

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 July 18, 2016, being the third Monday of said month when and where the following things were had and done to wit:

Present: Council Members: Margaret Barrett-Simon, Vice President, Ward 7; Ashby Foote, Ward 1; Melvin Priester, Jr., Ward 2; De'Keither Stamps, Ward 4 and Charles Tillman, Ward 5. Kristi Moore, City Clerk; Angela Harris, Deputy City Clerk; Ester Ainsworth, Zoning Administrator; Biqi Zhao, Deputy Director of Planning; Ramina Aghili, Associate Planner and Azande Williams, Deputy City Attorney.

Absent: Kenneth I. Stokes, Ward 3 and Tyrone Hendrix, President, Ward 6.

The meeting was called to order by **Vice President Margaret Barrett-Simon**.

Vice President Barrett-Simon recognized Zoning Administrator **Ester Ainsworth** who provided the Council with a procedural history of Case No. 3941, 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 Barrett-Simon requested the Clerk read said Order:

ORDER GRANTING SUDHIR BRAMBHATT A USE PERMIT TO ALLOW FOR THE OPERATON OF A LIQUOR STORE WITHIN A C-3 (GENERAL) COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 2088 LAKELAND DR., CASE NO. 3941.

WHEREAS, Sudhir Brambhatt has filed a petition for a Use Permit to allow for a liquor store within a C-3 (General) Commercial District in the City of Jackson, First Judicial District of Hinds County, Mississippi; and

WHEREAS, Jackson City Planning Board, after holding the required public hearing on, June 22, 2016, has recommended approval of the said petition; and

WHEREAS, notice was duly and legally given to property owners and interested citizens that a meeting of the Council would be held at the City Hall at 2:30 p.m., Monday, July 18, 2016 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 June 2, 2016 and June 16, 2016 that a hearing would be held by the Jackson City Planning Board on June 22, 2016, 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 Council, after having considered the matter, is of the opinion that the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity; will not adversely affect vehicular or pedestrian traffic in the vicinity and that a Use Permit to allow for the operation of a liquor store be granted within the existing C-3 (General) 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:

Begin at the southwest corner of lot 14, Lakeland Circle Subdivision, a subdivision located in the North one-half (N1/2) of Lot 5, Section 30, Township 6 North, Range 2 East, City of Jackson, Hinds County, Mississippi, according to a map or plat thereof on file and of record in the office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 29 at Page 9,reference to which is hereby made in aid of and as part of this description, said point being the point of intersection of the North right-of-way line of Mississippi Highway 25 (Lakeland Drive) and the East right-of-way line of Lakeland Circle; run thence South 72 degrees 24 minutes East and along said North right-of-way line of Mississippi Highway 25 (Lakeland Drive) for a distance of 175.00 feet to a point which is 12.29 feet North 72 degrees 24 minutes West of the Southeast corner of said Lot 14;run thence North 17 degrees 36 minutes East for a distance of 89.90 feet to a point on the North line of said Lot 14 and the South line of Lot 13 of said Lakeland Circle Subdivision, continue thence North 17 degrees 36 minutes East for a distance of 79.43 feet to a point on the North line of said Lot 13 and the Southeast right-of-way line of said Lakeland Circle; run thence as follows along said North (and West) line of Lot 13 and the South (and East) right-of-way line of Lakeland Circle; run thence North 88 degrees 47 minutes West for a distance of 28.52 feet to the point of curvature of a curve to the left having a central angle of 29 degrees 57 minutes and a radius of 95.00 feet; run thence Southwesterly and along said curve to the left for an arc distance of 49.66 feet (chord bearing and distance, South 76 degrees 14 Minutes West 49.10 feet) to the point of tangency of said curve; run thence South 61degrees 15 minutes West for a distance of 63.33 feet to the Southwest corner of said Lot 13 and the Northwest corner of said Lot 14; leaving the North (and East) line of said lot 13 run thence as follows along the West line of said Lot 14 and the East right-of-way line of Lakeland Circle; continue thence South 61degrees 15 minutes West for a distance of 79.83 feet to the point of curvature of a curve the left having a central angle of 43 degrees 39 minutes and a radius of 25.00 feet; run thence Southerly and along said curve to the left for an arc distance of 19.05 feet (chord bearing and distance, South 39 degrees 25 minutes West. 18.60 feet) to the point of tangency of said curve; run thence South 17 degrees 36 minutes West for a distance of 14.88 feet to the POINT OF BEGINNING.

