HOUSE BILL NO. 1169

AN ACT TO AMEND SECTION 17-1-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ZONING REGULATIONS, RESTRICTIONS AND BOUNDARIES ADOPTED BY A MUNICIPALITY OR COUNTY MAY BE AMENDED, CHANGED OR REPEALED ONLY UPON PETITION FILED WITH THE LEGISLATIVE BODY OF THE MUNICIPALITY OR COUNTY SIGNED BY THE OWNERS OF SIXTY PERCENT OR MORE OF THE AREA INCLUDED IN OR ADJACENT TO THE PROPOSED CHANGE; TO REQUIRE THE UNANIMOUS VOTE OF THE MUNICIPALITY OR BOARD OF SUPERVISORS TO APPROVE A RECOMMENDED CHANGE IN ZONING REGULATIONS, RESTRICTIONS AND BOUNDARIES IN CASE OF A PROTEST SIGNED BY THE OWNERS OF TWENTY PERCENT OR MORE OF THE AREA INCLUDED IN OR ADJACENT TO THE PROPOSED CHANGE; AND FOR RELATED PURPOSES.

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

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

17-1-17. (1) Zoning regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed but only:

(a) Upon petition filed with the legislative body of the municipality or county signed by the owners of sixty percent (60%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots; and

(b) Upon at least fifteen (15) days' notice of a hearing on such amendment, supplement, change, modification or repeal given in an official paper or a paper of general circulation in such municipality or county specifying a time and place for the hearing. However, the governing authorities or any municipal agency or commission, which by ordinance has theretofore so empowered, may provide in such notice that the same
shall be held before the city engineer or before an advisory
committee of citizens as hereinafter provided and if the hearing
is held before the * * * engineer or advisory committee it shall
not be necessary for the governing body to hold such hearing but
may act upon the recommendation of the city engineer or advisory
committee. Provided, however, that any party aggrieved with the
recommendation of the city engineer or advisory committee shall be
entitled to a public hearing before the governing body of the
city, with due notice thereof after publication for the time and
as provided in this section. The governing authorities of a
municipality which had a population in excess of one hundred forty
thousand (140,000) according to the 1960 census, or of a
municipality which is the county seat of a county bordering on the
Gulf of Mexico and the State of Alabama or of a municipality which
had a population in excess of forty thousand (40,000) according to
the 1970 census and which is within a county bordering on the Gulf
of Mexico may enact an ordinance restricting such hearing to the
record as made before the city engineer or advisory committee of
citizens as hereinafore provided.

(2) In case of a protest against such change signed by the
owners of twenty percent (20%) or more, either of the area of the
lots included in such proposed change, or of those immediately
adjacent to the rear thereof, extending one hundred sixty (160)
feet therefrom or of those directly opposite thereto, extending
one hundred sixty (160) feet from the street frontage of such
opposite lots, such amendment shall not become effective except by
the favorable vote of * * * all the members of the legislative
body of such municipality or county.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.