

<u>Member</u>	<u>Term Identifier</u>	<u>Expiration Date</u>
James "Boo" Brock	B	May 31, 2016

SECTION IV: That this Resolution shall take effect and be in full force and effect on and after its adoption,

PASSED AND ADOPTED, at the May 24, 2011, regular meeting of the Board of Mayor and Selectmen of said City by the following vote;

Voting Aye: Tommy McKenzie, Ted Tullos, Michael Cameron, Melvin Joe Johnson
 Voting Nay: None
 Present and Not Voting: None
 Absent and Not Voting: Tammy Witherspoon, Andranette Jordan

ATTEST: 
 Jeannette P. Butler, City Clerk

APPROVED: 
 Whitney Rawlings, Mayor

 On motion by, Melvin Joe Johnson, seconded by Tommy McKenzie Selectmen, with all members present voting aye, the Board adopted a Special Mixed Land Use (SMU) Overlay Zoning District in conformity with the Land Use Regulations Ordinance in the City of McComb City, Mississippi.

ORDINANCE # 4:05/11

ORDINANCE ADOPTING A SPECIAL MIXED LAND USE (SMU) OVERLAY ZONING DISTRICT IN CONFORMITY WITH THE LAND USE REGULATIONS ORDINANCE IN THE CITY OF MCCOMB CITY, MISSISSIPPI

WHEREAS, pursuant to Sections 17-1-3 and 17-1-5, Mississippi Code 1972, the Board of Mayor and Selectmen of the City of McComb City, Mississippi, did pass and adopt the City of McComb City Comprehensive Land Use Regulation Ordinance, #16:11/87, at its Regular Board Meeting on November 10, 1987; and,

WHEREAS, said Ordinance was recodified and did take full force and effect on November 15, 2006; and,

WHEREAS, the zoning of the property owned by Sylvia J. Goldberg, ET AL, is A-1 General Agricultural and does not allow for a variety of residential and commercial uses; and,

WHEREAS, Sylvia J. Goldberg, ET AL, desires to use the property for a variety of residential and commercial uses; and,

WHEREAS, pursuant to Section 3.11. S-0 Special Use Overlay District of the City of McComb City Comprehensive Land Use Regulation Ordinance, the City of McComb City desires to adopt a Special Mixed Land Use (SMU) Overlay Zoning District for the property owned by Sylvia J. Goldberg, ET AL; and,

WHEREAS, the City of McComb Planning Commission voted to recommend the approval of said Special Mixed Land Use (SMU) Overlay Zoning District for the property owned by Sylvia J. Goldberg, ET AL, during their April 18, 2011, regularly scheduled meeting.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Selectmen of the City of McComb City, Mississippi, as follows, to-wit:

SECTION I. That the following Special Mixed Land Use (SMU) Overlay Zoning District be adopted:

SPECIAL MIXED LAND USE (SMU) OVERLAY DISTRICT AND DEVELOPMENT PLAN FOR PROPERTY OWNED BY SYLVIA J. GOLDBERG ET AL

I. Purpose. The purposes of this particular Special Mixed Land Use (SMU) Overlay District and Development Plan are: (1) to provide for a variety of land uses for the property in question that are not adequately addressed under the conditions of the existing underlying zoning district; and (2) to provide a development plan that shall guide the long-term development of the property to the satisfaction of the landowner and the City of McComb.

II. Location. The property in question is described as Pike County, Mississippi, tax parcel #521278. The total acreage of the parcel is 122.11 acres. The parcel is owned by Sylvia J. Goldberg ET AL.

III. Existing Underlying Zoning. The existing underlying zoning district of the parcel is A-1 General Agricultural.

IV. Overlay Zoning. Under the terms of this plan, the property shall have an overlay zoning district that shall be referred to as SMU Special Mixed Land Use. While the base underlying zoning is A-1 General Agricultural, the property shall conform to the requirements set forth under this plan.

V. Environmental Regulations. The developers and/or owners of the property shall adhere to all environmental requirements of the Mississippi Department of Environmental Quality and the United States Environmental Protection Agency.