The above described parcel of property is part of the Lots 13 and 14, Lakeland Circle Subdivision, and is located in the North one-half (N1/2) of Lot 5,Section 30, Township 8 North, Range 2 East, City of Jackson, Hinds County ,Mississippi, and containing 19,3331square feet, more or less.

be and is hereby modified so as to approve a Use Permit to allow for the operation of a liquor store for property located at 2088 Lakeland Dr. 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.

Vice President Hendrix recognized **John Sullivan**, a representative of the Applicant, who spoke in favor of a Use Permit to allow for a liquor store within a C-3 (General) Commercial District.

There was no opposition from the public.

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

Yeas- Foote, Priester, Stamps and Tillman.

Nays- None.

Abstention- Barrett-Simon.

Absent- Hendrix and Stokes.

Vice President Barrett-Simon recognized Zoning Administrator Ester Ainsworth who provided the Council with a procedural history of Case No. 3943, 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 Barrett-Simon recognized Alberta Collins Brown, Executive Director of Donald's Home, who spoke in favor of a Use Permit to operate a personal care home in a R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

Vice President Barrett-Simon recognized Claude McCants, President of South Jackson Neighborhood Association, who spoke in opposition of a Use Permit to operate a personal care home in a R-1 (Single-family) Residential District housing between seven (7) to twelve (12) residents, excluding staff.

Thereafter, Vice President Barrett-Simon tabled said item until the next Zoning Council meeting to be held on August 15, 2016 at 2:30 p.m. to allow for additional information.

Vice President Barrett-Simon recognized Zoning Administrator Ester Ainsworth who provided the Council with an overview of amendments to the text of the official zoning ordinance of the City of Jackson.

Vice President Barrett-Simon requested that the Clerk read said Order:

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

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

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

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

That Article VII, Section 702.02.2 of the Zoning Ordinance of Jackson, Mississippi for regulations in the C-1 (Restricted) Commercial District is hereby amended to read as follows:

1. Minimum lot area - 5,000 square feet.
2. Minimum lot width - fifty (50) feet.
3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.
4. Minimum side yard width - five (5) feet, except where it adjoins residentially **or a mixed use** zoned property, the side yard requirement shall be increased to twenty-five (25) feet. On a corner lot, the minimum side yard depth on the street side shall be twenty-five (25) feet.
5. Minimum rear yard depth - fifteen (15) feet, except where it adjoins residentially **or a mixed use** zoned property, the rear yard requirement shall be increased to twenty-five (25) feet.

6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - fifty percent (50%), including accessory structure
8. No exterior storage shall be permitted.

That Article VII, Section 702.03.3 of the Zoning Ordinance of Jackson, Mississippi for regulations in the C-1A (Restricted) Commercial District is hereby amended to read as follows:

1. Minimum lot size- 6,000 square feet
2. Minimum lot width- fifty (50) feet.
3. Minimum front yard depth- The minimum front yard setback shall be equal to the median front setback for all the houses on the same block and the same side of the street.
4. Minimum side yard- five (5) feet.
5. Minimum rear yard- fifteen (15) feet except where it adjoins residentially or a mixed use zoned property; the rear yard requirement shall be increased to twenty-five (25) feet. Parking facilities may be located within the rear yard except for the required landscaping buffer between commercial uses and residential uses.
6. Maximum building height- thirty-five (35) feet
7. Commercial dumpsters are prohibited.
8. No parking is permitted in front of the principal building. For detached single-family residential uses, parking on the side of the principal structure shall be permitted only on a surface typically used for vehicle parking. Parking areas for uses other than detached single-family residential shall comply with the City of Jackson's Landscape Ordinance.
9. Residential structures shall not be demolished or relocated unless they constitute a public nuisance, are a threat to the public health and safety, or have met the following conditions:
 - A. The request for demolition or relocation is accompanied with a development proposal for the same parcel. This request is submitted to the Department of Planning and Development for review.
 - B. The development proposal shall be reviewed by a committee including at least the Zoning Administrator, the Historic Preservation Planner and the District Planner for the area, to ensure that the proposed development is consistent with the existing urban form of the rest of the district in regards to building setbacks, orientation, massing, height, and roof shape and pitch.
 - C. The development proposal shall be reviewed and final approval granted by the Site Plan Review Committee.
 - D. Appeals of decisions of either the Department of Planning and Development or the Site Plan Review Committee shall be heard by the Planning Board.

