

**CITY OF OLIVE BRANCH STATEMENT RECOGNIZING THE IMPORTANCE OF
TIMELY AND INFORMED PUBLIC PARTICIPATION IN THE CITY PLANNING AND
DEVELOPMENT PROCESS AND AFFIRMING THE CITY'S DUE PROCESS
SAFEGUARDS FOR CITIZENS AND APPLICANTS**

WHEREAS, public participation in local government decision making is recognized and promoted by the State of Mississippi; and

WHEREAS, timely and informed public participation in local government planning benefits the City's neighborhoods, protects property values, and promotes community design; and

WHEREAS, the Mayor and Board of Aldermen have found through experience that many issues that are deliberated at public hearings may be resolved by promoting dialogue between the applicant, area residents, and other interested persons; and

WHEREAS, efficiency and proper planning are facilitated by promoting the opportunity for applicants and informed citizens to timely interact, share viewpoints, and share information pertaining to a proposed zoning change, variance, or conditional use permit; and

WHEREAS, Mississippi courts recognize that the essential tenets of due process are providing fair notice and affording a meaningful opportunity to be heard. With respect to local planning and development, both applicants and citizens are entitled to due process; and

WHEREAS, it is the intent of the Mayor and Board of Aldermen to promote engagement between planning applicants and citizens, and to ensure all parties involved in the planning process that the City has due process safeguards in place.

ACCORDINGLY, the City of Olive Branch recognizes the importance of public involvement and due process as set forth below:

Section 1. Definitions.

For purposes of this document, the following definitions shall apply:

"Applicant" shall mean the applicant for any zoning change, variance, or conditional use permit.

"Citizen" shall mean a resident of Olive Branch.

"Neighborhood Association" or "Association" shall be any formal or informal association of persons that voluntarily join together for purposes of engaging cooperatively for the best interests of a particular neighborhood. The Association must be identified with a location within the City which is characterized by a substantial commonality of interest and history of identification as a neighborhood separate from others within Olive Branch.

Section 2. City of Olive Branch Due Process Considerations.

Each Applicant, Citizen, and Neighborhood Association can expect the following in regard to planning and zoning hearings conducted by the Commissions and Boards of the City of Olive Branch:

- A. Prompt and courteous responses to all reasonable City business questions, document requests, and meeting requests submitted to the Mayor or his/her staff. The time of response may vary depending on the attendant circumstances and applicable law, but the City shall endeavor to make at least a preliminary response of an appropriate type within two business days of the initial inquiry (unless a different time-period is specified by applicable law).
- B. A timely personal response of the City Alderman or designee to questions directed to Aldermen from their respective ward residents. This right pertains to all persons.
- C. Advance notification and a reasonable opportunity to provide input to the City with respect to planning and zoning public hearings.
- D. Notification of public hearings to review applications for variances, conditional uses, and rezoning applications are published in the newspaper in accordance with Mississippi law. In addition, the City sends courtesy notices for public hearings to all property owners within 500 feet of the subject property, and requires the posting of on-site signage for rezoning hearings. Notices include a description of the location of subject property, a description of the request, the date, time and place of the applicable public hearing, and provide a City contact person to request additional information. City regulations also include instructions advising applicants to hold neighborhood meetings in advance of submitting applications to the City. Neighborhood meetings may be required when rezoning to planned districts.
- E. When a Citizen's or Neighborhood Association's boundary overlaps within 500 feet of the subject property, the City Planning Department or Commission may recommend an Applicant to schedule and hold a neighborhood meeting for any rezoning request prior to providing a recommendation to the Board of Aldermen. This will allow members of one or more Neighborhood Associations to ask questions or to voice support, objections, concerns, or suggestions regarding said application. City staff shall attend the meeting to ensure that a record shall be made to document all commitments or agreements made during such meetings.
- F. A final version of all rezoning documents must be provided to the City no later than 10 days prior to any public hearing on the matter. Any material changes to the application documents other than changes requested by staff or changes proposed in the course of the hearing may result in the Planning Commission tabling and rescheduling to a subsequent meeting.
- G. A Citizen, or one or more representatives of a Neighborhood Association, shall be afforded an opportunity to address and present evidence to any City board, committee, or commission during a public hearing on applications for variances, conditional uses, and rezonings. The time and manner of such presentations is governed by other Ordinances of the City. No representative of any Neighborhood Association shall be restricted by this rule from presenting individual information or questions on his or her own behalf separate from the Association's presentation.
- H. The opportunity to provide input into the annual budget of the City, at the annual budget public hearing, with respect to capital projects of the City that are considered for inclusion in the budget.

Section 3. Resources

- A. Each Applicant, Citizen, and Neighborhood Association, and person associated therewith, is responsible for obtaining its own independent legal advice and liability protection as may be required or desired, and nothing herein shall constitute legal advice from the City.

- B. The City has due process safeguards that are integral to virtually every City Ordinance, process and procedure. The following is a list of resources that may be referred to if there are questions about the specific due process safeguards applicable to City proceedings:
 - City Public Ordinance
 - State of Miss. Public Records Act 21-61-1 et seq.
 - City Zoning Ordinance
 - State of Miss. Zoning statutes 17-1-1 et seq.
 - City Procedural Ordinance, governing public comments before the Board
 - State of Miss. Annual Budget Public Hearing 21-35-5