

**REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, APRIL 20, 2015, 2:30 P.M.**

BE IT REMEMBERED that a Regular Zoning Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 2:30 p.m. on April 20, 2015, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: De'Keither Stamps; President, Ward 4; Melvin Priester, Jr.; Vice-President, Ward 2; Ashby Foote, Ward 1; Tyrone Hendrix, Ward 6. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Allice Lattimore; Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3; Charles Tillman, Ward 5 and Margaret Barrett-Simon, Ward 7.

The meeting was called to order by **President De'Keither Stamps**.

President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3886, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

President Stamps requested that the Clerk read said Order:

ORDER DENYING ETHERIDGE JAMISON, DBA CENTRAL AUTOMOTIVE & COLLISION A REZONING FROM I-1 (LIGHT) INDUSTRIAL DISTRICT TO I-2 (HEAVY) INDUSTRIAL DISTRICT, TO PARK & STORE VEHICLES FOR PROPERTY LOCATED AT 128 RICHARDSON DR., CASE NO. 3886.

WHEREAS, Etheridge Jamison, DBA Central Automotive & Collision has filed a petition to rezone property located on 128 Richardson Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District to store and park vehicles; and

WHEREAS, the Jackson City Planning Board determined that additional information was needed prior to offering a recommendation on the requested rezoning, tabled the Case for one month and notice was duly given the property owners and interested citizens that the Case would be heard on January 28, 2015 at 1:30 p.m.; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial to rezone the property from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District to store and park vehicles; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on November 27, 2014 and December 11, 2014 that a hearing would be held by the Jackson City Planning Board on December 17, 2014, and that notice had been given that the said petition would be tabled and heard by the Planning Board on January 28, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended denial of the petitioned rezoning of the above described property to I-2 (Heavy) Industrial District to store and park vehicles; and

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WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, February 23, 2015 and that notice had been given that the said petition would be tabled and heard by the City Council on March 16, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, March 16, 2015 and that notice had been given that the said petition would be tabled and heard by the City Council on Monday, April 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, the City Council after having considered the matter, is of the opinion that such changes would not be in keeping with sound land use practice and to the best interest of the City and that there has not been a substantial change in the land use character of the surrounding area that justifies rezoning the property and there is not a public need for additional property in that area zoned in accordance with the request in said application since any previous City Council action; and

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

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

Commencing at an iron pipe located on the northwest corner of Parcel 9 of FAE Subdivision, Section 24, Township 6 North, Range 1 West, Hinds County, Mississippi, as recorded in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi; said pipe being on the south right-of-way line of Northside Drive, as now laid out and occupied; run thence east and along said south right-of-way of Northside Drive for a distance of 679.0 feet to an iron pipe; turn thence through a deflection angle of 90 degrees 50 minutes to the right and run South 00 degrees 05 minutes West for a distance of 804.4 feet to a point on the south right-of-way line of propose Rich (Richardson) Drive; said point being further the point of beginning for the description of a parcel of property described as follows:

Continue thence South 00 degrees 05 minutes West for a distance of 160.0 feet to a point; turn thence through a deflection angle of 90 degrees 47 minutes to the right and run North 89 degrees 12 minutes West for a distance of 295.0 feet to a point; turn thence through a deflection angle of 89 degrees 13 minutes to the right and run North 00 degrees 05 minutes East for a distance of 160 feet, more or less, to a point on the South right-of-way line of proposed Rich (Richardson) Drive; thence run along said South right-of-way line of proposed Rich (Richardson) Drive for a distance of 295 feet, more or less, to the point of beginning.

The above described parcel of land, lying and being situated in the Northwest Quarter (NW 1/4) of Section 24, Township 6 North, Range I West, Hinds County, Mississippi, contains 1.1 acre, more or less.

is hereby denied the requested rezoning of the property located at 128 Richardson Dr. from I-1 (Light) Industrial District to I-2 (Heavy) Industrial District.

There was no opposition from the public.

Council Member Priester moved adoption; **Council Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

President Stamps requested the Clerk to read the Order to grant a conditional use permit:

ORDER GRANTING ETHERIDGE JAMISON, DBA CENTRAL AUTOMOTIVE & COLLISION A CONDITIONAL USE PERMIT FOR THE OPERATION OF A WRECKER SERVICE IN AN I-1 (LIGHT) INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 128 RICHARDSON DR., CASE NO. 3886.

