

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, OCTOBER 17, 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 October 17, 2022 being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Council President, Ward 1; Angelique Lee, Council Vice President, Ward 2 (via teleconference); Aaron Banks, Ward 6 and Virgi Lindsay, Ward 7. Directors: Shanekia Mosley-Jordan; Clerk of Council; Sabrina Shelby; Chief Deputy Clerk of Council; Ester Ainsworth, Zoning Administrator; Catoria Martin, City Attorney and Kristie Metcalfe, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3, Brian Grizzell, Ward 4 and Vernon Hartley, Ward 5.

The meeting was called to order by **President Ashby Foote**.

President Foote recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Zoning Case No. 4167, 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 Foote requested that the Clerk read the Order:

ORDER DENYING EAST RIDGE, LLC A VARIANCE OF 7'3" FROM THE REQUIRED WIDTH OF 60' FOR R-1A (SINGLE-FAMILY) ZONED PROPERTIES TO ALLOW PROPERTY TO BE DEVELOPED WITH SIX (6) TEN THOUSAND (10,000) SQ. FT. LOTS FOR THE PROPERTY LOCATED AT 0 DOUGLASS DR. (PARCEL 540-344-1), CASE NO. 4167.

WHEREAS, East Ridge, LLC has filed a petition for a Variance of 7'3" from the required lot width of 60' for R-1A (Single-Family) zoned properties to allow property to be developed with six (6) ten thousand (10,000) sq. ft. lots for the property located at 0 Douglass Dr. (Parcel 540-344-1) 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 August 24, 2022, has recommended the denial of a Variance of 7'3" from the required width of 60' for R-1A (Single-Family) zoned properties to allow property to be developed with six (6) ten thousand (10,000) sq. ft. lots; 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, October 17, 2022 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 August 4, 2022 and August 18, 2022 that a hearing would be and had been held by the Jackson City Planning Board, as provided for by ordinances of the City of Jackson and the laws of the State of Mississippi, and that the Jackson City Planning Board has recommended denial of a Variance of 7'3" from the required width of 60' for R-1A (Single-Family) zoned properties to allow property to be developed with six (6) ten thousand (10,000) sq. ft. lots within a R-1A (Single-family) Residential District for the property located at 0 Douglass Dr. (Parcel 540-344-1) of the City of Jackson; and

WHEREAS, the Council, after having considered the matter, is of the opinion that the literal interpretation of the provisions of the Ordinance would not deprive the applicant of rights

commonly enjoyed by other properties in the same district under the provisions of the Ordinance and that special conditions and circumstances would result from the actions of the applicant and that the Variance request be denied.

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:

79.525.5 Square Feet or 1.8256 Acres consisting of part of the property in Lot 36 of the E.D. Fondren Estate, a subdivision in Section 24, T6N/R2E, the City of Jackson, First Judicial District, Hinds County, Mississippi the Record Plat of which is filed in Plat Book 7 at Page 30 of the Hinds County Land Records for the said First Judicial District, said property being more fully described as follows:

Begin at the NW corner of Lot 1 of Hazlevern Heights, a subdivision in Section 24, T6N/RIE, the City of Jackson, First Judicial District, Hinds County Mississippi the Record Plat of which is filed in Plat Book 10 at Page 20 of the Hinds County Land Records for the First Judicial District, said point being on the South line of the right-of-way for Douglas Drive and proceed thence:

S11° 14' 44"E along the West line of Lots 1 and 4 of Hazlevern Heights for 572.30 feet to a point on the North line of the property conveyed to Dorothy D. Johnson by the Warranty Deed filed in Deed Book 2554 at page 320 and Deed Book 2552 at page 693 of the Hinds County Land Records for the First Judicial District; thence, S 80° 16' 17"W along the North line of the above cited Dorothy D. Johnson property for 200.0 feet to a point on the East line of Lot 26 of Eastwood Place, Part 2, a subdivision in Section 24, T6N/RIE, the City of Jackson, First Judicial District, Hinds County Mississippi the Record Plat of which is filed in Plat Book 21 at Page 6 of the Hinds County Land Records for the First Judicial District; thence,

N 11° 19' 00"W along the East line of Lots 26, 25, and 24 of Eastwood Place, Part 2 for 315.81 feet; thence,

N 78° 41' E for 140.33 feet; thence,

N 11°14' 44"W for 274.64 feet to a point on the South line of the right-of-way for Douglas Drive; thence,

S 79° 40' E along the South line of the right-of-way for Douglas Drive for 65.51 feet to the POINT OF BEGINNING

be denied the petitioned Variance of 7'3" from the required lot width of 60' for R-1A (Single-Family) zoned properties to allow property to be developed with six (6) ten thousand (10,000) sq. ft. lots for the property located at 0 Douglass Dr. (Parcel 540-344-1).

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

President Foote recognized **Bill Lee, Roy Liddell & Skipper Jernigan, Representatives of the Applicant**, who spoke in favor to approve a variance from the required lot width of 60' for R-1A zoned properties to allow for six (6) 50' "7" wide lots.

President Foote recognized **David Munn**, who spoke in opposition to approve a variance from the required lot width of 60' for R-1A zoned properties to allow for six (6) 50' "7" wide lots.

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

Yeas – Banks, Lee and Lindsay.

Nays – Foote.

Absent – Grizzell, Hartley and Stokes.

