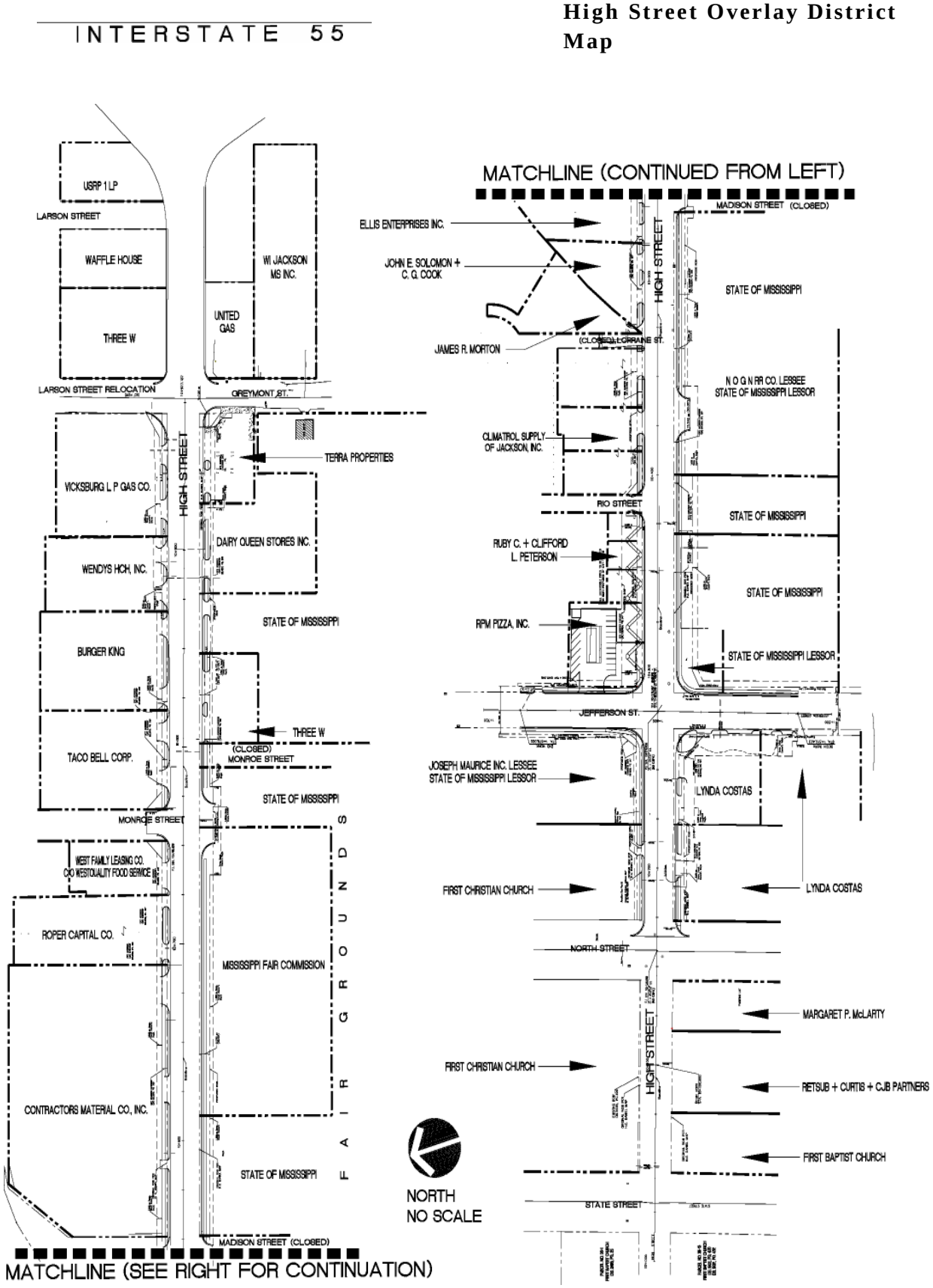
Zoo Area/West Capitol Street corridor. New and renovated buildings shall be consistent with existing buildings in height, scale, setback, and rhythm; relationship of materials, texture, details and color; roof shape; orientation; and proportion and rhythm of openings. The photographs shown are examples of the existing character of the Zoo Area/West Capitol Street corridor and shall be considered in the design of the renovation of existing structures and the construction of any new structures.

Examples of Architectural Styles Found in the Zoo Area West Capitol Street Overlay District

1103 **EAST FORTIFICATION STREET HISTORIC OVERLAY DISTRICT** (Repealed by City Council on June 8, 2005, and effective July 8, 2005.)

(Adopted by City Council on April 7, 1999, and as recorded in Minute Book "4-Z" at Page 273-274)

High Street Overlay District Map



1104 High Street Overlay District

Adopted by the City Council on June 04, 2003, (Minute Book 51 at Pages 320-321) and as amended on April 20, 2015 (Minute Book 6H at Pages 86-88)

1104.01 Purpose of the District

The purpose and intent of the High Street Overlay District is to provide a means whereby the department of planning and development shall review proposed alteration, construction, demolition, demolition by neglect, and relocation in the high street overlay district; providing the criteria for evaluating such proposed activities; providing a procedure for the suitability certification; and accomplish related purposes.

Jackson, Mississippi, in its role as the State's capital, defines the spirit and grandeur of the Magnolia State. High Street, via Interstate 55, is a high impact corridor to our Mississippi State Capitol Building, the Mississippi State Governmental Complex and the much-used Mississippi State fairgrounds.

As a matter of public policy, the City aims to redevelop, enhance, and perpetuate those aspects of the High Street that have architectural, cultural, and/or historical significance. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Jackson.

Specifically, the High Street Overlay District Design Guidelines are designed to encourage the following along High Street between Interstate 55 on the east and North State Street on the west.

1. Establish the "gateway" character of the district, thereby increasing aesthetic and visual qualities, as well as, property values of the city.
2. The attraction of new investment that is compatible with the "gateway" corridor leading to the State's Capitol.
3. Provide a district in which the zoning laws permit the development of an appropriate "gateway" commercial district by allowing for land use regulations that are consistent with such development.
4. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the High Street's historical, cultural, social, economic, political, and architectural identity. Promote traffic safety and protect the ability to conduct traffic smoothly and efficiently.
5. Ensure the harmonious, orderly, and efficient growth and development of the city.
6. Strengthen civic pride and cultural stability.
7. Stabilize the economy of the City through the continued use, and revitalization of its resources.
8. Provide a review process for the appropriate development of the city's resources.

1104-02 Certain Uses Not Covered By This Ordinance Nothing in this ordinance shall affect any of the following:

1. Any property zoned for residential usage
2. Any property being used for residential purposes.
3. Any property used by a church or state institution.
4. Maintenance, improvement, alteration or changes of any property used as residential, for church use, or other property not covered by this Ordinance.

5. The right to continue any legal non-conforming use.

1104.03 Allowable Uses

Allowable uses shall be as per the underlying zoning district except the following uses, which are prohibited:

1. Transitional housing and personal care facilities
2. Child Care Centers
3. Mobile homes and mobile homes sales lots
4. Apartments
5. Coin Laundry
6. Automotive Service and Repair Establishments
7. Re-cycling collection point
8. Carwash
9. Automobile sales
10. Bingo Parlors
11. Liquor Stores
12. Pawn Stores
13. Title Pledge Office
14. Secondhand Store
15. Bars Not Associated with Restaurants
16. Mini-warehouses
17. Commercial Communication Towers
18. Adult Arcades, Adult Bookstores, Adult Cabarets, Adult Entertainment Establishments, Adult Motels, and Adult Motion Picture Theaters
19. Truck Terminals, Warehouses and Storage Buildings
20. Wholesale and Supply Houses
21. Bulk Storage and Wholesale dispersing of products and materials
22. Correctional Facilities
23. Wrecker and Junk Yards

1104.04 Application and Definitions

1104.04.1 Area Designation

The High Street Overlay District shall include all land one tax parcel deep being situated in an area on the north and south of High Street between Interstate 55 on the east and North State Street on the west as shown on page 167.

1104.04.2 Construction of Other Ordinances

To the extent this ordinance conflicts with the Zoning Ordinance, Sign Ordinance, Landscape Ordinance, or any other ordinance of the City of Jackson, the more stringent shall control.

1104.04.3 Rules for Words and Phrases

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used

or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

1104.04.4 Definitions

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this 1104.03.4. Any word, phrase or term not defined herein shall be defined by the Zoning Administrator, the interpretation shall be based on its common and ordinary usage.

For the purpose of this Ordinance, all definitions defined herein are in addition to all definitions in the City of Jackson Zoning Ordinance.

Alteration: Any change to a resource because of construction, repair, maintenance, or other means.

Applicant: The owner of record of a resource; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a bona fide contract to purchase a resource.

Appurtenance: A feature related to a parcel of land or to a building, structure, object, site, or a related group thereof. The term includes, but is not limited to, buildings, structures, objects, sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, solar panes, satellite dishes, and signs.

Construction: The addition or placement of any improvement onto a resource.

Demolition: The complete or partial removal of buildings, structures, objects, or sites, including appurtenances.

Demolition by Neglect: Improper maintenance or lack of maintenance of any resource which results in substantial deterioration of the resource and threatens its continued preservation.

Overlay District: The one tax parcel deep of High Street, also referred to as the District or the High Street Overlay District, for which the regulations governing the use of buildings and premises are uniform. The district is designated by the City of Jackson and approved by the City through an ordinance, which contains a geographically definable area, urban or rural, possessing significant concentration of sites, buildings, structures, or objects associated by past events or by plan or physical development.

Exterior Features: Exterior features of resources shall include, but not be limited to, the color, kind, and texture of the building material and the type and style of all windows, doors, and appurtenances.

Improvement: An appurtenance developed by human design, including, but not limited to, buildings, structures, objects, landscape features, and manufactured units, like mobile homes, boats, docks, carports, and storage buildings.

Landscape Feature: Any improvement, natural formation, or vegetation including, but not limited to: shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including, but not limited to, subsurface alterations, fill depositing, and paving.

Owner of Record: The owner of a parcel of land, improved or unimproved, reflected on the city tax roll and in county deed records.

Relocation: Any changes in the location of a building, object, or structure in its present setting or to another setting.

Resource: A landmark, landmark site, and all land within the High Street Overlay District, together with the appurtenances and improvements, if any. The term resource

includes, but is not limited to, buildings, structures, sites, objects, landscape features, and related groups thereof.

Site Plan Review Committee: Committee established by Article XII-A, 1202-A of the Zoning Ordinance of the City of Jackson, Mississippi to ensure compliance with City zoning and other ordinances.

Suitability Certificate: A signed and dated document evidencing the approval of the City of Jackson for work proposed by an applicant. The City may, in appropriate situations, limit the period for which a Suitability Certification is valid.

1104.05 Procedures and General requirements

In order to preserve, promote, and develop the distinctive appearance and to accomplish the purposes set forth in this ordinance:

1. The Site Plan Review Committee shall review applications proposing construction, alteration, demolition, or relocation of any resource and recommend approval or denial of a Suitability Certificate to the Mayor and City Council.
2. The Site Plan Review Committee shall recommend to the Mayor and City Council Suitability Certifications, and may recommend Suitability Certifications contingent upon the acceptance by the applicant of specified conditions. After the adoption of the written guidelines approved by the City, the Site Plan Review Committee may condition its recommendation of a Suitability Certificate on the posting of a performance bond by an applicant in order to guarantee the applicant's financial ability to complete the project as proposed.
3. The Site Plan Review Committee shall not consider interior arrangements of buildings and structures except as otherwise provided herein.
4. The Site Plan Review Committee is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land for the examination or survey thereof. No member, employee, or agent of the Site Plan Review Committee shall enter any structure without the express consent of the owner of record or occupant thereof.

1104.06 Implementation

The Site Plan Review Committee may adopt written rules of procedure which shall not be inconsistent with any of the provisions hereof. These rules may address application procedures and formats, time lines for submissions and reviews and other rules incidental to the implementation of this overlay ordinance.

1104.07 Criteria for Issuance of Suitability Certificates

The Site Plan Review Committee and the City shall use the following criteria in granting or denying Suitability Certificates.

1. Architectural design of building, structure, or appurtenance and proposed alteration.
2. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportions and relationship between doors and windows, the rhythm of solids

to voids created by openings in the I, the materials, the textures, the colors, the patterns, the trims, and the design of the roof.

3. Rhythm created by existing building masses and spaces between the buildings.
4. The landscape plan shall be visually compatible with the environment with which it is visually related.
5. All exterior alterations to a building, structure, site or landscape feature shall be compatible with the Design Guidelines.

1104.08 Suitability Certification

No exterior feature of any resource shall be, altered, relocated, constructed, or demolished until a Suitability Certificate shall be issued by the Mayor and City Council. Provided, however, that Suitability Certificates shall not be required for routine maintenance. A Suitability Certificate shall expire twenty-four months after its issuance, except that a certificate shall expire after six months if work has not commenced.

1104.09 Procedures For Issuance of Suitability Certificates

1. The Zoning Administrator shall have the authority to determine when a filed application is complete and contains all required information. The Site Plan Review Committee shall develop standard application forms and establish a regular schedule for hearings. One hearing shall be scheduled for each month unless no application for Suitability Certificates has been submitted.
2. Members of the Site Plan Review Committee shall meet as established by the City of Jackson and shall consider applications for Suitability Certificates as a normal agenda matter.
3. Upon request, the applicant shall have the right to a preliminary conference with the Site Plan Review Committee Chairman for the purpose of learning whether changes or adjustments to the application could make it more consistent with these standards.
4. The Site Plan Review Committee, at either a preliminary conference or at a regularly scheduled meeting, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of these guidelines. If the applicant chooses to do this at a preliminary conference after an application for a certificate has been filed, then the time during which the Site Plan Review Committee must render its decision to recommend or deny Suitability Certificates shall be extended by thirty days in order to permit the applicant to prepare any new drawings or other submissions which prove necessary.
5. Within not more than forty-five (45) days after the filing of the application, the Site Plan Review Committee shall act upon it, either recommending denial or approval or deferring action until the next meeting of the board, giving consideration to the factors set forth in The Design Guidelines herein. Whatever its decision, notice in writing shall be given to the applicant, the Zoning Administrator, and forwarded for action to the Mayor and City Council at its next regularly scheduled meeting.
6. Failure by the Site Plan Review Committee to reach and render a decision within sixty (60) days of the date of filing of the application with the Site Plan Review Committee shall be taken to constitute a recommendation of approval of the

application by the Site Plan Review Committee, unless an applicant has requested that the board delay its decision beyond the sixty (60) day period otherwise required.

7. The issuance of a Suitability Certificate shall not relieve an applicant from a companion building permit, special use permit, or from compliance with any other requirement or provision of the laws of the City concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a Suitability Certificate as other city agencies will advise the Site Plan Review Committee in making its subsequent decisions.
8. No building permit, which affects a resource, shall be issued by the Building Official prior to the issuance of a Suitability Certificate by the Site Plan Review Committee.

1104.10 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 APPEALS** of the Zoning Ordinance of the City of Jackson, Mississippi.

1104.11 Damages And Fines

Prior to the issuance of a Certificate of Occupancy, the Building Official shall verify that construction complies with all stipulations of the Suitability Certificate. If compliance has not been met, the Certificate of Occupancy shall be withheld until compliance has been made.

1104.12 Maintenance Requirements

To insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the City's Minimum Housing Code and the City of Jackson Building Code.

1104.13 Design Guidelines

The Mayor and City Council may from time to time adopt design guidelines for guidance in the administration of this ordinance. The initial design guidelines are attached hereto.

1104.14 Amendments

This ordinance shall not be amended until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) day's notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Jackson.

1104.15 Site Design Guidelines

1104.15.1 Purpose

The design guidelines for the High Street Overlay District are established to aid in the implementation of the ordinance which has as its purpose to promote a relevant commercial district and expansion of the commercial tax base of the city. The Rules of Procedure and Design Guidelines are intended to serve as a guide for the Site Plan Review Committee in their role as review body and issuers of the Suitability Certificates required for all developments in the High Street Overlay District. The purposes of the procedures include but are not limited to the following:

1. To promote traffic safety, as well as the ability of local roads to conduct traffic smoothly and efficiently is premier to the health, safety, and welfare of the residents and visitors of Jackson.
2. To supplement land use regulation to encourage the most appropriate use of land throughout the District, lessen traffic congestion and accidents, secure safety from fire, provide light and air, prevent the overcrowding of land, avoid undue concentration of population, promote a coordinated development of the unbuilt areas and conserve and restore natural beauty and other natural resources.
3. To encourage originality, flexibility, innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City as a whole and/or surrounding areas.
4. To discourage monotonous, drab, unsightly, dreary and inharmonious developments, minimize discordant and unsightly surroundings and visual blight, and avoid inappropriate and poor quality design.
5. To promote orderly community growth, protect and enhance property values for the community as a whole and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values of the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources, which are the proper concern of local government, and to promote and enhance construction and maintenance practices that will tend to enhance environmental and aesthetic quality for the community as a whole.
6. To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping and that proper attention is given to exterior appearances of structures, signs and other improvements.
7. To protect and enhance the City's pleasant environments for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties.
8. To stabilize and improve property values and prevent blight to help provide an adequate tax base to the City to enable it to provide required services to its citizens.
9. To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City and its citizens.

1104.15.2 Scope

1. The Site Plan Review Committee shall review all site plans and applications requiring building permits except detached single family residences.
2. The Board shall be authorized to develop expanded and/or additional review criteria and forward their recommendation for adoption by the City Council.

1104.15.3 Approval Required

1. No development shall begin or be substantially changed for projects requiring Site Plan Review Committee approval until the Site Plan Review Committee has approved the proposed development or change, except where ordinances of the City expressly delegate such approval to the staff.
2. No City permit or approval shall be issued for any development for projects requiring Site Plan Review Committee approval until the Site Plan Review Committee has approved the proposed development, except where ordinances of the City expressly delegate such approval to the staff.

1104.15.4 Criteria

1104.15.4.1 Site Design Objectives

1. Sites should be developed in a coordinated manner to complement adjacent structures through placement, architecture, colors, and size/mass.
2. Whenever possible, buildings on the same site should be clustered and incorporate plazas, courtyards, pocket parks, and other pedestrian use areas.
3. Sites should be designed to avoid the appearance of domination by automobiles. Positive methods to achieve this concept include:

- Orienting buildings to fronting streets and placing parking at the rear and/or sides;
- Designing the required parking area into smaller, discrete, connected lots rather than large, single-use lots;
- Convenience food stores, and/or gas stations shall be designed so that a traditional building front shall be the primary façade facing the street and gas islands with accompanying protective awnings shall be located on the site so that their presence will not dominate the site. This will require gas islands/canopies to be located in the rear of the building or to the side of the building in such a manner that their presence is not the dominate presence when viewed from the street.
- Restaurants with drive through windows shall have the window and other accompanying apparatus located in such a manner so as to not be visible from the street.
- Providing well-defined pedestrian walkways through parking areas and from public sidewalks into the site. Well-defined walkways use pavers, changes in color, texture, and composition of paving materials and vertical plantings such as trees and shrubs. The minimum width of walkways shall be five feet.
- Parking areas shall be designed to be partially screened from view from adjacent streets and building occupants. Screening can be accomplished through a number of methods including:
    - Orienting buildings away from parking areas
    - Placing buildings between streets and parking lots

- Using extensive landscape screening, berms, and architecturally treated walls.

All measures should be designed to accomplish the intended screening while allowing adequate safety and surveillance of the parking areas.

4. Sites shall incorporate transit compatible designs where appropriate. Transit compatibility means designs that are pedestrian oriented, provide safe and convenient access to transit facilities, and foster efficient transit service.

5. Where appropriate, site plans shall be designed to provide vehicle and pedestrian connections with adjacent sites.

1104.15.4.2 Building Design Objectives

1. No single architectural style is required. However, reliance on or use of standardized "corporate or franchise" style is strongly discouraged. Buildings should reflect an individual design that has considered site location, conditions, and surrounding development.

2. Building design should provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time. Building designs should reflect an individual style and form and not merely current trends.

3. A consistent visual identity shall be applied to all sides of buildings visible to the general public. In these areas, all building sides shall have an equivalent level of quality of materials, detailing, and window placement. Abrupt ending of architectural details shall be avoided with no radical change in details or features or materials.

4. Long blank walls are to be avoided. Positive methods to achieve this objective include changes in colors and materials, placement of windows, use of awnings and canopies, and architectural details and features such as corners, setbacks and offsets. Windows at ground level may be tinted; however, reflective and mirrored windows are not allowed.

5. Buildings facing streets shall incorporate pedestrian-scaled entrances. Pedestrian scaled entrances are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrances, and other features should be designed to respond to the size of the human body and not give the appearance of anonymity or overwhelming the building's users.

6. Modulation (defined as a measured setback or offset in a building face) shall be incorporated to reduce overall bulk and mass of buildings. The planes of exterior walls should not run in one (1) continuous direction more than 50 to 60 feet without an offset or setback.

7. Large buildings should have height variations to give the appearance of distinct elements.

8. Building design shall incorporate traditional building materials such as masonry, stone, heavy timbers, brick, and other natural appearing materials.

9. Building colors should accent, blend with, or complement surroundings. Bright or brilliant colors should be reserved for trim and accents.

10. Landscape areas or planting beds having a minimum width of five (5) feet should be provided around perimeters to separate buildings from surrounding pavement areas.

11. Outdoor storage areas, mechanical equipment, utility vaults, and trash receptacles must not be visible from adjacent streets and pedestrian walkways.
12. Outdoor mechanical equipment shall be appropriately screened from view. The method of screening shall be architecturally integrated with the building with respect to materials, color, shape, and size.
13. Site services should be located on the least visible side of a building or site or within interior building spaces.
14. Ground level outdoor enclosures shall be composed of materials similar to the main structure.
15. Materials used for site features such as fences, screen walls, and signs should be appropriate to the zone district where the development is located and should complement building design through materials, color, shape, and size.
16. Developments should provide transition with adjacent uses especially regarding building location, size and scale. No single building or development should dominate adjacent uses in terms of size, bulk, view blockage, or shading.

1104.15.4.3 Sign Objectives

1. Building Signs
- Individual letters rather than cabinet signs are preferred.
- Backlit individual letters are a preferred alternative.
- Sign colors should be coordinated with building colors.
- Signs should be compatible in scale and proportion with building design and other signs.
- A specific sign program or concept should be designed for multiple tenant buildings or complexes. Color and letter style shall be coordinated when businesses share the same building and consistent sign patterns placement on buildings) shall be utilized.
- Exposed neon tubes are acceptable for non-letter sign elements but are discouraged for letters.

2. Freestanding Signs
- All signs shall be ground-mounted signs whose overall height shall not exceed six (6) feet.
- Freestanding signs should provide only name and address of the building and/or building tenants.
- Freestanding signs shall not be internally illuminated.
- Project landscaping should be designed to incorporate freestanding signs.

1104.15.4.4 Landscaping Objectives

1. Provide unity of design through repetition of plants and coordination with adjacent developments.
2. Landscape materials should be hardy and adaptable to local conditions, easily maintained, and drought tolerant. Use of native plants is strongly encouraged.
3. The design for parking areas shall include deciduous and evergreen trees to provide shade and break up expanses of asphalt. One tree, a minimum of 2½ -3 inch caliper at the time of planting, shall be required for every 5 parking spaces. There should be no more than 10 spaces between landscape islands or medians.

4. Landscape islands or medians shall have no dimension narrower than five (5) feet.
5. Interior landscaping is required for parking lots containing ten or more spaces at a ratio of 20 square feet of landscape area for every 100 square feet of parking area. All landscaped areas should be protected by wheel stops or curbing, or be of sufficient width to prevent damage to plants by overhanging vehicles.
6. Existing vegetation should be incorporated into overall site design.
7. Landscaped areas shall be irrigated by mechanical sprinkler systems.
8. Required perimeter setback areas shall be densely landscaped with a combination of trees and shrubs, which form a 90 percent ground cover within three years of planting.
9. Required landscaping shall include a combination of trees and shrubs as follows:
   - For every 20 square feet of landscaped area: three (3) shrubs and either one (1) deciduous tree, 2½ to 3 inch caliper at time of planting, or one (1) evergreen tree, having a minimum height of 10 feet at the time of planting.
   - Tree spacing shall be as follows: Perimeter areas around parking lots 20 to 30 feet on center; other perimeter areas 30 feet on center.
   - Interior site landscaping is required to define pedestrian ways, enclose outdoor gathering and seating areas, and reduce building mass.
10. Architectural features such as low walls, fountains, and sculptures may be used in places where planting areas are limited or restricted.
11. Project entrances should be enhanced through changes in paving materials such as brick pavers, textured and colored concrete, providing entry structures and unity in planting of trees and shrubs.
12. Individual trees along walkways and along sidewalks in the internal portions of projects should be planted in tree wells or planter boxes.
13. Open storm water detention facilities should be incorporated into project landscaping and open space where geographically feasible.
14. Open storm water detention facilities shall be landscaped and screened.

1104.15.4.4 Lighting Objectives

1. Moving and flashing lights are prohibited.
2. Use cut-off lenses or hoods to prevent glare and light spill off project site onto adjacent properties, buildings, and roadways.
3. Lighting standards should be designed and sited to be compatible with the character of the development.

1104.15.5 Non-Conforming Uses

Developments and uses existing at the time of the enactment of this ordinance, not conforming to the provisions of this ordinance, shall be regarded as non-conforming uses.

1104.15.6 Site Plan Approval

1104.15.6.1 Initial Submittal

Submit site plan to Site Plan Review Committee. All site plans shall show the following:

1. Survey including existing tree location, specie, & size
2. Proposed Use and Density
3. Pedestrian Systems
4. Bike System (for parking and/or transportation)
5. Preliminary Landscape Plan, no larger than 1 ”=30’
6. Utilities – Overhead/Underground Locations
7. Site Lighting – Pole location & height. Fixture detail
8. Parking areas, curb cuts, curbs
9. Signage
10. Preliminary Building Elevations – Four sides with height
11. Trash Dumpster Location & Screening
12. Type of Building Construction
13. Proposed Flammable/Hazardous Materials Storage Tanks
14. Fences/Walls
15. Fire Hydrants
16. Phasing
17. Survey or Plat
18. Location Map
19. Adjacent Land Uses and Zoning Districts
20. Project Name
21. Dimension all buildings/structures to property lines
22. Existing Features of Site (Trees, Water, Topography, Roadways, Structures)
23. Zoning of Site
24. Location of all easements & right-of-way
25. Owners Name & Address
26. Mechanical Equipment & Screening
27. Handicap Parking Spaces & Access Ramps
28. Delineate all Parking Spaces
29. Site Data Computations (in square feet & percent in relation to total area)
    - **A.** Total Area of Site
    - **B.** Total Building Area (all floors & all buildings)
    - **C.** Proposed units per acre
    - **D.** Building Ground Coverage – include all accessory buildings
    - **E.** Recreational Open Space
    - **F.** Passive Open Space

30. **Building Elevations**
    - **A.** Four sides of structure to reflect materials, colors, & finishes.
    - **B.** Height dimensions from grade to all floors & total overall height of all buildings
    - **C.** Material and height of rooftop equipment/screening.
    - **D.** Floor plans

Revised Submittal

Appearance before the Site Plan Review Committee may be required by Developer or representative/designer.

1. Revised plans incorporating Site Plan Review Committee Comments from initial submittal
2. Every sheet shall indicate: Project name, name of Architect/Landscape Architect/Designer, Location of Project, scale of drawing, directional arrow
3. Number of parking spaces required & furnished. Handicap parking space required/provided, and accessibility ramps. Typical parking space detail
4. Off-street loading zones, size, & location
5. Preliminary Grading & Drainage Plans
6. Location, size, & height of dumpster
7. Location, height, & details of fences/walls
8. Location, size, & type of pedestrian systems
9. Preliminary Water & Sewer Plans
10. Landscape Plans
11. Site Lighting
12. Sign Elevations with dimensions, materials, colors, and lighting
13. Color & material samples for all exterior surfaces & types of finishes

Final Submittal

Submittal includes comments issued by the Site Plan Review Committee.

1. Revised plans incorporating Site Plan Review Committee Comments submitted to Zoning Administrator or a statement indicating agreement or disagreement with the comments generated by the Revised Submittal. Thereby, requesting final consideration by the City Council
2. Phase lines, if any.
3. Site Plans, Elevations, Landscape & Irrigation Plans, Utility Plans, & Floor Plans.

1105 Eastover Neighborhood Conservation Overlay District

Adopted by the City Council on July 6, 2005, (Minute Book 5N at Pages 29-31) and as amended by the City Council on November 4, 2011 (Minute Book 6A at Pages 116-120)

1105.01 Purpose of District

The purpose and intent of the Eastover Neighborhood Conservation Overlay (hereinafter, "ENCO") District is to protect the distinctive character of the picturesque Eastover neighborhood (hereinafter, "Eastover"), which significantly contributes to the overall character and identity of Jackson. Developed in the mid-twentieth century, Eastover is typified by large lots of typically an acre or more, custom-built homes and tree-shaded lots. Most of the streets are relatively narrow, generally without curb and gutter, and gently curve through the area.

