

**ORDINANCE NO. 537**

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ARTICLE III OF ORDINANCE NO. 344, THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, AS AMENDED, SO AS TO ADD DEFINITIONS OF “ADJACENT”, “CONDITIONAL USE”, “CONDOMINIUM”, “CASINO”, “GAMING”, “GAMING ESTABLISHMENT”, “HABITABLE STRUCTURE” AND “MARINA”; AMENDING SECTION 403 TO ADD 403.6, TO CONSTRUCT DISTRICT BOUNDARIES THAT EXTEND TO THE WATER’S EDGE TO EXTEND TO THE CITY’S LEGAL JURISDICTION INTO THE EXISTING WATER BODY; TO INSERT AS SECTION 611 OF THE SAID ZONING ORDINANCE TEXT PROVIDING FOR A SPECIAL USE DISTRICT; TO CHANGE SECTION 611, “USE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT DISTRICT, PUD”, TO SECTION 612, TO CHANGE SECTION 612, “CHART OF PERMITTED USES” TO SECTION 613; AND TO CHANGE SECTION 613, “SPECIAL EXCEPTION USES” TO SECTION 614, AND FOR RELATED PURPOSES.**

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, after due notice thereof published for the time and in the manner thereof provided by law and the public hearing thereon, do now find, determine 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 5:30 p.m. on Tuesday, March 6, 2007, at the Long Beach School District Central Office, 19148 Commission Road in said City, the time, place and date fixed in said notice therefore, and did conduct a public hearing, at which hearing all parties interested in or opposed to the proposed changes and amendments to Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, were given the opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed 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 set forth hereinafter in this ordinance.

(b) That as a result of the aforesaid public hearing, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that the general welfare and best interest of the community, as well as the existing needs and development, anticipated future needs for development, some of which uses, particularly gaming, is not provided for in the City’s Zoning Ordinance, a reasonable consideration of the character of the existing zoning districts and the suitability for particular purposes, and a reasonable enforcement of rules and regulations

concerning all of same, require the amendment of the text of Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, as follows:

(1) Amending Article III of Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as Amended, so as to add definitions of “Adjacent”, “Conditional Use”, “Condominium”, “Casino”, “Gaming”, “Gaming Establishment”, “Habitable Structure” and “Marina”; and

(2) Amending Section 403 to Add 403.6, to construe district boundaries that extend to the water’s edge to extend to the City’s legal jurisdiction into the existing water body; and

(3) To add, as Section 611 of the said Zoning Ordinance, text providing for a Special Use District, together with sub-parts thereof defining the purpose of such district, the types of Special Use Districts, general regulations for such districts, a Casino District and the intended use of same and uses permitted therein by right, conditional or as accessory uses and Special Provisions for such district, a Resort district and the intended use of same and uses permitted therein by right, conditional or as accessory uses and Special Provisions for such district, powers and duties of the planning commission pertaining to such Special Use Districts; and

(4) To change Section 611, “Use Requirements for a Planned Unit Development District PUD”, to Section 612, and change the numbers of the sub-parts thereof accordingly; and

(5) To change Section 612, “Chart of Permitted Uses” to Section 613, and change the numbers of the sub-parts thereof accordingly; and

(6) To change Section 613, “Special Exception Uses” to Section 614, and change the numbers of the sub-parts thereof accordingly.

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

**SECTION 1.** That Article III, entitled, “Definitions of Terms in This Ordinance” of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended by adding the following terms and definitions of same:

“ADJACENT: Having a common border.

CONDITIONAL USE: A use approved by the Board of Aldermen that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the governing authority of the City.

CONDOMINIUM: Form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share in the common areas.

CASINO: A room or rooms in which legal gaming is conducted.

GAMING: The dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.

GAMING ESTABLISHMENT: Any premises wherein or whereon gaming is done.

HABITABLE STRUCTURE: Any building that is occupied by human activity for the purpose of gaming, living, sleeping, eating or cooking.

MARINA: A boat basin, harbor or dock with facilities for berthing and servicing boats which may include the provision of bait, ice and fishing tackle and eating establishments.”

**SECTION 2.** That Section 403, entitled, “Interpretation of District Boundaries” of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended by adding the following sub-part:

“403.6. District Boundaries that extend to the water’s edge shall be construed to extend to the City’s legal jurisdiction into the existing water body. Thereby creating the same zoning classification for land and adjacent water.”

