

## MINUTES OF JUNE 23, 2016 PLANNING COMMISSION

Be it remembered that a public hearings of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 23<sup>rd</sup> day of June 2016, 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 public hearing.

There was present and in attendance on said Commission and at the public hearing the following named persons: Commission Chairman Frank Olaivar, Commissioners Donald Frazer, Randy Fischer, Jim Heinzl, Chris Carrubba, Jeff Hansen, Ron Robertson and minutes Clerk Veronica Howard.

Commissioner(s) Nicholas Brown and Patricia Bennett were 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.

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The public hearing was called to order to consider a zone text change for short term rentals as follows:

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## PLANNING COMMISSION

### Section 131: Short Term Rentals-Residential

#### (a) Definition

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

- (1) **Short Term Rental:** Short Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental "means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such". The term "Short-Term Rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term "Short Term rental" shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances .
- (2) **Local Property Manager:** The person specifically named on the application and permits who is responsible for the day-to-day operation of the short term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit. The local property manager may be the owner or agent of the owner. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the City within five (5) days of any such change.

#### (b) Permit Required

It Is Unlawful To Conduct Or Operate A Short-Term Rental Without Having Obtained A Permit Therefore.

- (1) A short-term lodging, special use permit and occupancy tax registration are required for each short term lodging rental unit.
- (2) Applications may be made for a short term lodging special use permit in all residential zones.
- (3) The permit process requires an application completed in accordance with the following which may be obtained at the City Building Department.
  - (A) Application shall contain such information as the Building Official shall from time to time require, including, but not limited to , the location/address of the short term rental, number of rooms therein contained, the number of persons the short term rental proposes to accommodate , the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by Building Official) rules, and a plan for trash management, and a copy of the proposed rental agreement.
  - (B) It shall be the duty of the applicant to notify the City Building Department of any Homeowners Association which may have jurisdiction over the applicant's property. It shall be the further duty of the applicant to notify the affected Homeowner's

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Association of the application process and to provide the City Building Department with a written statement of support from the Homeowner's Association which approves the request of the applicant for use of the owner's property as a short term rental. Failure to notify the City Building Department of the existence of a Homeowner's Association shall result in the suspension or revocation of the permit.

- (C) It shall be the duty of the applicant to produce proof to the City Building Department of homeowner's liability insurance coverage which does not exclude short term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short term rental.
- (D) The application shall include a statement from the Building Official and Fire Department affirming that the applicant is in compliance with all applicable zoning requirements, building codes and fire codes, as well as a statement affirming that all applicable taxes, fees and other charges have been paid.
- (E) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Long Beach shall result in the suspension or revocation of the permit.
- (F) A non-refundable application fee of two hundred dollars (\$200.00) plus mailing costs or the most recent fee established by the Board of Alderman shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, mailing, and labor affiliated with the processing of the application.
- (G) Upon the filing of an application in accordance with Subsections (A) through (G), the City shall notify all landowners within two hundred (200) feet of the applicant's land boundaries of the applicant's intent to obtain a permit to conduct or operate a Short Term Rental on the property owned by the applicant. Notification by the City shall be made by mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the City. The notification shall provide the following information to the landowners within two hundred (200) feet of the applicant's land boundaries:
  - (1) Name and address of the applicant;
  - (2) Name and address of the local contact person who will be available for contact at all times;
  - (3) Name and address of every agent;
  - (4) Copy of the application shall be available at City Hall;
- (H) The City shall notify the landowners within two hundred (200) feet of the applicant's boundary lines of the date, time and place of a hearing before the Planning Commission. Notice shall be published in a local newspaper of general circulation within the City at least fifteen (15) days prior to the hearing.
- (I) At the conclusion of the public hearing, the Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its decision, to the Board of Aldermen. The matter shall be set on the agenda of the next City meeting after the time for appeal has lapsed.
- (J) Any party aggrieved by the decision of Planning Commission may appeal the decision to the Board of Aldermen within ten (10) days from the time of the decision. Any aggrieved party shall file a written notice of appeal with the City Clerk. The City shall hold a hearing to hear the appeal as set forth in the code.
- (K) In the event no appeal is filed, the decision of the Planning Commission shall be

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Mayor and Board of Aldermen. If an appeal is filed, the Board of Aldermen shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such.

