

ORDINANCE NO. 525

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 344, AS AMENDED, ENTITLED “THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI” AMENDING THE ZONING MAP INCORPORATED IN SAID ORDINANCE TO CHANGE THE CLASSIFICATION OF CERTAIN PROPERTY HAVING AN ADDRESS AT 19185 COMMISSION ROAD, LONG BEACH, MISSISSIPPI, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-3 (NEIGHBORHOOD COMMERCIAL), AND FOR RELATED PURPOSES.

WHEREAS, application was filed with the Planning Commission of the City of Long Beach, Mississippi, for the change in the zoning classification from R-1 (single family residential) to C-3 (Neighborhood Commercial) by the owner of certain property located at 19185 Commission Road, City of Long Beach, First Judicial District of Harrison County, Mississippi, and generally described as being south of and adjacent to Commission Road and west of Royal Drive, and being more particularly described as follows:

Commencing at the NW corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, Township 8 South, Range 12 West, Harrison County, Mississippi, and run N 89 degrees 30 minutes E along the North Line of said Section 11 a distance of 400.0 feet; thence run South 16.3 feet to the South margin of Commission Road; thence run N 89 degrees 49 minutes E along said South margin 144.9 feet; thence run N 89 degrees 38 minutes E along said South margin 150.0 feet to the Point of Beginning. Thence Continue N 89 degrees 38 minutes E along South margin 101.77 feet to the West margin of Royal Drive; thence run South along said West margin 110.66 feet; thence run West 101.77 feet; thence run North to the Point of Beginning.

and hereinafter referred to as the “Subject Property”; and

WHEREAS, the Long Beach Planning Commission reviewed said application and, after issuing notice of Public Hearing as required by the Long Beach Zoning Ordinance, did conduct a public hearing on said application on April 27, 2006 at 7:00 p.m. and upon conclusion of said public hearing did recommend approval of the application by the Mayor and Board of Aldermen as reflected in the official minutes of the April 27, 2006, meeting of the Long Beach Planning Commission; and

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare as follows, to-wit:

a. That pursuant to legal notice published and given for the time and in the manner provided by law, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, did meet at 5:30 p.m. on Tuesday, June 20, 2006 at the Long Beach School District Central Office in said City, the

time, place and date fixed in said legal notice, and did conduct a public hearing at which hearing all parties interested in or opposed to the proposed zoning classification amendment changing the zoning classification of the aforesaid Subject Property, were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed change, which proposed change was then and there on file and had been on file during the period of said notice in the office of the City Clerk at the City Hall in said City, available for public inspection and examination by any and all parties interested in or opposed to the proposed change, al as more particularly hereinafter set forth in this ordinance.

b. That, as a result of the aforesaid public hearing and after consideration by the Mayor and Board of Aldermen of the testimony and evidence presented and their own knowledge and familiarity with the City, the Mayor and Board of Aldermen did then find, and do now find, determine adjudicate and declare as follows:

c. That the clear and convincing evidence establishes, based upon the examination of the municipal zoning map, the character of the surrounding neighborhood, and the minutes of the Long Beach Planning Commission that:

- 1) That Applicant and his predecessors in title, constructed a commercial building on the subject property in approximately 1980, and commenced operation of the Orkin pest control business, where such business has been in continuous operation since approximately 1980, and at which business 19 persons are presently employed;
- 2) That Ordinance No. 344, the Zoning Ordinance of the City of Long Beach, Mississippi, was adopted in 1983.
- 3) That Ordinance No. 344 was amended, reflects an R-1 zoning classification in spite of the above referenced continuous commercial use;
- 4) That since 1983 or 1984, the City has received the benefit of assessment of the subject property and improvements thereon as commercial property continuously;
- 5) Such R-1 classification of the subject property appears to be the result of a clerical mistake and, in any event, is erroneous in view of the use of and improvements situated on the subject property since approximately 1980;
- 6) That adjacent property is, and has been for many years, the site of a convenience

store; and

7) That the best use for the subject property is commercial and the zoning classification of same should be changed from R-1 (single family residential) to C-3 (Neighborhood Commercial)

d. That the clear and convincing evidence establishes the public need for the said amendment changing the zoning classification of that part of the subject property from R-1 to C-3.

e. That the uses within the subject property will not be detrimental to the present and potential surrounding uses, but will benefit same in completion of development in accordance with the aforesaid development plan heretofore approved by the Governing Authority;

f. The proposed change is in conformance with the general intent of the Comprehensive Master Plan; and

g. That the Zoning Ordinance of the City of Long Beach should be amended by amending the Zoning Map incorporated therein to change the zoning classification of that part of the subject property from R-1 (Single Family Residential) to C-3 (Neighborhood Commercial). NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That Ordinance No. 344, as amended, entitled the “ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI”, be and it is hereby amended as follows:

The Zoning Classification as set forth on the Zoning Map incorporated in and being a part of Ordinance No. 344, as amended, entitled “THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI”, of that part of the parcel of land located at 19185 Commission Road, Road, City of Long Beach, First Judicial District of Harrison County, Mississippi, and generally described as being south of and adjacent to Commission Road and west of Royal Drive, and being more particularly described as follows:

Commencing at the NW corner of the NW ¼ of the NW¼ of Section 11, Township 8 South, Range 12 West, Harrison County, Mississippi, and run N 89 degrees 30 minutes E along the North Line of said Section 11 a distance of 400.0 feet; thence run South 16.3 feet to the South margin of Commission Road; thence run N 89 degrees 49 minutes E along said South margin 144.9 feet; thence run N 89 degrees 38 minutes E along said South margin 150.0 feet to the Point of Beginning. Thence Continue N 89 degrees 38 minutes E along South margin 101.77 feet to the West margin of Royal Drive; thence run South along said West margin 110.66 feet; thence run West 101.77 feet; thence run North to the Point of Beginning.

is hereby changed from R-1 (Single Family Residential) to C-3 (Neighborhood

Commercial).

SECTION 2. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

SECTION 3. Effective Date

This ordinance shall take effect and be and force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 525 was introduced in writing by Alderman Bennett who moved its adoption. Alderman Notter seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Burton	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Absent, Not Voting
Alderman Joseph McNary	voted Aye
Alderman Mark Lishen	voted Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance adopted and approved this the 5th day of July, 2006.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

C E R T I F I C A T E

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH**

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #525 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 5th day of July, 2006, as the same appears of record in Ordinance Book #7, pages 160-164 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 7th of July, 2006.

(SEAL)

Rebecca E. Schruff, City Clerk