

ORDINANCE NO. 624

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING THE UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL COMPREHENSIVE ZONING MAP OF THE CITY TO INCLUDE A LEGAL DESCRIPTION OF EACH ZONING DISTRICT WITHIN THE CITY TO BE USED IN AID OF INTERPRETATION, DETERMINATION, AND DESCRIPTION OF ALL ZONING DISTRICTS IN THE CITY OF LONG BEACH, AND FOR RELATED PURPOSES.

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:

(A) The Official Comprehensive Zone Map of the City of Long Beach has been heretofore adopted by the Mayor and Board of Aldermen of the City of Long Beach to reflect the zoning classification of all property within the City of Long Beach.

(B) The Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others are from time to time called upon to interpret and determine the zoning classification of one or more parcels or properties within the City of Long Beach, and the boundary lines between such parcels or zoning districts.

(C) That the Unified Development Ordinance Number 598 of the City of Long Beach, in Section 62 thereof, provides direction and guidance to the Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others when a need or occasion arises to interpret and determine the zoning classification of one or more parcels or properties within the City of Long Beach, and the boundary lines between such parcels or zoning districts.

(D) That, after due investigation and consideration, the Governing Authorities of the City of Long Beach do find and determine that, in further aid to the Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others in making such interpretations of the official zoning map and determinations of the zoning classification of one or more parcels or properties within the City of Long Beach, and the location of boundary lines between such parcels or zoning districts, a legal description of each zoning district within the City should be adopted and made a part of the Official Zoning Map and Unified Development Ordinance, and that such legal description should be used in aid of all interpretations of the Official Zoning Map and determinations of the zoning classification of one or more parcels or properties.

within the City of Long Beach, and the location of boundary lines between such parcels or zoning districts.

(E) That the recommended proposed change to the Unified Development Ordinance and Comprehensive Zone Map by the addition of such legal descriptions was duly considered by the Planning Commission of the City of Long Beach at a public hearing and regular meeting of said Planning Commission held on September 22, 2016, and after public hearing, input, and thorough consideration as to all relevant factors required and available under law, the Planning Commission adopted same and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting.

(F) 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 o'clock p.m. on Tuesday, the 15th day of November, 2016 at the City Hall in said City at the time, place and date fixed in said legal notice, and did on such date conduct a public hearing at which hearing all parties interested in or opposed to adoption of the change proposed to the Unified Development Ordinance and Comprehensive Zone Map by addition of such legal descriptions were given an opportunity to be heard and allowed to make oral and/or written comment to such proposed changes, which proposed changes to the map 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 to the map, all as more particularly hereinafter set forth in this ordinance.

(G) 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 after due deliberation, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that, in further aid to the Mayor and Board of Aldermen of the City of Long Beach, the Planning Commission of the City of Long Beach, and others in making interpretations of the official zoning map and determinations of the zoning classification of one or more parcels or properties within the City of Long Beach, and the location of boundary lines between such parcels or zoning districts, a legal description of each zoning district within the City should be adopted and made a part of the official zoning map and Unified Development Ordinance, and that such legal description should be used in aid of all interpretations of the Official Zoning Map; that the proposed changes to the comprehensive zone map by such addition of legal descriptions of each zoning district is needed and is clearly justified; that a public need

exists for providing a legal description of each zoning district to reflect the correct and intended proper zoning for the various neighborhoods and parcels of the City as well as to provide for and foster orderly development and growth of the City in accordance with a comprehensive plan.

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

Section 1. That the Mayor and Board of Aldermen having considered the comments and testimony at the said hearing, all of the documentary evidence submitted into evidence and their own knowledge and familiarity of the City of Long Beach hereby find and adjudicate as follows:

(a) That the clear and convincing evidence establishes that the City is in need of changing the Unified Development Ordinance and Comprehensive Zone Map to add to such map a legal description of each zoning district within the City to be made and considered as a part of the Official Zoning Map and Unified Development Ordinance, and that such legal description should be used in aid of all such interpretations of the official zoning map and determinations the proposed changes to the Comprehensive Zone Map;

(b) That the clear and convincing evidence establishes the public need for the said amendment;

(c) The addition of the said legal description of each zoning district is not intended to revise or change the existing zoning classification of any district or parcel, but is intended to only further describe and aid in determination of existing zoning map boundaries.

(d) The proposed change is in conformance with the general intent of the Comprehensive Master Plan of the City.

Section 2. That the Unified Development Ordinance Number 598 of the City of Long Beach and the official Comprehensive Zone Map created and enacted thereby should be and hereby are amended as follows:

1. The Unified Development Ordinance Number 598 of the City of Long Beach should be and hereby is amended by adding to Section 102 of Part 2, Article IX, and a new Subparagraph (d) as follows:

(d) The City shall adopt legal descriptions describing each zoning district and such descriptions shall be attached and made part of the Official Zoning Map and used to identify district boundaries. Any amendment to the zoning map shall automatically amend the legal description.

