

REGULAR ZONING MEETING OF THE CITY COUNCIL

MONDAY, APRIL 21, 2014 2:30 P.M.

BE IT REMEMBERED that a Regular Zoning Meeting of the City Council of Jackson, Mississippi was convened in the Council Chambers in City Hall at 2:30 p.m. on April 21, 2014, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: President, Melvin Priester, Jr.; Vice-President, De'Keither Stamps; Tony T. Yarber, Ward 6 and Margaret Barrett-Simon, Ward 7. Brenda Pree, City Clerk; Ester Ainsworth, Zoning Administrator; Carl Allen, Deputy Director of City Planning; Akili Kelly, Senior Planner and Azande Williams, Deputy City Attorney.

Absent: Quentin Whitwell, Ward 1 and LaRita Cooper-Stokes, Ward 3.

The meeting was called to order by **President Melvin Priester, Jr.**

President Priester recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3860, 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.

ORDER DENYING DANIELLE FRAZIER-ARMISTAD DBA OPEN HEARTS OPEN ARMS A USE PERMIT TO OPERATE A GROUP HOME FOR THE HANICAPPED FOR SEVEN (7) TO TEN (10) YOUTH AGES THREE(3) TO SEVENTEEN (17) IN A R-1 (SINGLE-FAMILY) RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 105 POOLE ST, CASE NO. 3860.

President Priester recognized **Alvin Armistad**, a representative of Open Hearts Open Arms, who addressed the Council and argued in favor of the property located at 105 Poole St. to approve a Use Permit to operate a group home for the handicapped in a R-1 (Single-family) Residential District.

President Priester recognized **Genny Seeley**, President of the South Jackson Neighborhood Association, who argued in opposition of the property located at 105 Poole St. to deny a Use Permit to operate a group home for the handicapped in a R-1 (Single-family) Residential District.

After a thorough discussion was held on the matter, **Council Member Yarber** moved and **Council Member Stamps** seconded to table said item for six (6) months. The motion prevailed by the following votes:

- Yeas- Barrett-Simon, Priester, Stamps and Yarber.
- Nays- None.
- Absent- Cooper-Stokes, Tillman and Whitwell.

ORDINANCE APPROVING AMENDMENTS TO THE TEXT OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF JACKSON TO PROVIDE FOR AND ESTABLISH MORE EFFECTIVE ZONING REGULATIONS FOR THE CITY OF JACKSON LAND USES.

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

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

202.39 (a) Convenience Type Grocery Store with Fast Food: The definition for this store is the same as in item 202.39 (Convenience Type Grocery Store). This type store may also include the sale of on-site prepared food items. The food items will be sold in edible containers, or in paper, plastic, or other disposable containers for off-premises consumption.

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

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

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

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

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

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

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

1. Any and all uses, except residential, permitted in C-1 and C-1A Restricted Commercial Districts.
2. Neighborhood shopping centers, retail convenience stores, and personal services. No single tenant shall occupy more than 40,000 square feet.

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

That Article VII, Section 702.05.1–(A) of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C-3 (General) Commercial District as Use Permits is hereby amended to read as follows:

1. Any and all Use Permits provided in the C-2 (Limited) Commercial District.
2. Apartments (new construction)
3. Amusement Arcades
4. Amusement parks
5. Amusement Rides
6. Automobile and truck wrecker and recovery businesses, when all vehicles are stored in a completely enclosed building.
7. Bail Bonding Business
8. Billboards
9. Bingo Parlors
10. Body Piercing Business
11. Boarding Houses
12. Check Cashing Business
13. Commercial Communication Towers
14. Convenience Type Grocery Store with Fast Food
15. Emergency Shelter/Mission
16. Golf Driving Ranges and Pitch-n-putt
17. Gun Shops
18. Liquor Stores
19. Mobile/Manufactured Home Sales
20. Pawn Shops
21. Recycling Center
22. Recycling Collection Points
23. Single-room occupancy hotels (SRO)
24. Tattoo Parlor
25. Title Pledge Office - Any such uses lawfully operating prior to March 11, 1998, shall be treated as non-conforming uses under this Ordinance, and shall be subject to the requirements of Article XIII-A of this Ordinance, entitled “Non-conforming Use of Lands and/or Structures.”

