

By: Senator(s) Michel

To: Highways and
Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2622

1 AN ACT TO AMEND SECTION 55-13-35, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CERTAIN HEIGHT RESTRICTIONS ON BUILDINGS AND OTHER
3 STRUCTURES ADJACENT TO THE NATCHEZ TRACE PARKWAY SHALL NOT APPLY
4 TO ANY BUILDING IN EXISTENCE ON JULY 1, 2003; TO DELETE THE
5 PROVISIONS THAT EXEMPT FROM SUCH HEIGHT RESTRICTIONS CERTAIN
6 BUILDINGS AND STRUCTURES FOR WHICH A BUILDING PERMIT WAS ISSUED
7 BEFORE JULY 1, 1988, WHICH WERE IN EXISTENCE ON JULY 1, 1988, OR
8 WHICH WERE CONSTRUCTED OR UNDER CONSTRUCTION BEFORE JULY 1, 2002;
9 TO PROVIDE THAT THE MISSISSIPPI TRANSPORTATION COMMISSION SHALL
10 ENFORCE SUCH RESTRICTIONS UPON THE REQUEST OF THE NATCHEZ TRACE
11 PARKWAY SERVICE; TO AMEND SECTION 17-1-3, MISSISSIPPI CODE OF
12 1972, TO REQUIRE CITIES AND COUNTIES TO NOTIFY THE NATCHEZ TRACE
13 PARKWAY SERVICE IF A PERMIT IS ISSUED FOR THE CONSTRUCTION OF A
14 BUILDING WITHIN THE PROHIBITION PROVIDED IN SECTION 55-13-35,
15 MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 55-13-35, Mississippi Code of 1972, is
18 amended as follows:

19 55-13-35. (1) It is unlawful to construct or erect a
20 building, advertising structure or other structure, of more than
21 three (3) stories or thirty-five (35) feet in height, whichever is
22 lesser, within one thousand (1,000) feet of the outside boundary
23 of the Natchez Trace Parkway. Such restrictions on buildings and
24 structures shall apply notwithstanding that such area is located
25 inside or outside a municipality and notwithstanding any other
26 provisions of law to the contrary.

27 (2) * * * This section shall not apply to any building in
28 existence on July 1, 2004.

29 (3) Upon the request of the Natchez Trace Parkway Service,
30 the Mississippi Transportation Commission shall take appropriate
31 action to enforce the restrictions and prohibitions in this
32 section.

33 * * *

34 **SECTION 2.** Section 17-1-3, Mississippi Code of 1972, is
35 amended as follows:

36 17-1-3. (1) Except as otherwise provided in Article VII of
37 the Chickasaw Trail Economic Development Compact described in
38 Section 57-36-1, for the purpose of promoting health, safety,
39 morals, or the general welfare of the community, the governing
40 authority of any municipality, and, with respect to the
41 unincorporated part of any county, the governing authority of any
42 county, in its discretion, are empowered to regulate the height,
43 number of stories and size of building and other structures, the
44 percentage of lot that may be occupied, the size of the yards,
45 courts and other open spaces, the density of population, and the
46 location and use of buildings, structures and land for trade,
47 industry, residence or other purposes, but no permits shall be
48 required with reference to land used for agricultural purposes,
49 including forestry activities as defined in Section 95-3-29(2)(c),
50 or for the erection, maintenance, repair or extension of farm
51 buildings or farm structures, including forestry buildings and
52 structures, outside the corporate limits of municipalities. The
53 governing authority of each county and municipality may create
54 playgrounds and public parks, and for these purposes, each of such
55 governing authorities shall possess the power, where requisite, of
56 eminent domain and the right to apply public money thereto, and
57 may issue bonds therefor as otherwise permitted by law.

58 (2) The governing authority of any municipality and the
59 governing authority of any county shall notify the Natchez Trace
60 Parkway Service if a permit is issued for the construction of a
61 building within one thousand (1,000) feet of the outside boundary
62 of the Natchez Trace Parkway.

63 **SECTION 3.** This act shall take effect and be in force from
64 and after July 1, 2004.