



## Conditional Use Permit

**\$100.00**

### Application Requirements and Checklist

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your request will not be placed on the Planning Commission agenda until the application is completed and required information provided at least 15 calendar days before the next scheduled Planning Commission meeting.

P.O. Box 10 • 975 Weston Street • Pea Ridge, AR 72751 • P: 479.451.1122 • F: 479.358.9126 • [Jessica.grady@cityofpearidge.com](mailto:Jessica.grady@cityofpearidge.com)

Property Info.	Address:	Project Info.	Project Name: _____
	Parcel #		Proposed use: _____
	Acreage:		Select one: Temporary                      Permanent Structural Changes?    Yes                      No
			Is the proposed use allowed under the subdivision's protective covenants?    Yes                      No

Owner	Name:	Phone:(Please select if this is the primary contact)
	Address:	Fax:
	City, State, Zip:	Email:

Applicant/ Representative	Name:	Phone:(Please select if this is the primary contact)
	Address:	Fax:
	City, State, Zip:	Email:

Applicant/Representative: I certify that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for or might set conditions on approval.

Print: \_\_\_\_\_ Sign: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner/ Authorized Agent: I certify that I am the owner of the property this is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.

Print: \_\_\_\_\_ Sign: \_\_\_\_\_ Date: \_\_\_\_\_

**Official Use Only:**

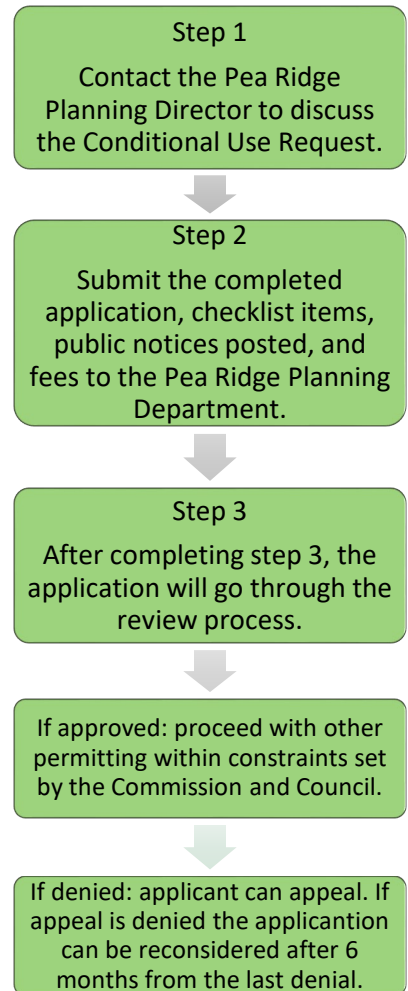
Date Application was submitted:	Date Accepted as Complete:
Planning Commission Meeting Date:	Zoned:

## **Conditional Use Permit Checklist:**

(Refer to code 14.04.06)

- Application. *Completed application required at time of application submittal.*
- Fee. *Payment of the application fee.*
- Letter. *A description of your request. Should include the following:*
  - *Proposed use and reason for the proposed use.*
  - *Site plan drawn to scale. Please designate property lines, existing structure(s), proposed structure(s).*
  - *Indicate indoor/outdoor areas that will be used.*
  - *Hours of operation.*
  - *Planned indoor/outdoor structural changes.*
  - *Drainage and runoff and how it effects surrounding properties.*
  - *Parking. (if applicable) Please include existing and proposed parking.*
  - *Traffic flow information. (If applicable)*
  - *Planned outdoor lighting changes.*
  - *Signage. (If applicable) Please include existing and proposed.*
  - *Please list any flammable or hazardous materials that will be present.*
  - *Average anticipated clients, deliveries, &/or customers.*
  - *Proposed number of employees.*
  - *Photographs of the property. (If applicable)*
- Deed. *Copy of warranty deed if applicable.*
- Legal Description. *An accurate legal description of the property must be submitted as a word document.*
- Protective Covenants. *(If applicable)*
- Plot Plan/Area Map. *(If applicable)*
- Preliminary Site Plan. *(If applicable) Showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; provisions of sanitation and drainage facilities; and proximity of adjacent uses and buildings.*
- Certification. *Attach a signed and notarized copy of the Certification. (Please see attached)*
- Notice of Public Hearing Ad. *The Planning Department will publish the public hearing on your behalf. at least fifteen (15) days prior to the public hearing. (Please see the attached example)(Refer to code 14.04.11 (5)(1)(a)*

*Please note: The Public Hearing will be held during the regularly scheduled Planning Commission meeting. The Planning Commission meets on the first Tuesday of each month. A representative is required to attend the public hearing to answer questions from the Commissioners.*
- Notice of Public Hearing Letter.



*The applicant must notify anyone who owns or leases property, within three hundred (300) feet of the property lines of the public hearing by certified mail. Please provide a list of all property owners within 300ft of the property line to the Planning Department along with this submission.*

*The Planning Department will provide the Notice of Public Hearing Letter to you. Once the Notice of Public Hearing letter has been provided, you will need to make copies of the letter to send out as certified mail.*

*Please bring the receipt cards and any returned mail to the Planning Department at least fifteen (15) days prior to the required public hearing. (Refer to code 14.04.11)*

- *Public Hearing Sign. The Planning Department is required to place a sign on the property announcing a public hearing fifteen (15) days prior to the hearing date. The Planning Department will remove the sign after the public hearing. (Refer to code 14.04.11)*
- *Ordinance. Please provide a drafted rezone ordinance as a word document to the Planning Department. Staff will provide the ordinance number to you. Should you have any questions, please contact the Planning Department for assistance.*

Please also see Code 14.04.14 Appendix A

Please note:

- A representative is required to attend the public hearing to answer any questions from the Planning Commission.
- Following the public hearing, the Commission may approve the application as presented, approve it with conditions, table it with cause not to exceed one (1) month, deny the application or refer it to City Council for final disposition.
- If approved, you are required to purchase a business license from the City Clerk.
- The permit may be subject to review in one year, or at such time as a complaint is received regarding the business.
- If the application is submitted for an existing business, the completed application must be returned within 30 days. Failure to comply with the requirements will result in a referral to the City Attorney's office for appropriate action.
- Depending on the proposed use, additional information may be requested by the Planning Department &/or Commission.
- If denied, no application for such use or similar use shall be permitted involving part of the same property for a period of six (6) months.
- File appeals to the City Council with the City Clerk.

