

# **Bond Case Briefs**

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## **ZONING - MISSISSIPPI**

### **Hotboxxx, LLC v. City of Gulfport**

**Supreme Court of Mississippi - January 8, 2015 - So.3d - 2015 WL 110614**

Privilege license applicant brought action against city, challenging constitutionality of city zoning ordinance which restricted areas of town in which adult businesses could be located. Action was removed from Chancery Court to federal court, which dismissed action without prejudice for lack of standing. Applicant brought second action, citing same issues presented in first case. The Chancery Court issued order of dismissal with prejudice for lack of standing. Applicant appealed.

The Supreme Court of Mississippi held that:

- Chancellor did not commit reversible error in finding that privilege license application was incomplete and invalid, and
- Applicant's initial status as lessor of commercial property located in area of city affected by ordinance did not create colorable interest required to confer standing.

Initial status of owner of adult business as lessor of commercial property located in area of city affected by city zoning ordinance which restricted areas in which adult businesses could be located was insufficient to demonstrate that owner had colorable interest required to confer standing for action challenging constitutionality of ordinance, where, under terms of contract, lease was voided by time of action due to owner's inability to obtain necessary business licenses or approvals from city.