

## CONDITIONAL USE PERMIT GUIDE AND APPLICATION

### **APPLICATION CHECKLIST:**

1. Completed **application form**.
2. **Only the owners of the property in question may request the conditional use permit.** If someone, other than the owner, will be handling the zoning process we will also need a letter, from the owner of said property, giving them authority to do so.
3. A **map** drawn to scale showing subject property clearly outlined in the center of a circle with a radius of one-quarter mile. Also, a paper copy of the plot plan or site layout of the subject property clearly dimensioned, showing the zoning of adjacent properties and, if applicable, building locations along with provisions for parking, loading and unloading, circulation, access, landscaping, and screening.
4. \$50 fee.
5. A legible typed legal description of property to be considered for permit.

### **PROCEDURE:**

1. The Application should be filed at city hall. A completed application must be provided for the permit to be considered. See the application checklist above for a list of needed items to complete an application. No application will be accepted without payment-in-full of the \$50 Conditional Use Permit application fee.
2. City staff will review the application and set a date for a public hearing within 30 days of the filing of the application (typically the 1<sup>st</sup> Monday of each month). The public hearing is conducted to allow neighboring property owners to comment on the application.
3. Notice of the public hearing must be posted in the newspaper 15 days in advance of the public hearing. The applicant is responsible for covering the cost of the publication. The applicant shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than 15 days prior to the hearing.
4. Within 30 days of the public hearing the Planning Commission (typically immediately following the public hearing) will make a finding to approve or deny the Conditional Use Permit application. To approve the application the planning commission must find the following:
  - The proposed conditional use will not be detrimental to or endanger the public welfare, will not harm other property in the neighborhood, and will not impede the development and improvement of the surrounding properties.
  - The proposed conditional use is compatible with other area properties.
  - The proposed conditional use is in conformance with all off-street parking and loading requirements, ingress and egress, and adequate pedestrian ways.
  - Landscaping and screening of the proposed conditional use, as well as signs, shall be in accordance with the zoning code.
  - Proposed Conditional Use signs shall be in accordance with this code.

- Open spaces on the property in question shall be maintained by the owner or developer.
  - The size and shape of the proposed site, as well as the arrangement of structures on proposed site are in accordance with the zoning code.
  - The application addresses safeguards limiting any type of offensive physical emission
5. The planning commission may include conditions or restrictions upon the creation of a conditional use permit in order to maintain the integrity of the zoning code. Violation of any condition imposed by the planning commission shall constitute grounds for revocation of the permit. Changes to the use of the property not covered by the original permit will require approval of a new permit.
6. A conditional use permit granted shall become void under 2 specific circumstances:
- If the permit for any use has been discontinued for a period of greater than 120 days
  - In the case where any of the specific terms and conditions of a permit are violated or not observed, a 30-day written notice shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to appeal. If no appeal is filed in 30 days and the non-conformance not corrected in 45 days, the permit shall be revoked.
7. If denied by the planning commission, the application may not be reheard for 1 year from the date of the denial, unless the planning commission finds that a substantial change in conditions has occurred

City of Brookland  
613 Holman St.  
Brookland, AR 72417  
PHONE: 870-935-0538

## CONDITIONAL USE PERMIT APPLICATION

Property Owner  
Name/Signature: \_\_\_\_\_

Spouse  
Name/Signature: \_\_\_\_\_

Property Address: \_\_\_\_\_

Reason for Conditional Use: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Existing Zoning: \_\_\_\_\_

The undersigned property owner designates the following agent or attorney to represent the applicant at all hearings:

\_\_\_\_\_  
Name Address City State Phone No.

\_\_\_\_\_  
Property Owner Signature Spouse Signature

\_\_\_\_\_  
Property Owner Mailing Address City State Zip

Phone: \_\_\_\_\_