That Article VII, Section 702.05.02 of the Zoning Ordinance of Jackson, MS for regulations in the C-3 (General) Commercial District is hereby amended to read as follows:

02.05.02 Regulations:

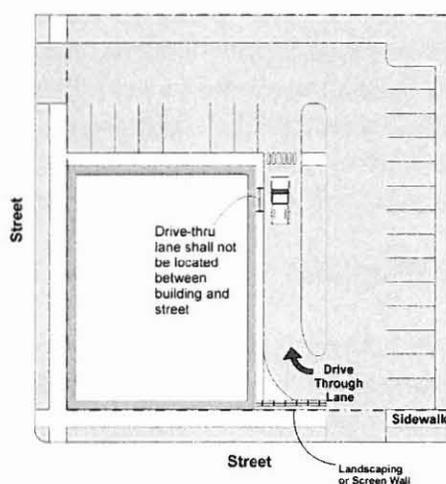
1. Minimum lot area - none.
2. Minimum lot width - none.
3. Minimum front yard depth - fifteen (15) feet from street right-of-way line.
4. Minimum side yard width - none, except where it adjoins residentially zoned property, the side yard requirement shall be increased to twenty-five (25) feet; and provided further, that the side yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet. On corner lots, the minimum side yard depth on the street side shall be fifteen (15) feet.

5. Minimum rear yard depth - none, except where it adjoins residentially zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; and provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
6. Maximum height - one hundred-fifty (150) feet.
7. Maximum lot coverage - not regulated.
8. Exterior storage - Exterior storage by a retail establishment is permitted only for items which by their nature are typically used outdoors in an unprotected environment. To protect the integrity of adjacent properties, the Zoning Administrator may require that exterior storage areas be completely screened from the street and from adjacent properties by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.
9. No bingo parlor, body piercing business, liquor store, pawnshop, title pledge office, secondhand store or tattoo parlor shall be located within two hundred fifty (250) feet of any other such use, or located within five hundred (500) feet of any residentially zoned property, church, school, park, playground or public library.
10. No pawnshop or secondhand store shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
11. The leading edge of canopies shall be a minimum of ten (10) feet from any street right-of-way line.
12. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.
13. Multi-family uses shall be governed by the minimum requirements for the multifamily units as found in R-4 Multifamily Districts as stated in 501(9).
14. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.
15. Use Permits for a Convenience Type Grocery Store with Fast Food shall be issued to either the lessee of the fast food portion of the store or to the owner of the store. The Use Permit will not run with the land and the subsequent owners of a convenience type fast food store at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually with supporting documentation from the MS State Department of Health indicating the status of the food service. The Use Permit will be cancelled upon the cancellation of the food permit from the MS State Department of Health. All outdoor food preparation shall be conducted at the rear of the building. All outdoor cooking apparatuses must be located at the rear of the building and in completely enclosed structures when not in use.
16. No person shall control, operate, conduct or manage any tattoo parlor or body piercing business, without first obtaining approval from the MS State Department of Health in accordance with the regulations governing the registration of individuals performing body piercings and tattooing. Evidence of such approval shall be provided to and kept on file by the City of Jackson Zoning Division.

That Article VII-A, Section 702.01-A of the Zoning Ordinance of Jackson, Mississippi for Commercial Uses Permitted in the Neighborhood Mixed Use District-1 (NMU-1) Pedestrian Oriented is hereby amended to read as follows:

1. Art or photo studio or galleries
2. Offices, up to two-thousand five-hundred (2,500) square feet of floor area
3. Restaurants (Neighborhood) or Restaurants (Neighborhood Shopping Center), including accessory outdoor seating area, provided that the outdoor seating area only operates between 6:00 a.m. and 11:00 p.m.
4. Retail stores, up to three thousand (3,000) square feet of floor area
5. Personal and commercial services, up to three thousand (3,000) square feet of floor area
6. Bars, taverns, cocktail lounges or brewpubs, including accessory outdoor seating area, provided that the outdoor seating area only is operating between 6:00 a.m. and 11:00 p.m.

7. Home occupations, provided that the home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
8. Mobile Food Vendor (In accordance with the City of Jackson Mobile Food Vending Ordinance)
9. **Restaurant, Fast Food**
 - A. The drive-through lane shall not be located in the area between a building and a public street (*See the figure below*).
 - B. The drive-through lane shall be screened from the public street by landscaping or a low decorative wall to a minimum height of 42 inches and a maximum height of 48 inches. If a low screen wall is installed, the construction material shall match the first floor exterior color and materials used on the primary building or provide a comparable level of quality.



