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8/27/09 (A)

**AN ORDINANCE ESTABLISHING A
ZONING AND PLANNING 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

There is hereby created and constituted the Zoning and Planning Commission for
the City of Byram, Mississippi.

Section Two

Membership

The Zoning and Planning Commission shall consist of seven (7) members who
shall be appointed by the Mayor and Board of Aldermen. The Mayor and Member of the
Board of Aldermen shall each have one (1) individual nominee to the Commission, and
the final one (1) appointee shall be chosen at-large collectively by the Mayor and Board
of Aldermen.

Section Three

Term of office

The term of office of six (6) members of the Zoning and Planning Commission
shall be three (3) years, and the remaining one (1) at-large member shall have a term of
office of (4) years in conjunction with the term of office of Mayor and Board of
Aldermen. As the City of Byram is a newly-incorporated municipality, all seven (7)
members' offices shall commence immediately upon passage of this Ordinance. The six
members who serve three-year terms will have staggered appointments, with two (2)

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members' terms of office ending on August 27, 2010; two (2) members terms of office ending on August 27, 2011; and (2) members terms of office ending on August 27, 2012. At those times, the Mayor and Board of Aldermen shall again appoint members to those vacant positions. In the event any member of the Zoning and Planning Commission is not timely replaced by the Mayor and Board of Aldermen, he or she shall serve beyond his or her term until a successor is appointed by the Mayor and Board of Aldermen.

Section Four

Removal from office

Any member of the Zoning and Planning Commission may be removed from office at any time, with or without cause, by the Mayor and Board of Aldermen. Any Zoning and Planning Commission member who misses more than three (3) consecutive meetings shall be removed by the Mayor and Board of Aldermen and a successor shall be appointed immediately.

Section Five

Chairperson

The members of the Zoning and Planning 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 Zoning and Planning Commission shall meet at least once each month. The time and place for the meetings shall be set by resolution of the Zoning and Planning Commission. If it becomes necessary to hold additional meetings, the Zoning and

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Planning 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 Zoning and Planning Commission by either the chairperson or any two members of the Zoning and Planning Commission. All meetings shall be open to the public, unless lawfully closed pursuant to the open meeting act (MCA 1972, § 25-41-1 et seq.).

Section Seven

Compensation

The members of the Zoning and Planning Commission shall receive 0 per meeting actually attended, but shall not exceed three meetings per calendar month.

Section Eight

Duties and powers

(a) The Zoning and Planning 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 ordinance or statute. In addition, the Zoning and Planning Commission shall perform the following duties:

- (1) Receive all petitions for rezoning filed with the Mayor and Board of Aldermen and referred to the Zoning and Planning 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 Zoning and Planning 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.

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- (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 Zoning and Planning Commission members, 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 Zoning and Planning 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 the ordinance and statute establishing a Zoning and Planning Commission, in addition to all present duties and functions.

(c) The Zoning and Planning Commission shall have all powers of the Hinds County Planning Commission until such time as Byram adopts a new zoning ordinance and comprehensive plan.

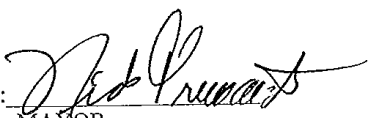
Section Nine

Effective Date

Because the City of Byram is a newly-incorporated municipality in urgent need of a method by which land use matters may be addressed, immediate passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007). Thus, this

AP 114

Ordinance is adopted by unanimous vote of all members of the Board of Aldermen of the City of Byram and is effective from and after its passage by a unanimous vote of all members of the Board of Aldermen. In accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

APPROVED: 
MAYOR

ATTEST RICHARD G. WHITE
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 August 27, 2009, and duly recorded in Minute Book 1 Page thereof.


CITY CLERK

Signed _____