WHEREAS, Etheridge Jamison, DBA Central Automotive & Collision has filed a petition for a Conditional Use Permit for the operation of a wrecker service within an I-1 (Light) Industrial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing on, January 28, 2015, recommended that a Conditional Use Permit for the operation of a wrecker service in the I-1 (Light) Industrial District be granted; and

WHEREAS, the Jackson City Planning Board, recommended that the Use Permit be granted on an annual basis; to the current operator of the wrecker services; and that any subsequent operator of a wrecker service at this location must apply for and receive a new Use Permit; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, February 23, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on November 27, 2014 and December 11, 2014 that a hearing would be held by the Jackson City Planning Board on December 17, 2014, and that notice had been given that the said petition would be tabled and heard by the Planning Board on January 28, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended a Conditional Use Permit for the operation of a wrecker service in the I-1 (Light) Industrial District of the City of Jackson; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, February 23, 2015 and that notice had been given that the said petition would be tabled and heard by the Council on March 16, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, March 16, 2015 and that notice had been given that the said petition would be tabled and heard by the Council on Monday, April 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

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WHEREAS, the Council, after having considered the matter, is of the opinion that the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity, and 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 and that the request for a Use Permit within the existing I-1 (Light) Industrial District of the City of Jackson for the operation of a wrecker service be granted; and

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

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

Commencing at an iron pipe located on the northwest corner of Parcel 9 of FAE Subdivision, Section 24, Township 6 North, Range 1 West, Hinds County, Mississippi, as recorded in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi; said pipe being on the south right-of-way line of Northside Drive, as now laid out and occupied; run thence east and along said south right-of-way of Northside Drive for a distance of 679.0 feet to an iron pipe; turn thence through a deflection angle of 90 degrees 50 minutes to the right and run South 00 degrees 05 minutes West for a distance of 804.4 feet to a point on the south right-of-way line of propose Rich (Richardson) Drive; said point being further the point of beginning for the description of a parcel of property described as follows:

Continue thence South 00 degrees 05 minutes West for a distance of 160.0 feet to a point; turn thence through a deflection angle of 90 degrees 47 minutes to the right and run North 89 degrees 12 minutes West for a distance of 295.0 feet to a point; turn thence through a deflection angle of 89 degrees 13 minutes to the right and run North 00 degrees 05 minutes East for a distance of 160 feet, more or less, to a point on the South right-of-way line of proposed Rich (Richardson) Drive; thence run along said South right-of-way line of proposed Rich (Richardson) Drive for a distance of 295 feet, more or less, to the point of beginning.

The above described parcel of land, lying and being situated in the Northwest Quarter (NW 1/4) of Section 24, Township 6 North, Range I West, Hinds County, Mississippi, contains 1.1 acre, more or less.

be and is hereby modified so as to approve a Conditional Use Permit for the operation of a wrecker service for property located at 128 Richardson Dr. within an I-1 (Light) Industrial District; however that before a Use Permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

There was no opposition from the public.

Council Member Priester moved adoption; **Council Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.
Nays- None.
Absent- Barrett-Simon, Stokes and Tillman.

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President Stamps recognized Zoning Administrator **Ester Ainsworth** who stated for the record that Agenda Item No. II, Case No. 3887 had been withdrawn by applicants on March 25, 2015. No action is required.

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President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3894, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

President Stamps requested that the Clerk read said Order:

ORDER GRANTING MEENA SABHARWAL A CONDITIONAL USE PERMIT TO OPERATE A LIQUOR STORE WITHIN THE EXISTING C-2 (LIMITED) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 1625 E. COUNTY LINE RD. – SUITE 320. - CASE NO. 3894.

