

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JUNE 20, 2022 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 June 20, 2022 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Angelique Lee, Council Vice President, Ward 2; Ashby Foote, Ward 1; Kenneth I. Stokes, Ward 3; Vernon Hartley, Ward 5 and Aaron Banks, Ward 6. Directors: Shanekia Mosley-Jordan; Clerk of Council; Constance White; Chief Deputy Clerk of Council; Ester Ainsworth, Zoning Administrator; Victoria James, Deputy City Attorney and Sondra Moncure, Deputy City Attorney.

Absent: Virgi Lindsay, Council President, Ward 7 and Brian Grizzell, Ward 4.

The meeting was called to order by **Vice President Angelique Lee**.

Vice President Angelique Lee recognized **Council Member Banks** who moved, seconded by **Council Member Stokes** to go into Closed Session to discuss litigation. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Stokes.
Nays – None.
Absent – Grizzell, Hartley and Lindsay.

Vice President Angelique Lee announced to the public that the Council voted to go into Closed Session to discuss litigation.

During Closed Session, **Council Member Banks** moved and **Council Member Foote** seconded to go into Executive Session to discuss potential litigation on **Zoning Violation Case No. 2021-8.10**. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Stokes.
Nays – None.
Absent – Grizzell, Hartley and Lindsay.

Vice President Angelique Lee announced that the Council voted to go into Executive Session to discuss potential litigation on **Zoning Violation Case No. 2021-8.10**.

Council Member Banks moved, seconded by **Council Member Stokes** to come out of Executive Session. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Stokes.
Nays – None.
Absent – Grizzell, Hartley and Lindsay.

Vice President Angelique Lee announced that the Council voted to come out of Executive Session and no action was taken.

Note: Council Member Hartley joined the meeting during the Executive Session.

Vice President Lee recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Zoning Violation Case No. 2021-8.10, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

Vice President Lee requested that the Clerk read the Order:

ORDER DENYING NON-CONFORMING STATUS TO APPELLANT, JASPAL SINGH D/B/A JASCO BAILEY AVE, LLC FOR THE LIQUOR STORE LOCATED AT 1034 W WOODROW WILSON AVENUE AND REQUIRING THE OWNER OF J H D WINE & SPIRITS TO SUBMIT A ZONING ACTION APPLICATION TO ALLOW FOR THE OPERATION OF A LIQUOR STORE FOR THE PROPERTY LOCATED AT 1034 W WOODROW WILSON AVENUE (PARCEL 10-2-59) APPEAL OF ZONING VIOLATION CASE # 2021.8.10.

WHEREAS, on August 26, 2021, the Zoning Administrator provided a Notice of Violation to Jasco Bailey Ave, LLC/Jaspal Singh, the property owner of 1034 W Woodrow Wilson Avenue (Parcel 10-2-59), that J H D Wine & Spirits was being operated on the property located at 1034 W Woodrow Wilson Avenue without a Use Permit; and

WHEREAS, in response to the Notice of Violation, Jasco Bailey Ave LLC/Jaspal Singh filed a Notice of Appeal of the Zoning Administrator's Decision, wherein they asserted that the liquor store is designated as a non-conforming use in the C-2 (Limited) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, the Case was tabled at the December 15, 2021 and January 26, 2022, Planning Board Hearings to allow for the submission and review of additional information relative to the request for non-conforming status; and

WHEREAS, the Case was tabled at the February 23, 2022, Planning Board Hearing to allow the recently appointed attorney time to review all submitted information; and

WHEREAS, pursuant to Section 1303-A of the City of Jackson Zoning Ordinance, which was adopted on May 29, 1974 and last amended on April 15, 2021, 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; and

WHEREAS, Jaspal Singh in his Second Affidavit, dated December 6, 2021, attested that he purchased 1034, 1038, and 1046 W Woodrow Wilson Avenue in FY 2005; and

WHEREAS, Jaspal Singh in his Second Affidavit, dated December 6, 2021, also attested that 1034 is a liquor store, 1046 is inoperable, and 1038 is a gas station and convenience store; and

WHEREAS, the Mississippi Department of Revenue confirmed that no ABC (Alcoholic Beverage Control) shipments were made to 1034 W Woodrow Wilson Avenue (Parcel 10-2-59) during FY 2004; and

WHEREAS, pursuant Section 1302-A of the City of Jackson Zoning Ordinance, which was adopted on May 29, 1974 and last amended on April 15, 2021, 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; and

