

ORDINANCE NO. 2158

AN ORDINANCE TO AMEND THE GEOGRAPHICAL INFORMATION SYSTEM
FORMAT ZONING DISTRICT MAP OF THE CITY OF BILOXI, MISSISSIPPI, OF 2003, AS
AMENDED, BY A CHANGE IN ZONING DISTRICT CLASSIFICATION FOR CERTAIN
DESCRIBED PROPERTY FROM **RS-5 SINGLE FAMILY RESIDENTIAL, HIGH
DENSITY TO B-2 COMMUNITY BUSINESS** FOR PROPERTIES IDENTIFIED AS 385
HOWARD AVENUE AND 123 SOPHIE STREET

WHEREAS, on Thursday, May 20, 2010, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 10-032, Ohr-O'Keefe Museum of Art, Inc. (owner) Les Seymour (applicant), a request for **Zoning Map Amendment** for the properties identified as 385 Howard Avenue and 123 Sophie Street; and

WHEREAS, the Planning Commission members were apprised of the particulars of the case, being made cognizant of the fact that the Ohr-O'Keefe Museum of Art, Inc., with Les Seymour as representative, had submitted requests for a **Zoning Map Amendment (re: Case No. 10-032)** and for **Conditional Use (re: Case No. 10-033)** to authorize two (2) separate, but contiguous, parcels of land for use as a parking lot for employees of a nearby **Neighborhood Center** known as the Creel House, which change in use would necessitate a change in zoning to accomplish; and

WHEREAS, it was explained that a **Zoning Map Amendment** was submitted to authorize a change in zoning for a two-tenths (0.2) of an acre tract of land, from **RS-5 Single-Family Residential, High Density to B-2 Community Business**, noting that a re-zoning would extend an existing **B-2 Community Business** zone which is located to the East of the two lots in question; and

WHEREAS, it was further explained that the Development Review Committee (DRC), had reviewed the above-referenced proposal and had found it to comply with the rules and regulations of the City of Biloxi, and as such, authorized the applicant to apply to the Planning Commission and at the Biloxi City Council to submit an application for Zoning Map Amendment and for Conditional Use Approval, as required by ordinance to accomplish the objective proposed; and

WHEREAS, on May 20, 2010, the Biloxi Planning Commission, upon careful reflection of the particulars of this case, voted to recommend approval for the requested **Zoning Map Amendment**, to authorize a change in zoning for a two-tenths (0.2) of an acre tract of land from **RS-5 Single-Family Residential-High Density to B-2 Community Business**, said property under consideration for rezoning being an expansion of an existing **B-2 Community Business** zoning district, having determined that the proposed Zoning Map Change is consistent with the Comprehensive Plan; and that there is an established community need for uses permitted by the zoning classification applicable to the property at the time of the proposed amendment, coupled with a determined change in the character of the neighborhood, for the properties identified as 385 Howard Avenue and 123 Sophie Street; and

WHEREAS, the Biloxi City Council, after consideration of all facts presented, hereby adopts the report and findings of the Biloxi Planning Commission and, in so doing, determines that approval of the requested **Zoning Map Amendment from RS-5 Single-Family Residential, High Density to B-2 Community Business** is appropriate for the properties identified as 385 Howard Avenue and 123 Sophie Street, in Case No. 10-032, Ohr-O'Keefe Museum of Art, Inc. (owner) Les Seymour (applicant), having determined that the proposed Zoning Map Change is

consistent with the Comprehensive Plan; and that there is an established community need for uses permitted by the zoning classification applicable to the property at the time of the proposed amendment, coupled with a determined change in the character of the neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT AS PER THE FINDINGS OF THE PLANNING COMMISSION, AND BASED UPON SAID DETERMINATIONS, THAT THE FOLLOWING SHALL BE AUTHORIZED:

SECTION 1. That the boundaries of the Geographical Information System Format Zoning District Map of the City of Biloxi, Mississippi, of 2003, as amended, are hereby amended by a change in zoning classification from **RS-5 Single Family Residential, High Density** District to **B-2 Community Business** District for that property known by municipal addresses 385 Howard Avenue and 123 Sophie St and described as follows:

That certain lot or parcel of land situated in the City of Biloxi, Harrison County, Mississippi, described as having a frontage on Howard Avenue of 67 feet and running back in a Southerly direction between parallel lines a distance of 85 feet. Said property is bounded on the North by East Howard Avenue, on the South by property now or formerly of Arthur Danove, on the East by Sophie Street and on the West by the property of Green. Biloxi City Section Book 58; and also,

That certain parcel of land fronting 40 feet on Sophie Street and running back West between parallel lines a distance of 65 feet, more or less, being bounded North by the property now or formerly Wentzell, East by Sophie Street, South by the property of Baronich, formerly Collier, and West by property of Fountain, formerly Green. The north line of said parcel being 85 feet, more or less, South of the South line of Howard Avenue. Said property being known as Municipal No. 225 Sophie Street [now known as 123 Sophie Street], Biloxi, Mississippi and being the same property conveyed by Danove to Williams by Deed recorded in Book 256, page 299 of the Deed Records of Harrison County, Mississippi.

SECTION 2. This ordinance shall become effective thirty days from and after its passage and publication with law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Lawrence seconded by Councilmember Wall and was adopted by the following vote:

YEAS:	Lawrence	Griffith	NAYS:	None
	Stallworth	Wall		
	Denton	Fayard		
ABSENT:	Gemmill			

The President then declared the Ordinance adopted this the 22nd day of June, 2010.

ATTEST:
/s/Karen Brashier
CLERK OF COUNCIL

APPROVED:
/s/ W.F. Stallworth
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 30th day of June, 2010.

APPROVED:
/s/ A. J. Holloway
MAYOR