

ORDINANCE NO. 617

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING THE OFFICIAL COMPREHENSIVE ZONING MAP, 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 as it was at the time of adoption of said Comprehensive Zone Map.

(B) Upon petition of citizens or upon motion and action of the City, the Mayor and Board of Aldermen of the City of Long Beach have from time to time effected changes in the zoning classification of one or more parcels or properties within the City of Long Beach, recognizing changed circumstances, mistake or such lawful basis for the said changes as shown at the time of the action, and as a result of such occasional revisions to the zoning classification of parcels the official zoning map should be amended to reflect such occasional changes in zoning classifications of property or properties adopted by action of the by Mayor and Board of Aldermen of the City of Long Beach.

(C) That the Planning Commission of the City of Long Beach has proposed a Comprehensive Zone Map change map to reflect changes in circumstances and area, public need, mistake, and other lawful reasons to rezone certain areas or properties within the City of Long Beach.

(D) That on July 23, 2015 the Planning Commission of the City of Long Beach conducted a public hearing reviewed a proposed Comprehensive Zone Map change for the area described generally described as encompassing the East of Gardendale Avenue, South of Allen Road, North of Old Pass Road and West of McCaughan Avenue, all as more particularly shown on the map thereof contained within the minutes of the July 23,

2015 Planning Commission meeting.

(E) That the recommended proposed change to the Comprehensive Zone Map by the Planning Commission was duly considered at such public hearing and regular meeting of said Planning Commission, 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 19th day of January, 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 Comprehensive Zone Map 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 mistakes have been discovered that were made in certain areas when the Comprehensive Zone Map was adopted, such that the rezoning of the particular areas as reflected by the proposed changes to the comprehensive zone map adopted hereby is needed and is clearly justified; that public need exists for changing the zoning of certain districts to reflect the correct and intended proper zoning for the

various neighborhoods 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 established that the City is in need of changing the Comprehensive Zone Map to correct a mistake included therein, 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 both the error and 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.

Section 2. That the Zoning Ordinances of the City of Long Beach and the official Comprehensive Zone Map created and enacted thereby should be and hereby are amended to define, include, approve and designate and incorporate the change to the Comprehensive Zone Map of the City of Long Beach as hereinabove described generally as encompassing the East of Gardendale Avenue, South of Allen Road, North of Old Pass Road and West of McCaughan Avenue, all as more particularly shown on the map thereof contained within the minutes of the July 23, 2015 Planning Commission meeting and attached hereto, and that hereafter, the same be adopted and incorporated into the official Comprehensive Zone Map of the City of Long Beach.

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.

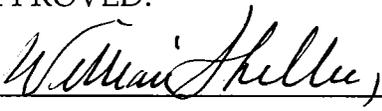
The City Clerk is hereby ordered to publish this Ordinance and Resolution in the manner and time required by law.

Alderman Parker made motion to approve the Ordinance creating a new official zoning map with legal descriptions. Alderman Griffin seconded the motion and the question being put to a roll call vote the result was as follows:

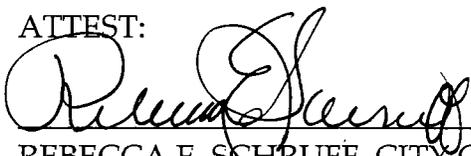
Alderman Bernie Parker	voted aye
Alderman Gary J. Ponthieux	voted aye
Alderman Kelly Griffin	voted aye
Alderman Alan Young	voted aye
Alderman Leonard G. Carrubba, Sr.	voted aye
Alderman Mark E. Lishen	voted aye
Alderman Ronnie Hammons, Jr.	voted aye

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 617 adopted and approved this, the 19th day of January, 2016.

APPROVED:


WILLIAM SKELLIE, JR., MAYOR

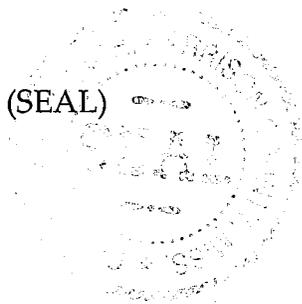
ATTEST:


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 #617 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 19th day of January, 2016, as the same appears of record in Ordinance Book #8, pages 396-400 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 19th day of January, 2016.




Rebecca E. Schruff, City Clerk