The ENCO District which includes sub-districts has been created to ensure that infill residential development and additions to existing buildings are compatible with the precedent established within the existing neighborhood in terms of structural orientation, height, lot dimensional requirements and other site spatial relationships.

1105.02 Location

The ENCO District is located within the following area:

The northern boundary of the ENCO District is generally described as (1) one tax parcel deep on the northern side of Douglas Drive east of Ridgewood Road, (2) one tax parcel deep on the north side of Lake Circle from Douglas Drive to Boxwood Circle, (3) one tax parcel deep on the northern side of Boxwood Circle, (4) one tax parcel deep on the north side of Lake Circle from Boxwood Circle to Dogwood Drive, (5) one tax parcel deep on the west side of Douglas Drive from Lake Circle north to Meadowbrook Road, (6) south of Meadowbrook Road from Dogwood Drive to North Honeysuckle Lane, (7) one tax parcel deep on the northern side of North Honeysuckle Lane, (8) one tax parcel deep on both sides of Eastover Place, (9) one tax parcel deep on the northern side of Sand Ridge Drive from Meadowbrook Road to Quail Run Road, (10) one tax parcel deep on the east side of Quail Run Road from East Manor Drive to Meadowbrook Road, and (11) east on Meadowbrook Road to the property owned by the City of Jackson.

The western boundary of the ENCO District is Ridgewood Road from one tax parcel north of Douglas Drive to and including one tax parcel south of the inter of Ridgewood Road and Redbud Road.

The southern boundary of the ENCO District is generally described as beginning at Ridgewood Road then easterly (1) one tax parcel deep south of Redbud Road, (2) one tax parcel deep south of Sleepy Hollow Drive and (3) one tax parcel deep around the outside of the curve of Twin Lakes Circle.

The eastern boundary of the ENCO District is the property owned by the City of Jackson between the Eastover Neighborhood and the Pearl River.

If a parcel that is within the ENCO District boundaries as of the date of adoption of the ENCO District is subsequently subdivided, then each new parcel resulting from such subdivision shall continue to be part of the ENCO District.

The ENCO District does not include the following parcels and properties: Casey Elementary School (tax parcel 595-270) and Covenant Presbyterian Church (tax parcel 595-260).

Sub-districts within the ENCO District are:

ENCO Sub-district 1 includes the following parcels in Hinds County, MS: 579-296, 579-320, 579-428, 579-298, 579-310, 579-311, and 579-470-1.

ENCO Sub-district 2 includes all other parcels within the boundaries of the ENCO District, exclusive of the parcels in Sub-district 1.

1105.03 Uses Permitted

All uses permitted in the underlying base district of R-1E (Single-Family Estate Residential District) for Sub-district 1 and R-1A (Single-Family Residential District) for Sub-district 2 are permitted.

1105.04 Uses Which May Be Permitted as Use Permits

All uses permitted in the underlying base district of R-1E (Single-Family Estate Residential District) for Sub-district 1 and R-1A (Single-Family Residential District) for Sub-district 2 are permitted as Use Permits on a conditional basis, subject to annual review.

1105.05 General Regulations

1. **Materials and Quality of Construction**: Additions to existing structures and new homes shall be of excellent quality in terms of design, workmanship, finishes, architectural detail, fenestration, and ornamentation. In addition, in Sub-district 1 all principal and accessory structures shall be constructed of and finished with natural materials, brick, stone, stucco, or wood.
2. **Roofs:**
   A. **Pitches**. Roof pitches for additions that increase the gross square footage of the principal structure shall match the pitch of the existing roof. In Sub-district 1, the minimum roof pitch for new principal structures shall be a minimum of 6:12 (ratio of rise to run). Detached garages shall have a roof pitch equal to that of the principal structure. Open porches and dormers are excluded from this requirement.

B. Materials. Replacement roof material shall match existing material. Roofs on new structures shall be architectural shingles, wood shingles, slate or tile. In Sub-district 2, roofs may also be of architectural metal.

3. **Orientation for New Residential Structures**:
   - **A.** Sub-district 1 – The building fronts of all new residential structures shall be oriented toward the existing street, Eastover Drive, or in the event a lot is subdivided, any street existing at the time of adoption of this Ordinance (i.e. Quail Run). Newly created lots shall be designed to require principal building orientations to conform to the existing pattern of development that prevails at the time of adoption of the ENCO District.
   - **B.** Sub-district 2 -The building fronts of all new residential structures shall be oriented toward the existing street. In the event a lot is subdivided, the building fronts for any new residential structure(s) may be oriented towards the existing street(s) or new street(s). Newly created lots shall be designed to require principal building orientations to conform to the existing pattern of development that prevails at the time of adoption of the ENCO District.
4. **Exterior Lighting:** All outdoor lighting fixtures shall be designed, installed, located and maintained so that all direct illumination is kept within the boundaries of the owner's property.
5. **Driveways and other hardscape surfaces:** Large paved areas for parking and driveways shall be broken up by brick pavers, stamped concrete design, or architectural material.

1105.06 – Building and Site Regulations

1. **Minimum Lot Size**:
   - **A.** Sub-district 1 – All lots shall be a minimum of 130,680 square feet (three acres).
   - **B.** Sub-district 2 - All lots shall be a minimum of 43,560 square feet (one acre), provided a lot that is less than one acre at the time of adoption of the ENCO District shall continue to be a conforming lot.
2. **Garages, porte-cocheres and carports:**
   - **A.** Orientation:

     Sub-district 1 - Attached garages shall be located and oriented to the side or rear rather than to the street and shall be constructed no closer to the street than the front wall of the principal structure. Detached garages shall be located within the rear yard setback but no closer than twenty-five (25) feet from the rear and side property lines. Carports are permitted only in rear yards no closer than twenty-five (25) feet from the rear and side property lines.

     Sub-district 2 – To the extent practical, attached garages shall be located and oriented to the side or rear rather than to the street and shall be constructed no closer to the street than the front wall of the principal structure. Detached garages shall be located within the side or rear yard setback. Carports are permitted only within the side or rear yard setback.
   - **B.** Porte-cocheres: Porte-cocheres are permitted; however, not as a principal vehicular storage facility.

3. **Front and side yards:** The minimum front and side yard depths shall be the average of existing residential structures on contiguous lots on both sides of the proposed new construction, but no less than required by the underlying zoning district.

4. **Rear yards:** Regulations for rear yards shall be determined by the underlying zoning district.

5. **View Preservation:** The existing views from the street shall be preserved by maintenance of trees, shrubs, and lawns. No solid fences shall be allowed within the front yards of structures. In addition, in Sub-district 1 no solid fences shall be allowed within the side yards of structures.

6. **Vegetation and Trees:** (This Section does not apply to Sub-district 2) All existing stands of trees shall be preserved. If trees must be removed due to disease or potential danger to structures or persons, replacement trees of similar coverage upon maturity, shall be planted on the site. Impervious surface is restricted to a total of twenty (20) percent of the lot coverage. Grass and groundcover shall be maintained on the remainder of the lot.

1105.07 –Enforcement

The Eastover Neighborhood Association, Inc., and any successor to such entity, shall have the authority and the primary responsibility for enforcement of the requirements of s 1105.05 (1), (2), and (5) and s 1105.06 (2), (5) and (6) within the boundaries of the ENCO District as determined by 1105.02. The preceding is not intended to limit the rights of the City with respect to enforcement of any provision of this Ordinance, including the provisions of the ENCO District. In the event of a conflict between the provisions of the ENCO District and the underlying base zoning district regulations, the provisions of the ENCO District shall prevail.

1105.08 – Existing Structures and Uses

Uses and structures legally existing at the time of adoption of this neighborhood conservation overlay district shall not become nonconforming solely by virtue of adoption of the district. Notwithstanding this provision, any changes or additions to uses or structures in the district that occur after the date of adoption of the district, shall comply with the provisions of the adopted district.

ARTICLE XII-A SUPPLEMENTARY DISTRICT REGULATIONS

1101-A Visibility at Vehicle Access Points

Except in the C-4 Central Business District, minimum acceptable vision clearance standards for motorists and pedestrian safety at vehicular access points along streets are hereby established by restricting the placement, height, and configuration of any fence, wall, planting, or other obstruction so as to substantially impair or block the vision between a height of two and one-half (2 ½) and ten (10) feet above the driveway grade and within a clear vision triangle consisting of two (2), ten (10) foot, right-angle triangles with legs formed by the inter of a driveway pavement edge and street right-of-way line.

1102-A Fences, Walls, and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges eight (8) feet or less in height may be permitted in any required yard or along the edge of any yard or along the edge of any yard except the front yard. Fences in front yards in any residential district shall not exceed four (4) feet in height, unless that portion of the fence which is greater than four (4) feet in height is less than fifty percent (50%) opaque, erected between the principal building and street right-of-way, between side property lines, provided that such fence shall not exceed eight (8) feet in height. Any fence, wall, or hedge shall comply with 1101-A of this Ordinance.

1103-A Accessory Structures and Uses

No accessory structure shall be erected in any required front or side yard, and no separate accessory structure shall be erected within ten (10) feet of any other structure.

1103.01-A Satellite Dish Antennas in Residential Districts:

Satellite dish antennas accessory to a permitted use may be located in any residentially zoned district under the following conditions:

1. The satellite dish antenna shall be ground mounted.
2. The satellite dish antenna shall not be located in any required front or side yard.
3. Only one (1) satellite dish antenna shall be permitted per lot.
4. Satellite dish antennas with a diameter measuring less than one (1) meter may be installed in a manner consistent with typical television antennas.
5. Satellite dish antennas shall be used for private noncommercial purposes.
6. Satellite dish antennas shall be screened from ground view from the street and from
7. 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.

1103.02-B Satellite Dish Antennas in Non-residential Districts:

Satellite dish antennas accessory to a permitted use may be located in any non-residential district under the following conditions:

1. The satellite dish antenna shall not be located in any required front or side yard.
2. Roof-mounted antennas may be erected on the roof of the principal building to a maximum height of fifteen (15) feet above the roof of the existing building. However, roof-mounted satellite dish antennas shall not be visible between ground level and ten (10) feet above ground level from any street or from residentially zoned property adjoining the lot.
3. Satellite dish antennas with a diameter less than one (1) meter may be installed in a manner consistent with typical television antennas.
4. Ground mounted satellite dish antennas shall be screened from the street and from any adjacent residentially zoned property 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.

1104-A Commercial Communication Towers

Commercial communication towers that do not exceed one hundred fifty (150) feet shall be allowed in any I-2 Heavy Industrial District and towers erected on existing structures shall be allowed in any I-2 Heavy Industrial District provided that the tower does not exceed one-third (1/3) the height of the existing structure and the total height of the structure and tower does not exceed two hundred (200) feet. Commercial communication towers exceeding the maximum permitted heights and towers located in C-3 General Commercial, I-1 Light Industrial, T.I.P. (Technical Industrial Park), Special Use Districts, and C-4 District shall require a Use Permit, with the exception of towers located on property owned by the City of Jackson. Sites for towers shall be large enough to contain debris resulting from tower failure and falling ice and a security fence along the perimeter of the site shall be required to prevent vandalism. It is the intent of this Ordinance to encourage co-location of attachments to towers and other structures by all commercial communication operators; thus each applicant for a permit shall submit a statement of any and all efforts of co-location.

1104-B Communication Attachments

It shall be unlawful for any person to mount a communication attachment to communication towers, buildings, and other structures located in C-3, C-4, I-1, I-2, T.I.P., and Special Use Districts, except for attachments to towers, buildings and other structures located on property owned by the City of Jackson, without first securing a permit therefore upon the recommendation of the Manager of the Division of Telecommunications, An application for attachments permit shall be accompanied by a description of the broadcast contours of the area to be served by the transmission from the attachments; written proof that the applicant has complied with the FCC's regulations concerning environmental effects of radio frequency emissions from the proposed attachment; general description of the applicant's planned use for the attachment (i.e., cellular, paging, personal communication services); and certification from a registered professional engineer confirming that the tower is capable of carrying the loading of the attachment to the tower structure.

1105-A Exceptions to Height Regulations

The height limitations contained in the district regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Notwithstanding anything contained in these regulations, the height of all structures shall adhere to the standards outlined in Federal Aviation Regulations (FAR), Part 77.

1106-A Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street or drive, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

1107-A Parking and Storage of Certain Vehicles

Automotive vehicles or trailers of any kind, including recreational vehicles, as defined by this Ordinance, without a current license plate shall not be parked or stored on any

residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked or stored on or in the streets therein. Unattended vehicles greater than ten thousand (10,000) pounds gross vehicle weight (manufacturer's capacity rating) and having tires greater than thirty (30) inches in diameter shall not be parked or stored on any residentially zoned property. Further, in C-1, C-1A, C-2, and C-4 Commercial and in all residential districts, on-street parking shall be permitted only for vehicles up to ten thousand (1 0,000) pounds gross vehicle weight (manufacturer's capacity rating) and having tires not to exceed thirty (30) inches in diameter. This portion of 1107-A, regarding unattended vehicles, shall not apply to recreational vehicles, as defined by this Ordinance.

1108-A: Off-Street Parking

Off-street parking shall be controlled by the Zoning Administrator in accordance with the regulations herein set forth. At the time of the erection, enlargement, or expansion of any principal building or structure, or when a new use is initiated, or an existing use is expanded in any zoning district, except the C-4 Central Business District, there shall be provided minimum off-street parking, loading, stacking and maneuvering space with adequate provisions for ingress and egress in accordance with the following requirements:

1. Adult care center – one (1) for each five (5) adults.
2. Amusement arcade – one (1) for each fifty (50) square feet of gross floor area.
3. Any other type of business or commercial use in a commercial district – one (1) for each two hundred fifty (250) square feet of gross floor area.
4. Artist Studio – one (1) per 200 square feet of gross floor area.
5. Assisted Living Facility – one (1) for each two (2) resident rooms.
6. Auditorium, stadium, convention center, or large place of assembly – one (1) for each thirty (30) square feet of gross floor area of the auditorium or assembly space.
7. Automobile car wash, automatic – two (2) per site in addition to required stacking spaces. A washing space is not a parking space.
8. Automobile car wash, self-service and detail shop – no parking space is required; one drying space plus two (2) stacking spaces are required per washing space. A washing space is not a parking space.
9. Automobile repair garage – (2) per service bay. A service bay is not a parking space.
10. Automobile sales – one (1) for each five thousand (5,000) square feet of lot area used for vehicle display and one (1) for each three hundred (300) square feet of gross floor area.
11. Automobile service station which sells gasoline and provides lubrication, oil changes and repairs – two (2) per service station plus two (2) per service bay. A service bay or pumping area is not a parking space.
12. Bed and Breakfast Inn Class A – One space for each guest room plus one space for the owner.
13. Bed and Breakfast Inn Class B – One space for each guest room and one space for the owner, plus one space for each two-hundred fifty (250) square feet of floor area devoted to receptions and other social gatherings.
14. Bingo Parlor – one (1) per one hundred (100) square feet of gross floor area.

