

**ZONING ORDINANCE
FOR
CITY OF LONG BEACH, MISSISSIPPI**

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**ORDINANCE NO 344
ZONING ORDINANCE
OF THE
CITY OF LONG BEACH, MISSISSIPPI**

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZES OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES OR OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF, DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; DEFINING THE POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING ORDINANCES; AND FOR RELATED PURPOSES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI AS FOLLOWS:

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

That, pursuant to the Constitution and statutes of the State of Mississippi, particularly the provisions of Sections 1-27, inclusive of Title 17, Chapter 1, of the Mississippi Code of 1972, this Ordinance, consisting of Articles I through XV, each inclusive, is hereby adopted and enacted as and for the Zoning Ordinance of the City of Long Beach, Mississippi, for the purposes of promoting health, safety, morals, and general welfare of said city lessening congestion in the streets, securing safety from fire, panic, and other dangers providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, conserving the value of land and buildings, and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements in accordance with a comprehensive plan.

ARTICLE II

SHORT TITLE

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the City of Long Beach, Mississippi.”

ARTICLE III

DEFINITIONS OF TERMS IN THIS ORDINANCE

For the purpose of interpreting this Ordinance, certain words or terms used herein shall be defined as follows:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular.

“Map” means the “Official Zoning Map of the City of Long Beach, Mississippi”.

The word “person” includes a firm, partnership, trust, company, association, organization, individual, co-partnership or corporation.

The word “lot” includes the word “plot” or “parcel”.

The word “shall” is always mandatory.

The word “used” or “occupied” as applied to any land or building shall be construed to include the word “intended, arranged, or designed to be used or occupied.”

Except where specifically defined herein, all words used in this Ordinance shall *carry* their customary meanings.

ABUTTING: Having property or zoning district lines in common.

ACCESSORY USE, BUILDING OR STRUCTURE: A use building or structure which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and (4) is located on the same zoning lot as the principal building or principal use.

ADDITION: Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.

ALTERATION OF BUILDING OR STRUCTURE: Any change in the supporting members of a building (such as bearing walls, columns, girder) except such change as may be required for its safety; any addition to a building; any

change in use from that of one district classification to another; or of a building from one location to another.

ARTERIAL STREET: A street which brings traffic to and from the City and series those major movements of traffic within or through the City. Arterial streets are designated on the Through Street Plan of the City of Long Beach.

BOARD: The term “Board” as used in this Ordinance is defined as “The Zoning Board of Appeals of the City of Long Beach, Mississippi.”

BOARDING HOUSE: A dwelling where, for compensation and by prearrangement, three (3) or more persons are provided meals; or lodging and meals

BUFFER AREA: An area set aside to remain vacant or to be planted and landscaped to protect one type of land use from another with which it is incompatible.

BUILDABLE AREA: The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

BUILDING: Any structure having a roof and intended to be used for the sheltering, housing or enclosing of persons, animals or chattel.

BUILDING INSPECTOR: The Building Official provided for in the Building Code adopted by Ordinance Number 241 or his authorized representative.

BUILDING OFFICIAL: The person in charge of the Building Department (or his authorized representative), whose duties are to enforce the provisions of this Ordinance.

BUILDING PERMIT: A permit authorizing the construction or alteration of or addition to a specific building on a specific lot.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which the building is situated.

BUILDING SETBACK LINE: The minimum distance, as prescribed by this Ordinance, between the property line of a lot or parcel of land, as established by survey, and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend thereinto.

BUILDING SITE: A single parcel of land occupied or intended to be occupied by a building or structure, and accessory buildings or uses.

CAMPING TRAILER: A vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other material for folding compactly while being drawn by another vehicle; and when unfolded at the site or location providing a temporary living quarter; and whose primary design is for recreation, camping, or travel use.

CARPORT: A shelter for one or more vehicles which is not fully enclosed by walls.

CENTER LINE OF STREET: That line surveyed and monumented by the governing body shall be the center line of the street or if such center line has not been surveyed, it shall be the center of the road.

CERTIFICATE OF OCCUPANCY: Official certification that a premise conforms to provisions of the Zoning Ordinance and Building Code and may be used or occupied.

CHURCH: A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities which are normally associated therewith.

CLINIC: A building or portion thereof designed for, constructed or under construction or alteration for, or used by one (1) or more physicians, surgeons, dentists, or practitioners in related medical or dental specialties or a combination of persons in these professions, where patients who are not lodged overnight are admitted for examination or treatment.

COLLECTOR STREET: A street which serves the internal traffic movement within an area of the City and connects this area with the arterial system. Collector streets are designated on the Through Street Plan of the City of Long Beach.

CONDITIONAL USE: A use which, because of its unique characteristics, cannot be provided for without special requirements being met.

CONDOMINIUM; Means that form of ownership of property under which units of improvements are subject to ownership by different owners and there is, appurtenant to each unit as part thereof an, undivided share in the common areas.

CONDOMINIUM UNIT: Means the elements of a condominium which are not owned in common with the owners of other condominiums in the project.

CONFORMING USE: Any lawful use of a building or land which complies with the provisions of this Ordinance.

COVERAGE: The percentage of the lot area covered by the building area.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DISTRICT: Refer to Zoning District.

DWELLING: Any building which is designed or used for permanent living quarters for one or more families.

DWELLING, MULTIPLE: A detached or semidetached building or portion thereof used or designed and intended as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, apartment cooperatives, bungalow courts, flats, group houses, condominiums and townhouses.

DWELLING, SINGLE-FAMILY: A detached house or building designed and intended for or occupied exclusively by one (1) family and having no party wall or walls in common with an adjacent house or houses, building or' buildings.

DWELLING, TWO-FAMILY: A building designed and intended for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

EASEMENT: A grant, by the property owner to the public, a corporation, or persons, of the use of a strip of land for' specific purposes.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME

SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed

(including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

FAMILY: One or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than three (3) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis. In each instance the family shall be understood to include the necessary servants.

FARM: Any parcel of land three (3) acres or more which is used for gain in the raising of agricultural products, livestock, poultry, fur bearing animals, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes riding academies, livery or boarding stables, and dog kennels.

FENCE: Any structural device forming a physical barrier to include wire mesh, steel mesh, chain-link, louvered, stake, wood, stucco, brick, block and similar material.

FLOATING (UNMAPP) ZONE: A zoning district whose requirements are fully described in the text of the Ordinance but which is unmapped. It is anchored' to the land in response to an applicant's petition for a rezoning. The new zoning designation then replaces the previous designation.

FLOOR AREA - GROSS: The sum of the gross horizontal areas of all floors measured in square feet not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment - open or closed - located on a roof or in a basement), penthouses, attic space having headroom of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

FRONT: The side of a lot bordering a street right-of-way, except in the case of corner or other double frontage lots, in which case the owner of the lot must designate in his application for a building permit which side bordering a street is the front.

GARAGE APARTMENT: A dwelling unit erected above a private garage.

GARAGE, PUBLIC: A building, or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

GARAGE, PRIVATE: An accessory building or portion of a main building used for vehicular storage.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads, brought to grades as shown on official plans or designs relating thereto.

HABITABLE FLOOR; Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

HOSPITAL: A building or portion thereof used for the treatment of the sick, injured or infirmed persons and accredited by the American Hospital Association.

HOTEL: Any building or portion thereof containing living units to be used for transients but not including motels, mobile home parks, dormitories, fraternities, sororities, boarding houses, or rooming houses. A hotel is a business use rather than a residential use.

INSTITUTION: A building occupied by a nonprofit corporation or nonprofit establishment for public use.

JUNKYARD: The outdoor storage of inoperative machinery or material.

KENNEL: The keeping of more than four (4) dogs or other animals that are more than six (6) months old.

LOT: A parcel of land which is or may be occupied by a building, its accessory buildings and uses customarily incidental thereto, together with such yards, or open spaces within the lot lines as may be required by this Ordinance, and fronting upon a public dedicated street.

LOT AREA: The total horizontal area included within the lot lines.

LOT, CORNER: A lot which at Least two (2) adjoining sides abut for their full length on public streets.

LOT WIDTH: CORNER LOT - The average distance from the street right-of- way to the rear lot line, measured along the sidelines of the lot.

INTERIOR LOT - The average horizontal distance between the front and rear lot lines, measured along the sidelines of the lot.

LOT, FRONTAGE: That measurement of a lot abutting on a public street, measured along the street right-of-way line from side lot line to side lot line, (Structures on corner lots fronting on a particular street shall be deemed to have frontage on that street).

LOT, INTERIOR: A lot other than a corner lot.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street, and has two opposite sides abutting on two or more streets.

LOT LINES: The lines bounding a lot as defined herein.

LOT LINES, FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot the line separating said lot from the street which the house will face, to be determined from the request for a building permit.

LOT LINE, REAR: The lot boundary opposite and most distant from the front lot line. In the case of a pointed irregular lot it shall be an imaginary line parallel to and farthest from the front lot line.

LOT LINE, SIDE: The side lot line is the property boundary line between the front and rear lot lines.

LOT OF RECORD: A lot, the plat or deed or act of sale of which has been recorded in the office of the Chancery Clerk of Harrison County, Mississippi, prior to the adoption of this Ordinance.

LOT WIDTH: Distance between the side lot lines measured at the front building line.

LOW-RISE APARTMENT: A multiple dwelling not more than three (3) stories in height.

MOBILE HOME: A structure transportable in one or more sections in the traveling mode which is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation

when connected to utilities and includes any plumbing, heating, air conditioning, and electrical systems contained therein.

MOBLE HOME - DEPENDENT: A mobile home which does not have a toilet and a bathtub or shower.

MOBILE HOME - INDEPENDENT: A mobile home which has a toilet and a bathtub or shower.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

MOBILE HOME PARK - DEPENDENT: A mobile home park for dependent mobile homes only.

MOBILE HOME PARK - INDEPENDENT: A mobile home park for independent mobile homes only.

MOBILE HOME SPACE: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

MOBILE HOME SPACE - DEPENDENT: A mobile home space intended to accommodate a dependent mobile home only.

MOBILE HOME SPACE - INDEPENDENT: A mobile home space intended to accommodate an independent mobile home, but which may be used to accommodate a dependent mobile home provided it shall be considered to be a dependent mobile home space when accommodating a dependent mobile home with respect to Section 910.

MODULAR HOME: A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet in width, designed and constructed without carriage or hitch, as stationary house construction for placement upon permanent foundations to be connected to utilities, for year round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two (2) or more units separately transportable but designed to be joined into one integral unit.

MOTEL: A building or group of buildings, comprising individual living quarters or dwelling units for the accommodation of transient guests, which

is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto courts, tourist courts, motor hotels, but does not include accommodations for mobile homes. A motel is a business use rather than a residential one

MOTOR HOME: A structure built on and made an integral part. of a self- propelled motor vehicle chassis primarily designed to provide temporary living quarters for recreation, camping, and travel use.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of this Ordinance.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale tot which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or alter the effective date of this Ordinance.

NONCONFORMING USE: A building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

NURSING OR CONVALESCENT HOME: Any dwelling in which aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

OPEN SPACE: An unoccupied space open to the sky on the same lot with the building.

PEDESTRIAN WAY: A right-of -way, however designated, either across or within a block, intended for use by pedestrian traffic.

PERSON: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

PLANNING COMMISSION: The Planning Commission of the City of Long Beach, Mississippi.

PRINCIPAL USE: The specific primary purpose for which land or a building is intended to be used.

PRIVATE DRIVE: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated for public use, A driveway located on a lot which series only that lot is not considered a private drive.

PUBLIC BODY: A government or governmental agency of the City of Long Beach, of Harrison County, of the State of Mississippi, or of the United States Government.

PUBLIC BUILDING: A building owned or used exclusively by the city, county, state or federal government.

PUBLIC USES: Includes public parks and recreation, schools and other educational or cultural facilities, libraries, hospitals, and other public offices or administrative facilities.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized under state or municipal regulations to furnish such public services as electricity, gas, water, sewer, telephone, telegraph, transportation, or' other public utility services to its subscribers or customers.

QUARRY: A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, gravel, or soil for sale.

RECREATIONAL VEHICLE: Travel trailer, camping trailer, truck camper, or motor home.

RECREATIONAL VEHICLE CAMPGROUND: A place where sites are rented for placement and use of recreational vehicles for temporary transitory occupancy for sleeping and living quarter's. The term 'recreational vehicle campground' includes necessary sanitary and utility facilities and permitted accessory uses.

REST HOME: The rooming or boarding of any aged or convalescent persons, whether ambulatory or non ambulatory, for which a license is required by a city, county, state or federal agency.

RIGHT-OF-WAY: The boundary line between a railroad, or a street and abutting property.

SEMIPUBLIC BODY: Includes churches and organizations such as noncommercial clubs and lodges, theatre groups, recreational and neighborhood associations, and cultural activities operating as a nonprofit activity and serving a public purpose.

SERVICE BUILDING: A substantial permanent building providing toilet facilities for men and women, janitor facilities, and other facilities for use in common by the occupants of mobile home spaces.

SETBACK LINE The distance from the property line to the nearest point on a building, excluding uncovered porches.

SIGN: Any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks or demonstrations designed to advertise, inform, identify, or to attract attention of persons not on the premises on which the device is located, and is visible from any public way. A sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single sign. A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single surface.

SIGN, BUSINESS: An attached or freestanding structure on which is announced the business, use of the premises and/or' the name of the operator' of the business.

SIGN, GROUND: A sign which is supported by structures or supports in or upon the ground and independent of support from any building.

SIGN, OUTDOOR ADVERTISING: Signs erected and maintained by an advertising business or service in the form of a ground, wall or roof sign upon which advertising matter may be displayed, generally advertising goods and services not sold or available on the premises on which the sign is located. These types of signs are generally referred to as bill boards, the surface of which is sold, rented, or leased, for the display of advertising material.

SPECIAL EXCEPTION: A special exception is a use that would not be appropriate generally throughout a zoning district but which, if controlled as to number, area, location, or relation to existing and permitted land use in a zoning district would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

START OF CONSTRUCTION: The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearings grading, and filling; nor does it include the installation of streets and/or walkway; nor does it include excavation for a basement footings, piers or foundations or the erection of temporary form; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings the ‘Start of Construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, Start of Construction means the affixing of the mobile home to its permanent site. For mobile homes within a mobile home park or mobile home subdivisions, Start of Construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

STREET: A public or private street, open to general public use and having pavement or roadbed width of not less than twenty (20) feet, which affords the principal means of access to abutting property.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground. Structures include buildings, mobile homes, radio and TV tower’s, sheds and permanent signs. It excludes vehicles, sidewalks, and paving.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for

improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TIMESHARING: The practice whereby an individual or individuals, corporation, or other entity pays for and acquires the right to the timed use of a condominium or apartment unit for a specified period of time each year, generally for a week or a number of weeks in a given year, with the *right* to use said condominium or apartment unit for like periods in subsequent years.. (NOTE: This definition is included for informational purposes; but the concept of timesharing is specifically denied as an approved concept within the City of Long Beach)

TOURIST HOME: A dwelling in which overnight accommodations with or without meals, are provided or offered for transient guests for compensation.

TOWNHOUSE: A structure which is one of a series or group of dwelling units designed for single family occupancy, with property lines separating each unit.

TRAILER: Any vehicle without motive power and without a kitchen and toilet and which is designed to be drawn by a motor vehicle, and to be used in such manner as to permit temporary occupancy thereof as sleeping quarters, or for the conduct of any business, trade or occupation or use as a selling or' advertising device, or used for storage or conveyance of tools, equipment, or machinery and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets.. The term 'trailer includes the terms camp trailer and similar terms, except when the latter falls within the definition of "mobile home",, Trailers are considered structures for the purpose of this Ordinance when they are used as temporary places for human habitation, offices, washhouses, or for' storage Trailers are characteristically for a variety of temporary or intermittent types of use; whereas, mobile homes are intended *f* or full-time use as a residence.,

TRAVEL TRAILER: A vehicular, portable structure mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for' recreation, camping, or travel use and shall not exceed twenty—eight (28) feet in length..

TRUCK CAMPER: A portable structure, designed to be loaded onto, or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.

USABLE OPEN SPACE: That portion of a lot which is free of buildings, is not devoted to driveway and parking space, is available and accessible to an the occupants of dwelling units on the lot, and is of reasonable dimension to allow its use for active or passive recreation or other outdoor activities Usable space may include playlots, gardens, sundecks courts, courtyards, and other required yard areas.

VARIANCE: A variance is an adjustment of terms in this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant a literal enforcement or the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height and size of structures or size of yards and open spaces: establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

WALL: Any structure or device forming a physical barrier which is so constructed that fifty (50) percent or more of the vertical surface is closed to prevent the passage of light, air, and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier.

WAY: A street, thoroughfare, or easement permanently established for passage of persons or vehicles.

YARD: A space on the same lot with the principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT: An open, unoccupied space on the same lot with a principal building extending the full width of the lot and situated between the front line of the lot, and the front line of the building projected to sidelines of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with a principal building, situated between the building and the sideline of the lot and

extending from the rear line of the front yard to the front line of the rear yard.

ZONING DISTRICT: A section of the City of Long Beach designated in the Zoning Ordinance text and usually delineated on the Zoning Map in which requirements must be uniform.

ZONING ENFORCEMENT OFFICER: Duties are to enforce the provisions of this Ordinance.

ZONING

DISTRICTS

ARTICLE IV

ZONING DISTRICTS AND MAP

SECTION 401. ESTABLISHMENT OF DISTRICTS.

For the purpose of this Ordinance, the City of Long Beach is hereby divided into the following districts:

- R-0 Residential and Office – Page 23 A
- R-1 Single-Family Residential District
- R-2 Medium Density Residential District
- R-3 Multi-Family Residential District
- R-4 Residential and Farm District
- C-1 Central Business District
- C-2 Highway Commercial District
- C-3 Neighborhood Commercial District
- I Industrial District.

Floating Districts

- RV Recreational Vehicle District
- WR Waterfront Recreation District

Planned Unit Development Districts

- PTJD-R Planned Unit Development District-Residential
- PUD-RC Planned Unit Development District-Business and Commercial
- PUD-I Planned Unit Development District-industrial
- PUD-MU Planned Unit Development District-Mixed Use

SECTION 402. BOUNDARIES

The boundaries of these districts are hereby established as shown on the Official Zoning Map, City of Long Beach, Mississippi, which is on file in the office of the City Clerk of the City of Long Beach, Mississippi. The said map and all notations, references, and other information shown thereon shall be and hereby are made a part of Ordinance by reference as fully as though set forth herein in detail..

- 402.1 Amendments to the Official Zoning Map: All amendments and changes to the Official Zoning Map shall be recorded by the

City Clerk with the Building Official not later than forty-eight (48) hours after such amendment becomes effective. All amendments and changes to the Official Zoning Map shall be recorded at the end of each fiscal year upon a new copy of the Official Zoning Map, City of Long Beach, Mississippi.

- 402.2 Revision of the Official Zoning Map The Mayor and Board of Aldermen may from time to time order the revision of the Official Zoning Map so as to include all changes to date and take the place of the original map which is a part of this Ordinance. No changes shall be made upon such revised map that have not been made in the regular form by the Mayor and Board of Aldermen of the City of Long Beach.
- 402.3 Location of the Official Zoning Map: Regardless of the existence of purported copies of the Official Zoning Map, City of Long Beach, Mississippi, which may from time to time be made or published, the Official Zoning Map in the office of the City Clerk shall be the final authority for zoning districts in the City of Long Beach.

SECTION 403. INTERPRETATION OF DISTRICT BOUNDARIES.

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

- 403.1 Where district boundaries are indicated as approximately following the center line of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- 403.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- 403.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of street lines or streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Official Zoning Map. If no distance is given,

indicated on the Official Zoning Map.. If no distance is given, such distance shall be determined by the use of the scale on the Official Zoning Map.

- 403.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracts of said railroad line.
- 403.5 Where due to the scale, lack of detail or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction or conflict as to the intended location of any district, boundary lines shall be determined upon written application, or upon its own motion, by the Zoning Board of Appeals of the City of Long Beach, Mississippi.

SECTION 404. LOTS IN TWO DISTRICTS

Where a district boundary line divides any lot or parcel which was in single ownership at the time of passage of this Ordinance or any amendment thereto; the property shall be considered to have multiple districts and each portion of lot or parcel shall be governed by the district regulations in which it is located.

SECTION 405. VACATION OF STREETS

Whenever any street, alley or other public way is vacated by official action of the governing authority of the City of Long Beach, the zoning district adjoining each side of such Street alley, or public way shall be, unless otherwise indicated, automatically extended to the center of same, and all area included therein shall then and henceforth be subjected to all appropriate regulations of the extended districts.

SECTION 406. ZONING OF ANNEXED AREA.

All territory which may hereafter be annexed to the City shall retain county zoning designation until otherwise classified. In the absence of county zoning designation, the area shall be classified as R- 1 until, all or portions thereof are other-wise classified.

ARTICLE V

APPLICATION OF DISTRICT REGULATIONS

SECTION 501. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

502.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered nor any development commenced unless in conformity with all of the regulations herein specified for the district in which it is located. Where more than one use is permitted within a district multiple use of buildings, structures, or land is permitted (any multiple use provided for within the district; e.g., in C-1 district a building may be used for a restaurant and office building).

501.2 (Reserved)

ARTICLE VI

DISTRICT REGULATIONS

SECTION 601. USE REQUIREMENTS FOR A SINGLE FAMILY RESIDENTIAL DISTRICT, R-1.

Within a Single Family Residential District, R- 1, as shown on the “Official Zoning Map, City of Long Beach, Mississippi,” the following use provisions and regulations shall apply:

- 601.1 Purpose of the District: The intent of this district is to establish and preserve quiet single family home neighborhoods as desired by a large number of people, free from other uses except those which are both compatible and convenient to the residents of such a district.
- 601.2 Permitted Uses: Permitted Uses are shown in Section 612 on a chart
- 601.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table 1 at the end of this Article except as provided for in Article IX.

SECTION 602. USE REQUIREMENTS FOR A MEDIUM DENSITY RESIDENTIAL DISTRICT, R-2.

Within a Medium Density Residential District, R-2, as shown on the Official Zoning Map, City of Long Beach, Mississippi, the following use provisions and regulations shall apply:

- 602.1 Purpose of the District: The intent of this district is to establish and preserve medium density residential districts excluding uses which are not compatible with residential use.
- 602.2 Permitted Uses: Permitted Uses are shown in Section 612 on a chart.
- 602.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table 1 at the end of this Article except as provided for in Article IX.

SECTION 603. USE REQUIREMENTS FOR A MULTI-FAMILY RESIDENTIAL DISTRICT R-3.

Within a Multi-Family Residential District, R-3, as shown on the “Official Zoning Map, City of Long Beach., Mississippi,” the following use provisions and regulations shall apply:

- 603.1 Purpose of the district: The purpose of this district is to establish and preserve a district for high density residential and other compatible uses.
- 603.2 Permitted Uses: Permitted Uses are shown in Section 612 on chart.
- 603.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table I at the end of this Article except as provided for’ in Article IX.

SECTION 604. USE REQUIREMENTS FOR A RESIDENTIAL AND FARM DISTRICT, R-4

Within a Residential and Farm District, R-4, as shown on the “Official Zoning Map, City of Long Beach., Mississippi,” the following use provisions and regulations shall apply:

- 604.1 Purpose of the District: The intent of this district is to establish and preserve residential uses and areas excluding uses which are not compatible with residential use. However, those uses which have a particular convenience to the residents of the district and those related agricultural uses shall be permitted.
- 604.2 Permitted Uses: Permitted Uses are shown in Section 6 12 on a chart.
- 604.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table 1 at the end of this Article except as provided for in Article IX

SECTION 604A. USE REQUIREMENTS FOR A RESIDENTIAL/OFFICE DISTRICT R-C.

Within a Residential/Office, R-0, as shown on the Official Zoning Map, City of Long Beach, Mississippi, the following use provisions and regulations shall apply:

604A.1 purpose of the District: This district is intended to be composed of those uses that will create an environment especially suited to residential and office development. The district is designed to encourage continued residential growth while allowing professional, general administrative and sales offices, with not more than 5000 square *feet* of gross floor area. These limited office uses shall be thy-time oriented and shall protect the abutting and surrounding residential areas by requiring comparable land use standards as those stated in an R – 1 District.

604A.2 Permitted Uses: Permitted uses are shown in Section 612 on a chart.

604A.3 Area. Yard and Height Requirements: Front setback of 25 feet **except on** streets designated in Thoroughfare Plan; side setback 8 feet for residential use and 15 feet for non-residential; maximum height 35 feet; minimum lot width 75 feet; minimum lot area 10,000 square feet; maximum lot coverage to be 45%.

604A.7 Green Space: In keeping with the intent of the R-O District a green space shall be required by all non-residential uses. For the purpose of this section, green space shall mean grass, scrubs and trees.. When providing for vehicle accommodation areas as required to be paved by Section VIII, a green space must be allowed within the parking area.. This green space must be equal to or greater than ten (10) percent of the total square feet of parking area.. Pasting area shall include: parking spaces, driveways, loading areas, sidewalks and other circulation areas.

The green space requirement can be satisfied by either utilizing e5dsting green space or by the planting of the same by developer, or both.

SECTION 605. USE REQUIREMENTS FOR A CENTL BUSINESS DISTRICT,
C-1.

Within a Central Business District, C-1, as shown on the ‘Official Zoning Map, City of Long Beach, Mississippi, the following use provisions and regulations shall apply:

605.1 Purpose of the District: The purpose of this district is to create a high density general commercial district for the central business district and to prohibit uses detrimental thereto.

605.2 Permitted Uses: Permitted Uses are shown in Section 6.12 on a chart.

605.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table I at the end of this Article except as provided for in Article IX.

SECTION 606. USE REQUIREMENTS FOR A HIGHWAY COMMERCIAL DISTRICT, C-2.

Within a Highway Commercial District, C-2, as shown on the Official Zoning Map, City of Long Beach, Mississippi, the following use provisions and regulations shall apply:

606.1 Purpose of the District: This district is intended to provide. A long portions of major traffic routes, designated areas for certain uses which are designed to serve highway traffic.

606.2 Permitted Uses: Permitted Uses are shown in Section 612 on a chart.

606.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table I at the end of this Article except as provided for in Article IX.

SECTION 607. USE REQUIREMENTS FOR A NEIGHBORHOOD COMMERCIAL DISTRICT, C-3

Within a Neighborhood Commercial District., C-3, as shown on the ‘Official Zoning Map, City of Long Beach, Mississippi, the following use provisions and regulations shall apply:

607.1 Purpose of the District: The purpose of this district is to provide primarily for retail shopping and personal service

uses to serve the needs of a low-density residential neighborhood

607.2 Permitted Uses: Permitted Uses are shown in Section 612 on a chart.

607.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table I at the end of this Article except as provided for in Article IX.

SECTION 608. USE REQUIREMENTS FOR AN INDUSTRIAL DISTRICT, I.

Within an Industrial District I, as shown on the Official Zoning Map, City of Long Beach, Mississippi, the following use provisions and regulations shall apply:

608.1 The purpose of the District: The Industrial District, I, is designed to primarily accommodate wholesale and warehouse activities and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

608.2 Permitted Uses: Permitted Uses are shown in Section 612 on a chart.

608.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table 1 at the end of this Article except as provided for in Article IX.

SECTION 609. USE REQUIREMENTS FOR A RECREATIONAL VEHICLE DISTRICT, RV, FLOATING DISTRICT.

Within a Recreational Vehicle District, RV, the following use provisions and regulations shall apply:

609.1 Purpose of District: The RV District is intended to apply to areas for the temporary and transitory placement or parking of occupied recreational vehicles while in use for pleasure, travel, or recreation.

609.2 Permitted Uses: No building or structure or part thereof shall be erected, altered or used, or land or water used in whole or in part, for other than one or more of the

following specified uses:

609.2.1 Campgrounds providing sites for recreational vehicles on a rental basis,

609.2.2 Accessory uses and structures.

609.3 Special Accessory Use: A recreational vehicle campground having fifty (50) or more recreational vehicle sites may have retail stores or personal services shops for the care or treatment of the occupants and/or *their* personal effects subject to the following limitations and requirements:

609.3.1 Such uses are entirely conducted within a completely enclosed building.

609.3.2 There are no signs or displays indicating such uses, *visible* from any *street* or *from* any other *private* property.

609.3.3 Such uses are conducted solely for the convenience of the occupants of the campgrounds and are not normally made available to other persons and the structure shall *be* located so that *it* discourages such outside use.

609.4 Use Prohibited: The permissible uses enumerated in subsections 609.2 and 609.3 above shall not be construed to include, either as a principal or accessory use, any of the following which are listed for emphasis:

609.4.1 Display or sale of mobile homes or motor vehicles.

609.4.2 Storage of unoccupied recreational vehicles, except the recreational vehicles may be vacant if they are set up on a regular site.

609.4.3 Use of Florida rooms, utility closets, patios, carports, or other additions or attachments not constructed of cloth or canvas on a metal frame.

609.4.4 Tent houses or other permanent structures except for permitted accessory uses.

609.5 Plot Size: Every plot used for a recreational vehicle campground shall be not less than ten (10) acres in area and not less than three hundred (300) feet in any dimension.

609.6 Site Size: Each rental site for a recreational vehicle shall be at least one thousand five hundred (1,500) square feet in area with at least one dimension of fifty (50) feet.

609.7 Site Access: Each site to accommodate a recreational vehicle shall abut upon and be accessible from a driveway or road not less than thirty (30) feet in width with a surface top finish not less than twenty (20) feet in width.

609.8 Height: No building or structure, or part thereof, shall be erected or altered to a height exceeding two stories or thirty (30) feet.

609.9 Perimeter Strip There shall be a perimeter strip surrounding the entire campground of at least fifty (50) feet. This perimeter strip shall be fenced with the fence to be a minimum of six (6) feet high and such as to reduce visibility at least fifty (50) percent in a horizontal plane and landscaped in order to provide visual and noise separation from the adjacent property.. No recreational, sanitary, commissary or sales facility shall be allowed within this perimeter strip although the innermost thirty (30) feet of this strip may be utilized for access to sites as provided in Section 609.7. On any side the campgrounds in which a natural or artificial barrier of at least fifty (50) feet in width already exists, such as a limited-access highway or a lake or river, no such strip shall be required.

