

**ORDINANCE NO. 539**

**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 17.8 ACRES, MORE OR LESS, AND LOCATED ON COMMISSION ROAD IN LONG BEACH, MISSISSIPPI, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO PUD-R (PLANNED UNIT DEVELOPMENT-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 PUD-R (Planned Unit Development-Residential) by the owner of certain property located on Commission Road, Long Beach, Mississippi, and consisting of 17.8 acres, more or less, and being more particularly described on the map or plat attached hereto as Exhibit “A” and incorporated fully in words and figures herein, hereinafter referred to as the “Subject Property”.

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 January 11, 2007 at 7:00 p.m., being continued to January 25, 2007, 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 January 11, 2007, and January 25, 2007 meetings 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, April 17, 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 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 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-Residential 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 R-1 to a PUD-R.

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 PUD-R (Planned Unit Development District-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 parcel of land located on Commission Road in the City, being:

A parcel of land situated in and a part of the SE ¼ of the SE ¼ of Section 2-8S-12W, City of Long Beach, First Judicial District of Harrison County, Mississippi and being more fully described as follows:

Commencing at the point of intersection of the North R.O.W. of Commission Road with the West R.O.W. of Klondyke Road of Section 2-8S-12W, City of Long Beach, First Judicial District of Harrison County, Mississippi; thence S 89°59'57" W along the North R.O.W. of Commission Road, a distance of 717.24' to the P.O.B; Thence S 89°59'57" W along the North R.O.W. of Commission Road, a distance of 596.34' to a point; Thence N 00°02'30" W 1302.81' to A point on the North line of the SE ¼ of the SE ¼ of Section 2-8S-12W and the South line of Silkwood Place S/D; Thence S 89°38'51" E along the North line of the SE ¼ of the SE ¼ of said Section and the South line of Silkwood Place S/D a distance of 586.35' to a point; Thence S 00°02'30" E 1299.14' to the P.O.B., and containing 17.8 acres of land, more or less.

and being described on Exhibit “A” attached hereto and incorporated fully herein is hereby changed from R-1 (Single Family Residential) to PUD-R (Planned Unit Development District-Residential), and the boundaries of such PUD are described and established as set forth hereinabove and on Exhibit “A” hereto.

**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. 539 was introduced in writing by Alderman Holder who moved its adoption. Alderman Lishen 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 Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Burton	voted Aye
Alderman Richard Bennett	voted Absent, Not Voting
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 and the said Ordinance 539 adopted and approved this the 17<sup>th</sup> day of April, 2007.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCHRUFF, CITY CLERK

Exhibit "A"

**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 #539 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 17<sup>th</sup> day of April, 2007, as the same appears of record in Ordinance Book #7, pages 254-259 inclusive, in my office at the City Hall in said City.**

**Given under my hand and the official seal of my office this the 17<sup>th</sup> April, 2007.**

**(SEAL)**

**Rebecca E. Schruff, City Clerk**