



## STAFF REPORT

CASE # 22-005

**Subject Matter:** Amendments to the Official Zoning Ordinance

**Planning Commission:** March 28, 2022

**Board of Aldermen**  
**Public Hearing:** May 2, 2022

**Description:**

**Consideration of Amendments to the Official Zoning Ordinance:** Community Development staff is recommending several amendments to the Official Zoning Ordinance, adopted on March 21, 2016, as amended (amendments last incorporated on December 20, 2021) as listed below:

TABLE 4.1 TABLE OF USES

Add "Liquor Store, Package Store" to Use Table. Add "C" to CC.

4.4.9.16 Liquor Store, package store

- i. Definition: A store exclusively for the retail sale of sealed and unopened alcoholic beverages as permitted pursuant to Miss. Code Ann. Section 67-1-51.
- ii. Districts Permitted: Conditional Use in CC
- iii. Parking: One space per 200 square feet of floor area
- iv. Loading: One loading space for 10,000 square feet of floor area.
- v. Additional Standards:

- A liquor store shall have a minimum of 1,800 square feet heated and cooled area.
- Any conditional use approval where the applicant proposes to occupy an existing building shall be contingent upon the removal, prior to occupancy, of all trademarks to include any logo, symbol, phrase, word, name, or design and all trade dress including all elements used to promote a specific service or product, including but not limited to architectural features, associated and/or uniquely identifiable with a national or regional franchise or brand such that the location of the liquor store does not recollect, remind or otherwise invoke consideration by reasonable observation that the building and/or premises was previously occupied and/or otherwise used for any commercial purposes by a prior national or regional retailer, manufacturer or other occupant.
- Any conditional use approval for a liquor store shall terminate unless the applicant has obtained a building permit within 180 days of such conditional use approval. Work must begin 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.

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Date Received: N/A  
Subject Property: Amendments to Official Zoning Ordinance  
Applicant: City of Brandon

- All liquor stores shall be subject to all other applicable provisions of Chapter 6 Alcoholic Beverages of the Brandon Code of Ordinances.

4.4.9.~~16~~ 17 Motor vehicle service, minor  
4.4.9.~~17~~ 18 Movie theater  
4.4.9.~~18~~ 19 Pawn shop  
4.4.9.~~19~~ 20 Personal services  
4.4.9.~~20~~ 21 Psychic, Palm Reader, Fortune Teller, or Similar Use  
4.4.9.~~21~~ 22 Restaurant with drive through  
4.4.9.~~22~~ 23 Restaurant without drive through  
4.4.9.~~23~~ 24 Retail stores  
4.4.9.~~24~~ 25 Studios for work and/or teaching  
4.4.9.~~25~~ 26 Tattoo parlor  
4.4.9.~~26~~ 27 Tobacco and/or Beer Retailer  
4.4.9.~~27~~ 28 Truck Stop

**Planning Commission Recommendation:**

Case Number 22-005: Consideration of amendments to Section 4.1 Table of Uses and Section 4.4.9 Retail and Personal Service Uses of the Official Zoning Ordinance of the City of Brandon. Jim Brooks made a motion to recommend approval of the zoning ordinance amendments pursuant to the staff report. The motion was seconded by TL Chandler and carried by a vote of 4/0. *See attached "Planning Commission Minutes – March 28, 2022"*

**Notice Filed in Paper:** April 13, 2022

**Report Prepared By:** Matthew Dodd, Community Development Director

**Exhibits:**

Chapter 6 Alcoholic Beverages Ordinance Amendment - DRAFT  
Planning Commission Minutes – March 28, 2022  
Proof of Publication

ORDINANCE OF THE CITY OF BRANDON AMENDING CHAPTER 6, AMENDING SECTIONS 6-2, 6-11, 6-12, AND 6-17 OF THE CODE OF ORDINANCES OF THE CITY OF BRANDON, MISSISSIPPI AND ADDING SECTION 6-10.2 TO THE CODE OF ORDINANCES OF THE CITY OF BRANDON

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF BRANDON, MISSISSIPPI, that Chapter 6, Sections 6-2, 6-11, 6-12, and 6-17 of the Code of Ordinances of the City of Brandon, Mississippi are amended, and Section 6-10.2 is added to the Code of Ordinances of the City of Brandon, Mississippi, as follows<sup>1</sup>, to-wit:

Section 1. Section 6-2 of the Code of Ordinances is amended to include the definition of package Store/liquor Store as follows:

Package Store / Liquor Store means a store owned and/or operated by a person issued a permit by the Mississippi Department of Revenue - Alcohol Beverage Control authorizing the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold, pursuant to MCA Section 67-1-51(1)(b).

