

**REZONE**

PARAGOULD PLANNING COMMISSION BOARD OF ADJUSTMENT

<u>NAME &amp; ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
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**MEETS 1<sup>ST</sup> THURSDAY NIGHT OF THE MONTH AT 6:30 P.M. IN COUNCIL MEETING ROOM AT CITY HALL - 301 W. COURT.**

Paperwork must be in the hands of the Commissioners, City Inspectors, Secretary and City Clerk 10 Business Days prior to the meeting on Thursday. All fees must be paid to the City Clerk by Friday prior to the meeting on Thursday.

**REZONE CHECKLIST**

**INFORMATION PACKET (Make copies - keep original to file with the City Clerk)**

- ( ) The letter. Requirements attached.
- ( ) The map. Readable scale of property involved that shows: approximate dimensions of each property line and any adjoining right-of-way; approximate location of any buildings on the subject property and on adjacent properties; the land uses, owner's names and zoning of surrounding properties.

**10 BUSINESS DAYS OR MORE PRIOR TO MEETING**

- ( ) Mail information packets to surrounding land owners by certified mail - return receipt.
- ( ) Publish Notice of Public Hearing once in a newspaper of general circulation in the City. Notice must be signed by Planning Commission secretary. (Form #3 attached)
- ( ) Post rezone sign on property (signs may be picked up at the City Inspectors Office).
- ( ) Packets must be in the hands of all commissioners, city inspectors and secretary **\*\*List attached\*\*** (these do not have to be by certified mail, but must reach commissioners and city inspector 10 business days prior to the meeting).

**FRIDAY BEFORE MEETING ON THURSDAY**

- ( ) File completed petition to rezone with the City Clerk (form #2 attached)
- ( ) Filing fee must be paid to the City Clerk. Filing fee is \$100.00 for residential, \$250.00 for Commercial.
- ( ) Make copies of returned certified mail receipts and proof of publication. File originals with the City Clerk.

**ITEMS TO BRING TO THE MEETING**

- ( ) Copy of information packet
- ( ) Copies of returned certified mail receipts and proof of publication from the newspaper

( ) Certification to City Council (form #4 attached) Must be completed and ready for the Planning Commission chairman to sign. Signed original must be filed with the City Clerk before going before the City Council.

### **REQUIREMENTS OF A LETTER FOR REZONING**

The letter for rezoning, or a request to otherwise allow a use which is not permitted under the current zoning regulations, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The letter shall contain the following:

1. A legal description of the property involved;
2. The street address or an approximation thereof;
3. The names and addresses of all owners of the property;
4. The present zoning classification of the property;
5. The proposed zoning classification being requested for the property;
6. The present use of the property;
7. The proposed use of the property
8. A description of any deed restrictions pertaining to the use of this property;
9. A statement and diagram explaining why the proposed changes will not conflict with surrounding land uses;
10. A map (at a readable scale) of the property involved that shows: the approximate dimensions of each property line and any adjoining right-of-way; the approximate location of any buildings on the subject property and on adjacent properties; the land uses and owners (see page 54, 55, & 56) of the boundaries of the property proposed for rezoning;
11. A certified list of all owners of the lands of the boundaries of the property proposed for rezoning;
12. Signature, mailing address and telephone number of the petitioner.

Guide forms to assist in the preparation of the Petition for Rezoning and the Notice of Public Hearing are included on the following pages as Form #2 & Form #3. Extra copies of these forms may be available from the Building Inspector.

The original of the complete letter shall be filed with the secretary of the Planning Commission. Paperwork must be in the hands of the Commissioners, Secretary, City Inspectors, and the City Clerk by Friday prior to the meeting on Thursday. All fees must be paid to the city clerk prior to the meeting.