**SECTION 3.** That Section 611 of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended to read in its entirety as follows:

“SECTION 611. SPECIAL USE DISTRICT

611.1 Purpose of this District. The purpose and intent of the Special Use District Classification is to permit the City the right to establish needed zoning districts for a number of specific types of land development, which do not compatibly fit into the established zoning districts because of their size, unique characteristics, or institutional nature.

611.2 Types of Special Use Districts

611.2.1 Resort District to include a combination of commercial and related residential uses, which support the delivery of services and attractions; which promote the tourism industry and desired economic development. Such uses may include hotels/motels, golf courses, water-related activities, condominiums, detached housing and other accessory uses.

611.2.2 Casino District to include Mississippi State Licensed gaming operations and their accessory uses, such as hotel/motel, restaurants/lounges and entertainment facilities.

611.2.3 Educational Institutions District to include such compatible and related activities as colleges and universities, technical and

vocational training facilities, auditoriums, libraries and other directly related educational uses.

### 611.3 General Regulations

611.3.1 Contain a minimum of 5 acres, except for an expansion of an existing Special Use District.

611.3.2 When submitting an application for a Special Use District, a site plan shall be submitted. This site plan shall be referred to the Planning Commission which shall review said plan to determine that such plan does or does not comply with the intent of this District.

611.3.3 Major uses proposed for a Special Use District shall be under construction within one (1) year after approval of the final plan. If construction has not been initiated within said time period or a renewal of the plan has not been obtained, all land areas rezoned shall revert back to their previous zoning classification.

611.3.4 Enactment of Special Use District zoning shall be binding upon the applicant or applicants, their successors and assignees and will limit the extent of the development to the conditions and limitations spelled out in the approved development plan for the specific area.

### 611.4 Casino District

611.4.1 This District is intended to provide for gaming establishments and their associated uses. Casino Districts will have a sufficient impact on all adjacent uses and should be granted only after submission of a master plan. Within a Casino District the following use provisions shall apply:

611.4.2 Uses Permitted by Right:

- Mississippi licensed gaming establishments
- Marinas
- Hotels/Motels/Inns
- Condominiums
- Timeshare condominiums
- Townhouses
- Marine supply store
- Boat storage
- Transportation terminals
- Convention center
- Theaters/Entertainment centers
- Health clubs
- Spa facilities
- Beauty salons/barber shops
- Arboretums
- Indoor/Outdoor recreation
- Video game arcades (21 and older)
- Fishing piers
- Swimming pools
- Water park
- Banking facilities
- Restaurants
- Lounges
- Parking facilities
- Retail shops

Gardens

611.4.3 Uses Permitted as Conditional:

Museums  
Amusement centers  
Chapels  
Radio and television broadcasting studios  
Daycare (infant) facilities  
Video game arcades (20 and older)  
Training (schools) facilities  
Small boat repair  
Dry boat storage

611.4.4 Uses Permitted as Accessory:

Candy store  
Convenience store  
Dry goods store  
Gift shop  
Jewelry store  
Clothing store  
Dry cleaning  
Laundry facilities  
Bakery  
Water related uses  
Walking trails  
Fountains  
And any other use customarily associated with a Casino.

611.5 Special Provisions

611.5.1 The following provisions are in addition to any other requirement in this ordinance and where in conflict with another Section in this ordinance, the most restrictive interpretation shall be used.

611.5.1.1 Gaming establishments are generators of large commercial uses that create excessive vehicle traffic, noise and pedestrian congestion. To ensure the character of the City of Long Beach as a quaint community, a Casino District shall have a minimum buffer of one hundred fifty (150') feet when adjacent to any residential District.

611.5.1.2 The height limit for any habitable structure allowed in a Casino District shall be one hundred (100') feet from the adopted Base Flood Elevation; however the Planning Commission may permit a height variance, not to exceed ten (10') feet for an architecturally designed roof (not flat), that will enhance the overall appearance of the project.

611.5.1.3 All other structures shall not exceed fifty (50') feet in height

611.5.1.4 Due to the heavy traffic and noise associated with a casino operation, the planning commission shall have the right to require a minimum buffer based on use and size of development. Said buffer shall be of a reasonable size to assure harmony with adjacent land uses.

