

City of D'Iberville

P.O. BOX 6519
D'IBERVILLE, MS 39540
(228)392-7966

CONDITIONAL USE PERMIT APPLICATION

I. ADVALOREM TAX PARCEL NUMBER: _____
(Parcel numbers are available from the Harrison County Tax Assessors at 228-865-4080)

II. Address of Subject Property:

III. GENERAL DESCRIPTION OF REQUEST (What are you asking?): _____

IV. REQUIRED ATTACHMENTS:

- A. Supplemental Application (instructions within packet)
- B. Current Deed and Recent Tax Receipt
- C. Covenants and Easements attached to the property
- D. Site Plan (Must include: Streets, location of property lines, dimensions of property, location of all buildings their distance from each property line, easements, and flood zones.)
- E. **\$200.00 application fee**

V. OWNERSHIP AND CERTIFICATION: I hereby certify that I have read and understand the information contained within the application and that all the answers are true and correct. I certify that, as it pertains to this application, I am in compliance with all applicable Federal, State and local statutes and ordinances. Further, I certify that I agree to allow the Zoning Officer access to my property during normal working hours with or without my presence for any reasonable inspection as it relates to this application. Finally, I certify that I am the owner or one of the owners, of the property that is the subject of this application (each owner must be listed, use a separate sheet as necessary).

Name of Owner(s)

Address

City State Zip Code

Phone

Signature (s) of Owner (s) (Required)

Name of Preparer or Applicant for Permit

Address

City State Zip Code

Phone

Signature of Preparer or Applicant

Conditional Use Permit
Preparing the Supplemental Application
Harrison County Zoning Administration

What is a Conditional Use Permit?

The conditional use purpose is defined in the zoning ordinance as " The purpose of this procedure is to provide for review and discretionary approval of uses typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties. The Conditional Use Procedure process is intended to encourage broad public review and to ensure adequate mitigation of potentially unfavorable impacts." This means a use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the planning commission that under the particular circumstances present and subject to specific conditions, and is in harmony with the permitted uses of the zone.

Stated a little differently, the conditional use permit is a tool used by zoning ordinances for land uses that don't have a perfect fit in an area. By requiring an applicant to bring his or her request before a public meeting, neighbors have the ability to comment on changes being proposed. If there is agreement, and it is evident that the public interest is being served, the likelihood that it will be allowed will be good.

The Supplemental Application has two halves, the Introduction and the Findings. You will need to address both on the written portion of the application.

1. Introduction:

This is the portion of the application where the applicant gets to explain to the Planning Commissioners what it is he or she wants. When a Commissioner finishes reading the introduction, he or she should walk away with a general knowledge about you, why you are making the request, and what it is exactly you are requesting. You should at least talk about the following:

- 1) Who you are and who owns the property?
- 2) Where the property is located?
- 3) What is the present zoning?
- 4) What are you are trying to do?
- 5) Why you need the conditional use permit?
- 6) Are there any special circumstances affecting the request?

The above outline will generally suffice for a simple residential conditional use permit. For business applications, it is suggested that a more complete presentation be prepared. Consult the zoning text on conditional uses (Article 2.5).

2. Required findings of the Planning Commission: Supplemental Information

- * In order for the Planning Commission to reach a decision in your favor, it must determine that the requested conditional use is compatible ("in harmony") with the neighborhood. You are being asked to provide supporting information from which the Planning Commission can base its decision.
- * The person making the application shall reply in writing to each subsection. The reply may be made on the blank form attached, or may be done separately on a computer generated form. The reply should be thorough enough to make your point.
- * In the text below, you will find eight (8) subsections. Below the subsections is a general explanation of the kind of supplemental information you may wish to provide. The explanations are only suggested interpretations made by the staff and are not meant to limit the extent of your reply. Please feel free to add whatever additional information you feel is needed.
- * Avoid short non-descriptive answers. "Yes or no" is not considered a sufficient reply for making a finding. After reading your paragraph(s) regarding the supplemental information, a reader should have a mental image of the conditions in the area and how your requested use of the property will be

in harmony with the district.

