

**ORDINANCE NO. 529**

**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 BEING PART OF HAMPTON HOUSE APARTMENT COMPLEX WHICH COMPLEX IS LOCATED ON BEATLINE ROAD IN THE CITY, AT FROM R-1 (SINGLE FAMILY RESIDENTIAL) AND C-2, (HIGHWAY COMMERCIAL) TO R-3 (MULTI-FAMILY 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) and C-2 (Highway Commercial) to R-3 (Multifamily Residential) by the owner of that apartment complex known as Hampton House Apartments property located on Beatline Road, Long Beach, First Judicial District of Harrison County, Mississippi, being more particularly described as follows:

Lots 3 and 4, Block One, Cox's Subdivision, City of Long Beach, located in the NE 1/4 of the NE 1/4 of Section 16, Township 8 South, Range 12 West, Harrison County, Mississippi, LESS AND EXCEPT the South 37.5 feet and triangle portion at the Southeast corner as per Deed Book 696, Page 93 for road and drainage easement.

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 August 10, 2006 at 7:00 p.m. 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 August 10, 2006, 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, September 19, 2006, at the Long Beach School District Administration Office located on 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:

1) That the clear and convincing evidence establishes, based upon the examination of the municipal zoning map, the character of the surrounding neighborhood, and the minutes of the Long Beach Planning Commission that the zoning classification of the subject property, part R-1 and part C-2, is clearly erroneous, particularly in view of the fact part of the Hampton House Apartments is situated on the subject property; and

2) Such partial R-1 classification and partial C-2 classification of the subject property is erroneous in view of the long established use of the subject property and of the uniform apartment complex improvements situated on the subject property, of which apartment complex the subject property constitutes a part; and

3) That the best use for the subject property is multi-family residential and the zoning classification of that part of same presently zoned R-1 (single family residential) and of that part of same presently zoned C-2 (Highway Commercial) should be changed from R-1 and C-2 to R-3 (Multi-family Residential) and

c. That the clear and convincing evidence establishes the public need for the said amendment changing the zoning classifications of the subject property from R-1 and C-2 to R-3; and

d. 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;

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

f. 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 to R-3 (Multi-family 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 part of the parcel of land property commonly known as the Hampton House Apartments located on Beatline Road, Long Beach, First Judicial District of Harrison County, Mississippi, which part is more

particularly described as follows:

Lots 3 and 4, Block One, Cox's Subdivision, City of Long Beach, located in the NE 1/4 of the NE 1/4 of Section 16, Township 8 South, Range 12 West, Harrison County, Mississippi, LESS AND EXCEPT the South 37.5 feet and triangle portion at the Southeast corner as per Deed Book 696, Page 93 for road and drainage easement.

is hereby changed from R-1 (Single Family Residential) and C-2 (Highway Commercial) to R-3 (Multi-family Residential)

**SECTION 2. 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 3. Effective Date**

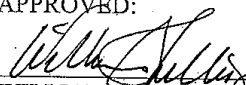
This ordinance shall take effect and be and force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 529 was introduced in writing by Alderman Notter who moved its adoption. Alderman Holder 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 Charles Boggs	voted Aye
Alderman Richard Burton	voted Aye
Alderman Richard Bennett	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 and the said Ordinance adopted and approved this the 19<sup>th</sup> day of September, 2006.

APPROVED:  
  
WILLIAM SKELLIE, JR., MAYOR

ATTEST:  
  
REBECCA E. SCHRUFF, CITY CLERK

**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. Schruuff, 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 #529 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 19<sup>th</sup> day of September, 2006, as the same appears of record in Ordinance Book #7, pages 181-184 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 19<sup>th</sup> of September, 2006.

(SEAL)   
Rebecca E. Schruuff, City Clerk

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