

GAUTIER, MISSISSIPPI  
PLANNING DEPARTMENT  
**PUBLIC HEARING APPLICATION**

Public Hearing Number

**TO BE HEARD BY GAUTIER PLANNING COMMISSION:****FEE:**

Zoning Change \_\_\_\_\_

\$301.00

\*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: \_\_\_\_\_

Name of Business: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_ Mailing Address (if Different): \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Reason for request, location and intended use of Property: \_\_\_\_\_

**ATTACHMENTS REQUIRED AS APPLICABLE:**

- \_\_\_\_\_ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- \_\_\_\_\_ 2. A detailed project narrative.
- \_\_\_\_\_ 3. Copy of protective covenants or deed restrictions, if any.
- \_\_\_\_\_ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- \_\_\_\_\_ 5. Any other information requested by the Planning Director.

Signature of Applicant: \_\_\_\_\_ Date of Application: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received \_\_\_\_\_ Verify as Complete \_\_\_\_\_

Fee Amount Received \_\_\_\_\_ Initials of Employee Receiving Application \_\_\_\_\_

## **SECTION 4.15: Zoning Map Change (Rezoning)**

A zoning map change involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. When the public welfare justifies such action, the City Council may amend the Official Zoning Map.

### **4.15.1 Who May Initiate**

A zoning map change may be initiated by the City Council, the Planning Commission or the property owner or agent of the owner provided that:

- A. Said property has not been denied a previous request for the same property or portion a property within the past twelve (12) months; and
- B. All procedures and provisions for a public hearing have been met.

### **4.15.2 Requests for Zoning Map Change (rezoning)**

Applications for a Zoning Map Change (rezoning) may be filed on the appropriate application available from the Planning Department and shall provide all requested information and provide all requested attachments/submittals.

### **4.15.3 Criteria for Rezoning of Property**

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

- A. There was a mistake in the original zoning, or
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

### **4.15.4 Three-Fifths Council Vote Needed**

In accordance with *Mississippi Code Annotated Section 17-1-17 (1972)*, in case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the City Council who are not required by law or ethical considerations to recuse themselves.

### **4.15.5 Rezoning by Court Order**

In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the Unified Development Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Planning Director after all available time for appeal has expired. The Planning Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the City Council.

### **4.15.6 Public Notification**

In addition to the required public notices in a newspaper of regular and general circulation in the City at least fifteen (15) days prior to the public hearing, a notice shall be posted at City Hall and the effected property for the benefit of the public prior to a public hearing for a Zoning Map Change (Rezoning).