ORDINANCE NO. 581

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" AND AMENDING THE ZONING MAP INCORPORATED IN SAID ORDINANCE TO CHANGE THE CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF KLONDYKE ROAD AND 28TH STREET LOCATED IN THE CITY OF LONG BEACH, MISSISSIPPI, AND BEARING TAX PARCEL NUMBER 0610NK-01-0004.000 FROM R-1, SINGLE FAMILY RESIDENTIAL TO C-2 GENERAL 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-2 General Commercial of certain property located within the City of Long Beach, First Judicial District of Harrison County, Mississippi, consisting of that certain property bearing Tax Parcel Number 0610NK-01-0004.000, and which Property is located at the Northwest Corner of Klondyke Road and 28th Street and is more particularly described as follows:

Lots Three (3) and Four (4), Block Thirty Two, (32), COX SUBDIVISION, in Section 35, Township 7 South, Range 12 West, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District, in Plat Book 9 at page 6 (Copy Book 4 at Page 277) thereof, reference to which is hereby made in aid of and as part of thus description.

Said parcel is hereinafter referred to as the "Subject Property".

WHEREAS, the Long Beach Planning Commission received the application for zoning map change from the owner of the Subject Property and after first publishing Notice of such hearing did, at its meeting of October 28, 2010, conduct a public hearing on said application, during which hearing proponents and opponents of the application were given an opportunity to be heard, the application and the preliminary development plan incorporated therein was reviewed and discussed and after such hearing, review and discussion, did recommend approval of the application by the Mayor and Board of Aldermen as reflected in the official minutes of the October 28, 2010 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 5:00 p.m. on Tuesday, December 7, 2010, at the Long Beach School District Central Office at 19148 Commission Road in said City, the time, place and date fixed in said legal notice, and did on said date 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, all as more particularly hereinafter set forth in this ordinance.

b. That, as a result of the aforesaid public hearing and consideration by the Mayor and Board of Aldermen of the testimony and evidence presented during same and made a part of the record of such proceeding, and further upon consideration of their own knowledge and familiarity with the City, the municipal zoning map, the character of the surrounding neighborhood, the Preliminary Development Plan submitted by the Applicant, and all of the other materials, arguments, comments, evidence and testimony presented at hearing, that the Mayor and Board of Aldermen did then and do now find, determine adjudicate and declare that the clear and convincing evidence establishes:

(1) Applicant has shown factually that there has been a change in the character of the neighborhood by increased traffic, growth to the north of the entire City as a result of Hurricane Katrina, the continued and increasing use and utilization of Klondyke Road as a major transportation artery; new, expanding commercial uses along Klondyke Road and 28th Street and the other changes presented by applicant and as otherwise and also contained in the record of the proceedings in this matter.

(2) The City's comprehensive plan shows Klondyke Road as a major commercial area and the requested change will be in conformance with said plan for future intended growth and development.

(3) There is a need for new commercial properties north of the railroad tracks in the

City due to the effects and changes in the City due to Hurricane Katrina and the changes in the insurance market and construction safety issues is forcing development north, and the subject property and neighborhood is in the path and area that growth is planned and contemplated for the City's future.

(4) Acknowledging and recognizing that the zoning for much of the property along the commercial corridor of Klondyke Road and 28th Street is currently zoned commercial, and this property has been recently annexed by the City without being hereto for rezoned as a result of such annexation to conform the zoning for the said property to the master planned growth intended and anticipated for the City in the area, and thus this re-zoning would not constitute spot zoning.

(5) The applicant has conformed to Article XIII, Section 1301 of the Long Beach Zoning Ordinance which outlines the requirements for a zoning change.

(6) Finally, no opposition having been stated by any persons against the requested re-zoning application.

. d. That in sum, the clear and convincing evidence establishes the public need for the said amendment changing the zoning classification of the subject property from its present zoning classification to that sought by the Applicant and a change in character of the neighborhood which justifies the requested change;

e. 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 the subject property from R-1, Single Family Residential to C-2 General 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 is hereby amended as follows:

The Zoning Map and legal description of the City contained , incorporated in and being a part of Ordinance No. 344, as Amended, entitled "THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, is hereby amended to change the Zoning Classification from

R-1, Single Family Residential to C-2 General Commercial the "Subject Parcel" described as follows, to wit:

> Lots Three (3) and Four (4), Block Thirty Two, (32), COX SUBDIVISION, in Section 35, Township 7 South, Range 12 West, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District, in Plat Book 9 at page 6 (Copy Book 4 at Page 277) thereof, reference to which is hereby made in aid of and as part of thus description.

SECTION 2. Ordinance No. 344, as amended, entitled the "ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI", as amended, is hereby amended as set forth above only, to otherwise remain in full force and effect.

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. 581 was introduced in writing by Alderman Anderson who moved its adoption. Alderman Couvillon 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 Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kaye H. Couvillon	voted	Aye
Alderman Carolyn Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	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 581 adopted and approved this the 7th day of December 2010.

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 Number 581 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 7th day of December, 2010, as the same appears of record in Ordinance Book #7, pages 526-530 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 day of December, 2010.

(SEAL) Rebecca E. Schruff, City Clerk