611.5.1.5 Casino Districts shall conform to all of the requirements of site plan review for major developments.

611.6 Resort District

611.6.1 This District is intended to provide for resort complexes, not including gaming, and their associated uses. Resort Districts will

have a sufficient impact on all adjacent uses and should be granted only after submission of a master plan. Within a Resort District the following use provisions shall apply:

611.6.2 Uses Permitted by Right:

- Hotels/Motels/Inns
- Bed and Breakfast
- Condominiums
- Townhouses
- Theaters/Movie Theaters
- Health Clubs
- Spa Facilities
- Beauty salons/barber shops
- Golf Courses
- Outdoor Parks
- Arboretums
- Gardens
- Indoor/Recreation
- Video Game Arcades
- Swimming pools
- Tennis courts
- Banks (including ATMs)
- Restaurants
- Lounges
- Parking facilities
- Light Retail Shops (as accessory)

611.6.3 Uses Permitted as Conditional:

- Marinas
- Timeshare Condominiums
- Single-family Detached dwellings
- Campgrounds
- RV Parks
- Convention or Conference Center
- Museums
- Amusement centers
- Outdoor Recreation
- Fishing Piers
- Water Parks
- Chapels

611.6.4 Uses Permitted as Accessory:

- Day-care Facilities
- Arts and Craft Stores
- Gift shops
- Toy Stores
- Bakeries
- Jewelry Store
- Clothing store
- Warehouse
- Dry goods store
- Laundry
- Water Novelty Craft
- Fuel Dock
- Marine Supplies
- Transportation Facilities
- And any other use customarily associated with a Resort

611.7 Special Provisions

611.7.1 The following provisions are in addition to any other requirement

in this ordinance and where in conflict with another Section in this ordinance, the most restrictive interpretation shall be used.

611.7.2 The minimum acreage requirement for a Resort District shall be five (5) acres.

611.7.3 The intent of a Resort District is to offer a variety of tourism-related uses in a well-planned project. Developments that would serve primarily the local community shall not be considered a Resort District. Such developments shall be treated as a single use project and meet the appropriate zoning classification and requirements.

611.7.4 If the City grants conditional use for a marina in a Resort District, the marina shall not be used for any gaming establishment. It is not the intent of a Resort District to permit casino uses.

611.7.5 The height limit of any habitable structure shall be one hundred (100) feet from the adopted BFE and approved by the Fire Chief or his representative. All other uses shall not exceed fifty (50') feet in height.

611.7.6 Resort Districts by their nature will have a major impact on adjacent property. Due to this potential impact on surrounding properties, a minimum buffer area of one hundred fifty (150) feet shall be provided when a non-residential use is adjacent to any residential zoning district. If an approved structure exceeds one hundred (100) feet, the setback shall be increased one (1) foot for every additional two (2) feet in height. All buffer areas required by this sub-section shall be landscaped as approved by the planning commission. Said landscaping shall be of a design to limit the adverse effect of lighting and noise.

611.7.7 All signage to be used in a Resort District shall be approved by the planning commission for size and location. A master signage plan shall be provided prior to final approval.

611.7.8 Resort Districts shall conform to all of the requirements of site plan review for major developments.

#### 611.8 Power And Duties Of The Commission

##### 611.8.1 Conditional Uses for Special Use Districts

611.8.1.1 To hear and recommend action to the Board of Aldermen in regard to conditional uses as designated, only in Sections 611.4.3 or 611.6.3. Said uses are subject to the approval of location and site plan. In addition, these uses are declared to possess such characteristics of unique or conditional form that each specific use shall be considered as an individual case. The Commission is to hear and decide such questions as are involved in determining whether conditional uses should be recommended for approval and to recommend such conditions and safeguards as are appropriate under the provisions of this ordinance, or to recommend to deny conditional use when not in harmony with the purposes of this ordinance. Conditional uses are subject to the final approval of the Board of Aldermen. The Planning Commission shall not recommend approval to the Board of Aldermen unless it shall find that all of the following conditions exist.

611.8.1.1a That the recommending fo the conditional use will not adversely affect the public interest.

611.8.1.1.b That satisfactory provisions and arrangement has been made concerning the following where applicable:

Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian traffic, safety and convenience traffic flow and control and access in case of fire or catastrophe.