- (4) The short term rental unit is in accordance with all applicable fire and health codes as would apply if the unit was located within a commercial zone and designated as a commercial venture therein.
  - (5) Each short term rental permit shall expire one (1) year from the date of issuance of the permit.
  - (6) Permit renewal may be obtained for an amount equal to one-night rental fee or \$100, whichever is greater, through the City Building Department.  
Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific short term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Building Department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.
  - (7) Approval of short term lodging permit does not legalize any non-permitted use or structure. Short term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
  - (8) Short term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article, except no hearing is required, only planning commission approval. The new permit shall be for a period of one year from date approved.
  - (9) Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term lodging rental.
- (c) Occupancy  
The maximum occupancy of each short term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.
- (d) Number of Vehicles  
The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require that an off- street parking space to be constructed or secured.
- (e) Registry of Guests  
Each person granted a short term rental permit shall keep or cause to be kept a registry of guests.

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Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.

(f) Noise

Property owners and local property managers shall insure that the occupants of the short term rental are aware of City noise ordinances and State laws regarding disturbing the peace.

(g) Premises and Garbage Management

It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.

(h) Posting of Rules

Short term rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be posted within the unit and displayed at all times.

(i) Local Contact Person

All short term rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be submitted to the Planning Department, Building Department and City Police Department during the permitting process. The name, address and telephone number of the local contact person shall be posted permanently inside the short term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the Short Term Rental Ordinance.

(j) Complaints and Dispute Resolutions

Complaints regarding violation of this Ordinance must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party should contact the Building Department. The Long Beach Police Department shall have an updated list provided by the Building Department of all local contact persons for short term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

(k) Denial or Revocation of a License

Conditions for denial of permit or revocation of permit to operate a Short Term Rental unit shall include but in no way limited to the following:

- (1) Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- (2) The applicant failed to conform to the conditions set forth herein for the current or previous year.
- (3) Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- (4) Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code,

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building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).

(5) The Building Official is authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Building Official, permit shall be revoked by issuing such order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Building Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard.

(l) Violations

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (*rental without a permit*) is deemed to constitute a separate violation.

(m) Constitutionality

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

(n) Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Long Beach, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short term rentals of residential dwellings or condominiums.

(o) Review

The City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short Term Rentals, as well as, any adverse impact the use of Short Term Rentals may have.

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The clerk reported that notices were posted on the bulletin boards at City Hall, the Building Official's office, and the Water Department, 201 Jeff Davis Avenue; Said notice was ordered as part of these proceedings:

## City of Long Beach



### 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 amend said ordinance by adding the following Section.

#### Section 131: Short Term Rentals – Residential

Short Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) days.

The full text of Section 131 will be available for review and copies available at the Long Beach Planning Office until 1:00 p.m. the day of the public hearing.

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, June 23, 2016, at 5:30 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

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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, Leal 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 Brackett 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 of 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. 132 No., 246 dated 5 day of June, 2016
- 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 county for a period of more than twelve months next prior to the first publication of said notice.

Crista Brackett  
Clerk

Sworn to and subscribed before me this 6 day of

June, A.D. 2016  
Latisha Price  
Notary Public

\*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32



**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 amend said ordinance by adding the following Section.  
**Section 131: Short Term Rentals-Residential**  
 Short Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) days.  
 The full text of Section 131 will be available for review and copies available at the Long Beach Planning Office until 1:30 p.m. the day of the public hearing.  
 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 39550, Thursday, June 23, 2016, at 5:30 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.  
 Signed  
 Chairman  
 Planning Commission  
 ADV5,15UN 1576634

Commission Chairman asked for anyone speaking in favor of the request no one came forward to be heard.

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\* \*

Commission Chairman called for anyone speaking in opposition of the request, no one came forward to be heard.