15. Boarding house, emergency shelter/mission, SRO, transitional housing, half-way house, hospice, residential care facility and rooming house one (1) space for every bedroom or one (1) space for every two beds, whichever is greater.

16. Bowling alley – four (4) per alley or lane.

17. Business, technical or trade school or nonresidential school, – 10 (ten) per classroom plus one (1) for each sixty (60) square feet of gross floor area in the auditorium or assembly hall and plus one (1) for each three hundred (300) square feet of general office space.

18. Child care center – one (1) for each five (5) children.

19. Church and other places of worship – one (1) for each forty-five (45) square feet of gross floor area of the sanctuary, auditorium, or main place of worship.

20. Climate Controlled Mini-Warehouse – one (1) for each ten thousand (10,000) square feet of gross floor area.

21. Community Recreational Center one (1) for each fifty (50) square feet of gross floor area.

22. Convalescent home, nursing home, personal care facility, children's home or asylum one(1) per two (2) beds.

23. Dry cleaning establishment – three (3) plus one (1) for each five hundred (500) square feet of gross floor area.

24. Elementary schools – two (2) per classroom, plus one (1) for each sixty (60) square feet of gross floor area in the auditorium or assembly hall; plus one (1) for each three hundred (300) square feet of general office space and bus parking.

25. Funeral parlor and mortuary – one (1) for each one hundred fifty (150) square feet of gross floor area.

26. Furniture Store – one (1) for each five hundred (500) square feet of gross floor area.

27. General office – one (1) for each three hundred (300) square feet of gross floor area.

28. Health Club/Fitness Center – ten (10) spaces, plus one (1) space per each two hundred (200) square feet of gross floor area.

29. High school- eight (8) per classroom plus one (1) for each sixty (60) square feet of gross floor area in the auditorium or assembly hall plus one (1) for each three hundred (300) square feet of general office space and bus parking..

30. Hospital – two and one-half (2 ½) per bed. A bassinet is not a bed.

31. Hotel, inn or motel – one (1) per guest room with one (1) for each thirty (30) square feet of gross floor area of the auditorium or assembly space.

32. Library, museum or art gallery – one (1) for each four hundred (400) square feet of gross floor area.

33. Live/Work Units – two (2) for each dwelling unit plus one (1) per 200 square feet of retail floor area.

34. Manufacturing or other industrial use – one (1) per motor vehicle used and based, for operational purposes, upon the premises; plus

- **A.** For the first twenty thousand (20,000) square feet of gross floor area, one (1) for each seven hundred fifty (750) square feet of gross floor area; plus
- **B.** For any amount over twenty thousand (20,000) square feet of gross floor area, but less than one hundred twenty thousand (120,000) square feet of gross floor area, one (1) for each additional one thousand five hundred (1,500) square feet of gross floor area; plus

C. For any amount over one hundred twenty thousand (120,000) square feet of gross floor area, one for each additional three thousand (3,000) square feet of gross floor area.

35. Medical or dental office – one (1) for each two hundred fifty (250) square feet of gross floor area.

36. Middle Schools - three (3) per classroom, plus one (1) for each sixty (60) square feet of gross floor area in the auditorium or assembly hall; plus one (1) for each three hundred (300) square feet of general office space and bus parking.

37. Mini-Warehouse – five (5) spaces.

38. Mobile/manufactured home subdivision and park – two (2) per unit.

39. Movie Theater – one (1) for each five (5) seats.

40. Multi-family with three (3) or more dwelling units – two (2) per dwelling unit.

41. Quick Print facility – one (1) per four hundred (400) square feet of gross floor area.

42. Residential School – one and one half (1.5) per student living on campus and for persons living in faculty or personnel housing

43. Restaurant, nightclub, bar, adult entertainment establishment – one (1) for each seventy-five (75) square feet of gross floor area.

44. Retail store – one (1) for each two hundred fifty (250) square feet of gross floor area.

45. Single-family or two-family dwelling – two (2) per dwelling unit.

A. For dwelling units containing less than six hundred (600) square feet in a project without any accessory building or use such as, but not limited to, a party house, tennis court, or swimming pool – one and one-half (1 ½) per dwelling unit.

46. Skating rink - one (1) for each one hundred (100) square feet of gross floor area.

47. Swimming pool – one (1) for each fifty (50) square feet of water surface; plus one for each thirty (30) square feet of gross floor area used for spectator seating purposes.

48. Swimming pool, indoor – one (1) for each one hundred (100) square feet of water surface; plus one (1) for each thirty (30) square feet of gross floor area used for spectator seating purposes.

49. Tennis or racquetball facility – two (2) per court.

50. Townhouse and zero lot line – two (2) per dwelling unit.

51. Warehousing, truck terminal and supply house – one (1) per motor vehicle used in the business and based, for operational purposes, upon the premises; plus

A. For the first twenty thousand (20,000) square feet of gross floor area, one (1) for each thousand (1,000) square feet of gross floor area; plus

B. For any amount over twenty thousand (20,000) feet of gross floor area but less than one hundred twenty thousand (120,000) square feet, one (1) per each additional five thousand (5,000) square feet of gross floor area; plus c For any amount over one hundred twenty thousand (120,000) square feet of gross floor area, one ((1) for each additional ten thousand (10,000) square feet of gross floor area.

1108.01-A Change of Use:

A use of higher intensity requires more parking spaces than does a use of lower intensity. For purposes of comparison, "intensity" means the demand for parking space generated by a particular use. Such demand is measured by the requirements of 1108.

Revision of Site Plan: - Revision of an approved parking lot, including, but not limited to reduction, enlargement, restriping or remarking of any parking lot in a manner that differs from the approved site plan, shall require a new site plan and approval by the Zoning Administrator prior to such change.

1108.02-A Off-Site Parking and/or Shared Off-Site Parking:

Parking spaces shall be provided on the same lot as the use they are intended to serve except under the procedure hereinafter set forth.

1. Required parking for an individual use may be provided off-site; however, such parking shall be located within a distance reasonably walkable by a person between the off-site parking area and the use for which it is intended.
2. Subject to certain limitations, two (2) or more uses may share off-street parking facilities, with each such use being considered to have provided the parking spaces individually. Each use must have different hours during which the shared parking area is to be used.
3. The following guidelines must be met:
   - **A.** Shared spaces for residential units must be located within 250 feet from the dwelling unit they serve.
   - **B.** Shared spaces for all other uses must be located within 500 feet from the building they serve; except,
   - **C.** Eighty (80) percent of the shared spaces for other uses must be located within 500 feet from the building they serve; with the remaining twenty (20) percent between 500 and 1,000 feet from the building they serve.
   - **D.** Off-site parking should allow for clear, safe pedestrian connections. And pedestrians should not be required to cross an arterial street except at signalized intersections.
   - **E.** Up to fifty (50) percent of off-site parking spaces may be provided at distances greater than these requirements if dedicated shuttle bus or van service is provided from a remote parking facility.
4. Applications shall be reviewed by the Zoning Administrator and either approved or denied within thirty (30) days; said approval may establish conditions and limitations.
5. Upon approval of an off-site parking or shared off-street parking plan, a copy of the agreement between the parties involved shall be filed with the Zoning Administrator and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, shall limit and control the issuance and operation of all land and structures included within the off-site parking or shared parking plan to all conditions and limitations specified in such plans and the approvals thereof.
6. Pursuant to the same procedure and subject to the same limitations and requirements by which the off-site parking plan was approved and filed, any parking plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under the parking plan comply with all the conditions and limitations of the parking plan and all land and structures withdrawn from the plan comply with all regulations established by this Ordinance unrelated to off-site or shared off-street parking.

1108.03 Shared On-Site Parking:

Mixed-use buildings and mixed-use developments may share available parking when the individual uses have significantly different peak parking characteristics that vary one from another by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will usually result in fewer total parking spaces required.

The following schedule of shared parking calculations shall be used when calculating the total number of off-street parking spaces required:

Table - Schedule of Shared Parking Calculations					
General Land Use Classification	Weekdays			Weekends	
	Midnight - 7:00 am	7:00 am- 6:00pm	6:00 pm- Midnight	7:00 am- 6:00 pm	6:00 pm- Midnight
Office and Industrial	5%	100%	5%	60%	10%
Service/Retail	0%	100%	80%	100%	60%
Residential	100%	55%	85%	65%	75%
Restaurant	50%	70%	100%	70%	100%
Hotel	100%	65%	90%	65%	80%
Day Care	5%	100%	10%	20%	5%
Cinemas\Theaters	0%	70%	100%	70%	100%

Procedure to follow in using the Shared Parking Calculations Table

1. Applications shall be reviewed by the Zoning Administrator and either approved or denied within thirty (30) days; said approval may establish conditions and limitations.
   - **A.** Calculate the number of spaces required for each individual use of the mixed use building or building using the minimum on-site parking requirements in 1108-A.
   - **B.** Multiply the number of spaces required for each individual use for each of the six (6) time periods by the percentages found in each use and time slot. This will give you the amended number of spaces required.
   - **C.** Add the number of spaces required for all land uses to obtain a total parking requirement for each time period.

   The total required parking for the time period with the highest total parking requirement is the total required off-street parking needed for the entire development.

2. Pursuant to the same procedure and subject to the same limitations and requirements by which the shared off-street parking plan was approved and filed, any parking plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under the parking plan comply with all the conditions and limitations of the parking plan and all land and structures withdrawn from the plan comply with all regulations established by this Ordinance unrelated to off-site or shared off-street parking.

1108.04-A Determination of Requirements for Unlisted Uses:

Off-street parking and loading spaces required for any use not specifically listed herein shall be the same as that required for a similar type use as determined by the Zoning Administrator. Whenever there is more than one type of use on a lot or parcel, the area allocated for each specific use must be clearly shown on the site plan and each use shall meet its own specific requirements as set forth in this Ordinance.

1108.05-A Parking Space Location and Design:

Each off-street parking space shall be located off the street right-of-way, and except for detached single-family and two-family dwellings, shall be planned so that vehicles do not back into the roadway.

1108.06 Stacking Requirements for Fast-Food Restaurants:

Any fast-food restaurant having a pick-up window unit shall provide drive-in stacking area on-site to minimize off-site traffic congestion while waiting for service. For each pick-up unit associated with a use, an owner shall provide six (6) stacking spaces, each the size of a regular parking space. The area required for stacking is exclusive of any required vehicular use area or required yard. Sites with stacking shall include an exclusive by-pass lane to allow vehicles to by-pass the stacking lane.

1108.07 Lighting Requirements:

Any parking lot containing ten (10) or more parking spaces, which is used during non-daylight hours shall be illuminated during such hours to provide an average intensity of not less than one-half (2) foot candle of light as measured at the surface of the parking space to assist both pedestrians and motorists in avoiding accidents. Any lights or light fixtures used to illuminate any parking lot shall be selected and so arranged as to direct and reflect the light away from any adjacent property or public way.

1108.08 Handicapped Parking:

Parking spaces for the handicapped shall meet federal ADA guidelines. Areas designated for handicapped parking shall be marked by signs that meet “Manual of Uniform Traffic Control Devices (MUTCD)”standards. Such signs shall be mounted between fifty-four (54) inches and sixty-six (66) inches in height and shall be mounted on a permanently anchored pole or on exterior wall of the building. The curb and striping shall be blue for easy identification.

HANDICAPPED SPACES REQUIRED		
Total Parking Spaces in	Required Accessible Spaces	Van Accessible Spaces (Minimum Number)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2 percent of total	1/8 of Total # of Spaces
1000 and over	20 plus 1 for each 100 over 100	1/8 of Total # of Spaces

1108.08.1 Bicycle Parking

The purpose of this Section is to support bicycle travel as a mode of transportation that is consistent with and supportive of the local community, and to ensure that secure and convenient accessible bicycle parking is provided in adequate quantity to serve new development and land uses throughout the City.

1108.08.1.2 General Provisions

(a) Bicycle parking requirements shall apply to new developments, building expansions, conversion of off-street parking spaces to bicycle parking spaces or occupancy changes requiring a zoning action where automobile parking is required pursuant to Section 1108-A. The conversion of off street parking spaces shall require at a minimum a preliminary review by the Site Plan Review Committee.

(b) All bicycle parking facilities shall be installed in accordance with this Ordinance and City of Jackson Design Guidelines.

(c) Bicycle parking shall be visible, well lit, and as convenient to cyclists as auto parking.

(d) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.

(e) Bicycle parking or a sign leading thereto shall be visible from the main entrance of the structure or facility.

(f) Bicycle parking facilities shall be sufficiently secured from theft and damage. They shall be securely anchored to the ground, shall allow the bicycle wheel and frame to be locked to the facility, and shall be in a location with sufficient lighting and visibility.

1108.08.1.3 Location

1. Bicycle parking shall be located as close as or closer than the nearest car parking space to the building entrance, other than those spaces for persons with disabilities.
2. In the event that compliance may not be feasible because of demonstrable hardship, the Zoning administrator may approve an alternative location. Alternative locations shall be located within a one hundred (100) ft. diameter of the primary building entrance.
3. Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the American with Disabilities Act of 1990, as amended.
4. Bicycle Racks may be placed in the public right-of-way provided that the building owner obtains a right of way permit from Public Works Department for the installation of racks in the public right-of-way.

1108.08.4 Design & Layout

1. Bicycle Rack Design - Structures That Require a User-Supplied Locking Device.

(a) Each bike rack shall be designed to accommodate two bike parking spaces using the allowed bike rack designs below or an approved equivalent.

