

**ORDINANCE NO. 519**

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 GENERALLY DESCRIBED AS LYING EAST OF RUNNELS AVENUE AND NORTH OF AND ADJACENT TO U.S. HIGHWAY 90 IN THE CITY OF LONG BEACH, AND BEING TWO PARCELS OF LAND HAVING TAX PARCEL NUMBERS 0612E-03-038.001, 0612E-03-037.000 AND 0612E-03-037.049 FROM R-1 (SINGLE FAMILY RESIDENTIAL) AND R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-2 (MEDIUM DENSITY 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 R-2 (Medium Family Residential) to R-3 (Multi-Family Residential) by the owners of certain property generally described as lying east of Runnels Avenue and north of and adjacent to U.S. Highway 90 in the City of Long Beach, and being two parcels of land which parcels are lie and are situated in the First Judicial District of Harrison County, Mississippi, and are more particularly described as follows, to-wit:

Commence at the southwest corner of the Beau Clair Condominiums where it intersects with the North right-of-way of U.S. Highway 90 and thence run North 650.00 feet to the point of beginning of the property herein described. From said POB thence continue North 150.0 feet to a concrete monument; thence run in a Southwesterly direction a distance of 55.0 feet to a concrete monument; thence run North 147.3 feet to an iron rod; thence run in a Northeasterly direction 318.0 feet to an iron pipe; thence run South 225.3 feet to an iron rod; thence run West 100.0 feet to an iron rod; thence run South 142.0 feet to an iron rod; thence run West 145.0 feet back to the POB. Said parcel is in a part of Lot 53, Henderson-Shipman-Hughes Survey, lying in the Southeast 1/4 of Section 14, Township 8 South, Range 12 West, Long Beach, Harrison County, Mississippi.

**AND ALSO**

Begin at the SW corner of Lot 1, Block 1, Oak Gardens Subdivision, said point of beginning being located on the North margin of U.S. Highway 90 right-of-way, and then from said point of beginning run N 67 degrees 46 minutes E along said right of way 5.4 feet; thence run N 00 degrees 01 minutes E parallel with the west line of said Oak Gardens Subdivision 493.0 feet to a point located 5.0 feet East of the NW corner of Lot 4, Block 1 of said subdivision, thence run S 89 degrees 59 minutes W 105.00 feet; thence run N 00 degrees 02 minutes E 55 feet; thence run West 145.5 feet; thence run S 00 degrees 01 minutes E 650.3 feet to the North margin of U.S. Highway 90 right-of-way; thence run N 67 degrees 46 minutes E along said North right of way 264.9 feet to the point of beginning. All of the above described land is located in the SW 1/4 of Section 14, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi.

The land described above has been assigned Tax Parcel Nos. 0612E-03-038.001, 0612E-03-037.000 and 0612E-03-037.049, by the Harrison County Tax Assessor.

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 February 23, 2006 at 7:00 p.m. and upon conclusion of said public hearing did recommend denial of applicants request for a zone change from R-1/R-2 to R-3 and instead, recommended re-classification of the subject property to R-2 as reflected in the official minutes of the February 23, 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, April 4, 2006, at the Long Beach School District Central Office, 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 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:

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 prior to Hurricane Katrina, which came ashore on August 29, 2005, the condominiums known as Beau Clair Condominiums had been situated upon the subject property and had been constructed and continuously operated as a

condominium;

2) That in spite of such use of the subject property, the subject property bears a split zoning classifications of R-1 (Single Family Residential) and R-2 (Medium Family Residential);

3) The established and actual use of the subject property, prior to Hurricane Katrina, was for condominiums;

4) That the condominiums were destroyed by Hurricane Katrina on August 29, 2005, and the owners desire to rebuild the condominiums on the subject property;

5) The changing conditions in the area in the neighborhood surrounding the subject property, particularly along U.S. Highway 90, including but not limited to the development of the area for restaurants, a motel, and other commercial uses make it unlikely that an R-1 zoning classification of the subject property now, or in the future, is either necessary or desirable, and is, in fact, contrary to the character of the neighborhood along U.S. Highway 90 and contrary to the orderly development of the community; and

6) That it is necessary and desirable and the best interest of the public requires that the zoning classification of the subject property be changed from R-1 and R-2 to R-2.

7) 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 development plan heretofore approved by the Governing Authority;

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

d. 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-1 (Single Family Residential) and R-2 (Medium Family Residential) to R-2 (Medium 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 those two parcels of land generally described as lying east of Runnels Avenue and north of and adjacent to U.S. Highway 90 in the City of Long Beach, which parcels lie and are situated in the First Judicial District of Harrison County, Mississippi, and are more particularly described as follows, to-wit:

Commence at the southwest corner of the Beau Clair Condominiums where it intersects with the North right-of-way of U.S. Highway 90 and thence run North 650.00 feet to the point of beginning of the property herein described. From said POB thence continue North 150.0 feet to a concrete monument; thence run in a Southwesterly direction a distance of 55.0 feet to a concrete monument; thence run North 147.3 feet to an iron rod; thence run in a Northeasterly direction 318.0 feet to an iron pipe; thence run South 225.3 feet to an iron rod; thence run West 100.0 feet to an iron rod; thence run South 142.0 feet to an iron rod; thence run West 145.0 feet back to the POB. Said parcel is in a part of Lot 53, Henderson-Shipman-Hughes Survey, lying in the Southeast 1/4 of Section 14, Township 8 South, Range 12 West, Long Beach, Harrison County, Mississippi.

AND ALSO

Begin at the SW corner of Lot 1, Block 1, Oak Gardens Subdivision, said point of beginning being located on the North margin of U.S. Highway 90 right-of-way, and then from said point of beginning run N 67 degrees 46 minutes E along said right of way 5.4 feet; thence run N 00 degrees 01 minutes E parallel with the west line of said Oak Gardens Subdivision 493.0 feet to a point located 5.0 feet East of the NW corner of Lot 4, Block 1 of said subdivision, thence run S 89 degrees 59 minutes W 105.00 feet; thence run N 00 degrees 02 minutes E 55 feet; thence run West 145.5 feet; thence run S 00 degrees 01 minutes E 650.3 feet to the North margin of U.S. Highway 90 right-of-way; thence run N 67 degrees 46 minutes E along said North right of way 264.9 feet to the point of beginning. All of the above described land is located in the SW 1/4 of Section 14, Township 8 South, Range 12 West, City of Long Beach, First Judicial District of Harrison County, Mississippi. (Beau Clair Condominiums as depicted in DB 994 at page 274)

The land described above has been assigned Tax Parcel Nos. 0612E-03-038.001, 0612E-03-037.000 and 0612E-03-037.049, by the Harrison County Tax Assessor.

is hereby changed from R-1 (Single Family Residential) and R-2 (Medium Density

Residential) to R-2 (Medium Density Residential).

**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. 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. 519 was introduced in writing by Alderman Holder who moved its adoption. Alderman Bennett 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 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 Alderman present and voting, the Mayor declared the motion carried in the said Ordinance Number 519 adopted and approved this the 4<sup>th</sup> day of April, 2006.

APPROVED:

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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

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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. 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 #519 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 4<sup>th</sup> day of April, 2006, as the same appears of record in Ordinance Book #7, pages 131-136 inclusive, in my office at the City Hall in said City.**

**Given under my hand and the official seal of my office this the 4<sup>th</sup> of April, 2006.**

**(SEAL)**

**Rebecca E. Schruff, City Clerk**