

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF BYRAM, HINDS COUNTY, MISSISSIPPI
AMENDING THE OFFICIAL ZONING ORDINANCE AND MAP OF
THE CITY OF BYRAM, MISSISSIPPI TO REZONE REAL PROPERTY
LOCATED ON GARY ROAD IN THE CITY OF BYRAM,
HINDS COUNTY, MISSISSIPPI, BY CHANGING THE USE DISTRICT
CLASSIFICATION FROM (C3 COMMERCIAL) TO (RE RESIDENTIAL ESTATE)**

WHEREAS, James F. Robertson, Mary & Steve Gordy, Cecil Meadors, James R & Lori F. Cauthen, and Charles A. & Sheila M. Moore (the "Petitioners") did make a request to rezone certain property described herein from its present (C3 Commercial) Classification to (R/E Residential Estate) Classification (the "Petition"); and,

WHEREAS, the Mayor and Board of Aldermen referred the Petition to the Zoning and Planning Commission of the City of Byram (the "Zoning Commission"), which Commission took the matter under advisement; and,

WHEREAS, the City of Byram Zoning and Planning Commission scheduled a hearing on said Petition for the 29th day of November, 2012 at 6:00 o'clock p.m.; and,

WHEREAS, the City of Byram Zoning and Planning Commission did cause notice of the November 29, 2012, hearing to be published in The Clarion Ledger, a newspaper published in the City of Byram, Hinds County, Mississippi, in the manner and for the time required by law, and,

WHEREAS, at the time, date and place specified in the notice, the City of Byram Zoning and Planning Commission did conduct a full and complete hearing on the Petition, and at said hearing the said Zoning and Planning Commission received comments and heard evidence presented by the Petitioners and all others who appeared at said hearing and thereafter recommended that the Petition be approved; and,

WHEREAS, at regular public meetings established in accordance with the law, the City of

Byram Planning and Zoning Commission did recognize and hear the Petitioner(s), and at said meetings, the said Zoning Commission received comments and heard evidence presented by the Petitioner and all others who appeared at said meetings; and,

WHEREAS, at its special called public meeting held on November 29, 2012, the Zoning and Planning Commission recommended the matter be directed to the Mayor and Board of Aldermen for approval, based on the determination already made by the City of Byram Zoning and Planning Commission, and thereafter recommended that the Petition be approved; and,

WHEREAS, the Mayor and Board of Aldermen are familiar with the property and existing land uses within the City of Byram and in the area of the City where the property is located, and in acting on the Ordinance, have duly considered the matters and facts within their personal knowledge as same affect the land uses requested in the Petition filed herein; and,

WHEREAS, the matter was presented to the Mayor and Board of Aldermen along with the recommendation of the Zoning and Planning Commission, and after discussion thereof, Alderman White offered the following Ordinance and moved that it be adopted, to-wit:

NOW, THEREFORE, be it ordained by the Mayor and Board of Aldermen of the City of Byram, Hinds County, Mississippi as follows, to-wit:

SECTION 1. That the matters and facts stated in the preamble hereof are found, determined and adjudicated to be true and correct.

SECTION 2. That it is hereby found and determined that the conditions precedent to the granting of a Petition to amend the City of Byram Official Zoning Map as required by Section 5.600.16 of the City of Byram Zoning Ordinance adopted June 2011, exist and have been satisfied in regard to the granting of the Petition, and specifically, the Mayor and Board of Aldermen do

hereby find and determine that the character of the neighborhood where the property is located has changed to such an extent as to justify the reclassification of the property, and that there is a public need for the rezoning and the land use requested in the Petition.

SECTION 3. That the Use District Classification of the following described property be, and same is hereby changed from its present (C3 Commercial) Classification to (R/E Residential Estate) Classification as to the following described property (the "property"), to-wit: (See Exhibit "A," application for rezoning, containing the legal description, attached hereto.)

SECTION 4. That the City of Byram Zoning Regulations Ordinance adopted June 2011, and the Official Zoning Map be, and same are hereby amended to effectuate this change in zoning classification.

SECTION 5. This ordinance shall be effective thirty (30) days after its passage and after publication of same as required in § 21-13-11 Mississippi Code of 1972.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Byram, Hinds County, Mississippi at a regular meeting thereof held on the 29th day of November, 2012.

The motion for adoption was seconded by Alderman Alday, and the foregoing Ordinance having been first reduced to writing, was submitted to the Board of Aldermen for passage or rejection on roll call vote with the following results:

Alderman Alday voted:

✓

Alderman Douglas voted:

Recused per advice of Attorney Mills

Alderman Ford voted:

✓

Alderman Marble voted:


✓

Alderman White voted:

✓

WHEREUPON, the Mayor declared the Motion had carried and that the Ordinance was adopted.

The foregoing Ordinance is approved, this the 29th day of November, 2012.



Nick Tremonte, Mayor of the
City of Byram, Mississippi

ATTEST:



Angela Richburg, City Clerk

[SEAL]

