

**AN AMENDED ORDINANCE ESTABLISHING A
PLANNING AND ZONING COMMISSION FOR
THE CITY OF BYRAM, MISSISSIPPI**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF BYRAM, MISSISSIPPI, as follows:

**Section One
Creation**

The Ordinance Establishing a Planning and Zoning Commission for the City of Byram, Mississippi, which created and constituted the Planning and Zoning Commission, is hereby amended as provided for, herein.

**Section Two
Membership**

The Planning and Zoning Commission shall consist of seven (7) members / commissioners who shall be appointed by the Mayor and Board of Aldermen. Each of the seven (7) members of the Board of Aldermen shall each have one (1) individual nominee to the Commission, and each nominee is subject to, and can only be appointed by, majority vote of the Mayor and Board of Aldermen.

**Section Three
Term of office**

The term of office of seven (7) members of the Planning and Zoning Commission shall be four (4) years in conjunction with the term of office of the Mayor and Board of Aldermen. All seven (7) members' offices shall commence immediately upon confirmation vote of the Mayor and Board of Aldermen. The commissioners' regular terms of office will begin and end on the date of the second regular public meeting of the

Mayor and Board of Aldermen in August, which normally falls on the fourth Thursday in August, during years of regular municipal elections. At those times, the Mayor and Board of Aldermen shall again appoint members to those vacant positions. In the event any member of the Planning and Zoning Commission is not timely replaced by the Mayor and Board of Aldermen, he or she shall hold over and serve beyond his or her term until a successor is affirmatively appointed by the Mayor and Board of Aldermen.

Section Four Removal from office

Any member of the Planning and Zoning Commission may be removed from office at any time, with or without cause, by the Mayor and Board of Aldermen. Any Planning and Zoning Commission member who misses more than three (3) consecutive meetings of the Commission may be removed by the Mayor and Board of Aldermen if no good cause is shown to the Mayor and Board of Aldermen excusing the absences; in the event a Planning and Zoning commissioner is removed, a successor shall be appointed immediately.

Section Five Chairperson

The members of the Planning and Zoning Commission shall annually elect one of its members as chairperson. The chairperson shall preside over all meetings, and shall not vote, except in the case of a tie.

Section Six Meetings

The Planning and Zoning Commission shall meet at least once each month. The time and place for the meetings shall be set by resolution of the Planning and Zoning

Commission. If it becomes necessary to hold additional meetings, the Planning and Zoning Commission shall set additional meetings by resolution at a regularly scheduled meeting. Special meetings may be called on 24-hour actual notice to all members of the Planning and Zoning Commission by either the chairperson or any two members of the Planning and Zoning Commission. All meetings shall be open to the public, unless lawfully closed pursuant to the open meeting act. (Miss. Code Ann. § 25-41-1, et seq.)

Section Seven Compensation

The regular members of the Planning and Zoning Commission shall receive Thirty-five dollars (\$35.00) and the chairman shall receive fifty dollars (\$50.00) per meeting actually attended, but payment shall not exceed three meetings per calendar month.

Section Eight Duties and powers

(a) The Planning and Zoning Commission shall act as an advisory board to the Mayor and Board of Aldermen, and shall have all of the powers and duties set out by Byram's Zoning Ordinance or state statute (including Miss. Code Ann. § 17-1-1, et seq.).

In addition, the Planning and Zoning Commission shall perform the following duties:

- (1) Receive all petitions for rezoning filed with the Mayor and Board of Aldermen and referred to the Planning and Zoning Commission, and conduct public hearings on objections to such petitions in the form and manner provided by law, provided, such notice is as required by law and ordinance.
- (2) Receive all subdivision plats, preliminary or final, as may be referred to the Planning and Zoning Commission, and conduct hearings, studies, investigations and examinations on such plats,

and report their findings and recommendations to the Mayor and Board of Aldermen.

- (3) Recommend changes, amendments, and modifications under the zoning ordinance and advise the Mayor and Board of Aldermen of such recommendations.
- (4) Act on all requests for variances, exceptions, or deviations from the zoning ordinance, and conduct such public hearings as may be deemed appropriate concerning such requests, and report such findings and recommendations to the Mayor and Board of Aldermen.
- (5) Maintain a current and updated map of the city, with depictions on such map of the manner in which all property within the city is currently zoned.
- (6) Advise the Mayor and Board of Aldermen on all matters concerning or affecting land use within the city.
- (7) Initiate action for the purpose of rezoning property if, in the judgment of the Planning and Zoning Commissioners, such action is deemed to be in the public interest.
- (8) Have such powers and authority as is necessary and appropriate in the discharge of the duties and responsibilities set forth in this subsection.

(b) The Planning and Zoning Commission shall act as an advisory board to the Mayor and Board of Aldermen in all matters, and shall have all powers and duties as set out by this Ordinance establishing a Planning and Zoning Commission, the City's Zoning Ordinance, and any applicable state statute, in addition to all present duties and functions.

Section Nine Repealer

The previous Ordinance Establishing a Zoning and Planning Commission is hereby amended and repealed. The sections of this Ordinance are independent and separable provisions; thus, where any provision of this Ordinance may be struck down for

any reason and declared to be void and/or without legal effect, the whole ordinance will not be declared void, and the remaining provisions and sections of the ordinance will remain intact, upheld, and valid.

Section Ten
Effective Date

This Ordinance shall become effective upon publication and the passage of thirty (30) days from its adoption; this Ordinance, following adoption, shall be recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

	Aye	Nay
ALDERMAN MOSER	<u> x </u>	_____
ALDERMAN HOSEY	<u> x </u>	_____
ALDERMAN MARBLE	<u> x </u>	_____
ALDERMAN MACK	<u> x </u>	_____
ALDERMAN SMITH	<u> x </u>	_____
ALDERMAN FORD	<u>absent</u>	_____
ALDERMAN COOK	<u> x </u>	_____

APPROVED: _____
MAYOR

ATTEST _____
CITY CLERK

SEAL

THIS IS TO CERTIFY that the aforementioned Ordinance was adopted at the regular meeting of the Mayor and Board of Aldermen of the City of Byram, Mississippi, held on September 12, 2013, and duly recorded in Minute Book _____ Page _____ thereof.

CITY CLERK

Signed _____