

Article XIX Amendments

Section 217: Amendments in General

- (a) Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this article.
- (b) Each proposed amendment shall be sent to the planning commission to hold a public hearing, as provided in Mississippi Code and gather pertinent information concerning the amendment.
- (c) Upon conclusion of the hearing process the planning commission shall forward their recommendation to the Mayor and Board of Aldermen for a public hearing, as provided in Mississippi Code and final action.
- (d) The Mayor and Board of Aldermen, in a timely manner and at an announced, scheduled meeting, shall hold a public hearing and then decide to approve, disapprove, modify or remand back to the planning commission the recommendation of the planning commission on the proposed amendment.
- (e) No decision by the Mayor and Board of Aldermen shall be made prior to the ten (10) day protest period provided for in Section 221.

Section 218: Initiation of Amendment

- (a) Whenever a request to amend this ordinance is initiated by the Mayor and Board of Aldermen or the planning commission, the planning commission shall set a date for a public hearing.
- (b) Any other person may also petition the Board of Aldermen to amend this ordinance. The petition shall be filed with the administrator and shall include, among the information deemed relevant by the administrator:
 - (1) The name, address, and phone number of the applicant,
 - (2) A description of the land affected by the amendment if a change in zoning district classification is proposed,
 - (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 218,
 - (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this ordinance.
- (c) Upon receipt of a petition as provided in Subsection (b), the administrator shall either:
 - (1) Treat the proposed amendment as one initiated by the city administration and proceed in accordance with Subsection (a) if he believes that the proposed amendment has significant merit and would benefit the general public, or
 - (2) Forward the petition to the planning commission with or without written comment for a public hearing can be set in accordance with subsection (d).
- (d) Upon receipt of an application as provided in Subsection (a), the planning commission may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in Subsection (b), the planning commission may summarily deny the petition or set a date for a public hearing on the requested amendment.

Section 219: Hearing Required; Notice

- (a) No action that amends any of the provisions of this ordinance may be adopted until a public hearing has been held on such action.
- (b) The administrator shall publish a notice of the public hearing that proposes to amend the provisions of this ordinance in a newspaper having general circulation in the area. The notice shall be published fifteen (15) days prior to the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be.

- (c) The administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties within 160 feet of the property rezoned by the amendment.
- (d) The notice required or authorized by this section shall:
 - (1) State the date, time, and place of the public hearing,
 - (2) Summarize the nature and character of the proposed change,
 - (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment, and
 - (4) State that the full text of the amendment can be obtained from the city clerk.
- (e) The City shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the planning commission's intention that no failure to comply with any of the notice provisions (except those set forth in Subsection (b)) shall render any amendment invalid.

Section 220: Planning Commission Action on Amendments

- (a) At the conclusion of the public hearing on a proposed amendment, the planning commission may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- (b) The planning commission is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (c) Any aggrieved person or group may appeal or protest the decision of the planning commission by following the procedures in Section 222.

Section 221: Ultimate Issue Before Mayor and Board of Aldermen on Amendments

In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the Mayor and Board of Aldermen is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed map amendments:

- (1) The Mayor and Board of Aldermen shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board of Aldermen shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (2) The Mayor and Board of Aldermen shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 222: Protest to Amendments or Changes

- (a) If a petition opposing an amendment is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of two-thirds of the Board of Aldermen, as provided in the Mississippi Code.
- (b) The Mayor and Board of Aldermen, in the case of protest, shall hold a public hearing in accordance with Mississippi Code.
- (c) To trigger the two-thirds vote requirement, the petition must:
 - (1) Be signed by the owners of 20 percent or more either of (i) the lots included in a proposed change, or (ii) the lots within 160 feet of either side or the rear of the tract to be rezoned, or (iii) the lots directly opposite the tract to be rezoned and extending 160 feet from the street frontage of such opposite lots.
 - (2) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.

- (3) Be received by the city clerk within 10 days of the public hearing date or a decision by the planning commission, whichever is the latter.
- (4) Be on a form provided by the city clerk and contain all the information requested on this form.

Sections 223 and 225: Reserved