

## PROCEDURE FOR PUBLIC HEARING APPLICATION

### SPECIAL EXCEPTION

- A. Complete application form.
  - (1) Applicant must be owner of property or agent of the owner.
  - (2) Include any required attachments.
- B. Submit fee to cover administration/advertisement costs as follows:
  - (a) Special Exception.....\$250.00
- C. Sufficient applications submitted by the third Tuesday of one month will be placed on the Planning Commissions agenda for the second month after submittal.
- D. Public Notice will be published in a local paper of general circulation not less than fifteen (15) days prior to the date for the public meeting before the Planning Commission. All adjoining properties of the property under consideration will be notified by first class mail. Such notices will be mailed not less than fifteen (15) days prior to the public hearing. If action is needed before the City Council, the Planning Director will submit the findings of fact and the recommendations of the Planning Commission to the City Clerk not later than one (1) week prior to the next available Council meeting.
- E. The Gautier City Council will act on the application at the next available time on their agenda before final approval or rejection of application.
- F. If approved, application for the proper permit for the use intended shall be made through the City of Gautier Planning Department.

## SPECIAL EXCEPTION HEARING APPLICATION

Hearing Number

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<u>TYPE OF REQUEST:</u>	<u>FEE:</u>
Special Exception _____	\$250.00

**Special Exception**– These uses are not allowed by right, and **require** a recommendation by the Planning Commission and approval of the City Council.

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

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

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

Mailing Address (if different): \_\_\_\_\_

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

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

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. Legal descriptions and street address.
- \_\_\_\_\_ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- \_\_\_\_\_ 4. Copy of protective covenants or deed restrictions, if any.
- \_\_\_\_\_ 5. 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.
- \_\_\_\_\_ 6. Any other information requested by the Planning Director and/or members of the Technical Review Committee.
- \_\_\_\_\_ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
Date Received _____	Verify as Complete _____
Fee Amount Received _____	
Initials of Employee Receiving Application _____	

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

I, \_\_\_\_\_, the fee simple owner of the following described property (give legal description):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

hereby petition to the City of Gautier to *Grant a Special Exception of* \_\_\_\_\_

\_\_\_\_\_ in \_\_\_\_\_

and affirm that \_\_\_\_\_ is hereby

designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

\_\_\_\_\_  
(Owner's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_

\_\_\_\_\_ as identification and who did take an oath.

\_\_\_\_\_  
(Printed Name of Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

Commission # \_\_\_\_\_. My commission expires \_\_\_\_\_.

(Notary's Seal)

OWNERS CONSENT AND DESIGNATION OF AGENCY – SPECIAL EXCEPTION

# **SPECIAL EXCEPTION**

## **Criteria for Approval Special Exception**

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
  
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
  
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

**EXCERPT FROM GAUTIER'S UNIFIED DEVELOPMENT ORDINANCE  
CONCERNING SPECIAL EXCEPTIONS**

**SECTION 4.16: Special Exception**

A request for a Special Exception may be initiated by the owner or agent of the owner provided that said property has not been denied a previous request for a Special Exception for the same property or portion of property within the past twelve (12) months.

**4.16.1 Application for Special Exception**

Applications for a Special Exception may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals.

**4.16.2 Procedure**

Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria outlined below, and make a recommendation to City Council pursuant to UDO Section 4.14.4 (A and B). City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

**4.16.3 Notice of Public Hearing**

Notice of the public hearing for the Special Exception shall be made in a newspaper of regular and general circulation in the city at least fifteen (15) days prior to the public hearing, and a notice shall be posted at City Hall and the effected property for the benefit of the public. Additionally, all adjoining property owners shall be notified by first class mail in accordance with UDO Section 4.14.3.

**4.16.4 Criteria for Approval**

A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when the following criteria are established:

- A. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and that interpretation of this ordinance would work unnecessary hardship upon the applicant;
- B. That the requested Special Exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- C. That the special circumstances are not the result of actions of the applicant.

**4.16.5 Limitations and Restrictions**

Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:

- A. The property changes ownership;
- B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
- C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) consecutive days during the existence of the Special Exception.