

Bond Case Briefs

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ZONING & LAND USE - MISSISSIPPI

Gerald Emmett Beard v. City of Ridgeland

Supreme Court of Mississippi - April 19, 2018 - So.3d - 2018 WL 1869589

Objectors appealed from city counsel's zoning amendment.

The Circuit Court affirmed the amendments, finding they did not constitute rezoning or spot-zoning. Objectors appealed.

The Supreme Court of Mississippi held that:

- Amending zoning ordinance constituted an illegal rezoning;
- Zoning amendments that focused solely on one commercial development project and its activities constituted impermissible "spot zoning"; and
- Objectors had standing to challenge amendment to zoning ordinance.

Amending zoning ordinance shortly after adopting a new comprehensive zoning ordinance and map, in order to accommodate the proposed construction of a large wholesale store with a service station and drive-through restaurants, substantially changing the previously allowed uses without showing a substantial change in neighborhood character, constituted an "illegal rezoning."

Zoning amendments that focused solely on one commercial development project and its activities constituted impermissible "spot zoning"; it was only when the commercial wholesaler expressed interest in the site at issue did the city attempt to rezone the proposed location to allow for previously prohibited commercial activities.

Objectors had standing to challenge amendment to zoning ordinance that allowed for the development and construction of a large wholesale store with a service station and drive-through restaurants in a general commercial district, a previously prohibited use; residents owned property near the proposed construction site, and alleged that the development would adversely affect them and other residents, and the development did not constitute a minor variance, and would greatly increase traffic, as well as change the aesthetics of the area.