

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 8th DAY OF JUNE, 2017 AT 9:00 A.M. AT THE
MADISON COUNTY COMPLEX BUILDING**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 8th day of June, 2017 at 9:00 a.m. in the Board Room of the Madison County Chancery and Administrative Building.

Present: Walter McKay
 Larry Miller
 Don Drane
 Dr. Bill Howard
 Rev. Henry Brown

Carl Allen, Planning and Zoning Administrator

The meeting was opened with prayer by Commissioner Brown, and those present participated in pledging allegiance to our flag.

There first came on for consideration the minutes of the May 18, 2017 meeting of the Commission. Upon motion by Commissioner Brown to approve the minutes, seconded by Commissioner Miller, with all voting "aye," the motion to approve the May 18, 2017 minutes passed.

There next came on for consideration to open the public hearing for various matters. Upon Motion by Commissioner Howard to open the public hearing, seconded by Commissioner Miller, with all voting "aye," the motion to open the public hearing passed.

There next came on for consideration the petition of GST Capital Partners for a conditional use for a communications tower located on the southeast corner of Hwy 51 N and Hwy 17. The site plan was included with the submissions. Belinda Bodie appeared on behalf of the Petitioner. The purpose of the tower was explained and there were no questions from the Commission nor those in attendance at the hearing. Upon motion by Commissioner McKay to approve the conditional use, seconded by Commissioner Howard, with all voting "aye," the motion to approve the conditional use passed.

There next came on for consideration the petition of MMC Materials, Inc. to rezone 76 acres located on the southeast corner of New Ragsdale Rd. and Nissan Dr. The petition is requesting that the subject property be rezoned from A-1 Agricultural and C-2 Commercial to I-2 Heavy Industrial. James Peden, Esq. appeared on behalf of the Petitioner. He explained that the business is the lead supplier of concrete solutions throughout Mississippi and other neighboring states. They will relocate their existing business to this area. The current owners of the property have agreed to the

filing of this petition. Mr. Peden explained that the area is in the same vicinity as the Nissan plant and that it has become the most industrialized area in the county, demonstrating the change in the character of the area. He referenced the location and that it was by several major highways and roads for access purposes. He also explained that the business currently operates under a permit from the Mississippi Department of Environmental Quality and a similar permit will be obtained for this location. Commissioner McKay inquired regarding the takedown of the old plant and it was explained that it would be refurbished and the land cleared for it to be redeveloped. Upon Motion by Commissioner Howard to approve the rezoning, seconded by Commissioner Miller, with all voting "aye," the motion to approve the rezoning passed.

There next came on for consideration a motion to close the public hearing. A discussion was held amongst the Commission regarding whether the next item on the agenda, a site plan review, should be included in the public hearing. Commissioner Drane made a motion to keep the public hearing open which did not pass for lack of a second. Upon Motion by Commissioner McKay to close the public hearing, seconded by Commissioner Miller, with all voting "aye," the motion to close the public hearing passed.

There next came on for consideration text changes to the zoning ordinance. A copy of the proposed amendments are attached hereto as Exhibit "A." Commissioner McKay explained that these had been discussed earlier this year and some revisions were made to the language. He read through them and a discussion was held amongst the Commissioners regarding the various proposed amendments. Jim Harreld who resides at 492 Stribling Rd. was in attendance and inquired if it was possible to add language about notification by certified mail to nearby property owners. It was discussed that even though it is not required by state law, other jurisdictions do have a provisions in their ordinances requiring such notice for certain petitions. Further discussion ensued regarding the application of such language. It was also discussed that this was a good idea and the Commission would like to see it added to the list of proposed amendments. Upon Motion by Commissioner Drane to approve the proposed amendments to the zoning ordinance language including language regarding certified mail notification to nearby property owners, seconded by Commissioner McKay, with all voting "aye," the motion to approve the proposed amendments to the zoning ordinance language passed.

There next came on for discussion the setting of the July, 2017 meeting/public hearing. The second Thursday in July, being July 13, 2017, was discussed as the best option and agreed to by those present.

With there being no further business, the June 8, 2017 meeting was adjourned.

July 13, 2017
Date

Walter McKay
(Chairman)

PROPOSED CHANGES TO ZONING ORDINANCE

ARTICLE
Or Section

- 201 Page 23, Site Plan Review, correct reference to Sections 2207 through 2210 to : 2607 – 2610.
- 1102 Correct reference from 2504 to 2605 (2504 is sign regulations, not conditional use criteria.)
- 1103.01 Since Sect. 1100 covers development of 2 to 4-family townhouses, the (NOTE) phrase makes no sense, because if townhouses are to be built in a vacant parcel, a zone change would be required if not R-4 already. **Delete the NOTE.**
- 1800 Second paragraph, second sentence : Insert the word “be” so that it reads “..may not be appropriate for ...”
- 1902 Add the following Conditional uses to the list given:
- L. Check cashing Business
 - M. Payday loan Business
 - N. Car title loan Business/Cash for Titles or similar
 - O. Pawn shop
 - P. Tattoo and/or Body Piercing Parlor
 - Q. Vaporizer stores and smoke lounges, or similar businesses where cigarettes/vaporizers are sold or used. Electronic cigarette or electronic vaping device is defined as any electronically, battery or mechanically powered device that uses an atomizer or similar device allowing users to inhale nicotine vapor, or any other vapor, to simulate the smoking of tobacco, cigarette, pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes, electronic pipes, electronic cigars and any other type of electronic nicotine or vapor delivery system or any part thereof.
 - R. Palm Reading or Fortune Telling business
 - S. Sports betting/wagering/gaming establishments or businesses whether operated independently of other business purpose or jointly. This includes the sale of raffle tickets, gaming tickets and lottery chances.
- 2602.01.C Insert the word ‘Planning’ before the word “Commission”.
- 2606.02 Change title of this Para. to : Site Plan or Development Plan Required . (This is required before zoning change.) Two sections referred to are in error, should be changed to 2608 and 2609 respectively, which reference site plans.
- 2606.07 Change to: Three-Fifths Vote of Board of Supervisors Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5)

of the members of the Board of Supervisors who are not otherwise required by law or ethical considerations to recuse themselves.

2606.12 Add new paragraph:

Rezoning with restrictions attached:

If a parcel is approved for rezoning by the Board of Supervisors with certain restrictions or conditions attached as a basis for approval, the approval for the rezoning shall not take effect until said restrictions or conditions have been filed in the Madison County Land Records, and a certified copy of said filing has been provided to the Board of Supervisors by the petitioner, and attached to their minutes. Any such restrictions or conditions shall forever run with and bind the property. Such restrictions shall also be noted upon the site development plan and any subsequent plan for the property, if any.

2608.03 Fourth paragraph references 2207.1 in error, should read 2607.01

2608.06 Section referenced as 2208.07 should be changed to 2608.07

TITLE SHEET Change to add : REVISIONS ADOPTED _____ 2017

ARTICLE XXVII

SECTION 2707 ADOPTION CLAUSE, change to read;

Revisions to the original Ordinance of 2013, Adopted this, the _____ day of _____, 2017 at the regular meeting of the Board of Supervisors of Madison County, Mississippi . Revisions shall be incorporated in a re-print of the 2013 Ordinance at a later date, and titled "REVISED AND ADOPTED _____ 2017"

ATTEST:

President of the Board of Supervisors

Chancery Clerk

I, the under signed, _____, Chancery Clerk of the Madison County, Mississippi, do hereby certify that the above and foregoing is a true copy of Revisions

to an Ordinance adopted by the Board of Supervisors of the Madison County, Mississippi, at its meeting held on the same day as above, and the same appears in the Minute Book 2017.

Given under my hand and official seal, this day the ____ day of _____, 2017

Chancery Clerk
Madison County, Mississippi

(SEAL)