609.10 Separation: No part of any recreational vehicle or any addition or appurtenance thereto shall be placed within ten (10) feet of any other recreational vehicle or addition or appurtenance thereto.. No parts shall be located within twenty-five (25) feet of any accessory or service building or structure used in connection with a recreational vehicle campground.

609.11 Health and Sanitation:

609.11.1 Sanitary facilities: Each campground shall provide

adequate sanitary facilities in a permanent building located not more than three Hundred (300) feet from any site. Adequate sanitary facilities shall be not less than the following:

609.11.1.1 For males, two urinals, three water closets, three showers and three wash basins for each fifty (50) sites.

609.11.1.2 For females, three water closets, three wash basins and three showers for each fifty (50) sites.

609.11.1.3 At least two laundry bibs or automatic washers and dryers for each fifty (50) sites.

609 11.1.4 A Hot and cold running water shall be supplied for all sanitary facilities.

609.11.2 Water Supply There shall be no less than one running water spigot for each two (2) sites and there shall be such a spigot not more than twenty-five (25) feet from any site.

609.1 1.3 Refuse: A covered rubbish and garbage container of at least twenty (20) gallon capacity shall be provided for each camping site. Provisions shall be made by the operator of the campground f& removal of all refuse and garbage from the campground not less than three times a week..

609.11.4 Health Department Requirements: ‘The construction, operation and maintenance of a campground shall comply in all respects with the requirements of the Harrison County, Mississippi, Health Department.

609.12 Recreational Area Required: Every plot used for a recreational vehicle campground shall have at least one outdoor recreational area which shall be easily accessible from all sites., Such recreational area shall contain at least two hundred and fifty (250) square feet per acre contained within the camp-ground, and no single recreational area within the camp-

ground snail be less than three thousand (3,000) square feet.

609.13 Electrical Service: Each site shall be provided with at least one electrical receptacle having 110/115 volt alternating electrical current.

609.14 Animals: No owner or person in charge of a dog or cat or other pet animal shall permit it to run loose within the campgrounds. All pets must be restrained on a leash.

609.15 Maximum Length of Stay No recreational vehicle shall be located in any designated recreational vehicle park or campground for more than one hundred eighty (180) days during any six (6) month period.

SECTION 610. USE REQUIREMENTS FOR A WATERFRONT RECREATION DISTRICT, WR, FLOATING DISTRICT.

Within a Waterfront Recreation District WR, the following use provisions and regulations shall apply:

610.1 Purpose of the District This district is intended to provide for the limited and controlled recreational use of the sand beach and to provide for uses related and appropriate to the beach and to water bodies.

610.2 Permitted Uses: Permitted Uses are shown in Section 612 on a chart.

610.3 Area, Yard and Height Requirements: Area, yard and height requirements are shown on Table 1 at the end of this Article except as provided for in Article IX.

SECTION 611. USE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT DISTRICT, PUD.

611.1 Purpose of the District This district is intended to allow for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the intent of the normal district regulations of this Ordinance. To this extent it allows diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and planned as

comprehensive and cohesive unified projects It is further intended to encourage more rational and economic development with relationship to public service and to encourage the preservation of open land.

6 11.2 The Procedure for Obtaining a change in Zoning District and Undertaking Development Within A Planned Unit Development District Shall Be as Follows:

611.2.1 To obtain information, each applicant shall confer with the Planning Commission and City department heads in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Unit Development application.

611.2.2 The owner of the land shall apply in writing and shall submit three copies of a preliminary development plan as described in Section 611.3.

611.2.3 The Planning Commission shall discuss the proposed application and shall review the preliminary development plan with the owner. The Planning Commission shall prepare its findings as required by Section 611.5 and recommendations with regard to the preliminary development plan and the proposed change in district.

611.2.4 The Planning Commission shall send a copy of its recommendations to the owner indicating its approval in principle or disapproval and shall state any specific changes it will require.

611.2.5 If the Planning Commission recommends approval, it shall forward its recommendation to the Board of Aldermen. The Mayor and Board of Aldermen, prior to or after the public hearing procedures as set forth in Section 611.2.2, shall exercise ultimate discretion as to whether the total development plan complies with the spirit and intent of this Ordinance. The Mayor and Board of Aldermen, upon a vote of a majority of members present at the time of the vote, may reject the Planned Unit Development then under consideration.

611.2.6 After receipt of the Planning Commission recommendations, public notice shall be given by the Mayor and Board of Aldermen on the proposed change of district and/or the preliminary development plan as provided in Article XIII of the Ordinance.

611.2.7 After the public hearing the Zoning Ordinance may be amended so as to define the boundaries of the Planned Unit Development District but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with the Zoning Ordinance within the area so designated, with the preliminary development plan submitted.

611.2.8 Upon completion of the recommended revisions, the owner shall submit the Final Development Plan to the Planning Commission for review in accordance with Section 611.4.

611.3 Preliminary Development Plan: The owner shall submit a preliminary development plan to the Planning Commission for review, which shall include the following:

611.3.1 Written Documents:

611.3.1.1 A legal description of the total site proposed for development including a statement of present and proposed ownership and present zoning.

611.3.1.2 A statement of planning objectives to be achieved.

611.3.1.3 A development schedule indicating the approximate date when construction of the POD or stages of the PUD can be expected to begin and be completed.

611.3.1.4 A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the PUD such as land areas, dwelling units, etc.

611.3.1.5 Quantitative Data for the Following:

- (1) total number and type of dwelling units,
- (2) parcel size,
- (3) proposed lot coverage of buildings and structures.
- (4) approximate gross and net residential densities,
- (5) total amount of open space,
- (6) total amount nonresidential construction,
- (7) economic feasibility studies or market analysis when necessary, and,
- (8) other studies as required by the Planning Commission.

611.3.2 Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information.

611.3.2.1 The existing site conditions including contours at one (1) foot intervals, water course, flood plains, and trees.

611.3.2.2 Proposed lot lines and plot designs.

611.3.2.3 The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and non-residential structures, including commercial facilities and architectural renderings of typical structures and improvements.. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements, but should

not be encumbered with final detail at this stage

- 611.3.2.4 The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parts, recreational areas, school sites, and similar public and semi- public uses.
- 611.3.2.5 The existing and proposed circulation system of arterial, collector, and local streets including off street parking areas, service areas, loading areas, and major points of access to public right-of-way (including major points of ingress and egress to the development). Notations of proposed ownership - public or private- should be included where appropriate.
- 611.3.2.6 The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system, indicating proposed treatments of points of conflict.
- 611.3.2.7 The existing and proposed utility systems including sanitary sewers, water, electric, gas, and telephone lines.
- 611.3.2.8 A general landscape plan indicating the treatment of material used for private and common open spaces. The landscape plan should be in general, schematic form at this stage.
- 611.3.2.9 Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.
- 611.3.2.10 The proposed treatment of the perimeter of the PUD including materials and techniques used as screens, fences, and walls

611.3.2.11 Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

611.4 Final Development Plan: The final plat shall be submitted within two (2) years after approval of the preliminary development plan or such preliminary approval will lapse.

No building permit shall be issued in the Planned Unit Development until the Planning Commission and the Mayor and Board of Aldermen have approved the final development plan and report, which are to include:

611.4.1 Maps as required by the subdivision regulations for final plats with such modifications as have been specified for the Planned Unit Developments.

611.4.2 A final general plan indicating the location and purposes of all features and improvements, including items required to be included in the preliminary development plan, but with such added dimensions and details as will permit the Planning Commission to make its determinations concerning conformity with regulations.

611.4.3 Proposed final drafts of all agreements, contracts, dedications, deed restrictions, sureties, or other instruments shall be provided.

611.4.4 Detailed plans of individual buildings and groups of buildings and their sites. Such plans are to include floor plans and elevations and indications as to yards, court, and open spaces between buildings or portions of buildings.

611.4.5 The Planning Commission shall make a detailed review of the final development plan and report to determine compliance with requirements. Following formal acceptance and recording, building permits may be issued and construction may begin.

611.5 Finding Required: The Planning Commission, after determining

that all requirements of the Zoning Ordinance dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications, or disapproval of the preliminary development plan.

The Planning Commission shall enter the reasons for such action in its records. The Planning Commission may recommend the establishment of a Planned Unit Development District provided that they find the facts submitted with the preliminary development plan establish that:

611.5.1 The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district.

611.5.2 Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan.

611.5.3 Land surrounding the proposed development can be planned in coordination with the proposed development and that it can be compatible in use.

611.5.4 The proposed change to a Planned Unit Development District is in conformance with the general intent of the Comprehensive Master Plan.

611.5.5 Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.

611.5.6 Existing and proposed utility services are adequate for the proposed development.

611.5.7 Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape, and utility area necessary for creating and sustaining a desirable and stable environment.

611.5.8 The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscape,

and utility areas can be completely developed within five years of the establishment of the district.

611.6 Planned Unit Development Standards: The standards for Planned Unit Development Districts are to provide the Planning Commission with a means to evaluate applications for these districts consistent with the provisions and general intent of the Zoning Ordinance and the Comprehensive Master Plan.

The following standards are intended to strengthen public control over development while providing the necessary latitude for the developer to make creative and efficient use of his property.

Each development, shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. High-rise buildings shall be located within a Planned Unit Development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. The Planning Commission may determine that certain setbacks be required within all or a portion of the perimeter of the site and shall exercise ultimate discretion as to whether the total development plan compiles with the *spirit* and intent of this section. Required yards are shown on Table 1.

611.6.1 Planned Unit Development, Residential Standards.

In Planned Unit Development - Residential, the following uses may be permitted:

611.6.1.1 One-family dwellings.

611.6.1.2 Two-family dwellings.

611.6.1.3 Multi-family dwellings.

611.6.1.4 Professional residence-offices.

611.6.1.5 Religious institutions.

611.6.1.6 Schools.

611.6.1.7 Community centers.

611.6.1.8 Membership clubhouses.

611.6.1.9 Public outdoor recreation.

611.6.1.10 Accessory uses.

611.6.1.11 Parking.

611.6.1.12 Other uses approved by the Planning Commission.

611.6.2 Planned Unit Development Business and Commercial Standards

In Planned Unit Development - Business and Commercial, the following uses may be permitted:

611.6.2.1 Retail stores.

611.6.2.2 Business offices.

611.6.2.3 Hotels, motels.

611.6.2.4 Religious institution.

611.6.2.5 Community centers.

611.6.2.6 Indoor recreation.

611.6.2.7 Personal services.

611.6.2.8 Enclosed accessory uses.

611.6.2.9 Parking.

611.6.2.10 Other uses approved by the Planning Commission.

611.6.3 Planned Unit Development Industrial Standards.

In Planned Unit Development - Industrial, the following uses may be permitted:

611.6.3.1 Enclosed manufacturing industries permitted in the I District,

611.6.3.2 Machinery and equipment sales.

611.6.3.3 Enclosed warehouse.

611.6.3.4 Enclosed wholesale use.

611.6.3.5 Public utilities.

611.6.3.6 Gasoline station.

611.6.3.7 Enclosed service and repair.

611.6.3.8 Trucking and freight terminal.

611.6.3.9 Garage.

611.6.3.10 Enclosed accessory use.

611.6.3.11 Parking.

611.6.3.12 Other uses approved by the Planning Commission.

611.6.4 Planned Unit Development Mixed Use Standards.

In Planned Unit Development - Mixed Use, the following uses may be permitted:

611.6.4.1 Any use permitted in Planned Unit Development, Residential.

611.6.4.2 Any use permitted in Planned Unit Development, Business and Commercial.

611.7 Failure to Begin Development

611.7.1 If no construction has begun in the PUD within six (6) months from the approval of the PUD and recording of documents, said approval shall lapse and be of no further effect. The Planning Commission, upon showing of good cause by the developer, may extend for period(s) of 6 months, the time for beginning construction.

611.7.2 If development does not proceed *within* the time limits set, the Planning Commission shall be required to examine the circumstances and make recommendations to the Mayor and Board of Aldermen to rezone all or part of the development to its former status or such other status as appears appropriate under current circumstances., Within thirty days of such recommendation the Board of Aldermen shall hold a hearing as required by Article 1111 of this Ordinance for the purpose of rezoning the parcel.

SECTION 612. CHART OF PERMITTED USES.

612.1 Conditions Governing Permitted Uses: permitted uses shall be governed by conditions set forth in the following categories:

612.1.1 Uses by Right. Uses allowed by *right* are specified by an (R) in the chart of permitted uses.

612.1.2 Uses requiring Planning Commission Approval. The uses listed in subsection 611.12 are permitted upon approval of location and the site plan thereof by the Planning Commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection,, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located, An (I) indicates a use which requires Planning Commission Approval.

612.1.3 Reserved bubba

612.1.4 Reserved

612.2 Schedule of Uses. Property lying within each of the *Districts* as reflected by the Official Zoning Map shall be used only for the purpose as herein set forth. The uses permitted in each of the types of districts are listed below. For any use not specifically listed the Planning Commission shall make a determination of the district in which such use shall be permitted based upon its similarity in nature and character to uses that are listed on the following chart.

