FOR OFFICE USE ONLY

CASE NO.: _____

CITY OF JACKSON, MS

Application for Zoning Action

Application Must Be Signed By Owner of Property

I. Please choose one or more of the following Zoning Action Requests:

___Rezoning From ____ To ____ || __Use Permit || ___Special Exception || ___Variance(s)

II. Subject Property Address: _____

_____

(Street number and name or description of location if property is a vacant lot)

Current Zoning for property: _____

Tax Parcel Number: _____ - _____ - _____

III. Size of Property:

Lot Frontage _____ feet
Lot Depth _____ feet
Square footage/Acres _____
Improved or Unimproved? _____
If improved, number of existing buildings? ____
Use of buildings: Residential Commercial Industrial

IV. Purpose for requested Zoning Action: *(Brief Description)*

_____

_____

V. Are there any City Code Violations on this property? _____
If yes, please give details and dates of violations:

_____

_____

_____

VI. Are there any Restrictive Covenants? _____ *If yes, please attach copies of Covenants.*

VII. Has there been any Zoning Action filed on this property in the past? ____
If yes, please attach copies of agency findings and decisions.

VIII. APPLICANT'S INFORMATION:

Name: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

Contact Phone: _____ **Fax:** _____

Email: _____

IX. APPLICANT WILL BE REPRESENTED BY: ☐**Same as above**

Name: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

Contact Phone: _____ **Fax:** _____

Email: _____

X. CURRENT PROPERTY OWNER(S) ☐**Same as above**

Name: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

Contact Name: _____ **Contact Phone:** _____

Email: _____ **Fax:** _____

XI. APPLICATION FEE SCHEDULE: **Application fees are non-refundable after public hearing.*

_____	**Rezoning/Use Permit/PUD**	*$501 for first five (5) acres, plus $30 for each additional acre*
_____	**Special Exception**	*$301 with a $100 annual renewal fee (subject to City Council approval)*
_____	**Variance(s)**	*$301 plus $100 for each additional Variance request*
_____	**TOTAL to be included with application**	

APPLICATION MUST BE FILED ON OR BEFORE 12:00PM ON THE DEADLINE DATE to be included on the next month's Planning Board Meeting Agenda. Planning Board Meetings are held on the fourth (4th) Wednesday of the month at 1:30pm in the Andrew Jackson Conference Room, Warren A. Hood Building located at 200 S. President Street. November and December Planning Board Meetings will be held the third (3rd) Wednesday due to the holidays. Please review the enclosed schedule to confirm exact dates before sending out notification letters.

DECLARATION:
By signing this application, it is understood and agreed that permission is hereby given the duly authorized representative of the City of Jackson to make an investigation of the need for the Zoning Action Request, place signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, make photographs and obtain any verifications and data necessary for preparation of its report to the Planning Board and City Council.

The above information is true, and complete to the best of my knowledge.

_____ _____

Applicant's Signature **Property Owner's Signature**

WITNESS THE SIGNATURE(S) of the owner(s) of the subject property located at

_____ **Jackson, Mississippi**

On this the _____ day of _____, 20_____.

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally came and appeared before me, the within named:

_____ _____

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the _____ day of

_____, 20_____.

_____

MY COMMISSION EXPIRES: **NOTARY PUBLIC**

_____ (Official Seal)

GENERAL INSTRUCTIONS

PLEASE NOTE: all requests with supporting documentation and fees must be filed with the Zoning Administrator by the filing deadline in order to be heard at the next month's Planning Board Hearing. **Incomplete applications will not be considered at that time, no exceptions.** A meeting with the Zoning Administrator is recommended prior to filing application.

