

## CITY OF CENTERTON

290 Main St. • PO Box 208 • Centerton, AR 72719  
(479)795-2750/FAX (479)795-2545

### **REZONING PROCEDURE AND CHECKLIST**

(For Applicant's reference only)

#### **OWNER'S RESPONSIBILITY**

It is the responsibility of the owner to insure that all necessary procedures are followed in a satisfactory and timely manner and to verify the accuracy and completeness of all necessary information.

THE ACCURACY OF THE LEGAL DESCRIPTION IN EACH DOCUMENT IS YOUR RESPONSIBILITY.

#### **FILING DEADLINE**

Planning Meetings are usually held on the 4<sup>th</sup> Tuesday of the month. The deadline for submission of a petition for rezoning is 3:00 PM, 28 days prior to the scheduled meeting, or as shown on the Planning Submittal Calendar

#### **CHECKLIST PROCEDURE**

- Pick up rezoning packet from the Planning Department. This includes:
  - A. Rezone Application
  - B. Property Owners Consent (if other than applicant)
  - C. Proxy (if applicable)
  - D. Notice of Public Hearing to Rezone Property
  - E. Affidavit
  
- Obtain a certified mailing list (from abstract company or Benton County Assessor's Office) of anyone who owns or leases property within 300 feet of the property boundary to be rezoned. The Applicant will be responsible for any fees charged for this service.
  
- Submit to Planning Department at Centerton City Hall at least 28 days prior to meeting:
  - A. \$200 Application Fee (Publication & Filing Fees incurred by the City will be invoiced to the applicant.)
  - B. Completed Rezone Application
    - 1. Copy of recorded Warranty Deed and/or survey showing accurate legal description.
    - 2. Scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners surrounding parcel and a north arrow.
  - C. Completed Notice of Hearing with correct legal description.
  - D. Complete List of all adjacent Property Owners to be notified, **in Excel Format if more than 10, providing the following information in each their own column:** 1) Owner Name (last, first), 2) Mailing Address; 3) PID #; 4) Property Address; 5) Lot # ( if Platted lands), **and provide a digital copy.**
  
- The Planning Department will review the application submittals and sign the Notice of Public Hearing for the Planning Commission Chairperson. This notice will be returned to the Applicant for notification purposes.

**Notification/Publication Requirements: (At least 15 days prior to hearing date)**

- A. Mail a copy of the signed/approved “Notice of Public Hearing”, with a Site Location or Rezone Map, by certified mail, return receipt requested, to everyone on the certified mailing list per above timeline.
  - B. At the applicant’s expense the City will publish a Notice of Public Hearing at least one time in a newspaper of general circulation in the City per above timeline.
  - C. The Applicant will be responsible to post one or more signs, provided by the City, on the property subject to rezone hearing per above timeline, and the disposal of, within one day following the hearing. The sign must be viewable to the public and may be displayed on a fence with zip ties or in the ground in front of the property to be rezoned, in easement area, where both sides of the sign is visible.
- Signed **Affidavit** along with proof of mailing and publication\*\* shall be provided to the Planning Department seven (7) days prior to the public hearing date. This includes: all original mailing receipts; returned post cards; undeliverable notices; Also the original notarized Proof of Publication from newspaper if independently\*\* published.
  - The Applicant or a knowledgeable Representative must attend the public hearing before the Planning Commission and when adopted by City Council.
  - If the Applicant would like to withdraw a request, the Applicant may do so at the public hearing or in writing prior to the meeting. Withdrawal by an Applicant will require the re-filing of the complete application form with an additional filing fee and proper re-notifications of new public hearing date before the matter will be placed on the agenda.

**APPROVAL PROCESS**

- The Planning Commission may vote to recommend approval or denial of the application to the City Council.
- Should the Planning Commission vote to recommend approval to the City Council of the application, a rezoning ordinance will be prepared by the Planning Department and submitted for Council approval at the next regularly scheduled City Council meeting. The Council will vote on the Rezoning Ordinance. Thirty (30) days after the ordinance is approved and accepted by the City Council, the rezone will be in effect.
- Should the Planning commission vote to deny the application, this decision may be appealed to the City Council by stating in writing to the City Recorder specifically why the Planning Commission’s findings and decisions are in error within 15 days from the date of the Planning Commission action.
- No application for change of zoning for a given property may be resubmitted within 12 months from the date of action by the Planning Commission or City Council, whichever is later, unless the Planning Commission or City Council finds that a substantial reason exists for waiving this limitation.