Section 2. Section 6-10.2 is added to the Code of Ordinances as follows:

**Sec. 6-10.2 Package Stores.**

Package Stores shall be permitted to sell alcoholic beverages in the city in accordance with the provisions of state law regarding the sale and/or furnishing of alcoholic beverages by package retailer permittees including but not limited to MCA 1972, § 67-1-51(1)(b) (as amended) and all regulations of the Mississippi Department of Revenue, including but not limited to Title 35, Part II, Alcohol Beverage Control. In addition to applicable state law, regulations, and rules with respect to the sale of alcoholic beverages by a package retailer permittee, the following restrictions shall apply:

1. Package Stores may use generic terms, such as “Liquor” or “Spirits” in their name; however, such may only consist of a part of any such name and shall not dominate the name and if used, must be incorporated into a comprehensive design and trade concept and trade dress for the store. Slang terms including but not limited to “Booze”, “Firewater”, “Hooch”, “Sauce”, “Juice”, “Poison”, or “Liquid Courage” or variations thereof, shall not be used in any aspect of the name of any such store. No names, logos or signage for any Package Store shall include any a word or phrase usually considered risque’ or indecent or which is open to two interpretations, one of which is usually risqué or indecent. All names, logos, trade dress, and signage for each such store shall be subject to architectural and site-plan review and approval by the city.

2. Package Stores shall only be permitted as a conditional use in the City in the CC (Community Center) zoning district, subject to the conditional use provisions specific to Package Stores and as generally provided in the City’s Zoning Ordinance and such other restrictions and

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<sup>1</sup> Added language is underlined. Deleted language is stricken-through.

requirements as otherwise provided herein, and such other ordinances of the city and applicable state laws and regulations.

3. All exterior aspects of any Package Store and the premises thereof, including signage, shall be subject to site plan and architectural control review.

4. It shall be unlawful for any holder of a Package Retailer's Permit or any employee or agent thereof to sell, give away, deliver or barter any alcoholic beverage before 10:00 a.m. and after 8:00 p.m., or on any Sunday, or on Christmas Day.

Section 3. Section 6-11 of the Code of Ordinances is amended as follows:

**Sec. 6-11. Outdoor advertising.**

Except for off-premise commercial outdoor advertising, it shall be unlawful for any person licensed to sell beer, light wine or alcoholic beverages to advertise the sale of beer, light wine or other alcoholic beverages by the use of any type of sign located outside the building or by the use of any type of sign located within such building which is visible from the outside. Nothing herein shall apply to approved sponsorship advertising within the Brandon Amphitheater.

Section 4. Section 6-12 of the Code of Ordinances is amended as follows:

**Sec. 6-12. Zoning classifications.**

The sale of beer, light wine or other alcoholic beverages shall be permitted only on property zoned for a use specifically allowing the conduct of such activity as a permitted or conditional use as applicable.

Section 5. Section 6-17 (3) and (6) of the Code of Ordinances is amended as follows:

**Sec. 6-17. Location restrictions.**

A. Locations restriction re: sale of beer and/or light wine.

In addition to the information required in the application for a license under this chapter, the application shall give the location of the proposed site for such sale of beer and/or light wine, and the mayor and board of aldermen reserve the right to determine whether or not such business shall be permitted to conduct the sale of beer and/or light wine at such location. No permit shall be granted to any person where it is apparent that the same shall be conducted in such close proximity to any church sanctuary, school main entrance, funeral home, or kindergarten as might prove harmful to the general welfare, health, and morals of the community. Under no circumstances shall such business be located closer to any church, school, funeral home, kindergarten, or child day care center than 500 feet measured from the front door of such business along the centerline of the street to the front door of any such church, sanctuary, school, main entrance, funeral home, kindergarten or child day care. The restriction as to the location of such business which has already been licensed under the terms of this chapter prior to the construction or operation of any church, school, funeral home, or kindergarten, shall not apply.

B. Location restrictions re: sale of alcoholic beverages.

With respect to the selling, giving and/or dispensing of alcoholic beverages as authorized in this chapter:

- (1) No person shall sell or offer for sale any alcoholic beverages within 400 feet of any church, school, kindergarten, or funeral home, provided, however, within an area in which both the premises and the church, school, kindergarten, or funeral home are zoned commercial or industrial such minimum distance shall not be less than 100 feet.
- (2) In instances in which a church, school, kindergarten or funeral home is located in a residential district and the place of sale of any alcoholic beverages shall be located in an adjacent commercial or industrial district, such minimum distance between the place of sale of the aforesaid alcoholic beverages and the church, school, kindergarten or funeral home shall be 400 feet.
- (3) The minimum distances, as provided in MCA 1972, § 67-1-51(3), shall be measured from the nearest point of the building housing the church, school, kindergarten or funeral home to the nearest point of the premises which consist of the floor planned area to be licensed. This distance shall be measured in a straight line, such as air line distance, rather than the usual route of pedestrian travel. Except for Package Stores, the distance restrictions imposed in this section shall not apply to the sale of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places ~~or to the sale of alcoholic beverages in a historic district that is listed in the National Register of Historic Places.~~
- (4) If a church, school, kindergarten or funeral home moves to a location within the stated distance requirements, any permit issued to a business prior to the move will remain lawful unless the location ceases operations for six months. Transfer of a permit is not considered ceasing operations.
- (5) A church or funeral home may waive the distance restrictions in favor of allowing the issuance of a permit authorizing the sale of alcoholic beverages that would otherwise be prohibited under the minimum distance requirements. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver. The waiver shall be filed with and verified by the city and the Department of Revenue before becoming effective.
- (6) The requirements in this sub-part B are intended to be consistent with state law and all regulations of the Mississippi Department of Revenue, including but not limited to Title 35, Part II, Alcohol Beverage Control, and where inconsistent, or where applicable state law and/or such applicable regulations are amended, the provisions in this sub-part B be conformed accordingly.