1. **APPLICANT MUST NOTIFY THESE PERSONS BY CERTIFIED MAIL:**
   - All property owners within a 160 ft. of the subject property.
   - All neighborhood associations within 1000 ft. of the subject property.
   - The City Council Member in the Ward of the subject property:

     Ward 1 – Quentin Whitwell
     Ward 2 - Melvin Priester, Jr.
     Ward 3 – LaRita Cooper-Stokes
     Ward 4 – De'Keither Stamps
     Ward 5 – Charles Tillman
     Ward 6 – **Vacant**
     Ward 7 – Margaret C. Barrett-Simon

   Send City Council Mail to: P. O. Box 17, Jackson, MS 39205-0017
   - Names and addresses of the property owners and neighborhood associations may be obtained from the Hinds County Tax Assessor's Office, Hinds County Chancery Court Building, 316 South President Street or if you have internet access you may go to the following website: www.co.hinds.ms.us/pgs/apps/landroll_query.asp
   - Names and addresses of Neighborhood Associations registered with the City may be obtained from Ms. Ester L. Ainsworth, Zoning Administrator at 601-960-2001 or eainsworth@city.jackson.ms.us

2. **LEGAL ADVERTISEMENTS:**
   - A legal ad notifying the public of the proposed Zoning Action will be prepared for the applicant by the Land Development Staff. Staff will send a draft of the legal ad by way of fax, email or mail to the applicant for review of errors and so forth along with a form for the applicant to state the errors if any or confirm the accurateness of the ad. Upon receipt of the response form, staff will submit the ad to the newspaper for publishing.
   - The applicant shall bear all costs associated with the legal advertisement.
   - **IMPORTANT! If the request is for REZONING and is approved by the City Council, a final publication of the Ordinance must be advertised in the newspaper. This information should be received from the City Clerk's Office after the City Council Hearing.**

3. **SIGNS:**
   - A sign informing the public of the pending zoning action will be placed upon the subject property by the City of Jackson Staff at least fifteen (15) days prior to the hearing. At the appropriate time, the sign will be removed by the City. If the sign is removed by the applicant prior to the hearing, this action will constitute a withdrawal by the applicant, and the case will not be heard at the next scheduled hearing.

4. **APPEARANCE BY THE APPLICANT AT THE HEARING:**

- The applicant or a representative **must appear** before the Planning Board to explain their request and answer questions.

- See the attached Hearing Procedure for understanding of what to expect at the Planning Board Hearing.

5. **APPEALS:**

- The Planning Board will make a recommendation to the City Council. Should you (the applicant) or the opposition be displeased with this recommendation, you may appeal the recommendation to the City Council by submitting in writing a letter to the Zoning Administrator stating your desire to appeal. You must also copy this letter to all parties of record and notify the Court Reporter for a transcript to be done. **The court reporter needs a two week notification prior to the appeal date**.

- A notice of appeal letter will be prepared by the applicant and must be mailed to all parties of record as well as the Court Reporter.

- A legal advertisement in the newspaper is required for the appealed case. The ad will be prepared by the Zoning Staff and submitted to the newspaper by the City Clerk.

- The appellant is responsible for all costs associated with the legal notice.

- Attached is a schedule of the filing deadlines and hearing dates.

6. **WITHDRAWALS OR POSTPONEMENTS:**

- A letter to the Zoning Administrator must be sent prior to the Planning Board Hearing for the application to be withdrawn.

- A request to withdraw and a full refund may be filed with the Zoning Administrator up to the time of the Planning Board Hearing. Once the hearing takes place, the application fee becomes non-refundable.

- A postponement may be granted by submitting $25.00 and a letter the Zoning Administrator five (5) business days prior to the Planning Board Hearing. The applicant must re-notify all property owners within 160 feet of the subject property of the postponement and the rescheduled public hearing information and submit a copy of said letter the Zoning Office to be placed on file.

- Said notice must be mailed at least ten (10) days prior to the original hearing and fifteen (15) days prior to the date of the rescheduled hearing.

- Postponements requested on the day of the hearing, or less than five (5) days prior to the hearing, will be given five (5) minutes to address the Planning Board and request a postponement. The Planning Board has the option of voting for or against the request for a postponement. It is therefore imperative that the applicant or representative appear before the Board to request the postponement.