2. The Unified Development Ordinance Number 598 of the City of Long Beach should be and hereby is amended further by adding to Section 62, Article V, and a new Subparagraph (d) as follows:

Section 62. (d) Legal Descriptions for Zoning Districts:

Legal Descriptions – South of CSX Railroad

R-1, Residential Districts

Description 1: Beginning at the intersection of U. S. Highway 90 and the east boundary of the city limits of Long Beach; thence north along the east boundary of the Long Beach city limits to the centerline of the CSX Railroad; thence westerly along the centerline of the CSX Railroad to a point 159 feet more or less, from the intersection of the centerline of Cleveland Avenue; thence southerly along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of 5th Street; thence easterly along the centerline of 5th Street to the intersection of the centerline of Douglas Avenue; thence southerly along the centerline of Douglas Avenue to the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to the intersection of the centerline of Nicholson Avenue; thence north along the centerline of Nicholson Avenue to the intersection of the centerline of 5th Street; thence easterly along the centerline of 5th Street 570 feet, more or less; thence southerly along a line parallel to the centerline of Nicholson Avenue to the intersection of the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to point of beginning.

Description 2: Commencing at the intersection of Burke Avenue and 5th Street; thence north along the centerline of Burke Avenue 205 feet, more or less, to point of beginning; thence east along the north property line of parcel #0612-B-02-071, 170 feet, more or less; thence south 25 feet, more or less; thence easterly along a line parallel to the centerline of 5th Street 524 feet, more or less; thence northerly along a line parallel to the centerline of Cleveland Avenue 180 feet, more or less; thence easterly along the centerline of 4th Street 60 feet, more or less; thence northerly along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of CSX Railroad; thence westerly along the centerline of CSX Railroad to the intersection of the centerline of the extension of Burke Avenue; thence southerly along the centerline of Burke Avenue to point of beginning.

Description 3: Beginning at the intersection of the centerline of Magnolia Street

and the centerline of Church Street; thence northerly along the centerline of Church Street to the intersection of the centerline of CSX Railroad; thence westerly along the centerline of CSX Railroad to the west margin of the West SeaShore Subdivision; thence south along the west margin of West SeaShore Subdivision to the northwest corner of tax parcel #0512I-03-007.000; thence east along the north property line of tax parcel #0512I-03-007.000 to the intersection of the centerline of South Seashore Drive; thence north along the centerline of South Seashore Drive to the extension of tax parcel #0512I-01-051.000; thence east along the north margin of tax parcel #0512I-01-051.000 to the west margin of tax parcel #0512I-01-030.000; thence north along the margin of said parcel to the northwest corner of tax parcel #0512I-01-030.000; thence east to the intersection with the centerline of Buena Vista Drive; thence north along the centerline of Buena Vista Drive to the extension of tax parcel #0512I-01-028.001; thence east along the north margin of said parcel to the northeast corner of tax parcel #0512I-01-028.001, thence south to the intersection of the centerline of U.S. Highway 90; thence east along the centerline of U.S. Highway 90 to the intersection of the centerline of Runnels Avenue; thence north along the centerline of Runnels Avenue to the extension of tax parcel #0612E-03-039.000; thence east along a line parallel to U.S. Highway 90 to the centerline of Oak Gardens Avenue to the east property line of Oak Gardens Subdivision; thence northerly along the east property line of Oak Gardens Subdivision to the intersection of the centerline of Magnolia Street; thence easterly along the centerline of Magnolia Street to point of beginning.

Description 4: Beginning at the intersection of the centerline of CSX Railroad and the west Long Beach city limit line; thence southerly along the Long Beach city limit line to the intersection of the centerline of 2nd Street; thence easterly along the centerline of 2nd Street 798 feet, more or less; thence southerly along the west boundary of White Harbor Heights Subdivision to the southwest corner of Block 1 of White Harbor Heights Subdivision; thence easterly along the South property line of Lot 1 of White Harbor Heights Subdivision to the intersection of the centerline of White Harbor Road; thence southerly along the centerline of White Harbor Road 325 feet, more or less; thence easterly along the south property line of Lot 24 Thomas Subdivision to the southeast corner of Lot 24 Thomas Subdivision; thence northerly along the east property line of Thomas Subdivision to the intersection of the south property line Pitcher Point Subdivision; thence easterly along the south property line of Pitcher Point Subdivision to the

