

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RIDGELAND, MISSISSIPPI, AMENDING THE ZONING ORDINANCE OF THE CITY OF RIDGELAND, MISSISSIPPI, TO ESTABLISH THE RENAISSANCE AT COLONY PARK OVERLAY DISTRICT**

**WHEREAS**, Renaissance at Colony Park, LLC, a Mississippi limited liability company (the “Petitioner”), filed a Petition requesting the Mayor and Board of Aldermen to amend the Zoning Ordinance of the City of Ridgeland, Mississippi, to establish a Renaissance at Colony Park Overlay District; and

**WHEREAS**, Section 104 of the Zoning Ordinance of the City of Ridgeland provides for the establishment of overlay districts, several of which currently exist in the City of Ridgeland; and

**WHEREAS**, the Mayor and Board of Aldermen scheduled a hearing on said Petition for the 16th day of January, 2018, at 6:00 o’clock p.m.; and

**WHEREAS**, the City Clerk caused notice of the January 16, 2018, hearing to be published in the Madison County Journal, a newspaper of general circulation published in the City of Ridgeland, Madison County, Mississippi, in the manner and for the time required by law, and the Zoning Administrator did post notice of same upon the affected property in the manner and for the time required by law, as shown on Exhibit “A” attached hereto; and

**WHEREAS**, the Petitioner did provide evidence to the Mayor and Board of Aldermen of the City of Ridgeland that the statutory notice requirements had been met and all requirements under City ordinances had likewise been met; and

**WHEREAS**, at the time, date and place specified in the notice, on January 16, 2018, at its regularly scheduled meeting established in accordance with the law, the Mayor and Board of Aldermen of the City of Ridgeland did recognize and hear the Petitioner in a public hearing, and

at said meeting, the said Mayor and Board of Aldermen received comments and heard evidence presented by the Petitioner and all others who appeared at said meeting/public hearing; and

**WHEREAS**, the Petitioner requested that the Zoning Ordinance of the City of Ridgeland be amended to establish the Renaissance at Colony Park Overlay District, which would permit and authorize new uses, all as set forth in the Petition attached hereto as Exhibit “B”; and

**WHEREAS**, certain residents of the City of Ridgeland requested that certain minor modifications be made in the description of the requested new uses, including (1) amending the words “nail salon” in paragraph 7a of the Petition to read “upscale, high-end, luxurious boutique nail salon”; (2) deleting the sentence “Because Renaissance at Colony Park is located within a Qualified Resort Area, brewpubs may remain open for business until 2:00 a.m.” in paragraph 7c of the Petition; and (3) adding the words “at any time” to paragraph 7g(i) of the Petition;; and

**WHEREAS**, the three said modifications are acceptable to the Petitioner; and

**WHEREAS**, the area of the Renaissance at Colony Park Overlay District will contain 55.0492 acres, more or less, as more fully described in the complete legal description attached to the Petition and as shown on the plat attached to the Petition; and

**WHEREAS**, at its regular public meeting held on January 16, 2018, the Mayor and Board of Aldermen agreed the Petition should be approved, and thereafter voted to recommend that the Petition be approved; and

**WHEREAS**, the Mayor and Board of Aldermen are familiar with the property and existing land uses within the City of Ridgeland and in the area of the City where the property is located, and, in enacting this Ordinance, have duly considered the matters and facts within their personal knowledge as same affect the land uses requested in the Petition filed herein; and

**WHEREAS**, the Mayor and Board of Aldermen hereby finds that it is empowered to grant the request in the Petition, as modified in the manner set forth above, and that the granting of the Petition will not adversely affect the public interest; and

**WHEREAS**, the Mayor and Board of Aldermen determined that certain additional modifications be made in the description of the requested new uses, including limiting the minimum area of the nail salon to 2,500 square feet of premises area, and including limiting the number of off premises consumption only Craft Beer Establishments to one (1) and limiting the number of brewpubs to one (1); and

**WHEREAS**, the matter was presented to the Mayor and Board of Aldermen and, after discussion thereof, Alderman   Heard   offered the following Ordinance and moved that it be adopted, to-wit:

**NOW, THEREFORE**, be it ordained by the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi, as follows, to-wit:

#### **SECTION 1**

That the matters and facts stated in the preamble hereof are found, determined, and adjudicated to be true and correct.

#### **SECTION 2**

That it is hereby found and determined that the conditions precedent to the granting of the request as required by the City of Ridgeland's 2014 Official Zoning Ordinance exist and have been satisfied in regard to the granting of the Petition.

#### **SECTION 3**

That the request meets the threshold standards of the Zoning Ordinance of the City of Ridgeland, and that the request is in accord with all elements of the City's Comprehensive Plan,

that the character of the neighborhood has changed to such an extent as to justify granting the request, and that there is a public need for the new uses.

#### SECTION 4

That the Zoning Ordinance of the City of Ridgeland is hereby amended to establish a Renaissance at Colony Park Overlay District on the said 55.0492-acre tract, in which Overlay District the new uses set forth in the Petition are permitted and authorized. The said new uses are set forth below:

- a. One (1) upscale, high-end, luxurious boutique nail salon (having not less than 2,500 square feet nor more than 4,000 square feet of premises area) as a “primary business” as a Permitted Use without the need for any granting of a Special Exception or Conditional Use by the City.
- b. One (1) off premises consumption only Craft Beer Establishment (not exceeding 2,500 square feet of premises area) as a “primary business” as a Permitted Use without the need for any granting of a Special Exception or Conditional Use by the City. For the purposes hereof, an “off premises consumption only Craft Beer Establishment as a primary business” is an establishment whose primary business is the sale (for off premises consumption only) of beer made in a traditional and/or non-mechanized way by a small brewery. The allowance herein of off premises consumption only Craft Beer Establishments as a primary business is not intended to limit beer sales (Craft or otherwise) in businesses whose “primary business” is not an off premises consumption only Craft Beer Establishment, but are merely businesses that offer beer (Craft or otherwise) but not as their “primary business” (i.e., a retail store or other appropriate and allowable Land Uses permitted in the Renaissance at Colony Park Overlay District). The term “beer” shall have the definition set forth in Section 67-3-5 of the Mississippi Code of 1972, as amended.
- c. One (1) brewpub, being a restaurant preparing and serving meals and selling beverages in which light wine or beer is manufactured or brewed, subject to the following restrictions: (1) the value of the food given to and consumed by customers is equal to or greater than twenty-five percent (25%) or more of total revenue; (2) the light wine or beer manufactured or brewed by the brewpub and sold on the premises of such brewpub is for consumption exclusively on the premises; and (3) the manufacturing or brewing of light wine or beer is subject to the production limitations imposed in Section 67-3-22 of the Mississippi Code of 1972, as amended,

and is subject to any other applicable provisions of Mississippi law. The terms “light wine” and “beer” shall have the definitions set forth in Section 67-3-5 of the Mississippi Code of 1972, as amended.

- d. Banks, branch banks, drive-through ATM's, and other banking facilities.
- e. One (1) laundry and dry cleaning pickup station, with no dry cleaning plant being allowed.
- f. Food product carry-out and delivery stores.
- g. Fast food restaurants with a drive-through and fast casual restaurants with a drive-through, so long as
  - (i) No more than a total of three (3) such restaurants with a drive-through are included in the District at any time;
  - (ii) One (1) of such restaurants with a drive-through specializes in the sale of coffee and related goods and services; and
  - (iii) No more than one (1) of such restaurants with a drive-through may be a fast food restaurant, and any such fast food restaurant must have frontage on the I-55 Frontage Road.

Provided, however, the limitations of sub-paragraphs (i), (ii), and (iii) of this paragraph shall not limit the operation within the District of fast food or fast casual restaurants without a drive-through.

- h. One (1) pharmacy with a drive-through.
- i. Outside activities that are common to regional malls, including, but not limited to, marathons, fun runs, bicycle races, festivals, art shows, holiday themed events, etc.
- j. Fully enclosed sports and recreational facilities, including exercise and work out facilities and similar uses.
- k. One (1) fully-enclosed entertainment facility such as a motion picture theatre, so long as any motion picture theatre
  - (i) is limited to a boutique or luxury movie theatre;

- (ii) serves food and beverages with a menu that includes some or all of the following:  
hors d'oeuvres, appetizers, sandwiches,  
and/or burgers; and
- (iii) does not exceed six (6) screens.

**SECTION 5**

Nothing in this Ordinance shall be construed to affect in any way any appeal currently pending in the Mississippi Supreme Court involving property located on the east side of Highland Colony Parkway south of the Natchez Trace right-of-way.

**SECTION 6**

Solely for purposes of this Ordinance, the neighborhood previously referred to in which change has been found to have occurred does not include any land located south of the Natchez Trace right-of-way.

**SECTION 7**

This ordinance shall be effective thirty (30) days after its passage and after publication of same as required in §21-13-11 Mississippi Code of 1972.

**ORDAINED, ADOPTED AND APPROVED** by the Mayor and Board of Aldermen of the City of Ridgeland, Madison County, Mississippi, at a regular meeting thereof held on the 16th day of January, 2018.

The motion for adoption was seconded by Alderman Lee, and the foregoing Ordinance having been first reduced to writing, was submitted to the Board of Aldermen for passage or rejection on roll call vote with the following results:

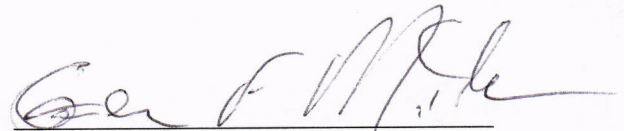
Alderman Ken Heard (Ward 1) voted: Aye

Alderman Chuck Gautier (Ward 2) voted: Aye

Alderman Kevin Holder (Ward 3) voted: Aye  
Aldermen Brian Ramsey (Ward 4) voted: Aye  
Alderman Bill Lee (Ward 5) voted: Aye  
Alderman Wesley Hamlin (Ward 6) voted: Aye  
Aldermen D. I. Smith (At Large) voted: Aye

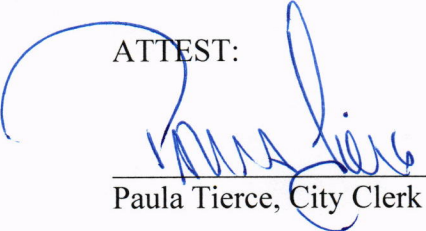
**WHEREUPON**, the Mayor declared the Motion had carried and that the Ordinance was adopted.

The foregoing Ordinance is approved, this the 16th day of January, 2018.



Gene F. McGee, Mayor of the  
City of Ridgeland, Mississippi

ATTEST:

  
Paula Tierce, City Clerk