

By: Senator(s) Harden

To: Judiciary

SENATE BILL NO. 2789

1 AN ACT TO AMEND SECTION 17-1-17, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THOSE PERSONS WHO MAY PROTEST A ZONING CHANGE IN A
3 MUNICIPALITY ARE NOT REQUIRED TO BE OWNERS OF NEARBY PROPERTY; TO
4 ALLOW RESIDENTS OF PROPERTY NEAR THE PROPOSED ZONING CHANGE TO
5 PROTEST THE CHANGE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 17-1-17, Mississippi Code of 1972, is
8 amended as follows:

9 17-1-17. Zoning regulations, restrictions and boundaries
10 may, from time to time, be amended, supplemented, changed,
11 modified or repealed upon at least fifteen (15) days' notice of a
12 hearing on such amendment, supplement, change, modification or
13 repeal, said notice to be given in an official paper or a paper of
14 general circulation in such municipality or county specifying a
15 time and place for said hearing. The governing authorities or any
16 municipal agency or commission, which by ordinance has been
17 theretofore so empowered, may provide in such notice that the same
18 shall be held before the city engineer or before an advisory
19 committee of citizens as hereinafter provided and if the hearing
20 is held before the said engineer or advisory committee it shall
21 not be necessary for the governing body to hold such hearing but
22 may act upon the recommendation of the city engineer or advisory
23 committee. Provided, however, that any party aggrieved with the
24 recommendation of the city engineer or advisory committee shall be
25 entitled to a public hearing before the governing body of the
26 city, with due notice thereof after publication for the time and
27 as provided in this section. The governing authorities of a

28 municipality which had a population in excess of one hundred forty

29 thousand (140,000) according to the 1960 census, or of a
30 municipality which is the county seat of a county bordering on the
31 Gulf of Mexico and the State of Alabama or of a municipality which
32 had a population in excess of forty thousand (40,000) according to
33 the 1970 census and which is within a county bordering on the Gulf
34 of Mexico may enact an ordinance restricting such hearing to the
35 record as made before the city engineer or advisory committee of
36 citizens as hereinabove provided.

37 In case of a protest against such change signed by the
38 residents of twenty percent (20%) or more, either of the
39 area * * * included in such proposed change, or of that
40 immediately adjacent to the rear thereof, extending one hundred
41 sixty (160) feet therefrom or that area directly opposite thereto,
42 extending one hundred sixty (160) feet from the street frontage of
43 such opposite area, such amendment shall not become effective
44 except by the favorable vote of two-thirds (2/3) of all the
45 members of the legislative body of such municipality or county.

46 SECTION 2. This act shall take effect and be in force from
47 and after July 1, 2001.