

# ZONING ACTION APPLICATION

**Incomplete application will not be processed.  
 Due 1st working day of the month. Planning Commission hearings are the last Monday of the month unless otherwise announced. Board of Aldermen meetings are the third Tuesday of the month. Applicants or their representatives must be in attendance at both meetings.  
 To avoid unnecessary delay, please submit 25 collated copies of all required information and documentation!**

**City of Horn Lake  
 Planning Department  
 310 Goodman Road, W.  
 Horn Lake, MS 38637  
 Phone 662-342-3559 Fax 662-342-3485  
[bcook@hornlake.org](mailto:bcook@hornlake.org)  
[mary.merck@neel-schaffer.com](mailto:mary.merck@neel-schaffer.com)**

**I. PROPOSED ACTION**

As owner or agent of the owner (circle one), I hereby request a Public Hearing by the City of Horn Lake to consider the following action for the property described in this application:

\_\_\_\_\_ Rezoning from \_\_\_\_\_ to \_\_\_\_\_ *and/or*  
 \_\_\_\_\_ Conditional Use to allow \_\_\_\_\_ *(land use)*

**II. PROPERTY LOCATION (Attach a legal survey with legal description with application)**

Legal Description: Lot(s) \_\_\_\_\_ of Block \_\_\_\_\_ of \_\_\_\_\_ Subdivision  
 Street Address: \_\_\_\_\_ Located \_\_\_\_\_ feet from the  
 intersection of \_\_\_\_\_ street and \_\_\_\_\_ street on the (east/west/north/south  
 side of

**TAX PARCEL NUMBER:** \_\_\_\_\_

**III. OWNER (Use additional page if needed)**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 E-Mail \_\_\_\_\_

**IV. REPRESENTATIVE OF OWNER**

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

For Official Use Only: Fees: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Date: \_\_\_\_\_  
 Zoning Verified: \_\_\_\_\_ Affidavit of Posting Received: \_\_\_\_\_

**V. DETAILED PROPERTY INFORMATION**

Lot Frontage \_\_\_\_\_ ft Lot Depth: \_\_\_\_\_ ft. Square footage/acres: \_\_\_\_\_

Current Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

Number and use of existing buildings \_\_\_\_\_ Residential \_\_\_\_\_ Commercial \_\_\_\_\_ Industrial

Have there been any City Code Violations on this property within the past 12 months? \_\_\_\_\_

Give date(s) and action taken to remedy: \_\_\_\_\_

Has a rezoning or a conditional use been denied within the past 12 months? \_\_\_\_\_

Give date(s) and action. \_\_\_\_\_

**VI. LETTER OF INTENT AND NUMBER OF COPIES REQUIRED**

Each application must include a letter or report that addresses the questions in Section VII and/or Section VIII and any other information you feel is pertinent to your case. The burden of proof is on the applicant. Include photographs, charts or other exhibits that will substantiate your argument. If you are applying for a rezoning AND a conditional use you must address both rezoning AND conditional use questions

**Please submit twenty-five (25) collated copies of your application with ALL exhibits, a survey and a legal description of the property.**

**VII REZONING ACTION INFORMATION REQUIRED**

***The State of Mississippi requires that applicants for rezoning of property must demonstrate by clear and convincing evidence that either: (A) There was a mistake in the original zoning (mapping error only); OR that (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 in said application.***

- A. Describe significant land use change in the neighborhood or vicinity of the property that you believe justifies this rezoning.
- B. Explain why you believe the city need additional land zoned for the type of zoning district classification you are requesting.
- C. Describe other property that has been rezoned in the general vicinity of the subject property within the past five (5) years.

**VIII. CONDITIONAL USE ACTION INFORMATION REQUIRED**

***In order to be considered, applicants for a Conditional Use, must address the following questions adequately: (Will this use substantially increase traffic hazards or congestion?)***

- A. Will this use substantially increase fire hazards?
- B. Will this use adversely affect the character of the neighborhood?
- C. Will this use overtax public utilities or community facilities (including streets, schools and public utilities)?

**VIII OWNER'S DECLARATION AND SIGNATURE**

I (we) hereby certify that I (we) are the owner(s) of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my (our) knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of rezoning of this property. Permission is hereby given the duly authorized representative of the City of Horn Lake to make an investigation of the need for the Zoning Action request and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Planning Director and staff may inspect the subject property, make photographs and obtain any verifications and data necessary for preparation of a staff report to the Planning Commission and the Board of Aldermen.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**WITNESS THE SIGNATURES of the owner(s) of the property located at**  
\_\_\_\_\_ **Horn Lake, Mississippi,**

On this, the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

**STATE OF MISSISSIPPI  
COUNTY OF DESOTO**

**Personally came and appeared before me, the within named:**

\_\_\_\_\_  
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owner(s) of the subject property as described in this Zoning Action Application.

**GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE,** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

**MY COMMISSION EXPIRES:**

\_\_\_\_\_

## **IX. SIGN POSTING**

**NOTE TO APPLICANT: The applicant is responsible for posting a sign** on the subject property a minimum of fifteen (15) days prior to the Planning Commission Public Hearing date (the day of the hearing may count as one of the 15 days.) Please confirm the date(s) of the Planning Commission hearing AND the Board of Aldermen meeting at the time of submittal of this application. Maintain the sign on the property until after the final hearing. Signs should be removed within 7 days after the final hearing.

