

**ORDINANCE NO. 628**

**AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 598 AS AMENDED, ENTITLED THE UNIFIED LAND ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI AND AMENDING THE ZONING MAP INCORPORATED IN SAID ORDINANCE TO CHANGE THE CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF 28<sup>TH</sup> STREET AND KLONDYKE ROAD LOCATED IN THE CITY OF LONG BEACH, MISSISSIPPI, AND BEARING TAX PARCEL NUMBER 0610NK-01-004.000 FROM R-4, RESIDENTIAL FARM TO C-2 GENERAL COMMERCIAL, AND FOR RELATED PURPOSES.**

WHEREAS, the City of Long Beach Planning Commission received an application for a zoning map change from the owner of the property located at the northwest corner of 28th street and Klondyke Road located in the City Of Long Beach, Mississippi, and bearing tax parcel number 0610K-01-004.000 seeking rezoning of the said "subject property" from R-4, Residential Farm To C-2 General Commercial; and

WHEREAS, after first publishing notice of such hearing as required by law the Planning Commission did, at its meeting of March 23, 2017, conduct a public hearing on said application, during which hearing proponents and opponents of the application were heard, the application was reviewed and discussed and after such hearing, review and discussion, did recommend approval of the application to the Mayor and Board of Aldermen as reflected in the official minutes of the March 23, 2017 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 5:00 p.m. on Wednesday May 3, 2017, at the Long Beach City Hall at 201 Jeff Davis Avenue, in said City, the time, place and date fixed in said legal notice, and did on said date 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 consideration by the Mayor and Board of Aldermen of the testimony and evidence presented during same and made a part of the record of such proceeding, and further upon consideration of their own knowledge and familiarity with the City, the municipal zoning map, the character of the surrounding neighborhood, the application submitted by the Applicant, and all of the other materials, arguments, comments, evidence and testimony presented at hearing, that the Mayor and Board of Aldermen did then and do now find, determine adjudicate and declare that the clear and convincing evidence establishes:

- (1) Applicant has shown factually that by increased traffic, by developing and anticipated continued growth to the north of the entire City as a result of Hurricane Katrina, the continued and increasing use and utilization of Klondyke Road as a major transportation artery; new, expanding commercial uses along Klondyke Road, and the other information and changes presented by applicant at the time of such request, and as otherwise and also contained in the record of the proceedings of the matter that the character of the neighborhood has changed sufficiently to justify the requested change and to further establish that there is a public need for the said amendment;
- (2) The applicant has conformed to Article XIX, Section 221 of the Long Beach Zoning Ordinance which outlines the requirements for a zoning change;
- (3) That by clear and convincing evidence the proposed zone change to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for is necessary and proper, needed and justified; that public need exists for changing the zoning text to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan, and further, such action is fully supported by the opinion of the Long Beach Planning Commission; that the said change will not be detrimental to present and potential uses but will have a beneficial effect, which could not be achieved without the proposed change; that the proposed change is in conformance with the general intent of the Comprehensive Master Plan of the City.
- (4) Finally, the opponents of the proposed zoning change have failed to

demonstrate or provide objective proof of the percentage of the adjoining land or lands within 160 feet the boundary of the subject property owned by them such as to require application of the provisions of the Mississippi Code and the City=s ordinance requiring a two- thirds majority vote in this.

d. That in sum, the clear and convincing evidence establishes the change in the character of the neighborhood and the public need for the said amendment adopting the zoning classification of the subject property from its present R-1 zoning to the requested zoning classifications.

e. That the Zoning Ordinance of the City of Long Beach should be amended and the Zoning Map incorporated therein amended to change the zoning classification 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. 598, as amended, entitled THE UNIFIED LAND ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI be and is hereby amended as follows:

The Zoning Map and legal description of the City contained, incorporated in and being a part of Ordinance No. 598, as Amended, is hereby amended to change the Zoning Classification from R-4, Residential Farm to C-2 General Commercial the ASubject Parcel@ described as follows, to wit:

Lots Three (3) and Four (4), Block Thirty Two (32), COX SUBDIVISION, in Section 35, Township 35 South Range 12 West, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District in Plat Book 9 at Page 6 (Copy Book 4 at Page 277).

**SECTION 2.** Ordinance No. 598, as amended is hereby amended as set forth above only, to otherwise remain in full force and effect.

**SECTION 3.** 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.

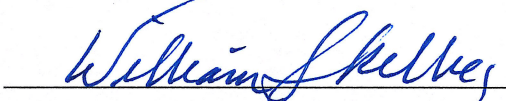
**SECTION 4.** This ordinance shall take effect and be and force thirty (30) days after its adoption, Publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 628 was introduced in writing by Alderman Carrubba who moved its adoption. Alderman Parker 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 Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Absent, Not Voting

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 628 adopted and approved this, the 3<sup>rd</sup> day of May, 2017.

APPROVED:

  
WILLIAM SKELLIE, JR., MAYOR

ATTEST:

  
REBECCA E. SCHRUFF, CITY CLERK

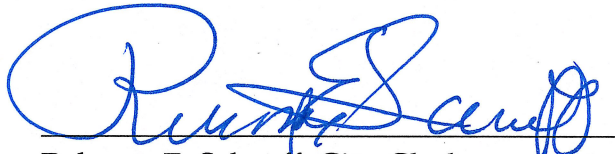
CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruoff, 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 #628 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 May, 2017, as the same appears of record in Ordinance Book #8, pages 456-460 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 4th day of May, 2017.



  
Rebecca E. Schruoff, City Clerk