CHART
OF
USES

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
RESIDENTIAL											
Boarding House	-	X	R	-	-	R	R	-	-	-	-
Condominiums	-	X	R	-	X	X	X	-	-	-	-
high-rise Apartments	-	-	R	-	X	X	X	-	-	-	-
Low Rise Apartments	-	X	R	-	X	X	X	-	-	-	-
Mobile Home	-	-	X	-	-	-	-	-	-	-	-
Mobile Home Park	-	-	X	-	-	-	-	-	-	-	-
Rooming Houses	-	X	R	-	X	R	R	-	-	-	-
Single Family Dwelling	R	R	R	R	X	X	X	-	-	-	R
Town Houses	-	X	R	-	X	-	-	-	-	-	-
Two Family Dwelling	-	R	R	R	X	-	-	-	-	-	R
RETAIL AND WHOLESALE TRADE											
Air Conditioning Sales and Service	-	-	-	-	-	R	-	-	-	-	-
Antique Store (Not including refinishing or repairing)	-	-	-	-	R	R	R	-	-	-	-
Apparel and Accessory Store	-	-	-	-	R	R	R	-	-	-	-
Appliance Store(Including Radio,TV,& Air Conditioning)	-	-	-	-	R	R	R	-	-	-	-
Apothecary (Limited to Sale of pharmaceuticals & Medical Supplies)	-	-	-	-	R	R	R	-	-	-	-
Automobile & Truck Sales and Repair(not including commercial wrecking, dismantling or Auto Salvage Yard, the enclosed part shall comply with the requirements for maintenance of off-street parking facilities, except the prohibition of sales)	-	-	-	-	R	R	-	-	-	-	-
Automobile Wrecking, Dismantling or Salvage (must be enclosed within a Fence at least seven feet high and adequate to obstruct view, noise and passage of persons, chain link or similar fence will be permitted if screen planting is adequate to obstruct view, is provided)	-	-	-	-	-	-	R	-	-	-	-
Automobile Part Retail (indoor only)	-	-	-	-	R	R	R	-	-	-	-
Bait Store or Sales (live)	-	-	-	-	-	X	-	R	-	X	-
Bakery, Retail	-	-	-	-	R	R	R	-	-	-	-
Bakery, Wholesale	-	-	-	-	-	R	-	R	-	-	-
Barber and Beauty Supplies & Equipment Sales	-	-	-	-	-	R	-	R	-	-	-
Bicycle and/or Lawn Mower Sales & Repair	-	-	-	-	-	R	-	R	-	-	-
Boat Sales,Accessories & Service	-	-	-	-	-	R	-	R	-	-	-
Book Store	-	-	-	-	R	R	R	-	-	-	-
Building Specialties Store	-	-	-	-	-	R	X	-	-	-	-
Business Machines Store	-	-	-	-	R	R	R	-	-	-	-
Butane & Other LP Gas Products Storage & Sales	-	-	-	-	-	X	-	R	-	-	-
Camera & Photographic Supplies	-	-	-	-	R	R	R	-	-	-	-
Candy, Nut & Confectionery (Retail)	-	-	-	-	R	R	R	-	-	-	-
Candy, Nut & Confectionery (Wholesale)	-	-	-	-	-	R	-	-	-	-	-
Catering Shop	-	-	-	-	R	R	R	-	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

C/U-1

CITY OF LONG BEACH, MISSISSIPPI
 CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Dairy Equipment Sales	-	-	-	-	-	R	-	R	-	-	-
Dairy Products Sales	-	-	-	-	R	R	R	-	-	-	-
Delicatessen	-	-	-	-	R	R	R	-	-	-	-
Department Store	-	-	-	-	R	R	R	-	-	-	-
Drug Store	-	-	-	-	R	R	-	-	-	-	-
Dry Goods or Fabric Store	-	-	-	-	R	R	R	-	-	-	-
Farm Equipment & Supplies Sales	-	-	-	-	R	R	R	-	-	-	-
Feed Store	-	-	-	-	-	R	-	R	-	-	-
Fixture Sales	-	-	-	-	-	R	-	R	-	-	-
Flea Market	-	-	-	-	-	R	-	R	-	-	-
Floral Shop	-	-	-	-	-	R	X	X	-	-	-
Floor Covering Sales	-	-	-	-	R	R	R	-	-	-	-
Food Products, Wholesale Storage & Sales	-	-	-	-	R	R	R	-	-	-	-
Fruit and Produce, Wholesale	-	-	-	-	-	X	-	R	-	-	-
Fruit Store	-	-	-	-	-	X	-	R	-	-	-
Furniture Store, Retail	-	-	-	-	R	R	R	-	-	-	-
Garden Supplies Store: Handling Packaged Fertilizer & No Other Type Fertilizer	-	-	-	-	R	R	R	-	-	-	-
Gift Shop	-	-	-	-	R	R	R	-	-	-	-
Glass Shop	-	-	-	-	R	R	R	-	-	-	-
Grocery Store, Retail	-	-	-	-	R	R	R	-	-	-	-
Hardware Store, Retail	-	-	-	-	R	R	R	-	-	-	-
Hardware, Wholesale Storage & Sales	-	-	-	-	R	R	R	-	-	-	-
Hobby Supply Store	-	-	-	-	-	X	-	R	-	-	-
Jewelry Store: including, repairing of Jewelry, Watches and Clocks	-	-	-	-	R	R	R	-	-	-	-
Landscape Garden Sales	-	-	-	-	R	R	R	-	-	-	-
Leather or Luggage Store	-	-	-	-	R	R	R	-	-	-	-
Liquor Store: Package	-	-	-	-	R	R	R	-	-	-	-
Lounge: For Consumption of Alcoholic Beverages on Premises	-	-	-	-	R	R	X	-	-	-	-
Lounge: For Consumption of Alcoholic Beverages on Premises as Accessory Use only to Hotel, Motel or Multiple-Family Dwelling containing 50 Units or more	-	-	R	-	R	R	R	-	-	-	-
Lumber Yard and Building Materials	-	-	-	-	-	X	-	R	-	-	-
Machinery, Tools and Construction Equipment Sales and Services	-	-	-	-	-	-	R	-	-	-	-
Mail Order House	-	-	-	-	-	-	R	-	-	-	-
Marina	-	-	-	-	R	-	R	-	R	-	-
Marina Stores and Supplies	-	-	-	-	R	-	R	-	R	-	-
Motorcycle Sales and Service	-	-	-	-	R	-	R	-	-	-	-
Music Store	-	-	-	-	R	-	R	-	-	-	-
Newsstand	-	-	-	-	R	R	R	-	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Office Equipment and Supplies Retail	-	-	-	-	R	R	R	-	-	-	-
Oil Well Supplies and Machinery	-	-	-	-	-	-	-	R	-	-	-
Optical Goods, Wholesale	-	-	-	-	-	R	-	R	-	-	-
Paint and Wallpaper Store	-	-	-	-	-	-	-	-	-	-	-
Paper Supplies, Wholesale	-	-	-	-	R	R	R	-	-	-	-
Pawn Shop	-	-	-	-	-	R	-	R	-	-	-
Pet Shop	-	-	-	-	R	R	-	-	-	-	-
Pet Shop: Fish and Related Materials	-	-	-	-	R	R	-	-	-	-	-
Petroleum & Petroleum Products, Bulk Storage & Distribution	-	-	-	-	R	R	R	-	-	-	-
Rent-All Store	-	-	-	-	-	-	-	R	-	-	-
Restaurant	-	-	-	-	-	R	-	R	-	-	-
Restaurant, Drive-in	-	-	-	-	R	R	R	-	-	-	-
Restaurant Supplies Sales	-	-	-	-	-	R	-	R	-	-	-
Roofing and Sheet Metal Shop	-	-	-	-	-	R	-	-	-	-	-
Seafood Store, Retail	-	-	-	-	-	-	-	R	-	-	-
Seafood Store, Wholesale	-	-	-	-	R	R	X	-	-	X	-
Seed Store	-	-	-	-	-	R	-	R	-	-	-
Shoe Store, Retail	-	-	-	-	R	R	R	R	-	-	-
Shoe Store Wholesale	-	-	-	-	R	R	R	-	-	-	-
Sporting Goods Store, Retail	-	-	-	-	-	R	-	R	-	-	-
Sporting Goods Store, Wholesale	-	-	-	-	R	R	R	-	-	-	-
Stockyards	-	-	-	-	-	R	-	R	-	-	-
Stone Monument Sales, Retail: may include Cutting & Processing of Merchandise Sold at retail on site	-	-	-	-	-	-	-	R	-	-	-
Surgical or Dental Supplies Str.	-	-	-	-	R	-	R	-	-	-	-
Tile Shop	-	-	-	-	R	-	-	-	-	-	-
Tire Store	-	-	-	-	R	-	R	-	-	-	-
Tobacco Store	-	-	-	-	R	-	R	-	-	-	-
Toy Store	-	-	-	R	R	R	-	-	-	-	-
Trailer or Mobile Home Sales	-	-	-	R	R	R	-	-	-	-	-
Variety Store: Limited to the Sale of items which may be sold by any other Use in this District	-	-	-	R	R	R	-	-	-	-	-
Vegetable and /or Fruit Store	-	-	-	R	R	R	-	-	-	-	-
SERVICES											
Air Conditioning Sales & Service	-	-	-	-	R	-	R	-	-	-	-
Armory	-	-	-	-	X	-	R	-	-	-	-
Automobile and Truck Fleet Maintenance Shops and Garages	-	-	-	-	R	-	R	-	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Automobile Filling Station: Where Primary Function is Retail Sale of Gasoline, Oil, Grease, Tires, Batteries & Accessories and where Services are Limited to Installation of items Sold, Washing, Polishing, Tire Changing and Greasing; Fuel Pumps Need not be Enclosed within Structure	-	-	-	-	-	R	R	R	-	-	-
Automobile Filling Station, Service & Repair, but not incl Commercial Wrecking, Dismanting or Auto Salvage Yard: Need not be enclosed within Structure Provided the Unenclosed Part Shall Comply with Requirement For Maintenance of Off-Street Parking Facilities except Prohibition of sales	-	-	-	-	-	R	-	R	-	-	-
Automobile Laundry: Where Primary Function is Washing Automobiles but not incl Trucks or Trailers; Operations shall be conducted only within an Enclosed Structure, and all wastes shall be discharged Directly into the Sewer	-	-	-	-	-	R	-	R	-	-	-
Automobile and Truck Body Repair	-	-	-	-	-	R	-	R	-	-	-
Bank	-	-	-	-	R	R	R	-	-	-	-
Barber Shop or Beauty Shop	-	-	-	-	R	R	R	-	-	-	-
Blueprinting and Photostating	-	-	-	-	R	R	R	-	-	-	-
Business College	-	-	-	-	R	R	R	-	-	-	-
Carting, Express, Crating, Hauling, & Storage	-	-	-	-	R	-	R	-	-	-	-
Cemetery	-	-	X	X	-	-	-	-	-	-	-
Church: Incl., Parish House Community House & Educational Building	X	X	X	X	X	X	X	-	-	-	-
City Hall, Police Station, Courthouse, Federal Office building, Post Office	-	-	X	-	R	R	R	-	-	-	-
Clinic, Dental or Medical for Humans	-	-	-	-	R	R	R	-	-	-	R
Cold Storage Plant	-	-	-	-	-	-	R	-	-	-	-
College or University	X	X	X	X	X	X	X	X	-	-	-
Contractors Storing Yard for Vehicles, Equipment, Materials, and/or supplies	-	-	-	-	-	X	-	R	-	-	-
Correctional, Detention or Penal Institution	-	-	-	-	-	X	-	R	-	-	-
Diesel Engine	-	-	-	-	-	R	-	R	-	-	-
Dog Kennel	-	-	-	-	-	X	-	R	-	-	-
Dog Pound	-	-	-	-	-	-	-	R	-	-	-
Dry Cleaning Self Service	-	-	-	-	-	-	-	R	-	-	-
Dry Cleaning	-	-	-	-	-	R	R	R	-	-	-
Electric Repair Shop	-	-	-	-	-	R	-	R	-	-	-
Elevator Maintenance & Service	-	-	-	-	-	R	-	R	-	-	-
Exterminators	-	-	-	-	-	R	-	R	-	-	-
Financial Institutions	-	-	-	-	R	R	R	-	-	-	-
Fire Station	X	X	X	X	X	X	X	X	-	-	-
Fix-it Shop (including small-appliance repair)	-	-	-	-	R	R	R	-	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

C/U-4

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Food locker plant (Renting only individual lockers for customer storage of food. Cutting and packaging of meats and game but not including slaughter or eviscerating thereof)	-	-	-	-	-	R	-	R	-	-	-
Funeral Home, Mortuary or Undertaking Establishment	-	-	-	-	-	R	X	-	-	-	-
Furniture Repair, including upholstering & refinishing	-	-	-	-	-	R	-	R	-	-	-
Hospital for Human Care	-	-	X	-	-	X	X	-	-	-	-
Hotel	-	-	X	-	R	R	R	-	-	-	-
Incinerator	-	-	-	-	-	-	-	R	-	-	-
Interior Decorating Shop	-	-	-	-	R	R	R	-	-	-	-
Junk Yard (including storage, bailing or sale of rags, paper, iron or junk. Must be enclosed within a fence at least seven feet high and adequate to obstruct view noise and passage of persons, chain link or similar fence will be permitted if screen planting is provided)	-	-	-	-	-	-	-	R	-	-	-
Laboratory	-	-	-	-	-	R	-	R	-	-	-
Laboratory, Dental or Medical	-	-	-	-	R	R	R	-	-	-	-
Laundry, self service	-	-	-	-	-	R	R	-	-	-	-
Laundry, and or Dry Cleaning pick-up	-	-	-	-	R	R	R	-	-	-	-
Laundry, Linen Supply or Diaper Service	-	-	-	-	-	R	R	-	-	-	-
Loan Office	-	-	-	-	R	R	R	-	-	-	-
Locksmith	-	-	-	-	R	R	-	-	-	-	-
Machine Shop	-	-	-	-	-	-	-	R	-	-	-
Mini-Warehouse	-	-	-	-	-	R	X	R	-	-	-
Motel	-	-	X	-	R	R	R	-	-	-	-
Nursery Day Care Or Kindergarten	-	X	X	X	R	R	R	-	-	-	R
Nursing Home	-	-	X	X	-	X	X	-	-	-	-
Office	-	-	-	X	R	R	R	-	-	-	R
Attorneys	-	-	-	X	R	R	R	-	-	-	R
Insurance	-	-	-	X	R	R	R	-	-	-	R
Real Estate	-	-	-	X	R	R	R	-	-	-	R
Travel Agents	-	-	-	X	R	R	R	-	-	-	R
Other	-	-	-	X	R	R	R	-	-	-	R
Optician	-	-	-	X	R	R	R	-	-	-	-
Painting and Decorating Contractor	-	-	-	-	-	R	-	R	-	-	-
Passenger Depot, Railway or Bus	-	-	-	-	R	R	-	R	-	-	-
Photographic Studio and/or Processing	-	-	-	-	R	R	R	-	-	-	-
Picture Framing or Mirror Silvering	-	-	-	-	R	R	R	-	-	-	-
Pipe Storage Yard	-	-	-	-	-	X	-	R	-	-	-
Plumbing Shop	-	-	-	-	-	R	-	R	-	-	-
Police sub-station including Highway Patrol	-	-	-	-	-	R	R	-	-	-	-
Post Office, Branch	-	-	X	X	R	R	R	-	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

C/U-5

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Pressing, Alteration of Wearing Apparel	-	-	-	-	R	R	-	-	-	-	-
Radio and Television Repair Shop	-	-	-	-	R	R	R	-	-	-	-
Recreation Vehicle Park	-	-	-	-	-	X	-	-	X	-	-
Reducing Salon	-	-	-	-	R	R	R	-	-	-	-
Rug Cleaning	-	-	-	-	-	R	-	-	-	-	-
Sand and Gravel Storage Yard	-	-	-	-	-	-	-	R	-	-	-
School Elementary, Secondary, meeting all requirements of the Laws of the State of Mississippi pertaining to Public Education	X	X	X	X	-	-	-	-	-	-	-
Shoe Repair Shop	-	-	-	-	R	R	R	-	-	-	-
Sign Shop	-	-	-	-	-	R	-	R	-	-	-
Small Animal Clinic Boarding Pets	-	-	-	-	-	X	-	-	-	-	-
Studio for Professional Work of teaching the arts, such as photography, drama and speech	-	-	-	-	R	R	R	-	-	-	-
Small Animal Clinic Veterinary Service Only	-	-	-	-	R	R	X	-	-	-	-
Tailor Shop	-	-	-	-	R	R	R	-	-	-	-
Taxidermist	-	-	-	-	-	R	-	-	-	-	-
Timesharing Condominium	-	-	X	-	X	X	X	-	-	-	-
Tourist Homes (Bed & Breakfast)	-	-	X	X	X	X	X	-	-	-	-
Trade School	-	-	-	-	-	R	-	R	X	-	-
Travel Trailer Park	-	-	-	-	-	-	-	-	X	-	-
Transit Vehicle Storage & Storage & Servicing	-	-	-	-	-	R	-	R	-	-	-
Venetian Blind & Metal Awning - Fabrication & Cleaning	-	-	-	-	-	R	-	R	-	-	-
Vulcanizing Shop	-	-	-	-	-	R	-	R	-	-	-
COMMUNICATION, TRANSPORTATION AND UTILITIES	-	-	-	-	-	-	-	-	-	-	-
Airport and/or Dusting Service	-	-	-	-	-	-	-	R	-	-	-
Automobile Storage (Commercial incl. Parking Lots)	-	-	-	X	R	-	R	-	-	-	-
Bus Benches, Bus Shelters: May be Considered for only those locations that have been designated by the appropriate transit authority as bus stops	X	X	X	X	X	X	X	-	-	-	-
Electric Power Generating Station	-	-	-	-	-	-	-	R	-	-	-
Electric Substation: Must be enclosed within a fence ten feet high designed in such a manner as to render the facility as inaccessible to unauthorized persons and screened to protect the aesthetic character of the area	X	X	X	X	R	R	R	R	-	-	-
Freight Depot, Railway and/or truck	-	-	-	-	-	-	-	R	-	-	-
Garbage Dumping	-	-	-	-	-	-	-	X	-	-	-
Gas Regulator Station	X	X	X	X	R	R	R	R	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