President Foote recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Zoning Case No. 4183, 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 Foote requested that the Clerk read the Order:

ORDER DENYING LUXE HOMES, LLC A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-2 (SINGLE-FAMILY & TWO-FAMILY) RESIDENTIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A 2-UNIT TOWN HOUSE DEVELOPMENT FOR THE PROPERTY LOCATED AT PARCEL 507-2 ON OLD CANTON RD. (FORMERLY 5016 OLD CANTON RD.), CASE NO. 4183.

WHEREAS, Luxe Homes, LLC has filed a petition to rezone the property located at Parcel # 507-2 Old Canton Rd. (formerly 5016 Old Canton Rd.) in the City of Jackson, First Judicial District of Hinds County, Mississippi from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit town house development; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial of the request to rezone the property from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit town house development; 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, October 17, 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 August 4, 2022 and August 18, 2022 that a hearing had been held by the Jackson City Planning Board on August 24, 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 has recommended the denial of the rezoning of the above described property from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex; and

WHEREAS, the Jackson 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 Jackson City Council action.

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 particularly described as follows:

Lot 1, Briarwood Addition, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17 at page 26, reference to which is hereby made in aid of and as a part of this description

is hereby denied the petitioned the rezoning of the property located at Parcel # 507-2 Old Canton Rd. (formerly 5016 Old Canton Rd.) from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District.

Council Member Lee moved adoption; President Foote seconded.

President Foote recognized Scherrie Prince, Representative of the Applicant, who spoke in favor to approve a rezoning from R-1A (Single-Family) Residential District to R-2 (Single Family & Two-Family) Residential District to allow for the construction of 2-unit town house development.

The was no opposition from the public.

President Foote recognized Council Member Banks, who moved, seconded by Council Member Lindsay, to amend said item to change "town house" to "duplex" throughout said order. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

Thereafter, President Foote called for a vote on said Order as amended:

ORDER DENYING LUXE HOMES, LLC A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-2 (SINGLE-FAMILY & TWO-FAMILY) RESIDENTIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A 2-UNIT DUPLEX DEVELOPMENT FOR THE PROPERTY LOCATED AT PARCEL 507-2 ON OLD CANTON RD. (FORMERLY 5016 OLD CANTON RD.), CASE NO. 4183.

WHEREAS, Luxe Homes, LLC has filed a petition to rezone the property located at Parcel # 507-2 Old Canton Rd. (formerly 5016 Old Canton Rd.) in the City of Jackson, First Judicial District of Hinds County, Mississippi from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex development; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial of the request to rezone the property from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex development; 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, October 17, 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 August 4, 2022 and August 18, 2022 that a hearing had been held by the Jackson City Planning Board on August 24, 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 has recommended the denial of the rezoning of the above described property from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex; and

WHEREAS, the Jackson 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 Jackson City Council action.

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 particularly described as follows:

Lot 1, Briarwood Addition, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17 at page 26, reference to which is hereby made in aid of and as a part of this description

is hereby denied the petitioned the rezoning of the property located at Parcel # 507-2 Old Canton Rd. (formerly 5016 Old Canton Rd.) from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District.

Yeas – None.

Nays – Banks, Foote, Lee and Lindsay.

Absent – Grizzell, Hartley and Stokes.

President Foote requested that the Clerk read the Alternative Order:

ORDINANCE GRANTING LUXE HOMES, LLC A REZONING FROM R-1A (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO R-2 (SINGLE-FAMILY & TWO-FAMILY) RESIDENTIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A 2-UNIT DUPLEX DEVELOPMENT FOR THE PROPERTY LOCATED AT PARCEL 507-2 ON OLD CANTON RD. (FORMERLY 5016 OLD CANTON RD.), CASE NO. 4183.

WHEREAS, Luxe Homes, LLC has filed a petition to rezone the property located at Parcel # 507-2 Old Canton Rd. (formerly 5016 Old Canton Rd.) in the City of Jackson, First Judicial District of Hinds County, Mississippi from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex development; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has recommended denial of the request to rezone the property from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex development; 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, October 17, 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 August 4, 2022 and August 18, 2022 that a hearing had been held by the Jackson City Planning Board on August 24, 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 has recommended the denial of the rezoning of the above described property from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District to allow for the construction of a 2-unit duplex; and

WHEREAS, the Jackson City 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 Jackson City Council action.

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

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

Lot 1, Briarwood Addition, Part 1, a subdivision according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17 at page 26, reference to which is hereby made in aid of and as a part of this description

is hereby modified so as to approve the rezoning of the property located at Parcel # 507-2 Old Canton Rd. (formerly 5016 Old Canton Rd.) from R-1A (Single-Family) Residential District to R-2 (Single-Family & Two-Family) Residential District. However, that before for any structure is erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

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

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

Council Member Lee moved adoption; **President Foote** seconded.

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

President Foote recognized **Council Member Banks** who moved, seconded by **Council Member Lindsay** to suspend the procedural rules and acknowledge that all Council Members has received all documents from the Planning Department on said items 3-8. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

ORDINANCE GRANTING MOLLY WEST & CODY COX A REZONING FROM R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT TO NMU-1 (NEIGHBORHOOD) MIXED-USE DISTRICT, PEDESTRIAN ORIENTED FOR THE PROPERTY LOCATED AT 833 N. JEFFERSON ST. (PARCEL 23-18) TO ALLOW FOR CONSISTENCY WITH THE ZONING IN THE IMMEDIATE VICINITY OF THE PROPERTY AND TO CREATE MORE OPPORTUNITIES FOR NEIGHBORHOOD RETAIL LAND USES, CASE NO. 4185.

WHEREAS, Molly West & Cody Cox has filed a petition to rezone the property located at 833 N. Jefferson St. (Parcel 23-18), in the City of Jackson, First Judicial District of Hinds County, Mississippi from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for consistency with the zoning in the immediate vicinity of the property and to create more opportunities for neighborhood retail land uses; and

WHEREAS, the Jackson City Planning Board, after holding the required public hearing, has offered the recommendation to rezone the property from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for consistency with the zoning in the immediate vicinity of the property and to create more opportunities for neighborhood retail land uses; 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, October 17, 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 September 8, 2022 and September 22, 2022 that a hearing had been held by the Jackson City Planning Board on September 28, 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 has offered the recommendation to rezone the above described property from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for consistency with the zoning in the immediate vicinity of the property and to create more opportunities for neighborhood retail land uses; and

WHEREAS, the Jackson City 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 Jackson City Council action.

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

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

A certain parcel of land situated in Five Acre Lot 7 North, in the City of Jackson, Mississippi and being more particularly described by metes and bounds as follows: Beginning at a point in the West line of North Jefferson Street which is 412.9 feet measured Southerly along the West line of North Jefferson Street from its intersection with the South line of Boyd Street as both street are now laid out and improved; thence Northerly along the West line of North Jefferson Street 59.5 feet; thence turn to the left through an angle of 89 degrees 40 minutes and run Westerly along a brick retaining wall and a fence line for a distance of 160 feet; thence Southerly and parallel with the West line of North Jefferson Street for a distance of 59.5 feet to a point in the Hedge Row; thence Easterly along said Hedge Row and a projection thereof for a distance of 160 feet to the Point of Beginning. Being further described as a strip of land off the South end of that parcel of land conveyed by David Shelton to Emma P. Stockton by Deed dated October 27, 1880, of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Deed Book 1 1 at Page 482, and being the same property conveyed to D.P. Ruff by A.S. Applewhite on May 24, 1924, of record in the office of the Chancery Clerk in Deed Book 154 at Page 192. Subsequently conveyed by D.P. Ruff to Mrs. Jessie Stanley Ruff of record in the aforesaid Chancery Clerk's Office in Book 201 at Page 120, reference to all of which is made in aid of this description.

is hereby modified so as to approve the rezoning of the of the property located at 833 N. Jefferson St. (Parcel 23-18) from R-1 (Single-Family) Residential District to NMU-1 (Neighborhood) Mixed-Use District, Pedestrian Oriented to allow for the development of the property for multi-family apartments and/ or condominiums. However, that before for any structure is erected or use thereof on the said property, the applicant must meet the requirements established through the Site Plan Review process. The Zoning Administrator is ordered to note such change on the Official Zoning Map to the City of Jackson, Mississippi.

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

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

Council Member Lindsay moved adoption; Council Member Banks seconded.

There was no representative from the Applicant.

There was no opposition from the public.

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

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

ORDER GRANTING ISAAC BYRD, III A USE PERMIT TO ALLOW FOR THE OPERATION OF A LIQUOR STORE IN A NEIGHBORHOOD SHOPPING CENTER AND NOT IN COMBINATION WITH A CONVENIENCE TYPE GROCERY STORE OR SERVICE STATION WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 5020 NORTH STATE ST. (PARCEL: 517-800), CASE NO. 4186.

WHEREAS, Isaac Byrd, III has filed a petition for a Use Permit to allow for a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station within a C-3 (General) Commercial District for the property located at 5020 North State St. (Parcel: 517-800) 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 a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station within a C-3 (General) Commercial District for the property located at 5020 North State St. (Parcel: 517-800); 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, October 17, 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 September 8, 2022 and September 22, 2022 that a hearing had been held by the Jackson City Planning Board on September 28, 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 C-3 (General) Commercial District of the City of Jackson; and

WHEREAS, the Jackson City Council, after having considered the matter, is of the opinion that the proposed use would be compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses and that a Use Permit be granted to allow for a liquor store in a neighborhood shopping center not in combination with a convenience type grocery store or service station within the existing C-3 (General) Commercial District of the City of Jackson; and

WHEREAS, pursuant to Section 702.05.02 (14) of the City of Jackson Zoning Ordinance, 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; and subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.

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:

Being situated in Section 14, Township 6 North, Range 1 East, Jackson, Hinds County, First Judicial District, Mississippi, and being more particularly described as follows:

Beginning at a concrete monument marking the NW corner of North Broadmoor, Part 4, as recorded in Plat Book 11 at Page 32 of the Chancery records of Hinds County, Mississippi,

and run Southwesterly, along the West boundary of North Broadmoor, Part 4 , 432.21 feet to an iron pin found; turn thence through an interior angle of 116 degrees 44 minutes 30 seconds and run westerly, 145.56 feet; turn thence through an interior angle of 63 degrees 15 minutes 30 seconds and run Northeasterly, parallel with the West boundary of North Broadmoor Part 4, 432.95 feet to the South R. O. W. line of Sheppard Road; turn thence through an interior angle of 116 degrees 28 minutes 30 seconds and run Easterly, along the South R. O. W. line of Sheppard Road, 145.23 feet to the Point of Beginning. Containing 1.29 acres, more or less.

