

ORDINANCE NO. 546

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 2004 WEST 2ND STREET, LONG BEACH, MISSISSIPPI, FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO R-O (RESIDENTIAL OFFICE), 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-3 (Multi-Family Residential) to C-3 (Neighborhood Commercial) by the owner of certain property located at 2004 West 2nd Street, Long Beach, Mississippi, bearing Harrison County tax parcel number 0512J-03.069.001, and being more particularly described as follows:

A parcel of land situated in Fractional Section 22, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi, more particularly described as follows:

Beginning at an iron rod found at the Northeast corner of Lot 22, Replat of Lots 8 thru 31 of Pelican Cove Townhouses, City of Long Beach, Harrison County, Mississippi; thence along the North line of said Lot 22, N 89 degrees 54 minutes 15 seconds West 89.79 feet; thence North 04 degrees 08 minutes 43 seconds East 64.43 feet; thence North 03 degrees 12 minutes 58 seconds East 50.69 feet; thence North 01 degrees 14 minutes 25 seconds East 48.08 feet to the South margin of 2nd Street; thence along said South margin, North 70 degrees 10 minutes 31 seconds East 84.44 feet to an iron rod found; thence S 00 degrees 33 minutes 16 seconds East 191.14 feet to the Point of Beginning.

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 September 13, 2007 at 6:30 p.m. and upon conclusion of said public hearing did recommend changing the zoning classification of the subject property from R-3 (Multi-Family Residential) to R-O (Residential Office) as reflected in the official minutes of the September 13, 2007, 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 Wednesday, November 7, 2007, at the City Hall 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, 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, the character of the surrounding neighborhood, and the minutes of the Long Beach Planning Commission that:

- 1) That the building on the subject property was constructed for use and was originally used as a convenience store, and was most recently used as an office building;
- 2) That the subject property is situated on West 2nd Street, which street is a major arterial street, the traffic upon which has increased over the years;
- 3) Whereas the subject property, due to nearby single family residences, is not suitable for a C-3 (Neighborhood Commercial) zoning classification or use, the neighborhood has changed to the extent and traffic on West 2nd Street has increased to the extent that the subject property and the building thereon is suitable for a residential-office use and the zoning classification of the subject property should be changed to an R-O zoning classification;
- 4) That the aforesaid change in character of the neighborhood and traffic volume are material changes and mandate a change in the zoning classification of the subject property to R-O (Residential Office); and
- 5) That the best use for the subject property is Residential Office use and the zoning classification of same should be changed from R-3 (Multi-Family Residential) to R-O (Residential Office)

d. That the clear and convincing evidence establishes the public need for the said amendment changing the zoning classification of the subject property from R-3 to R-O;

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 the subject property from R-3 (Multi-Family Residential) to R-O (Residential Office). 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 parcel of land located at 2004 West 2nd Street, Long Beach, Mississippi, bearing Harrison County tax parcel number 0512J-03.069.001, which parcel is described as:

A parcel of land situated in Fractional Section 22, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi, more particularly described as follows:

Beginning at an iron rod found at the Northeast corner of Lot 22, Replat of Lots 8 thru 31 of Pelican Cove Townhouses, City of Long Beach, Harrison County, Mississippi; thence along the North line of said Lot 22, N 89 degrees 54 minutes 15 seconds West 89.79 feet; thence North 04 degrees 08 minutes 43 seconds East 64.43 feet; thence North 03 degrees 12 minutes 58 seconds East 50.69 feet; thence North 01 degrees 14 minutes 25 seconds East 48.08 feet to the South margin of 2nd Street; thence along said South margin, North 70 degrees 10 minutes 31 seconds East 84.44 feet to an iron rod found; thence S 00 degrees 33 minutes 16 seconds East 191.14 feet to the Point of Beginning.

is hereby changed from R-3 (Multi-Family Residential) to R-O (Residential-Office).

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. 546 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 Absent, Not Voting
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Joseph McNary	voted Aye
Alderman Mark Lishen	voted Absent, Not Voting

The question having received the affirmative vote of all the Alderman present and voting, the Mayor declared the motion carried in the said Ordinance 546 adopted and approved this the 20th day of November, 2007.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK