

ORDINANCE NO. 558

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 THE SOUTH 820 FEET OF TAX PARCEL NUMBER 0511A-01-003.001 AND BEING GENERALLY DESCRIBED AS BEING SOUTH OF 28TH STREET, EAST OF FRED ALLEN ROAD AND NORTH OF CLIFF ALLEN ROAD IN LONG BEACH, MISSISSIPPI, FROM R-4 (RESIDENTIAL FARM) TO C-2 (GENERAL COMMERCIAL), 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-4 (Residential Farm) to C-2 (General Commercial) by the owner of certain property being generally described as being located south of 28th Street, East of Fred Allen Road and North of Cliff Allen Road in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being the south 820 feet of Tax Parcel Number 0511A-01-003.001, and being more particularly described as follows:

The South 820 feet of a parcel of land being located in the W ½ of the NW ¼ of the NE ¼ of Section 3, Township 8 South, Range 12 West, Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the NW corner of said NW ¼ of the NE¼ and run South 27 feet t to the South margin of 28th Street and the POINT OF BEGINNING, thence East along said South margin 330.00 feet; thence South 1320 feet; thence West 330.00 feet; thence North 1320.00 feet to the POINT OF BEGINNING; containing 10 acres, more or less and being the West 10 acres of that property purchased by William D. Moorman and William L. Kornhause from B.F. Breazeale and Hauty Hart Breazeale by warranty deed executed November 7, 1978 and recorded in the office of the Chancery Clerk for the First Judicial District of Harrison County, Mississippi, in Deed Book 844 at page 368.

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 14, 2008 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 14, 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 Tuesday, September 16, 2008 at the Long Beach School District Central Office at 19248 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, 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 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 as evidenced by the documentary evidence presented in support of the application, the character of the neighborhood has changed and the uses and structures in the neighborhood have become more and more commercial; and
- 2) That an adjacent parcel is occupied by a church and the parcel adjacent to the church is occupied by a day care business; and
- 3) That the Subject Property is located on a commercial corridor in the City, with heavy traffic and more suited to commercial use than residential use;
- 4) That commercial development in the City, since the devastation of Hurricane Katrina of properties along U.S. Highway 90, is occurring along commercial corridors in the City located north of the existing railroad running easterly and westerly through the City, and the City is in need of more sites for such development; and
- 5) That the best use for the subject property is commercial and the zoning classification of same should be changed from R-4 (Residential Farm) to C-2 (General Commercial)

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-4 to C-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-4 (Residential Farm) to C-2 (General Commercial). 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 being generally described as being located south of 28th Street, East of Fred Allen Road and North of Cliff Allen Road in the City of Long Beach, First Judicial District of Harrison County, Mississippi, and being the south 820 feet of Tax Parcel Number 0511A-01-003.001, and being more particularly described as follows:

The South 820 feet of a parcel of land being located in the W ½ of the NW ¼ of the NE ¼ of Section 3, Township 8 South, Range 12 West, Harrison County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at the NW corner of said NW ¼ of the NE¼ and run South 27 feet t to the South margin of 28th Street and the POINT OF BEGINNING, thence East along said South margin 330.00 feet; thence South 1320 feet; thence West 330.00 feet; thence North 1320.00 feet to the POINT OF BEGINNING; containing 10 acres, more or less and being the West 10 acres of that property purchased by William D. Moorman and William L. Kornhause from B.F. Breazeale and Hauty Hart Breazeale by warranty deed executed November 7, 1978 and recorded in the office of the Chancery Clerk for the First Judicial District of Harrison County, Mississippi, in Deed Book 844 at page 368.

is hereby changed from R-4 (Residential Farm) to C-2 (General Commercial).

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. 558 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 Charles Boggs	voted Aye
Alderman Richard Burton	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 and the said Ordinance 558 adopted and approved this the 8th day of October, 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. 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 #558 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 7th day of October, 2008, as the same appears of record in Ordinance Book #7, pages 367-370 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 8th day of October, 2008.

(SEAL)

Rebecca E. Schruuff, City Clerk