

## **ORDINANCE NO. 560**

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 INTO SAID ORDINANCE TO AMEND THE ZONING CLASSIFICATION OF CERTAIN PROPERTY RECENTLY ANNEXED INTO THE CITY AND GENERALLY DESCRIBED AS A PARCEL OF APPROXIMATELY 8.53 ACRES OF LAND LYING NORTH OF AND ADJACENT TO 28<sup>TH</sup> STREET AND EAST OF KLONDYKE ROAD, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), AND TO ADD SUCH PARCEL TO SAID ZONING MAP, 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 R-3 (Multi-Family Residential) by the owners of certain property recently annexed into the City being generally described as a parcel of approximately 8.53 acres of land, lying north of and adjacent to 28<sup>th</sup> Street and East of Klondyke Road (also known as "Klondike Road"), in Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows:

Beginning at a point on the East line of the SW ¼ of the SW ¼ of Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi, where it intersects the north margin of 28<sup>th</sup> Street thence run S89°40'04"W along the north margin of 28<sup>th</sup> Street for a distance of 235.01 feet; thence N00°09'10"E a distance of 1242.63 feet; thence N89°56'57"W a distance of 1095.22 feet to a point on the east margin of North Klondike Road; thence N00°06'34"W along the east margin of North Klondike Road for a distance of 60 feet; thence S89°56'57"E a distance of 1330.50 feet; thence S00°09'10"W a distance of 1301.06 feet to the Point of Beginning. Said parcel contains 8.53 acres more or less and is made subject to a 60' easement along the north portion as described:

Commencing at a point on the East line of the SW ¼ of the SW ¼ of Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi, where it intersects the north margin of 28<sup>th</sup> Street thence run S89°40'04"W along the north margin of 28<sup>th</sup> Street for a distance of 235.01 feet; thence N00°09'10"E a distance of 1242.63 feet to the Point of Beginning; thence N89°56'57"W a distance of 1095.22 feet to a point on the east margin of North Klondike Road; thence N00°06'34"W along the east margin of North Klondike Road for a distance of 60 feet; thence S89°56'57"E a distance of 1095.50 feet; thence S00°09'10"W a distance of 60 feet 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 November 20, 2008 at 4:00 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 November 20, 2008, 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 6:00 p.m. on Tuesday, January 6, 2009, at the City Hall 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 the subject property was recently annexed into the City and, by the City's Zoning Ordinance, was assigned a Zoning Classification of R-1 (Single Family Residential)

2) That despite such automatic classification of the Subject Property of such R-1 Zoning classification, the Subject Property is situated adjacent to an arterial street with heavy traffic and is near a long established multiple family housing project, a church, a military base, as well as vacant land, and is better suited to development for multi-family residential use than for single family residential use.

3. That development in recent years near the subject property has been more commercial and multi-family residential than single family residential, and the

character of the neighborhood and surrounding area is best characterized as either commercial or multi-family residential.

4) The changing conditions in the area in the neighborhood surrounding the subject property, particularly along 28<sup>th</sup> Street, including but not limited to commercial and multi-family residential development moving north from the beachfront areas severely damaged by Hurricane Katrina, the anticipated development of the area for mixed commercial uses and multifamily residential uses, make it unlikely that an R-1 zoning classification of the subject property now, or in the future, is either necessary or desirable, and is, in fact, contrary to the character of the neighborhood along 28<sup>th</sup> Street and contrary to the orderly development of the community; and

5) That it is necessary and desirable and the best interest of the public requires that the zoning classification of the subject property be changed from R-1 (Single Family Residential) to R-3(Multi-Family Residential).

6) 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 development plan heretofore approved by the Governing Authority;

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

d. That the Zoning Ordinance of the City of Long Beach should be amended by amending the Zoning Map incorporated therein to add the Subject Property and to change the zoning classification of the subject property from R-1 (Single Family Residential) to R-3 (Multi-Family Residential). 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 approximately 8.53 acres of land, lying north of and adjacent to 28<sup>th</sup> Street and East of Klondyke Road (also known as “Klondike Road”), in Long Beach, First Judicial District of Harrison County, Mississippi, and being more particularly described as follows:

Beginning at a point on the East line of the SW ¼ of the SW ¼ of Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi, where it intersects the north margin of 28<sup>th</sup> Street thence run S89°40'04"W along the north margin of 28<sup>th</sup> Street for a distance of 235.01 feet; thence N00°09'10"E a distance of 1242.63 feet; thence N89°56'57"W a distance of 1095.22 feet to a point on the east margin of North Klondike Road; thence N00°06'34"W along the east margin of North Klondike Road for a distance of 60 feet; thence S89°56'57"E a distance of 1330.50 feet; thence S00°09'10"W a distance of 1301.06 feet to the Point of Beginning. Said parcel contains 8.53 acres more or less and is made subject to a 60' easement along the north portion as described:

Commencing at a point on the East line of the SW ¼ of the SW ¼ of Section 36, Township 7 South, Range 12 West, Harrison County, Mississippi, where it intersects the north margin of 28<sup>th</sup> Street thence run S89°40'04"W along the north margin of 28<sup>th</sup> Street for a distance of 235.01 feet; thence N00°09'10"E a distance of 1242.63 feet to the Point of Beginning; thence N89°56'57"W a distance of 1095.22 feet to a point on the east margin of North Klondike Road; thence N00°06'34"W along the east margin of North Klondike Road for a distance of 60 feet; thence S89°56'57"E a distance of 1095.50 feet; thence S00°09'10"W a distance of 60 feet to the Point of Beginning.

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

**SECTION 3. 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 4. 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. 560 was introduced in writing by Alderman Holder who moved its adoption. Alderman Anderson 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 Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Aye
Alderman Carolyn Anderson	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
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 in the said Ordinance 560 adopted and approved this the 20<sup>th</sup> day of January, 2009.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCHRUFF, CITY CLERK

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 #560 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 20<sup>th</sup> day of January, 2009, as the same appears of record in Ordinance Book #7, pages 376-380 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 20<sup>th</sup> day of January 2009.

(SEAL)

Rebecca E. Schruff, City Clerk