



CITY OF BRYANT  
210 SW 3<sup>RD</sup> STREET  
BRYANT, AR 72022  
847-5559: EXT. 227

## ***PROCEDURES FOR RE-ZONING***

Make application with the Planning Commission. The deadline to have information to the Planning Commission secretary is 5:00 p.m. on Monday two (2) weeks prior to the Planning Commission meeting which is held the 2nd Monday of each month.

### **TO MAKE APPLICATION WE WILL NEED THE FOLLOWING:**

1. *Completed **application**.*
2. *Write a **letter requesting said property to be re-zoned from (what it is zoned at present) to (the zoning you want it to be)**. (example R-E to C-2).*
3. ***Only the owners of the property in question may request the re-zoning.** 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.*
4. *A legible **typed legal description of property** to be re-zoned.*
5. *A recent surveyed **Plat of the property** to be re-zoned and a **vicinity map**.*
6. *\$40.00 fee for lot and block descriptions or \$125.00 for acreage or meets and bound descriptions.*

### **AFTER APPLICATION HAS BEEN ACCEPTED**

1. Re-zoning signs are to be posted on the property two weeks prior to the Public Hearing. The fee should be paid at City Hall during regular business hours at which time the signs will be issued for posting.
2. Notify, by certified mail, all property owners within 300 ft. of any boundary of the application to re-zone. In this **letter** include the date, time and place of the hearing, what it is zoned now and what zoning you are requesting as well as the legal description of the property being re-zoned, the surveyed **plat of the property**, and a **vicinity map**.
3. A certified list of property owners, all return receipts ( green cards), and a copy of the letter sent to the property owners is to be provided to the Planning Commission Secretary at least five (5) days prior to the public hearing. If the application is approved, it is forwarded to the next regular City Council Meeting for final action. The City Council meets the 4<sup>th</sup> Monday of the month.

# A GUIDE TO PROCEDURES FOR REZONING

## PURPOSE

Bryant's Zoning Ordinance classifies all property into various zoning districts, which control both land uses and development standards. Arkansas State Law requires zoning to be consistent with a city's General Plan. It is often possible, however, that an existing zoning that conforms with the General Plan can be changed (to a more intensive use, for instance) and still be consistent because the General Plan land use designations are more broadly defined. Amendments to the General Plan may also require subsequent rezoning to provide consistency.

In reviewing a proposed change of zoning, the request is evaluated for its consistency with the General Plan. It is also reviewed for compatibility of land use and conditions of use, such as building height, with surrounding development. A zoning change will be evaluated on its community-wide benefit and enhancement of orderly growth, and not whether it increases property value. The zoning ordinance like the general plan represents one of the most important policy statements of the city. All zoning ordinance changes are reviewed very carefully by the Planning Commission and City Council.

**Applications for rezoning should only be made when there are compelling reasons for the change.**

## PROCESS

### Step 1 - Project Considerations

The applicant should carefully review what the present Comprehensive Plan and Bryant Land Use Plan calls for in the location or area affected. The applicant is advised to review the proposed zoning in advance of formal application with area residents, property owners, and other parties who may be affected by the proposed changes.

Local utilities and other special agencies should be contacted and consulted regarding the requirements for future development in the area, if necessary.

### Step 2 - Review by Staff

Prior to application, an appointment should be made with the planning staff to discuss the feasibility of the request with key city officials, the history of similar proposals, the intent of City policy, possible environmental concerns and required submittal data and procedures to be followed through the process.

### Step 3 - Filing the Application

The applicant will submit the completed Request to be Placed on Agenda, Change in Zoning District Application, deposit and other required information to the Planning Commission Secretary.

Once the application has been filed, the material will be reviewed to make sure all the required information is provided. The applicant will be notified if additional information is required.

### Step 4 - Staff Review for Planning Commission

Once the application has been deemed complete, the Secretary will schedule it for public hearing before the Planning Commission.

