

ORDINANCE NO. 562

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ARTICLE IX OF ORDINANCE NO. 344, THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, AS AMENDED, BY AMENDING SECTION 912 TO ALLOW CERTAIN HOME OCCUPATIONS NOT REQUIRING THE USE OF A VEHICLE OR TRAILER AS USES ALLOWED BY RIGHT, SUBJECT TO THE EXCEPTIONS SPECIFIED THEREIN, TO ADD SECTION 913 TO MAKE HOME OCCUPATIONS REQUIRING USE OF A VEHICLE OR TRAILER SUBJECT TO PLANNING COMMISSION APPROVAL, TO ADD SECTION 914 TO LIST THOSE HOME OCCUPATIONS NOT PERMITTED, AND TO ADD SECTION 915 TO ESTABLISH AND PROVIDE FOR THE COLLECTION OF A HOME OCCUPATION PERMIT AND ADMINISTRATIVE FEE 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 provided by law and the public hearing thereon, do now find, determine 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 6:00 p.m. on November 5, 2008, 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, and a reasonable enforcement of rules and regulations concerning home occupations and applications for permits therefore, require the amendment of the text of Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, as heretofore amended, by amending Section 912 to allow certain home occupations not requiring the use of a vehicle or trailer and to add certain home occupations, deleting Section 912.5, adding Section 913 to provide that any home occupation requiring use of a vehicle or trailer be subject to planning commission approval and to provide the minimum contents of any application for such home occupation, adding, as Section 914 of the said Zoning Ordinance, certain home occupations which are not permitted, and adding Section 915 to establish and provide for the collection of a fee to cover all administrative costs associated with issuance of Home Occupation Permits and monitoring permitted Home Occupations and costs related to home occupation applications.

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

**SECTION 1.** That Section 912, entitled, "Home Occupations" of Article IX, 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 912-915. HOME OCCUPATIONS

A home occupation is an accessory use of a dwelling unit, for gainful employment involving the manufacture, provision, or sale of goods and/or services.

912.1 Purpose: It is the intent of this section to permit home occupations which do not change the primary use of the building as a dwelling. These standards are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood.

912.2 Authorization: Home occupations as appearing hereinafter which are by right, and in which a vehicle or trailer is used in the home occupation, must be submitted to the Planning Commission for approval in compliance with the hereinafter Section entitled, "VEHICLES AND TRAILERS (913.0)

912.3 Necessary Conditions: Home occupations, by right or with Planning Commission approval, are permitted as Accessory uses in residential districts provided:

912.3.1 No person other than members of the immediate family occupying such dwelling shall be employed. This does not apply to customary household or yard help.

912.3.2 No alteration of the principal building shall be made which changes the character thereof as a dwelling.

912.3.3 No use shall require the use of material or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.

912.3.4 No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

912.3.5 There shall be no outside storage of any kind related to the home occupation.

912.3.6 The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.

912.3.7 The home occupation shall be conducted entirely within the principal building that is used as a residential dwelling.

912.3.8 No bulk storage of any materials shall be stored, placed or laid on the driveways, yards, patios, or any surface surrounding the dwelling.

912.3.9 No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

912.3.10 There shall be no signs on or near the home, or in the driveways, yards, patios or any surface surrounding the dwelling.

912.4 Home Occupations: The following home occupations are permitted by right but if any vehicle or trailer is used, then approval must be granted by the Planning Commission pursuant to the Section hereinafter entitled: "Vehicles and Trailers" (913.0)

912.4.1 Artists and sculptors.

912.4.2 Authors and composers.

912.4.3 Dressmakers, seamstresses, and trailers.

912.4.4 Family day care home, limited to not more than three (3) children.

912.4.5 Office facility of a minister, rabbi, or priest.

912.4.6 Office facility of a salesman, or sales representative, provided that no retail or wholesale transactions are made on the premises.

912.4.7 Individual tutoring.

912.4.8 Individual stringed instrument instruction.

912.4.9 Maid or home cleaning service for other dwellings.

912.4.10 Lawn care service and gardening.

912.4.11 Home office in which work for compensation or without compensation is undertaken, including, but not limited to receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; and word and data processing or personal services.

912.4.12 Personal instructions or personal services in which customers or students visit the home by appointment only, and service is provided on a one-on-one basis. No adult entertainment activities shall be allowed as a home based business/occupation.

912.4.13 Sales of a specific product in which members of the immediate family are employed, but which offer for sale stock in trade which is obtained from national franchise entity. Sales of products may be by delivery only. Examples of this type of home occupation include Amway, Tupperware, Mary Kay Make-up and similar products.

913.0 Vehicles and Trailers: All home occupations listed above, in which use of any vehicle or trailer is required, shall require approval of the Planning Commission. The applicant for approval shall submit to the Planning Commission a site plan that will detail the property dimensions, abutting streets, all buildings, driveways, and proposed parking of all vehicles. The site plan will address where vehicles, equipment and supplies will be stored. The business shall be limited to one (1) work vehicle (no greater in capacity of size and weight than a one-ton pick-up truck) and one (1) trailer (no longer than twenty-four (24) feet). A work trailer must be parked in the rear of property, only, and screened from view of adjacent neighbors. Storage of equipment or supplies must be kept within the confines of the work vehicle, trailer, or the principle structure. No repairs of equipment or vehicles for the business will be conducted on the property. The business must comply with all other zoning and building code requirements.

914.0 Home Occupations Not Permitted: Permitted home occupations shall not in any event be deemed to include the following:

914.1.1 Auto repairs, minor or major.

914.1.2 Barber shop or beauty parlor.

914.1.3 Dance instruction.

914.1.4 Upholstering.

914.1.5 Stables or kennels.

914.1.6 Restaurants.

914.1.7 Tourist homes.

914.1.8 Veterinary clinics or hospitals.

914.1.9 Private schools with organized classes.

914.1.10 Gift shops.

914.1.11 Medical or dental clinic or hospitals.

914.1.12 Medical offices.

914.1.13 Dental offices.

914.1.14 Painting of vehicles, trailers, or boats.

914.1.15 Photo developing.

914.1.16 Photo studios.

914.1.17 Radio or television repair.

914.1.18 Cabinet shops.

914.1.19 Escort dating services, adult bookshop, adult imaging (electronic or otherwise) shop or outlet.

914.1.20 Electrician or electrical contractor.

914.1.21 Plumber or plumbing contractor.

914.1.22 Welder or welding contractor.

#### 915.0 Home Occupation Fee:

A fee is hereby established to cover all administrative costs associated with monitoring compliance with the City codes and ordinances required by Home Occupation Permits. Such costs will include, but shall not be limited to, visits, conferences, telephone, computer, City vehicles, City staff (i.e., secretarial, inspectors), appointed or elected officials, consultant, City attorney and any other normal overhead expense. In addition, there will be increased costs to the City in lost commercial value. Vacant buildings in commercial zones have an adverse effect on the value of a building and the community's economic vitality.

Based on this increased cost to the City, said annual administrative fee shall be determined by the Mayor and Board of Aldermen. Upon filing for a Home Occupation, applicant shall pay for the first year fee amount with the application. The administrative fee shall be paid each following year at the

renewal of the City Privilege License. Failure to pay said fee will result in automatic termination of said home occupation. All previous granted home occupations shall be required to pay the administrative fee at the time of renewal of the existing privilege license; renewal is due one year from the date the initial license is granted, and yearly thereafter."

SECTION 2. ORDINANCE No. 344, as heretofore amended, is amended as set forth herein above, only, to otherwise remain in full force and effect.

SECTION 3. 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. 562 was introduced in writing by Alderman Boggs who moved its adoption. Alderman McNary 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 Absent, Not Voting
Alderman Charles A. Boggs	voted Aye
Alderman Carolyn Anderson	voted Absent, Not Voting
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 in the said Ordinance adopted and approved this the 3rd day of February, 2009.

APPROVED:

  
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WILLIAM SKELLIE, JR., MAYOR

ATTEST:

  
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REBECCA E. SCRUFF, CITY CLERK

CERTIFICATE

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 #562 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 3rd day of February, 2009, as the same appears of record in Ordinance Book #7, pages 392-398 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 3rd day of February, 2009.

(SEAL)

  
Rebecca E. Schruff, City Clerk