**PETITION FOR A REZONE**

**form #2**

Filing Date \_\_\_\_\_ 20\_\_\_\_\_

**TO THE PARAGOULD PLANNING COMMISSION:**

Application is hereby made to the City Planning Commission, pursuant to the Arkansas Law on city planning, Act 186 of 1957, Acts of Arkansas, as amended, and the Paragould Zoning Ordinance No. 99.4 as amended, petitioning for a rezoning of the following described area:

1. Legal Description:
2. Street Address or approximation thereof: \_\_\_\_\_
3. Title to this property is vested in \_\_\_\_\_  
Address: \_\_\_\_\_
4. It is described that the zoning district boundaries shown on the official Zoning Districts Map be amended and that the area described above be reclassified from the present \_\_\_\_\_ Zone to \_\_\_\_\_ Zone.
5. Present use of property: \_\_\_\_\_
6. Desired use of property: \_\_\_\_\_
7. (There are) (There are no) deed restrictions pertaining to the use of this property. Any restrictions are described: \_\_\_\_\_  
\_\_\_\_\_
8. A statement and diagram explaining why the proposed changes will not conflict with surrounding land uses is enclosed as part of this petition.
9. A map of the subject property is attached herewith and the map shows (1) the dimensions of each property line and any adjoining right-of-way (2) the outline location of any buildings on subject property and adjacent properties, and (3) land uses and owners' names for all lands (see page 54, 55 & 56) boundaries of the subject property.
10. The application filing fee of \$ 100.00 (for Residential Rezone) or \$250.00 (Commercial Rezone) has been paid to the City Clerk.
11. It is understood that Notice of the Public Hearing before the Planning Commission will be published at least (10) business ten days prior to said hearing in a newspaper of general

circulation in the city, and that notice of said hearing must be circulated by the applicant to all other parties in interest, including all owners of land within the boundary of the property proposed for rezoning.

12. If change is disapproved the Petitioner may appeal such disapproval, provided that he states specifically in writing to the City Clerk why he/she considers the Planning Commission's findings to be in error. Such appeal shall be filed with the City Clerk within ten (10) business days of receipt of notice of Planning Commission's action.
13. If change is recommended for approval by the Planning Commission, it then goes before the City Council. If approved by the City Council, the rezone will be assigned an ordinance number by the City Clerk and must then be published in a newspaper of general circulation in the city AND WILL NOT BECOME OFFICIAL UNTIL 30 DAYS AFTER PUBLICATION.
14. Under penalties of perjury, I declare that I have examined this petition, including accompanying materials and statements, and to the best of my knowledge and belief it is true, correct and complete.

Signed by PETITIONER(S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

(Note: Use additional sheets if above spaces are inadequate.)

**(DO NOT WRITE BELOW THIS LINE)**

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City Clerk

Application fee paid \_\_\_\_\_ Date: \_\_\_\_\_ Filing date: \_\_\_\_\_  
(yes) (no)

All 13 points of application in order: \_\_\_\_\_

NOTICE OF PUBLIC HEARING  
ON APPLICATION FOR REZONING

NOTICE IS HEREBY GIVEN THAT an application by \_\_\_\_\_ for a rezoning has been filed with the City Planning Commission of Paragould wherein the request is made to change the zone classification of the property located at \_\_\_\_\_ and described as:

From " \_\_\_\_\_ " \_\_\_\_\_ Zone to " \_\_\_\_\_ " \_\_\_\_\_ Zone by amendment to the Paragould Zoning Regulations.

A PUBLIC HEARING on said application will be held by the Paragould Planning Commission at \_\_\_\_\_ PM on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_.

ALL PARTIES IN INTEREST MAY BE HEARD at the same time and place or may notify the Planning Commission by letter of their views on this matter.

THE PROPOSED AMENDMENT is on file for public inspection at the City Clerk's Office in City Hall.

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

Paragould Planning Commission

By: \_\_\_\_\_  
Planning Commission Secretary

**CERTIFICATION TO CITY COUNCIL**

FORM #4

TO: City Council  
City of Paragould, Arkansas

FROM: Paragould Planning Commission

The following items are transmitted herewith:

These items are true and exact copies of those adopted by the Paragould Planning Commission.