C/U-6

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Pipeline or Electric Transmission Line: Rights-of-way for pipelines or transmission lines of 44KY potential and above, over and across private property	-	X	X	X	X	X	X	X	-	-	-
Radio and Television Broadcasting Transmitter or Relay Tower	-	-	-	-	R	R	-	R	-	-	-
Railroad Facilities	-	-	-	-	-	-	-	R	-	-	-
Railroad Facilities: Except Shops	-	-	-	-	-	-	-	R	-	-	-
Railroad Right-of-way: but not incl. Shops, Yards, and Team Trucks	X	X	X	X	X	X	X	X	-	-	-
Seaport and Related Port Activities	-	-	-	-	-	-	-	R	-	-	-
Sewage Disposal Plant	-	-	X	X	-	-	-	X	-	-	-
Telephone Exchange: not incl. Shops or Garages	-	-	-	-	R	R	X	R	-	-	-
Telephone Exchange: incl. Shop & Garages	-	-	-	-	-	R	-	-	-	-	-
Utility Warehouse or Storage facility	-	-	-	-	-	-	-	R	-	-	-
Water Storage	X	X	X	X	X	R	R	R	-	-	-
Water or Sewage Pumping Station	X	X	X	X	X	X	X	X	X	X	-
MANUFACTURING											
Animal Black, Lamp Black, Bone Black Manufacture	-	-	-	-	-	-	-	R	-	-	-
Battery Manufacture	-	-	-	-	-	-	-	X	-	-	-
Beverage Manufacture (non-Alcohol)	-	-	-	-	-	X	-	R	-	-	-
Boat Building	-	-	-	-	-	X	-	R	-	-	-
Boiler or Tank Works	-	-	-	-	-	-	-	R	-	-	-
Bone Distillation	-	-	-	-	-	-	-	R	-	-	-
Brewery	-	-	-	-	-	-	-	R	-	-	-
Broom and Brushes Manufacture	-	-	-	-	-	X	-	R	-	-	-
Butane & Other Liquefied Petroleum Gas Products Storage & Sales	-	-	-	-	-	-	-	R	-	-	-
Cabinet or Carpenter Shop	-	-	-	-	-	X	-	R	-	-	-
Canvas Products Manufacture	-	-	-	-	-	X	-	R	-	-	-
Clay & Clay Products Manufacture	-	-	-	-	-	-	-	R	-	-	-
Clothing Manufacture	-	-	-	-	-	X	-	R	-	-	-
Coffee Roasting	-	-	-	-	-	-	-	R	-	-	-
Concrete & Concrete Product Mfg.	-	-	-	-	-	-	-	R	-	-	-
Cotton Compress	-	-	-	-	-	-	-	R	-	-	-
Creamery: incl. Ice Cream Mfg. Wholesale	-	-	-	-	-	X	-	R	-	-	-
Drug Manufacture	-	-	-	-	-	-	-	R	-	-	-
Electroplating	-	-	-	-	-	-	-	R	-	-	-
Food Products Manufacture	-	-	-	-	-	-	-	R	-	-	-

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Foundry	-	-	-	-	-	-	-	X	-	-	-
Frozen Food Manufacture	-	-	-	-	-	-	-	R	-	-	-
Fur Dyeing, Finishing & Storage; no Tanning	-	-	-	-	-	X	-	R	-	-	-
Glass Manufacture	-	-	-	-	-	-	-	R	-	-	-
Glass Manufacture Products; from glass stock	-	-	-	-	-	-	-	R	-	-	-
Hardware Manufacture	-	-	-	-	-	-	-	R	-	-	-
Ice Manufacture	-	-	-	-	-	X	-	R	-	-	-
Insulation Manufacture or Fabrication	-	-	-	-	-	-	-	R	-	-	-
Mattress Manufacture & Rebuilding	-	-	-	-	-	-	-	R	-	-	-
Meat Slaughtering and/or Packing	-	-	-	-	-	-	-	X	-	-	-
Metal Sharpening	-	-	-	-	-	-	-	R	-	-	-
Metal Products Fabrication	-	-	-	-	-	-	-	R	-	-	-
Millinery Manufacture	-	-	-	-	-	X	-	R	-	-	-
Millwork & Similar Wood Products	-	-	-	-	-	-	-	R	-	-	-
Novelty & Souvenir Manufacture	-	-	-	-	-	-	-	R	-	-	-
Office Equipment & Supplies Mfg.	-	-	-	-	-	-	-	R	-	-	-
Orthopedic Brace or Artificial limb Manufacture	-	-	-	-	-	-	-	R	-	-	-
Packing and Gasket Manufacture	-	-	-	-	-	-	-	R	-	-	-
Pager Products Manufacture	-	-	-	-	-	-	-	R	-	-	-
Plastic Fabrication	-	-	-	-	-	-	-	R	-	-	-
Plastic Manufacture	-	-	-	-	-	-	-	X	-	-	-
Potash Works	-	-	-	-	-	-	-	R	-	-	-
Poultry (live) Storage and /or dressing	-	-	-	-	-	-	-	X	-	-	-
Printing, Publishing and Allied industries	-	-	-	-	X	R	-	R	-	-	-
Shoe Manufacture	-	-	-	-	-	-	-	R	-	-	-
Sporting Goods Manufacture	-	-	-	-	-	-	-	R	-	-	-
Textile Mill	-	-	-	-	-	-	-	X	-	-	-
Toy Manufacture	-	-	-	-	-	-	-	X	-	-	-
Water Distillation	-	-	-	-	X	-	-	R	-	-	-
Welding Shop	-	-	-	-	-	-	-	R	-	-	-
CULTURAL, ENTERTAINMENT, RECREATION											
Amusement, Commercial; incl Miniature Golf, Driving Range, Bowling Alley and Similar Uses	-	-	-	-	R	-	-	-	-	-	-
Art Gallery or Museum	-	-	-	R	R	R	-	-	-	-	-
Auditorium	-	-	-	-	R	-	-	-	-	-	-
Bath House	-	-	-	-	R	-	-	-	X	-	-

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Campground	-	-	X	X	-	-	-	-	R	-	-
Carnival or Circus: as a Temporary Use of Permit Issued by the Building Official, such Permit to be Good for a Period not exceeding 3 days and renewable for not more than one such period	-	-	-	-	-	X	-	R	-	-	-
Club or Lodge, Private	-	X	X	X	R	R	R	-	-	-	-
Chair Rental	-	-	-	-	-	R	-	-	-	X	-
Fairgrounds Baseball Park & Stadium	-	-	X	X	-	X	-	-	-	-	-
Float Sales and /or Rental	-	-	-	-	-	R	-	-	-	X	-
Game Room (video and /or pinball)	-	-	-	-	-	R	-	-	-	-	-
Golf Course: but not incl Commercial Miniature Course or Commercial Driving Ranges	-	X	X	X	-	R	-	-	-	-	-
Gymnasium	-	-	X	X	X	R	X	-	-	-	-
Jet Ski Rental	-	-	-	-	-	R	-	-	-	-	-
Library or Reading Room	-	X	X	X	R	R	R	-	-	-	-
Park or Playground (Public)	R	R	R	R	R	R	R	R	-	X	-
Pier Private	X	X	X	X	-	-	-	-	-	-	-
Pier Public/ Commercial	-	-	-	-	-	-	-	-	-	X	-
Recreation Centers (Public)	X	X	X	X	R	R	R	-	-	X	-
Skating Rink	-	-	-	-	-	R	-	-	-	-	-
Small Boat Rental	-	-	-	-	-	R	-	-	-	X	-
Sun Shelters	-	-	-	-	-	-	-	-	-	X	-
Theater Indoor	-	-	-	-	R	R	-	-	-	-	-
Theater Outdoor	-	-	-	-	-	X	-	X	-	-	-
Umbrella Rental	-	-	-	-	-	-	-	-	-	X	-
YWCA, YMCA or Similar Institution	-	-	-	-	X	R	X	-	-	-	-
RESOURCES PRODUCTION OR EXTRACTION											
Aviary	-	-	-	-	-	-	-	R	-	-	-
Hatchery: Poultry	-	-	-	-	-	-	-	R	-	-	-
Natural Production Uses: Including extraction of Oil Gas or other Natural Deposits, such as sand , clay, gravel	-	-	-	-	-	-	-	X	-	-	-
Rock Crusher	-	-	-	-	-	-	-	R	-	-	-
Stone Cutting	-	-	-	-	-	-	-	R	-	-	-

CITY OF LONG BEACH, MISSISSIPPI
CHART OF USES

NAME OF USES AND CONDITIONS	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I	RV	WR	R-O
Well Drilling Company	-	-	-	-	-	-	-	R	-	-	-
<u>OTHER</u>											
Accessory Use, Customarily Accessory to an otherwise permitted use	R	R	R	R	R	R	R	R	R	R	R
Home Occupation	X	X	X	X	R	R	R	-	-	-	-
Pipe Storage	-	-	-	-	-	-	-	R	-	-	-
<u>AGRICULTURAL</u>											
Greenhouse, Commercial	-	-	X	X	-	X	-	-	-	-	-
Raising of Crops or Trees	-	-	X	X	-	-	-	-	-	-	-
Raising of Livestock	-	-	-	X	-	-	-	-	-	-	-
Hunting Preserves	-	-	-	-	-	-	-	-	-	-	-
Wildlife Refuges	-	-	-	X	-	-	-	-	-	-	-
Forest Preserves	-	-	-	X	-	-	-	-	-	-	-

As amended by Ordinance Number 500 adopted November 16, 2004

C/U-10

SET BACKS

DISTRICT	FRONT SET BACK		SIDE SET BACK		REAR SET BACK		HEIGHT LIMIT		LOT WIDTH		LOT AREA		COVERAGE MAXIMUM	DISTRICT AREA MINIMUM
	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM	MAXIMUM	MAXIMUM	MINIMUM	MINIMUM	MINIMUM	MINIMUM		
R-1	25 FT	8 FT	8 FT	15 FT	35 FT	75 FT	7,500 SQ FT	45%						
R-2	25 FT	8 FT	8 FT	15 FT	45 FT	60 FT	7,500 SQ FT	45%						
SINGLE-FAMILY TWO-FAMILY	25 FT	8 FT	8 FT	15 FT	45 FT	75 FT	7,500 SQ FT	45%						
LOW-RISE APARTMENTS AND CONDOMINIUM	25 FT	8 FT	8 FT	15 FT	45 FT	75 FT	4,000 SW FT/U	45%						
OTHER-PERMITTED USES	25 FT	8 FT	8 FT	15 FT	45 FT	60 FT	7,500 SQ FT							
R-3	25 FT	8 FT	8 FT	10 FT	*	60 FT	6,000 SQ FT	45%						
SINGLE-FAMILY	25 FT	8 FT	8 FT	10 FT	*	70 FT	7,200 SQ FT	45%						
TWO-FAMILY	25 FT	5 FT	5 FT	10 FT	*		3,000 SQ FT/U	45%						
MULTI-FAMILY	25 FT	5 FT	5 FT	10 FT	*		6,000 SQ FT	45%						
OTHER-PERMITTED USES	25 FT	8 FT	8 FT	15 FT	*	75 FT	6,000 SQ FT	45%						
R-4	25 FT	8 FT	8 FT	15 FT	*	75 FT	6,000 SQ FT	45%						
SINGLE-FAMILY	25 FT	8 FT	8 FT	15 FT	*	75 FT	7,200 SQ FT	45%						
TWO-FAMILY	10 FT	8 FT	8 FT	10 FT	*		3,000 SQ FT	45%						
MOBILE HOME PARK	25 FT	5 FT	5 FT	10 FT	*		3,000 SQ FT	20%						
INDIVIDUAL SITE	25 FT	5 FT	5 FT	10 FT	*		50 ACRES							
MULTI-FAMILY	25 FT	5 FT	5 FT	10 FT	*		6,000 SQ FT	45%						
AGRICULTURAL USES	25 FT	5 FT	5 FT	10 FT	*		3 ACRES							
HUNTING PRESERVES	25 FT	5 FT	5 FT	10 FT	*		50 ACRES							
OTHER-PERMITTED USES	25 FT	5 FT	5 FT	10 FT	*		6,000 SQ FT	45%						
MOBILE HOME	100 FT	50 FT	50 FT	50 FT	*		3 ACRES							
C-1														
C-2														
R-O														
NC														
I														
WR														
PD-R													3 ACRES	
PD-BC													15 ACRES	
PD-I													50 ACRES	
PD-MU													20 ACRES	
RV													15 ACRES	

SET BACKS ARE THE SAME AS R-1

* THERE SHALL BE NO HEIGHT LIMITATION IN THESE DISTRICTS EXCEPT THAT ALL BUILDINGS IN EXCESS OF FORTY-FIVE (45) FEET SHALL RECEIVE THE WRITTEN APPROVAL OF THE CHIEF OF LONG BEACH FIRE DEPARTMENT.

NOTE: FRONT YARDS, REAR YARDS AND SIDE YARDS SHALL BE DESIGNED SO THAT NO SINGLE FAMILY RESIDENCE IS CLOSER THAN 10 FEET TO ANY OTHER RESIDENCE OR BUILDING.

SECTION 613. SPECIAL EXCEPTION USES.

613.1 Special Exception Uses. Special Exception uses are subject to the approval of location and site plan. In addition these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered as an individual case. The Planning Commission is to hear and decide such questions as are involved in determining whether special exceptions should be granted, and to grant special exceptions with such conditions and safeguards as are appropriate under the provisions of this Ordinance, or to deny special exceptions when not in harmony with the purposes of this Ordinance: Special Exceptions are subject to final approval of the Mayor and Board of Aldermen of the City. A special exception shall not be granted by the Planning commission unless it shall find that all of the following conditions exist.

