

MINUTES OF MAY 23, 2013 PLANNING COMMISSION

Be it remembered that a PUBLIC HEARING of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 6:00 o'clock p.m., Thursday, the 23RD day of May 2013, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the public hearing the following named persons: Commission Chairman Frank Olaiivar, Commissioners Tony Vancourt, Jim Heinzl, George Casey, Tonda Yandell, Randy Fischer, Planning Commission Consultant Bill Hessell and Minutes Clerk Veronica Howard.

Commissioner Ron Robertson was absent the public hearing.

There being a quorum present and sufficient to transact the business of this public hearing, the following proceedings were had and done.

The public hearing to consider a Zone Text Change to add to Article XI Supplemental Regulations Section 126. Yard Sales to the Comprehensive Long Beach Unified Land Ordinance was opened.

The Clerk reported that the Legal Notice of Public Hearing was posted on the bulletin boards at City Hall, the Building Permit Office, 201 Jeff Davis Avenue; the Long Beach Public Library, 207 Jeff Davis Avenue; and posted on the City's official website, www.cityoflongbeachms.com. Said Notice is as follows:

**MINUTES OF MAY 23, 2013
PLANNING COMMISSION**

City of Long Beach

BOARD OF ALDERMEN
Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruoff

CITY ATTORNEY
James C. Simpson, Jr.

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **zoning text change**.

Long Beach Planning Commission has filed an application for a change in the zoning text in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes to make the following changes to said Ordinance:

Add to Article XI Supplemental Use Regulations:

Section 126: Yard Sales

As used in this Section, the term "yard sale" shall mean the sale of any new or used household articles, or household goods to the public at large at any specific residential location, both indoors and outdoors, in all zoning districts.

- (a) Permits Required – It shall be unlawful for any person to conduct a yard sale within the City of Long Beach without first obtaining a permit. All such permits and any such yard sale shall be subject to the following:
- (1) Only one permit shall be issued per calendar quarter, per residential dwelling unit at a specific numbered legal address.
 - (2) Yard sale permits shall be issued to the owner of record or tenant of record of the residential property or residential unit upon which such yard sale is to take place.
 - (3) A yard sale shall be limited to no more than three (3) consecutive days as specified on the permit and only during daylight hours
 - (4) No person shall offer for sale at any yard sale any articles, merchandise or goods which have been purchased for resale or articles for which such person is acting as a selling agent.
 - (6) All permits shall be available for inspection by any city official during the hours of operation of yard sale.
 - (7) The conduct of the yard sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.
 - (8) A sale may be conducted by a single person, multiple persons, churches, and social, civic or charitable organizations. All items to be sold must originate as the legal property of the applicant, other persons participating in the sale or members of the organizations.

MINUTES OF MAY 23, 2013 PLANNING COMMISSION

- (9) All sold and unsold yard sale merchandise remaining on the permitted site of any outdoor yard sale event must be removed there from immediately and property stored at the conclusion of the sale.
- (b) Application – The application for any yard sale permit shall be made at least twenty-four (24) hours in advance of such proposed yard sale and shall set forth the following information.
 - (1) Applicant(s) full name;
 - (2) Applicant address, along with contact information (phone, fax or email);
 - (3) A brief description of the household articles and household goods to be sold;
 - (4) Proposed dates and hours of sale;
 - (5) There shall be no charge for the permit.
- (c) Yard Sale Cancellation/Postponement – In the event that the permit holder elects not to conduct a yard sale on the dates permitted, such permit holder shall be entitled to conduct such sale on another selected date after notice to and approval by the City.
- (d) Yard Sale Signs:
 - (1) No more than two signs may be placed upon the permitted property.
 - (2) Signs and handbills cannot be placed on utility poles, public property including rights-of-way, nor may signs be placed on private bulletin boards or inside places of business without the consent of the owner.
 - (3) A sign is limited to four (4) square feet or less and shall not be illuminated or animated.
 - (4) A sign may not be displayed more than forth-eight (48) hours prior to the commencement date of the sale and must be removed immediately following the conclusion of the sale.

