

ORDINANCE NO. 559

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 ARTICLE III, DEFINITIONS, TO DEFINE “SETBACK LINE” FOR PROPERTIES ADJACENT TO U.S. HIGHWAY 90, AND AMENDING ARTICLE IX, SUPPLEMENTARY REGULATIONS, SECTION 901, TO PROVIDE FOR CALCULATION OF FRONT AND/OR SIDE YARD WIDTHS AND DEPTHS ON PROPERTY BOUNDED BY U.S. HIGHWAY 90 TO BE MADE BY MEASURING FROM THE NORTHERN BOUNDARY OF THE U.S. HIGHWAY 90 EASEMENT, AND FOR RELATED PURPOSES.

WHEREAS, application was filed by the City of Long Beach, Mississippi, with the Planning Commission of the City of Long Beach, Mississippi, for the change in the zoning text in accordance with the Comprehensive Zoning Ordinance, being Ordinance No. 344, as amended, entitled, *Zoning Ordinance of the City of Long Beach*, to amend same and add certain provision

s pertaining to setback computations and measurements for parcels of land adjacent to U.S. Highway 90; 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 September 25, 2008, at 6:30 p.m. and upon conclusion of said public hearing did recommend approval of the application by the Mayor and Board of Aldermen, which recommendation included recommended changes in the requests as set forth in the application, all as reflected in the official minutes of the September 25, 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 6:00 p.m. on Wednesday, November 5, 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 text changes and amendments were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes and amendments, which proposed zoning text changes and amendments 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 and amendments, 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 that the general welfare of the community, as well as the existing needs and development, the need to provide for clear and consistent regulation, definition and development along U.S. Highway 90, particularly in view of the newly constructed sidewalks along the north side of U.S. Highway 90, portions of which sidewalk appear to encroach upon private property north of said highway, in a manner consistent with the growth and development plan of the City of Long Beach, and a reasonable enforcement of rules and regulations concerning all of the same, require amendment of Ordinance No. 344, *Zoning Ordinance of the City of Long Beach, Mississippi*, as heretofore amended, by:

1. Amending Article III, entitled, “Definitions of Terms in this Ordinance” to amend the definition of the term, “Setback Line” to provide the base line for measuring same properties adjacent to U.S. Highway 90; and
2. Amending the Article IX, “Supplemental Regulations”, Section 901, to provide for calculation of front and/or side yard widths and depths on property bounded by U.S. Highway 90 to be made by measuring from the northern boundary of the U.S. Highway 90 easement.

c. The proposed changes and amendments are conformance with the general intent of the Comprehensive Master Plan. NOW THEREFORE,

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

SECTION 1. Amendment of Article III, Definitions of Terms in this Ordinance, “SETBACK LINE”.

That the definition of the term, “SETBACK LINE” Article III of said Ordinance No. 344, as amended, be and the same is hereby amended to read as follows:

“SETBACK LINE: For all parcels except those parcels lying adjacent to or including the easement for U.S. Highway 90, the distance from the property line to the nearest point of

a building, excluding uncovered porches. For parcels lying adjacent to or including the easement for U.S. Highway 90, the setback line shall be the distance from the northern boundary of the easement for U.S. Highway 90, as shown by the plats, surveys and records on file and of record in the Office of the Chancery Clerk of Harrison County, Mississippi, to the nearest point of a building, excluding uncovered porches.”

SECTION 2. Amendment to Section 901, Article IX, “Supplemental Regulations”.

Section 901 of Article IX, entitled, “Supplementary Regulations” is here by amended to read as follows:

“SECTION 901. Front yard depth, and in the case of a corner building site, side yard width shall be minimum of fifty-five (55) feet from the property line of all arterial other than U.S. Highway 90 and twenty-five (25) feet on all collectors. Such front yard depth and, in the case of a corner building site, side yard width, for properties abutting U.S. Highway 90 shall be a minimum of twenty-five (25) feet from the northern boundary of the U.S. Highway 90 easement as shown by the records, plats and surveys of U.S. Highway 90 on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, in Gulfport, regardless of the location of any sidewalk on or adjacent to said easement. Whenever a residential use is permitted in any area classified as Commercial or Industrial, such residential use shall comply with the minimum setback restrictions provided for in an R-3 classification. If such residential use is bounded by an arterial other than U.S. Highway 90, or collector, the front and/or side yard depth shall be fifty-five (55) or twenty-five (25) feet from the property line or that required for an R-3 classification, whichever is greater. If such residential use is bounded by U.S. Highway 90, the front and/or side yard depth shall be a minimum of twenty-five (25) feet from the said northern boundary of the U.S. Highway 90 easement. Whenever the boundary of a building site in C-1, C-2, or C-3 or I Districts adjoins a residential building site in a Residential District, a buffer area of not less than fifteen (15) feet in width shall be provided along the property line adjoining such district and a fence or wall which forms a visual barrier shall be provided along the property line adjoining same.”

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. Ordinance No. 344, as amended, entitled, *Zoning Ordinance of the City of Long Beach*, is amended as set forth hereinabove, only, to otherwise remain in full force and effect.

SECTION 5. 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. 559 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 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 559 adopted and approved this the 5th day of November, 2008.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

**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 #559 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 5th day of November, 2008, as the same appears of record in Ordinance Book #7, pages 371-375 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 6th day of November, 2008.

(SEAL)

Rebecca E. Schruff, City Clerk