

Ordinance No. 2022-14

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF GLUCKSTADT, MADISON COUNTY, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE AND MAP OF THE CITY OF GLUCKSTADT, MISSISSIPPI TO REZONE REAL PROPERTY LOCATED AT 1011 GLUCKSTADT ROAD, IN THE CITY OF GLUCKSTADT, MADISON COUNTY, MISSISSIPPI, BY CHANGING THE USE DISTRICT CLASSIFICATION FROM (R-2) TO (C-1A)

WHEREAS, John J. Herring (the "Applicant") did file an Application to rezone certain property described herein from its present (R-2) Classification to (C-1) Classification (the "Application"); and,

WHEREAS, the Mayor and Board of Aldermen referred the Application to the Planning and Zoning Commission of the City of Gluckstadt, which Commission scheduled a hearing on said Application for October 25, 2022, at 6:00 o'clock p.m.; and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Gluckstadt were accomplished – the City Clerk did cause notice of the October 25, 2022, hearing to be published in the Madison County Journal, a newspaper of general circulation in the City of Gluckstadt, 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 Section 811.02 of the Zoning Ordinance of the City of Gluckstadt and by law; and,

WHEREAS, the Applicant did provide evidence that Applicant had mailed notice of the hearing to adjacent property owners within 160 feet of the subject property; and,

WHEREAS, the Planning and Zoning Commission did conduct a full and complete hearing on the Application at the October 25, 2022 meeting, and at said hearing the said Planning and Zoning Commission received comments and heard evidence presented by the Applicant and all others who appeared at said hearing and thereafter recommended that the Application be granted

subject to the Applicant modifying the Application to request the rezoning to C-1A; and,

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

WHEREAS, the matter was presented to the Mayor and Board of Aldermen along with the recommendation of the Planning and Zoning Commission, and after discussion thereof, Alderman Power 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 Gluckstadt, Madison County, 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 an Application to amend the City of Gluckstadt Official Zoning Map as required by Section 806 et seq. of the City of Gluckstadt Zoning Ordinance of December 16, 2021, exist and have been satisfied in regard to the granting of the Application, and specifically, the Mayor and Board of Aldermen do hereby find and determine that the character of the neighborhood where the property is located has changed to such an extent as to justify the reclassification of the property, and that there is a public need for the rezoning and the land use requested in the Application.

SECTION 3. That the Use District Classification of the following described property be, and same is hereby changed from its present (R-2) Classification to (C-1A) Classification as to the following described property (the "property"), to-wit:

A certain lot or parcel of land measuring 150.0 feet on each of four (4) sides, located in the northernmost part of the E ½ of E ½ of W ½ of Section 29, Township 8 North, Range 2 East, Madison County, Mississippi and fronting on the South right-of-way line of a paved county public road, known locally as the Gluckstadt Road (formerly known as the Mannsdale Road), as said road is presently located, being more particularly described as follows:

From the point of intersection of the east line of Section 29, Township 8 North, Range 2 East, Madison County, Mississippi and the south right-of-way line of the paved county public road known locally as the Gluckstadt Road (said right-of-way line is located a distance of 25 feet south of and runs parallel to, the centerline of said Gluckstadt Road as it presently exists); run thence westerly along the south right-of-way line of Gluckstadt Road a distance of 2,829.0 feet, more or less, to an iron stake which is the point of beginning and marks the northeast corner of the lot herein described; turn thence through an angle of 90 degrees 14 minutes left, and run southerly a distance of 150 feet to an iron stake which marks the southeast corner of said lot; turn thence through an angle of 90 degrees 14 minutes right, and run westerly and parallel to the south right-of-way line of Gluckstadt Road a distance of 150 feet to an iron stake which marks the southwest corner of said lot; turn thence through an angle of 89 degrees 46 minutes right, and run thence northerly a distance of 150 feet to an iron stake set on the south right-of-way line of Gluckstadt Road, and marking the northwest corner of said lot; turn thence through an angle of 90 degrees 14 minutes right and run easterly along the south right-of-way line of Gluckstadt Road a distance of 150 feet to the point of beginning; located in the NE ¼ of NE ¼ of NW ¼ of NW ¼ of Section 29, Township 8 North, Range 2 East, Madison County, Mississippi; and being the same property as was conveyed to Beulah H. Batterman by Warranty Deed executed by Leo H. Aulenbrock and Lenora M. Aulenbrock by deed dated January 20, 1970 and recorded in Book 117 at page 624, whether herein property described or not.

SECTION 4. That the City of Gluckstadt Zoning Ordinance of December 16, 2021, and the Official Zoning Map be, and same are hereby amended to effectuate this change in zoning classification.

SECTION 5. 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 Gluckstadt, Madison County, Mississippi at a regular meeting thereof held on the 8 day of

November, 2022.

The motion for adoption was seconded by Alderman Slay, 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.

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 8 day of November, 2022.

CITY OF GLUCKSTADT, MISSISSIPPI

BY: Walter Morrison
WALTER C. MORRISON, IV, MAYOR

ATTEST:

BY: Lindsay Kellum
LINDSAY KELLUM, CITY CLERK