- 613.1.1 That the granting of the special exceptions will not adversely affect the public interest.
- 613.1.2 That satisfactory provisions and arrangement has been made concerning the following where applicable.
 - 613.1.2.1 Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian traffic, safety and convenience, traffic flow and control and access in case of fire or catastrophe.
 - 613.1.2.2 Off-street parking and loading areas where required with particular attention to items in 613.1.2.1 above and the **economic**, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
 - 613.1.2.3 Screening and buffering with reference to type, dimensions and character.
 - 613.1.2.4 Signs, if any, and proposed exterior lighting with reference to glare, traffic safety,

and economic effect and compatibility and harmony with properties in the district.

ARTICLE VII

NON-CONFORMING USES

SECTION 701. INTENT.

Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that all nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 702. NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to areas or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part, of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area below the requirements stated in this Ordinance.

SECTION 703. NONCONFORMING USES OF LAND (OF LAND WITH MINOR STRUCTURES ONLY).

Where at the time of passage this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance and where such use involves no individual structure with replacement cost exceeding One Thousand Dollars (\$1000) the use may be continued as long as it remains otherwise lawful, provided:

- 703.1 No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- 703.2 No Such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- 703.3 If any such nonconforming use of land ceases, or is discontinued, or abandoned for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the

regulations specified by this Ordinance for the district in which the land is located.

- 703.4 No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land

SECTION 704. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height yard, its location on the lot, or other requirements concerning tile structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 704.1 No such nonconforming, structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- 704.2 Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction,, it shall not he reconstructed except in conformity with the provisions of this Ordinance.
- 704.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 705. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION

If lawful use involving, individual structures with a replacement cost at One Thousand Dollars (\$1,000) or more, or of structure and premises in combination at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 705.1 No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall he enlarged, extended, constructed, reconstructed, moved, or

- structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 705.2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside Such building
- 705.3 If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a substitution be changed to another nonconforming use provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use In approving such substitution, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- 705.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not, thereafter be resumed
- 705.5 When a conforming use of a structure, or structure and premises in combination, is discontinued or abandoned *for six (6) consecutive months* or for eighteen (18) months during any three year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- 705.6 Where a nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

SECTION 706. REPAIRS and MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming portion of the structure *as the case may be*, provided that the cubic content existing when it became nonconforming shall not be increased

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared unsafe or unlawful by reason of physical condition by any duly authorized official, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 707. USES UNDER SPECIAL EXCEPTION PROVISIONS NOT CONFORMING USES

Any use is permitted as a special exception in a district under the terms of this Ordinance (other than a change through the Zoning Board of Appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, But shall without further action be considered a conforming use.

OFF
STREET
PARKING

REQUIRED DIMENSIONS

LAND USE	UNIT	REQUIRED PARKING SPACES PER UNIT	45°											
			90°			60°			45°			45°		
			STALL WIDTH PARALLEL TO AISLE	STALL DEPTH TO WALL	STALL DEPTH TO INTERLOCK	STALL WIDTH PARALLEL TO AISLE	STALL DEPTH TO WALL	STALL DEPTH TO INTERLOCK	STALL WIDTH PARALLEL TO AISLE	STALL DEPTH TO WALL	STALL DEPTH TO INTERLOCK	STALL WIDTH PARALLEL TO AISLE	STALL DEPTH TO WALL	STALL DEPTH TO INTERLOCK
RESIDENTIAL Single-Family Two-Family Multi-Family Condominium Mobile Home Park Rooming House	Dwelling	2.0	8.5	18.5	18.5	19.0	17.5	12.0	17.5	15.3	12.0	17.5	15.3	
	Dwelling	2.0	8.5	18.5	18.5	19.0	17.5	12.0	17.5	15.3	12.0	17.5	15.3	
	Dwelling	1.5	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	Dwelling	1.5	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	Site, Pad or Space	2.0	8.5	18.5	18.5	19.0	17.5	12.0	17.5	15.3	12.0	17.5	15.3	
	Guest Room	1.5	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
AUDITORIUM Theater, Stadium	Seat	0.2	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
Restaurant Church Retail Sales Office Shopping Center Hotels, Motels, Tourist Court Timesharing Condo. Hospital, Nursing Home Wholesale Sales Industrial	50 sq. Ft. GFA	1.0	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	Seat	0.2	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	300 Sq. Ft. GFA	1.0	9.0	18.5	18.5	19.0	17.5	13.4	17.5	15.3	13.4	17.5	15.3	
	400 Sq. Ft. GFA	1.0	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	1000 Sq. Ft. GFA	3.0	9.5	18.5	18.5	19.0	17.5	13.4	17.5	15.3	13.4	17.5	15.3	
	Guest Rooms	1.5	9.5	18.5	18.5	19.0	17.5	13.4	17.5	15.3	13.4	17.5	15.3	
	Unit	1.5	9.5	18.5	18.5	19.0	17.5	13.4	17.5	15.3	13.4	17.5	15.3	
	Bed	0.5	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	1000 Sq. Ft. GFA	1.0	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
	Employee-Max. Per shift	1.0	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
Private Club or Lodge	50 Sq. Ft. GFA	1.0	9.0	18.5	18.5	19.0	17.5	12.7	17.5	15.3	12.7	17.5	15.3	
Filing Stations Bus Terminals Auto Sales and Repair	Bay 500 Sq. Ft. GFA	1.0	9.5 9.0	18.5 18.5	18.5 18.5	19.0 19.0	17.5 17.5	13.4 12.7	17.5 17.5	15.3 15.3	13.4 12.7	17.5 17.5	15.3 15.3	

GFA = Gross Floor Area

ARTICLE VIII

OFF STREET PARKING AND OFF STREET TRUCK LOADING

SECTION 801. OFF STREET PARKING

801.1 Provision of Off—Street Parking Required: The off-street parking facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth; provided, however, that off—street parking facilities in excess of the amounts heretofore required by law need he neither provided nor maintained for land actually used or for structures actually existing (whether occupied or vacant) on the effective date of this Ordinance unless, after the effective date of this ordinance, such land, structures or uses are enlarged, expanded or changed; in which event, the land, structures, and uses hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such land, structures, and uses, and maintained as herein required, at least the amount of off-street parking facilities that would be required hereunder if the increment were a separate land, structure, or use. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off—street parking and loading requirements conform to the requirements established by this Ordinance. The Central Business District or Long Beach is exempt from these off-street parking requirements

801.2 Location: Each off-street parking space. shall be at least at least of the dimensions shot on Table 11, exclusive of access or maneuvering area, ramps and other appurtenances and shall be located off the street right-of-way and except for one—family and two—family dwellings, facilities shall be so planned that vehicles do not back into the roadway.

801.2.1 Handicapped Parking: Handicapped parting shall he provided and required by the applicable City codes and ordinances

801.2.2 Vehicular Access t Individual Parking spaces shall be provided by aisles not less than fourteen (14) feet wide for 45-degree angle parking, eighteen (18) feet wide for 60-degree angle parking and twenty - five (25) feet for 90 - degree (perpendicular) parking.

- 801.2.3 Pedestrian Walks shall be located between every other (alternate) parking bay, a parking bay being the vehicular access aisle and parking spaces on one or both sides served by it. If parking bays exceed three hundred (300) feet in length without vehicular access to adjacent bays or to another drive or street, a pedestrian walk shall be provided between each parking bay. Required pedestrian walks shall have a four (4) foot clear width and such width shall be protected and maintained free of standing water.
- 80 1.2.4 Blocks of Parking Bays containing more than two hundred (200) parking Spaces shall be established if the total number of parking spaces to be provided exceeds two hundred (200). Such blocks shall be defined by landscaped strips having at least (15) foot clear width and such width shall be protected by curbs or wheel guards. Each such landscaped strip shall be raised and protected by curbs and shall contain a four (4) foot wide pedestrian walk extending the full length of the strip. Vehicular access aisles within the block shall be connected to one or more roadways at least twenty - four (24) feet wide or such greater width as may be required to accommodate the volume of traffic anticipated and along which no parking spaces shall be provided or allowed.
- 801.2.5 Surfacing of all parking facilities shall be concrete, asphalt concrete, or asphalt. All parking facilities shall be properly graded for drainage and maintained in good condition, free of weeds, dust, rubbish, trash and debris.
- 801.2.6 Wheel stops or curbs shall be provided and so located that no part of parked vehicles will extend beyond the parking facility.
- 801.2.7 Lighting shall be provided in all parking facilities accommodating ten (10) or more vehicles and such lighting shall be so arranged that the source of light does not shine directly into adjacent residential properties and does not interfere with traffic.

- 801.2.8 Entrances and Exits to parking facilities shall be located as to minimize traffic congestion.
- 801.2.9 Prohibition of Other Uses. Parking spaces shall not, be used for the sale, repair, dismantling, or storage of any vehicles, equipment, materials, or supplies.
- 801.2.10 On-Street Parking. In R-1, R-2, and R-3 Districts, on street parking shall be used only by vehicles up to 8,000 pounds gross vehicle weight (manufacturers capacity rating) and having wheels not to exceed seventeen (17) inches in diameter.
- 801.3 Number of Parking Spaces Required: The minimum number of off-street parking spaces which shall be approved by use is shown on Table 11.
- 801.4 Combined Parking Spaces: The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking space required or churches, theatres., or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
- 801.5 On-Street Space Within 300 Feet of Principal Use: Off-Street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, such space may be provided on other off -street property provided such space lies within five hundred (500) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner

SECTION 802. OFF-STREET LOADING AND UNLOADING SPACE:

- 802 1 Provision of Off Street Loading and Unloading Space Required: Every building or structure used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles off the street

or public alley Such space shall have access to a public alley, or if there is no alley, to a public street

802.2 Size and Location: For the purpose of this Ordinance, each truck loading space shall be at least twelve (12) feet wide and shall be at least fifty (50) feet long, exclusive of accessory maneuvering area, platform and other appurtenances. Off-Street truck loading facilities shall be located on the same building site on which the structure for which they are provided is located. Access, maneuvering area, ramps, and other appurtenances shall be furnished off the street right-of-way and so arranged that vehicles are not required to back from the area into the street

802.3 Number of Loading Spaces Required: At least the following amount of off-street truck loading shall be Provided:

802.3.1 Retail Business: One (1) Space for each three thousand (3,000) square feet of floor area, or portion thereof.

802.3.2 Wholesale and Industry: One (1) space for each ten thousand (10,000) square feet of floor area, or portion thereof

802.3.3 Bus and Truck Terminals: Sufficient space to accommodate the number of buses or trucks to be stored or to be loading or unloading at any one time.

SECTION 803. PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT.

For the purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches designed to be mounted on automotive vehicles, motorized dwellings, and tent trailers Major recreational equipment may be parked or stored on any lot, No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot., or in any location not approved for such use.

SECTION 804. PARKING AND STORAGE OF CERTAIN VEHICLES.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

ARTICLE IX

SUPPLEMENTARY REGULATIONS

SECTION 901.

Front yard depth, and in the case of a corner building site, side yard width shall be a minimum of fifty-five (55) feet from the property line of all arterials and twenty-five (25) feet on all collectors (Whenever a residential use is permitted in any area classified as Commercial or Industrial, such residential use shall comply with the minimum setback restrictions provided for in an R-3 classification.) If such residential use is bounded by an arterial or collector the front and/or side yard depth shall be fifty-five (55) or twenty-five (25) feet from the property line or that required for an R -3 classification, whichever is greater. Whenever the boundary of a building site in C-I, C-2, O-3 or I District adjoins a residential building site in a Residential District, a buffer area not less than fifteen (15) feet in width shall be provided along the property line adjoining such district and a fence or wall which forms a visual barrier shall be provided along the property line adjoining the same.

SECTION 902.

Within an R-4 district, livestock shall be kept a minimum of twenty-five (25) feet from more restrictive residential districts.

SECTION 906. VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS.

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the A center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

SECTION 904. FENCES, WALLS, AND HEDGES.

- 904.1 Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge that obstructs shall be erected, altered, or placed in or around any required front yard to exceed four (4) feet

in height above ground.. Barbed wire is expressly prohibited in R-1, R-2, and R-3 District

- 904.2 A building permit is required to construct or otherwise erect any fence, wall or hedge in the City of Long Beach, Mississippi; and same shall be issued by the Building Official after the applicant has paid a fifteen dollar permit fee and furnished the Building Official with an acceptable drawing or set of plans establishing what is to be constructed of what materials, and sere same is to be situated in relation to other structures on applicants property, and in relation to e2dsting streets, rights-of-way, and easements.

SECTION 905. ACCESSORY BUILDINGS.

No accessory building or structure shall be erected in any required front yard, and no separate accessory building shall be erected within ten (10) feet of any other building or five (5) feet of any lot.

SECTION 906. CORNER LOTS.

In any residential district, the side yard requirements for corner lots along the street right-of-way shall have an extra width of ten (10) feet.

SECTION 907. YARD SERVICE TO ONE BUILDING.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 908. ONLY ONE PRINCIPAL BUILDING.

Every building or structure hereafter erected shall be located on a lot or tract as defined herein: and in no case shall there be more than one (1) principal building on one (1) lot - plus its accessory buildings.

SECTION 909. STRUCTURES TO HAVE ACCESS.

Every structure hereafter erected or moved shall be so located on a building site as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

- 909.1 Every building or structure hereafter erected or moved upon a lot shall have provided an address number as may be required by the City of Long Beach, Mississippi

SECTION 910. MOBILE HOME PARKS

910.1 Permitted Locations.

- 910.1.1 Mobile homes are allowed only in approved mobile home parks for residential use, except as provided for in Article IX, Section 911, or ten permitted as a temporary use for storage or security purposes at a construction project.

- 910.1.2 Mobile home parks are allowed as a conditional use in R-4 Districts.

910.2 Size and Density.

- 910.2.1 Minimum of ten (10) contiguous acres of land.

- 910.2.2 Maximum density of twelve (12) mobile home lots per acre.

910.3 Mobile Home Lot

- 910.3.1 Minimum Mobile Home Lot shall be three thousand (3,000) square feet.

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

- 910.3.3 Minimum of sixteen (16) feet separation of mobile homes from each other and from other structures located on other lots.

- 910.3.4 No part of a mobile home or other facility placed on a lot shall be closer than ten (10) feet to a mobile home park street.

- 910.3.5 No mobile home shall be located closer than ten (10)

feet to any property line of the park which does not abut upon a public street or highway No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty-five (25) feet or such other distance as may be established by ordinance or regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the mobile home park is located.

- 910.4 An electrical outlet supplying at least 100-115/220-225 volts, one hundred (100) amperes, shall be provided for each non- all-electric mobile home space in a park; and two hundred (200) amperes for each all-electric mobile home space in a park.
- 910.5 Each mobile home space in a 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.
- 910.6 All mobile home spaces in a park shall abut upon a driveway of not less than thirty (30) feet in width, which driveway shall have unobstructed access to a public street, alley or highway.
- 910.7 Turnarounds shall be provided for all dead-end roads. The minimum radius of a required turnaround shall be eighty (80) feet.
- 910.7.1 Walkways not less than two (2) feet wide shall be hard surfaced (concrete or asphalt) and lighted at night with electric lamps of not less than one hundred (100) watts each, spaced at intervals of not more than one hundred (100) feet.
- 910.7.2 All driveways and walkways within a park shall be hard-surfaced (concrete or asphalt) and lighted at night with electric lamps of not less than one hundred (100) watts each, spaced at intervals of not more than one hundred (100) feet

910.8 A mobile home stand (pad) is required for each mobile home lot. The average width or all spaces within the park shall not be less than forty (40) feet. Each pad shall be well drained, uniformly graded, and compacted as approved by the Director of Public Works.