Being situated in section 14, Township 6 North, Range East, Jackson, Hinds County First Judicial District, Mississippi, and being more particularly described as follows:

Beginning at a concrete monument marking the NW corner of North Broadmoor, Part 4, as recorded in Plat Book 11 at Page 32 of the Chancery records of Hinds County, Mississippi, and run Westerly along the South R. O. W. line of Sheppard Road feet to the Point of Beginning; thence continue to run Westerly along the South R. O. W. line of Sheppard Road 133.34 feet to a point on the East R. O. W. of North State Street; thence through an interior angle of 116 degrees 03 minutes, run Southwesterly along the East R. O. W. line of North State Street 432.03 feet; thence turn through an interior angle of 63 degrees 41 minutes and run Northeasterly 130.07 feet; thence turn through an interior angle of 115 degrees 45 minutes 30 seconds and run Northeasterly 432.95 feet to the Point of Beginning.

be and is hereby modified so as to approve a Use Permit to allow for a liquor store in a neighborhood shopping center and not in combination with a convenience type grocery store or service station for the property located at 5020 North State St. (Parcel: 517-800) within a C-3 (General) 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.

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

There was no representative from the Applicant.

There was no opposition from the public.

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

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

ORDER GRANTING OSAMA NASSER A CONDITIONAL USE PERMIT TO ALLOW FOR A TOBACCO PARAPHERNALIA RETAIL BUSINESS WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR SUITE 102 OF THE PROPERTY LOCATED AT 1039 E COUNTY LINE RD. (PARCEL 738-9), CASE NO. 4187.

WHEREAS, Osama Nasser has filed a petition for a Use Permit allow for a tobacco paraphernalia retail business located within a C-3 (General) Commercial District for Suite 102 of the property located at 1039 E County Line Rd. (Parcel 738-9) in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing, has recommended approval of a Conditional Use Permit to allow for a tobacco paraphernalia retail business within a C-3 (General) Commercial District for Suite 102 of the property located at 1039 E County Line Rd. (Parcel 738-9); 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, October 17, 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 September 8, 2022 and September 22, 2022 that a hearing had been held by the Jackson City Planning Board on September 28, 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-3 (General) Commercial District of the City of Jackson; and

WHEREAS, the Jackson City 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 and that a Conditional Use Permit be granted to allow for a tobacco paraphernalia retail business within a C-3 (General) Commercial District for Suite 102 of the property located at 1039 E County Line Rd. (Parcel 738-9).

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 containing 13, 754 acres, more or less, lying and being situated in Lots 3, 4, 5, and 6, of Block 49, all in Virden Hatch Place (Highland Colony), according to the map or plat thereof as recorded in Surveyor's Recorded Book, A, Page 283, in the Office of Chancery Clerk, First Judicial District, of Hinds County, Mississippi, and being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of Wildwood North Subdivision, Part 1, according to the plat on file in the Office of the Chancery Clerk, Hinds County, Mississippi, in Plat Book 23 at Page 13, run thence North 04 degrees 34 minutes 09 seconds East along the East boundary of Jamestown Subdivision, according to the plat on file in the Office of the Chancery Clerk of Jackson, Hinds County, Mississippi, in Plat Book 29 at Page 1 for a distance of 449.19 feet to an iron pin; run thence North 89 degrees 06 minutes 54 seconds West for a distance of 626.03 feet to an iron pin on the Eastern right of way of Ridgewood Road as it is now laid out and exists; run thence North 04 degrees 39 minutes 18 seconds East along said Eastern right of way for a distance of 52.55 feet to the centerline of Ridgewood Court rive; thence following the aforesaid centerline through a curve to the left described by Delta — 40 degree 24 minutes 20 seconds, radius = 745.33 feet, Length 525.61 feet and whose chord bears North 74 degrees 19 minutes 35 seconds East a distance of 514.79 feet to a point; thence leaving the aforesaid center line Ridgewood Court Drive, run North 57 degrees 55 minutes 21 seconds West for a distance 43.16 feet to the Norther right of way of Ridgewood Court Drive; thence North 54 degrees 07 minutes 25 seconds East along said Northern right of way line for a distance of 254.39 feet to the Southwest corner of and the Point of Beginning for the property herein described; leaving said Northern right of way line, run thence North 36 degrees 25 minutes 41 seconds West for a distance of 312.68 feet; thence North 53 degrees 39 minutes 33 seconds East for a distance of 8.79 feet; thence North for a distance of 113.34 feet; thence South 88 degrees 03 minutes 50 seconds East for a distance of 3.16 feet; thence North 02 degrees 04 minutes 10 seconds East for a distance of 37.12 feet; thence South 88 degrees 15 minutes 34 seconds East for a distance of 33.04 feet; thence North 04 degrees 02 minutes 32 seconds East for a distance of 200.00 feet to the Southern right of way line of County Line Road, as it is now laid out and exists; run thence Easterly, counterclockwise along the arc of a curve on said Southern right of way for a distance of 145.31 feet to the point on Tangency, said curve having a central angle of 02 degrees 18 minutes 43 seconds a radius of 3601.29 feet and chord bearing of South 88 degrees 47 minutes 57 seconds East for a distance of 145.30 feet; thence South 89 degrees 57 minutes 10 seconds East along said Southern right of way line for a distance of 681.55 feet; leaving said Southern right of way line run thence South 00 degrees 02 minutes 50 seconds West for a distance of 170.00 feet; thence North 89 degrees 57 minutes 10 seconds West for a distance of 18.00 feet; thence South 00 degrees 02 minutes 50 seconds West for a distance of 36.00 feet; thence South 89 degrees 57 minutes 10 seconds East for a distance of 139.78 feet; thence South 00 degrees 02 minutes 50 seconds West for a distance of