\* \*

Commissioner Frazer made motion seconded by Commissioner Hansen and unanimously carried to close the public hearing.

After review and discussion Commissioner Carrubba made motion seconded by Commissioner Hansen and unanimously carried, recommending approval of the text change.

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Be it remembered that a regular meeting of Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 23<sup>rd</sup> day of June 2016, 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 Donald Frazer, Randy Fischer, Jim Heinzl, Chris Carrubba, Jeff Hansen, Ron Robertson and minutes Clerk Veronica Howard.

Commissioner(s) Nicholas Brown and Patricia Bennett were absent the meeting.

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

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Commissioner Hansen made motion seconded by Commissioner Frazer and unanimously carried to approve the regular meeting minutes of June 9, 2016 as submitted.

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It came for consideration under unfinished business a certificate resubdivision submitted by Chris Patrick as follows:

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CITY OF LONG BEACH  
PLANNING DEPARTMENT  
201 JEFF DAVIS AVENUE  
PO BOX 929  
LONG BEACH, MS 39560  
(228) 863-1554  
(228) 863-1558 FAX

Office use only	
Date Received	_____
Zoning	_____
Agenda Date	_____
Check Number	_____

APPLICATION FOR CASE REVIEW

- I. TYPE OF CASE: **CERTIFICATE OF RESUBDIVISION**
- II. ADVALOREM TAX PARCEL NUMBER(S): 05121-01-051.011 / 05121-01-051.007
- III. GENERAL LOCATION OF PROPERTY INVOLVED: TWO MILES WEST OF LONG BEACH YACHT CLUB.
- IV. ADDRESS OF PROPERTY INVOLVED: VACANT LOTS SEASHORE AVE.
- V. GENERAL DESCRIPTION OF REQUEST: Resubdivision of LOTS 4 & 5,  
into SEASHORE TOWN HOMES (into) LOT 4, SEASHORE HOMES
- VI. **REQUIRED ATTACHMENTS:**
  - A. Resubdivision Survey and Certificate (see attached example)
  - B. Cash or Check payable to the City of Long Beach in the amount of \$250.00
  - C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner.

**\*\*\*NOTE\*\*\* APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

- VII. **OWNERSHIP AND CERTIFICATION:**  
**READ BEFORE EXECUTING.** The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than fifteen (15) days before the 2<sup>nd</sup> or 4<sup>th</sup> Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

**Ownership:** I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Chris Portier  
Name of Rightful Owner (PRINT)

830 West Beach Blvd  
Owner's Mailing Address

Long Beach MS  
City State Zip

601-906-7409  
Phone

Chris Portier 5-31-16  
Signature of Rightful Owner Date

TOM McDONALD  
Name of Agent (PRINT)

4016 N. State St  
Agent's Mailing Address

Jackson MS 39206  
City State Zip

601-982-1131  
Phone

Tom McDonald 5/27/16  
Signature of Applicant Date

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LONG BEACH PLANNING COMMISSION

CERTIFICATE OF RESUBDIVISION

In accordance with Article II, Section 3 of the Code of Ordinance (Subdivision Regulations) of the City of Long Beach as amended, it is hereby certified that the Long Beach Planning Commission Chairman and Long Beach Mayor and Board of Aldermen have reviewed and approved the attached Final Plat. The following property has been subdivided from Harrison County ad valorem tax parcel (            ) into ( 1 ) parcels. The subject property is generally described as being located ( SEASHORE AVE. ).

The Case File Number is: \_\_\_\_\_

05121-01-051.001  
05121-01-051.007

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION OF LAND PRIOR TO THIS RESUBDIVISION: INSERT OVERALL LEGAL DESCRIPTION OF LOT LOTS 4 & 5, SEASHORE TOWN HOMES

LEGAL DESCRIPTION(S) OF THE (number of) PROPOSED PARCELS:

LEGAL DESCRIPTION of (Parcel 1): Lot 4, SEASHORE HOMES

LEGAL DESCRIPTION of (Parcel 2): —

SEE ATTACHED SURVEY BY TOM McDONALD, PLS 1661 DATED MAY 27, 2016

You are hereby advised to investigate and determine the allowable uses as provided by the restrictive covenant, if any, which affect the subject property. Further the applicant hereby covenants and agrees to indemnify and hold harmless the City of Long Beach, its agents, servants and or employees against any and all claims, demands, or causes of action of whatever nature which may arise as a result of the action of the Planning Commission, its agents, servants, and/or employees concerning the petition for subdivision or the real property described herein.