A Notice of Public Hearing (Notice) to announce when (date, time, and location) the application will be heard must be posted, on the subject property site, no fewer than 15 days prior to the public hearing date and a letter (sample copy attached) must be mailed by Certified Mail to every property owner within a 300 foot radius of the property site.

The notice will also be posted in the notice board in city hall, and published in the *Benton Courier*.

The Planning Staff will prepare a written staff report for the Planning Commission that will analyze the requested change, make findings for approval or denial, and state staff recommendation for approval, approval with modifications, or denial. Copies of the report are available to the public.

### **Step 6 - Planning Commission Review**

The Planning Commission is required to hold at least one hearing on any proposed general plan change.

At the public hearing:

Comments will be accepted from the applicant and any interested persons who wish to make a statement on the application.

The planning commission will close the public comment portion of the hearing to consider the information and documentation, and public testimony.

If the commission recommends project approval its recommendation will be forwarded to the City Council in the form of an Ordinance.

If the commission recommends denial, no action will be taken by the City Council unless a written appeal has been filed with the city clerk within fifteen (15) days after the Planning Commission's final action.

### **Step 7 - City Council Review**

Upon receipt of a Planning Commission recommendation for approval or an appeal of denial the council also takes into consideration, public testimony, City Engineer's report to the council, information and documentation, and the Planning Commission recommendation.

Following consideration of all these, the City Council may make its decision, refer the matter back to the commission for further evaluation or approve the zoning ordinance, and have the 1<sup>st</sup> reading of the ordinance. The second and third readings of the ordinance will be held during the following consecutive City Council meetings. The rezoning becomes effective after 30 days of the 3<sup>rd</sup> reading and adoption of the ordinance to allow for the filing of a referendum petition.

The decision of the City Council is final.

## **ESTIMATED TIME OF PROCESS**

The actual time for processing of a rezoning application will vary depending upon the complexity and magnitude of the proposal, and staff, commission, and council workloads. The time frame for processing this type of application is 45 days from the submittal deadline until the Planning Commission Public Hearing. These items are reviewed by staff and City Department heads for compliance with adopted regulations and policies. The process timeline for rezoning applications at City Council level is approximately 90 days.

## **APPLICATION SUBMITTAL REQUIREMENTS**

- A. A letter requesting to be placed on the Planning Commission Agenda and your request for said property to be rezoned from (what it is zoned at present) to (the zoning you want it to be).
- B. A completed Planning Application Form.
- C. Appropriate application deposit (check made payable to the City of Bryant).
- D. A legible typed legal description of property to be re-zoned.
- E. A recently surveyed Plat of property to be re-zoned and a vicinity map.
- F. The Application must include a statement and a diagram explaining why the proposed rezoning will not conflict with surrounding land use.

**APPLICATION  
FOR CHANGE IN  
ZONING DISTRICT BOUNDARIES**

Applicant Name: \_\_\_\_\_

Spouse Name: \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Requested Change: \_\_\_\_\_

Plat of Property is Attached \_\_\_\_\_

Vicinity Map of property is attached \_\_\_\_\_

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

\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Spouse of Applicant

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

Phone

Date:

# ***SAMPLE LETTER***

Name  
Address

RE: Re-zoning Petition

The property located at           (Address or Description)           is being considered for re-zoning from           (What it is zoned now)           to           (What you want it to be zoned)          . The property is more particularly described as follows:

## **INSERT LEGAL DESCRIPTION OF THE PROPERTY**

A petition has been filed with the City of Bryant Planning Commission to re-zone the property. As a part of this process a public hearing will be held           Month, Day, Year           at 6:00 p.m. in the Boswell Community Center, 210 Southwest 3<sup>rd</sup> Street, Bryant, Arkansas 72022.

Public comments will be accepted at that time regarding this re-zoning. Since you own property within 300 feet of the tract in consideration, you have been sent this letter via certified mail as required by city ordinance.

Should you have any questions regarding this matter you may contact the City of Bryant at 847-5559 ext. 227 and ask for LaVenia Jones or by calling me at           (Your Phone Number)           .

Thank you for your consideration in this matter.

Sincerely,

          Your Signature          

YOUR NAME