

By: Senator(s) Chamberlin

To: Judiciary

SENATE BILL NO. 2295

1 AN ACT TO AMEND SECTION 17-1-17, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AMENDMENTS TO ZONING ORDINANCES SHALL NOT BECOME  
3 EFFECTIVE EXCEPT BY TWO-THIRDS VOTE OF THE MEMBERS OF THE  
4 LEGISLATIVE BODY OF THE MUNICIPALITY OR COUNTY WHO ARE NOT  
5 REQUIRED BY LAW OR ETHICAL CONSIDERATIONS TO RECUSE THEMSELVES;  
6 AND FOR RELATED PURPOSES.

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

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

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12 modified or repealed upon at least fifteen (15) days' notice of a  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



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

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

48 **SECTION 2.** This act shall take effect and be in force from  
49 and after July 1, 2002.