Off-street parking and loading areas where required with particular attention to items in Section \_\_\_\_\_ above and the economic, noise, glare or odor effects of the conditional use on adjacent properties and properties generally in the district.

Screening and buffering with reference to type, dimensions and character.

Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect and compatibility and harmony with properties in the district.

That the use is in harmony with the orderly and appropriate development of the district in which the use is located.

611.8.2 Notice of public hearing shall be administered as stated in Section 1205.”

**SECTION 4.** That Section 612 of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended to read in its entirety as follows:

“SECTION 612. USE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT DISTRICT, PUD.

612.1 Purpose of the District: This district is intended to allow for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the intent of the normal district regulations of this Ordinance. To this extent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and planned as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public service, and to encourage the preservation of open land.

612.2 The Procedure for Obtaining a Change in Zoning District and Undertaking Development Within a Planned Unit Development District Shall Be as Follows:

612.2.1 To obtain information, each applicant shall confer with the Planning Commission and City department heads in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Unit Development application.

612.2.2 The owner of the land shall apply in writing and shall submit three copies of a preliminary development plan as described in

Section 612.3.

612.2.3 The Planning Commission shall discuss the proposed application and shall review the preliminary development plan with the owner. The Planning Commission shall prepare its findings as required by Section 612.5 and recommendations with regard to the preliminary development plan and the proposed change in district.

612.2.4 The Planning Commission shall send a copy of its recommendations to the owner indicating its approval in principal or disapproval and shall state any specific changes it will require.

612.2.5 If the Planning Commission recommends approval, it shall forward its recommendation to the Board of Aldermen. The Mayor and Board of Aldermen, prior to or after the public hearing procedures as set forth in Section 612.2.6, shall exercise ultimate discretion s to whether the total development plan complies with the spirit and intent of this Ordinance. The Mayor and Board of Aldermen, upon a vote of a majority of members present at the time of the vote, may reject the Planned Unit Development then under consideration.

612.2.6 After receipt of the Planning Commission recommendations, public notice shall be given by the Mayor and Board of Aldermen on the proposed change of district and/or the preliminary development plan as provided in Article XIII of the Ordinance

612.2.7 After the public hearing the Zoning Ordinance may be amended so as to define the boundaries of the Planned Unit Development District, but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with the Zoning Ordinance within the area so designated, with the preliminary development plan submitted.

612.2.8 Upon completion of the recommended revisions, the owner shall submit the Final Development Plan to the Planning Commission for review in accordance with Section 612.4

612.3 Preliminary Development Plan: The owner shall submit a preliminary development plan to the Planning Commission for review, which shall include the following:

612.3.1 Written Documents:

612.3.1.1 A legal description of the total site proposed for development, including a statement of present and proposed ownership and present zoning.

612.3.1.2 A statement of planning objectives to be achieved.

612.3.1.3 A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

612.3.1.4 A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the PUD such as land areas, dwelling units, etc.

612.3.1.5 Quantitative Data for the Following:

(1) total number and type of dwelling units,

- (2) parcel size
- (3) proposed lot coverage of buildings and structures,
- (4) approximate gross and net residential densities,
- (5) total amount of open space,
- (6) total amount of nonresidential construction,
- (7) economic feasibility studies or market analysis when necessary, and,
- (8) other studies as required by the Planning Commission.

612.3.2 Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information.

612.3.2.1 The existing site conditions including contours at one (1) foot intervals, water course, flood plains and trees.

612.3.2.2 Proposed lot lines and plot designs.

612.3.2.3 The location and floor area size of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, density per type and non-residential structures, including commercial facilities and architectural renderings of typical structures and improvements. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final detail at this stage.

612.3.2.4 The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.

612.3.2.5 The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public right-of-way (including major points of ingress and egress to the development). Notations of proposed ownership - public or private - should be included where appropriate.

612.3.2.6 The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system, indicating proposed treatments of points of conflict.

612.3.2.7 The existing and proposed utility systems, including sanitary sewers, water, electric, gas and telephone lines.

612.3.2.8 A general landscape plan indicating the treatment of material used for private and common open spaces. The landscape plan should be in general, schematic form at this stage.

612.3.2.9 Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.

612.3.2.10 The proposed treatment of the perimeter of the PUD, including materials and techniques used as screens, fences and walls.

612.3.2.11 Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

612.4 Final Development Plan: The final plat shall be submitted within two (2) years after approval of the preliminary development plan or such preliminary approval will lapse.

No building permit shall be issued in the Planned Unit Development until the Planning Commission and the Mayor and Board of Aldermen have approved the final development plan and report, which are to include:

612.4.1 Maps as required by the subdivision regulations for final plats with such modifications as have been specified for the Planned Unit Developments.

612.4.2 A final general plan indicating the location and purposes of all features and improvements, including items required to be included in the preliminary development plan, but with such added dimensions and details as will permit the Planning Commission to make its determinations concerning conformity with regulations.

612.4.3 Proposed final drafts of all agreements, contracts, dedications, deed restrictions, sureties, or other instruments shall be provided.

612.4.4 Detailed plans of individual buildings and groups of buildings and their sites. Such plans are to include floor plans and elevations and indications as to yards, court, and open spaces between buildings or portions of buildings.

612.4.5 The Planning Commission shall make a detailed review of the final development plan and report to determine compliance with requirements. Following formal acceptance and recording, building permits may be issued and construction may begin.

611.5 Finding Required: The Planning Commission, after determining that all requirements of the Zoning Ordinance dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications, or disapproval of the preliminary development plan.

The Planning Commission shall enter the reasons for such action in its records. The Planning Commission may recommend the establishment of a Planned Unit Development District provided that it finds the facts submitted with the preliminary development plan establish that:

612.5.1 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.

- 612.5.2 Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan.
- 612.5.3 Land surrounding the proposed development can be planned in coordination with the proposed development and that it can be compatible in use.
- 612.5.4 The proposed change to a Planned Unit Development District is in conformance with the general intent of the Comprehensive Master Plan.
- 612.5.5 Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
- 612.5.6 Existing and proposed utility services are adequate for the proposed development.
- 612.5.7 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.
- 612.5.8 The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscape and utility areas can be completely developed within five years of the establishment of the district.

612.6 Planned Unit Development Standards: The standards for Planned Unit Development Districts are to provide the Planning Commission with a means to evaluate applications for these districts consistent with the provisions and general intent of the Zoning Ordinance and the Comprehensive Master Plan.

The following standards are intended to strengthen public control over development, while providing the necessary latitude for the developer to make creative and efficient use of his property.

Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. High-rise buildings shall be located within a Planned Unit Development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. The Planning Commission may determine that certain setbacks be required within all or a portion of the perimeter of the site and shall exercise ultimate discretion as to whether the total development plan complies with the spirit and intent of this section. Required yards are shown on Table 1.

612.6.1 Planned Unit Development, Residential Standards.

In Planned Unit Development - Residential, the following uses may be permitted:

612.6.1.1 One family dwellings,

612.6.1.2 Two-family dwellings,

- 612.6.1.3 Multi-family dwellings,
- 612.6.1.4 Professional residence - offices,
- 612.6.1.5 Religious institutions,
- 612.6.1.6 Schools,
- 612.6.1.7 Community centers
- 612.6.1.8 Membership clubhouses,
- 612.6.1.9 Public outdoor recreation,
- 612.6.1.10 Accessory uses,
- 612.6.1.11 Parking,
- 612.6.1.12 Other uses approved by the Planning Commission.

#### 612.6.2 Planned Unit Development, Business and Commercial Standards

In Planned Unit Development - Business and Commercial, the following uses may be permitted.

- 612.6.2.1 Retail stores,
- 612.6.2.2 Business offices,
- 612.6.2.3 Hotels, motels,
- 612.6.2.4 Religious institutions,
- 612.6.2.5 Community centers,
- 612.6.2.6 Indoor recreation,
- 612.6.2.7 Personal services,
- 612.6.2.8 Enclosed accessory uses,
- 612.6.2.9 Parking,
- 612.6.2.10 Other uses approved by the Planning Commission.

#### 612.6.3 Planned Unit Development, Industrial Standards

In Planned Unit Development - Industrial, the following uses may be permitted.