910.9 Ground anchors must be provided for each mobile home stand in accordance with the requirements set forth in the Building Code and each mobile home shall be properly secured to the ground anchors.

910.10 Mobile Home Park Service Buildings.

910.10.1 Each park shall provide service buildings to house such toilet, bathing, and other sanitation facilities as are required by this Article. At least one (1) service building providing required minimum facilities shall be located within two hundred (200) feet of every dependent mobile home space.

910.10.2 Service buildings in a park shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing and sanitation systems, and must comply with the City building, plumbing and electrical codes.

910.10.3 Service buildings in a park shall be well lighted at all times, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October first to May first of each year. The floors of the service buildings shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

910.11 Parks, Open Space, and Recreational Areas: 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 meeting recreational purposes.

910.12 Fence, wall or hedge required along certain boundaries: Where any boundary of a mobile borne 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 ordinances 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.

910.1.3 Architecture and landscaping for buildings: Buildings in a mobile home park shall be architecturally attractive and surrounded by landscaped yards.

910. 14 Office building and guest register: 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 park. Such person shall keep a guest register by state statute in such office, which shall be open at all times to inspection by State and Federal officers of the City.

910.15 Water Supply and Distribution:

910.15.1 An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within a 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.

9 10 15 2 Each mobile home space in a park shall be provided with a cold water tap at least four (4) 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 one hundred twenty - five (125) gallons per day.

910.15.3 An independent water supply can be used in a park if public water is not available; and, if a private water system is approved by the City and the County Board of Health

910.15.4 The water distribution system within a 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 ordinances. The park water system shall provide running water service at a pressure of not less than twenty (20) pounds per square inch at all outlets.

910.15.5 At least one (1) drinking fountain for each play area and one (1) drinking fountain in the immediate vicinity of each service building shall be provided for public use in each park.

910.16 Each park shall be provided, for emergency purposes, with the following sanitation facilities:

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

910.16.2 One (1) additional flush toilet and one (1) additional urinal for males, one (1) additional flush toilet for females, one (1) additional lavatory for each sex and one (1) additional shower or bathtub with individual dressing accommodations for each sex for each fifty (50) mobile home spaces or fractional number thereof in excess of the first fifty (50) mobile home spaces.

910.17 Each park which accommodates dependent mobile homes shall be provided with the following sanitation facilities:

910.17.1 One (1) flush toilet and one (1) urinal for males,

one (1) flush toilet for females. one (1) lavatory for each sex, and one (1) 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

910.17.2 One (1) additional flush toilet and one (1i) additional urinal for males, one (1) additional lavatory for each sex and one (1) additional shower or bathtub with individual dressing accommodations for each sex for each fifteen (15) dependent mobile homes or fractional number thereof in excess of the first fifteen (15) dependent mobile homes so accommodated.

910.18 Each toilet and each shower or bathtub with individual dressing, accommodations, for which provision is made in subsections 910.16 and 910.17 above shall be in a private compartment or stall.

910.19 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.

910.20 Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within a park shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant.

910.2 1 Each mobile home space in a park shall be provided with a sewer at least four (4) 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 harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant.

- 910.22 Metal garbage cans with tight-fitting covers shall be provided in each park, in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than two hundred (200) feet from any mobile home space. The cans 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 cans shall not overflow. Each mobile home park garbage receptacle shall be placed adjacent to a street or a drive.
- 910.23 Every park shall be equipped at all times with fire-extinguishing equipment in good working order, of such type size, and number, and so located within the 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.
- 910.24 At any park containing more than twenty (20) spaces, 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 municipal fire alarm system. In every park, suitable 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.
- 910.25 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 space.
- 910.26 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.
- 910.27 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 (2) dogs and cats shall be allowed in one (1) mobile home and no pets shall be raised for commercial purposes.

910.2.8 Sale of automobiles or mobile homes prohibited. No automobile or mobile home sales or sales business shall be conducted in any mobile home park.

SECTION 911. MOBILE HOMES AND MODULAR HOMES.

911.1 Permitted Locations

911.1.1 Mobile homes and Modular homes are allowed only for residential use

911.1.2 Mobile homes and Modular homes are allowed as a conditional use in R-4 Districts.

911.2 Size and Density.

911.2.1 Minimum of three (3) contiguous acres of land.

911.2.2 Only one (1) Mobile home or Modular home will be allowed per tract of land, said tract having a minimum of three (3) acres.

911.3 Mobile Home Lot/Modular Home Lot.

911.3.1 No part of a Mobile home or Modular home or other facility placed on a lot shall be closer than one hundred (100) feet a public street.

911.3.2 No Mobile home or Modular Home shall be located closer than fifty (50) feet .to any property line which does not abut upon a public Street or highway.

911.4 A mobile home stand (pad) is required for each mobile home lot. The average width of all spaces within the park shall not be less than forty (40) feet. Each pad shall be well drained, uniformly graded, and compacted as approved by the Director of Public Works.

9 11.5 Ground anchor's must be provided tar said mobile home stand in accordance with the requirements set forth in the Building Code and each mobile home shall be properly secured to the ground anchors.

HOME OCCUPATION

911.6 Architecture and landscaping for buildings: Mobile homes and Modular homes shall be architecturally attractive and surrounded by landscaped yards.

911.7 Water Supply and Distribution.

911.71 An independent water supply and sewer disposal system can be used if public sewer and water is not available and if a private sewer and water system is approved by the City and the County Board of Health.

SECTION 9.12 HOME OCCUPATIONS.

A home occupation is an accessory use of a dwelling, unit, for gainful employment involving the manufacture, provision, or sale of goods and/or services.

912.1 Purpose: It is the intent of this section to eliminate as home occupation all uses except those that conform to the standards set forth herein., These standards are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood.

912.2 Authorization: Home occupations are permitted as a conditional use accessory to a dwelling unit located in a residential district subject to the following necessary conditions.

912.3 Necessary Conditions: Home occupations are permitted as accessory uses in residential districts provided:

912.3.1 No person other than members or the immediate family occupying such dwelling shall be employed. This does not apply to customary household or yard help.

912.3.2 No alteration of the principal building shall be made which changes the character thereof as a dwelling.

912.3.3 No use shall require the use of material or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located.

- 912.3.4 No home occupation shall cause an increase in the use at any one or more utilities (water, sewer, electricity, telephone, garbage, etc.) so that the combined total use for dwelling and borne occupation purposes exceeds the average for residences in the neighborhood.
- 912.3.5 There shall be no outside storage of any kind related to the home occupation.
- 912.3.6 The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.
- 912.3.7 The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling
- 912.3.8 No stock in trade (except articles produced by the members of the immediate family residing, on the premises) shall be displayed or sold upon the premises.
- 912.3.9 No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- 912.3.10 There shall be no signs other than those permitted in the zoning district in which the home occupation is located.

912.4 Permitted Home Occupations: Home occupations include but are not necessarily limited to the following:

- 912.4.1 Artists and sculptors.
- 912.4.2 Authors and composers
- 912.4.3 Dressmakers, seamstresses, and tailors.

- 912.4.4 Family day care home, limited to not more than three (3) children.
- 912.4.5 Office facility of a minister, rabbi, or priest.
- 912.4.5 Office facility of a salesman, sales representative, provided that no retail or wholesale transactions are made on the premises.
- 912.4.6 Individual tutoring.
- 912.4.7 Individual stringed instrument instruction.
- 912.5 Home Occupation Not Permitted: Permitted home occupations shall not in any event be deemed to include the following:
 - 912.5.1 Auto repairs, minor or major.
 - 912.5.2 Barber shop or beauty parlor.
 - 912.5.3 Dance instruction.
 - 912.5.4 Upholstering.
 - 912.5.5 Stables or kennels.
 - 912.5.6 Restaurants.
 - 912.5.7 Tourist homes.
 - 912.5.8 Veterinary clinics or hospitals.
 - 912.5.9 Private schools with organized classes.
 - 912.5.10 Gift shops.
 - 912.5.11 Medical or dental clinic or hospitals.
 - 912.5.12 Medical offices.
 - 912.5.13 Dental offices.

- 912.5.14 Painting of vehicles, trailers, or boats.
- 912.5.15 Photo developing.
- 912.5.16 Photo studios.
- 912.5.17 Radio or television repair.
- 912.5.18 Cabinet shops

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

SECTION 1001. HEIGHT

The district height limitations stipulated elsewhere in this Ordinance may be exceeded but such modification shall be in accord with the following:

- 1001.1 Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, shall not exceed in height their distance from the nearest lot line.
- 1001.2 Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lots, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, shall not exceed in height their distance from the nearest lot line.
- 1001.3 Essential Services, utilities, water towers, electrical power and communication transmission lines are exempt from the height limitations of this Ordinance.
- 1001.4 Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height two (2) times their distance from the nearest lot line
- 1001.5 Agricultural Structures when applicable, such as barns, silos tanks, and windmills, shall not exceed in height two (2) times their distance from the nearest lot line.
- 1001.6 Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices, and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

SECTION 1002. YARDS

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- 1002.1 Uncovered Stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- 1002.2 Architectural Projections, such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed three (3) feet.
- 1002.3 Residential Fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of eight (8) feet and shall not exceed a height of four feet in the front yard.
- 1002.4 Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- 1002.5 Accessory Uses and detached accessory structures are permitted in the rear and side yards of all lots; they shall not be closer to the side lot line than the minimum required side yard for the principal structure; they shall not be closer than ten (10) feet to the principal structure, shall not exceed fifteen (15) feet in height shall not occupy more than ten (10) percent of the lot area, shall not be closer than five (5) feet to any alley line, but not closer than ten (10) feet to any street right-of-way line.

Off-Street Parking is permitted in rear yards in all districts.

1002.7 Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance

1002.8 Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

SECTION 1003. REDUCED FRONTAGE

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

SECTION 1004. AVERAGE STREET YARD.

The required street yards may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side.

SECTION 1005. TEMPORARY AND PORTABLE BUILDINGS AND STRUCTURES

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

Subdivision sales offices may be erected only after approval by the Zoning Board of Appeals subject to such conditions as may be determined by the Board to be necessary to insure termination of the use after a reasonable period and removal or conversion to a conforming use.

No trailers for dwellings, storage, or business shall be parked in any district, except upon approval by the Zoning Board of Appeals in connection with a permanent building or construction project. Such approval shall be for a period of time not to exceed one (1) year, renewable for periods of six (6) months, stating the use for which approved

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

SECTION 1006. EMERGENCY SHELTER REGULATIONS AND EXCEPTIONS

Emergency shelters are permitted as an accessory structure in any district, subject to the yard and lot coverage requirements of the district. Approved emergency shelters may be used, in addition to emergency shelter, for any principal or accessory use permitted in the district except for habitation by persons other than occupants of a principal dwelling. Structures or portions of shelters qualifying as approved emergency shelters shall meet the minimum requirements of the Building Code and standards issued by the Office of Civil Defense Mobilization.

When, after review of plans, it is established that an emergency shelter would not be permitted under the foregoing provisions owing to topographic conditions, the location and coverage upon the lot of existing structures or other characteristics peculiar to the site, the Zoning Board of Appeals may permit the following exceptions, subject to whatever conditions the Board may find desirable to control the appearance in relation to the street and effect on abutting properties.

- 1006.1 Underground or partially below-ground shelters without restriction on side or rear yard location, lot coverage requirements, or spacing in relation to the principal structure or other accessory buildings
- 1006.2 An above-ground approved shelter located anywhere in a side or rear yard, provided an underground type shelter is not feasible.
- 1006.3 Where no other reasonable alternative is possible an above-ground approved shelter may be permitted in the front yard.. Whenever it is considered feasible and desirable, the Board may require such shelters to be attached and constructed to a height conforming to the principal structure.

When after review of plans and public hearings, The Zoning Board of Appeals finds it feasible, the construction of a common, approved shelter by two or more property owners across two or more property lines may be permitted. All side and rear yard requirements may be waived except where an abutting property is not included in the joint proposal. The Board shall require the execution of an agreement between all property owners involved concerning rights and obligations of taxation, access, and maintenance.

The Zoning Board of Appeals may, after review of plans and public hearing, permit a community owned approved shelter or one owned by several parties to be permitted as a principal use in any district.

ARTICLE XI

ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 1101. BUILDING OFFICIAL

The provisions of this Ordinance shall be administered and enforced by the Building Official provided for by Ordinance No. 241 of the City of Long Beach and designated by the Mayor and Board of Aldermen. His duties shall include receiving applications, assisting applicants and appellants in the procedures required hereunder, inspecting premises and issuing building permits and certificates of occupancy. The Building Official may recommend to the Mayor and Board of Aldermen the filling of various positions within the Code office, such as Building Inspector, Electrical Inspector, Heat and Air Inspector, Gas Line Inspector, and Plumbing Inspector. The Zoning Enforcement Officer will be responsible for enforcing the Zoning Ordinance for the City of Long Beach and shall act on behalf of the Building Official during his absence.

SECTION 1102. BUILDING PERMIT REQUIRED.

A building permit issued by the Building Official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure. No building permit shall be issued by the Building Official except where all the provisions of the Ordinance have been complied with.

SECTION 1103. APPLICATION FOR BUILDING PERMIT.

Application for a residential building permit, if required by the Building Official, and all applications for commercial or multi-family residential building permits shall be accompanied by plans in duplicate, drawn to scale, showing the following:

1103.1 Actual dimensions of the lot to be built upon.

1103.2 The width of the street or streets upon which the lot fronts or abuts

- 1103.3 The setback lines of buildings on adjoining lots.
- 1103.4 The exact sizes and locations on the lot of buildings already existing, if any
- 1103.5 The location and dimensions of the proposed building or alteration.
- 1103.6 The number of dwelling units the building is designed to accommodate.
- 1103.7 Such other information as may be necessary to provide for the enforcement of this Ordinance.
- 1103.8 If the proposed excavation, filling, construction, or movement as set forth in said plans is in conformity with the provisions of this Ordinance and other ordinances of the City of Long Beach, Mississippi, then in force, the Building Official shall sign and return one (1) copy of the plans to the applicant and shall issue a building permit upon payment of any required fees.. The Building Official shall retain one (1) copy of the building permit and one (1) copy of the plans.
- 1103.9 Time limitations: Any building permit issued shall become invalid if the work authorized by it has not commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

SECTION 104. CERTIFICATE OF OCCUPANCY REQUIRED..

A certificate of occupancy issued by the Building Official is required in advance of occupancy or use of:

- 1104.1 Any lot or change of use thereof.
- 1104.2 A building hereafter erected or altered or a change in the use or occupancy of an existing building.
- 1104.3 Each nonconforming use created by the passage of and subsequent amendment to this Ordinance or that is changed, extended, altered, rebuilt thereafter. The certificate of

occupancy will state specifically where the occupancy fails to meet the requirements of occupancy

A record of occupancy permits shall be kept on record in the Building Official's office.

