

ORDINANCE NO. 563

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 KNOWN AS PLANTATION PINES RV PARK LOCATED IN THE CITY OF LONG BEACH, MISSISSIPPI, AND BEARING TAX PARCEL NUMBER 0611D-01-002.000 FROM PLANNED UNIT DEVELOPMENT RECREATIONAL VEHICLE TO A PLANNED UNIT DEVELOPMENT SINGLE FAMILY MEMA COTTAGE VILLAGE, 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 Planned Unit Development Recreational Vehicle to a Planned Unit Development Residential -Single Family Mema Cottage for a planned unit development 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 0611D-01-002.000, and which property is more particularly described as follows:

A parcel of ground situated in Section 2, Township 8 South, Range 12 West, Harrison County, Mississippi, and being more fully described as follows:

The west 266.5 feet of Lots 47 through 53, inclusive, Gulfport Farms Subdivision, Section 2 (two), Township 8 (eight) South, Range , of record in Plat Book 4-A at page 322 in the records of the Chancery Clerk of Harrison County, Mississippi, First Judicial District.

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 December 11, 2008, conduct a public hearing on said application, during which hearing proponents and opponents of the application were 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 December 11, 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, February 3, 2009, 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 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, the Preliminary Development Plan, and the evidence and testimony presented at hearing,

1) That the total development plan complies with the spirit and intent of the

Zoning Ordinance of the City of Long Beach, Mississippi, and that the best use of the subject property is the construction of the Planned Unit Development Residential as described by the Preliminary Development Plan; and

2) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district; and

3) Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan; and

4) Land surrounding the proposed development can be planned in coordination with the proposed development and that it can be compatible in use; and

5) The proposed change to a Planned Unit Development Residential classification for use of the property for Single Family Mema Cottages is in conformance with the general intent of the comprehensive master plan; and

6) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district; and

7) Existing and proposed utility services are adequate for the proposed development; and

8) Each phase of the proposed development, as it is proposed to be completed contains the roadway systems, landscape and utility areas necessary for creating and sustaining a desirable and stable environment; and

9) The proposed Planned Unit Development District and all proposed roadway systems, buildings, parking spaces, landscape and utility areas can be completely developed within five years of the establishment of the district; and

10) That the size of the Subject Property makes such parcel particularly conducive to development in accordance with the preliminary development plan proposed by the applicant.

d. That 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 classifications, the zoning classification for part of the subject parcel;

e. 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 Planned Unit Development Recreational Vehicle to a Planned Unit Development residential for use as a Single Family MEMA Cottage Village.

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 Map 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 Planned Unit Development Recreational Vehicle to a Planned Unit Development Residential for use as a Single Family MEMA Cottage Village (Planned Unit Development District) the "Subject Parcel" described as follows, to wit:

A parcel of ground situated in Section 2, Township 8 South, Range 12 West, Harrison County, Mississippi, and being more fully described as follows:

The west 266.5 feet of Lots 47 through 53, inclusive, Gulfport Farms Subdivision, Section 2 (two), Township 8 (eight) South, Range , of record in Plat Book 4-A at page 322 in the records of the Chancery Clerk of Harrison County, Mississippi, First Judicial District.

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. 563 was introduced in writing by Alderman Anderson who moved its adoption. Alderman McNary 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	Absent, Not Voting
Alderman Richard Burton	voted	Aye
Alderman Charles A. Boggs	voted	Aye
Alderman Richard Bennett	voted	Aye
Alderman Allen D. Holder, Jr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Joseph McNary	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 563 adopted and approved this the 17th day of March, 2009.

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 #563 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 15th day of January, 2008, as the same appears of record in Ordinance Book #7, pages 399-404 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 17th day of March 2009.

(SEAL)

Rebecca E. Schruff, City Clerk