

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF BYRAM, HINDS COUNTY, MISSISSIPPI
AMENDING THE TEXT OF THE OFFICIAL ZONING ORDINANCE AND MAP
OF THE CITY OF BYRAM, MISSISSIPPI, ADDING THE NEW SECTION
4.200.4.E.; SECTION 4.210.4.E.; SECTION 4.220.4.E.; AND SECTION 4.230.5.F.**

WHEREAS, the Mayor and the Board of Aldermen as the governing authorities of the City of Byram, Mississippi, are authorized under section 17-1-17 of the Mississippi Code of 1972, as amended, to amend, suspend, and change zoning regulations and restrictions; and

WHEREAS, the City of Byram, on its own initiative and accord, (the "Petitioner") did bring a request to amend the text of the Official Zoning Ordinance, specifically to add a new Section 4.200.4.E.; and

WHEREAS, the City of Byram did cause notice of the October 12, 2017, public hearings 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 on Sept. 27, 2017; and,

WHEREAS, the Petitioners did provide evidence to the Byram Planning and Zoning Commission that the statutory notice requirements had been met; and,

WHEREAS, at the time, date and place specified in the notice, on October 12, 2017, at its regular public meeting established in accordance with the law, the Planning and Zoning Commission of the City of Byram did recognize and hear the Petitioners in a public hearing, and at said meeting, the said Zoning Commission received comments and heard evidence presented by the Petitioner and all others who appeared at said meeting / public hearings; and,

WHEREAS, at its regular public meeting held on October 12, 2017, the Planning and Zoning Commission voted to recommend the matter be directed to the Mayor and

Board of Aldermen for approval, and thereafter voted to recommend 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 Planning and Zoning Commission, and after discussion thereof, Alderman Smith offered the following Ordinance and move 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 text of the Zoning Ordinance be amended as follows: "Section 4.200.4. – DIMENSIONAL REQUIREMENTS;" Section 4.210.4. – DIMENSIONAL

REQUIREMENTS;” “Section 4.220.4. – DIMENSIONAL REQUIREMENTS;” and
“Section 4.230.5. – DIMENSIONAL REQUIREMENTS”

should include certain proposed amendments which will be the subject of the public hearing
and which are as follows:

4.200.4.E. Each residential dwelling unit in residential zone R- E shall have a minimum of 1,850 square feet. This includes heated living space, excluding outside and open patios, porches, garages, carports, and similar structures. This requirement shall apply only to subdivisions in which no residential construction has been permitted as of the effective date of this amendment.

4.210.4.E. Each residential dwelling unit in a residential zone R-1 shall have a minimum of 1,650 square feet. This includes heated living space, excluding outside and open patios, porches, garages, carports, and similar structures. This requirement shall apply only to subdivisions in which no residential construction has been permitted as of the effective date of this amendment.

4.220.4.E. Each residential dwelling unit, in a residential zone R-2 shall have a minimum of 1,650 square feet. This includes heated living space, excluding outside and open patios, porches, garages, carports, and similar structures. This requirement shall apply only to subdivisions in which no residential construction has been permitted as of the effective date of this amendment.

4.230.5.F. Each residential dwelling unit, in a residential zone R-3 shall have a minimum of 1,650 square feet. This includes heated living space, excluding outside and open patios, porches, garages, carports, and similar structures. This requirement shall apply only to subdivisions in which no residential construction has been permitted as of the effective date of this amendment.

SECTION 4. That the above text of the Zoning Ordinance is hereby amended,
as set out herein, above.

SECTION 5. That the City of Byram Zoning Ordinance adopted June, 2011, and the Official Zoning Map be, and same are hereby amended to effectuate this change in zoning classification.

SECTION 6. That section of the City’s Zoning Ordinance is hereby amended,

and the previous section is hereby repealed; the remainder of the Zoning Ordinance will be unaffected. 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 7. 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 its regular meeting held on the 26th day of October, 2017.

MOTION made to adopt the foregoing Resolution was made by Alderman Smith

and SECONDED by Alderman Moser and the foregoing having first been reduced to writing,

was submitted to a Roll Call Vote, the result was as follows:

Alderman Moser voted:	Aye
Alderman Hosey voted:	Aye
Alderman Campbell voted:	Aye
Alderman Mack voted:	Nay
Alderman Smith voted:	Aye
Alderman Moore voted:	Aye
Alderman Cook voted:	Aye

Whereupon, the Mayor declared the Motion carried and the Resolution adopted.

SO RESOLVED, ADOPTED, AND APPROVED by the Mayor and Board of Aldermen of the City of Byram, Hinds County, Mississippi at its regular meeting held on the 26th day of October, 2017.

CITY OF BYRAM, MISSISSIPPI

BY: 

RICHARD WHITE, MAYOR

ATTEST: Angela E. Richburg
BY: ANGELA RICHBURG, CITY CLERK

[SEAL]

I, Angela Richburg, City Clerk and official custodian of the records of The Mayor and Board of Alderman of the City of BYRAM, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book No. 5, at Page No. 4001.

Angela E. Richburg
CITY CLERK