WHEREAS, the Jackson City Planning Board held the requested appeal hearing and recommended that the appellant Jaspal Singh D/B/A Jasco Bailey Ave, LLC be denied non-conforming status and the owner of JHD Wine & Spirits submit a Zoning Action Application for a Use Permit to operate a liquor store in a C-2 (Limited) Commercial District for the property located at 1034 W Woodrow Wilson Avenue; and

WHEREAS, pursuant to City of Jackson Zoning Ordinance Section 702.04.1 (a) (11) of the City of Jackson Zoning Ordinance which was adopted on May 29, 1974 and last amended on April 5, 2021, a liquor store where part of a neighborhood shopping center and not in combination with a convenience type grocery store or service station is permitted with a Use Permit; and

WHEREAS, pursuant to Section 702.04.2 (11) of the, City of Jackson Zoning Ordinance which was adopted on May 29, 1974 and last amended on April 15, 2021, 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. Use Permits are granted to owners of the liquor store rather than to the owner of the land; and

WHEREAS, the Jackson City Council, after having considered the matter, is of the opinion that the appellant be denied non-conforming status for the liquor store operating on the property located at 1034 W Woodrow Wilson Avenue (Parcel 10-2-59); and

WHEREAS, the Jackson City Council, after having considered the matter, is of the opinion that the subject property located at 1034 W Woodrow Wilson Avenue (Parcel 10-2-59) pursuant to the City of Jackson Zoning Ordinance Section 702.04.1 (a) (11) of the City of Jackson Zoning Ordinance which was adopted on May 29, 1974 and last amended on April 15, 2021 does not meet the requirements for a Use Permit which would allow for the operation of liquor store in the existing C-2 (Limited) Commercial District.

NOW, THEREFORE, BE IT ORDERED BY THE COUNCIL OF THE CITY OF JACKSON, MISSISSIPPI that the Appellant, Jasco Bailey Ave, LLC/Jaspal Singh be denied non-conforming status for the operation of a liquor store at 1034 W Woodrow Wilson Avenue (Parcel 10-2-59).

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

Vice President Lee recognized Deputy City Attorney **Victoria James**, who provided an overview of supporting findings related to the planning board's recommendation to deny the request for non-conforming status for the liquor store and that a Zoning Action Application for a Use Permit be submitted for the operation of a liquor store.

Vice President Lee recognized **Michael Cory, Attorney for the Applicant**, who spoke in opposition to the planning board's recommendation to deny the request for non-conforming status for the liquor store and submit a Zoning Action Application for a Use Permit for the operation of a liquor store.

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

- Yeas – Banks, Foote, Hartley, Lee and Stokes.
- Nays – None.
- Absent – Grizzell and Lindsay.

Vice President Lee recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Zoning Violation Case No. 4173, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

Vice President Lee requested that the Clerk read the Order:

ORDER GRANTING TERENCE LOTT A CONDITIONAL USE PERMIT TO ALLOW FOR A COMMUNITY RECREATIONAL CENTER WITHIN A C-2 (LIMITED) COMMERCIAL DISTRICT FOR THE PROPERTY LOCATED AT 1187 E. COUNTY LINE RD. (PARCEL 738-8-3). CASE NO. 4173.

WHEREAS, Terence Lott has filed a petition for a Use Permit to allow for a community recreational center within a C-2 (Limited) Commercial District for the property located at 1187 E. County Line Rd. (Parcel 738-8-3) in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval of a Conditional Use Permit to allow for a community recreational center within a C-2 (Limited) Commercial District for the property located at 1187 E. County Line Rd. (Parcel 738-8-3); 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, June 20, 2022 to consider said change, based upon the record of the case as developed before the Jackson City Planning Board; and

WHEREAS, it appeared to the satisfaction of the Jackson City Council that notice of said petition had been published in the Mississippi Link on May 5, 2022 and May 19, 2022 that a hearing had been held by the Jackson City Planning Board on May 25, 2022, 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 Jackson City Council, after having considered the matter, is of the opinion that proposed use would not be detrimental to the continued use, value, or development of properties in the vicinity and that a Conditional Use Permit be granted to operate a community recreational center for the property located at 1187 E. County Line Rd. (Parcel 738-8-3) within the existing C-2 (Limited) Commercial District of the City of Jackson.