That Article VII, Section 702.04.2 of the Zoning Ordinance of Jackson, Mississippi for regulations in the C-2 (Limited) Commercial District is hereby amended to read as follows:

1. Minimum lot area - not regulated.
2. Minimum lot width - not regulated.
3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.
4. Minimum side yard width - None, except where it adjoins residentially or a mixed use zoned property; the side yard requirement shall be increased to twenty-five (25) feet, provided further, that the side yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet. On a corner lot, the minimum side yard depth on the street side shall be twenty-five (25) feet.
5. Minimum rear yard depth - fifteen (15) feet except where it adjoins residentially or a mixed use zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
6. Maximum height - seventy-five (75) feet.
7. Maximum lot coverage - not regulated.
8. No exterior storage shall be permitted.
9. The leading edge of canopies shall be a minimum of five (5) feet from any street right-of-way line.
10. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.

11. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.
12. No pawnshop, secondhand store or tobacco paraphernalia retail business shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
13. Use Permits for a tobacco paraphernalia retail business shall be issued to the owner of the store. The Use Permit will not run with the land and the subsequent owners of a tobacco paraphernalia retail business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually. Tobacco paraphernalia that is kept, displayed, sold, or delivered, must be stored or kept in a designated part of the business premises that is not open to view or have immediate access from the general public.

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

1. Minimum lot area - none.
2. Minimum lot width - none.
3. Minimum front yard depth - fifteen (15) feet from street right-of-way line.
4. Minimum side yard width - none, except where it adjoins residentially or a mixed use zoned property, the side yard requirement shall be increased to twenty-five (25) feet; and provided further, that the side yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet. On corner lots, the minimum side yard depth on the street side shall be fifteen (15) feet.
5. Minimum rear yard depth - none, except where it adjoins residentially or a mixed use zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; and provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
6. Maximum height - one hundred-fifty (150) feet.
7. Maximum lot coverage - not regulated.
8. Exterior storage - Exterior storage by a retail establishment is permitted only for items which by their nature are typically used outdoors in an unprotected environment. To protect the integrity of adjacent properties, the Zoning Administrator may require that exterior storage areas be completely screened from the street and from adjacent properties by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.
9. No bingo parlor, pawnshop, title pledge office, or secondhand store shall be located within two hundred fifty (250) feet of any other such use, or located within five hundred (500) feet of any residentially or a mixed use zoned property, church, school, park, playground or public library.
10. No pawnshop or secondhand store or tobacco paraphernalia retail business shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
11. The leading edge of canopies shall be a minimum of ten (10) feet from any street right-of-way line.
12. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.
13. Multi-family uses shall be governed by the minimum requirements for the multifamily units as found in R-4 Multifamily Districts as stated in 501(9).
14. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.

15. Use Permits for a Convenience Type Grocery Store with Fast Food shall be issued to either to 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.
17. Use Permits for a tobacco paraphernalia retail business shall be issued to the owner of the store. The Use Permit will not run with the land and the subsequent owners of a tobacco paraphernalia retail business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually. Tobacco paraphernalia that is kept, displayed, sold, or delivered, must be stored or kept in a designated part of the business premises that is not open to view or have immediate access from the general public.
18. Use Permits for automobile sales – used are issued to the owner of the used car business rather than to the owner of the land. The Use Permit will not run with the land and the subsequent owners of an automobile sales – used business at this location must apply for and receive a new Use Permit. The Use Permit shall be renewed annually with supporting documentation from the MS State Tax Commission. The Use Permit will be cancelled upon the cancellation of any of the requirements from the MS State Tax Commission.