10. **Commercial Banks, Savings Institutions and Credit Union including those with drive-through facilities.**

That Article VII-A, Section 702.05-A of the Zoning Ordinance of Jackson, Mississippi for additional regulations in the Neighborhood Mixed Use District Pedestrian Oriented (NMU-1) is hereby amended to read as follows:

1. All buildings shall have the primary entrance visible and accessible from the street
2. Wherever possible, buildings should utilize shared driveways and access roads.
3. No more than one vehicular access point twelve (12) feet or less in width per lot shall be provided from the primary street for single-family and two-family houses.
4. Driveways from the primary street for other than single and two-family homes shall be no more than twenty (20) feet wide, unless the driveway is shared among two separate principal buildings, in which case the width may be increased to the minimum width required by the Site Plan Review Committee.
5. A minimum of seventy-five (75) feet must be provided between each driveway on the same side of the street for all buildings except for residential dwellings.
6. All off-street parking lots shall be located in the rear or side yard of any building for all multifamily and non-residential uses. Side yard parking lots shall account for no more than fifty (50) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three feet in height.
7. In commercial and mixed-use structures, windows, doors, display windows arcades shall comprise 70% of the total area for street-facing facades on the first floor.
8. All new construction in NMU-1 District shall require Site Plan Review as outlined in this Ordinance.
9. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; they do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of the liquor store at this location must apply for and receive a new Use Permit.
10. All off-street parking lots shall adhere to required landscaping buffering, and shall include wrought iron fencing no higher than four (4) feet along the front property line.

11. Automobile parking on surface parking lots located adjacent to non-residential uses shall be located at least five (5) feet from any public street or any adjoining property line. The only access permitted across this setback area shall be sidewalks, bikeways, trails, and drives.
12. Parking garages shall be required to have non-parking commercial uses on the street level except for those parking garages that are completely surrounded by other buildings.
13. Sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing sidewalks or to any proposed developments and is subject to approval by the Site Plan Review Committee.

That Article VII-A, Section 703.05-A of the Zoning Ordinance of Jackson, Mississippi for additional regulations in the Community Mixed Use District Pedestrian Oriented (CMU-1) is hereby amended to read as follows:

1. All buildings shall have the primary entrance visible and accessible from the street.
2. Wherever possible, buildings should utilize shared driveways and access roads.
3. No more than one vehicular access point twelve (12) feet or less in width per lot shall be provided from the primary street for single-family and two-family houses.
4. Driveways from the primary street for other than single and two-family homes shall be no more than twenty (20) feet wide, unless the driveway is shared among two separate principal buildings, in which case the width may be increased to the minimum width required by the Site Plan Review Committee.
5. A minimum of seventy-five (75) feet must be provided between each driveway on the same side of the street for all buildings except for residential dwellings.
6. All off-street parking lots shall be located in the rear or side yard of any building for all multifamily and non-residential uses. Side yard parking lots shall account for no more than fifty (50) percent of required parking and shall be screened from the street by a combination of landscaping and a wall or fence that is a minimum of three feet in height.
7. In commercial and mixed-use structures, windows, doors, display windows arcades shall comprise 70% of the total area for street-facing facades on the first floor.
8. All new construction in CMU-1 District shall require Site Plan Review as outlined in this Ordinance.
9. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; they do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of the liquor store at this location must apply for and receive a new Use Permit.
10. All off-street parking lots shall adhere to required landscaping buffering, and shall include wrought iron fencing no higher than four (4) feet along the front property line.
11. Automobile parking on surface parking lots located adjacent to non-residential uses shall be located at least five (5) feet from any public street or any adjoining property line. The only access permitted across this setback area shall be sidewalks, bikeways, trails, and drives.
12. Parking garages shall be required to have non-parking commercial uses on the street level except for those parking garages that are completely surrounded by other buildings.
13. Sidewalks shall be required for all new development and infill development. Sidewalk width and design shall adhere to existing sidewalks or to any proposed developments and is subject to approval by the Site Plan Review Committee.