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

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

TRACT 1

A certain parcel of land being situation in Lots 1 and 8, Block 49, Highland Colony (Virden-Hatch Place), a Subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book A at Page 283, and being more particularly described as follows:

Commence at the Northwest Corner of Wildwood North, Part II, a subdivision according to the map or plat thereof, on file and of record in the offices of the Chancery Clerk of Hinds County at Jackson, Mississippi, as now recorded in Plat Book 23 at Page 19; run thence North 89 degrees 56 minutes 55 seconds West along the South right-of-way line of County Line Road (as now laid out and improved) for a distance of 40.10 feet to the POINT OF BEGINNING of the parcel of land herein described; said point being the Point of Intersection of the West line of a 40 foot right-of-way (undeveloped street) with said South right-of-way line of County Line Road; from said POINT OF BEGINNING, run thence South 04 degrees 24 minutes 10

seconds West along said West line of a 40 foot right-of-way, said West line further being 40 feet West of and parallel to the West line of the aforesaid Wildwood North, Part I F, for a distance 766.66 feet to a point; run thence North 86 degrees 04 minutes 09 seconds West for a distance of 578.27 feet to a point on the East top of bank of Purple Creek; run thence North 01 degrees 54 minutes 05 seconds East along said East top of bank of Purple Creek for a distance of 71.00 feet to a point; run thence South 89 degrees 59 minutes 55 seconds East for a distance of 221.00 feet to a point; run thence North 04 degrees 00 minutes 33 seconds East for a distance of 242.48 feet to a point; run thence South 85 degrees 59 minutes 27 seconds East for a distance of 69.97 feet to a point; run thence North 04 degrees 01 minutes 05 seconds East for distance of 418.13 feet to a point on the aforesaid South right-of-way line of County Line Road; run thence South 89 degrees 56 minutes 55 seconds East along said South right-of-way line of County Line Road for a distance of 296.36 feet to the POINT OF BEGINNING, containing 261,912.573 square feet or 6.013 acres, more or less.

TRACT II

Together with those certain easement(s) appurtenant which constitute and interest in real described in Reciprocal Easement And Operation Agreement of record in Book 3714, Page 384, as amended by Amendment of Reciprocal Easement And Operation Agreement of record in Book 5879, Page 958, as amended by Waiver For Reciprocal Easement and Operation Agreement of record in Book 5879, Page 972, as amended by Second Amendment to Reciprocal Easement and Operation Agreement of record in Book 6141, Page 001.

TRACT III

Together with those certain easement(s) appurtenant which constitute and interest in real property described in Declaration of Cross Access Easements and Covenants of record in Book 5879, Page 989, as amended by Amendment to Declaration Of Cross Access Easements And Covenants of record in Book 6141, Page 009.

be and is hereby modified so as to approve a Conditional Use Permit to operate a community recreational center within a C-2 (Limited) Commercial District for the property located at 1187 E. County Line Rd. (Parcel 738-8-3). The Conditions of the Use Permit shall be that it is granted on an annual basis; that it be granted to Terence Lott the owner/operator of the community recreational center and that subsequent owners or operators of a community recreational center at the location must apply for and receive a new Use Permit. 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.

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

Vice President Lee recognized **Zachary Brister, Representative for the Applicant**, who spoke in favor to approve a Use Permit to allow for a family entertainment center in a C-3 (General) Commercial District.

The was no opposition from the public.

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

- Yeas – Banks, Foote, Hartley, Lee and Stokes.
- Nays – None.
- Absent – Grizzell and Lindsay.

There came on for consideration Agenda Item No. IV:

ORDINANCE GRANTING YOLANDA BELL A REZONING FROM R-2 (SINGLE-FAMILY & TWO-FAMILY) RESIDENTIAL DISTRICT TO C-2 (LIMITED) COMMERCIAL DISTRICT TO ALLOW FOR A COMMERCIAL DAY CARE CENTER FOR THE PROPERTY LOCATED AT 2425 MARTIN LUTHER KING DR. (PARCELS 108-2-60 & 108-2-61), CASE NO. 4175. Vice President Lee recognized Council Member Stokes, who requested that Case Number 4175 be held for 60 days, until the August City Council Zoning Meeting.

Vice President Lee recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Zoning Violation Case No. 4176, including all applicable ordinances, statutes, and a brief review of documents included in the Council agenda packets which were the applicable zoning map, future land use map, photos of the subject area, staff report, application with exhibits and planning board meeting minutes.