ACKNOWLEDGE

(1) CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the property described heron, which property is within the subdivision regulation jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision.

Chris Petrucci  
OWNER

6-2-16  
DATE

Subscribed and sworn to before me, in my presence this 2 day of June 2016, a Notary Public in and for the County of Harrison, State of Mississippi.

SEAL

DJK  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



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**(2) CERTIFICATE OF APPROVAL**

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets, or any change in existing public streets, the extension of public water or sewer system or the installation of drainage improvements through one or more lots to serve one or more lots. That the subdivision shown is in all respects in compliance with the City ordinances of Long Beach and that therefore this plat has been approved by the administrator subject to its being recorded in the Harrison County Courthouse within (60) days of the date below.

\_\_\_\_\_  
ADMINISTRATOR

\_\_\_\_\_  
DATE

**(3) CERTIFICATE OF SURVEY AND ACCURACY**

I hereby certify that this map drawn by me or drawn under my supervision from actual survey made by me or actual survey made under my supervision and a deed description recorded in Book   , Page    in accordance with all applicable codes and ordinances. Witness my original signature, registration number and seal this the 27<sup>th</sup> day of May, 2016.

Seal or Stamp



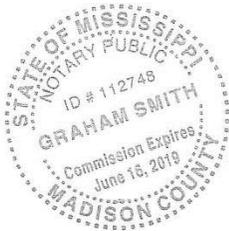
\_\_\_\_\_  
Registered Land Surveyor

MS-RLS 1461  
Registration Number

2014-9598-DJ1  
2016-744-DJ1

Subscribed and sworn to before me, in my presence this the 27<sup>th</sup> day of May, 2016, a Notary Public in and for the County of Harrison, State of Mississippi.

Seal



\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: June 18, 2019

**PLANNING COMMISSION**

Approved by the City of Long Beach Planning Commission at the regular meeting of said Commission held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Date

**ACCEPTANCE**

Submitted to and approve by the City of Long Beach, Board of Aldermen, at the regular meeting of said Board of Aldermen held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

ADOPT:

ATTEST:

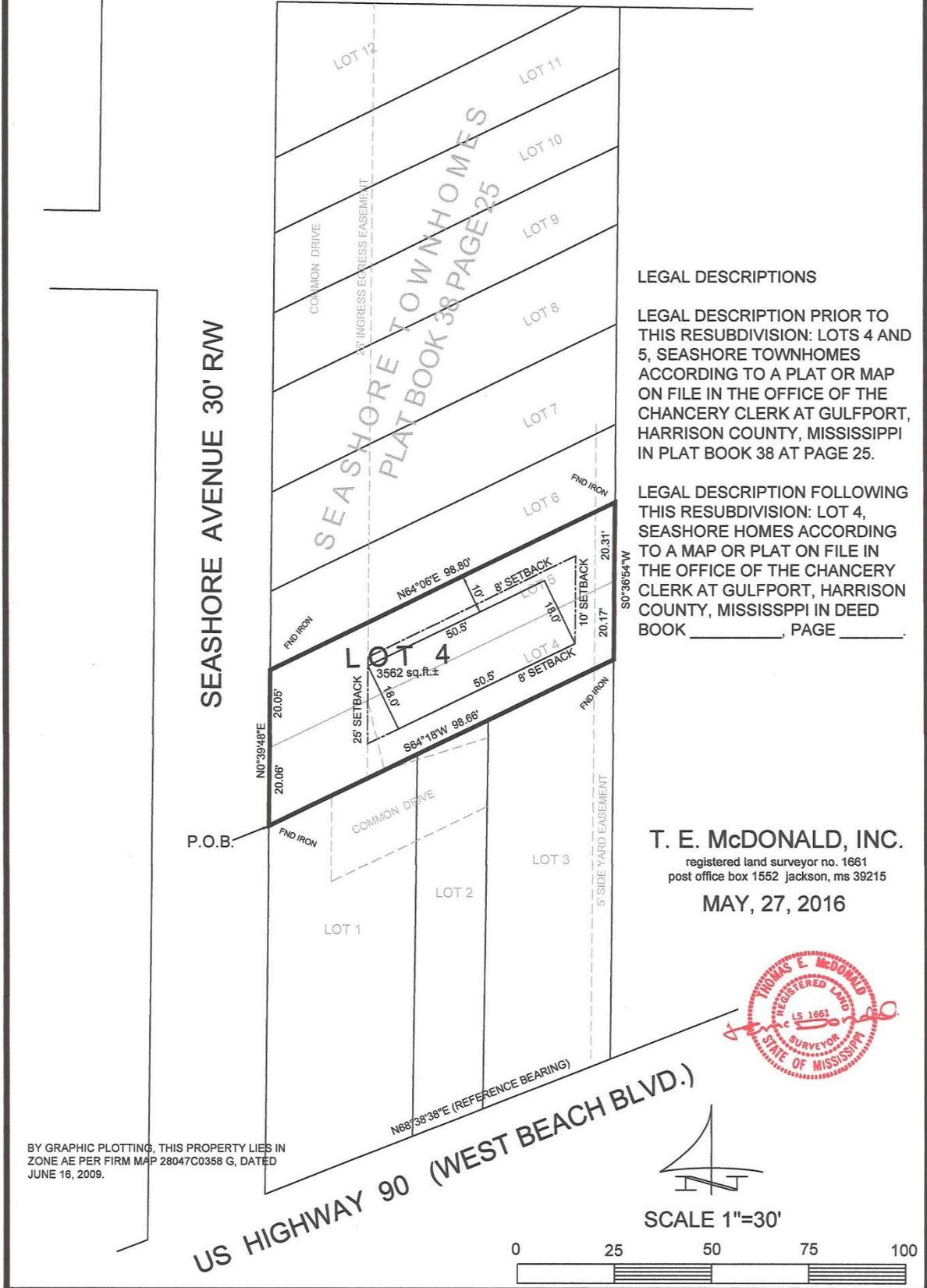
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

MINUTES OF JUNE 23, 2016  
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SEASHORE HOMES  
 CITY OF LONG BEACH, MISSISSIPPI

1st STREET 25' RW



LEGAL DESCRIPTIONS

LEGAL DESCRIPTION PRIOR TO THIS RESUBDIVISION: LOTS 4 AND 5, SEASHORE TOWNHOMES ACCORDING TO A PLAT OR MAP ON FILE IN THE OFFICE OF THE CHANCERY CLERK AT GULFPORT, HARRISON COUNTY, MISSISSIPPI IN PLAT BOOK 38 AT PAGE 25.

LEGAL DESCRIPTION FOLLOWING THIS RESUBDIVISION: LOT 4, SEASHORE HOMES ACCORDING TO A MAP OR PLAT ON FILE IN THE OFFICE OF THE CHANCERY CLERK AT GULFPORT, HARRISON COUNTY, MISSISSIPPI IN DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_.

T. E. McDONALD, INC.

registered land surveyor no. 1661  
 post office box 1552 jackson, ms 39215

MAY, 27, 2016



BY GRAPHIC PLOTTING, THIS PROPERTY LIES IN ZONE AE PER FIRM MAP 28047C0358 G, DATED JUNE 16, 2009.