15.00 feet; thence South 89 degrees 57 minutes 10 seconds East for a distance of 30,000 feet; thence South 69 degrees 26 minutes 39 seconds East for a distance of 46.05 feet to the aforesaid Northern right of way line of Ridgewood Court Drive; thence Southwesterly, clockwise along the arc of a curve on said Northern right of way line for a distance of 439.05 feet to the Point of Tangency, said curve having a central angle of 34 degrees 14 minutes 11 seconds, a radius of 734.77 feet and a chord bearing of South 37 degrees 00 minutes 19 seconds West for a distance of 432.55 feet; thence South 54 degrees 07 minutes 25 seconds West for a distance of 494.72 feet to the Point of Beginning.

PARCEL 2:

A certain parcel of land containing 2,713 acres lying and being situated in Lots 4 and 5, of Block 49, all in Virden Hatch Place (Highland Colony), according to the map or plat thereof as recorded in Surveyor's Record Book A, Page 283, in the Office of the Chancery Clerk, First Judicial District, of Hinds County, Mississippi, and being more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of Wildwood North Subdivision, Part I, according to the plat on file in the Office of the Chancery Clerk of Jackson, Hinds County, Mississippi, in Plate Book 23 at Page 13, run thence North 04 degrees 34 minutes 09 seconds East along the East boundary of Jamestown Subdivision, according to the plat on file in the Office of Chancery Clerk of Jackson, Hinds County, Mississippi, in Plat Book 29 at Page 1 for a distance of 449.19 feet to an iron pin; run thence North 04 degrees 34 minutes 17 seconds East for a distance of 214.13 feet to an iron pin; run thence North 89 degrees 06 minutes 54 seconds West for a distance of 626.03 feet to an iron pin on the Eastern right of way of Ridgewood Road as it is now laid and exists; run thence North 04 degrees 39 minutes 18 seconds East along said Eastern right of way for a distance of 52.55 feet to the centerline of Ridgewood Court Drive; thence following the aforesaid centerline through a curve to the left described by Delta = 40 degrees 24 minutes 20 seconds, radius = 745.33 feet, Length — 525.61 feet and whose chord bears North 74 degrees 19 minutes 35 seconds East for a distance of 514.79 feet to a point; thence leaving the aforesaid center line of Ridgewood Court Drive, run North 57 degrees 55 minutes 21 seconds West for a distance of 43.16 feet to an iron rod and the Point of Beginning of the herein described parcel of land; run thence Southwesterly, clockwise along the arc of a curve on the Northern right of way of Ridgewood Court drive for a distance of 141.60 feet, said curve having a central angle of 11 degrees 30 minutes 09 seconds, a radius of 705.33 feet and a chord being of South 61 degrees 11 minutes 43 seconds West for a distance of 141.36 feet; leaving said Northern right of way line, run thence North 27 degrees 21 minutes 32 seconds West for a distance of 88.33 feet; thence North 36 degrees 25 minutes 12 seconds West for a distance of 190.29 feet; thence North 88 degrees 26 minutes 27 seconds West for a distance of 154.03 feet to aforesaid Eastern right of way line of Ridgewood Road; thence North 04 degrees 39 minutes 18 seconds East along said Eastern right of way line for a distance of 253.08 feet; leaving said Eastern right of way line, run thence South 85 degrees 32 minutes 45 seconds East for a distance of 29.45 feet; thence North for a distance of 14.19 feet; thence North 53 degrees 34 minutes 47 seconds East for a distance of 101.29 feet; thence South 36 degrees 25 minutes 13 seconds East for a distance of 263.77 feet; thence North 53 degrees 34 minutes 01 seconds East for a distance of 31.12 feet; thence South 36 degrees 25 minutes 59 seconds East for a distance of 237.98 feet; thence South 53 degrees 33 minutes 15 seconds West for a distance of 80.98 feet; thence South 36 degrees 20 minutes 07 seconds East for a distance of 72.54 feet to the Point of Beginning.

TOGETHER WITH those certain rights appurtenant to the property contain in:

Reciprocal Easement Agreement executed by and between County Line Plaza, Ltd., a Texas limited partnership, and Chick-Fil-A, Inc., a Georgia corporation, dated 5/29/96, filed on 8/29/96 at 10:29 A.M., recorded in Book 4648, Page 125.

Reciprocal Easement Agreement executed by and between County Line Plaza, Ltd., and Copeland's of New Orleans, Inc., dated 6/19/97, filed on 6/23/97 at 12:26 P.M., recorded in Book 4796, Page 538.

Reciprocal Easement and Operation Agreement executed by and between County Line Plaza, Ltd., and Circuit City Stores, Inc. a Virginia Corporation, dated 6/25/97, filed on 6/25/97 at 3:11 P.M., recorded in Book 4800, Page 53.