SECTION 1105. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL.

Duties of the Building Official, or his designated representative, shall include, but not be limited to:

- 1105.1 Review all applications for permits to assure that the permit requirements of this Ordinance have been satisfied.
- 1105.2 Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- 1105.3 All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Official and shall be open for public inspection.

SECTION 1106. REMEDIES.

If the Building Official, or his designated representative, shall find that any of the provisions of this Ordinance are being violated he shall, in writing, notify the person responsible for such violation and ordering action necessary to correct it, among which he may order discontinuance of the use of land, building or structures, removal of buildings or structures or of additions, alterations, or structural changes thereto, and discontinuance of any work, being done In such instances and under circumstances whereby the Building Official is left without any further recourse but to seek police assistance, he may call upon the Chief of Police of the City of Long Beach, Mississippi, to furnish such Building Official with the necessary personnel to fulfill his or her duties.

SECTION 1107. PENALTIES FOR VIOLATION.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by fine and/or imprisonment not to exceed the limits provided by the laws of the

State of Mississippi. Each day such violation continues shall be deemed a separate offense and punishable as such.

ARTICLE XII

ZONING BOARD OF APPEALS

SECTION 1201. ESTABLISHMENT OF THE ZONING BOARD OF APPEALS,

1201.1 There is hereby created a Zoning Board of Appeals, which shall consist of the nine (9) members of the Long Beach Planning Commission as appointed by the Mayor and Board of Aldermen of the City of Long Beach and as specified in Ordinance No, 362, Section 2, of said City.

1201.2 Members of the Zoning Board of Appeals shall serve without pay, but may be reimbursed for expenses incurred in the performance of official duties; provided, however, that no expenditure made or contracted by said Board or any member thereof shall be binding upon the City of Long Beach, Mississippi, so as to require any payment in excess of funds made available for the purpose.

1201.3 Members of the Zoning Board of Appeals shall hold no other public office in the City.

SECTION 1202. PROCEEDINGS OF THE ZONING BOARD OF APPEALS.

1202.1 The Zoning Board of Appeals shall elect a Chairman and a Vice Chairman, each of whom shall serve for one (1) year with eligibility for re-election.. The Board shall adopt rules t or the conduct of its business The Board shall appoint a Secretary, who may be an officer or employee of the City.

1202.2 Meeting of the Board shall be held at the call of the Chairman and at such other times as the Board may determine the Chairman, or in his absence, the Vice—Chairman, may administer oaths and compel the attendance of witnesses by subpoena.. No member of the Board shall participate in a hearing in which he has any pecuniary interest or special interest. All meetings of the Board shall be open to the public.

1202.3 The Board shall keep minutes of its proceedings, showing

the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record.

1202.4 The majority vote of those voting members of the Zoning Board of Appeals shall be necessary to take official action correct an error, grant a variance, make an interpretation and permit a temporary or substituted use. The Chairman or presiding officer shall vote only in the event of an equal division of votes.

SECTION 1203. POWERS OF THE ZONING BOARD OF APPEALS

1203.1 Errors: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Official.

1203.2 special Exceptions: To hear and decide special exceptions to the terms of the Ordinance.

1203.3 Variances: To hear and authorize appeals for variances where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this Ordinance shall be observed and the public health, safety, and welfare preserved, and substantial justice done. No variance shall have the effect of permitting any use in a district that is prohibited in that district. No variance shall be brought before the Zoning Board of Appeals within twelve months from the date of a favorable or unfavorable determination by the Mayor and Board of Aldermen upon the recommendations of the Zoning Board of Appeals.

1203.4 Interpretations: To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of zoning districts.

1203.5 Substitutions: To hear and grant applications for substitutions of more restrictive nonconforming use for existing

nonconforming uses provided no structural alterations are to be made and the Building Official has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

1203.6 Temporary Uses To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Building Official has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Board of Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

1203.7 Permits: The Board may reverse, affirm wholly or partly, or- modify the order, requirement, decision or determination as ought to be made.

1203.8 Assistance: The Board may request assistance from other officers, departments, commissions, and boards.

SECTION 1204 APPEALS AND APPLICATIONS

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the county or municipality affected by the decision of the Building Official. Such appeals shall be filed in the Office of the Building Official within thirty (30) days after the date of written notice of the decision or order of the Building Official. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed in the Office of the Building Official. Such appeals and application shall include the following:

1204.1 Name and address of the appellant or applicant and all abutting and opposite property owners of record.

1204.2 Plat of survey prepared by a registered Land Surveyor in the State of Mississippi or other map drawn to scale and approved by the Building Official showing all of the information required under Section 1103 for permit.

1204.3 Additional information required by the Building Official or the Zoning Board of Appeals: The Building Official shall forthwith transmit the appeal or application to the Board together with all papers constituting the record upon which the action appealed from was taken.

SECTION 1205. HEARINGS.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least fifteen (15) days notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing any party may appear in person, or by agent, or by attorney. The Zoning Board of Appeals may grant continuances or adjourn hearings from time to time.

SECTION 1206. STAY OF PROCEEDINGS.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record application, on due notice to the Building Official from whom the appeal is taken and on due cause shown.

SECTION 1207. FINDINGS

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- 1207.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- 1207.2 A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

1207.3 The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

1207.4 The special circumstances are not the result of the actions of the applicant.

1207.5 The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.

1207.6 The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

1207.7 The variance is not a request to permit a use of land, buildings, or structures which are not permitted by right or by special exception in the district involved.

1207.8 Notice of public hearing shall be given as in Article XII, Section 1205

SECTION 1208. DECISIONS OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board decisions to the appellant or applicant and the Building Official.

1208.1 Conditions may be placed upon any permit ordered or authorized by this Board.

1208.2 Variances, Substitutes, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

SECTION 1209. APPEALS FROM THE ZONING BOARD OF APPEALS.

Decisions of the Zoning Board of Appeals are advisory only to the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, which Mayor and Board of Aldermen shall have the final decision with respect to zoning matters under the provisions of this ordinance.

Any person or interested party, feeling aggrieved at the decision and recommendation of the Zoning Board of Appeal may within ten (10) days of the date of the entry of its decision in its minutes and filed With the City Clerk of the City of Long Beach, Mississippi, and not thereafter, appeal to the Mayor and Board of Aldermen in writing, and be entitled to a public hearing before the Mayor and Board of Aldermen upon notice of the time, place and date of such hearing as provided by law.

The Mayor and Board of Aldermen, at its next regular meeting following the date of the decision and recommendation of the Zoning Board of Appeals, not less than ten (10) days following such decision unless an appeal has been filed with the City Clerk in the interim and request for a public bearing before the Mayor and Board of Aldermen, approve the decision and recommendation of the Zoning Board of Appeals as its final decision, without further notice..

No decision by the Mayor and Board of Aldermen to reverse the decision and recommendation shall be final except upon a public hearing held before said Mayor and Board of Aldermen after notice as provided by law.

No building permit may be issued pending the final outcome of any appeal from the decision of the Mayor and Board of Aldermen.

ARTICLE XIII

CHANGES AND AMENDMENTS

SECTION 1301. AUTHORITY.

The regulations imposed and the districts created under this Ordinance may be changed or amended by the Mayor and Board of Aldermen of the City when one or more of the following conditions prevail.

1301.1 Error There is manifest error in the Ordinance.

1301.2 Change in Conditions. Changed or changing condition in a particular area or in the City or metropolitan area generally, make an amendment to the Ordinance necessary or desirable.

1301.3 Increase in Need for Sites Increased or increasing needs for business or industrial sites in addition to sites that are available make it necessary and desirable to reclassify an area or to extend the boundaries of an existing district.

1301.4 Annexation. It is necessary and desirable to classify territory annexed to the City to a district classification.

1301.5 Ordinance Change. An amendment to the Ordinance not involving a change in classification of land is necessary or desirable

1301.6 Change in Governmental Property It is necessary to reclassify property as a result of acquisition or disposition of such property by the United States of America, the State of Mississippi, or Harrison County.

SECTION 1302. INITIATION

Amendments to this ordinance may be initiated by the Mayor and Board of Aldermen on its own motion or by the Planning Commission of the City of Long Beach, Mississippi. In addition, any person, firm, or corporation owning

property in the City of Long Beach by filing a written application. may initiate an amendment.

SECTION 1303. LIMITATION ON PROPOSED AMENDMENTS

(Reserved for future)

SECTION 1304. APPLICATION PROCEDURES FOR AMENDMENTS

An application or petition for a text amendment to this ordinance or map change (zoning reclassification) shall be filed with the City through the City Planning Commission.

1304.1 Application. An approved application shall be furnished to the City Planning Commission and contain at least the following information:

- (a) Interest and Ownership. The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in Classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and addresses of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water).
- (b) Site Plan.. if the proposed amendment would require a change in the Zoning Map, a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures.
- (c) Development Schedule.. The time schedule for the beginning and completion of development planned by the applicant in the area; if the development.

is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage.

- (d) Effect of Amendment. A report giving the nature, description and effect of the proposed amendment, if the proposed amendment would require a change in the Zoning Map, description of the probable effect on the surrounding land uses and prop cities.
- (e) Error. The error in this Ordinance that would be corrected by the proposed amendment, if the intent is to correct an error.

1304.2 Fees. Before any action shall be taken as provided for in this Article, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk a fee determined by resolution of the Mayor and Board of Aldermen of the City for each text change or zoning reclassification.

1304.3 Commission Review. Amendments to this Ordinance shall be considered by the Planning Commission and by the Mayor and Board of Aldermen. It is the function of the Planning Commission to consider prepared amendments, to collect information relative thereto by investigation or other means, and to conduct preliminary hearings thereon, and to make recommendations to the Mayor and Board of Aldermen. The Ordinance can be amended only by the Mayor and Board of Aldermen.

SECTION 1305. PUBLIC NOTICE AND HEARING

No application for a change in zoning classification or text amendment shall be acted upon by the Mayor and Board of Aldermen until the following has been satisfied:

1305 1 Planning Commission Disposition. Following receipt of an application, the City Planning Commission shall certify the application for preliminary bearing 'There shall have been a preliminary hearing in relation thereto before the Planning Commission at which hearing parties of interest

and citizens shall have had an opportunity to be fully heard.

The City Planning Commission shall fix a reasonable time for the hearing and in case of a change in zoning classification shall give appropriate notice thereof by notifying the applicant and the owners of all surrounding property within two hundred (200) feet of the subject parcel(s) of land by mail. The names and addresses of such owners shall be provided by the applicant on application form.

When proposed change in zoning classification lies within five hundred (500) feet of a city boundary, notice of the proposal, together with the date, time and place of the public hearing thereof, if such hearing has been scheduled, shall be forwarded to the Planning Commission, if such exists and/or the governing body of the adjacent city or county an opportunity to appear at the hearing or express its opinion on the effect of such proposed change in zoning classification.

1305.1.1 Action Taken. After the preliminary hearing as provided in Section 1305.1 of this article, the City Planning Commission shall have submitted a report and recommendation on any proposed change in zoning classification or text amendment to the Mayor and Board of Aldermen. The report and recommendation shall be filed in the office of the City Clerk of the City of Long Beach, Mississippi, as a public record.

1305.2 Legislative Disposition The Mayor and Board of Aldermen, upon receipt of an appropriately filed application shall authorize a public hearing. The Mayor and Board of Aldermen shall fix a reasonable time and place for the public hearing and give public notice thereof by one publication in a qualified newspaper having a general circulation in the City of Long Beach. Such newspaper publication shall be made not less than fifteen (15) days prior to said hearing, as required by law. If it deems necessary, the Mayor and Board of Aldermen in the case of a change in zoning classification shall notify the owners of all surrounding property within two hundred (200) feet.

of the subject parcel(s) by mail as the names and addresses of such owners have been furnished by the applicant.

1305.2.1 The Mayor and Board of Aldermen shall not take official action upon the proposed change in zoning classification or text amendment until the report of the Planning Commission has been received, provided, however, that if the report has not been received within forty five (45) days following the date of the public hearing, the Mayor and Board of Aldermen may then take official action on the proposed change in zoning classification or text amendment without the report of the Planning Commission..

SECTION 1306. LEGISLATIVE ACTION

The Mayor and Board of Aldermen shall consider all information provided during the public hearing and examine all such applications, reports, and recommendations transmitted to it prior to any official action. A for or against vote shall be taken as the Mayor and Board of Aldermen deem necessary and desirable to approve, disapprove, modify or remand to the City Planning Commission.

1306.1 Protest In case of a. protest against such change by the owners of twenty percent (20) or more either of the area of the lots included in such proposed change, or of those within a radius of one hundred sixty (160) feet of the area within such proposed change, such amendments shall not become effective except by favorable vote of two-thirds of all members of the Board of Aldermen of the City of Long Beach, Mississippi.

1306.2 Reconsideration. No land for an application has been denied by the Mayor and Board of Aldermen shall be considered again by the Planning Commission or by the Mayor and Board of Aldermen for at least one year from the date such application was denied. This provision shall not apply in cases where the Mayor and Board of Aldermen wish to consider a petition involving a comprehensive zoning revision of any area larger than twenty (20) acres.

SECTION 1307 PERIODIC REVIEW

It shall be the duty of the Planning Commission of the City, in cooperation with the Building Official and the City Attorney to continuously review the provisions of this Ordinance, including the district maps, and from time to time to offer recommendations to the Mayor and Board of Aldermen as to the sufficiency thereof in accomplishing the development of the City of Long Beach.

ARTICLE XIV

DUTIES OF THE MAYOR AND BOARD OF ALDERMEN

SECTION 1401. SCHEDULE OF FEES, CHARGES, AND EXPENSES.

The Mayor and Board of Aldermen shall establish a schedule of fees, charges, and expenses, and collection procedure for building permits, certificates of occupancy, appeals, applications for special exceptions and variances and other matters pertaining to this Ordinance. This schedule of fees shall be posted in the Office of the Building Official, and may be altered or amended only by the Mayor and Board of Aldermen.

The permit, certificate, special exception, or variance shall not be issued unless or until such costs, charges, fees, or expenses have been paid in full; nor shall any action be taken or proceedings before the Zoning Board of Appeals unless or until preliminary charges and fees have been paid in full.

ARTICLE XV
LEGAL STATUS PROVISIONS

SECTION 1501. SEPARABILITY.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

SECTION 1502. CONFLICT WITH OTHER REGULATIONS.

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a lower height of building or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the requirements of this regulation shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

SECTION 1503. REPEAL OF EXISTING ZONING ORDINANCE.

Ordinance Number 247, Zoning Ordinance of the City of Long Beach, Mississippi adopted the 22nd day of November, 1966, and all amendments thereto are hereby repealed upon the effective date of this Ordinance.

SECTION 1504. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it, and shall be published and recorded as provided by law.

PASSED AND DULY ALOPTE on this the 15th day of November, 1983, by a roll call vote as recorded below:

Voting yea	Alderman Elias Alderman Sneed Alderman Chariton Alderman Lawless Alderman Logan
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Voting nay

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