1. The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code or Comprehensive Plan.

- * The higher the degree of compatibility (harmony) with the surroundings, the greater the degree of being in the public interest.
- * Zoning districts allow only certain uses. If the use that you are asking for is allowed in zoning district, either by right or by conditional use, it thought to be in the public interest for it to be located there. For example, asking to place a manufactured home in a zoning district that allows manufactured homes is considered in the public interest. Asking to place a manufactured home in a district that doesn't allow them is not in the public interest.
- * Secondly, the greater the similarity of your intended use to existing uses in the neighborhood, the greater the likelihood of success. Uses that are in harmony with the surroundings are thought to be in the public interest. An example, of something that would be regarded as not be in the public interest, would be the placement of a manufactured home into a neighborhood where new site built homes were being developed. Something more in harmony would be an application asking for the placement of a recent model manufactured home in an area where there was a mix of manufactured and site built homes. The most harmonious would be a manufactured home in an area of all manufactured homes of about the same age.
- * Business applicants would do something very similar to the above, but will need to prove their point with a bit more detail.

2. The proposed use will comply with all applicable zoning district, development standards, and supplemental use requirements.

- * To begin, the finding is asking whether the requested use can be allowed in the zoning district. Consult Table 4.2 of the ordinance to check for compatibility.
- * Secondly, except for the need to ask for a conditional use permit, the finding asks if your project is in compliance with all the other rules in the zoning ordinance. If you need to seek a variance because you cannot meet all requirements, explain what you will be requesting in the variance application.
- * Note should be made that during the meeting, the Planning Commission has the right to set "conditions" on your request. A variance from the conditions set by the Planning Commission may not be granted.
- * Bear in mind, the less compliant with the general requirements of the zoning ordinance, the less likely it is that you will be successful.

3. The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood that would any other use generally permitted in the same district. In making such a determination, consideration will be given to: (The location, type, and height of buildings or structures; the type and extent of landscaping and screening on the site.)

- * Show us that what you are doing will not pose a negative health and safety effect on your neighbor or the neighborhood.
- * For business occupancies, a deficiency in design tends to cause a chronic nuisance situation that affects the public. For example, too few parking spaces and poor access are common deficiencies that lead to congested streets and accident hazards. Beside the simple building code and sewer/water requirements typical of the residential application, the business application should deal with all physical and legal aspects of the site, e.g. parking, buffers, adequacy of right of way access, storm water issues, general drainage, special licenses, etc.
- * This is somewhat of a summary finding. The finding is asking a simple question in a complex way. The simple question is whether what you intend to do is in harmony with the neighborhood. To

provide an answer, you will have to address two things.

- * The first are the physical characteristics of the property. You will have to describe the property in relation to the surrounding properties. Answer questions like:
 - a) Is the property of similar size to the properties in the neighborhood?
 - b) Is the proposed coverage of buildings on the property similar to others in the neighborhood?
 - c) Are the setbacks similar to those in the neighborhood?

- * The second portion is that which deals with the “character” of the neighborhood. Is the proposed use in “harmony” with the surrounding properties? Does it belong? Tell us why it should be allowed to go there.

4. The area and proposed district will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- * Each zoning district allows a use either by right, with a conditional use permit or a special use permit. Those uses impact the community differently. The applicant needs to address access, especially after lot splits, protection for emergency vehicles, schools and attendants of the homes.

5. The proposed use will not be detrimental to the economic welfare of the community.

- * When incompatible uses are allowed to be placed in a neighborhood, the social and economic forces that drive healthy growth are upset. An example of an improper placement would be an older model manufactured home in a residential neighborhood with mainly site built homes. Property values, future desirable residential growth, and general quality of life can be adversely affected over time. The question raised by the finding is whether the requested use will have a negative effect on the neighborhood.
- * This is the item that is most frequently used by neighbors in opposing an application. Be very sure to adequately address this finding.
- * The easiest way to answer this finding is to explain what is around you and how the use you are trying to establish will not be significantly different from already existing surrounding uses.

6. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not compatible with the uses permitted in the base zoning district.

- * This is where more details are being requested other than the original application.

7. Vehicular approaches to the property shall be designed as not to create interference with traffic on surrounding public and/or private streets or roads.

- * The applicant needs to address access, especially after lot splits, protection for emergency vehicles, schools and attendants of the homes. Does it create a problem with traffic on public or private streets or roads.

8. The proposed use will not be detrimental to property values in the immediate vicinity.

- * When incompatible uses are allowed to be placed in a neighborhood, the social and economic forces that drive healthy growth are upset. An example of an improper placement would be an older model manufactured home in a residential neighborhood with mainly site built homes. Property values, future desirable residential growth, and general quality of life can be adversely affected over time. The question raised by the finding is whether the requested use will have a negative effect on the neighborhood.
- * This is the item that is most frequently used by neighbors in opposing an application. Be very sure to adequately address this finding.
- * The easiest way to answer this finding is to explain what is around you and how the use you are trying to establish will not be significantly different from already existing surrounding uses.