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**A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS**

520 33<sup>RD</sup> STREET  
GULFPORT, MS 39507

TEL (228) 863-0667  
FAX (228) 863-5232

June 9, 2016

City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: Certificate of Resubdivision – Tax Parcel Nos. 0512I-01-051.011 and  
0512I-01-051.007**

Ladies and Gentlemen:

I am in receipt of a request for minor subdivision for the referenced tax parcels on S. Seashore Avenue. The proposed subdivision will combine the two referenced lots into a single new parcel. The proposed parcel does not meet the minimum requirements for parcels in an R-3 zone. The new parcel will have 40.11 feet of frontage on S. Seashore, but an effective width (measured perpendicularly across the lot) of only 36 feet approximately. While the certificate itself is in order, I do not recommend the approval of this subdivision without a variance or other appropriate action allowing substandard lots. If the City chooses to approve the subdivision, it should be subject to the payment of any required tapping fees or special connection fees as determined by the City's public works department.

Sincerely,

David Ball, P.E.

DB:539

No action was taken; item was table until the next scheduled meeting.

**MINUTES OF JUNE 23, 2016  
PLANNING COMMISSION**

\*\*\*\*\*

It came for consideration discussion regarding amending zoning ordinance #598 to allow for application for special use permit approval in all zoning districts.

No action was taken.

\*\*\*\*\*

It came for consideration discussion regarding amending zoning ordinance #598 to add on-street parking shall be used only by vehicles up to 8,000 pounds and/or more than 2 axles in residential zoning districts, R-1, R-2, R-3 and R-O.

No action was taken or needed.

\*\*\*\*\*

It came for consideration under new business a tree removal request for one (1) Live Oak tree for property located at 309 White Harbor Road submitted by William Moorman as follows:

# MINUTES OF JUNE 23, 2016 PLANNING COMMISSION

CITY OF LONG BEACH, MISSISSIPPI  
201 Jeff Davis Avenue  
P.O. Box 929  
Long Beach, MS 39560  
(228) 863-1554  
(228) 863-1558 fax

TREE PERMIT APPLICATION



**Routine trimming does not require a permit.** The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.  
Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown. Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

Parcel 05121-03-052.000  
309 White Harbor Rd, Long Beach, MS  
PROJECT ADDRESS (where the trees to be removed are): Tax Parcel Number

WHAT TYPE OF TREE ARE YOU REQUESTING TO BE REMOVED? Live Oak  
i.e. Live Oak, Magnolia, etc.

**TREE SITE PLAN:**  
Please provide a map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.

There is a Magnolie tree (39 inch circumfrance) growing immediately next to the oak. I have another large Live Oak immediately in front of the house, and eight large Live Oaks growing behind the house. Various unidentifiable smaller trees are scattered among the latter. I do not detect any disease other than the termite infestation, but

I am 84 years old, living on a limited income, but know the one tree is defective and want to go go on record as making your tree commission aware so as to receive your advice more importantkly, have no one hurt in the event of the tree being the cause.

Please note: BEN KAHLMUS with Fulgham:s, Inc. is is a ISA Certified Arborist A copy of his card is attached.

**\*\*\* YOU MUST ATTACH A PHOTOGRAPH OF THE TREE YOU ARE REQUESTING TO BE REMOVED, THE PHOTO MUST SHOW ANY DAMAGE THE TREE IS CAUSING**

\*\* OVER \*\*

# MINUTES OF JUNE 23, 2016 PLANNING COMMISSION

<b>APPLICANT(S) INFORMATION:</b>	
<u>Moorman</u> <small>Last Name</small>	<u>William</u> <small>First</small>
	<u>D.</u> <small>MI</small>
<u>309 White Harbor Road</u> <small>Mailing Address</small>	<u>Long Beach MS</u> <small>City, State,</small>
	<u>39560</u> <small>Zip</small>
<p>➤ Are you the legal owner of the above property? Yes <u>xxx</u> No _____, If No written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property. <u>Please provide a recorded warranty deed.</u></p> <p>➤ What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc. <u>Large Live Oak has termite damage discovered by owner. Requested immediate treatment by Pulgans Tree Removal. Further monitoring will be done by this company.</u></p> <p><small>For removal of a tree where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed.</small></p> <p><small>For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) any person removing any Live Oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid tree removal permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. The removal of each tree without having first secured a valid tree removal permit shall constitute a separate offense and shall be punishable as such.</small></p> <p><small>** As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.</small></p> <p><small>I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owners agent for the herein described work.</small></p>	
<u>[Signature]</u> <small>Signature</small>	<u>6/16/16</u> <small>Date</small>
<b>OFFICE USE ONLY</b>	
<b>CITY OF LONG BEACH TREE BOARD RECOMMENDATIONS/COMMENTS BELOW:</b>	
PRINTED NAME & SIGNATURE OF TREE BOARD MEMBER(S):	DATE:
_____	_____
_____	_____

