

CHAPTER 9. TEXT AMENDMENTS AND REZONINGS

PART 1.

9.1.1 Purpose and Scope

The Board of Aldermen, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance and rezone property (that is, amend the classifications of property appearing on the Official Map of Zoning Districts). The purpose of this Chapter is to provide the procedures for doing so. The purpose is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City of Natchez. Figure 9.1.1. illustrates the process for text amendments and rezonings, as set forth in this Part.

Figure 9.1.1. Process for Text Amendments and Rezonings

APPLICATION To Planning Director
PUBLIC HEARING Before Planning Commission
RECOMMENDATION By Planning Commission
PUBLIC HEARING Before Board of Aldermen
DECISION By Board of Aldermen

9.1.2 Initiation of Amendments and Rezonings

An amendment to the text of this Ordinance may be initiated by the Board of Aldermen, Planning Commission, and/or any owner of a legal or equitable interest in land located in City of Natchez or any resident of the City of Natchez. An amendment to the Official Zoning Map (rezoning) may be initiated by the owner of a legal or equitable interest in land located in the City of Natchez sought to be rezoned. Rezonings may require a comprehensive plan amendment (see Chapter 3). The Board of Aldermen and Planning Commission may initiate a comprehensive rezoning or adoption of a new zoning map.

9.1.3 Public Hearing

Any text or zoning map amendment may be adopted only after the Planning Commission and Board of Aldermen conducts a public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided in accordance with Section 7.2.1 and the public hearing shall be conducted in accordance with Section 7.2.2 of this Ordinance.

9.1.4 Review and Recommendation by Planning Commission

- (a) The Planning Commission shall consider each proposed text and zoning map amendment and make recommendation to the Board of Aldermen. The recommendation shall be based on the following criteria:
- (1) Conformance with the Comprehensive Plan;
 - (2) Otherwise, that changes have occurred in the area since the Plan and Zoning Ordinance were adopted which warrant the requested zone;
 - (3) City utilities and sewer can accommodate the uses allowable in the requested zone;
 - (4) The allowable uses in the requested zone will not adversely affect the character of the area, negatively impact nearby properties and occupants, or result in a decrease of property values;
 - (5) There is a need for additional land within the City to be zoned in the classification which is requested;
 - (6) There was a mistake in the original zoning of the property;
- (b) The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

9.1.5 Review by Board of Aldermen

The Board of Aldermen shall consider each proposed amendment regarding whether to approve or deny each proposed amendment. The recommendation shall be based on the criteria stated in the previous section.

9.1.6 Action by the Board of Aldermen

Upon reviewing such information, the Board of Aldermen may:

- (1) Adopt the proposed text amendment or rezoning by ordinance;
- (2) Reject the proposed text amendment or rezoning;
- (3) Refer the proposed amendment to a committee of the Board of Aldermen for further consideration.

9.1.7 Protests

In the event that the Board of Aldermen receives a written petition protesting any rezoning of property signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet there from or of those directly opposite there to, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of two-thirds of all the members of the Board of Aldermen.

9.1.8 Waiting Period for Subsequent Applications

- (a) When a rezoning applicant has been denied by the Board of Aldermen, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no rezoning application covering the same property shall be accepted or considered within 12 months after the date of the denial, or withdrawal.

- (b) The inclusion of an additional lot or lots in the new application shall not be permitted when it is evident that the inclusion of the new lot or lots is for the express purpose of avoiding these restrictions.
- (c) The waiting period required by this Section may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of the Board of Aldermen.

Natchez
Comprehensive
Plan

decisions when these discretionary methods are used. The term "highest and best use," as appraisers and Realtors use the term, is that which will yield the maximum economic return. This term is not helpful in development review because highest and best uses often cause problems if they are located in the wrong places. The use of standards also attempts to minimize side effects, and spillover costs to other properties and the public at large.

ZONING POLICIES

POLICY 84: The cumulative or pyramidal form of zoning district structure is considered by zoning authorities to be antiquated. However, a limited pyramidal form should be permitted under the following conditions:

- 84.1 Single-family homes are allowed in the less restrictive residential zones.
- 84.2 Office commercial uses shall be used as a transition between single-family residential uses and more intense commercial uses or between such residential uses and arterial streets or highways.
- 84.3 Apartments or townhouses, if carefully integrated and controlled, can be located in planned commercial districts. This must be done carefully, because any residential use tends to interrupt the commercial continuity such that commercial and residential decay results.
- 84.4 Detached single-family and two-family dwellings are not permitted in commercial or industrial districts because these land uses have a detrimental impact on the property values and quality of life of such residential uses.

POLICY 85: An agricultural district is established to preserve agricultural lands from the encroachment of incompatible uses and to provide for orderly and compact development.

POLICY 86: Buffer yards and screens will be required in order to improve the appearance and compatibility of land uses and other development within the county.

POLICY 87: Use variances are prohibited. Variances are only granted to relieve hardships involving dimensional requirements.

POLICY 88: Guidelines for reviewing rezoning applications must include standards for dealing with proposed "spot zonings":

88.1 The proposal must not be a small parcel of land singled out for special and privileged treatment.

88.2 The proposed change must be in the public interest and not merely for the benefit of a land owner.

88.3 The proposed change is in accordance with the comprehensive plan and sound planning principles.

88.4 The proposed change must not create an isolated district unrelated and incompatible to adjacent districts.

POLICY 89: In accordance with Mississippi law, all zoning shall be consistent with the Comprehensive Plan—in particular, the adopted Land Use Plan. ***Zoning that is not consistent with the Land Use Plan shall not be approved unless the Land Use Plan is amended first.*** Proposed rezonings may be approved if the rezoning conforms to certain land use conditions:

89.1 If the applicant's property falls on or adjacent to a district having the same zoning classification. The effect would be an extension of the land use classification.

89.2 If the density is appropriate.

89.3 If the parcel proposed for rezoning is at least one quarter acre (10,890 square feet) in area.

89.4 If the proposed rezoning is part of a minimum eight (8) acre tract that is zoned consistent with the proposed rezoning.

