



# Rezone Request

**\$200.00**

## Application Requirements and Checklist

P.O. Box 10 • 975 Weston Street • Pea Ridge, AR 72751 • P: 479.451.1122 • F: 479.358.9126 • kstanton@cityofpearidgear.gov

<ul style="list-style-type: none"><li>• Property</li><li>• Info.</li></ul>	Address:	Project Info.	Current Zoning: _____
	Parcel #		Proposed Zoning: _____
	Acreage:		Proposed Land Use: _____

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: \_\_\_\_\_

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.

### Official Use Only:

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

Rev. Sep. 2024

## **Rezone Request Checklist:**

- Application. *Completed application required at time of application submittal.*
- Fee. *Payment of the application fee.*
- Deed. *Copy of warranty deed if applicable.*
- Required Documents. *If further documentation has been requested.*
- Legal Description. *An accurate legal description of the property must be submitted as a word document.*
- Area Map. *(If applicable)*
- 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.*

### **Step 1**

Contact the Pea Ridge Planning Director to discuss the rezone request.

### **Step 2**

Submit the completed application, checklist items, public notices posted, and fees to the Pea Ridge Planning Department. Including certified mail receipts.

### **Step 3**

After completing step 2, the application will go through the review process. The Planning Commission makes recommendations for rezones to City Council.

### **Step 4**

City Council action on application

If approved: proceed with other permitting within constraints set by the Commission and Council  
  
If denied: applicant can appeal. If appeal is denied the application can be reconsidered after 6 months from the last denial date.

## **Findings**

The Planning Commission may vote to recommend the rezone approval to the City Council, approval with revisions, or to deny the application. A denied application may be appealed to the City Council by filing a letter of appeal with the City Clerk within fifteen (15) days of denial: State the reason for deeming error on part of the Planning Commission. If the application is further denied by City Council, an appeal may be brought to a court of record having jurisdiction.

Any or all of the property involved in the application which was denied or withdrawn after public hearing shall not be re-submitted for a period of six (6) months from the date of the last action taken for the same change in zoning, unless the Planning Commission finds a substantial change in conditions from the previous application. (Refer to Code 14.04.11 (7))

## **Acknowledgements**

By my signature below, I hereby acknowledge and understand the following:

1. The fee for any appeal or application to the Planning Commission or City Council is non-refundable.
2. Planning Commission approval or denial of this petition does not convey final authority on the applicant. All zoning requests must be approved or denied by City Council.
3. Municipal Code Section 14.04.11 requires certain legal notification of the applicant, and that failure to submit proper documentation, according to the City of Pea Ridge submission deadline schedule, will result in a delay in application consideration.
4. Denial of this petition by City Council shall be final for one year from the date of denial. The resubmission must meet all requirements for a new request and shall not be initiated until the expiration of the one-year timeframe.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**This application is not valid unless signatures on both forms have been provided.**

## Frequently asked questions: (Refer to code 14.05.11)

Q: What are the procedural rules for the application process?

Each application that is to be considered by the Planning Commission will be filed on the proper form and be accompanied by the currently adopted fee for each application. Each application is required to meet the submittal requirements of the Municipal Code, and any additional information required by the Planning Department, Commission, or Council. The applicant will be placed on an agenda, to be heard by the Planning Commission, and is required to appear on their own behalf or be represented by an agent or attorney at the public hearing. In some cases, the Commission may feel it necessary to defer an application until the next regular meeting if the applicant is not represented.

Q: What is the order of the public hearing?

The order of the public hearing is as follows:

1. Planning Director gives staff report.
2. Applicant's state their request.
3. Interested Property owners' present/state their opinions, with reasonable time restrictions.
4. Staff and/or applicant provides their rebuttal.

Please note the Planning Commissioners may interject questions after each phase or may hold them until the end of the public hearing.

After the public hearing but before deliberations on each case, the Commissioners reserve the right to defer action on the case until the next regular scheduled meeting (if necessary). The applicant may also withdraw their application or appeal at any time prior to the decision of the Planning Commission. After the public hearing, the Planning Commission shall deliberate the case and reach a final recommendation to City Council. The City Council has the final decision whether the rezoning request is granted. If the rezoning request is denied by City Council, the request can not be reconsidered for a time period of six (6) months from the date of denial. (Refer to Code 14.04.11 (7))

Q: What legal notification requirements are there?

Prior to a public hearing for rezoning before the City of Pea Ridge's Planning Commission, the Municipal Code requires adherence to three (3) legal notification guidelines. Failure to follow these guidelines will result in postponing the application.

The guidelines are as follows:

- Notice of Publication – Public notice of the rezoning's public hearing is required to be published one (1) time in a newspaper of general circulation within the City no less than fifteen (15) days prior to the public hearing. This notification is completed by City Staff.
- Posted Sign – Public notice of the public hearing is also required through a sign posted on the property for which the rezoning is being sought. The sign must be posted at least seven (7) days prior to the public hearing. This notification shall be completed by City Staff.
- Certified Letters or Circulated Petition – Notification to all property owners within three hundred (300) feet of the property must be provided by certified mail with return receipts. Each letter needs to be mailed by the applicant and should include the following:

1. The time, date, and place of the public hearing.
2. The location of the property that the rezone is being applied for.
3. A description of why the rezone is being requested.
4. Property owner(s) name(s) and/or developer(s) name(s).
5. City contact information: Planning Department; 975 Weston Street Pea Ridge, Arkansas 72751; Phone 479-451-1122.

Please note an example of a proper certified letter is included in this packet.

Q: What documentation do I need to submit to show legal notification requirements have been met?

Documentation of required notification for a rezoning petition can be provided in three (3) ways:

- Notice of publication. (Completed by City Staff)
- Posted Sign. (Completed by City Staff)
- Certified Letters – The applicant is required to submit postmarked certified letter receipts that went out to property owners within three hundred (300) feet of the property line. This should also include, a map showing the location of the property in question, as well as the owners within three hundred (300) feet of the property line, and a letter from the applicant certifying that the map shows a complete list of those owners. All materials must be submitted by the legal notification deadline as indicated in the City of Pea Ridge submission deadline schedule.

Please note failure to submit the required documentation will result in the postponement of the application.

Q: What action can be taken by City Council?

After receiving the recommendation of the Planning Commission, the City Council may approve the amendment as submitted; approve a revised version they deem appropriate; return it back to the Planning Commission for further study and reconsideration; table it; or deny it. If the City Council action does not take place within six (6) months after the Planning Commission's public hearing, the amendment process must begin anew. (Refer to code 14.05.11 (1)(C))

Q: What are the approval criteria for a rezone request?

The criteria to be considered shall include but not be limited to the following:

- A. Consistency of the proposal with the comprehensive plan.
- B. Consistency of the proposal with the purpose of these regulations.
- C. Compatibility of the proposal with the zoning, uses and character of the surrounding area.
- D. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.
- E. Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but no limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.
- F. Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant.
- G. Impact of the proposed development on community facilities and services, including those related to utilities, street drainage, parks, open space, fire, police, and emergency medical services.

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 [kstanton@cityofpearidgear.gov](mailto:kstanton@cityofpearidgear.gov), or please call the Planning Department at 479-451-1122 ex. 107 Monday through Friday from 8am to 5pm.

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)