Amendment to Reciprocal Easement and Operation Agreement executed by and between County Line Plaza, Ltd. And Circuit City Stores, Inc., a Virginia Corporation, dated 4/28/98, filed on 4/30/98 at 8:31 A.M. recorded in Book 4931, page 846.

Reciprocal Easement Agreement executed by and between County Line Plaza, Ltd., and Ridgewood Development, LLC, dated 4/18/98, filed on 4/30/98 at 8:31 A.M., recorded in Book 4931, Page 858, as to Walgreen's Parcel.

be and is hereby modified so as to approve a Conditional Use Permit to allow for a tobacco paraphernalia retail business within a C-3 (General) Commercial District for the property located in Suite 102 of 1039 E County Line Rd. (Parcel 738-9). The Conditions of the Use Permit shall be that it is granted on an annual basis; that it be granted to Osama Nasser, the owner/operator of the tobacco paraphernalia retail business; and that subsequent owners or operators of a tobacco paraphernalia retail business 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 Lindsay moved adoption; **Council Member Banks** seconded.

There was no representative from the Applicant.

There was no opposition from the public.

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

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

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.

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

That Section 18 (Sec. 26:451 & 466) for the enforcement and violation of the Landscape Ordinance of Jackson, Mississippi, 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 forty-five (45) days 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 for the interpretations and definitions of the Zoning Ordinance of Jackson, Mississippi, is hereby amended to read as follows:

202.19 Boarding House (Also see Rooming House): A single-family dwelling unit providing living accommodations to six or fewer individuals for monetary or nonmonetary consideration for periods of thirty (30) or more consecutive days. The unit will consist of private bedrooms with communal congregating areas, bathing, laundering, and eating facilities. This definition does not include or any state licensed facility serving six or fewer persons.

202.99 (d) Medical Cannabis Cultivation Facility: A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

202.99 (e) Medical Cannabis Dispensary: An entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.

202.99 (f) Cannabis Disposal Entity: A business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis in an indoor, enclosed, locked and secure area. These entities may also be known as "waste disposal entities.

202.99 (g) Cannabis Research Facility: A research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to the MS Medical Cannabis Act that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

202.99 (h) Cannabis Testing Facility: An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

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

202.153 Short-Term Rentals: Residential Units that are leased for thirty (30) or less consecutive days. These units may include converted hotels, motels, bed and breakfasts, hotels, single family units, or RV parks.

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 as Use Permits provided, they are established in accordance with the procedures and provisions of this Ordinance:

NOTE: Items 1-10 and the Manufactured Housing Requirements B-J and the content language for these items shall remain the same.

II. Manufactured Home when:

- a. The unit is not located in the R-1A & R-3 Residential Districts;

That Article VII, Section 702.04.1(a) for uses which may be permitted as a Use Permit in the C-2 (Limited) Commercial District is hereby amended to read as follows:

NOTE: Items 1-15 and the content language for these items shall remain the same.

The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance.

16. Tattoo Parlors subject to the following regulations:
 - a. Submission of Proof of approval from the MS State Department of Health in accordance with the regulations governing the registration of individuals performing body piercings and tattooing;
 - b. Annual renewal of Use Permit;
 - c. Non-operation shall be between the 11:00 p.m. – 9:00 a.m.;
 - d. Cannot be located within five hundred (500) feet of a kindergarten -12th grade school, church; and
 - e. Cannot be located within one thousand (1,000) feet of another tattoo parlor
26. Tobacco Paraphernalia Retail Business when located in a neighborhood shopping center and not in combination with a convenience type grocery store or service station.

That Article VII, Section 702.05.1 for uses which may be permitted in the C-3 (General) Commercial District is hereby amended to read as follows:

NOTE: Items 1-26 and the content language for these items shall remain the same.

27. Tattoo parlors when located a minimum of five hundred (500) feet from a kindergarten – 12th grade school, or church and one thousand (1000) feet from another tattoo parlor

That Article VII, Section 702.05.1(a) for uses which may be permitted as a Use Permit in the C-3 (General) Commercial District is hereby amended to read as follows:

NOTE: Items 1-14 and the content language for these items shall remain the same.

15. Extended Stay Hotels
16. Golf Driving Ranges and Pitch-n-putt
17. Gun Shops
18. Liquor Store where part of a neighborhood shopping center and not in combination with a convenience type grocery store or service station.
19. Mobile/Manufactured Home Sales
20. Pawn Shops
21. Recreational Vehicle Park
22. Recycling Center
23. Recycling Collection Points
24. Single-room occupancy hotels (SRO)
25. Tattoo Parlor
26. 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.”
27. Tobacco Paraphernalia Retail Business
28. Automobile Sales - Used
 - The minimum lot size is twenty-two thousand (22,000) square feet
 - All service doors, buildings, structures, inoperable vehicles, outdoor storage and automobile repair uses shall be screened by a solid wall or opaque fence with a minimum height of six feet and no more than ten feet, in addition to any required landscape buffer yard.
 - Inoperable vehicles, outdoor storage and automobile repair activities shall be located to the rear or side yard and shall not be

That Article VII, Sections 702.04.2 and 702.05.02 for regulations for tobacco retail business in the C-2 (Limited) and C-3 Limited Commercial Districts are hereby amended to read as follows:

(Item 13 for C-2 & Item 17 for C-3) Use Permits for a tobacco paraphernalia retail business shall be issued to the owner of the store. The Use Permit will not run with the land and the subsequent owners of a tobacco paraphernalia retail business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually. A tobacco paraphernalia business cannot be located within five hundred (500) feet of a kindergarten -12th grade school, church or located within one thousand (1,000) feet of another tobacco paraphernalia business.