Conditional Use Permit
Supplemental Application
(APPLICANT MUST ANSWER ALL QUESTIONS)

Introduction: *(See questions, who, what, where and why?)*

1. The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code or Comprehensive Plan.

2. The proposed use will comply with all applicable zoning district, development standards, and supplemental use requirements.

3. The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood that would any other use generally permitted in the same district. In making such a determination, consideration will be given to: (The location, type, and height of buildings or structures; the type and extent of landscaping and screening on the site.)

4. The area and proposed district will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

5. The proposed use will not be detrimental to the economic welfare of the community.

6. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not compatible with the uses permitted in the base zoning district.

7. Vehicular approaches to the property shall be designed as not to create interference with traffic on surrounding public and/or private streets or roads.

8. The proposed use will not be detrimental to property values in the immediate vicinity.

BEFORE YOU TURN IN YOUR APPLICATION, PLEASE MAKE SURE THAT THE FOLLOWING INFORMATION IS INCLUDED WITH YOUR APPLICATION

1. In your own words tell us why you are making this application?
(What do you want to do on your own or someone else's property?)

2. Is the subject property the same size as tax parcel number and deed?

YES NO

3. Have all the people named on the most recent deed given you permission by letter to make this application? *(Even married couples have to both sign the application or letter giving you permission to make the application.)*

YES NO

4. Does your Building Lot site plan show all improvements on the property?
(Improvements are any houses, manufactured homes, barns, sheds, pools, ponds... that are currently on the Building Lot.)

- ***The Zoning Office will provide you with the basic site plan, if a survey isn't available. Surveys are preferred.***

YES NO

5. Is the applicant the owner of the property?
(The applicant can be the user of the property, future owner of the property or an agent helping the property owner with the application.)

YES NO

Introduction (Conditional Use Permit- Manufactured Home **CUP EXAMPLE****)**

Mr. John, widower, wants permanent placement of a manufactured home for his granddaughter. Her intent is to aid both Mr. Campbell, a disabled retiree, and his daughter who was involved in a motorcycle accident in 1999 by staying on the property and helping them in any way possible. This relative aids in taking them to doctors appointments. Mr. Campbell proposes to create a lot to place this home by splitting the 3 acre property down the middle as far back as needed to create a new lot. The site has been addressed due to the fact that when the accident first happen he and his wife moved their daughter into the house and they stayed in a motor home.

1. The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code or County Comprehensive Plan.

Placing the home helps two residents of the county, Mr. John and his injured daughter to remain on family land and allows his granddaughter to help them out. Mr. John's granddaughter, once the home is placed, will be able to give 24 hour care to her family at a fraction of the cost of home health care. Currently, the granddaughter and her family lives with Mr. John and his daughter in a 3 bedroom house.

2. The proposed use will comply with all applicable zoning district, development standards, and supplemental use requirements.

That structure will meet all applicable setbacks and codes to insure that the public safety, welfare and health are protected. Health department is waiting for this approval to allow new septic tanks and water wells to be put down. Mr. John has purchased a 1995 Horton Home in good condition from a private owner.

3. The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood that would any other use generally permitted in the same district. In making such a determination, consideration will be given to: (The location, type, and height of buildings or structures; the type and extent of landscaping and screening on the site.) Residential uses are among the least intrusive uses in the zoning ordinance. Mr. John plans to add skirting and make minor changes to enhance both the home and the site.

4. The area and proposed district will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

The sites meet the lot minimums and are on a public road. Health department is waiting for this approval to grant septic tanks. Mr. John has purchased a 1995 Horton Home in good condition from a private owner. The proposed site plan has been modified to meet the zoning ordinance.

5. The proposed use will not be detrimental to the economic welfare of the community.

This area is in flux, changing from rural to exurban. North of the request there are lots that are 1 acre and larger with the requested zoning district. South of the request are large rural tracts. This housing product will have no problem with the rural portion.

6. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not compatible with the uses permitted in the base zoning district.

My request will not cause any excessive traffic, noise or other characteristics not compatible with the neighborhood. This is strictly residential use and places my manufactured home on property.

7. Vehicular approaches to the property shall be designed as not to create interference with traffic on surrounding public and/or private streets or roads.

Since this is on a publically maintained road and is for residential use only there will not be any additional traffic to my property.

8. The proposed use will not be detrimental to property values in the immediate vicinity.

The surrounding properties are already zoned residential and there is a mixture of manufactured homes and wood built homes in the area that will not be detrimental to the property values within the area.