

## ORDINANCE NO. 604

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING ORDINANCE NUMBER 598 BY ADDING CERTAIN CHANGES RELATED TO SECTIONS 47,119,120; BY ADDING NEW SECTION 129;, BY AMENDING THE CHART OF USES TO ALLOW MANUFACTURED DWELLINGS WITHIN R-4 DISTRICTS WITH PLANNING COMMISSION APPROAVL; BY ADDING SECTION 130; AND BY AMENDING SECTION 188, 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:

WHEREAS, in accordance with the Comprehensive Long Beach Unified Land Use Ordinance 598, and 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 19th day of November, 2013 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 text change application and amendments to the Comprehensive Long Beach Unified Land Use Ordinance 598 proposed 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, all as more particularly hereinafter set forth in this ordinance; and

WHEREAS, such application has previously been the subject of a public hearing held and conducted by Long Beach Planning Commission in accordance with the Comprehensive Long Beach Unified Land Use Ordinance 598; and

WHEREAS, the stated purpose of such application being to promote uniform development and encourage public safety, thereby enhancing the quality of life for all citizens of the City of Long beach; and

WHEREAS, periodically it is necessary and proper and in the best interests of the City to incorporate and adopt zoning text changes from time to time as appropriate to reflect changes in circumstances and public need to accommodate and encourage the orderly growth of the City as well as the protection of property owners within the City; and

WHEREAS, after due consideration, hearings and discussion, the Planning and Zoning Commission of the City of Long Beach has reviewed the proposed zone text changes at a regular meeting, duly considered same, and after public hearing, input, and thorough consideration as to all relevant factors required and available under law, and has adopted same and recommended approval thereof by the Mayor and Board of Aldermen as reflected in the official minutes of said meeting; and

WHEREAS, 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 by the Mayor and Board of Aldermen, the Mayor and Board of Aldermen did then find, and do now find, determine, adjudicate and declare that the proposed text changes to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for are necessary and proper, needed and by clear and convincing evidence 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.

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 established that the proposed text changes to the Comprehensive Long Beach Unified Land Use Ordinance 598 applied for are necessary and proper, needed and by clear and convincing evidence justified; that the 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;

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

(c) The changes will not be detrimental to present and potential uses but will have a beneficial effect, which could not be achieved without the map changes.

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

(e) The proposed changes do not cause or result in any change in zoning classification of any property within the City.

Section 2. That the Comprehensive Long Beach Unified Land Use Ordinance Number 598 of the City of Long Beach should be and hereby is amended as follows:

**Section 47: add the following**

(3) Any legal use that would require planning commission approval by this ordinance and existed at the time of adoption of this ordinance shall be considered to have received planning commission approval and no further action is required.

(4) In the case of a use requiring planning commission approval being destroyed by a natural disaster, such use may be replaced without further action as long as the use occupies a footprint equal to or less than the existing use occupied.

**Section 119: add the following**

(e) Barbed wire fences or use of barbed wire along the top of a fence or wall shall be permissible on in R-4, I-1 or I-2 districts, subject to planning commission approval upon making written finding that use of barbed wire is reasonably necessary to the safety, welfare, and security of the property.

**Section 120: add the following**

(e) Notwithstanding other provisions of this Code, fences, walls and hedges maybe permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge that obstructs visibility shall be erected, altered or placed in or around any required yard to exceed four (4) feet in height above the ground and provided that a fence or wall along the rear lot line or alongside lot lines to the rear of the setback line shall not exceed eight (8) feet in height. In any event, no fences walls or hedges shall obstruct sight lines for vehicular traffic.

**Add new:**

**Section 129: Manufactured Home/Mobile Home Park Standards**

(a) Permitted Locations

(1) Mobile Homes are allowed only in approved Mobile Home Parks, except as otherwise provided, or when permitted as a temporary use for storage or security purposes at a construction project, as described in this code.

(b) Size and Density

(1) Mobile Home Parks may be located on a minimum of ten (10) contiguous acres of land.

(2) Maximum density of Mobile Home Parks is twelve (12) Mobile Home Lots per acre.

(c) Mobile Home Lot

(1) The minimum applicable Mobile Home Lot shall be three thousand (3,000) square feet.

(2) The average area of all spaces within the Mobile Home Park shall not be less than three thousand (3,000) square feet excluding drives, playgrounds, and similar areas.

(3) A minimum separation of sixteen (16) feet between Mobile Homes, one from another and from other structures located on other lots shall be provided.

(4) No part of a Mobile Home or other facility placed on a Mobile Home Lot shall be closer than ten (10) feet to a Mobile Home Park street.