Vice President Lee requested that the Clerk read the Order:

ORDER GRANTING CEDRIC HAMMOND A USE PERMIT TO ALLOW FOR THE OPERATION OF A COMMERCIAL CHILD CARE CENTER WITHIN A NMU-1 (NEIGHBORHOOD) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED FOR THE PROPERTY LOCATED AT 962 NORTH ST. (PARCEL 20-28). CASE NO. 4176.

WHEREAS, Cedric Hammond has filed a petition for a Use Permit to allow for the operation of a commercial child care center within a NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented for the property located at 962 North St. (Parcel 20-28) in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended approval of a Use Permit to allow for the operation of a commercial child care center within a NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented for the property located at 962 North St. (Parcel 20-28); 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, June 20, 2022 to consider said change, based upon the record of the case as developed before the Jackson City Planning Board; and

WHEREAS, it appeared to the satisfaction of the Jackson City Council that notice of said petition had been published in the Mississippi Link on May 5, 2022 and May 19, 2022 that a hearing had been held by the Jackson City Planning Board on May 25, 2022, 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 Use Permit within the existing NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented of the City of Jackson; and

WHEREAS, the Jackson City Council, after having considered the matter, is of the opinion that proposed use would not be detrimental to the continued use, value, or development of properties in the vicinity and that a Use Permit be granted to allow for the operation of a commercial child care center within the existing NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented of the City of Jackson.

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

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

A certain parcel of land being part of Lot 67, North according to H.C. Daniel's Map of the City of Jackson (1875), in the City of Jackson, Hinds County, Mississippi, and being more particularly described as follows:

Commence at the Point of Intersection of the original South right-of-way line of Fortification Street with the East right-of-way line of North Street being the Northwest corner of the aforesaid Lot 67 and run thence South 08 degrees 38 minutes 30 seconds West along said East right-of-way line of said Fortification Street; continue thence South 08 degrees 38 minutes 30 seconds West along said East right-of-way line of North Street for a distance of 80.60 feet to a "x" marked in concrete marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING and leaving said East right-of-way line of North Street, run thence South 80 degrees 18 minutes 31 seconds East along the westerly extension of an existing fence and along an existing fence for a distance of 90.74 feet to an existing fence corner; run thence South 07 degrees 14 minutes 07 seconds West along an existing fence for a distance of 21.81 feet to an existing fence corner; run thence South 79 degrees 53 minutes 30 seconds East along an existing fence for a distance of 25.14 feet to an existing fence corner; run thence North 59 degrees 02 minutes 40 seconds East for a distance of 2.72 feet to an existing ½ " iron pin; run thence South 81 degrees 32 minutes 49 seconds East for a distance of 58.42 feet to an existing ½ " iron pin; run thence South 77 degrees 52 minutes 11 seconds East for a distance of 136.07 feet to an existing ½ " iron pin on the West right-of-way line of Jefferson Street; run thence South 08 degrees 12 minutes 36 seconds West along said West right-of-way line of Jefferson Street for a distance of 49.80 feet to an existing ½ " iron pin; run thence South 08 degrees 49 minutes 30 seconds West along said West right-of-way line of Jefferson Street for a distance of 63.24 feet to an existing 1" pipe; leaving said West right-of-way line of Jefferson Street, run thence North 77 degrees 46 minutes 31 seconds West for a distance of 156.36 feet to an existing ½ " iron pin; run thence South 47 degrees 53 minutes 09 seconds West for a distance of 2.66 feet to an existing ½ " iron pin; run thence North 80 degrees 44 minutes 59 seconds West for a distance of 155.17 feet to an existing 4" metal post on the aforesaid East right-of-way line of North Street; run thence North 08 degrees 38 minutes 30 seconds East along said East right-of-way line of North Street for a distance of 134.14 feet to the POINT OF BEGINNING, containing 37,196 square feet or 0.85 acres, more or less.

be and is hereby modified so as to approve a Use Permit to allow for the operation of a commercial child care center within a NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented for the property located at 962 North St. (Parcel 20-28). 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.

Council Vice President Lee moved adoption; **Council Member Stokes** seconded.

There was no representative from the Applicant.

There was no opposition from the public.

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

- Yeas – Banks, Foote, Hartley, Lee and Stokes.
- Nays – None.
- Absent – Grizzell and Lindsay.