- 612.6.3.1 Enclosed manufacturing industries permitted in the I District,
- 612.6.3.2 Machinery and equipment sales,
- 612.6.3.3 Enclosed warehouse,
- 612.6.3.4 Enclosed wholesale use,
- 612.6.3.5 Public utilities,

- 612.6.3.6 Gasoline station,
- 612.6.3.7 Enclosed service and repair,
- 612.6.3.8 Trucking and freight terminal,
- 612.6.3.9 Garage,
- 612.6.3.10 Enclosed accessory use,
- 612.6.3.11 Parking,
- 612.6.3.12 Other uses approved by the Planning Commission.

612.6.4 Planned Unit Development, Mixed Use Standards.

In Planned Unit Development - Mixed Use, the following uses may be permitted:

- 612.6.4.1 Any use permitted in Planned Unit Development, Residential,
- 612.6.4.2 Any use permitted in Planned Unit Development, Business and Commercial.

612.7 Failure to Begin Development

612.7.1 If no construction has begun in the PUD within six (6) months from the approval of the PUD and recording of documents, said approval shall lapse and be of no further effect. The Planning Commission, upon showing of good cause by the developer, may extend for period(s) of 6 months, the time for beginning construction.

612.7.2 If development does not proceed within the time set, the Planning Commission shall be required to examine the circumstances and make recommendations to the Mayor and Board of Aldermen to redone all or part of the development to its former status or such other status as appears appropriate under current circumstances. Within thirty days of such recommendation the Board of Aldermen shall hold a hearing as required by Article XIII of this Ordinance for the purpose of razoring the parcel.”

**SECTION 5.** That Section 613 of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended to read in its entirety as follows:

“SECTION 613. CHART OF PERMITTED USES.

613.1 Conditions Governing Permitted Uses: Permitted uses shall be governed by conditions set forth in the following categories:

613.1.1 Uses by Right. Uses allowed by right are specified by an (R) in the chart of permitted uses.

613.1.2 Uses Requiring Planning Commission Approval. The uses listed in subsection 613.2 are permitted upon approval of location and the site plan thereof by the Planning Commission as being appropriate with regard to transportation and access, water supply,

waste disposal, fire and police protection and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. An (X) indicates a use which requires Planning Commission Approval.

613.1.3 Reserved.

613.1.4 Reserved.

613.2 Schedule of Uses. Property lying within each of the Districts as reflected by the Official Zoning Map shall be used only for the purpose as herein set forth. The uses permitted in each of the types of districts are listed below. For any use not specifically listed the Planning Commission shall make a determination of the district in which such use shall be permitted based upon its similarity in nature and character to uses that are listed on the following chart.

**SECTION 6.** That Section 613 of Ordinance 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, should be and the same is hereby amended to read in its entirety as follows:

“SECTION 614. SPECIAL EXCEPTION USES.

614.1 Special Exception Uses. Special Exception Uses are subject to the approval of location and site plan. In addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered as an individual case. The Planning Commission is to hear and decide such questions as are involved in determining whether special exceptions should be granted, and to grant special exceptions with such conditions and safeguards as are appropriate under the provisions of this Ordinance, or to deny special exceptions when not in harmony with the purposes of this Ordinance. Special Exceptions are subject to the final approval of the Mayor and Board of Aldermen of the City. A special exception shall not be granted by the Planning Commission unless it shall find that all of the following conditions exist.

614.1.1 That the granting of the special exceptions will not adversely affect the public interest.

614.1.2 That satisfactory provisions and arrangement has been made concerning the following where applicable:

614.1.2.1 Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian traffic, safety and convenience, traffic flow and control and access in case of fire or catastrophe.

614.1.2.2 Off-street parking and loading areas where required with particular attention to items in 614.1.2.1, above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

614.1.2.3 Screening and buffering with reference to type, dimensions and character.

614.1.2.4 Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and economic effect and compatibility and harmony with properties in the district.

**SECTION 7.** ORDINANCE No. 344, as heretofore amended, is amended

as set forth herein above, only, to otherwise remain in full force and effect.

**SECTION 8.** Effective Date

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

The above and foregoing Ordinance No. 537 was introduced in writing by Alderman Bennett 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 Absent, Not Voting
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Nay
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder	voted Aye
Alderman Mark E. Lishen	voted Aye
Alderman Joseph McNary	voted Aye

The question having received the affirmative vote of a majority the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 537 adopted and approved this the 20<sup>th</sup> day of March, 2007.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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REBECCA E. SCRUFF, CITY CLERK