(5) No Mobile Home shall be located closer than ten (10) feet to any perimeter boundary line of the Mobile Home Park which does not abut upon a Thoroughfare.

(6) No Mobile Home shall be located closer to any perimeter boundary line of the Mobile Home Park abutting upon a Thoroughfare than twenty-five (25) feet or such other distance as may be established as a setback requirement with respect to conventional buildings in the district in which the Mobile Home Park is located.

(7) An electrical outlet supplying at least 100-115/220-225 volts, 100 amperes, shall be provided for each non- all-electric Mobile Home Lot in a Mobile Home Park; and 200 amperes for each all-electric Mobile Home Lot in a Mobile Home Park.

(8) Each Mobile Home Lot in a Mobile Home Park shall be provided with a patio adjacent to the entrance to the Mobile Home. Such patio shall be a minimum of one hundred seventy-five (175) square feet and shall be surfaced

with an all-weather, rigid, impervious, permanent pavement meeting the minimum specifications prescribed for the installation of sidewalks by the City Engineer.

(9) All Mobile Home Lots in a Mobile Home Park shall abut upon a driveway with a minimum right-of-way of not less than thirty (30) feet in width, which driveway shall have unobstructed access to a Thoroughfare.

(10) Turnarounds shall be provided for all dead-end roads. The minimum radius of a required turnaround shall be eighty (80) feet.

(11) All driveways and pathways greater than two (2) feet wide within a Mobile Home Park shall be hard-surfaced (concrete or asphalt) and lighted at night with electric lamps of a minimum of 100 watts each, spaced at intervals of not more than one hundred (100) feet.

(12) The average width of all lots within the Mobile Home Park shall be a minimum of forty (40) feet. Each pad shall be well drained, uniformly graded, and compacted as approved by the Director of Public Works.

(13) Ground anchors must be provided for each Mobile Home stand in accordance with the requirements set forth in the Building Code. Each Mobile Home shall be properly secured to the ground anchors.

(d) Parks, Open Space, and Recreational Areas

(1) A minimum of eight (8%) percent of the gross Mobile Home Park area shall be set aside and developed as common use areas for open or enclosed recreation facilities. No street, storage area, Mobile Home Lot, or utility site shall be included in the calculation of land area necessary to meet this requirement.

(e) Fence, Wall or Hedge Required along Certain Boundaries

(1) Where any perimeter boundary line of a Mobile Home Park directly abuts property which is improved with a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may, under existing codes and regulations, be used for permanent residential construction, an ornamental fence, wall or hedge six (6) feet in height, or a natural buffer of fifteen (15) feet shall be provided along such boundary.

(f) Architecture and Landscaping for Buildings:

(1) Buildings in a Mobile Home Park shall be architecturally attractive and surrounded by landscaped yards.

(g) Office Building

(1) In every Mobile Home Park there shall be an office Building in which shall be located the office of the person in charge of the Mobile Home Park.

(h) Mobile Home Park Service Buildings

(1) Each Mobile Home Park shall provide service buildings to house such sanitation facilities as are required by this Section. At least one service building providing required minimum facilities shall be located within two hundred (200) feet of every dependent Mobile Home Lot.

(2) Service buildings in a Mobile Home Park shall be permanent structures complying with all applicable codes and statutes regulating buildings, electrical installations, plumbing and sanitation systems.

(3) All service buildings in a Mobile Home Park shall be well lighted at all times; shall be well ventilated with screened openings; shall be constructed of such moisture-proof material, to include painted woodwork, as shall permit repeated cleaning and washing. The floors of service buildings shall be of concrete, tile or similar material impervious to water, and easily cleaned and pitched to a floor drain.

(I) Water Supply and Distribution

(1) An adequate supply of potable drinking water shall be supplied by pipes to all buildings and Mobile Home Lots within a Mobile Home Park to meet the requirements of the Park. No common drainage vessels shall be provided nor shall any drinking faucets be placed in a toilet room or water closet compartment.

(2) Each Mobile Home Lot in a Mobile Home Park shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the park service buildings for all bathing, washing and cleansing facilities. The hot and cold water supply shall have a minimum capacity of 125 gallons per day.

(3) An independent water supply can be used in a Mobile Home Park if public water is not available; and, if a private water system is approved by the City and the County Board of Health.

(4) The water distribution system within a Mobile Home Park shall comply with all minimum standards and specifications for the installation of public water distribution systems, as established by the provisions of the City plumbing code or other codes. The Mobile Home Park water system shall provide running water service at a pressure of not less than 20 pounds per square inch at all outlets.