CHECKLIST FOR COMPLETE APPLICATION PACKET:

_____**Application with fee** *(completed, signed by and notarized)*

_____**Statement of Intent**

_____**Application Must Be Signed By Owner & Applicant**

_____**Site Plan or location map**

_____**Copy of Warranty Deed** *(filed and recorded at the courthouse)* **with legal description granting title to the current owner**

_____**Copy of notification letters sent to property owners and neighborhood associations**

- **Include with letter a copy of hearing procedure (p.11)**
- **Submit certified mailing receipts with application.**

INFORMATION TO BE INCLUDED WITH THE APPLICATION

FOR REZONING REQUEST

STATEMENT OF INTENT:

Documentation of the changing land use character of the area in which the requested change is made and evidence that a public need exists for the petitioned rezoning classification. Documentation of the changing land use character of an area can be established by recent rezonings and subsequent development. Evidence of a public need can be established by quantifying the amount of vacant acreage available for development in the area of the subject property. Little vacant acreage may indicate a public need for additional property to be rezoned to the requested classification.

All rezoning requests should conform to Jackson's Future Land Use Plan. A copy of the plan is available for public inspection in the Zoning Office, Suite 204, Warren A. Hood Building, 200 South President Street.

SITE PLAN OR LOCATION MAP:

A map, plat, site plan, or survey showing location of subject property and surrounding vicinity shall be included with the application. The Plan or map should include parcel lines with dimensions, roads, and any other physical features, such as creeks or streams.

FOR SPECIAL EXCEPTION REQUEST

Documentation that the proposed use will be non-retail in nature, promote the public health, safety or the general welfare of the community and not adversely affect adjacent property owners. In addition, no off-street parking will be in the front yard set-back, nor will there be any change in the integrity and appearance of the property or the existing structure that would be contrary to the desired character of the area. No parking will be allowed in the street for the special exception use.

Special Exceptions are granted on a yearly basis only during the occupancy or ownership of the person to whom it was granted, and upon their vacating the property or structure, the property and/or structure shall revert to the original use. The annual renewal fee is $100.00. If the Special Exception is canceled by the City Council, the renewal fee is not refundable.

When making application for a Child Care Center, it will be necessary for the applicant to contact:

Mississippi Department of Health, Child Care and Special Licensure
Post Office Box 1700, 2423 North State Street
Jackson, Mississippi 39215-1700 - (601) 576-7613

FOR USE PERMIT REQUESTS

The justification statement shall state the grounds upon which the request is based, and shall further demonstrate that the granting of a Use Permit will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare.

The development and execution of the Zoning Ordinance is based upon the division of the community into districts, within which districts the use of land, buildings, the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in the zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use of the sun on any particular site.

When considering applications for Use Permits, the City Council shall consider the extent to which:

1. the proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking and other uses;

2. the proposed use will not be detrimental to the continued use, value, or development of properties in the vicinity;

3. the proposed use will not adversely affect vehicular or pedestrian traffic in the vicinity;

4. the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water sanitary sewer, streets, drainage, police and fire protection, and schools;

5. the proposed use is in harmony with the Comprehensive Plan; and

6. the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference or other nuisances.

A Use Permit may be issued subject to such conditions as are necessary to carry out the purpose of the Zoning Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, limitations on size and location, requirements for landscaping, lighting, the provision of adequate ingress and egress, and duration of the permit which may be permanent or may be limited to the specific period of time and hours of operation.

Application for a Use Permit shall be accompanied by a site plan drawn at a scale to allow adequate review. Site Plans shall include the following:

1. property boundary lines and dimensions, available utilities, location of easements, roadways, rail lines and public right-of-way crossings adjacent to the subject property;

2. the proposed height, dimensions and arrangements of buildings and uses on the site;

3. the type and location of landscaping proposed for the site;

4. the locations of points of ingress and egress from the site;

5. the location of driveways, parking lots and loading areas on the site;

6. the location of any proposed substantial regrading on the site and any significant topographical or physical feature, including water courses.

FOR VARIANCE REQUESTS

Documentation will include the exact nature of the requested variance and demonstrate the following:

1. The request is a relaxation of the terms of the Zoning Ordinance where granting such variance will not be contrary to the public interest.

2. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

3. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Ordinance and would result in unnecessary undue hardship.

4. That the special conditions and circumstances do not result from actions of the applicant.

5. That granting the variance requested would not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other similar lands, structures or buildings in the same district.

