

ORDINANCE NO. 2022-09

ORDINANCE AMENDING ART. III and ART. XXII, SECTION 2202, OF THE ZONING ORDINANCE OF THE CITY OF GLUCKSTADT, MISSISSIPPI

WHEREAS, the Gluckstadt Mayor and Board of Aldermen previously adopted a new zoning ordinance on December 16, 2021, in conformance with the statutory requirements; and

WHEREAS, having put said newly adopted zoning ordinance to use reveals the necessity to modify the language thereof in order to bring about more coordinated and uniform development within the City with regard to liquor stores; and

WHEREAS, notice of the public hearing to be held before the Mayor and Board of Aldermen on Aug. 9, 2022, at 6:00 o'clock p.m. was given by publication in the Madison County Journal on July 21, 2022, related to the proposed consideration of this ordinance; and

WHEREAS, during said public hearing, the Mayor and Board of Aldermen heard comments from the public and having fully considered said comments hereby adopts the proposed zoning text amendments; and

WHEREAS, the Mayor and Board of Aldermen find that said amendments will protect the health, safety, and welfare of the citizenry and will promote and protect property values and the tax base and for other reasons that such amendments are reasonable and necessary; and

WHEREAS, the having considered all the facts and after further discussion thereon finds the proposed text amendments to be appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF GLUCKSTADT, MISSISSIPPI:

Section One

The City of Gluckstadt finds that the matters set out in the preamble of this Ordinance are true and correct and that Miss. Code Ann. § 17-1-1, et seq., empowers municipalities to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes, with such regulations to be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout such municipality. The City further recognizes that local ordinances which do not conflict with the Tax Commission's jurisdiction may be enforced and that the Alcoholic Beverage Control Division ("ABC") of the Mississippi Department of Revenue can and does take into account zoning

ordinances of municipalities when determining whether permits should be issued by the ABC, based in part on Section 67-1-51(2) of the Mississippi Code of 1972, as amended.

Section Two

The Zoning Ordinance of the City of Gluckstadt, Mississippi, is hereby amended as follows:

1. “ARTICLE III: INTERPRETATIONS AND DEFINITIONS” is amended to revise the previous definition of “liquor store” to read as follows:

Liquor Store or package store: Any retailer or store which sells, distributes, or offers for sale or distribution any alcoholic beverage, as defined in Section 67-1-5 of the Mississippi Code, for use or consumption by the purchaser and not for resale.

2. “ARTICLE XXII: HIGHWAY COMMERCIAL DISTRICT (C-2)” is amended to read as follows:

A new paragraph to “SECTION 2202 – CONDITIONAL USES AND STRUCTURES” shall be added as follows:

- S. Liquor Stores. (NOTE: The granting of this Conditional Use shall be provided the minimum distance between liquor stores shall be 4,000 feet; no liquor store shall be permitted within 4,000 feet of another liquor store already in operation. Any conditional use approval for a liquor store shall terminate unless the applicant has obtained a building permit within 180 days of the issuance of any building permit. If any such store is discontinued or abandoned for 180 consecutive days or for 18 months during any three-year period, the conditional use permit shall be revoked without further action by the City of Gluckstadt. The hours of operation for liquor stores Monday through Saturday will not exceed 10 a.m. until 10 p.m.)

Section Three

This Ordinance shall be effective one (1) month from and after the date of its adoption and following newspaper publication as provided by Miss. Code Ann. § 21-13-11 (Rev. 2015).


The motion for adoption was made by Alderman Williams, was seconded by Alderman Bates, 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:

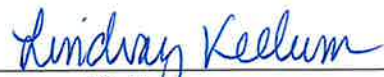
Alderman Bates voted:	Aye/ Nay
Alderman Powell voted:	Aye/ Nay
Alderman Slay voted:	Aye/ Nay
Alderman Taylor voted:	Aye/ Nay
Alderman Williams voted:	Aye/ Nay

WHEREUPON, the Mayor declared the Motion had carried and that the Ordinance was adopted. 3-2

SO ORDAINED, ADOPTED, AND APPROVED by the Mayor and Board of Alderman of the City of Gluckstadt, Madison County, Mississippi at its regular meeting held on the 9 day of August, 2022.


Walter C. Morrison, Mayor of the
City of Gluckstadt, Mississippi

ATTEST:


Lindsay Kellum, City Clerk



I, Lindsay Kellum, City Clerk and official custodian of the records of the Mayor and Board of Alderman of the City of GLUCKSTADT, do hereby certify that the foregoing Ordinance was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book No. _____, at Page No. _____.