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

A. Residential:

1. Single-family attached dwelling
2. Two-family dwellings
3. Multifamily dwellings
4. Dwelling units in mixed-use buildings
5. Accessory dwelling units
6. Bed and breakfast inns (Class A)
7. Group Homes for the handicapped and personal care facilities housing six (6) or fewer residents, excluding staff
8. Residential day care homes
9. Nursing homes
10. Assisted Living Facility

B. Institutional:

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

C. Commercial:

1. Art or photo studio or galleries
2. Offices, up to two-thousand five-hundred (2,500) square feet of floor area
3. Restaurants (Neighborhood) or Restaurants (Neighborhood Shopping Center), including accessory outdoor seating area, provided that the outdoor seating area only operates between 6:00am and 11:00 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 microbreweries, 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 702.02-A of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the NMU-1 Neighborhood Mixed Use District, Pedestrian Oriented as Use Permits is hereby amended to read as follows:

1. Commercial day care centers
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, subject to 702.04-A
5. Liquor stores
6. Surface parking lots, subject to subject to 702.04-A.
7. **Tattoo Parlors**

That Article VII-A, Section 702.05-A of the Zoning Ordinance of Jackson, Mississippi for Additional Regulations in the NMU-1 Neighborhood Mixed Use District, Pedestrian Oriented 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.
14. **No person shall control, operate, conduct or manage any tattoo parlor or body piercing business, without first obtaining approval from the MS State Department of Health in accordance with the regulations governing the registration of individuals performing body piercings and tattooing. Evidence of such approval shall be provided to and kept on file by the City of Jackson Zoning Division.**

That Article VII-A, Section 703.02-A of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the CMU-1 Community Mixed Use District, Pedestrian Oriented as Use Permits is hereby amended to read as follows:

1. Commercial Communication Towers
2. Commercial Day Care 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, subject to 703.05-A
5. Produce Stand
6. Liquor stores
7. **Tattoo Parlors**

That Article VII-A, Section 703.05-A of the Zoning Ordinance of Jackson, Mississippi for Additional Regulations in the CMU-1 Community Mixed Use District, Pedestrian Oriented 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
 14. Sidewalks or to any proposed developments and is subject to approval by the Site Plan Review Committee.
 15. **No person shall control, operate, conduct or manage any tattoo parlor or body piercing business, without first obtaining approval from the MS State Department of Health in accordance with the regulations governing the registration of individuals performing body piercings and tattooing. Evidence of such approval shall be provided to and kept on file by the City of Jackson Zoning Division.**

That Article VII-A, Section 706.05.2-B of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C80-C1 Restricted Commercial Subdistrict, as Use Permits is hereby amended to read as follows:

1. Commercial banks, saving institutions, and credit unions
- ~~2. Adult and child care centers/Commercial.~~
2. Restaurants, Neighborhood

That Article VII-A, Section 706.06.2-B of the Zoning Ordinance of Jackson, Mississippi for Uses Permitted in the C80-C2 Limited Commercial Subdistrict, as Use Permits is hereby amended to read as follows:

- ~~1. Adult and child care centers/Commercial~~
1. Restaurant, Fast-Food
 - A. When the restaurant adjoins residentially zoned property, all exterior lighting shall be directed away from adjacent residential properties;
 - B. The location for the point of taking food orders shall be buffered from and so located so as to minimize the intrusion upon adjacent properties.
2. Veterinarian clinic when no storage pens or runs are located outdoors.
3. Automotive service and repair establishments, but excluding major repair work such as motor overhaul, body and fender repairs, spray painting, tire retreading, or other activities which may generate excessive noise or odors which may be incompatible with the character of the district when:
 - A. Conducted within a completely enclosed building;
 - B. There is no outdoor storage of automobiles, discarded parts, tires or similar materials.
4. Nightclubs and bars, as defined by this Ordinance. No bar selling intoxicating liquor as defined by the Mississippi Code shall be located less than five hundred (500) feet from any church, school, kindergarten or funeral home.
5. Service stations.
6. Car washes.
7. Restaurant, General.
8. Retail Stand
9. Liquor Stores, where part of a neighborhood shopping center.
10. Convenience stores.
- ~~12. Adult and child care centers.~~
11. Mortuaries or funeral homes, provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.