That Article VIII, Section 802.01.1of the Zoning Ordinance of Jackson, MS for Uses Permitted in the I-1 (Light) Industrial District is hereby amended to read as follows:

1. Light manufacturing industries
2. Uses as permitted in Commercial "C" Districts, including trade and driving schools but excluding public, private, and parochial, elementary, and secondary schools, hospitals, convalescent homes and all residential uses
3. Truck terminals, warehouses, and storage buildings

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4. Wholesale and supply houses, including building material suppliers requiring outdoor storage
5. Bulk storage and wholesale dispensing of products and materials with the exception of those products and materials that by their nature are considered explosive or otherwise hazardous to other industrial uses as determined by the Zoning Administrator
6. Recycling centers
7. Correctional facilities
8. Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motels, and adult motion picture theaters
9. Amusement parks
10. Bingo parlors
11. Body Piercing Business
12. Emergency shelter/mission
13. Golf driving ranges and pitch-n-putt
14. Liquor Stores
15. Pawn shops
16. Single-room occupancy hotels (SRO)
17. 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."
18. Used tire sales
19. Billboards
20. Bail Bonding business
21. Mobile/Manufactured Home Sales
22. Tattoo Parlors
23. Transient Vendors – Sales from Vehicles will be allowed only in the absence of a permanent building. Outdoor display of good is permitted

That Article VIII, Section 802.01.2. of the Zoning Ordinance of Jackson, MS for regulations in the I-1 (Light) Industrial District is hereby amended to read as follows:

1. Regulations shall be the same as in the C-3 General Commercial District.
2. No person shall control, operate, conduct or manage any tattoo parlor or body piercing business, without first obtaining approval from the MS State Department of Health in accordance with the regulations governing the registration of individuals performing body piercings and tattooing. Evidence of such approval shall be provided to and kept on file by the City of Jackson Zoning Division.
3. No correctional facility, adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater, animal shelters, microbrewery as defined in this Ordinance, shall be located within two hundred fifty (250) feet of any other such use, or located within one thousand (1,000) feet of any residentially zoned property, mixed use zoned property church, school, park, playground, or public library. No separation is required for adult entertainment establishments under a common roof with single proprietorship and a single entrance.
4. No bingo parlor, body piercing business, liquor store, pawnshop, secondhand store, tattoo parlor or transient vendor shall be located within two hundred fifty (250) feet of any other such use, or located within five hundred (500) feet of any residentially zoned property, church, school, park, playground, or public library.
5. No pawnshop or secondhand store shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
6. Outdoor storage shall be at the sides or rear of the site, and shall be totally encircled or screened by a fence, planting, or other suitable visual barrier.

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7. Commercial Communication Towers: See Section 1104-A

Council Member Barrett-Simon moved adoption; **Council Member Stamps** seconded.

Yeas- Barrett-Simon, Priester, Stamps and Yarber.

Nays- None.

Absent- Cooper-Stokes, Tillman and Whitwell.

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

- SE-2457- Geneva Carter- 3211 Jayne Ave.
- SE-2744- Clara Watkins- 3966 Cromwell Street.
- SE-3285- Andres and Mary Tillman- 3809 Britton Ave.

No action required.

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

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

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE- 2746 Ward 5	Diane Robinson	710 Primos Avenue	One-Chair Beauty Salon	04/05/89
SE- 2905 Ward 3	Mary Tillman	3651 Moseley Avenue	Personal Care Home	04/08/92
SE-3048 Ward 4	Deborah Harper	405 Queen Margaret Lane	One-Chair Beauty Salon	04/05/95
SE- 3788 Ward 4	Artemesia Thompson	471 Roland St.	Residential Child Care	11/14/11

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 Barrett-Simon moved adoption; **Council Member Yarber** seconded.

Yeas- Barrett-Simon, Priester, Stamps, and Yarber.

Nays- None.

Absent- Cooper-Stokes, Tillman and Whitwell.

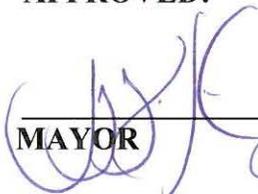
There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to held at 6:00 p.m. on Tuesday, April 22, 2014; and at 3:20 p.m., the Council stood adjourned.

ATTEST:



CITY CLERK

APPROVED:



MAYOR, 5.5.14
DATE