**MINUTES OF JUNE 23, 2016  
PLANNING COMMISSION**

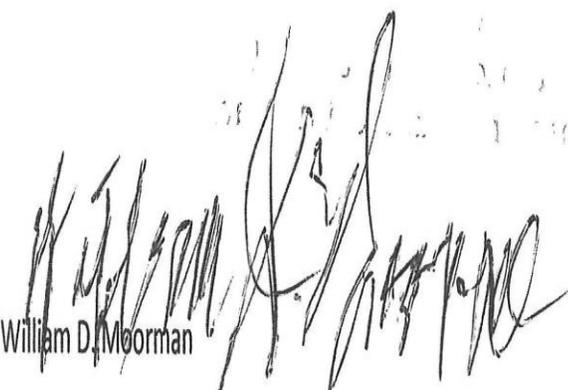
6/15/16

TO WHOM IT MAY CONCERN

I sold a piece of property in Pass Christian, MS in 1986. Eight months after selling the property, a limb fell from the tree, falling on the new owner's wife who was eight months pregnant, causing her to deliver a child who had major brain damage.

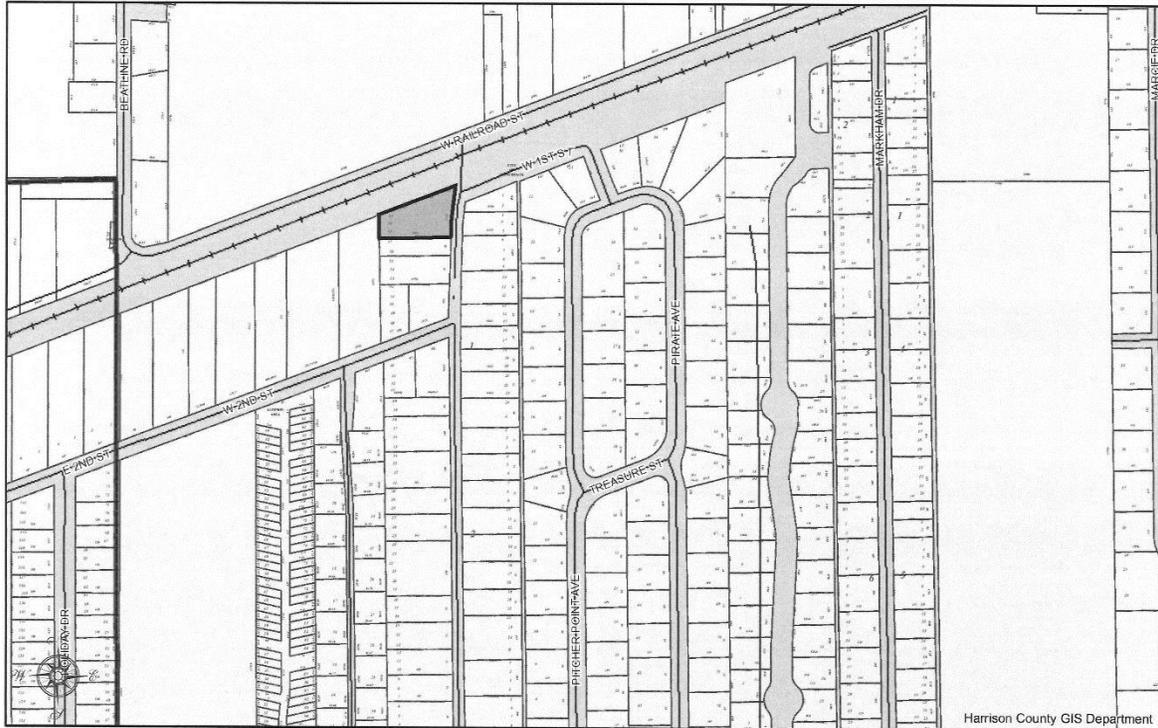
The buyer (a Harvard Law Graduate) filed a law suit claiming that both I and the co-owner knew that the tree was flawed, which we did not, and the suit continued for eight years, ending up in the Mississippi Supreme Court. All courts ruled that it was an act of God and ruled against the plaintiff(s).