VI. Definitions. The following definitions shall apply to the SMU overlay zoning district for the aforementioned property.

A. Townhouses: A type of property joined to a similar property on at least one side, and ownership includes the dwelling and the lot underneath; one (1) or more buildings containing three (3) or more single-family units with common walls and having one sewer connection for each unit; a single family attached dwelling unit with common walls; single-family dwelling unit constructed in groups of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides. Typically referred to as row houses.

B. Big-Box Retailer or Big-Box Store (also referred to as a *supercenter*, *superstore*, or *megastore*): A physically large retail establishment, usually part of a chain. The term sometimes also refers, by extension, to the company that operates the store. Examples include, but are not limited to, Wal-Mart, Target, Toys 'R' Us, Menards, Barnes and Noble, or Best Buy. Typical characteristics include the following:

- Large, free-standing, rectangular, generally single-floor structure built on a concrete slab. The flat roof and ceiling trusses are generally made of steel, the walls are concrete block clad in metal or masonry siding.
- Floor space several times greater than traditional retailers in the sector, providing for a large amount of merchandise. Most often, the floor space equals or exceeds 20,000 square feet.

C. Warehouse Club: A retail store, usually selling a wide variety of merchandise, in which customers are required to buy large, wholesale quantities of the store's products, which makes these clubs attractive to both bargain hunters and small business owners. The clubs are able to keep prices low due to the no-frills format of the stores. In addition, customers may be required to pay annual membership fees in order to shop. Examples include, but are not limited to, Costco Wholesale, Sam's Club, and BJ's Wholesale Club.

VII. Overlay District Regulations. The regulations of the SMU overlay district for the aforementioned property shall be as follows:

A. Permitted Uses.

1. Any use permitted in the A-1 General Agricultural district.
2. Any use permitted in the B-PO Business/Professional Office district.
3. Any use permitted in the C-1 Neighborhood Business district.
4. Any use permitted in the C-2 Highway Commercial district.
5. Public and private parks.
6. Church, temple, synagogue, mosque, and worship center.
7. Single-family residential.
8. Condominiums.
9. Townhouses.
10. Clubs, lodges, and fraternal and sororal organizations.

B. Administrative Interpretation.

The Director of the Zoning, Inspections, and Permits Department shall have the authority to make administrative decisions and interpretations in the event there is a question concerning the general intent or meaning of any provision of this text, or interpretation of allowable and new and unclassified uses. Any appeal from a decision of the Director of the Zoning, Inspections, and Permits Department with regard to this plan shall be made to the Planning Commission. Any appeal from a decision of the Planning Commission made with regard to the interpretative authority of the Director of the Zoning, Inspections, and Permits Department regarding this text shall be made to the Board of Mayor and Selectmen. The Board of Mayor and Selectmen shall act as the final deciding authority on all appeals under the terms of this plan.

C. Site and Structure.

1. All residential uses of the property shall conform to the minimum lot area, lot width, and setback requirements of the R-60 One- and Two-Family Residential district.
2. All professional office uses (e.g. accountant, law, architecture, engineering, real estate, insurance, doctor, dentist, chiropractor) shall conform to the minimum lot area, lot width, and setback requirements of the B-PO Business/Professional Office district.
3. All commercial uses deemed by the Director of the Zoning, Inspections, and Permits Department to be the same as or similar in nature to permitted uses in the C-1 Neighborhood Business district shall conform to the minimum lot area, lot width, and setback requirements of the C-1 district.
4. All commercial uses deemed by the Director of the Zoning, Inspections, and Permits Department to be the same as or similar in nature to permitted uses in the C-2 Highway Commercial district shall conform to the minimum lot area, lot width, and setback requirements of the C-2 district.
5. Condominium uses of the property shall conform to Article V. Modifications and Exceptions, Section 5.4. Condominiums of the City's Land Use Regulations Ordinance.

D. Buffer and Landscaping Requirements.

The property shall meet the buffer and the landscaping requirements of the City's Land Use Regulations Ordinance and/or the Landscaping Ordinance.

E. Accessory Structures.

The property shall meet the accessory structure requirements of the City's Land Use Regulations Ordinance.

F. Parking.

The property shall meet the parking requirements of the City's Land Use Regulations Ordinance.

G. Issuance of Permits.

No building, mechanical, or electrical permits shall be issued contrary to the provisions of the City's Land Use Regulations Ordinance and all other ordinances, rules, and regulations of the City. No building permit, certificate of occupancy, or other permit shall be issued unless the building or improvement itself conforms to the requirements of this text, as approved.


VIII. Amendments. Any amendment or change to the terms of this text may be accomplished with the written approval of the developer, the property owner, and the Zoning, Inspections, and Permits Department.

SECTION II. That all Ordinances in conflict or inconsistent with the provision of this Ordinance are hereby repealed.

SECTION III. That this Ordinance shall take effect and be in full force and effect on and after July 1, 2011.

PASSED AND ADOPTED, at the May 24, 2011, regular meeting of the Board of Mayor and Selectmen of said City by the following vote:

Voting Aye: Tommy McKenzie, Ted Tullos, Michael Cameron, Melvin Joe Johnson
Voting Nay: None
Present and Not Voting: None
Absent and Not Voting: Tammy Witherspoon, Andranette Jordan

APPROVED: 
Whitney Rawlings, Mayor

ATTEST: 
Jeannette P. Butler, City Clerk

On motion by Michael Cameron, seconded by Tommy McKenzie, Selectmen, with all members present voting aye, Selectwomen Tammy Witherspoon and Andranette Jordan, absent, not voting; to amend the agenda to discuss one additional item, regarding bid from Miss. Solar, LLC for solar panels for the McComb Sports Park..

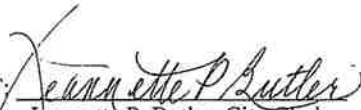
ORDER #94:05/11

ORDER: CONSIDER RECEIVING AND AWARDING BID TO MISSISSIPPI SOLAR , LLC, 211 POPES ROAD, CARTHAGE, MS 39051, FOR SOLAR PANELS FOR THE MCCOMB SPORTS PARK IN THE AMOUNT OF \$53,889.00

On motion by Tommy McKenzie, seconded by Melvin Joe Johnson, Selectmen, with all members present voting aye, Selectwomen Tammy Witherspoon and Andranette Jordan, absent, not voting; the Board adopted an Order to receive and award a bid to Mississippi Solar LLC, 211 Popes Road, Carthage, MS 39051 for solar panels for the McComb Sports Park in the amount of \$53,889.00.

Approved this the 24th day of May, 2011, at the Regular meeting of the Board of Mayor and Selectmen of the City of McComb City, Mississippi.

APPROVED: 
Whitney Rawlings, Mayor

ATTEST: 
Jeannette P. Butler, City Clerk

On motion by Ted Tullos, seconded by Tommy McKenzie, Selectmen, with all members present voting aye, Selectwomen Tammy Witherspoon and Andranette Jordan, absent, not voting; to enter into Executive Session to discuss legal matters.

On motion by Ted Tullos, seconded by Michael Cameron, Selectmen, with all members present voting aye, Selectwomen Tammy Witherspoon and Andranette Jordan, absent, not voting; to remain in Executive Session to discuss legal matters,

On motion by Tommy McKenzie, seconded by Melvin Joe Johnson, Selectmen, with all members present voting aye, Selectwomen Tammy Witherspoon and Andranette Jordan, absent, not voting; to re-enter the regular Meeting.

Announcements:

City Hall will be closed on May 30, 2011 in observance of Memorial Day.
There will be a Memorial Service held at the Pike County Courthouse in Magnolia, MS at 11:00 a.m.

The next Work Session will be held June 7, 2011 at 5:00 p.m. followed by the Regular Board Meeting at 5:30 p.m.