12. Nail salons, hair styling shops or hair salons, beauty parlors and tanning parlors, and massage clinics only when associated with spa salons which offer more generalized services related to skin health, facial aesthetics, and similar related services. None of these uses shall be permitted as stand-alone uses in C80-C2 Limited Commercial subdistrict. These uses shall be inspected twice per year by the City for compliance with this Ordinance and other City codes.
13. Farm stands or farmer's markets as defined by this Ordinance. These are not subject to the provisions of 708.07-A, paragraph F.

That Article VII-A, Section 709.01-F of the Zoning Ordinance of Jackson, Mississippi for the Neighborhood Edge Area in the Traditional Neighborhood Development is hereby amended to read as follows:

The NEA is the least dense portion of a TND District, with larger lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular access to streets is permitted. ~~Only single family residential dwellings are permitted.~~ A neighborhood edge area is appropriate along the perimeter of the neighborhood. A portion of a TND that adjoins existing or platted conventional low density housing must be designed as a Neighborhood Edge Area.

That Article VII-A, Section 711.01 of the Zoning Ordinance of Jackson, Mississippi for the Application and Approval Process in the Traditional Neighborhood Development is hereby amended to read as follows:

Prior to the issuance of any permits for development within a Traditional Neighborhood Development the following steps shall be completed:

711.02 Zoning and Subdivision Review Involvement

A. Overview of Approval Process

Because Traditional Neighborhood Developments are a floating zone and selected by the developer/property owners immediately prior to development or re-development of the site, the procedure involves both a rezoning process and a major subdivision review process. It is the intent of the City that both processes move simultaneously whenever it is practical. The following steps are required:

1. Pre-Application Conference(s)
2. Master Development Plan and Rezoning Application submitted
3. ~~Preliminary Plat Review (Initial Approval of Preliminary Plat by Site Plan Review Committee)~~
3. Planning Board Public Hearing (Recommendation on rezoning and approval of ~~Preliminary Plat~~ Master Development Plan)
4. Revision of Site Plan Review (if needed)
5. City Council Hearing (officially rezone land)
6. Construction Plans Approval (Subdivision Review Engineer)
7. Final Plat Approval and Dedication of Streets (City Council)

B. Specifics of Approval Process

The procedure for the rezoning aspect of a TND is the same as that outlined in Article XVII Rezoning (Map Amendments). The rezoning application must be accompanied by the Master Development Plan and ~~the Preliminary Plat Initial approval by the Site Plan Review Committee~~ verification of the pre-application conference with the Site Plan Review Committee. The specific development requirements and procedures for the subdivision can be found in the Subdivision Ordinance.

That Article XII -A of the Zoning Ordinance of Jackson, Mississippi, for supplementary district regulations is hereby amended to read as follows:

1108.08.1 Bicycle Parking

The purpose of this Section is to support bicycle travel as a mode of transportation that is consistent with and supportive of the local community, and to ensure that secure and convenient accessible bicycle parking is provided in adequate quantity to serve new development and land uses throughout the City.

Sec. 1108.08.1.2 General Provisions

- (a) Bicycle parking requirements shall apply to new developments, building expansions, conversion of off-street parking spaces to bicycle parking spaces or occupancy changes requiring a zoning action where automobile parking is required pursuant to Section 1108-A. The conversion of off street parking spaces shall require at a minimum a preliminary review by the Site Plan Review Committee.**
- (b) All bicycle parking facilities shall be installed in accordance with this Ordinance and City of Jackson Design Guidelines.**
- (c) Bicycle parking shall be visible, well lit, and as convenient to cyclists as auto parking.**
- (d) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.**
- (e) Bicycle parking or a sign leading thereto shall be visible from the main entrance of the structure or facility.**
- (f) Bicycle parking facilities shall be sufficiently secured from theft and damage. They shall be securely anchored to the ground, shall allow the bicycle wheel and frame to be locked to the facility, and shall be in a location with sufficient lighting and visibility.**

Sec. 1108.08.1.3 Location

- 1. Bicycle parking shall be located as close as or closer than the nearest car parking space to the building entrance, other than those spaces for persons with disabilities.
- 2. In the event that compliance may not be feasible because of demonstrable hardship, the Zoning administrator may approve an alternative location. Alternative locations shall be located within a one hundred (100) ft. diameter of the primary building entrance.
- 3. Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the American with Disabilities Act of 1990, as amended.
- 4. Bicycle Racks may be placed in the public right-of-way provided that the building owner obtains a right of way permit from Public Works Department for the installation of racks in the public right-of-way.