After installation of the sign, please execute the Section X AFFIDAVIT OF POSTING (page 5) along with a photograph of the sign and return to the Planning Department. You may use the sign vendor of your choice.

### Sign Specifications

- 4 x 4 ft in size
- Laminated plywood or MDO board
- Front, back and all edges painted with two coats of cardinal red acrylic exterior enamel.
- White letters sized per above (decals)
- Sign attached with 6 screws to two (2) 4" x 4" x 8' poles

**CITY OF HORN LAKE (1" letters)  
PUBLIC NOTICE (1" letters)**

**ZONING HEARINGS (4" letters)  
City Hall (1" letters)  
3101 Goodman Road  
Horn Lake, MS 38637  
662-342-3559**

**PLANNING COMMISSION: (TIME AND DATE) (1 1/2" letters)**

**BOARD OF ALDERMEN: XXXXXX**

**REQUEST: (1" Letters)**

**LOCATION: (1" Letters)**

**APPLICANT: (1 1/2" letters)**

**PHONE NUMBER: (1 1/2" letters)**

**Case File Available at City of Horn Lake (2" letters)**

**662-342-3559 (2" letters)**

**Posting Date: (1" Letters)**

**Penalty for removing or defacing sign prior to date of hearing. (1" Letters)**

**X. AFFIDAVIT OF POSTING**

**PROJECT NAME:** \_\_\_\_\_

**LOCATION:** \_\_\_\_\_

**SITE POSTING DATE:** \_\_\_\_\_

**APPLICANT NAME:** \_\_\_\_\_

In order to provide adequate notice to interested parties, the APPLICANT shall erect, not less than fifteen (15) calendar days prior to the date of the public hearing, a notice of the date, time and place of the public hearing and a summary of the request. Such notice will be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO ERECT AND MAINTAIN THE NOTICE ON THE SUBJECT PROPERTY UNTIL FINAL DISPOSITION OF THE CASE and to REMOVE the sign within one week of the final public hearing. The Planning Director shall determine the number of location of notices required.

**I confirm that the site has been installed on the subject property for the case as listed above. Photographs of the site posting have been submitted.**

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**STATE OF MISSISSIPPI  
COUNTY OF DESOTO**

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\_\_\_\_\_  
who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned.

**GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE,** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

**MY COMMISSION EXPIRES:**

\_\_\_\_\_

## **XI. GENERAL INFORMATION AND FEES**

Zoning classification and permitted uses is governed by the Zoning Ordinance, (text and zoning map). Certain land uses are allowed in each zoning district “by right” and others are allowed “conditionally.” If the use is allowed “by right”, you have the right to use the property without zoning action subject to the regulations and ordinances of the city. If the proposed use is not allowed “by right” but is allowed by “conditional use” the Board of Aldermen must approve the conditional use. If the proposed use is not allowed at all, you may ask the city to “rezone” the property.

The Board uses criteria given in Sections VII and VIII and the Comprehensive Plan, Land Use Map to help determine whether the action you are proposing is in the overall public interest of the city and whether the rezoning and/or conditional use will negatively affect surrounding property.

Rezoning of property and approval of conditional uses both require a public hearing by the Planning Commission and the Board of Aldermen. You should contact the Planning Director by phone or e-mail to arrange a meeting, determine the current zoning of property and the uses permitted and the zoning action process.

### **Zoning Action Application Process**

- A. Application and fees due on or before the 1st business day of the month.
- B. Public Notification process—Minimum of 15 days prior to Planning Commission Meeting
  - City publishes a legal ad
  - Applicant installs Public Notice Sign on property, takes photographs and returns “Affidavit of Posting” to Planning Department.
- D. Technical Review Committee—(Planning, Fire, Police, Engineer, Building and Public Works) reviews application.
- E. Planning Commission Public Hearing—The last Monday of the month.
- F. Appeal Period—Persons aggrieved by Planning Commission vote may appeal within the ten (10) day period immediately following the PC hearing by writing a letter to the Planning Department.
- G. Board of Aldermen Public Hearing—The third Tuesday of the month following the Planning Commission meeting.

<b>Zoning Action Requested</b>	<b>Fees</b>
Rezoning to Agricultural district	\$250
Rezoning to R-30, R-20, R-15, R-12 district	\$250 for five acres or less. Additional \$50 for each acre above five with \$2,000 maximum
Rezoning to any other residential, commercial, industrial or PUDs district	\$500 for five acres or less. Additional \$50 for each acre above five with \$5,000 maximum
Conditional Use	\$200 (Applicants for rezoning and conditional uses shall pay both fees.)

**City of Horn Lake**  
**Planning Department**  
**310 Goodman Road, W.**  
**Horn Lake, MS 38637**  
**Phone 662-342-3559 Fax 662-342-3485**  
**Brenda Cook, Planning Manager**  
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**Mary Merck, Interim Planning Director**  
**Consulting Planner**  
**Phone: 601-720-4758**  
**1-800-264-6335**  
[mary.merck@neel-schaffer.com](mailto:mary.merck@neel-schaffer.com)