

By: Representative Wells-Smith

To: Municipalities; County Affairs

HOUSE BILL NO. 1169

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4 REPEALED ONLY UPON PETITION FILED WITH THE LEGISLATIVE BODY OF THE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

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

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

15 17-1-17. (1) Zoning regulations, restrictions and
16 boundaries may, from time to time, be amended, supplemented,
17 changed, modified or repealed but only:

18 (a) Upon petition filed with the legislative body of
19 the municipality or county signed by the owners of sixty percent
20 (60%) or more, either of the area of the lots included in such
21 proposed change, or of those immediately adjacent to the rear
22 thereof, extending one hundred sixty (160) feet therefrom or of
23 those directly opposite thereto, extending one hundred sixty (160)
24 feet from the street frontage of such opposite lots; and

25 (b) Upon at least fifteen (15) days' notice of a
26 hearing on such amendment, supplement, change, modification or
27 repeal * * * given in an official paper or a paper of general
28 circulation in such municipality or county specifying a time and
29 place for the hearing. However, the governing authorities or any
30 municipal agency or commission, which by ordinance has been
31 theretofore so empowered, may provide in such notice that the same



32 shall be held before the city engineer or before an advisory
33 committee of citizens as hereinafter provided and if the hearing
34 is held before the * * * engineer or advisory committee it shall
35 not be necessary for the governing body to hold such hearing but
36 may act upon the recommendation of the city engineer or advisory
37 committee. Provided, however, that any party aggrieved with the
38 recommendation of the city engineer or advisory committee shall be
39 entitled to a public hearing before the governing body of the
40 city, with due notice thereof after publication for the time and
41 as provided in this section. The governing authorities of a
42 municipality which had a population in excess of one hundred forty
43 thousand (140,000) according to the 1960 census, or of a
44 municipality which is the county seat of a county bordering on the
45 Gulf of Mexico and the State of Alabama or of a municipality which
46 had a population in excess of forty thousand (40,000) according to
47 the 1970 census and which is within a county bordering on the Gulf
48 of Mexico may enact an ordinance restricting such hearing to the
49 record as made before the city engineer or advisory committee of
50 citizens as hereinabove provided.

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

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