Sec. 1108.08.4 Design & Layout

- 1. Bicycle Rack Design - Structures That Require a User-Supplied Locking Device.
 - (a) Each bike rack shall be designed to accommodate two bike parking spaces using the allowed bike rack designs below or approved equivalent.
 - (b) Racks shall be designed to accommodate "U" -shaped locking devices and support the bicycle horizontally in two places.
 - (c) The racks shall be constructed of durable materials to withstand permanent exposure to the elements, such as powder-coated metal or stainless steel.
 - (d) All bicycle parking spaces must be hard-surfaced and dust free and consist of at minimum a compact gravel base.
 - (e) A minimum of four (4) feet from the required rack dimension shall be provided for pedestrian clearance when a rack is placed within a sidewalk or pedestrian right-of-way.

2. **Bicycle Parking Space Size, Access Aisles, and Vertical Clearance - Racks shall provide clearance from other objects by using layout dimensions of at least four (4) feet wide by six (6) feet long as depicted below.**

Sec. 1108.08.5 Existing Structures

Any expansion or change of use proposed for an existing structure where four (4) bicycle spaces or less would be required shall be exempt from providing those spaces unless the expansion or change of use would otherwise be subject to site plan review.

Sec. 1108.08.6 Shared Use of Bicycle Parking Facilities

Required bicycle parking spaces for two (2) or more adjacent uses or structures may be satisfied by the same parking facilities used jointly, provided that such right of shared use and maintenance is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the shared use, and that the facilities are within 200 feet of the building or parcel housing the use.

Sec. 1108.08.7 Bicycle Parking Requirements

<u>TOTAL NUMBER OF AUTOMOBILE SPACES</u>	<u>REQUIRED NUMBER OF BICYCLE PARKING SPAC</u>
<u>1 to 50</u>	<u>4</u>
<u>51 to 100</u>	<u>6</u>
<u>100+</u>	<u>MINIMUM OF 10</u> <u>Ten (10) or more will be determined by sta</u>
<u>Multi-Family</u> <u>(More than 4 dwelling units)</u>	<u>One (1) rack for every 35 required auto spac</u>

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

Yeas- Barrett-Simon, Foote, Priester, Stamps and Tillman.

Nays- None.

Absent- Hendrix and Stokes.

Vice President Barrett-Simon requested the Clerk to read the following:

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

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

<u>CASE NO.</u>	<u>NAME</u>	<u>LOCATION</u>	<u>USE</u>	<u>GRANTED</u>
SE -2482 Ward 3	George Wilkes, Jr.	729 Beaverbrook Dr. Jackson, MS 39206	One Chair Barber	07/16/86
SE -2483 Ward 7	Carl Lackey	1718 Bailey Ave. Jackson, MS 39203	Commercial Parking Lot	07/16/86
SE -3313 Ward 3	Eva Shell	303 Wilshire Dr. Jackson, MS 39211	Day Care Center	07/14/00

REGULAR ZONING MEETING OF THE CITY COUNCIL
MONDAY, JULY 18, 2016, 2:30 P.M.

433

SE -3737 Gary/Marion 4580 Old Canton Rd. Photography Studio 06/21/10
Ward 1 Silber Jackson, MS 39211

Council Member Stamps moved adoption; **Council Member Tillman** seconded.

Yeas- Barrett-Simon, Foote, Priester, Stamps and Tillman.

Nays- None.

Absent- Hendrix and Stokes.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Confirmation Hearing to be held at 3:30 p.m. on Monday, July 25, 2016: at 3:36 p.m., the Council stood adjourned.

ATTEST:

Kristi Moore
CITY CLERK

APPROVED:

[Signature] 7.27.16
MAYOR DATE