WHEREAS, Meena Sabharwal has filed a petition for a Use Permit to allow for the operation of a liquor store within the existing C-2 (Limited) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing on, March 25, 2015, has recommended approval of the said petition; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the City Council would be held at the City Hall at 2:30 p.m., Monday, April 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on March 5, 2015 and March 19, 2015 that a hearing would be held by the Jackson City Planning Board on March 25, 2015 all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of a Conditional Use Permit within the existing C-2 (Limited) Commercial District of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that 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; will not adversely affect vehicular or pedestrian traffic in the vicinity; and that the request for a Use Permit for a liquor store within the existing C-2 (Limited) Commercial District of the City of Jackson be granted with the conditions that the Use Permit be granted on an annual basis; be granted to the current owner of the liquor store; and any subsequent owner(s) or of a liquor store at this location must apply for and receive a new Use Permit; and

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

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

INDEX: PART OF THE NW ¼ OF S-5, T-6 N, R-2 E, HINDS COUNTY, MS

TRACT ONE:

A CERTAIN PARCEL OF LAND SITUATED IN THE NORTHWEST ¼ OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 2 EAST, HINDS COUNTY, MISSISSIPPI, AND ALSO BEING A PART OF LOT 2, BLOCK 51, HIGHLAND COLONY, ACCORDING TO THE MAP OR PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, IN PLAT BOOK A AT PAGE 283; SAID PARCEL OF LAND CONTAINS 312,276.7 SQUARE FEET OR 7.1689 ACRES, MORE OR LESS, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF PEAR ORCHARD ROAD WITH THE SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD (AS BOTH ARE NOW LAID OUT AND IMPROVED, AUGUST, 1983); RUN THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD FOR A DISTANCE OF 257.39 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HERE IN DESCRIBED; CONTINUE THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD FOR A DISTANCE OF 191.07 FEET; LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF COUNTYLINE ROAD, TURN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES AND RUN SOUTHERLY FOR A DISTANCE OF 175.0 FEET; TURN THENCE LEFT THROUGH A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES AND RUN EASTERLY FOR A DISTANCE OF 161.45 FEET; TURN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 94 DEGREES 25 MINUTES 41 SECONDS AND RUN SOUTHERLY FOR A DISTANCE OF 455.56 FEET; TURN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 86 DEGREES 22 MINUTES 30 SECONDS AND RUN WESTERLY FOR A DISTANCE OF 622.63 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF PEAR ORCHARD ROAD; TURN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 93 DEGREES 36 MINUTES 18 SECONDS AND RUN NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF PEAR ORCHARD ROAD FOR A DISTANCE OF 434.34 FEET; TURN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 06 DEGREES 27 MINUTES 47 SECONDS AND CONTINUE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF PEAR ORCHARD ROAD FOR A DISTANCE OF 52.27 FEET; LEAVING SAID EAST RIGHT-OF-WAY LINE OF PEAR ORCHARD ROAD, ORN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 128 DEGREES 37 MINUTES 44 SECONDS AND RUN SOUTHERLY FOR A DISTANCE OF 110.39 FEET; TURN THENCE LEFT THROUGH A DEFLECTION ANGLE OF 49 DEGREES 29 MINUTES AND RUN EASTERLY FOR A DISTANCE OF 157.89 FEET; TURN THENCE LEFT THROUGH A DEFLECTION ANGLE OF 90 DEGREES 00 MINUTES AND RUN NORTHERLY FOR A DISTANCE OF 217.90 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID COUNTY LINE ROAD; TURN THENCE RIGHT THROUGH A DEFLECTION ANGLE OF 86 DEGREES 17 MINUTES 25 SECONDS AND RUN EASTERLY ALONG SAID SOUTH RIGHT-OFWAY LINE OF COUNTY LINE ROAD FOR A DISTANCE OF 32.46 FEET TO THE POINT OF BEGINNING.

be and is hereby modified so as to approve a Conditional Use Permit to allow for the operation of a liquor store for property located at 1625 E. County Line Rd. – Suite 320 within the C-2 (Limited) Commercial District however that before a Use Permit is issued for any structure to be erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process.

President Stamps recognized **Matt Benton**, realtor and representative of the Applicant, who addressed the Council and argued in favor of the property located at 1625 E. County Line Rd. Suite 320 to approve a conditional use permit to operate a liquor store in a C-2 (Limited) Commercial District.

There was no opposition from the public.

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

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

President Stamps requested that Agenda Item No. 6 (City of Jackson Text Amendments) be moved forward on the Agenda. Hearing no objections, the Clerk read the following:

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

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

SECTION 1: That the City of Jackson Zoning Ordinance is hereby amended to read as follows:

Article II, Section 202 of the Zoning Ordinance of Jackson, Mississippi for Interpretations and Definitions:

202.104 (b) Mixed Use Development : Properties on which various uses such as offices, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A single site may include contiguous properties.

202.145(b) 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(c) 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.

202.170(b) A taxicab service is a type of vehicle for hire with a driver, used by a single passenger or small group of passengers, often for a non-shared ride. A taxicab conveys passengers between locations of their choice.

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

202.170 (d) 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 Mississippi Department of Banking and Consumer Finance.

202.170 (e) 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.

Article VII, Section 702.04.1 of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C-2 (Limited) Commercial District

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. Convenience type grocery stores.
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.

Article VII, Section 702.05.01 of the Zoning Ordinance of Jackson, Mississippi, for Uses permitted in the C-3 General Commercial District

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. Auto and truck sales
6. Bowling centers
7. Car Wash
8. Community Recreational Center
9. Health Club/Fitness Center
10. Hotels, Inns and Motels
11. Ice and roller skating rinks
12. Mini-warehouses
13. Brewpubs
14. Nightclubs and Bars
15. Nurseries/Yard and Garden Centers
16. Parking Garages
17. Produce Stand
18. Restaurants, drive-in and fast food

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

Article VII-A, Section 706.06.1-B of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C80 -C-2 (Limited) Commercial Subdistrict

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 **to exclude check cashing and title pledge offices.** No single tenant shall occupy more than 40,000 square feet
3. Restaurants, Neighborhood
4. Convenience type grocery stores
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.

That Article VII-A, Section 706.10.1-B of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C80-MU (Limited) Commercial Subdistrict

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 dwelling.
5. Dwellings in mixed use buildings
6. All uses allowed outright in C80-C2 subdistrict
7. **Bowling Centers**
8. **Community Recreational Center**
9. **Theaters**
10. **Shopping Centers**
11. **Health Clubs/Fitness Centers**
12. **Ice & Roller Skating Rinks**
13. **Colleges**

That Article VIII, Section 802.01.1 of the Zoning Ordinance of Jackson, MS for Uses Permitted in the I-1 (Light) Industrial District

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, 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. **Check Cashing Business**
19. 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."
20. Used tire sales
21. Billboards
22. Bail Bonding business
23. Mobile/Manufactured Home Sales
24. Tattoo Parlors
25. Transient Vendors – Sales from Vehicles will be allowed only in the absence of a permanent building. Outdoor display of good is permitted

Article X-A, Section 1002-A of the Zoning Ordinance of Jackson, MS for Uses Permitted in Special Uses Districts

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. **Mixed Use Developments with uses that are permitted in the Community Mixed Use District, Pedestrian-Oriented (CMU-1) except single and two family detached dwellings (Section 702.01 and 703.01)**
8. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance)
9. Radio and television stations

Article X-A, Section 1004-A of the Zoning Ordinance of Jackson, MS for regulations in the Special Use District

1. Minimum lot area - five (5) acres – **includes mixed use developments**
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. **Lot coverage not regulated for mixed use developments**
6. 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
7. No exterior storage shall be permitted **except for mixed use developments.**
8. When more than one principal building is located on a parcel, an open space or court between buildings shall be provided as follows:

<u>Building Orientation</u>	<u>Distance</u>
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

9. Commercial Communication Towers: See 1104-A
10. **Mixed use developments must dedicate five (5%) percent of the land area for open space land to be used for buffering and irrigation, detention and/or retention ponds or storm water catchment areas and subsurface utilities; aquaculture, horticulture, floriculture, active and passive recreational uses, including pedestrian, bicycle and walking trails; municipal uses; food preparation and sales areas**
11. **Unless otherwise stated, regulations for mixed use developments shall be the same as set forth in Sections 703.03-A, 703.04-A and 703.05-A for Community Mixed Use, Pedestrian Oriented – CMU-1.**

Article XI Section 1104.03 of the Zoning Ordinance of Jackson, MS for Application and Definitions for the High Street Overlay Districts

1104.04.1 Area Designation

The High Street Mixed Use 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 _____ (will be listed upon approval of the amendments).