Vice President Lee recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of said Agenda Item for text amendments, including all applicable ordinances, and statutes.

Vice President Lee requested that the Clerk read the Order:

ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL LANDSCAPE AND ZONING ORDINANCES OF THE CITY OF JACKSON, MISSISSIPPI AND RESPECTIVELY ADOPTED ON AUGUST 14, 1990 AND MAY 29, 1974 WITH SUBSEQUENT AMENDMENTS IN ORDER TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE LANDSCAPING AND ZONING REGULATIONS FOR THE CITY OF JACKSON MISSISSIPPI.

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

That Section 13.02. 2 of the Landscape Ordinance of the City of Jackson for screening requirements is hereby amended to read as follows:

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

That Section 13.02.4 of the Landscape Ordinance of the City of Jackson for construction requirements is hereby amended to read as follows:

1. Enclosures shall be constructed of **an opaque fire-resistant type material including masonry, concrete, corrugated steel of not less than 18 gauge, trex, black vinyl coated chain link with slats maximum spacing of 1/2 inch, or any combination of these elements. Any combination of screening by landscaping, berms, or existing structures is also acceptable where it provides opaque screening from street.** The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side. The enclosures shall be of a material and color the same or similar to the existing principal structure.
2. The enclosure shall fully enclose the receptacle (dumpster) and shall **be at least 6 inches above the maximum height of the dumpster.**
3. All enclosures shall have pedestrian and service access gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material. The gates shall be constructed with commercial grade hinges, poles and hasps.
 - (a) Enclosures shall have double gates or **ADA compliant gates** with an approved latch.
 - (b) Enclosures with gates that swing out from the dumpster shall be set back from the property line at least a distance equal to the width of the gate.
 - (c) **Gates cannot open into a drive lane or across the sidewalk.**
4. All new developments shall have bollards placed around the area of the dumpster to protect the enclosure from being hit during the emptying process, preserve the life and aesthetics of the enclosure and to prevent gates from swinging open into traffic.

That Section 18 of the Landscape Ordinance of the City of Jackson for enforcement requirements is hereby amended to read as follows:

Violation by any person of the provisions of this article or failure to comply with any of its requirements, after written notification by the Zoning Administrator, or designee, of the City of the type, nature, and extent of the violation of this Ordinance, shall, upon conviction thereof, constitute a misdemeanor. Any person who violates the provisions of this Ordinance or fails to comply with any of its requirements within after having been duly notified in writing, by certified mail, by the Zoning Administrator, or designee, of the City, shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00). Each day such violation continues shall be considered a new and separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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

202.47 Dwelling, 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. The structure will be designed for occupancy as a principal single-family unit.

202.47 (a) Dwelling, Mobile Home: 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. These units were built prior to June 15, 1976 and are not constructed in accordance with the National Manufacturing Housing Construction and Safety Standards Act of 1974.

202.47(b) 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 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.

That Article VI, Section 602.03.3 for uses permitted as Use Permits in the R-1 (Single-family Residential District) is hereby amended to read as follows:

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

Note: Items 1-10 will remain the same.

11. Manufactured Home when:

- a. The unit is not located in a platted subdivision or in the R-1A & R-3 Residential Districts;
- b. The unit is new or less than ten (10) years old;
- c. The units are similar to surrounding neighborhood features;
- d. Landscaping is similar to surrounding neighborhood features;
- e. The permanent hitch, wheels, axles, or other devices allowing transportation are removed;
- f. The unit is erected on a conventional foundation and is permanently affixed to the property;
- g. Permanent water and sewer facilities are available to the site; and
- h. The unit has a HUD Certification Label (tag);

Prior to the placement of the unit on the site and the issuance of a building permit, Site Plan Review clearance and documented approval of the unit from the State of Mississippi Fire Marshall's Office must be obtained.

