



City of Ocean Springs Planning Department  
1018 Porter Avenue / PO Box 1800 Ocean Springs, MS 39564  
(228) 875-4415

### CHANGE IN ZONING / USE PERMIT APPLICATION

Effective June 11, 2006, the following application fees apply:

Application Fee Required\*: **\$ 250.00 (NON REFUNDABLE)**

**\$ 1.00** (Per Ordinance 2022-17 following the requirements of Section 25-60-5  
MS Code Annotated)

*\*applicant responsible for all cost associated with public mailers\**

**AND MUST BE PAID FOR BY THE APPLICANT BEFORE MAILING.**

Application Date: \_\_\_\_\_

*(Applications are due by the 7th of each month for the meeting scheduled for the subsequent month.)*

**Indicate Request:** Change In Zoning District \_\_\_\_\_ Use Permit \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_

#### Applicant Information

Address of Lot(s): \_\_\_\_\_

Parcel ID(s): \_\_\_\_\_

1. Applicant: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

2. Owner of Record: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

#### COMPLETE THE FOLLOWING:

1. Current Zoning classification of property: \_\_\_\_\_  
*New Zoning District Requested (if applicable): \_\_\_\_\_*

2. Explain the present use of the property and condition of any existing structures:

3. Describe the intended use of property:

4. Reason for request: *Must include 1) A description of the change/changes in the neighborhood that justify the change (when/where) OR the mistake made in the zoning map if applicable; AND 2) The public need for the new zoning district type.*

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**ATTACHMENTS REQUIRED:**

1. Application Fee. Amount \$ 251.00
2. Map of the property and the surrounding neighborhood.
3. Diagram of intended use, showing dimensions and distances of property, building and their setbacks; parking spaces, entrances and exits.
4. Legal description; street address.
5. Copy of protective covenants or deed restrictions, if any.
6. Copies of approvals or requests of approval from other agencies such as: Health Department, Miss. Air and Water Pollution Control Commission, Corps of Engineers, Department of Marine Resources Council, etc.
7. Proof of Ownership

***\*\*\* If applicant is authorized to represent property owner, applicant must provide documentation signed by the property owner.***

**Signature of Property Owner**

**Signature of Applicant**

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Print name

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Print name

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Date

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Date

#### **D. A Map Amendment or Rezone**

1. The Board of Aldermen or Planning Commission by resolution; or by the property owner; may initiate the amendment request; and
2. Applications for zoning map amendments shall be submitted at least twenty-five (25) days prior to the date of the Planning Commission meeting at which the application will be reviewed. If the submission deadline date falls on a Saturday or Sunday, the application must be received by the following Monday.

2.15.5 Criteria - In its review of an application, the Hearing Bodies shall consider the following criteria as applicable to the UDC text or Zoning Map amendment. No single factor is controlling; instead, each must be weighed in relation to the other standards.

***\*\*\*Please note that these are the criteria that you will be required to meet for a rezone. Please answer each section on how your proposed rezone meets the criteria.***

- A. Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan;
- B. Mississippi law requirements. There must have been either an error in the initial zoning or a change in the character of the neighborhood to such an extent as to justify reclassification of the property and some demonstrated compelling need before existing zoning may be changed;
- C. Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the City finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion and air pollution. Accordingly, rezonings may promote mixed uses subject to a high degree of design control;
- D. Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the Comprehensive Plan, specification, or UDC;
- E. Health, Safety, and Welfare. The amendatory ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning ordinance may be justified, however, if a substantial public need or purpose exists, and this is so even if the private owner of the tract will also benefit.;
- F. Public Policy. Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans;
- G. Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single lot when there have been no intervening changes or other saving characteristics. Proof that a small tract is unsuitable for use

as zoned, or that there have been substantial changes in the immediate area, may justify an amendatory ordinance;

H. Other Factors. The Hearing Body must consider any other factors relevant to a rezoning application under state law; and

I. The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.