C. Locations restrictions re: on-premise sale of beer and/or light wine and alcoholic beverages.

- (61) To the extent the location of the establishment qualifies for the on-premise sale of beer and/or light wine and alcoholic beverages under this chapter, the location restrictions for the selling, dispensing and/or giving of beer and/or light wine provided in sub-part A, shall be the same as the restrictions for the sale of alcoholic beverages as provided in sub-part B.

Section 6. This Ordinance shall be in force and effect 30 days after its adoption. All Ordinances in conflict herewith are repealed.

Section 7. This Ordinance having been reduced to writing and no request for the same to be read by the Clerk having been made, the same was introduced by Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_ and was adopted by the following vote, to wit:

Sharon Womack, Alderman at Large \_\_\_\_\_  
Jarrad Craine, Alderman Ward 1 \_\_\_\_\_  
Cris Vinson, Alderman Ward 2 \_\_\_\_\_  
Harry Williams, Alderman Ward 3 \_\_\_\_\_  
Lu Coker, Alderman Ward 4 \_\_\_\_\_  
Dwight Middleton, Alderman Ward 5 \_\_\_\_\_  
Tahya Dobbs, Alderman Ward 6 \_\_\_\_\_

The Mayor thereby declared the Motion carried and the Ordinance adopted and approved on this the 2nd day of May 2022.

\_\_\_\_\_  
BUTCH LEE, MAYOR

ATTEST:

\_\_\_\_\_  
ANGELA BEAN, CITY CLERK

**MINUTES  
REGULAR PLANNING COMMISSION MEETING  
CITY OF BRANDON, MISSISSIPPI**

March 28, 2022  
6:00 p.m.

A Regular Meeting of the Planning Commission of the City of Brandon was held at 6 o'clock on the evening of March 28, 2022, in the Brandon Municipal Complex Board Room, located at 1000 Municipal Drive in Brandon, Mississippi.

The meeting was led by Ronnie Adcock. Members present included Ronnie Adcock, TL Chandler, Suzanne Ross, and Jim Broocks. Others present included Matthew Dodd and Randy Barnes representing the Community Development Department; Mr. Eddie Harris, applicant; and Mrs. Ida Adam, applicant.

Ronnie Adcock called the meeting to order at 6:06 p.m. Jim Broocks led the invocation and Ronnie Adcock led the pledge.

**(1)**

**Consideration of minutes of the Regular Planning Commission Meeting of February 28, 2022, attached hereto.** TL Chandler made a motion to approve the minutes. The motion was seconded by Jim Broocks and carried by a vote of 4/0.

Ronnie Adcock	AYE
TL Chandler	AYE
Suzanne Ross	AYE
David Stevens	ABSENT
Jim Broocks	AYE

**(2)**

**Case Number 22-011: Consideration of a Conditional Use application request for Ida Adams for 6418 Brock Circle for a mobile home (Parcel #H9N-10).** Suzanne Ross made a motion to recommend approval of the conditional use request pursuant to the staff report. The motion was seconded by Jim Broocks and carried by a vote of 4/0.

Ronnie Adcock	AYE
TL Chandler	AYE
Suzanne Ross	AYE
David Stevens	ABSENT
Jim Broocks	AYE

**(3)**

**Case Number 22-012: Consideration of a Conditional Use application request for Eddie Harris for 226 Appleridge Road for a mobile home (Parcel #H8D-55).** TL Chandler made a motion to recommend approval of the conditional use request pursuant to the staff report. The motion was seconded by Jim Broocks and carried by a vote of 4/0.

Ronnie Adcock	AYE
TL Chandler	AYE
Suzanne Ross	AYE
David Stevens	ABSENT
Jim Broocks	AYE

**(4)**

**Case Number 22-005: Consideration of amendments to Section 4.1 Table of Uses and Section 4.4.9 Retail and Personal Service Uses of the Official Zoning Ordinance of the City of Brandon.** Jim Broocks made a motion to recommend approval of the zoning ordinance amendments pursuant to the staff report. The motion was seconded by TL Chandler and carried by a vote of 4/0.

Ronnie Adcock	AYE
TL Chandler	AYE
Suzanne Ross	AYE
David Stevens	ABSENT
Jim Broocks	AYE

**TL Chandler made a motion to adjourn until Monday, April 25, 2022 at 6 o'clock pm, seconded by Suzanne Ross. The meeting was adjourned by a vote of 4/0.**