



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

CONDITIONAL USE PERMIT APPLICATION

Per the adopted fee schedule, the following application fees apply:

Application Fee Required: **\$251.00*** (*NON-REFUNDABLE*)

*Ordinance 2022-17 following the requirements of Section 25-60-5 MS Code Annotated, \$1.00 fee included

Applicant is responsible for all public mailer fees. Must be paid prior to Planning Commission meeting.

Application Date: _____ ***Applications are due by the 7th of each month.***

Name of Rightful Owner(s): _____

Name of Applicant (if different than Owner): _____

Property Address: _____

PIDN: (list all applicable) _____

1. Applicant: _____ Phone: _____

Address: _____ Email: _____

2. Owner of Record: _____ Phone: _____

Address: _____ Email: _____

A **Conditional Use Permit (CUP)** is required for certain land uses that, due to their unique characteristics or potential impacts on adjacent properties, and are not permitted by right within a zoning district. However, these uses may be approved when they meet the standards and requirements established in the Unified Development Code (UDC).

A CUP allows the Planning Commission to evaluate a proposed use and determine whether it can be appropriately accommodated on the subject property, is consistent with the Comprehensive Plan, and can operate in a manner compatible with surrounding land uses and the overall character of the community. Approval of a CUP is granted through the adoption of a site plan by the Planning Commission after consideration of the public interest, health, safety, and general welfare.

ANSWER ALL QUESTIONS BELOW:

1. Current Zoning classification of property: _____

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

3. Describe the intended use of property: _____

4. Does the proposed use conform to the character of the neighborhood within the same zoning district in which it is located? _____

5. Are adequate utilities available for the proposed use? _____

6. Are the proposed ingress and egress designed to minimize traffic hazards and minimize traffic congestion on public roads? _____

7. Will the proposed use be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas? _____

8. Will the proposed use endanger the public health, safety, morals, comfort, or general welfare? _____

9. Does the proposed use have adequate off-street parking and loading areas, where required? _____

2.18.6 - Approval Criteria for Conditional Use Permit (CUP)

A CUP requires 2 Public Hearings. First with Planning Commission for a recommendation and then with the Board of Aldermen for a decision. The following criteria must be met:

- A. The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations.
- B. 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 than would any other use generally permitted in the same district. In making such a determination, consideration shall be given to:
 - 1. The location, type, and height of buildings, or structures;
 - 2. The type and extent of landscaping and screening on the site; and
 - 3. Whether the proposed use is consistent with any policy of the comprehensive plan that encourages mixed uses and/or densities.
- C. Adequate utilities shall be provided as set forth herein.
- D. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
- E. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- F. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
- G. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- H. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- I. The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
- J. The proposed uses and structures comply with the sustainability requirements of the UDC.

ATTACHMENTS REQUIRED (initial each box or N/A if not applicable):

- _____ 1. **\$251.00*** Application Fee.
- _____ 2. Map of the property and the surrounding neighborhood.
- _____ 3. Site Plan 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, MDEQ, Army Corps. of Engineers, MDWFP, Department of Marine Resources, etc.; if applicable
- _____ 7. Warranty Deed (Proof of Ownership)**

*****All property owners must sign the application. You may include additional signature pages if needed.***

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

Affidavit of Ownership *(if multiple owners, each owner must complete seperate pages)*

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the County Records of Deeds (Chancery Clerk) office. This affidavit shall indicate the legal ownership of the property, the contract owner of the property, and the date the contract of sale was executed.

I, (print name) _____, hereby certify that:

1. I am the owner of the property that is the subject of this application and that I have read and understand the requirements as outlined in the application.
2. There are no outstanding City of Ocean Springs property taxes or special assessments on the original parcel(s).

I further acknowledge that the information provided herein is true and correct to the best of my knowledge.

Owner(s) Name: _____

Parcel ID(s): _____

Date Property Acquired Date: _____

Book and Page of Each Conveyance: _____

Owner's Signature _____ Date _____

STATE OF _____

COUNTY OF _____

I _____, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Mailing Address _____

Subscribed and sworn before me this _____ day of _____.

My commission expires:

Notary Signature