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.

1104.4 Definitions

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this ~~1104.04.4~~ **Section**. 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 section 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 Mixed Use 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.

Article XI Section 1104.04 of the Zoning Ordinance of Jackson, MS for permitted uses in the High Street Overlay Districts

1104.03 Allowable Uses

Allowable uses shall be as per the underlying zoning district except the following uses, which are prohibited:

1. Group homes for the handicapped 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. Auto and Truck 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

Article XII-A, Section 1202-A of the Zoning Ordinance of Jackson, MS for the 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

That Article XII-A, Section 1203-A of the Zoning Ordinance of Jackson, MS for those uses requiring a site plan

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; 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. *Any "action" as defined under 706.11-B within the Corridor 80 (C80) District.*
5. Banks with drive-through windows
6. Commercial Communications Towers
7. Convenience Type Grocery Stores
8. Dairying and animal husbandry on sites of not less than one (1) acre
9. Demolitions and redevelopment within C-1A Districts
10. Developments of five (5) acres or more
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. Planned Unit Developments
16. Private Kennels
17. Private Stables
18. Produce Stands
19. Public utilities facilities and structures required to provide essential public services
20. Residential subdivisions or re-subdivisions of property
21. **Retail Stand**
22. Restaurants, nightclubs, Service Stations
23. Structures in excess of forty-five (45) feet in height
24. 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.

ARTICLE XVII-A (Map Amendments, Text Amendments, Special Exceptions, Variances, Use Permits, Withdrawals and Postponements)

Article XVII-A of the Zoning Ordinance of Jackson, MS for Map Amendments, Text Amendments, Special Exceptions, Variances, Use Permits

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 \$25.00 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 of the Zoning Ordinance of Jackson, MS

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 Validity

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

SECTION 2: That this Ordinance shall be in full force and effect thirty (30) days after passage and publication of the same by the City.

President Stamps moved to amend said Text Amendments to remove proposed amendments to certain articles as follows: Article II, Section 202.104 (b), 202.170 (b), Article VII, Section 702.05.01 (23) Taxi Cab Services, Article VIII, Section 802.01.1 (18) Check Cashing Business, Article X-A, Section 1002-A, Article X-A, Section 1004-A (1), (5), (7), (10) & (11). **Council Member Foote** second to amend to remove as stated. The motion prevailed by the following vote:

Yeas- Foote, Hendrix, Priester and Stamps.
Nays- None.
Absent- Barrett-Simon, Stokes and Tillman.

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

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

SECTION 1: That the City of Jackson Zoning Ordinance is hereby amended to read as follows:

Article II, Section 202 of the Zoning Ordinance of Jackson, Mississippi for Interpretations and Definitions:

202.145(b) 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(c) 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.

Article VII, Section 702.04.1 of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C-2 (Limited) Commercial District

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. Convenience type grocery stores.
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.

Article VII, Section 702.05.01 of the Zoning Ordinance of Jackson, Mississippi, for Uses permitted in the C-3 General Commercial District

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. Auto and truck sales
6. Bowling centers
7. Car Wash
8. Community Recreational Center
9. Health Club/Fitness Center

10. Hotels, Inns and Motels
11. Ice and roller skating rinks
12. Mini-warehouses
13. Brewpubs
14. Nightclubs and Bars
15. Nurseries/Yard and Garden Centers
16. Parking Garages
17. Produce Stand
18. Restaurants, drive-in and fast food
19. Restaurants, General
- 20. Retail Stand**
21. Second Hand Stores
22. Service Stations
23. Transient Vendors, when located completely indoors, as in shopping centers, hotels, or motels. Outdoor display of merchandise is prohibited.
24. Veterinarian Clinics and Kennels
25. Wholesale Outlet Stores

Article VII-A, Section 706.06.1-B of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C80 -C-2 (Limited) Commercial Subdistrict

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 **to exclude check cashing and title pledge offices.** No single tenant shall occupy more than 40,000 square feet
3. Restaurants, Neighborhood
4. Convenience type grocery stores
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.