NOTIFICATION FORM LETTER

Date:_____

Dear Sir or Madame:

Please be advised that _____

has/have filed with the City of Jackson an application for a:

_____REZONING _____Special Exception _____Use Permit _____Variance

for property located at _____.

The property is currently used as _____.

The proposed use of the property is _____.

_____

The City of Jackson Planning Board will conduct a public hearing on this application on:

Date: _____ at 1:30p.m. at 200 S. President Street in the Andrew Jackson Conference Room – 1st Floor of the Warren A. Hood Building.

As a property owner within 160 feet of the subject property or a neighborhood organization within 1000 feet of the subject property, you have the right to be present at the hearing and to make a statement concerning the proposed action. Persons testifying for or against the action will be subject to the time limitations regulated by the Planning Board (see attached hearing procedure). You may also submit a letter of support or opposition to the Zoning Administrator to P. O. Box 17, Jackson, MS 39205 (200 S. President Street, Room 204). **Additional information about this proposed Zoning Action case may be obtained by calling the Land Development Office at 601-960-2037.**

_____ _____

Applicant **Applicant**

Attachment

JACKSON CITY PLANNING BOARD=S
ZONING PETITION HEARING PROCEDURE

The Planning Board=s Zoning Hearing Meeting functions as a fact finding body only. The purpose of this hearing is to gather and make a record of all pertinent information concerning the petitions in question. A court reporter will take down all statements at the hearing. In addition, a tape recording will be made. A recommendation will be made by the Planning Board and submitted in writing to the City Council. All parties of record on a petition at this hearing will receive a copy of the recommendation on that petition through their spokesman. For this reason, interested parties should not request nor expect any commitment from this Board either at this hearing or later.

The procedure for hearing the Zoning petitions will be as follows:

A. The Chair will call the petition (by number and name of the petitioner) before the Board members. The petitions will be called in order of the agenda. An inquiry will be made as to whether there is opposition to the petitioner=s request.
B. The Zoning Staff will describe the request and location, the existing land use and zoning in the surrounding area, will note the availability of existing utilities, and traffic counts. The Staff will then present their recommendation, noting any conflict with the Future Land Use Plan.
C. Petitioner=s presentation for:
    1. **Rezoning** must document a significant change in the land use character of the area and the existence of a community need for the petitioned zoning classification.
    2. A **variance** must demonstrate a physical hardship not created by the applicant and that the granting of the variance will not confer upon the applicant any special privilege that is denied to any other similar lands, structures or buildings in the same district.
    3. A **special exception** must demonstrate that the granting of the special exception will not adversely affect the surrounding properties nor otherwise be detrimental to the public welfare.
    4. A **use permit** must demonstrate that the granting of the use permit will not adversely affect the surrounding properties, nor otherwise be detrimental to the public welfare and must include a site plan approved by all relevant City departments.
D. Any opposition will next proceed with its entire argument within the specified fifteen (15) minutes summary time period.
E. Petitioner may use any part of the fifteen (15) minutes remaining to address the questions raised by objectors, if any.
F. The hearing of evidence on this petition will then be concluded.

During the course of this hearing, members of the City Planning Board and Staff will be asking questions of the witnesses as they appear in order to gain additional information. As a matter of policy and as a courtesy to the witness, questions will be held until his/her testimony is completed. However, if members of this Board feel compelled to interrupt the testimony to ask a question, they are free to do so. The nature or tone of any questions asked by a member of this Board or Staff should not be construed in any way to be an indication of the opinion of the individual or of the Board as a whole. The Board and Staff are simply attempting to gain all the significant information necessary for a recommendation to the City Council.

This is a public hearing. Anyone who desires to present constructive evidence or testimony which is pertinent to a petition is encouraged to do so, as long as it is contained within the framework mentioned above. However, each side should have its testimony well organized, and duplicating testimony should be avoided.

It is the intention of this Board that these proceedings shall be conducted in an orderly, efficient manner, with proper courtesy shown to all parties. Comments from persons not recognized by this moderator as having the floor to speak shall not be admissible, recorded, or considered as testimony.