(5) A minimum of one drinking fountain for each Playground area and one drinking fountain in the immediate vicinity of each service Building shall be provided for public use in each Mobile Home Park.

(j) Each Mobile Home Park shall be provided, for emergency purposes, with the following sanitation facilities:

(1) One flush toilet and one urinal for males, one flush toilet for females, one lavatory for each sex, and one shower or bathtub with individual dressing accommodations for each sex, for the first fifty (50) Mobile Home Lots or any less number thereof; and

(2) One additional flush toilet and one additional urinal for males, one additional flush toilet for females, one additional lavatory for each sex and one additional shower or bathtub with individual dressing accommodations for each sex for each fifty (50) Mobile Home Lots or fractional number thereof in excess of the first fifty (50) Mobile Home Lots.

(k) Each Mobile Home Park which accommodates Dependent Mobile Homes shall be provided with the following sanitation facilities:

(1) One flush toilet and one urinal for males, one flush toilet for females, one lavatory for each sex, and one shower or bathtub with individual dressing accommodations for each sex for the first fifteen (15) Dependent Mobile Homes, or any less number, so accommodated; and

(2) One additional flush toilet and one (1) additional urinal for males, one (1) additional lavatory for each sex and one additional shower or bathtub with individual dressing accommodations for each sex for each fractional number in excess of the first fifteen (15) Dependent Mobile Homes so accommodated.

(l) Each toilet and each shower or bathtub with individual dressing accommodations, for which provision is made in this Section shall be in a private compartment or stall.

(m) The toilet and other sanitation facilities required by this Section for males and females shall be either in separate buildings or shall be separated, if in the same Building, by a soundproof Wall. The sanitation facilities for males and females shall be distinctly marked to denote the sex for which they are intended.

(n) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within a Mobile Home Park shall be discharged into a

public sewer system in compliance with applicable codes or into a private sewer and disposal plant approved Harrison County Health Department.

(o) Each Mobile Home Lot in a Mobile Home Park shall be provided with a sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the Mobile Home located in such lot and having any or all of such facilities. The sewer in each lot shall be connected to discharge the Mobile Home waste into a public sewer system in compliance with applicable codes or into a private sewer and disposal plant approved Harrison County Health Department.

(p) Approved garbage containers with tight-fitting covers shall be provided in each Mobile Home Park, in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located not farther than two hundred (200) feet from any Mobile Home Lot. The containers shall be covered and kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

(q) Every Mobile Home Park shall be equipped at all times with fire-extinguishing equipment in good working order, of such type size, and number, and as located within the Mobile Home Park as to satisfy applicable and reasonable regulations of the City Fire Department. No open fires shall be permitted at any place which may endanger life or property, and no fires shall be left unattended at any time.

(r) At any Mobile Home Park containing more than twenty (20) Lots, an approved fire alarm box must be provided, which shall be conspicuously and conveniently located and clearly identified and shall be suitably connected with the City fire alarm system. In every Mobile Home Park suitable public telephone facilities shall be installed and maintained in a convenient and readily accessible place prominently marked and designated and kept available for use in giving fire alarms at any time.

(s) Standard fire hydrants and fire service lines shall be installed in such a manner that a fire hydrant shall be located within five hundred (500) feet of each Mobile Home Lot.

(t) All Buildings and the grounds of each park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(u) No Owner or Person in charge of any dog, cat., or other pet animal shall permit it to run at large or commit any nuisance within the limits of any Mobile Home Park. Not more than two dogs and cats shall be allowed in one Mobile Home and no pets shall be raised for Commercial purposes.

(v) The sale of automobiles and/or Mobile Homes is prohibited within any Mobile Home Park.

Chart of Uses: add the following

**Manufactured Dwelling**      allowed in R-4 with planning commission approval

Add new:

**Section 130: Temporary and Portable Units and Structures**

(a) Temporary storage units, portable storage units, "PODS" or dumpsters (hereinafter "devices") may be placed upon private residential property or a city street in accordance with the following limitations:

(1) A permit must be obtained from the City prior to the placement of any device. The cost of the permit shall be determined by the City. Such devices must be placed upon private property unless some physical condition exists that would prohibit placement in the yard or driveway. If the device cannot be placed on private property it may be placed on a city street directly in front of the property of the permit holder.

(2) A permit issued by the City shall be valid for seven (7) days from the date of issuance. The Building Official may grant an extension of up to seven (7) days upon showing of good cause by the applicant. Not more than two such extensions shall be permitted, for a maximum of twenty-one (21) days in any consecutive twelve (12) month period.