That Article VII-A, Section 706.10.1-B of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C80-MU (Limited) Commercial Subdistrict

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 dwelling.
5. Dwellings in mixed use buildings
6. All uses allowed outright in C80-C2 subdistrict
- 7. Bowling Centers**
- 8. Community Recreational Center**
- 9. Theaters**
- 10. Shopping Centers**
- 11. Health Clubs/Fitness Centers**
- 12. Ice & Roller Skating Rinks**
- 13. Colleges**

That Article VIII, Section 802.01.1of the Zoning Ordinance of Jackson, MS for Uses Permitted in the I-1 (Light) Industrial District

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, 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. Used tire sales
20. Billboards
21. Bail Bonding business
22. Mobile/Manufactured Home Sales
23. Tattoo Parlors
24. Transient Vendors – Sales from Vehicles will be allowed only in the absence of a permanent building. Outdoor display of good is permitted

Article XI Section, ~~1104.03~~ 1104.04 of the Zoning Ordinance of Jackson, MS for Application and Definitions for the High Street Overlay Districts

1104.04.1 Area Designation

The High Street Mixed Use 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 _____ (will be listed upon approval of the amendments).

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.

1104.4 Definitions

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this 1104.04.4 Section. 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.

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Article XVII of the Zoning Ordinance of Jackson, MS

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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

SECTION 2: That this Ordinance shall be in full force and effect thirty (30) days after passage and a publication of the same by the City.

Thereafter, **President Stamps** called for a vote on Text Amendments as amended:

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

* * * * *

President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3895, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

President Stamps requested the Clerk to read the Order to approve:

ORDINANCE APPROVING SHEARER PROPERTIES, LLC A REZONING FROM R-2 (SINGLE-FAMILY & TWO-FAMILY) RESIDENTIAL DISTRICT TO C-3 (GENERAL) COMMERCIAL DISTRICT TO ALLOW FOR AUTOMOTIVE REPAIR FOR PROPERTY LOCATED ALONG COLLEGE HILL RD ON PARCEL # 808-42 CASE NO. 3895.

WHEREAS, Shearer Properties, LLC has filed a petition to rezone property located along College Hill Rd on Parcel #808-42, in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-2 (Single-family & Two-Family) Residential District to C-3 (General) Commercial District to allow for automotive repair; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from R-2 (Single-family & Two-Family) Residential District to C-3 (General) Commercial District to allow for automotive repair; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, April 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on March 5, 2015 and March 19, 2015 that a hearing would be held by the Jackson City Planning Board on March 25, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned rezoning of the above described property to C-3 (General) Commercial District to allow for automotive repair; and

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

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

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

LOT 40 OF WHITE ROCK PLACE, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF WHICH IS ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF HINDS COUNTY AT JACKSON, MISSISSIPPI, IN PLAT BOOK/CABINET 5 AT PAGE/SLIDE/SLOT 24 THEREOF, REFERENCE TO WHICH IS MADE IN AID OF AND AS A PART OF THIS DESCRIPTION.

AND BEING THE SAME PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN BOOK 3084 AT PAGE 671

is hereby rezoned and changed from R-2 (Single-family & Two-Family) Residential District to C-3 (General) Commercial District to allow for automotive repair provided, however that before a permit is issued for any structure to be erected or modified on the property located at College Hill Rd. (Parcel # 808-42), or for any use thereof, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

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

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

President Stamps recognized **Brad Reeves**, a representative of the Applicant, who addressed the Council and argued in favor of the property located along College Hill Rd. on Parcel #808-42 to approve a rezoning from R-2 (Single-family & Two-Family) Residential District to C-3 (General) Commercial District to allow for automotive repair.

There was no opposition from the public.

Council Member Hendrix moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.
Nays- None.
Absent- Barrett-Simon, Stokes and Tillman.

President Stamps recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3896, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

President Stamps requested the Clerk to read the Order to approve:

ORDINANCE APPROVING QUARQUERITE LOWE A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO C-1A (RESTRICTED) COMMERCIAL DISTRICT WITH A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL CHILD CARE CENTER FOR PROPERTY LOCATED AT 532 W. NORTHSIDE DR., CASE NO. 3896.

