

**ORDINANCE NO. 554**

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LONG BEACH BY CORRECTING THE CLASSIFICATION OF THE WEST 10 FEET OF LOT 3 AND LOTS 4, 5 AND 6, BLOCK 4, MODEL HOME SUBDIVISION, ALSO KNOW AS 406 SEAL AVENUE, FROM ZONE CLASSIFICATION R-1 SINGLE FAMILY RESIDENTIAL TO C-2 HIGHWAY COMMERCIAL, AND FOR RELATED PURPOSES.**

WHEREAS, application was filed with the Planning Commission of the City of Long Beach for a correction in zoning classification from R-1 (Single Family Residential) to C-2 (Highway Commercial) by the owner of that certain property known as THE WEST 10 FEET OF LOT 3 AND LOTS 4, 5 AND 6, BLOCK 4, MODEL HOME SUBDIVISION, ALSO KNOWN AS 406 SEAL AVENUE and located within the City of Long Beach, and the Mayor and Board of Aldermen having considered the comments and testimony at the said hearing, the written and verbal objections made at the hearing by all interested parties, all of the documentary evidence submitted into evidence and their own knowledge and familiarities of the City of Long Beach hereby find and adjudicate as follows:

(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 3:00 p.m., on Thursday, the 20<sup>th</sup> day of December 2008, at the Long Beach School District Central Office, 19148 Commission Road, Long Beach, Mississippi, 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 correction in classification and Zoning Map Change of the Zoning Ordinance of the City of Long Beach, Mississippi as heretofore amended, specifically of THE WEST 10 FEET OF LOT 3 AND LOTS 4, 5 AND 6, BLOCK 4, MODEL HOME SUBDIVISION, ALSO KNOWN AS 406 SEAL AVENUE, from Zone Classification R-1 Single Family Residential to C-2 Highway Commercial, and for Related

Purposes, were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed corrections and changes to the ordinance and comprehensive map, which proposed corrections and changes to the ordinance and comprehensive map were 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 changes to the map, all as more particularly hereinafter set forth in this ordinance. A copy of the Proof of Publication, along with the return receipts of notices delivered to surrounding property owners as required by law was attached as a part off the record of the hearing.

(B) That, on December 20, 2007, the Planning Commission of the City of Long Beach had reviewed said proposed zoning corrections and changes at a recessed regular meeting thereof and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting, which are attached and incorporated into the record of the Public Hearing of the Mayor and Board of Alderman.

( C ) 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 after due deliberation by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that clear and convincing evidence establishes that an error was made in adoption of the previous zoning ordinances and maps of the City in the form of a typographical error when the ordinances and maps adopted in 2002 changed the *Athence easterly along the centerline of Willow Lane 580 feet@* to *Athence easterly along the centerline of Willow Lane 510 feet,@* and that, it was necessary to correct such error and restore the zoning classification of the subject property to its previous classification for commercial purposes accordingly on the Official Zoning Map and legal descriptions of Zoning Classifications.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

**Section 1.** Ordinance number 344, as heretofore from time to time amended, entitled *The Zoning Ordinance of the City of Long Beach, Mississippi* be and same is hereby amended as follows: The Zoning classification of THE WEST 10 FEET OF LOT 3 AND LOTS 4, 5 AND 6, BLOCK 4, MODEL HOME SUBDIVISION, ALSO KNOWN AS 406 SEAL AVENUE, is hereby corrected and changed from zone classification R-1 (Single Family Residential) to C-2 (Highway Commercial). Furthermore, the typographical error contained in Description Number 37 in the previously adopted ordinance is hereby corrected to read A. . . *thence easterly along the centerline of Willow Lane 580 feet...* and shall no longer read *Athence easterly along the centerline of Willow Lane 510 feet.* Such description shall also be considered further revised to the extent necessary to effectuate the purpose and intent stated herein and be consistent therewith.

**Section 2. - Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance, or of the application thereof in a particular circumstance, be held by any court of competent jurisdiction to be improper, invalid or unconstitutional, such holding shall not affect the remaining portions of the ordinance or other applications thereof.

**Section 3. Effective Date.**

This Ordinance shall become effective and take effect thirty days after its adoption, publication and enrollment as provided by law.

The City Clerk is hereby ordered to publish this ORDINANCE in the manner and time required by law.

Alderman Holder Made motion to approve the Ordinance creating a new official zoning map with legal descriptions. Alderman Notter seconded the motion 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 Boggs	voted: Aye
Alderman Carolyn Anderson	voted: Aye
Alderman Allen Holder, Jr.	voted: Aye

Alderman Mark Lishen  
Alderman Joseph McNary

voted: Absent, Not Voting  
voted: Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the Ordinance adopted and approved this the 2<sup>nd</sup> day of April, 2008.

**APPROVED:**

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**WILLIAM SKELLIE, JR., MAYOR**

**ATTEST:**

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**REBECCA E. SCHRUFF, City Clerk**

**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 #554 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 2<sup>nd</sup> day of April, 2008, as the same appears of record in Ordinance Book #7, pages 344-347 inclusive, in my office at the City Hall in said City.**

**Given under my hand and the official seal of my office this the 2<sup>nd</sup> day of April, 2008.**

**(SEAL)**

**Rebecca E. Schruff, City Clerk**