That Article VII-A, Section 702.02-A for uses permitted as Use Permits in the NMU-1 (Neighborhood Mixed Use) District, Pedestrian Oriented is hereby amended to read as follows:

The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance.

1. Body Piercing Business
2. Community Recreational Center
3. Service stations when:
 - a. The front yard setback is at least fifteen (15) feet; and
 - b. The side yard setback is at least fifteen (15) feet on street-facing sides; but
 - c. All other regulations of the Article shall apply.
4. Parking garages or Surface Parking Lots, subject to 702.04-A
5. Liquor Store where part of a neighborhood shopping center and not in combination with a convenience type grocery store or service station.
6. Tattoo Parlor

That Article VII-A Sections 702.05-A (14), 703.02.5-A (15), 706.02-A (12) for additional regulations in the Neighborhood and Community Mixed Use Districts, Pedestrian Oriented and Urban Town Center Mixed Use District are hereby amended to read as follows:

The Use Permit will be renewed annually. The hours of non- operation shall be between the 11:00 p.m.– 9:00 a.m. The tattoo parlor cannot be located within five hundred (500) feet of a kindergarten -12th grade school, church or within one thousand (1,000) feet of another tattoo parlor.

That Article VII-A Sections 706.10. (a)-B which lists tattoo parlors as a use which may be permitted as Use Permits in the C80-MU (Mixed) Use Subdistrict is hereby amended to read as follows:

NOTE: Items A & B and the content language for these items shall remain the same.

- c. Annual renewal of Use Permit:
- d. Non- operation hours shall be between 11:00 p.m. – 9:00 a.m.
- e. Cannot be located within five hundred (500) feet of a kindergarten -12th grade school, church; and
- f. Cannot be located within one thousand (1,000) feet of another tattoo parlor

That Article VII-A Sections 706.07.2 -B for uses allowed as Use Permits in the C80-C3 (General) Commercial Subdistrict is hereby amended to read as follows:

NOTE: Items 1-5 and the content language for these items shall remain the same.

6. Building materials sales where some or all such materials are displayed outdoors.
7. Commercial Communication Tower
8. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, water amusement parks, drive-in theaters, etc.
9. Extended Stay Hotels
10. Farm stands
11. Gun shops.
12. Heavy construction equipment sales and service.
13. Liquor Store when located in a neighborhood shopping center and not in combination with a convenience type grocery store or service station. In accordance with the 67-1-51 (3) (Permits; distance regulations) Mississippi Code, 1972 Annotated, as amended, no bar selling intoxicating liquor as defined by the Mississippi Code shall be located not less than five hundred (500) feet from any church, school, kindergarten or funeral home
14. Nightclubs and bars as defined by this Ordinance. In accordance with the 67-1-51 (3) (Permits; distance regulations) Mississippi Code, 1972 Annotated, as amended, no bar selling intoxicating liquor as defined by the Mississippi Code shall be located not less than five hundred (500) feet from any church, school, kindergarten or funeral home.
15. Veterinarian clinics and kennels.
16. Veterinary clinics with outside dog runs.

That Article VIII, Section 802.01.1 for uses which may be permitted in the I-1 (Light) Industrial District is hereby amended to read as follows:

NOTE: Items 1-15 and the content language for these items shall remain the same.

16. Medical Cannabis Disposal Entity
17. Pawn shops
18. Retail Stand
19. Small Cell Wireless Facility (i.e.s)
20. Single-room occupancy hotels (SRO)
21. 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."
22. Tobacco Paraphernalia Retail Business
23. Automobile Sales—Used
24. Used Tire Sales
25. Billboards
26. Bail Bonding business
27. Mobile/Manufactured Home Sales
28. Tattoo Parlors
29. Transient Vendors – Sales from vehicles will be allowed only in the absence of a permanent building. Outdoor display of goods is permitted.

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

1203-A Site Plan Required

A site plan shall be required for the following:

1. Adult entertainment establishments
2. All Uses requiring a Use Permit
3. All development to be located within C-4, Central Business District; Old Capitol Green, OCG; UV, Urban Village District; UTC, Urban Town Center District; NMU-1, Neighborhood Mixed Use, Pedestrian Oriented; CMU-1, Community Mixed Use, Pedestrian Oriented; High Street Overlay District; Fondren/North State St. Overlay District; the Corridor 80 (C80) District, Zoo/West Capital Street Overlay District;
4. Banks with drive-through windows
5. Brewpub
6. Convenience Type Grocery Stores
7. Dairying and animal husbandry on sites of not less than one (1) acre
8. Demolitions and redevelopment within C-1A Districts
9. Developments of five (5) acres or more
10. Distillery
11. Fast food restaurants with drive-through windows
12. Medical Cannabis Related Businesses
13. Modular Commercial Buildings
14. Multi-family development including condominiums
15. 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
16. Nightclubs
17. Planned Unit Developments
18. Private Kennels
19. Private Stables
20. Produce Stands
21. Public utilities facilities and structures required to provide essential public services
22. Residential subdivisions or re-subdivisions of property
23. Restaurants
24. Commercial Communications Towers
25. Small Craft Brewery
26. Service Stations
27. Retail Stand