Painful to have to relive this memory, but think it necessary to bring the point up in order to let you know how concerned about the condition of the tree at 309 White Harbor Road I really am. While I believe the loss of the tree will greatly de-value my property, and lessen the beauty of the area, I feel it should be cut. Limbs over-hang White Harbor Road posing a possible traffic hazard.

  
William D. Moorman

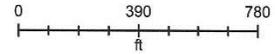
MINUTES OF JUNE 23, 2016  
PLANNING COMMISSION

309 White Harbor Rd



HARRISON COUNTY, MISSISSIPPI

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP. TAL FLURRY, TAX ASSESSOR.  
MAP DATE: June 21, 2016



Prepared by & Return to:  
David W. Jones, Attorney, PLLC  
1605 Twenty-third Avenue  
Gulfport, MS 39501  
(228) 864-8965  
File #159119

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned,

Nancy Jean Sadler, an unmarried person  
8251 La Palma Avenue #289  
Buena Park, CA 90620  
(714) 267-5001

does hereby sell, convey and warrant unto

William D. Moorman, an unmarried person  
309 White Harbor Road  
Long Beach, MS 39560-5610  
(601) 928-7153

the following described land and property being located in Harrison County, Mississippi, being more particularly described as follows, to-wit:

The North 21 feet (N21') of Lot Fifty-eight (58) and all of Lots Fifty-nine (59), Sixty (60), Sixty-one (61), Sixty-two (62) and Sixty-three (63), WHITE HARBOR HEIGHTS, a subdivision according to the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi, in Plat Book 12 at Page 25 (Copy Book 5 at Page 411) thereof, reference to which is hereby made in aid of and as a part of this description.

**MINUTES OF JUNE 23, 2016  
PLANNING COMMISSION**



**MINUTES OF JUNE 23, 2016  
PLANNING COMMISSION**



**MEMORANDUM**

To: Mayor and City Council of Long Beach, MS  
From: Tree Board  
Date: June 21, 2016  
Re: Application for Tree Removal dated June 16, 2016 - 309 White Harbor Road

We reviewed the above referenced application for tree removal submitted by the owner, William Moorman. I spoke with arborist, Ben Kahlmus, who inspected and treated the live oak tree. Mr. Kahlmus said that Mr. Moorman did NOT want the live oak tree to be removed; rather, he is only concerned about safety issues due to limbs extending over the street.

The subject live oak tree has been treated for termites by the arborist and is otherwise healthy. The tree is ancient and should not be removed. The tree board suggests that the city send a crew to determine whether the limbs present a safety issue to alleviate Mr. Moorman's concerns.

Long Beach Tree Board

  
Kimberly R. Lentz, President

**MINUTES OF JUNE 23, 2016  
PLANNING COMMISSION**

After review of the application and the submitted pictures of the tree, Commissioner Heinzl, Certified Arborist estimated the Live Oak to be approximately two hundred fifty to three hundred (250 to 300) years old, based upon this, it was the consensus of the Commission to take no action until Commissioner Heinzl had an opportunity to inspect the tree to explore further options other than removal of the tree.

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

APPROVED:

\_\_\_\_\_  
Commission Chairman, Frank Olaiivar

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Veronica Howard, Minutes Clerk