

ORDINANCE NO. 606

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AMENDING ORDINANCE NUMBER 598 BY AMENDING SECTION 105, CHART OF USES TO ALLOW PRIVATELY OWNED OUTDOOR RECREATIONAL FACILITIES IN THE C1, CENTRAL BUSINESS DISTRICT WITH PLANNING COMMISSION APPROVAL; BY ADDING A NEW SECTION 118 REGARDUING LOT SIZES; A NEW SECTION 126 REGARDING YARD SALES; 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 4th day of February, 2014 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 applications 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 ordinance 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 enhance 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 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 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:

1. Amend Section 105 Chart of Uses to allow privately owned outdoor recreational facilities in the C1, Central Business District with Planning Commission Approval, as follows:

	R1	R2	R3	R4	R5	C1	C1HD	C2	C2B	C3	I-1	I-2	W D
Privately owned outdoor recreational facilities				S		X	X	X	X				X

2. Amend Section 118: Lots, by adding the following:

(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.

3. Amend Article XI Supplemental Use Regulations to include the following:

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.

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

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

(7) 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.

(8) 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.

Section 3. This Ordinance 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 in the manner and time required by law.

Alderman Parker made motion to approve the Ordinance. Alderman Ponthieux 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 606 adopted and approved this, the 18th day of February, 2014.

APPROVED:

William Skellie, Jr.
WILLIAM SKELLIE, JR., MAYOR

ATTEST:
Rebecca E. Schruuff
REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruuff, 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 #606 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 18th day of February, 2014, as the same appears of record in Ordinance Book # 8, pages 305-310, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 18th day of February, 2014.

Rebecca E. Schruuff
Rebecca E. Schruuff, City Clerk



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