**REGULAR ZONING MEETING OF THE CITY COUNCIL
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- 28. Structures in excess of forty-five (45) feet in height
- 29. 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.
- 30. Vendor Park

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

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

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

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 – 3970 Ward 1	Anthony R. Simon	621 E. Northside Dr. Jackson, MS 39206	Professional Non-Retail Office	09/16/13
C-UP – 3914 Ward 7	Richard & Company, LLC - C/o Richard McKey Initially Issued to the Fondren Renaissance Foundation	Patton Ave. Parcel #48-97 Jackson, MS 39206	Accessory Parking Lot	09/21/15
SE – 4097 Ward 1	Lakeita F. Rox-Love	5375 Red Fox Rd. Jackson, MS 39206	Professional (Real Estate) Office	09/21/20
SE – 4137 Ward 2	Betty Sullivan	1611 Countrywood Dr. Jackson, MS 39213	Professional (Real Estate) Office	9/20/21
C-UP – 4141 Ward 7	Miltoria Heath	1110 Noel St. Jackson, MS 39202	Commercial Child Care Center	9/20/21
SE-2697 Ward 5	Alma Ruffin	4212 Oakmont Drive	Day Care Center	10/05/1988
SE-4102 Ward 7	Midtown Christian Academy	217 Millsaps Ave.	Commercial Day Care	10/19/2020
C-UP - 4145	YANA Club of	Parcel #52-10 on Northview Dr.	Accessory Off-Street Parking Lot	10/18/2021

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Ward 7 MS, Inc. Jackson, MS

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

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

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

President Foote recognized **Council Member Banks** who moved, seconded by **Council Member Lindsay** to add an item to the agenda on an emergency basis, Discussion: Potential Litigation. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

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~~There came on as the Emergency Agenda Item:~~

DISCUSSION: POTENTIAL LITIGATION: **President Foote** recognized **Council Member Banks** who moved, seconded by **Council Member Lindsay** to go into Closed Session to discuss potential litigation. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Hartley and Stokes.

President Foote announced to the public that the Council voted to go into Closed Session to discuss potential litigation.

During Closed Session, **Council Member Banks** moved and **Vice President Lee** seconded to go into Executive Session to discuss potential litigation. The motion prevailed by the following vote:

Yeas – Banks, Foote, Lee and Lindsay.

Nays – None.

Absent – Grizzell, Lee and Stokes.

President Foote announced that the Council voted to go into Executive Session to discuss pending litigation.

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

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

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

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, October 25, 2022. At 4:41 p.m., the Council stood adjourned.

PREPARED BY:

Shanekia Maskey-Gonzalez
CLERK OF COUNCIL

APPROVED:

[Signature], 11/8/2022
COUNCIL PRESIDENT DATE

[Signature]

MAYOR

ATTEST:

[Signature]
CITY CLERK

BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was convened at City Hall at 10:00 a.m. on October 25, 2022, being the fourth Tuesday of said month, when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Council President, Ward 1; Angelique Lee, Vice-President, Ward 2; Brian Grizzell, Ward 4 (via teleconference); Vernon Hartley, Ward 5 and Virgi Lindsay, Ward 7. Directors: Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of Council, Sabrina Shelby, Chief Deputy Clerk of Council and Catoria Martin, City Attorney.

Absent: Kenneth Stokes, Ward 3 and Aaron Banks, Ward 6.

The meeting was called to order by **President Foote**.

The invocation was offered by **Rev. Dr. Jamie L. Capers of Lynch Street CME Church**.

The Council recited the **Pledge of Allegiance**.

ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF JACKSON AND LOVE TRUCKING CO., INC TO DEMOLISH STRUCTURE AND REMEDY CONDITIONS THAT CONSTITUTE A MENACE TO PUBLIC HEALTH, SAFETY, AND WELFARE ACCORDING TO MISSISSIPPI CODE ANNOTATED SECTION 21-19-11 FOR PARCELS 190-53 AND 190-54 LOCATED AT 220 W PASCAGOULA AND 226 PASCAGOULA ST - \$47,755.00. CASE #CE-21-222 AND CE-21-224.

WHEREAS, the City of Jackson owns the properties located at 220 W Pascagoula St. and 226 W Pascagoula St.; and

WHEREAS, said property must be maintained and conditions that constitute a menace to public health, safety and welfare remedied; and

WHEREAS, the Community Improvement Division of the Planning and Development Department has solicited bids from vendors to perform professional services to remedy the conditions on parcels 190-53 and 190-54 located at 220 W Pascagoula St. and 226 W Pascagoula St.; and

WHEREAS, based on stated requirements, Love Trucking Co., Inc., has submitted the best bid to perform professional services for the sum of \$47,755.00; and

WHEREAS, Love Trucking Co., Inc. has a principal office address of 6341 Ashley Drive Jackson, MS 39213; and

WHEREAS, it is in the best interest of the City, and the citizens of Jackson that the Property be maintained; and

WHEREAS, the Community Improvement Division of the Planning and Development Department proposes to enter into a professional service agreement with Love Trucking Co. that contains the following substantive provisions:

SECTION 1 – LABOR AND MATERIALS

The Vendor shall furnish all labor, materials, supervision, and services necessary to do the work specified in Exhibit A attached hereto and made a part hereof in an amount not to exceed \$47,755.00.