

By: Senator(s) Chamberlin, Jordan

To: Municipalities

SENATE BILL NO. 2567
(As Sent to Governor)

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 THREE-FIFTHS 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12 modified or repealed upon at least fifteen (15) days' notice of a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 three-fifths (3/5) 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, 2004.