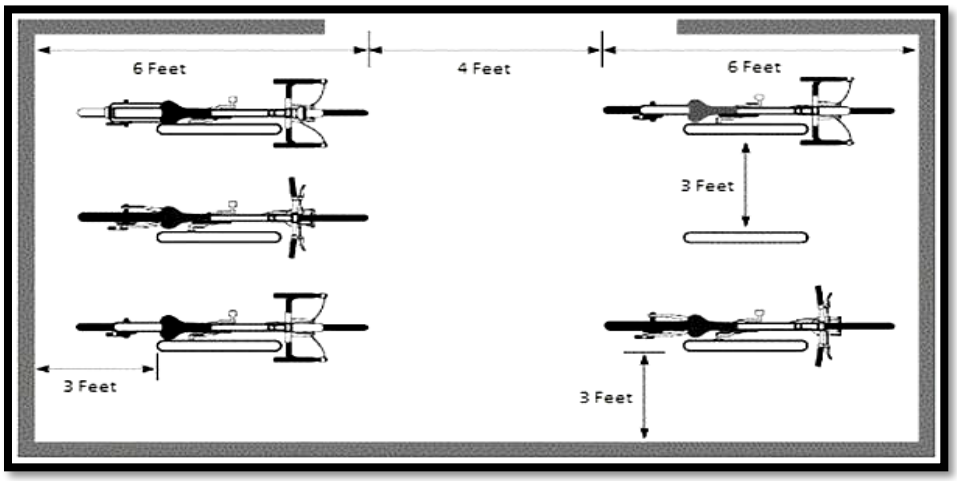
(b) Racks shall be designed to accommodate "U" -shaped locking devices and support the bicycle horizontally in two places.

(c) The racks shall be constructed of durable materials to withstand permanent exposure to the elements, such as powder-coated metal or stainless steel.

(d) All bicycle parking spaces must be hard-surfaced and dust free and consist of at minimum a compact gravel base.

(e) A minimum of four (4) feet from the required rack dimension shall be provided for pedestrian clearance when a rack is placed within a sidewalk or pedestrian right-of-way.

2. Bicycle Parking Space Size, Access Aisles, and Vertical Clearance - Racks shall provide clearance from other objects by using layout dimensions of at least four (4) feet wide by six (6) feet long as depicted below.



1108.08.5 Existing Structures

Any expansion or change of use proposed for an existing structure where four (4) bicycle spaces or less would be required shall be exempt from providing those spaces unless the expansion or change of use would otherwise be subject to site plan review.

1108.08.6 Shared Use of Bicycle Parking Facilities

Required bicycle parking spaces for two (2) or more adjacent uses or structures may be satisfied by the same parking facilities used jointly, provided that such right of shared use and maintenance is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the shared use, and that the facilities are within 200 feet of the building or parcel housing the use.

1108.08.7 Bicycle Parking Requirements

TOTAL NUMBER OF AUTOMOBILE SPACES	REQUIRED NUMBER OF BICYCLE PARKING SPACES
1 to 50	4
51 to 100	6
100+	**MINIMUM OF 10** Ten (10) or more will be determined by staff
Multi-Family (More than 4 dwelling units)	One (1) rack for every 35 required auto spaces

1108.09-A Non-Parking Uses Permitted in Required Parking Areas:

Non-parking uses can be temporary or permanent. Temporary uses include, but are not limited to, seasonal promotions, sidewalk and parking lot sales, Christmas tree sales and neighborhood fairs and carnivals. Permanent uses include Goodwill-type booths, recycling collection points, telephone and photo pick-up booths. Except for the C-4 Central Business District, non-parking uses shall be permitted on any non-residentially

zoned parking area; however, each permanent use shall be limited to two hundred fifty (250) square feet in size.

1109-A Off-Street Parking, Loading and Unloading

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage warehouse, food processing or wholesale distribution plant, hotel, hospital, or other uses similarly involving the receipt or distribution by vehicles of materials, merchandise, goods and services, there shall be provided and maintained on the lot, adequate space for the parking, loading and unloading services, in order to avoid undue interference with the public use of the streets and/or alleys. One (1) space shall be required for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of gross floor area used for purposes mentioned herein. Access, maneuvering area and ramps shall be furnished off the street right-of-way and so arranged that vehicles do not have to back into the street.

ARTICLE XII-A SITE PLAN REVIEW

1201-A Purpose of Site Plan Review

Site Plan Review shall be required, as stated by the provisions of this Ordinance, to ensure compliance with City zoning and other ordinances on large scale and other projects, to expedite procedures necessary for the obtaining of building permits, to provide the developer with a central review of a development proposal, to conserve the time and efforts of City employees in the various departments, and to provide for a speedy processing of applications for building permits on large scale and other projects.

1202-A Creation of Site Plan Review Committee

There shall be a Site Plan Review Committee to be chaired by the Planning Director, or his designee, which shall consist of one representative, from each of the following City Departments and/or divisions:

1. Architectural Design Administrator
2. Building and Permit Division
3. Engineering, Drainage
4. Engineering, Traffic
5. Fire Department
6. Flood Ordinance Administrator
7. Legal Department
8. Landscape Ordinance Administrator
9. Police Department
10. Signs and License Division
11. Storm Water
12. Water/Sewer Utilities
13. Zoning Administration

Site Plan Review1102.01-A Other Representation:

In addition, the Site Plan Review Chairman may invite a representative from the County Health Department, the U. S. Postal Service, Jackson Public Schools, and from any utility provider that may be affected by proposed development within the City on a case-by-case basis.

1203-A Site Plan Required

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. Brewpub
6. Convenience Type Grocery Stores
7. Dairying and animal husbandry on sites of not less than one (1) acre
8. Demolitions and redevelopment within C-1A Districts
9. Developments of five (5) acres or more
10. Distillery
11. Fast food restaurants with drive-through windows
12. Modular Commercial Buildings
13. Multi-family development including condominiums
14. 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
15. Nightclubs
16. Planned Unit Developments
17. Private Kennels
18. Private Stables
19. Produce Stands
20. Public utilities facilities and structures required to provide essential public services
21. Residential subdivisions or re-subdivisions of property
22. Restaurants
23. Commercial Communications Towers
24. Small Craft Brewery
25. Service Stations
26. Retail Stand
27. Structures in excess of forty-five (45) feet in height
28. 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.

29. Any "action" as defined under **706.11**-B within the Corridor 80 (C80) District.

30. Vendor Park

1204-A Procedure

A preliminary site plan, of adequate scale, generally not less than twenty (20) feet to the inch, and sufficient detail to permit review, shall be filed with the Zoning Administrator. The site plan shall include the following:

1. Property boundary lines and dimensions, location of available utilities including location of fire hydrants, location of easements, roadways, rail lines and public right-of-way crossing or adjacent to the subject property;
2. The proposed height, dimensions and arrangement of buildings and uses on the site;
3. Building elevations, front, sides, and rear views, including a list of building materials;
4. The type and location of existing trees and proposed landscaping for the site;
5. The location of points of ingress and egress from the site;
6. The location of driveways, parking lots and loading areas on the site;
7. The location of any proposed substantial regrading on the site and any significant topographical or physical features, including water courses.
8. The type and location of existing and proposed lighting.
9. In the case of development within Planned Unit Developments, R-4, C-lA, UV, UTC, NMU-1, CMU-1, High Street Overlay, Fondren/North State Overlay, and Zoo/West Capital Street Overlay Districts, architectural renderings showing front, side and rear of all buildings shall accompany site plans.
10. Applicants shall appear before the Site Plan Review Committee.
11. Traffic Impact Studies shall be required for industrial development of five (5) acres or larger; retail development of twenty thousand (20,000) square feet or larger; office or mixed-use buildings of twenty thousand (20,000) square feet or larger; and for all multi-family developments of eight or more housing units with the exception of new development within the Central Business District or any development exempted by Traffic Engineering.

1204.01-A Compliance**:**

The Site Plan Review Committee shall certify that said site plan does or does not comply with all ordinances and requirements of the City of Jackson, Mississippi. If the site plan does comply, the approved site plan shall be forwarded to the Office of Code Services and the Applicant shall be notified in writing. If the site plan does not comply, the Site Plan Review Committee shall so specify in what respects it does not comply, in writing to the Applicant, and shall then require correction and compliance before further processing. Any modifications and corrections shall be forwarded by the applicant, or his representative, to the Site Plan Review Chairman for dissemination to the appropriate department and/or division.

1204.02-A Time Period for Review:

In all cases, the Site Plan Review Committee shall have thirty (30) days from the date of filing to review and submit its findings. Approval will be contingent upon receipt of the required modifications.

1204.03-A Action of the Committee Binding:

Actions of the Site Plan Review Committee shall be binding on the Office of Code Services or any other City Department as far as site plan approval for obtaining building permits is concerned.

1204.04-A Submittal of Revised Plans:

Applicant(s) and/or his representation shall have ninety (90) days after the date of the written letter from the Site Plan Review Coordinator requesting modifications and corrections to submit revised plans that comply with requested plan modifications. If revised plans are not received within this time period, new plans must be resubmitted for review. The applicant shall be entitled to one (1) ninety-day extension provided such extension is requested within the original time permitted for submission of revised plans.

1204.05A Commencement of Project:

Applicant(s) shall have one (1) year to commence construction of approved site plans. If work does not commence within this time period, applicant may request one (1) six (6) month extension. After this period has elapsed applicant shall be required to re-submit site plans for any proposed development.

ARTICLE XIII-A NON-CONFORMING USE OF LANDS AND/OR STRUCTURES

1301-A Purpose of Regulation

Within the districts established by this Ordinance, it is recognized that the following residentially, commercially and industrially zoned properties exist:

1. Undeveloped lots as defined in this Ordinance;
2. Buildings and structures; and
3. Buildings and premises in combination which were lawful before this Ordinance was adopted, but which would be prohibited, regulated, or restricted under the terms of this Ordinance. To eliminate as many of the elements of undue hardship as possible in such cases, it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival

1302-A Non-Conforming Structure

Any non-conforming structure which was lawful before the adoption of this Ordinance may continue to be used as long as it is adequately maintained and does not constitute a public hazard or nuisance, and provided that it is not expanded, extended, enlarged in

floor area, or changed in basic structural design and integrity. Non-conforming structures may be improved to an extent not exceeding fifty percent (50%) of the current market value of the existing structure. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by proper authority. ***(Cross references: 602.08.4(a); 702.05.01(a) and 707.08-A)***

1302.01-A Termination of Non-Conforming Structure:

Any non-conforming structure which is partially destroyed or damaged by fire, accident, or natural causes beyond sixty percent (60%) of its current market value shall thereafter conform to the regulations of this Ordinance for the district in which it is located.

Any non-conforming structure which has been improved and altered to comply with the provisions of this Ordinance shall be considered as conforming.

1303-A Non-Conforming Use of Structures and Premises

Any non-conforming use of buildings and land which was lawful before the adoption of this Ordinance may be continued, and provided further that these regulations shall not be construed to require a change in plans, construction, or designated use of any building or land upon which construction and/or other improvements were lawfully begun prior to the effective date of adoption of this Ordinance.

1303.01-A Limitations:

A non-conforming use shall not be expanded, extended or enlarged in floor area, or changed to another non-conforming use. Structures housing a non-conforming use may be improved to an extent not exceeding fifty percent (50%) of the current market value of the existing structure.

1303.02A Termination of Non-Conforming Use:

When use of either the premises and/or structure, in regard to its zoning classification, and not otherwise, ceases for a period of more than six (6) consecutive months, any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located; unless prior to the expiration of the said six (6) month period, the owner shall have applied to the Zoning Administrator for an extension of the non-conforming status, which extension shall not be unreasonably withheld.

Structures housing non-conforming uses when partially destroyed or damaged by fire, accident, or natural causes beyond sixty percent (60%) of its current market value shall thereafter conform to the regulations of this Ordinance for the district in which it is located. Removal or destruction of the structure beyond sixty percent (60%) of its current market value shall also eliminate non-conforming use of the land, the existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of such lease.

1303.03-A Amortization of Non-Conforming Use:

Any adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater, as defined in this Ordinance, in existence at the time of adoption of this Ordinance which violates or does not conform to the provisions hereof (hereafter, a "pre-existing, non-conforming business") shall conform to the provisions of this Ordinance within a period of three (3) years from said adoption of this Ordinance.

The City Planning Board may grant an extension of time for continued operation after the conclusion of this grace period if the owner of the pre-existing, non-conforming business proves that he is unable to recoup his investment in such enterprise by that date. In order to secure an extension of time, the owner must submit to the City Planning Board a written request for such extension at least sixty (60) days prior to the expiration of the three (3) year grace period. No application for extension received by the City Planning Board after such time shall be considered. This information shall be supported by relevant documentary evidence such as financial statements and tax records. Copies of such documentary evidence must be attached to the request for extension, and refusal or failure to provide this information as required shall constitute a waiver of the right to seek an extension of time in which to operate.

Such written request shall set forth the following information:

- **A.** The amount of the owner's investment in the pre-existing, non-conforming business through the effective date of this Ordinance;
- **B.** The amount of such investment that has been or will have been realized at the conclusion of the three-year grace period;
- **C.** The life expectancy of the existing enterprise;
- **D.** The existence or nonexistence of lease obligations, as well as any contingency clauses therein permitting termination of such lease.

The City Planning Board shall notify an applicant for an extension of time of the time and place of a hearing to be held on such request before the City Planning Board. After such hearing, the City Planning Board shall issue a written order on the request for extension. If the owner desires to appeal the City Planning Board's order, said appeal may be taken by following the procedures for appeal to the City Council pursuant to the provisions of the Zoning Ordinance of Jackson, Mississippi, as amended. Extensions that are granted shall specify a date certain for closure and not be valid for operation at any other location.

1303.04-A Catastrophic Provision:

In the event of a natural disaster of catastrophic proportions, non-conforming uses may be continued, where such continuance is declared to be in the public interest by the City Council, though existing structures and other improvements on the premises of the non-conforming use have suffered damages exceeding sixty percent (60%) of their market value.

ARTICLE XIV-A ADMINISTRATION AND ENFORCEMENT

1401-A Purpose and Intent

It is the purpose and intent of this Article to set forth the duties, powers and limitations of officials, departments, committees and other groups which are or may be concerned with the administration and enforcement of this Ordinance.

1402-A Office of the Zoning Administrator

There is hereby established the Office of Zoning Administrator within the auspices and staff of the Department of Planning and Development, who, under general supervision of the Planning Director, will administer and enforce provisions of this Ordinance, and whose duties shall include, though not be limited to:

1. Maintaining the Official Zoning Map in good and useful condition and properly recording on the Map all of the amendments to the Ordinance that change boundaries of the Zoning District.
2. Issuing of Zoning Applications and other forms.
3. Providing public information relating to zoning matters.
4. Registration and maintenance of records and maps on non-conforming uses, structures and undeveloped lots.
5. Providing staff for Planning Board, preparing routine staff reports and recommendations on zoning and planning matters to be heard by the Board.
6. Reporting any zoning violations noted to Zoning Inspectors.
7. Keeping permanent records of zoning decisions, Site Plan Review Committee decisions, and other zoning matters.
8. Defining words or phrases of this Ordinance which are not found under Article II, Interpretation and Definitions.
9. Acting as advisor to City Council on zoning and zoning-related matters.
10. Preparing recommendations for Comprehensive rezonings.
11. Preparing Conservation Overlay District text and recommending specific areas which could benefit from overlay district requirements.