WHEREAS, Quarquerite Lowe has filed a petition to rezone property located on 532 W. Northside Dr., in the City of Jackson, First Judicial District of Hinds County, Mississippi, from R-1 (Single-family) Residential District to C-1A (Restricted) Commercial District with a Use Permit to operate a commercial child care center; and

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WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval to rezone the property from R-1 (Single-family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit to operate a commercial child care center; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, April 20, 2015 to consider said change, based upon the record of the case as developed before the City Planning Board; and

WHEREAS, it appeared to the satisfaction of the City Council that notice of said petition had been published in the Mississippi Link on March 5, 2015 and March 19, 2015 that a hearing would be held by the Jackson City Planning Board on March 25, 2015, all as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board had recommended approval of the petitioned rezoning of the above described property to C-1A (Restricted) Commercial District with a Conditional Use Permit to operate a commercial child care center; and

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

WHEREAS, the Council further, after having considered the matter, is of the opinion that 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; will not adversely affect vehicular or pedestrian traffic in the vicinity; and that the request for a Use Permit for a commercial child care center be granted with the conditions that the Use Permit be granted on an annual basis; that the Use Permit be granted to the current owner of the property and operator of the commercial child care center; and that any subsequent owners of a commercial child care center at this location must apply for and receive a new Use Permit; and

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

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

A lot having a depth of 180 feet off the South side of Lot Four (4) of Hickory Ridge Subdivision, a subdivision in the City of Jackson, First Judicial District of Hinds County, State of Mississippi, according to the map or plat thereof, of the Chancery Clerk of Hinds County at Jackson, Mississippi, and recorded in Plat Book 7, at page 47 thereof, and being more particularly described as:

Beginning at the Northeast corner of Lot Three (3) of Hickory Ridge Subdivision, run thence in an Easterly direction along the Eastern Extension of the North line of said Lot 3 for a distance of 90 feet to the East Line of Lot 4 of Hickory Ridge Subdivision; thence run in a Southerly direction along the East Line of said Lot 4 for a distance of 180 feet to the Southeast corner of said Lot 4; then thence in a Westerly direction along the South line of said Lot 4 to the Southwest corner of said lot; run thence in a northerly direction along the West line said Lot 4 to the point of beginning; being the same land and property conveyed by Mrs. Hattie L. Ridgway, et al, to Kenney T. Casey by deed dated April 7, 1948, and recorded in Book 532 at page 299 of the records of the Chancery Clerk of Hinds County at Jackson, Mississippi.

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is hereby modified and granted the petitioned rezoning from R-1 (Single-family) Residential District to C-1A (Restricted) Commercial District with a Conditional Use Permit to operate a commercial child care center with the conditions that the Use Permit be granted on an annual basis; that the Use Permit be granted to the current owner of the property and operator of the commercial child care center; and that any subsequent owners of a commercial child care center at this location must apply for and receive a new Use Permit; however that before a permit is issued for any structure to be erected or modified on the property located at 532 W. Northside Drive or for any use thereof, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

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

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

There was no opposition from the public.

Council Member Priester moved adoption; **Council Member Hendrix** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.

Nays- None.

Absent- Barrett-Simon, Stokes and Tillman.

Esther Ainsworth noted for the record: **Cancelled Special Exceptions:**

- **SE 3048 – Deborah Harper – 405 Queen Margaret Ln.**

No action required.

President Stamps requested the Clerk to read the following:

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

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

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE – 2746 Ward 5	Diane Robinson	710 Primos Ave	One Chair-Beauty Shop	4/05/89
SE – 2905 Ward 3	Mary Tillman	3651 Mosley Ave.	Personal Care Home	4/08/92
SE – 3290 Ward 2	Southern Consultants	5740 County Cork Rd.	Engineering Office	03/01/90

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Council Member Hendrix moved adoption; **Council Member Priester** seconded.

Yeas- Foote, Hendrix, Priester and Stamps.
Nays- None.
Absent- Barrett-Simon, Stokes and Tillman.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to be held at 6:00 p.m. on Tuesday, April 21, 2015; at 3:32 p.m., the Council stood adjourned.

ATTEST:

APPROVED:

Krista Noan
CITY CLERK

[Signature], 5.20.15
MAYOR DATE
