

ORDINANCE NO. 557

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 400 KLONDYKE ROAD, LONG BEACH, MISSISSIPPI, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (MEDIUM DENSITY 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 (High Density Multi-Family Residential) by the owner of certain property located at 400 Klondyke Road, Long Beach, Mississippi, being in the First Judicial District of Harrison County, Mississippi, and bearing Harrison County tax parcel number 06110-04-014.000, and being more particularly described as follows:

A certain parcel of land located in Section 12, Township 8 South, Range 12 West, if regularly surveyed in government sections, and is part of the B Pellerin Private Grant of Claim known as Section 22, and is in Lot 55 of the Henderson Shipman Hughes Partition, Long Beach, Harrison County, Mississippi, more particularly described as follows: Beginning at the Northeast corner of Green Meadows Subdivision, as per plat recorded in the Chancery Clerk’s office of Harrison County, Mississippi, at Plat Book 24, Page 40, and run thence South 59 degrees 19 minutes West 655.07 feet to the East margin of Klondyke Road; run thence North 0 degrees 29 minutes 9 seconds East along said East margin 270.1 feet to a point; run thence North 61 degrees 55 minutes 47 seconds East 554.54 feet to a point; run thence South 20 degrees 2 minutes 9 seconds East 209.43 feet to the Point of Beginning. And being one and the same property as described in that certain Warranty Deed from Poupart and Ball Contractors, Inc., to Henry A. Leidigh and wife, Nanette C. Leidigh dated 5/31/96 and recorded in Deed Book 1337 at Page 174.

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 10, 2008 at 6:30 p.m. and upon conclusion of said public hearing did recommend approval by the Mayor and Board of Aldermen of a change in the zoning classification of the subject property from R-1(Single-family Residential District) to R-2 (Medium Density Residential District) as reflected in the official minutes of the July 10, 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 5:30 p.m. on Tuesday, August 19, 2008, 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 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, testimony at hearing, the character of the surrounding neighborhood, and the minutes of the Long Beach Planning Commission, and the knowledge of Board members pertaining to the subject parcel and area surrounding same and related to the Board during the hearing and in the discussion following the hearing, that:

- 1) That part of the subject property is presently zoned R-2 and upon the part zoned R-2, two (2) four-plex residential structures have previously been lawfully constructed and continue to exist;
- 2) That conformity and continuity of use of the subject parcel requires that it all be zoned R-2 and developed by constructing housing for more than one family thereon, as requested by the applicant;
- 3) That loss of affordable housing destroyed by Hurricane Katrina has left the City in need of affordable housing for its residents, which need will be served by the construction of medium density housing on the subject property;
- 4) That the subject parcel is situated on an arterial roadway within the City and is well suited for medium density residential use;
- 5) That a multi-family residential project for an area south of and near the subject property has been approved and is under development;
- 6) That the character of the neighborhood surrounding the subject parcel has become more medium density residential and multi-family residential, requiring the change in zoning of the subject parcel from R-1 to R-2;
- 9) That the best use for the subject property is medium density residential use and the zoning classification of same should be changed from R-1 (single family residential) to R-2 (Medium Density Residential)

d. That the clear and convincing evidence establishes the public need for the said

amendment changing the zoning classification of that part of the subject property from R-1 to R-2;

e. 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 aforesaid development plan heretofore approved by the Governing Authority;

f. The proposed change is in conformance with the general intent of the Comprehensive Master Plan; and

g. 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 that part of the subject property from R-1 (Single Family Residential District) to R-2 (Medium Density Residential 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 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 400 Klondyke Road, Long Beach, Mississippi, bearing Harrison County tax parcel number 06110-04-014.000, and being more particularly described as follows:

A certain parcel of land located in Section 12, Township 8 South, Range 12 West, if regularly surveyed in government sections, and is part of the B Pellerin Private Grant of Claim known as Section 22, and is in Lot 55 of the Henderson Shipman Hughes Partition, Long Beach, Harrison County, Mississippi, more particularly described as follows: Beginning at the Northeast corner of Green Meadows Subdivision, as per plat recorded in the Chancery Clerk’s office of Harrison County, Mississippi, at Plat Book 24, Page 40, and run thence South 59 degrees 19 minutes West 655.07 feet to the East margin of Klondyke Road; run thence North 0 degrees 29 minutes 9 seconds East along said East margin 270.1 feet to a point; run thence North 61 degrees 55 minutes 47 seconds East 554.54 feet to a point; run thence South 20 degrees 2 minutes 9 seconds East 209.43 feet to the Point of Beginning. And being one and the same property as described in that certain Warranty Deed from Poupart and Ball Contractors, Inc., to Henry A. Leidigh and wife, Nanette C. Leidigh dated 5/31/96 and recorded in Deed Book 1337 at Page 174.

is hereby changed from R-1 (Single Family Residential District) to R-2 (Medium Density Residential District).

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. 557 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:

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| Alderman Richard Notter | voted Aye |
| Alderman Richard Burton | voted Aye |
| Alderman Charles Boggs | voted Aye |
| Alderman Carolyn Anderson | voted Aye |
| Alderman Allen D. Holder, Jr. | voted Aye |
| Alderman Joseph McNary | voted Aye |
| Alderman Mark Lishen | 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 adopted and approved this the 2nd day of September, 2008.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK