

**ORDINANCE NO. 540**

**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 CONSISTING OF 20.125 ACRES, MORE OR LESS, AND LOCATED AT 5527 BEATLINE ROAD, LONG BEACH, MISSISSIPPI, FROM C-2 (GENERAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT), 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 C-2 (General Commercial) to PUD (Planned Unit Development) for a Planned Unit Development, Mixed Use Standards, of certain property located at 5527 Beatline Road, Long Beach, Mississippi, and consisting of 20.125 acres, more or less, which property was recently annexed by the City and which zoning classification of C-2 (General Commercial, as defined by the Zoning Ordinance of Harrison County, Mississippi) was the zoning classification of said property at the time of said annexation, and which property is more particularly described as follows:

All that certain parcel of land situated in Block 8, Block 9 and Block 10, Andrews Land Company's Subdivision and Lot 50, Henderson Shipman, Hewes Partition, County of Harrison, State of Mississippi, and being more particularly described as follows:

Beginning at the southwest corner of Block 10 of said Andrew's Land Company's Subdivision (Plat Book 9, Page 11) thence along the West line of said block, North 00 degrees 16 minutes 32 seconds West 330 feet to a ½" iron rod found and the Point of Beginning;

Thence, North 89 degrees 56 minutes 17 seconds West a distance of 1276.28 feet (as per survey), 1286.50 feet (as per record) to the Westerly Right of Way of Beatline Road to a ½" iron rod found,

Thence along said Right of Way, South 00 degrees 16 minutes 32 seconds East a distance of 384.58 feet (as per survey), 385.00 feet (as per record), to a point and the northerly line of Canal No. 3,

Thence along said line, South 64 degrees 39 minutes 04 seconds West a distance of 1409.03 feet (as per survey), 1430.00 feet (as per record) to a point,

Thence, North 00 degrees 16 minutes 32 seconds West a distance of 989.21 feet (as per survey), 995.00 feet (as per record) to a ½" iron rod found and the Point of Beginning.

Said parcel contains 20.125 acres or 876,652 square feet, more or less, hereinafter referred to as the "Subject Property".

WHEREAS, the Long Beach Planning Commission received, discussed the application and reviewed the preliminary development plan with the owner at its meeting of April 26, 2007, and after such review and discussion, did recommend approval of the application by the Mayor and Board of Aldermen as reflected in the official minutes of the April 26, 2007, 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, May 15, 2007, 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 and on May 15, 2007, to which date said hearing was, after commencement, duly recessed, 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 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 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 required parking spaces, landscape and utility area necessary for creating and sustaining a desirable and stable environment; and

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

d. That the clear and convincing evidence establishes the public need for the said amendment changing the zoning classification of the subject property from General Commercial to a PUD.

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 General Commercial (Harrison County classification) to PUD (Planned Unit Development District) 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 include the Subject Property and the Zoning Classification of the subject property is hereby changed from “General Commercial” (as defined by the Zoning Ordinance of Harrison County, Mississippi) to PUD (Planned Unit Development District), and the boundaries of such PUD are described and established as follows, to-wit:

All that certain parcel of land situated in Block 8, Block 9 and Block 10, Andrews Land Company's Subdivision and Lot 50, Henderson Shipman, Hewes Partition, County of Harrison, State of Mississippi, and being more particularly described as follows:

Beginning at the southwest corner of Block 10 of said Andrew's Land Company's Subdivision (Plat Book 9, Page 11) thence along the West line of said block, North 00 degrees 16 minutes 32 seconds West 330 feet to a ½" iron rod found and the Point of Beginning;

Thence, North 89 degrees 56 minutes 17 seconds West a distance of 1276.28 feet (as per survey), 1286.50 feet (as per record) to the Westerly Right of Way of Beatline Road to a ½" iron rod found,

Thence along said Right of Way, South 00 degrees 16 minutes 32 seconds East a distance of 384.58 feet (as per survey), 385.00 feet (as per record), to a point and the northerly line of Canal No. 3,

Thence along said line, South 64 degrees 39 minutes 04 seconds West a distance of 1409.03 feet (as per survey), 1430.00 feet (as per record) to a point,

Thence, North 00 degrees 16 minutes 32 seconds West a distance of 989.21 feet (as per survey), 995.00 feet (as per record) to a ½" iron rod found and the Point of Beginning. Said parcel contains 20.125 acres or 876,652 square feet, more or less.

**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. 540 was introduced in writing by Alderman Holder 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 Mark E. Lishen	voted Aye
Alderman Joseph McNary	voted Absent, Not Voting

The question having received the affirmative vote of all the Aldermen present and voting, the

Mayor declared the motion carried in the said Ordinance 540 adopted and approved this the 15<sup>th</sup> day of May, 2007.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCHRUFF, CITY CLERK