(3) A permit issued by the City shall be valid for ninety (90) days when issued in conjunction with a building permit when there is an active construction project occurring and when such device is placed on private property. The Building Official may grant an extension of up to ninety (90) days upon showing of good cause by the applicant. Not more than two such extensions shall be permitted, for a maximum of two hundred seventy (270) days in any consecutive twelve (12) month period.

(4) A permit issued by the City shall be valid for one hundred eighty (180) days when issued in conjunction with a major development plan. The Building Official may grant extensions upon showing of good cause by the applicant and depending on the scope of the project. Should work cease on the project for more than thirty (30) days, the Building Official may revoke the permit and require removal of the device.

(5) The device may be used in commercial districts as permitted by the planning commission.

(6) The device may not be located in any manner that restricts or impedes visibility of motorists.

(7) The device shall not be placed on any city street where parking is not permitted or that has a pavement width of less than eighteen (18) feet measured from inside of curb to inside of curb, or from edge of pavement to edge of pavement.

(8) The device shall not exceed eight (8) feet in width, nor be placed in a manner that restricts the remaining street width to less than ten feet measured from inside of curb or edge of pavement to the device.

(9) The device must be associated with temporary storage or a project for the property of the permit holder and not more than one (1) temporary or portable storage unit or more than one (1) dumpster shall be permitted at any time.

(10) The device shall not be placed in a manner which damages any public improvement, including but not limited to, the pavement, curb, gutter, grass, landscaping or tree located within the public right-of-way. If the device causes damage to any public improvement, the applicant shall reimburse the city the cost of repair.

(11) Any device which is placed in violation of this section or is not removed at the end of the time for which it is authorized by the city to remain in place may be removed by the city, with prior notice of not less than twenty-four (24) hours, and the cost of such removal, together with the cost of administration of its removal, shall be reimbursed to the city by the applicant.

(b) Temporary and Portable Buildings and Structures

(1) A temporary or portable structure may be erected only in commercial districts, unless otherwise specified in this code.

(2) A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility, or other structure. Permission for the erection of any temporary structure shall be obtained from the Building Official after posting of sufficient bond to insure removal of it within two (2) weeks after the permanent structure is complete. A temporary or portable structure may be used for a temporary construction office and for the housing of tools, equipment, and materials.

(3) Subdivision sales offices may be erected only after approval by the Planning Commission subject to such conditions as may be determined by the Commission to be necessary to insure termination of the use after a reasonable period and removal or conversion to a conforming use.

(4) No trailers for dwellings, storage, or business shall be parked in any district, except upon approval by the Planning Commission in connection with a permanent building or construction project. All temporary structures shall be for a period of time not to exceed one year, renewable for periods of six (6) months, stating the use for which approved.

(5) No building shall be moved into and placed within the City of Long Beach except such buildings, which conform to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other Ordinances.

**Section 188: amend (e) to read**

(e) No part of a freestanding sign shall exceed a height, measured from ground level, of twenty-five (25) feet in the C-2, C-1HD, I-1 and I-2; and fifteen (15) feet in all other districts except C-3 and R-O, which shall be ten (10) feet.

Section 3. 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 seconded by Alderman Ponthieux to approve the Ordinance. The motion and the question being put to a roll call vote by the Mayor and the result was as follows:

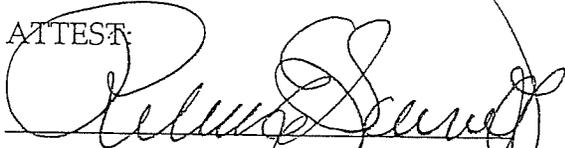
Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
Alderman Ronnie Hammons, Jr.	voted	Aye

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 604 adopted and approved this, the 19<sup>th</sup> day of November, 2013.

APPROVED:

  
 WILLIAM SKELLIE, JR., MAYOR

ATTEST:

  
 REBECCA E. SCHRUFF, CITY CLERK

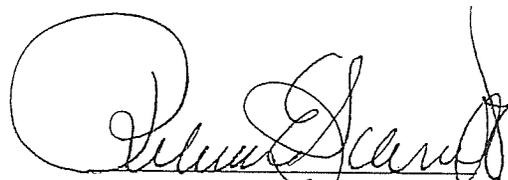
#### CERTIFICATE

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 #604 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 19<sup>th</sup> day of November, 2013, as the same appears of record in Ordinance Book #8, pages 292-301 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 19<sup>th</sup> day of November, 2013.



  
 Rebecca E. Schruff, City Clerk