1403-A Administrative Interpretation of Ordinance

In the event there is a question concerning the general intent or meaning of any provision of this Ordinance text, or the positioning of district boundaries, or of district designation, or other matter relating to the Official Zoning Map, the Zoning Administrator shall have the right to make such administrative decisions and interpretations.

1403.01-A Limitations:

Administrative interpretation shall in no manner be construed as permitting or granting an exception or variance to the provisions of this Zoning Ordinance.

1404-A Enforcement:

The Zoning Ordinance shall be enforced by the Zoning Administrator or his designee. Upon documentation of violations of the provisions of this Ordinance, the Zoning Administrator, shall notify in writing, by mail, the person or persons responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Zoning Administrator or his designee shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or

of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, its provisions.

1405-A Building Permits Required:

No building, fence, wall, satellite dish antenna, commercial communication tower or other structure shall be constructed, erected, enlarged, altered, repaired, moved, or demolished, and the occupancy (use category) of any building or structure shall not be changed, without first obtaining a permit from the Building Official for the City of Jackson. No building permit shall be issued by the Building Official except in conformity with the provisions of this Ordinance.

1406-A Application for Building Permit:

Every application for a building permit shall be accompanied by a drawing to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the actual shape, location, size, and height of any building or structure; the number of dwelling units; and such other information as the Building Official may require as necessary to satisfy the provisions of all construction codes adopted by the City of Jackson.

1407-A Zoning Review of Building Permit Application

All applications for building permits shall be reviewed by the Zoning Administrator and approved or disapproved as to zoning requirements.

ARTICLE XV-A CITY PLANNING BOARD RESPONSIBILITIES

1501-A Designation of City Planning Board

The City Planning Board has been designated by the City Council as the Advisory Committee to the City of Jackson in zoning matters and is vested with the rights and responsibilities as provided in Mississippi Code Annotated 17-1-17 (1972). The City Planning Board shall adopt reasonable rules and regulations governing the conduct of its zoning affairs and in keeping with the provisions of this Ordinance.

1502-A Powers and Duties

The City Planning Board shall have the following powers and duties as hereinafter listed:

1. To hold public hearings on rezonings, area-wide rezonings, establishment of overlay zoning districts, text amendments, use permits, special exceptions to and/or variances from the provisions of this Ordinance.
2. To make a written decision of its finding on each application, which decision will become a recommendation to the City Council.
3. To affirm, reverse, or modify any written order, determination, interpretation, requirement, or decision of the Zoning Administrator, as may be deemed advisable or from which an appeal may be made, all in accordance with the provisions of this Ordinance.

1503-A City Planning Board's Zoning Meeting

The City Planning Board's Zoning Meeting shall be governed by the rules for the conduct of its zoning affairs as adopted by the City Planning Board. Officers shall consist of a Chairperson, as determined by the Chairman of the City Planning Board, responsible for the conduct of all City Planning Board's Zoning meetings and hearings; a Vice Chairperson, who shall act for the Chairperson in their absence, and a Recording Secretary. The City Planning Board's Zoning Meeting may secure the services of a Court Reporter to assist a recording secretary in obtaining complete and accurate minutes of the City Planning Board's Zoning Meeting proceedings, and/or may authorize use of a tape recorder. To preserve order during conduct of meetings and public hearings, the Zoning Administrator shall act in the capacity of Sergeant at Arms.

1504-A City Planning Board's Zoning Meetings

The City Planning Board's Zoning Meeting shall meet at the call of the Chairperson upon determination of need, as advised by the Zoning Administrator and at such other times as the City Planning Board may require to discharge its duties and responsibilities in the conduct of public hearings and in upholding the provisions of this Ordinance, provided, however, that the City Planning Board shall have a zoning meeting at least once each month, such meeting to be held on a regularly established schedule, time, and place open to the public.

1505-A Proceedings of the City Planning Board's Zoning Meeting

The City Planning Board shall keep a record of its proceedings at zoning meetings, all of which shall be a matter of public record, in the office of the Zoning Administrator, and shall make a report of its findings on each petition heard to the City Council.

1506-A City Planning Board Recommendation

At the conclusion of each zoning meeting, the City Planning Board shall formulate a recommendation on each petition presented at a zoning meeting upon which a hearing was held. At the conclusion of a zoning meeting, the City Planning Board shall forward its recommendation together with maps and other descriptive materials, including a transcript of testimony, but only in the event of an appeal, to the City Council for their consideration and official action. The Planning Department office shall maintain a file of data and materials on all zoning proceedings of the City Planning Board's Zoning Meeting and of the City Council.

ARTICLE XVI-A SCHEDULE OF FEES, CHARGES AND EXPENSES

Fees Established		Additional Costs
Action	**Fee**	**Paid to 3rd party**
Rezoning (Map Change)	$501.00	Publication fees paid to newspaper
Special Exception	$301.00	Publication fees paid to newspaper
Use Permit	$501.00	Publication fees paid to newspaper
Zoning Variance	$301.00	Publication fees paid to newspaper
Appeal of Planning Board Decision	N/A	Additional Publication fees Cost of Transcript to independent court reporter

1601-A Schedule Established

The City Council may establish a schedule of fees, charges, and expenses and a collection procedure for certificates of zoning compliance, appeals, and other matters pertaining to this Ordinance.

1602-A Collection Office

The schedule of fees, charges and expenses shall be posted in the office of the Zoning Administrator, who shall be responsible for their collection. The schedule may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action will be taken on any application or appeal.

ARTICLE XVII-A - REZONINGS (MAP AMENDMENTS) TEXT AMENDMENTS, SPECIAL EXCEPTIONS, VARIANCES, USE PERMITS, WITHDRAWALS AND POSTPONEMENTS

1701-A General Provisions

The regulations, provisions, restrictions and district boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed. Also from time to time, the public health, safety or general welfare of the community may require that Special Exceptions, Variances, and Use Permits be granted in specific cases as set forth in the Ordinance.

1701.01-A Purpose of Use Permits:

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Use Permits may therefore be granted by the City Council for those uses enumerated in each of the zoning districts established in Article III, 301, of this

Ordinance in accordance with the standards and procedures of this Article and the standards enumerated for each Use Permit in the district regulations.

1701.02-A Application of Use Permits:

When considering application for Use Permits, the City Council shall consider the extent to which:

1. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;
2. The proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity;
3. The proposed use will not adversely affect vehicular or pedestrian traffic in the vicinity;
4. The proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools;
5. The proposed use is in harmony with the Comprehensive Plan;
6. The proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances.

1701.03-A Authority For Conditions:

A Use Permit may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, limitations on size and location, requirements for landscaping, lighting, the provisions of adequate ingress and egress, duration of the permit which may be permanent or may be limited to a specific period of time and hours of operation. Such conditions may include a requirement for a second stage approval process under the provisions of 1703.06-A.

1702-A Public Hearing Required:

No action shall be taken concerning Rezoning, Text Amendments, Special Exceptions, Variances, or Use Permits until after a public hearing in relation thereto, at which parties in interest and the general citizenry shall have an opportunity to be heard. Before the City Planning Board or City Council holds such a hearing, there shall be two (2) advertisements of the hearing, which advertisements set forth the time and place of the hearing, describe the nature of the proposed request or text amendment, and if property is involved, the existing zoning and purported changes and modifications therein. Such publication shall be made in a newspaper of general circulation within the City of Jackson, Mississippi, the first publication to be at least fifteen (15) days before such hearing.

1703-A Procedure

No Rezoning, Special Exception, Variance, and/or Use Permit shall be passed by the City Council unless and until the following conditions have been met:

1703.01-A Signs Required:

In the case of Rezoning, Special Exceptions, Variances, and/or Use Permits, Zoning Notice signs shall be erected at least fifteen (15) days prior to the hearing. The Zoning Notice sign shall indicate the case number.

1703.02-A Application Requirements:

A written application for a Rezoning, Special Exception, Variance, and/or Use Permit shall be filed with the Zoning Administrator. Rezoning of a property shall not be granted unless the applicant can prove by clear and convincing evidence either, (1) that there was a mistake in the original zoning, or (2) the character of the surrounding area has changed to such an extent as to justify rezoning and there is a public need for additional property to be zoned in accordance with the request in said application. If an application for rezoning is denied by the City Council or if said application is withdrawn after the Planning Board has recommended denial of the application, then such property may not be the subject of an application for rezoning for a period of one year from the earliest date of such denial or withdrawal. Anything stated to the contrary notwithstanding, under no circumstances shall an application filed hereunder be processed while any litigation is pending concerning the zoning of the subject property.

1703.02.1-A Application for Rezoning:

This application shall include a legal description, plot plan, and location map of the property, the exact nature of the proposed change, a detailed listing of documents included in the application setting forth the grounds upon which said application is made, the change in land use conditions affecting the property since any previous City Council action, a listing of the owners of all property within one hundred-sixty (160) feet and all neighborhood organizations registered with the Department of Planning and Development with geographic boundaries within one thousand (1 ,000) feet in all directions therefore the property lines of the lot or parcel of land for which the application is being submitted, excluding width of streets, and any such other information as may be required by the Zoning Administrator to determine the merits of the application. In order to obtain a change in the zoning classification of real property in the City of Jackson, Mississippi, applicant must prove by clear and convincing evidence either (1) that there was a mistake in the original zoning, or (2) substantial change in the land use character of the surrounding area which justifies rezoning the property and a public need for additional property that area zoned in accordance with the request in said application since any previous City Council action. The petitioner shall show proof of notification to all of the listed property owners and organizations by submitting certified mail receipts and a copy of the letter sent to the listed in property owners and organizations. Such letter shall include the date, time, location, and purpose of the stated public hearing. In the alternative applicant may present a petition bearing the signatures of the listed property owners and organizations as proof of notification.

1703.02.2-A Application for Special Exception:

This application shall include a legal description of the property, a plot plan of the property, and the non-retail type use to which the property and/or structure is contemplated. The justification statement shall state the grounds upon which the request is based, and shall further demonstrate that the granting of such Special Exception will not

adversely affect the surrounding properties nor otherwise be detrimental to the public welfare. The petition shall contain a listing of names of the owners of all the property within one hundred-sixty (160) feet and all neighborhood organizations registered with the department of Planning and development with geographic boundaries within one thousand (1,000) feet in all directions from the lot or parcel of land for which the application is being submitted, excluding width of streets, and any such other information as may be required by the Zoning Administrator to determine the merits of the application. The petition shall show proof of notification to all of the listed property owners by (1) submitting certified mail receipts and a copy of the letter sent to the listed property owners. Such letter shall include the date, time, location, and purpose of stated public hearing; or (2) a petition bearing the signature of the listed property owners; or (3) a combination of Items (1) and (2).

1703.02.3-A Application for Variance**:**

This application shall include a legal description, location map, plot plan, the exact nature of the requested Variance, the grounds upon which it is requested, any City Council action involving rezoning or any variance, or such other information as may be required by the Zoning Administrator to determine the merits of the application. The variance application shall demonstrate the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance.
3. That the special conditions and circumstances do not result from actions of the applicant. That granting the Variance requested 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.

The petition shall contain a listing of names of the owners of all the property within one hundred-sixty (160) feet and all neighborhood organizations registered with the Department of Planning and Development with geographic boundaries within one thousand (1,000) feet in all directions from the lot or parcel of land for which the application is being submitted, excluding width of streets, and any such other information as may be required by the Zoning Administrator to determine the merits of the application. The petition shall show proof of notification to all of the listed property owners by (1) submitting certified mail receipts and a copy of the letter sent to the listed property owners. Such letter shall include the date, time, location, and purpose of stated public hearing; or (2) a petition bearing the signatures of the listed property owners; or (3) a combination of Items (1) and (2).

1703.02.4-A Application for Use Permit**:**

This application shall include a legal description of the property, a site plan of the property, and the specific use to which the property and/or structure is contemplated. The justification statement shall state the grounds upon which the request is based, and shall further demonstrate that the granting of such Use Permit will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare. The petition shall contain a listing of names of the owners of all the property within one hundred-

sixty (160) feet and all neighborhood organizations registered with the Department of Planning and Development with geographic boundaries within one thousand (1,000) feet in all directions from the lot or parcel of land for which the application is being submitted, excluding width of streets, and any such other information as may be required by the Zoning Administrator to determine the merits of the application. The petition shall show proof of notification to all of the listed property owners by (1) submitting certified mail receipts and a copy of the letter sent to the listed property owners. Such letter shall include the date, time, location, and purpose of stated public hearing; or (2) a petition bearing the signature of the listed property owners; or (3) a combination of Items (1) and(2). Application for a Use Permit shall be accompanied by a site plan drawn at a scale to allow adequate review. Site plans shall include the following:

1. Property boundary lines and dimensions, available utilities, location of easements, roadways, rail lines and public right-of-way crossing adjacent to the subject property;
2. The proposed height, dimensions and arrangements of buildings and uses on the site;
3. The type and location of landscaping proposed for the site;
4. The locations of points of ingress and egress from the site;
5. The location of driveways, parking lots and loading areas on the site;
6. The location of any proposed substantial regrading on the site and any significant topographical or physical feature, including water courses.

1703.03-A Public Hearing Held:

After public notice has been published as aforementioned, a public hearing on the Rezoning, Special Exception, Variance or Use Permit shall be held before the City Planning Board at its Zoning Meeting. At said hearing, any individual may appear in person or by agent.

1703.04-A Application Reviewed by Planning Director:

At least fifteen (15) days prior to the public hearing to be conducted at the City Planning Board's Zoning Meeting, the Zoning Administrator shall submit the application for Rezoning, Special Exception, Variance, or Use Permit to the Planning Director for determination as to whether or not the requested changes are in conformance with the officially adopted overall Comprehensive Plan for City Development. The Planning Director, within ten (10) days, shall certify in writing to the Zoning Administrator his finding that the proposed Rezoning, Special Exception, Variance, or Use Permit does or does not conform to the Comprehensive Plan for City Development. The Zoning Administrator shall then transmit this certification of the finding to the City Planning Board. If a written statement is not received from the Planning Director within the ten (10) day period, the Zoning Administrator shall so advise the City Planning Board and continue the due processing of the application.

1703.05-A Public Hearing Procedures:

Proceedings of the hearing at the City Planning Board's Zoning Meeting shall be taken down in shorthand and/or by mechanical or tape recording, which cannot be altered, and all witnesses before said City Planning Board's Zoning Meeting shall be sworn in by an officer qualified to administer oaths under the laws of the State of Mississippi. The hearing at the zoning meeting may proceed informally without strict compliance with

rules of evidence. The Chair of the City Planning Board's Zoning Meeting shall act as moderator.