The purpose of this proposed change is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, May 23, 2013, at 6:00 p.m., in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

**MINUTES OF MAY 23, 2013
PLANNING COMMISSION**

The Clerk reported that she did cause to be published in the Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication as follows:

PROOF OF PUBLICATION

**LEGAL NOTICE
PUBLIC HEARING**
In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a zoning text change.

Long Beach Planning Commission has filed an application for a change in the zoning text in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes to make the following changes to said Ordinance:

Add to Article XI Supplemental Use Regulations:
Section 126: Yard Sales
As used in this Section, the term "yard sale" shall mean the sale of any new or used household articles, or household goods to the public at large at any specific residential location, both indoors and outdoors, in all zoning districts.

(a) Permits Required - It shall be unlawful for any person to conduct a yard sale within the City of Long Beach without first obtaining a permit. All such permits and any such yard sale shall be subject to the following:

(1) Only one permit shall be issued per calendar quarter, per residential dwelling unit at a specific numbered legal address.

(2) Yard sale permits shall be issued to the owner of record or tenant of record of the residential property or residential unit upon which such yard sale is to take place.

(3) A yard sale shall be limited to no more than three (3) consecutive days as specified on the permit and only during daylight hours.

(4) No person shall offer for sale at any yard sale any articles, merchandise or goods which have been purchased for resale or articles for which such person is acting as a selling agent.

(6) All permits shall be available for inspection by any city official during the hours of operation of yard sale.

(7) The conduct of the yard sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.

(8) A sale may be conducted by a single person, multiple persons, churches, and social, civic or charitable organizations. All items to be sold must originate as the legal property of the applicant, other persons participating in the sale or members of the organizations.

(9) All sold and unsold yard sale merchandise remaining on the permitted site of any outdoor yard sale event must be removed there from immediately and property stored at the conclusion of the sale.

(b) Application - The application for any yard sale permit shall be made at least twenty-four (24) hours in advance of such proposed yard sale and shall set forth the following information:

(1) Applicant(s) full name;
(2) Applicant address, along with contact information (phone, fax or email);
(3) A brief description of the household articles and household goods to be sold;
(4) Proposed dates and hours of sale;
(5) There shall be no charge for the permit.

(c) Yard Sale Cancellation/Postponement - In the event that the permit holder elects not to conduct a yard sale on the dates permitted, such permit holder shall be entitled to conduct such sale on another selected date after notice to and approval by the City.

(d) Yard Sale Signs:
(1) No more than two signs may be placed upon the permitted property.
(2) Signs and handbills cannot be placed on utility poles, public property including rights-of-way, nor may signs be placed on private bulletin boards or inside places of business without the consent of the owner.
(3) A sign is limited to four (4) square feet or less and shall not be illuminated or animated.
(4) A sign may not be displayed more than forty-eight (48) hours prior to the commencement date of the sale and must be removed immediately following the conclusion of the sale.

The purpose of this proposed change is to promote uniform development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, May 23, 2013, at 6:00 p.m., in the Long Beach City Hall, located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signman
Chairman
Planning Commission
ADV3,1FRI
1515385

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

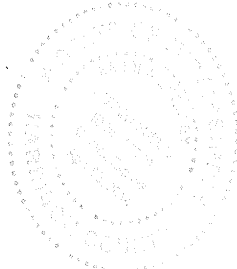
- Vol. 129 No., 212 dated 3 day of April, 20 13
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____; 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Crista Laux
Clerk

Sworn to and subscribed before me this 6 day of May, A.D., 20 13

Kandberg
Notary Public



**MINUTES OF MAY 23, 2013
PLANNING COMMISSION**

*

*

Commission Chairman called for anyone wishing to speak in favor or in opposition of the request and the following came forward to be heard:

- Mr. Jerry Rouse, 5514 Gates Avenue came forward to ask the Commission to reconsider recommending adoption of this section of the ordinance, in his opinion it seems the City is having problems enforcing this section (yard sales) and other Ordinances City wide.

