MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) Chamberlin, Jordan

To: Municipalities

SENATE BILL NO. 2567

AN ACT TO AMEND SECTION 17-1-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AMENDMENTS TO ZONING ORDINANCES SHALL NOT BECOME EFFECTIVE EXCEPT BY TWO-THIRDS VOTE OF THE MEMBERS OF THE LEGISLATIVE BODY OF THE MUNICIPALITY OR COUNTY WHO ARE NOT REQUIRED BY LAW OR ETHICAL CONSIDERATIONS TO RECUSE THEMSELVES; 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. Zoning regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed upon at least fifteen (15) days' notice of a hearing on such amendment, supplement, change, modification or repeal, said notice to be given in an official paper or a paper of general circulation in such municipality or county specifying a time and place for said hearing. The governing authorities or any municipal agency or commission, which by ordinance has been 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 said 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 hereinabove provided.

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 two-thirds (2/3) of * * * the members of the legislative body of such municipality or county who are not required by law or ethical considerations to recuse themselves.

SECTION 2. This act shall take effect and be in force from and after July 1, 2004.