intersection of the centerline of Pitcher Point Avenue; thence north and easterly along the margin of said parcel to the northwest corner of tax parcel #0512J-01-035.000; thence east along the north margin of said parcel to the west margin of tax parcel #0512J-01-033.000; thence north along west margin to the northwest corner of said parcel; thence east to the intersection with the centerline of Markham Drive; thence north along the centerline of Markham Drive to the extension of tax parcel #0512J-01-002.000; thence east along the south margin of said parcel to the southeast corner; thence northerly along a straight line to the northwest corner of tax parcel #0512I-03-015.00; thence east along said margin to the west margin of tax parcel #0512I-03-014.000; thence north along the east margin of Marcie Drive Subdivision to the centerline of the CSX Railroad; thence west along the centerline of the CSX Railroad to point of beginning.

R-2, Low Density Multi-family Residential

Description 5: Beginning at the intersection of the centerlines of South Girard Avenue and Magnolia Street; thence east along the centerline of Magnolia Street to the northeast corner of the extension of tax parcel # 0612F-02-001.000; thence south along the east margin of said parcel to the north margin of tax parcel #0612F-02-006.000; thence west along the margin of said parcel to the east margin of the Kohler & Russell subdivision; thence south along the east margin of said subdivision to the southeast corner of the Kohler & Russell subdivision; thence west along the south margin of said subdivision to the east margin of tax parcel #0612F-02-031.000; thence follow margin of said parcel to the intersection with the centerline of South Girard Avenue; thence north to the point of beginning.

Description 6: Beginning at the intersection of the centerline of Magnolia Street and the extension of the northeast corner of tax parcel #0612F-02-078.000; thence south along a line parallel to Trautman Avenue to the centerline of U.S. Highway 90; thence west along the centerline of U.S. Highway 90 to the intersection of the centerline of Runnels Avenue; thence north along the centerline of Runnels Avenue to the extension of tax parcel # 0612E-03-039.000; thence east along a line parallel to U.S. Highway 90 to the centerline of Oak Gardens Avenue to the east property line of Oak Gardens Subdivision; thence northerly along the east property line of Oak Gardens Subdivision to the intersection of the centerline of Magnolia Street; thence easterly along the centerline of Magnolia Street to point of

beginning.

R-3, High Density Multi-family Residential

Description 7: Beginning at the intersection of the centerline of Magnolia Street and the extension of the northeast corner of tax parcel #0612F-02-078.000; thence south along a line parallel to Trautman Avenue to the centerline of U.S. Highway 90; thence east along the centerline of U.S. Highway 90 to the intersection with the centerline of South Girard Avenue; thence north along the centerline of South Girard Avenue to the intersection with the centerline of Magnolia Street; thence west to point of beginning.

Description 8: All of Seashore Townhomes Subdivision and tax parcels 0512I-01-29.000 thru .003; tax parcel 0512I-01-028.001; tax parcels 0512I-01-030.000 thru .001; and tax parcel 0512I-01-050.000.

Description 9: All of Arbor Station property and tax parcel #0512I-03-035.001.

Description 10: Beginning at the intersection of the west Long Beach city limit line and the centerline of 2nd Street; thence easterly along the centerline of 2nd Street 798 feet, more or less; thence southerly along the west boundary of White Harbor Heights Subdivision to the southwest corner of Block 1 of White Harbor Heights Subdivision; thence west along the south margin of White Harbor Heights Subdivision to an extension of said line to the west boundary of the Long Beach City limits; thence north to the point of beginning.

R-O, Residential-Office

Description 11: Beginning at the intersection of the centerline of Burke Avenue and the centerline of 5th Street; thence north along the centerline of Burke Avenue 150 feet, more or less; thence east along a line parallel to the centerline of 5th Street to a point 160 feet, more or less, from the west margin of Cleveland Avenue; thence north along a line parallel to the centerline of Cleveland Avenue to the centerline of 4th Street; thence east along the centerline of 4th Street 60 feet, more or less; thence north along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of the L & N Railroad; thence east along the centerline

of the L & N Railroad to a point 124 feet, more or less, from the east margin of Cleveland Avenue; thence south along a line parallel to the centerline of Cleveland Avenue to the intersection of the centerline of 5th Street; thence west along the centerline of 5th Street to point of beginning.

C-1, Central Business

Description 12: Beginning at the intersection of the centerline of 5th Street and the centerline of Burke Avenue; thence north along the centerline of Burke Avenue to the intersection of the centerline of the L & N Railroad; thence west along the centerline of L & N Railroad to the intersection of the extension of the centerline of Church Street; thence south along the centerline of Church Street and its extension to a point 195 feet more or less, or the south property line of Parcel #0612G-02-048; thence east along the south property line of Parcels #0612G-02-047 through 044 inclusive; thence southerly along the west boundary line of Parcels #0612G-02-031 and 034 to the intersection of the centerline of 5th Street; thence east along the centerline of 5th Street to the point of beginning. Less all public lands in description.