The statutory requirements have been met including:

Notice of public hearing was given on \_\_\_\_\_, 20 \_\_\_\_  
Public hearing was conducted on \_\_\_\_\_, 20 \_\_\_\_  
Proposal adopted by Planning Commission on \_\_\_\_\_, 20 \_\_\_\_

The Paragould Planning Commission recommends and requests the following action to be taken by City Council:

Recommended for the following reasons:

Signed by Planning Commission Chairman

\_\_\_\_\_ Date: \_\_\_\_\_

Filed with City Clerk: \_\_\_\_\_

Date: \_\_\_\_\_



## **22.0 AMENDMENTS**

### **22.1 Amendments in Accordance with State Statutes**

The zoning regulations shall be amended in conformance with the requirements of Act 186 of the 1957 State General Assembly and all subsequent amendments to that act.

### **22.2 Amendment to the Text**

The City Council may suggest that the Planning Commission amend the text of this Zoning Ordinance or the Planning Commission itself may desire to initiate an amendment. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed textual amendment. Following the public hearing, such recommendation shall be submitted to the City Council for adoption.

### **22.3 Change in District Boundary**

If the owner of property desires to revise the boundary line of a zoning district, he or his legally designated agent shall submit to the Planning Commission a petition for such rezoning. The petition shall provide the legal description of the property proposed for revision in boundary, a description of the property as it is generally identified or known by the public (such as a street address; or in the case of a large tract, a description of its general boundaries), the zoning classification requested for the property, a map or diagram showing proposed improvements to the property, an explanation of the relationship of the proposed use to land uses surrounding the property, and any other optional information which the owner feels should be brought to the attention of the Planning Commission. The disposition of the petition shall be in accordance with the provisions of 22.4 and 22.7 below.

### **22.4 Notice**

Before a proposed revision in the boundary of a district may be recommended by the Planning Commission to the City Council, it must be the subject of a public hearing. Notice of the public hearing on the rezoning petition shall be published in a newspaper of general circulation in the City of Paragould, at least one 10 days prior to the hearing. The owner/petitioner shall provide notice to the Paragould City Clerk by filing said notice in the office of the clerk at least 10 days prior to the hearing, but in no event later than the publication of notice in the newspaper. Additionally, the owner/petitioner shall submit to the Planning Commission prior to the public hearing evidence that he has contacted in written form the owner or owners of each separate parcel of land that is adjacent to, or located directly across the street from said lot indicating to each affected owner the content of his rezoning petition as required above in 22.3. Notice shall also be provided to said owners at least 10 days prior to the hearing. For this purpose, the owner/petitioner shall present a plat map showing the location of affected properties together with the owner of

record and written acknowledgment from each owner of receipt of proper notification. Finally, the administrative official shall cause the owner to place sign(s), the number of which shall be determined by the administrative official, in conspicuous places on the site of property proposed for rezoning indicating the date and place of the public hearing on the rezoning proposal, said signs to be placed on site not fewer than ten (10) days prior to the date of the hearing. The City will furnish the required signs.

## **22.5 Hearing and Approval**

If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

- 22.5.1** The Planning Commission shall conduct the public hearing on the proposed amendment to the Ordinance and/or Official Zoning Map.
- 22.5.2** Following the public hearing, the proposed amendment or change of district boundary may be approved as presented or in modified form by a majority vote of the Planning Commission with recommendation for adoption by the City Council, or with reasons for such recommendations stated in writing.
- 22.5.3** If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the petitioner within thirty (30) days from the date of the hearing.
- 22.5.4** Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within (10) days after receipt in writing of the Planning Commission's denial.
- 22.5.5** The City Council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation.
- 22.5.6** If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by majority vote, amend this Ordinance by granting the request for amendment in full or in modified form.

## **22.6 Rezoning Requests Limited**

No application for change of zoning for a given property may be re-submitted within twelve (12) months from the date of action by the Commission or legislative body, whichever is later, unless the Commission finds that a substantial reason exists for waiving this limitation. If the City Council does not act on an appeal under this section within ninety (90) days, then the action taken by the Planning Commission or the Board of Zoning Adjustment shall be considered ratified by the Council. In the event of any appeal to the Council, all interested parties entitled to notice for the Planning Commission or the Board of Zoning Adjustment, shall be entitled to identical notice prior to the City Council Meeting.

## **22.7 Rezoning Applicants Pay for Public Notices**

An applicant for a change of zoning shall be required to reimburse the City of Paragould for costs of public notice and the conduct of the public hearing.