That Article VI, Section 602.03.1 for uses permitted as Use Permits in the R-1A (Single-family) Residential District is hereby amended to read as follows:

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

Any and all Use Permits allowed in the R-1 (Single-family) Residential District except for manufactured homes which are listed separately in the relevant residential zoning districts

That Article VI, Section 602.04.2(a) for uses permitted as Use Permits in the R-1E (Single-family) Residential District is hereby amended to read as follows:

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

Any and all Use Permits allowed in the R-1 (Single-family Estate) Residential District except for manufactured homes which are listed separately in the relevant residential zoning districts

That Article VI, Section 602.05.3 for uses permitted as Use Permits in the R-2 (Single-family & Two-family) Residential District is hereby amended to read as follows:

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

1. Any and all Use Permits allowed in R-1A
2. **Manufactured Home when:**
 - a. The unit is new or less than ten (10) years old;
 - b. The units are similar to surrounding neighborhood features;
 - c. Landscaping is similar to surrounding neighborhood features;
 - d. The permanent hitch, wheels, axles, or other devices allowing transportation are removed;
 - e. The unit is erected on a conventional foundation and is permanently affixed to the property;
 - f. Permanent water and sewer facilities are available to the site; and
 - g. The unit has a HUD Certification Label (tag);

Prior to the placement of the unit on the site and the issuance of a building permit, Site Plan Review clearance and documented approval of the unit from the State of Mississippi Fire Marshall's Office must be obtained.

That Article VI, Section 602.13.3.3 for uses permitted as Use Permits in the SR (Suburban Rural) Residential District is hereby amended to read as follows:

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

Note: Items 1-4 will remain the same.

5. **Manufactured Home when:**
 - a. The unit is new or less than ten (10) years old;
 - b. The units are similar to surrounding neighborhood features;
 - c. Landscaping is similar to surrounding neighborhood features;
 - d. The permanent hitch, wheels, axles, or other devices allowing transportation are removed;
 - e. The unit is erected on a conventional foundation and is permanently affixed to the property;
 - f. Permanent water and sewer facilities are available to the site; and
 - g. The unit has a HUD Certification Label (tag);

Prior to the placement of the unit on the site and the issuance of a building permit, Site Plan Review clearance and documented approval from the State of Mississippi Fire Marshall's office.

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

Vice President Lee moved adoption; Council Member Hartley seconded.

Vice President Lee recognized Deputy Director of Planning and Development/Zoning Division Chloe Dotson, who provided an overview of Text amendments to the Official City of Jackson Landscape & Zoning Ordinances to provide for and establish more effective landscaping Zoning regulations for the City of Jackson.

Vice President Lee recognized Mrs. Jennifer Hall, Executive Director of the MS Manufactured Housing Association who spoke in favor to approve the proposed text amendments to the City of Jackson Official Zoning Ordinance.

There was no opposition from the public.

Thereafter, Vice President Lee called for a vote on said item:

Yeas – Banks, Foote, Hartley and Lee.
Nays – None.
Absent – Grizzell, Lindsay and Stokes.

Note: Council Member Stokes left during the discussion.

Cancelled Special Exceptions\Use Permits – No Action Required

(Ward 7) C-UP 3974 – Trey Hester & Brez, LLC – 839 S. State St (Parcel 196-10)

- SE was granted to Trey Hester & Brez, LLC on Jun. 19, 2017 to allow for the operation of a Community Recreational Facility within a CMU-1 (Community) Mixed-Up District.
- Cancellation was based upon non-response and non-payment from the grantee by the deadline date June 10, 2022.

(Ward 7) SE 4127 – Joseph & Shelby Gray – 540 Warrior Trail (Parcel 50-197)

- SE was granted to Joseph & Shelby Gray on Jun. 21, 2021 to allow for the operation of a one chair beauty salon within a R-1 (Single-Family) Residential District.
- Cancellation was based upon non-response and non-payment from the grantee by the deadline date June 10, 2022.

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-4054 Ward 7	JCD Urban Development	2034 W. McDowell Rd.	Recreational Community Facility	6/17/19
4057 Ward 7 C-UP	John B. Stanton, o/b/h of Jackson Brew, LLC	3100 Old Canton Rd.	Drive thru window for a coffee shop	6/17/19

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JUNE 20, 2022 2:30 P.M.

221

4128				
Ward 2	Offtop Autoplex, LLC	5502 North State St.	Used Car Lot	6/21/21
C-UP				

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

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

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

Yeas – Banks, Foote, Lee and Stokes.
Nays – None.
Absent – Grizzell and Lindsay.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Special Council Meeting to be held at 10:00 a.m. on Tuesday, June 21, 2022. At 4:12 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Mosley-Jordan
CLERK OF COUNCIL

APPROVED:

Angelique Lee 7/19/2022
COUNCIL PRESIDENT DATE

Ch. Lee 7/28/2022

MAYOR

ATTEST:

Angela Harris
CITY CLERK