C-1 HD, Central Business High Density

Description 13: Beginning at the intersection of the centerline of 5th Street and the centerline of Burke Avenue; thence east along the centerline of 5th Street to the intersection with the centerline of Douglas Avenue; thence south along the centerline of Douglas Avenue to the intersection with the centerline of U.S. Highway 90; thence west along the centerline of U.S. Highway 90 to the extension of the southeast corner of Long Beach Oaks Subdivision; thence following the margins of said subdivision to the southwest corner of tax parcel #0612F-02-006.000; thence north and east along the margin of said parcel to the southwest corner of tax parcel #0612G-02-048.000; thence east along the south property line of Parcels #0612G-02-047 through 044 inclusive; thence southerly along the west boundary line of Parcels #0612G-02-031 and 034 to the intersection of the centerline of 5th Street; thence east along the centerline of 5th Street to the point of beginning.

C-2B, Beachfront Commercial

Description 14: All of tax parcels #0512I-03-007 through 0512-03-010.

Description 15: Beginning at the intersection of the centerlines of U.S. Highway 90 and Marcie Drive; thence west along the centerline of U.S. Highway 90 to the west Long Beach city limit margin; thence north along the west city limit margin to the southwest corner of the R-3 District described in Description 10; thence east along a line to the Block 1 of White Harbor Heights Subdivision; thence easterly along the South property line of Lot 1 of White Harbor Heights Subdivision to the intersection of the centerline of White Harbor Road; thence southerly along the centerline of White Harbor Road 325 feet, more or less; thence easterly along the south property line of Lot 24 Thomas Subdivision to the southeast corner of Lot 24 Thomas Subdivision; thence northerly along the east property line of Thomas Subdivision to the intersection of the south property line Pitcher Point Subdivision; thence easterly along the south property line of Pitcher Point Subdivision to the intersection of the centerline of Pitcher Point Avenue; thence north and easterly along the margin of said parcel to the northwest corner of tax parcel #0512J-01-035.000; thence east along the north margin of said parcel to the west margin of tax parcel #0512J-01-033.000; thence north along west margin to the northwest corner of said parcel; thence east to the intersection with the centerline of Markham Drive; thence north along the centerline of Markham Drive to the extension of tax parcel #0512J-01-002.000; thence east along the south margin of said parcel to the southeast corner; thence northerly along a straight line to the northwest corner of tax parcel #0512I-03-015.00; thence east along said margin to the centerline of Marcie Drive; thence south along said centerline to the Point of Beginning. Also including tax parcels #0512I-03-013 and 0512I-03-014.

C-3, Neighborhood Commercial

Description 16: Beginning at the intersection of the centerlines of U. S. Highway 90 and Nicholson Avenue; thence north along the centerline of Nicholson Avenue to the intersection of the centerline of 5th Street; thence easterly along the centerline of 5th Street 570 feet, more or less; thence southerly along a line parallel to the centerline of Nicholson Avenue to the intersection of the centerline of U. S. Highway 90; thence easterly along the centerline of U. S. Highway 90 to Point of Beginning.

Description 17: All of the Long Beach Oaks Subdivision and tax parcels #0612F-02-017; 0612F-02-031; 0612F-02-031.001 and 0612F-02-032.

Section 3. Hereafter, the above legal descriptions shall be and hereby are adopted and incorporated into the official Comprehensive Zone Map of the City of Long Beach.

Section 4. This Ordinance and Resolution of the Mayor and Board of Aldermen of the City of Long Beach shall be deemed effective in the manner and time prescribed by law.

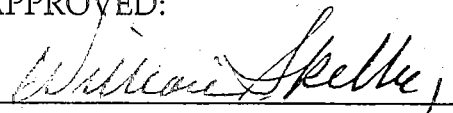
The City Clerk is hereby ordered to publish this Ordinance and Resolution in the manner and time required by law.

Alderman Parker made motion to approve the Ordinance creating a new official zoning map with legal descriptions. Alderman Young seconded the motion 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 Alan Young	voted aye
Alderman Leonard G. Carrubba, Sr.	voted aye
Alderman Mark E. Lishen	voted aye
Alderman Ronnie Hammons, Jr.	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 Number 624 adopted and approved this, the 6th day of December, 2016.

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. 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 #624 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 6th day of December, 2016, as the same appears of record in Ordinance Book #8, pages 435-445 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 7th day of December, 2016.



Rebecca E. Schruff, City Clerk