1703.06-A City Planning Board's Zoning Meeting Determination:

Within fifteen (15) calendar days from the conclusion of such hearings, the Zoning Administrator shall prepare and submit in writing the findings from the City Planning Board. The City Planning Board shall, within fifteen (15) days, give its recommendations in writing to the Zoning Administrator, and which shall become a recommendation to the City Council. After the City Planning Board has acted upon a proposed Use Permit application and required site plans, at the zoning meeting, the applicant shall submit a modified site plan to the Zoning Administrator, if necessary, reflecting conditions recommended by the City Planning Board prior to forwarding the request to the City Council.

1703.07-A Notification by Zoning Administrator**:**

The Zoning Administrator shall, within five (5) working days of such decision and recommendations, mail a copy of same to all parties in interest who appeared at said hearing.

1703.08-A City Council Notified**:**

After fifteen (15) days from the date of the City Planning Board decision or recommendation, the Zoning Administrator shall forward to the City Council such recommendation, along with all documents and exhibits pertaining to the case. If no appeal is filed by a party of record or authorized representative, defined herein as a party present and speaking at the City Planning Board public hearing, with the Zoning Administrator within fifteen (15) days from the date of the City Planning Board recommendation, it will not be necessary for stenographic notes to be transcribed or publication to be made, however, if such an appeal is taken, it will be necessary for stenographic notes to be transcribed and for the City Clerk to place two (2) advertisements of the pending consideration by the City Council. Such publication shall be in the usual form and shall be made in a newspaper of general circulation within the City of Jackson, Mississippi, at least fifteen (15) days before such hearing before the Jackson City Council. Within sixty (60) calendar days after the date set in the case advertisement, the City Council shall approve or deny, in whole or in part, the recommendation of the City Planning Board, or where there is need for additional information, may remand the case to the City Planning Board for further consideration, and this shall be done by the City Council on the record of the case.

1704-A Procedure for Text Amendments

No text amendment shall be passed by the City Council unless and until the following conditions have been met:

1704.01-A Public Hearing Held:

After public notice has been published as aforementioned (1702-A), a public hearing on the proposed text amendment shall be held separately and/or jointly before the City Planning Board and/or the City Council. At said hearing, any individual may appear in person or by agent.

1704.02-A Public Hearing Procedures:

Proceedings of the hearing before the City Planning Board and/or City Council shall be taken down in shorthand and/or mechanical or tape recording, which cannot be altered. The City Planning Board and/or the City Council may proceed informally without strict compliance with rules of evidence. The Chairperson of the City Planning Board shall act as moderator unless the hearing is held jointly or separately by the City Council, then the President of the City Council shall act as moderator.

Section 1705 –A Procedure for Withdrawals or Postponements

Section 1705.01-A – Request to Withdraw Zoning Action Application and for a Full Refund

A written request to withdraw and a full refund may be filed with the Zoning Administrator up to the time of the Planning Board Hearing. Once the hearing takes place, the application fee becomes non-refundable.

Section 1705.02-A – Request to Postpone Zoning Action Planning Board Public Hearing

A postponement may be granted by submitting $50.00 and a notarized letter to the Zoning Administrator five (5) business days prior to the Planning Board Hearing. The applicant must re-notify all property owners within 160 feet of the subject property and neighborhood associations within 1000 feet of the subject property of the postponement and the rescheduled public hearing information and submit a copy of said letter the Zoning Division Office to be placed on file.

Section 1705.03–A - Notification of Rescheduled Planning Board Hearing

The notice of the rescheduled Planning Board Hearing by certified mail must be mailed at least ten (10) days prior to the original hearing and fifteen (15) days prior to the date of the rescheduled hearing. The original certified mail receipts must be submitted with the notarized request for the postponement.

Section 1705.04–A Day of Hearing Postponement Request

Postponements requested on the day of the hearing, or less than five (5) days prior to the hearing, will be given five (5) minutes to address the Planning Board and request a postponement. The Planning Board has the option of voting for or against the request for a postponement. It is therefore imperative that the applicant or representative appear before the Board to request the postponement.

ARTICLE XVII-B – RETAIL STAND PERMIT

1701.01- B Purpose for Retail Stand Permit

The purpose for the issuance of Retail Stand Permits is to ensure that retail stands are appropriately located in commercial and industrial areas, are compatible with the uses allowed in such areas, and are conducive to the public health, safety, and general welfare.

1701.02- B Procedure

No Retail Stand Permit shall be issued by the City Council unless the following conditions have been met.

1701.03-B Application

Permits shall be required for all retail stands. Permit applications shall be reviewed by the Zoning Administrator, and a recommendation based on the findings shall be forwarded to the City Council for action.

1701.04-B Fees

The initial application and annual renewal fee is $100.00.

1701.05-B Application Procedure

Applications for new retail stands shall be submitted on a form obtained from the Planning and Development Department and be accompanied by a detailed site plan drawn at a scale to allow adequate review. Site plans shall include the following:

1. Property boundary lines and dimensions, available utilities, and location of: easements, underground petroleum storage tanks and aboveground dispensing facilities, roadways, rail lines and public rights-of-way crossings adjacent to the subject property;
2. The proposed height, dimensions and arrangements of buildings and uses on the site;
3. The type and location of landscaping proposed for the site;
4. The location of points of ingress to and egress from the site;
5. The location of driveways, parking lots and loading areas on the site;
6. The location of any proposed substantial regarding on the site and any significant topographical or physical feature, including water courses.

1701.06-B Signs on Proposed Lot

A sign shall be erected on any lot which is the subject of an application filed pursuant to this section. This sign shall be erected facing the street for a period of at least 15 days prior to the City Council considering the application.

1701.07-B Validly

Permits issued under this Section shall be valid for a period of twelve (12) months from the date of issuance to the specific name appearing on the permit application and for the approved location only.

1701.8-B Renewal

Based on need and the best interest of the City, the City Council may renew the permit for an additional twelve (12) months.

1701.09-B Amortization

Any retail stand as defined by this Ordinance in existence at the time of adoption of this Ordinance, which does not conform to the provisions hereof shall be made to conform to the provisions of this Ordinance within six months of the effective date of this Ordinance.

1701.19- B Performance Criteria

1. Outdoor storage, display, and refuse containers shall be prohibited.
2. Advertising shall be limited to wall signs only, as regulated by the city sign ordinance.
3. A minimum of two parking spaces shall be provided for each retail stand within 100 feet of the retail stand. The establishment of a retail stand shall not reduce the required parking for the buildings or businesses of the principal use of the parcel, nor shall the retail stand block driveways.
4. Retail stands shall meet the minimum required building setbacks as required by the zoning ordinance of the city for the zoning district in which they are located. When located on the same parcel as a convenience-type grocery store, the retail stand shall not be located in front of the store and shall maintain a minimum ten-foot separation between it and the store.
5. Building construction shall meet the requirements of the city's building and fire codes and the requirements of the health department with regard to food preparation and sanitary services. A building permit shall be obtained.
6. Gas generators and electrical extension cords as a primary power source are prohibited. All utilities shall meet applicable building and fire codes.
7. No retail stand which incorporates cooking facilities shall be located within 30 feet of petroleum dispensing facilities, petroleum fill pipe openings, or vent pipes

ARTICLE XVIII-A AREA-WIDE REZONING

1801-A Purpose and Intent

The purpose of this Article is to permit the re-zoning of established neighborhoods to more accurately reflect existing land use patterns in the area and to preserve the distinctive physical character of the neighborhood. This Article is also intended to provide a mechanism by which established neighborhoods may amend zoning regulations to improve the area's quality of life, strengthen the tax base, and insure adequate infrastructure, transportation and public facilities.

1802-A Procedure

A. A neighborhood rezoning may be initiated by:

The owners of at least seventy-five (75) percent of the property described in the application; or

A two-thirds (2/3) vote of the City Council; or
A two-thirds (2/3) vote of the Planning Board.

B. This shall only be applicable when at least fifty (50) contiguous parcels or at least fifteen (15) acres of contiguous land (excluding rights of way) are the subject of the re-zoning application.

C. Any proposed rezoning under this shall be studied by the Planning Department to determine:

1. The need for additional land in the City having the same classification as that requested; and
2. A substantial change of the land use character of the surrounding area that justifies the change in zoning.

D. Additionally, the Planning Department may report findings concerning the following:

1. The effect of the change on the particular property and on surrounding properties;
2. The impact, if any, on the existing infrastructure, transportation, tax base, and surrounding land uses;
3. The relationship of the proposed amendment to the City's Comprehensive Plan and other relevant local and regional plans, with appropriate consideration as to whether the proposed changes will further the purpose of this and related plans; and
4. Any other relevant considerations regarding re-zoning of the subject parcels.

E. The Planning Department shall submit the re-zoning request to the Planning Board for consideration along with a staff report stating the Staff's findings under subs (c) and (d) above.

F. The Planning Board shall hold a public hearing on the re-zoning request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward their recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board's recommendations.

G. When the City proposes to rezone any property within its jurisdiction, it shall be the duty of the City to give notice by first class mail to each property owner whose zoning classification is proposed to be changed or affected. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, showing the existing and the proposed zoning, and the time and place of any scheduled hearing concerning the proposed rezoning. Prior to the effective date of any area-wide rezoning, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this . The filing of the affidavit shall be prima facie proof of compliance with this . A failure to give notice shall not affect the validity of rezoning, except as to the property of the complaining

owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to insure the accuracy of tax records pertaining to his property.

ARTICLE XVIII-B COMPREHENSIVE REZONING (MAP AMENDMENTS)

1801-B Purpose and Intent

The purpose of this Article is to permit the rezoning of the entire City or particular areas of the City in accordance with the Comprehensive Plan or an update to the Comprehensive Plan.

1802-B Procedure

A. This shall only be applicable when at least twenty-five (25) contiguous parcels or at least ten (10) acres of land (excluding rights-of-way) are the subject of the rezoning application.

B. A comprehensive rezoning may be initiated by The Department of Planning and Development after conducting a study that demonstrates that the existing zoning in the subject area is not in accordance with the Comprehensive Plan, or

C. That the Comprehensive Plan and zoning should be amended based on an analysis of the following:

1. The need for additional land in the City having the same zoning classification as the one proposed;

2. A substantial change in the land use character of the surrounding area that justifies the change in zoning; and

3. The probability of a mapping error in the Comprehensive Plan or the zoning ordinance.

D. The Planning Department shall submit the rezoning request to the Planning Board for consideration along with a staff report stating the Staff's findings under subs (b) and (c) above.

E. The Planning Board shall hold a public hearing on the rezoning request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward their recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board's recommendations.

F. When the City proposes to rezone any property within its jurisdiction, it shall be the duty of the City to give notice in a newspaper of general circulation in the City. This notice shall be in the form of two (2) advertisements containing a description and map of the affected property, showing the existing and the proposed zoning, and the time and place of any scheduled hearing concerning the proposed rezoning. The first publication of this advertisement shall be at least fifteen (15) days prior to the public hearing. The City shall also give notice via mail to each property owner whose

zoning classification is proposed to be changed or affected. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, showing the existing and the proposed zoning, and the time and place of any scheduled hearing concerning the proposed rezoning. The City shall also post signs along major thoroughfares in the area considered for the rezoning stating the same notice.

Prior to the effective date of any comprehensive rezoning, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this section. The filing of the affidavit shall be prima facie proof of compliance with this section. A failure to give notice shall not affect the validity of rezoning, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to insure the accuracy of tax records pertaining to his property.

ARTICLE XVIII-C ESTABLISHMENT OF OVERLAY DISTRICTS

1801 C Purpose and Intent

The purpose of an overlay district is to protect the special, public interest and benefit in an area that is not already adequately protected by mapped traditional zones. An overlay district establishes regulations beyond those in the underlying zone and may cover parts of several zoning districts or only a portion of the underlying district. Generally, the underlying zone determines the permitted land uses, while the overlay district may regulate such things as the design and setbacks. Overlay districts may also set in place any other regulations that meet the district's purpose.

1802-C Procedure

A. An overlay district may be initiated by the Planning Board, upon recommendation of the Planning Department.

B. Any proposed overlay district under consideration shall be studied by the Planning Department to determine:

1. The purpose and intent of the overlay district under consideration;
2. The existing character of the area;
3. Development goals for the area;
4. Boundaries of the overlay district under consideration;
5. Development standards;
6. Design Standards;
7. Landscaping, if applicable;
8. Signage, if applicable;
9. Parking; and
10. Pedestrian and vehicular circulation.

C. The Planning Department shall submit the overlay district request to the Planning Board for consideration along with a staff report containing the findings enumerated in sub (b).

D. The Planning Board shall hold a public hearing on the overlay district request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward its recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board recommendations.

E. When the City proposes to establish an overlay district on any property within its jurisdiction, or proposes to amend an existing overlay district, it shall be the duty of the City to give notice by first class mail to each property owner affected by said regulation. In addition, the City shall notify by first class mail all property owners within one hundred sixty (160) feet in all directions, excluding widths of streets, there from the property lines of the affected parcels or acreage. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, the proposed overlay district regulations, and the time and place of any scheduled hearing concerning the proposed overlay district. Prior to the effective date of the establishment of the overlay district, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this. The filing of the affidavit shall be prima facie proof of compliance with this. A failure to give notice shall not affect the validity of the overlay district, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to insure the accuracy of tax records pertaining to his property.

ARTICLE XVIII-D - ESTABLISHMENT OF HISTORIC ZONING DISTRICTS

1801-D Purpose and Intent

The purpose of this Article is to permit the rezoning of locally designated historic districts to more accurately reflect existing land use patterns in the area and to preserve the distinctive physical character and heritage of the historic district. An historic zoning district establishes new zoning districts and regulations which are unique to the specific historic district based on its individual needs. This Article is also intended to provide a mechanism by which established historic districts may amend zoning regulations to preserve a sense of place, strengthen the tax base, and insure adequate infrastructure, transportation, and public facilities.

1802-D Procedure

A. This shall only be applicable when the area to be rezoned is located within a locally designated historic district as recognized by the Historic Preservation Commission and adopted by the City Council.

B. An historic zoning district may be initiated by the Planning Board, upon recommendation of the Planning Department and the Historic Preservation Commission.

C. Any proposed historic zoning district under consideration shall be studied by the Planning Department to determine:

1. The purpose and intent of the historic zoning district under consideration;
2. The existing character of the district;
3. Development goals for the district;
4. Boundaries of the area under consideration;
5. Land uses permitted;
6. Design guidelines based upon the Historic Preservation Commission's Design Standards and Criteria or individual guidelines adopted for a specific historic district.

D. Any proposed rezoning under this shall be studied by the Planning Department to determine:

1. The need for additional land in the City having the same classification as that requested; and
2. A substantial change in the land use character of the surrounding area that justifies the change in zoning.

E. The Planning Department shall submit the historic zoning district request to the Planning Board for consideration along with a staff report containing the findings enumerated in subs (c) and (d)

F. Additionally, the Planning Department may report findings concerning the following:

1. The effect of the change on the particular district and on surrounding properties;
2. The impact, if any, on the existing infrastructure, transportation, tax base, and surrounding land uses;
3. The relationship of the proposed amendment to the City's Comprehensive Plan and other relevant local and regional plans, with appropriate consideration as to whether the proposed changes will further the purpose of this and related plans; and
4. Any other relevant considerations regarding rezoning of the historic district.

G. The Planning Board shall hold a public hearing on the historic zoning district request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward its recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board recommendations.

H. When the City proposes to establish an historic zoning district on any property within its jurisdiction, or proposes to amend an existing historic zoning district, it shall be the duty of the City to give notice by first class mail to each property owner affected by said regulation. Such notice shall be mailed to the owner's current

address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, the proposed historic zoning district regulations, the time and place of any scheduled hearing. Prior to the effective date of the establishment of an historic zoning district, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this. The filing of the affidavit shall be prima facie proof of compliance with this. A failure to give notice shall not affect the validity of the historic zoning district regulations, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to ensure the accuracy of tax records pertaining to his property.

ARTICLE XIX-A APPEALS

1901-A General Provisions

The regulations, provisions, restrictions, and district boundaries set forth by this Ordinance may from time to time be amended, supplemented, changed or repealed. Also, from time to time the public health, safety, or general welfare of the community may require that Special Exceptions, Variances, and Use Permits be granted in specific cases. Appeals from written decisions of the Zoning Administrator in the administration and enforcement of the provisions of this Ordinance shall be submitted to the City Planning Board for review and recommendation. Except for Article XVIII Area-Wide Rezoning (Map Amendments), Establishment of Overlay Zone Districts, and Historic Zoning Districts, appeals from recommendations of the City Planning Board relating to any of its functions shall be submitted to the City Council for final determination.

1902-A - Appeal of Zoning Administrator Decisions and City Planning Board Recommendations - No appeal of a decision of the Zoning Administrator or of a recommendation of the City Planning Board shall be ruled upon by the City Council until the following conditions have been met:

1902.01-A Written Notice of Appeal Required:

A written Notice of Appeal from a decision of the Zoning Administrator or recommendation of the City Planning Board shall be filed with the Zoning Administrator. The written Notice of Appeal shall state the order, determination, interpretation, requirement, recommendation or decision from which an appeal is desired.

1902.02-A Appeal to Stay Proceedings:

An appeal from a decision of the Zoning Administrator stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator, from whom the appeal is taken, certifies to the City Planning Board, after the Notice of Appeal is

filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed by the City Council, or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on the due case shown.

1902.03-A Appeal of City Planning Board Recommendation:

Any party of record, as defined herein, who is aggrieved by a recommendation of the City Planning Board, shall be entitled to any appeal from such recommendation to the City Council, provided the procedures herein stated are followed:

- A written notice of appeal shall be given to the Zoning Administrator within fifteen (15) days from the date of such recommendations by the City Planning Board, and that the party appealing shall also mail a copy of such notice to all parties entering an appearance in such cause, such appearance being mandatory for the receipt of said notice.
- When such Notice of Appeal is filed, the Zoning Administrator shall immediately notify the Recording Secretary of the City Planning Board's Zoning Meeting, and the Recording Secretary shall have a period of sixty (60) days from the date of delivery of the Notice of Appeal to the Zoning Administrator in which to transcribe and file the notes with the Zoning Administrator. If the City Planning Board, at its discretion, finds the aforesaid sixty (60) day period is insufficient, it may, upon request of the Recording Secretary, grant an additional period of time up to sixty (60) days in which to prepare the record.
- Upon receipt of the transcribed notes, the Zoning Administrator shall immediately forward to the City Council recommendations of the City Planning Board, the transcribed notes, and all documents and exhibits in the case; and shall have published two (2) advertisements of such hearing setting forth the time and place of the hearing, description of the property involved, the existing zoning and purported changes and modifications therein. Such publication shall be made in a newspaper of general circulation within the City of Jackson, Mississippi, the first publication to be at least fifteen (15) days before such hearing.

1902.04- Action of the City Council:

Unless there is an appeal by a party of record, as defined herein, the Council may immediately act to approve or deny the zoning application. In cases involving an appeal by a party of record, as defined herein, within sixty (60) days after the date set in the case advertisement and receipt of the transcript and documented case record, including the recommendation of the City Planning Board, the City Council shall either approve or deny, in whole or in part, the decision and recommendations of the City Planning Board on the record of the case or where there is need for additional information, may remand the case to the City Planning Board for further consideration, all in accordance with the provisions of the Mississippi Code Annotated, 17-1-17 (1972).

1902.05-A Three-Fifths Council Vote Needed:

In case of a protest against a Rezoning, Special Exception, Variance, or Use Permit signed by twenty percent (20%) or more of the owners of lots within a distance of one hundred-sixty (160) feet from the property involved, widths of all streets excluded, such Rezoning, Special Exception, Variance or Use Permit shall not become effective except

by the favorable vote of three-fifths (3/5) of all members of the City Council who are not required by law or ethical considerations to recuse themselves and pursuant to the current MS Code 17-1-17.

1902.06-A Appeal to Court of Law:

An appeal from the decision of the City Council may be made as provided by law for appeals from any order of the governing authorities of a municipality.

ARTICLE XX-A PROVISIONS

2001-A Declaration

In their interpretation and application, the provisions of this Ordinance are hereby declared to be the minimum requirements, adopted for the promotion of the public health, safety, morals, and general welfare for the City of Jackson, Mississippi. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances, and deed restrictions, or covenants filed of record are not in conflict with the intent and purposes of this Ordinance, but impose more restrictive or higher standards, the more restrictive or higher standards shall govern.

ARTICLE XX1-A COMPLAINTS REGARDING VIOLATIONS

2101-A Filing of Complaints

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator or his/her designee. Such complaint shall state fully the causes and basis thereof. The Zoning Administrator or Supervisor or his/her designee shall officially record such complaint, immediately initiate investigations, and take such actions thereon as are required by the provisions of this Ordinance.

ARTICLE XX1I-A PENALTIES FOR VIOLATION

2201-A Violation a Misdemeanor

Violation by any person of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of any conditions and safeguards established in connection with grants of Variances, Special Exceptions, or Use Permits) after having been duly notified by the Zoning Administrator following his determination of the type, nature and extent of violation and/or as otherwise provided for in Article XVI of this Ordinance shall, upon conviction thereof, constitute a misdemeanor.

2202-A Penalty for Violation

Any person who violates the provisions of this Ordinance or fails to comply within fifteen (15) days with any of its requirements after having been duly notified by the Zoning Administrator shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) and in addition shall pay all costs and expenses involved in

the case. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense, and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XXIII-A SEPARABILITY AND CLARITY CLAUSES

2301-A Provisions Separable - Should any or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

2302-A Clarity Provision - Before entering this Ordinance on the Minutes, the Clerk is authorized to make any correction therein regarding spelling, punctuation and grammar in order to more clearly state the purpose thereof.

ARTICLE XXI V-A COORDINATION WITH OTHER GOVERNING BODIES

2401-A Purpose of Article - To serve better the public interest and to achieve a more desirable living environment obtained in part through development of compatible associations of land use, it shall be a policy of the City Planning Board to coordinate its actions with those of other political entities where a common boundary is shared in matters relating to zoning and the use of land. Also, it shall be the policy of the City Planning Board to review and comment on similar matters that may be submitted to them by adjacent governing bodies so that the best interests of all may be served; provided however, that such coordination, review and comment shall be considered as advisory in nature to political jurisdictions involved and not legally binding upon their deliberations and official actions.

ARTICLE XXV EFFECTIVE DATE

2501-A Effective Date - This Ordinance shall become effective thirty (30) days after its passage and after its publication.

AMENDMENTS	ATTEST	APPROVED
June 30, 1977	Evelyn, Ballard, City Clerk	Russell C. Davis, Mayor Thomas B. Kelly, Commissioner Douglas W. Shanks, Commissioner
July 1, 1977 – October 1979	Evelyn, Ballard, City Clerk	Dale Danks, Jr., Mayor Nielsen Cochran, Commissioner Fred Johnson, Commissioner
October 31, 1979 – May 1984	Dot Coon, City Clerk	Dale Danks, Jr., Mayor George R. Porter, Commissioner Luther L. Roan, Jr., Commissioner
June 1984 – June 1989	Dot Coon, City Clerk	Dale Danks, Jr. Mayor **Council Members:** Louis E. Armstrong Margaret C. Barrett Derwood Boyles E C Foster Luther L. Roan, Jr. Doris Smith Marcia Weaver
July 1989 – June 1993	Gayrytha F. Huff, City Clerk	Kane Ditto, Mayor **Council Members:** Louis E. Armstrong Margaret C. Barrett Derwood Boyles E C Foster Kenneth I Stokes Marcia Weaver
July 1993 – June 1994	Gayrytha F. Huff, City Clerk	Kane Ditto, Mayor **Council Members:** Dent Anglin Louis E. Armstrong Margaret Barrett Credell Calhoun E C Foster Kenneth I Stokes Marcia Weaver

AMENDMENTS	ATTEST	APPROVED
July 1993 – June 1994	Gayrytha F. Huff, City Clerk	Kane Ditto, Mayor **Council Members:** Dent Anglin Louis E. Armstrong Margaret Barrett Credell Calhoun E C Foster Kenneth I Stokes Marcia Weaver
June 1994 – January 1995	Allyne Evans, City Clerk	Kane Ditto, Mayor **Council Members:** Dent Anglin Louis E. Armstrong Margaret Barrett Credell Calhoun E C Foster Kenneth I Stokes Marcia Weaver
January 1995 – August 1995	Pamela Taylor, City Clerk	Kane Ditto, Mayor **Council Members:** Dent Anglin Louis E. Armstrong Margaret Barrett Credell Calhoun E C Foster Kenneth I Stokes Marcia Weaver
August 1995 – August 2002	Eddie Jean Carr, City Clerk	Harvey Johnson, Jr., Mayor **Council Members:** Ben Allen Margaret Carroll Barrett –Simon William R. Brown Marshand K. Crisler Bettye Dagner - Cook Leslie Burl McLemore Kenneth I. Stokes
August 2002 – June 2005	Mary F. Robinson Acting City Clerk Chief Deputy City Clerk	Harvey Johnson, Jr., Mayor **Council Members:** Ben Allen Margaret Carroll Barrett –Simon William R. Brown Marshand K. Crisler Bettye Dagner - Cook Leslie Burl McLemore
July 2005 – June 2009	Cedric Morgan, City Clerk	Frank E. Melton, Mayor **Council Members:** Ben Allen Margaret Carroll Barrett –Simon Frank Bluntson

AMENDMENTS	ATTEST	APPROVED
July 2005 – June 2009	Cedric Morgan, City Clerk	Marshand K. Crisler Leslie Burl McLemore Charles Tillman
July 2005 – June 2009	Cedric Morgan, City Clerk	Frank E. Melton, Mayor **Council Members:** Ben Allen Margaret Carroll Barrett –Simon Frank Bluntson Marshand K. Crisler Leslie Burl McLemore Charles Tillman
July 2009-December 2011	Brenda Pree, City Clerk	Harvey Johnson, Jr., Mayor **Council Members:** Margaret Carroll Barrett –Simon Frank Bluntson Choke Lumumba Charles Tillman Quentin Whitwell Tony Yarber
January 2012 – July 2013	Brenda Pree, City Clerk	Harvey Johnson, Jr., Mayor **Council Members:** Margaret Carroll Barrett –Simon Frank Bluntson Choke Lumumba Charles Tillman Quentin Whitwell Tony Yarber
August 2013- December 2013	Brenda Pree, City Clerk	Choke Lumumba, Mayor **Council Members:** Melvin Priester Margaret Carroll Barrett –Simon De'Kither Stamps LaRita Cooper Stokes Charles Tillman Quentin Whitwell Tony Yarber
January 2014 – July 2014	Brenda Pree, City Clerk	Charles Tillman, Interim Mayor **Council Members:** Melvin Priester Margaret Carroll Barrett –Simon De'Keither Stamps LaRita Cooper Stokes Quentin Whitwell Tony Yarber

AMENDMENTS	ATTEST	APPROVED
August 2014- May 2015	Kristi Moore, City Clerk	Tony Yarber, Mayor **Council Members:** Ashby Foote Tyrone Hendrix Melvin Priester Margaret Carroll Barrett –Simon De'Keither Stamps Kenneth Stokes Charles Tillman
June 2015 – December 2015	Kristi Moore, City Clerk	Tony Yarber, Mayor **Council Members:** Ashby Foote Tyrone Hendrix Melvin Priester Margaret Carroll Barrett –Simon De'Keither Stamps Kenneth Stokes Charles Tillman
January 2016 – July 2016	Kristi Moore, City Clerk	Tony Yarber, Mayor **Council Members:** Ashby Foote Tyrone Hendrix Melvin Priester Margaret Carroll Barrett –Simon De'Keither Stamps Kenneth Stokes Charles Tillman
August 2016 – December 2016	Kristi Moore, City Clerk	Tony Yarber, Mayor **Council Members:** Ashby Foote Tyrone Hendrix Melvin Priester Margaret Carroll Barrett –Simon De'Keither Stamps Kenneth Stokes Charles Tillman
January 2017 – December 2017	Kristi Moore, City Clerk	Choke Antar Lumumba, Mayor **Council Members:** Aaron Banks Ashby Foote Virgie Lindsay Melvin Priester De'Keither Stamps Kenneth Stokes Charles Tillman

AMENDMENTS	ATTEST	APPROVED
January 2018 – June 2018	Kristi Moore, City Clerk	Choke Antar Lumumba, Mayor **Council Members:** Aaron Banks Ashby Foote Virgie Lindsay Melvin Priester De'Keither Stamps Kenneth Stokes Charles Tillman
July 2018 – December 2018	Kristi Moore, City Clerk	Choke Antar Lumumba, Mayor **Council Members:** Aaron Banks Ashby Foote Virgie Lindsay Melvin Priester De'Keither Stamps Kenneth Stokes Charles Tillman
January 2019 – August 2019	Kristi Moore, City Clerk	Choke Antar Lumumba, Mayor **Council Members:** Aaron Banks Ashby Foote Virgie Lindsay Melvin Priester De'Keither Stamps Kenneth Stokes Charles Tillman