## **Frequently Asked Questions:** (Refer to code 14.04.06)

Q: What is the nature and description of Conditional Use?

Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, of operation and external character, analysis, and judgement of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are list under the various districts herein as “conditional uses,” and may be located in the district or districts so designated only in accordance with the procedure described herein.

Q: What are some of the development standards and review guidelines?

- The proposed use is within the provision of “conditional use,” as set out in these regulations.
- The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- The proposed use is designated, located, and proposed to be operated, that the public health, safety, and welfare will be protected.
- The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- The proposed ingress and egress, internal circulation system, location, and amount of off-street parking, loading and pedestrian-ways are sufficiently adequate, and not inconsistent with requirements of these regulations.
- The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.
- Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

Q: How do I file an appeal?

File appeals to the City Council with the City Clerk. The appeal should consist of the following:

- A cover letter addressed to the Mayor and City Council setting forth the request.
- A copy of the Planning Commission application indicating the action and properly executed by the staff. This filing shall occur within fifteen (15) calendar days of the action by the Planning Commission. Certified mail notice of the appeal hearing shall be provided not less than fifteen (15) days prior to the date of the hearing, and the affidavit and other supporting evidence of notice shall be filed not less than five (5) days prior to the date of review. This notice shall be given to all record parties in interest whether for or against the request. The cost of this notice shall be paid by the appellant.
- In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of these regulations relating to height, area, setbacks, parking, or landscaping.

Q: Once my Conditional Use Permit has been, when can I apply for a Building Permit?

No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a Conditional Use Permit. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a Conditional Use Permit is the same as required for the original approval. Construction under a Conditional Use Permit must be commenced within one (1) year, or the permit shall terminate.

Q: When does my Conditional Use Permit expire?

Conditional Use Permits shall run with the property and shall be valid for an unlimited period unless a lesser period is provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the Planning Commission, which may extend it for an unlimited period or for an additional period of years.

Once any portion of the Conditional Use Permit authorization is utilized, all such conditions pertaining to the authorization becomes immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so will constitute a violation of these regulations, and cause for revocation of the Conditional Use authorization.

Please note:

- The Planning Commission and City Council cannot authorize a reduction from minimum requirements of these regulations relating to height, area, setbacks, parking, or landscaping.
- No Conditional Use authorized by the Planning Commission or City Council shall be subsequently considered in connection with a variance request to the Board of Adjustments.
- Provided sufficient site information is submitted with the approved development plan, the Planning Commission may waive otherwise mandated site plan review requirements.

**\*If you have any questions, please contact the Pea Ridge Planning Director at 479-451-1122 ex. 107.**

## Notice of Public Hearing (Example Only)

Notice is hereby given pursuant to Section of the City of Pea Ridge Code that, (Applicant Name) is applying to the Pea Ridge Planning Commission to rezone certain real property at (Location). A public hearing will be had before the Pea Ridge Planning Commission on the \_\_\_ day of \_\_\_\_\_, 20 \_\_, at 6:00 p.m., at the Pea Ridge City Hall, 975 Weston St. on the application of (Applicant's Name) to rezone the following described property to (Proposed Zoning Designation) from (Existing Zoning Designation).

Legal Description: (metes and bounds or lot and block)

{Attach legal description as exhibit "A" if necessary.}

Layman's Description: (Address of the property to be rezoned)

You are being notified as a requirement of the City of Pea Ridge Municipal Code. This notification will allow you an opportunity to express your views or concerns regarding the above petition. If you have any questions or comments concerning this application, please forward your comments in writing to the Planning Department; 975 Weston Street Pea Ridge, Arkansas 72751, email the Planning Director at [Jessica.grady@cityofpearidge.com](mailto:Jessica.grady@cityofpearidge.com), or please call the Planning Department at 479-451-1122 ex. 107 Monday thru Friday from 8a to 5p.

Thank you,

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Planning Director  
City of Pea Ridge  
975 Weston Street  
Pea Ridge, Ar. 72751  
479-451-1122 ex. 107

**Certification:**

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Applicant's Name (Print)

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

Subscribed and sworn before me this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Name (Print)

\_\_\_\_\_  
Commission Expires

# Authorization of Proxy

To:

The Pea Ridge Planning Commission:

I, \_\_\_\_\_ (Owner/Trustee/etc.) hereby authorize \_\_\_\_\_ (Authorized Representative) to represent me and to make decisions on my behalf for \_\_\_\_\_ which is to be presented to the Pea Ridge Planning Commission/City Council for review and approval.

\_\_\_\_\_  
Company/Partnership/Trust Name

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

State of Arkansas

County of \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\*\*If property is owned by multiple individuals, all owners must sign proxy form. If all owners sign simultaneously, one notary block may be provided. If owners sign at separate times, a notary block must be provided for each signature.

If property is owned by a corporation, LLC or other, provide documentation of individual signers' authority and their authorization to sign document(s) on business' behalf.

For Office use only:

- Proof of Ownership Provided
- Individual Authorization for Company Provided (if applicable)
- If Multiple Owners, All Signatures Provided (if applicable)