*

*

Commissioner Yandell made motion seconded by Commissioner Fischer and unanimously carried to close the public hearing.

*

*

Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried recommending adding Section 126 Yard Sales to Article XI Supplemental Regulations of the Comprehensive Long Beach Unified Land Ordinance 598 as submitted.

The public hearing to consider a Zone Text Change to add to Article XI Supplemental Regulations Section 118. Lots to the Comprehensive Long Beach Unified Land Ordinance was opened.

Clerk reported that the Legal Notice of Public Hearing was posted on the bulletin boards at City Hall, the Building Permit Office, 201 Jeff Davis Avenue; the Long Beach Public Library, 207 Jeff Davis Avenue; and posted on the City's official website, www.cityoflongbeachms.com. Said Notice is as follows:

**MINUTES OF MAY 23, 2013
PLANNING COMMISSION**

City of Long Beach

BOARD OF ALDERMEN

Leonard G. Carrubba, Sr. - At-Large
Gary J. Ponthieux - Ward 1
Bernie Parker - Ward 2
Kaye H. Couvillon - Ward 3
Ronnie Hammons, Jr. - Ward 4
Mark E. Lishen - Ward 5
Carolyn J. Anderson - Ward 6



WILLIAM SKELLIE, JR.
MAYOR

CITY CLERK
TAX COLLECTOR
Rebecca E. Schruff

CITY ATTORNEY
James C. Simpson, Jr.

LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **zoning text change**.

Long Beach Planning Commission has filed an application for a change in the zoning text in accordance with the Comprehensive Long Beach Unified Land Ordinance. The City proposes to make the following changes to said Ordinance:

Add to Section 118: Lots

(e) Every building or structure erected shall be located on a lot or tract as defined in this ordinance, and in no case shall there be more than one principal building on one lot without planning commission approval.

The purpose of this proposed change is to promote uniformed development and encourage public safety, thereby enhancing the quality of life for all Long Beach residents. A public hearing to consider the above zoning text change will be held in the City of Long Beach, Mississippi 39560, Thursday, May 23, 2013, at 6:00 p.m., in the Long Beach City Hall located on Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

**MINUTES OF MAY 23, 2013
PLANNING COMMISSION**

The Clerk reported that she did cause to be published in the Sun Herald, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, LEGAL NOTICE and PUBLIC HEARING, as evidence by the Publisher's Proof of Publication as follows:

PROOF OF PUBLICATION



STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared CRISTA LAUX who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 129 No., 212 dated 3 day of April, 20 13
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____; 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Crista Laux
Clerk

Sworn to and subscribed before me this 6 day of May, A.D., 20 13

[Signature]
Notary Public

**MINUTES OF MAY 23, 2013
PLANNING COMMISSION**

* * *

Commission Chairman called for anyone wishing to speak in favor or in opposition of the request and no one came forward to be heard.

* * *

Commissioner Fischer made motion seconded by Commissioner Vancourt and unanimously carried to close the public hearing.

* * *

Commissioner Vancourt made motion recommending adding Section 118 Lots to Article XI Supplemental Regulations of the Comprehensive Long Beach Unified Land Ordinance 598, stating the Section number should be 119, not 118 as previously stated.

After considerable discussion as to if this section was necessary, Commissioner Fischer seconded the motion and it was unanimously carried.

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 6:00 o'clock p.m., Thursday, the 23rd day of May 2013, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Jim Heinzl, George Casey, Tonda Yandell, Randy Fischer, Planning Commission Consultant Bill Hessell and Minutes Clerk Veronica Howard.

Commissioner Ron Robertson was absent the public hearing.

The meeting was called to order, there being a quorum present and sufficient to transact the business of this meeting, the following proceedings were had and done.

Commissioner Yandell made motion seconded by Commissioner Fischer and unanimously carried to approve the regular meeting minutes of May 9, 2013 as submitted.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Heinzl and unanimously carried to adjourn the meeting until the next regularly scheduled meeting in due course.

APPROVED:

Chairman, Frank Olaivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk