

**ORDINANCE NO. 522**

**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 626 EAST BEACH BLVD., LONG BEACH, MISSISSIPPI, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), 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 owner of certain property located at 626 East Beach Blvd., Long Beach, Mississippi, being more particularly described as follows:

A certain parcel of land situated in and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, lying and being situated in the Widow N. Ladner Private Claim in Township 8 South, Range 11 and 12 West, according to the official plat of the Government Survey, and more particularly described as: Beginning on the seashore of the Gulf of Mexico or Mississippi Sound at a point 100 feet to the Eastward of the point of intersection of said seashore with the Eastern boundary line of Lot Five (5) in Square Number Twenty (20) of the Survey of Long Beach, according to the Plat of said survey on file in the office of the Chancery Clerk of Harrison County, Mississippi, and running thence North 28 degrees West approximately a distance of 700 feet to the line of land now or formerly of James Thomas; thence run Eastwardly a distance of 100 feet to the land now or formerly of William and Laura McCaughn; thence run in a Southwardly direction along and with the Western boundary of said McCaughn lot to the seashore; and thence run Westerly along the seashore to the place of beginning; being a strip of land having a front of approximately 100 feet on the Gulf of Mexico and running back approximately a distance of 700 feet between parallel lines, 100 feet apart, and running North 28 degrees West, together with all improvements thereon and subject to all existing easements and servitude, and all rights including riparian and littoral.

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 July 14, 2005 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 July 14, 2005, 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, August 16, 2005, 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 apartment complex known as “Tiffany Garden Apartments” has been situated upon the subject property for at least ten (10) years and has been operated as an apartment complex continuously for that time;
- 2) That in spite of such multi-family use of the subject property, the subject property is bears a zoning classification of R-1 (Single Family Residential);
- 3) The long established and actual use of the subject property is Multi-Family Residential Use;
- 4) The changing conditions in the area in the neighborhood surrounding the subject property, particularly along U.S. Highway 90, including but not limited to the damage and destruction caused 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 U.S. Highway 90 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 to R-3.

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 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 land located at 626 East Beach Blvd., Long Beach, Mississippi, being more particularly described as follows:

A certain parcel of land situated in and being located in the City of Long Beach, First Judicial District of Harrison County, Mississippi, lying and being situated in the Widow N. Ladner Private Claim in Township 8 South, Range 11 and 12 West, according to the official plat of the Government Survey, and more particularly described as: Beginning on the seashore of the Gulf of Mexico or Mississippi Sound at a point 100 feet to the Eastward of the point of intersection of said seashore with the Eastern boundary line of Lot Five (5) in Square Number Twenty (20) of the Survey of Long Beach, according to the Plat of said survey on file in the office of the Chancery Clerk of Harrison County, Mississippi, and running thence North 28 degrees West approximately a distance of 700 feet to the line of land now or formerly of James Thomas; thence run Eastwardly a distance of 100 feet to the land now or formerly of William and Laura McCaughn; thence run in a Southwardly direction along and with the Western boundary of said McCaughn lot to the seashore; and thence run Westerly along the seashore to the place of beginning; being a strip of land having a front of approximately 100 feet on the Gulf of Mexico and running

back approximately a distance of 700 feet between parallel lines, 100 feet apart, and running North 28 degrees West, together with all improvements thereon and subject to all existing easements and servitude, and all rights including riparian and littoral.

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. 522 was introduced in writing by Alderman Boggs 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 Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Joseph McNary	voted Absent, Not Voting
Alderman Mark Lishen	voted Absent, Not Voting

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 6<sup>th</sup> day of June, 2006.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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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 #522 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 6<sup>th</sup> day of May, 2006, as the same appears of record in Ordinance Book #7, pages 145-149 inclusive, in my office at the City Hall in said City.**

**Given under my hand and the official seal of my office this the 13<sup>th</sup> of June, 2006.**

**(SEAL)**

**Rebecca E. Schruff, City Clerk**