Submittal Date: \_\_\_\_\_ Date Accepted as Complete: \_\_\_\_\_

\$200.00 Fee Paid on \_\_\_\_\_ via \_\_\_\_\_ Cash \_\_\_\_\_ CC \_\_\_\_\_ Check # \_\_\_\_\_ R# \_\_\_\_\_  
Planning Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_

## REZONING APPLICATION

### CITY OF CENTERTON

290 Main St. • PO Box 208 • Centerton, AR 72719  
(479)795-2750 • FAX (479)795-2545  
E-mail [lburns@centertonar.us](mailto:lburns@centertonar.us)

**THIS APPLICATION MUST BE ACCOMPANIED BY A FILING FEE OF \$200.00. THE APPLICANT WILL ALSO BE RESPONSIBLE FOR ALL COSTS OF NOTICE AND PUBLICATION, INCLUDING BUT NOT LIMITED TO POSTAGE AND CERTIFIED MAILINGS.**

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

- Address \_\_\_\_\_
- Email Address \_\_\_\_\_ Contact # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- Contact Name (if Applicant is a business name): \_\_\_\_\_

Name of Representative (if different than applicant name): \_\_\_\_\_

- Address \_\_\_\_\_
- Email Address \_\_\_\_\_ Contact # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- Contact Name (if Representative is a business name): \_\_\_\_\_

Name of Owner: \_\_\_\_\_

- Address \_\_\_\_\_
- Email Address \_\_\_\_\_ Contact # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- Contact Name (if Owner is a business name): \_\_\_\_\_

Address/Location of Property to be Rezoned \_\_\_\_\_

- Ac. \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision: \_\_\_\_\_
- S-T-R: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- Parcel # (s) \_\_\_\_\_

Layman's Description of Property to be Rezoned \_\_\_\_\_

The Owner requests the following zoning classification:

FROM \_\_\_\_\_ TO \_\_\_\_\_  
(current zoning) (proposed zoning)

The Owner hereby states by oath that:

1. The Owner is the record title holder of the above described property evidenced by the attached copy of a Warranty Deed as Exhibit A.
2. A scaled drawing showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property certified by a licensed abstractor are attached as evidenced by Exhibit C.

The Owner's immediate intentions are to:

1. Sell the property \_\_\_\_\_(Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title \_\_\_\_\_(Yes or No)?
2. Develop the property \_\_\_\_\_(Yes or No), and if YES, the proposed use is \_\_\_\_\_.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows:  
\_\_\_\_\_  
\_\_\_\_\_.

The Owner understands that he/she is responsible to mail a notice of the public hearing to owners of adjacent properties within 300-ft in accordance with the requirements set forth in the instruction procedures given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the costs of such notice(s) is borne by the Applicant.

The Owner understands that he/she should be present at the Public Hearing and Planning Commission and City Council meetings in order to answer questions. If the Owner is unable to attend, written Proxy Authorization must be attached designating a Representative and any decisions made by this individual shall be binding on the Owner.

**VERIFICATION**

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing Application for Rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my/our knowledge and belief and that complete disclosure of all material facts have been made.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

State of Arkansas }  
Count of Benton } ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

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

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE CENTERTON PLANNING COMMISSION**  
**ON AN APPLICATION TO REZONE PROPERTY**

**To All Owners** of land lying adjacent to the property at:

Location: \_\_\_\_\_

Owned by: \_\_\_\_\_

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held before the City of Centerton, Arkansas, Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock in the \_\_.m. at the Centerton City Hall, 290 Main St., on the application of \_\_\_\_\_, to rezone the following described property from \_\_\_\_\_ (\_\_\_\_\_) to \_\_\_\_\_ (\_\_\_\_\_).

Said lands are located in Benton County, Arkansas, and are described as follows, to-wit:

LEGAL DESCRIPTION:

The purpose of this request is to: (1) Build (2) Develop (3) Sell after rezoning.

Explanation: \_\_\_\_\_

\_\_\_\_\_

If approved, the rezoning will occur only upon the property described above. It will not change the zoning or permitted uses on neighboring properties.

All parties interested in this matter may appear and be heard at said time and place or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the Planning Office, Centerton City Hall, 290 Main Street, (479) 795-2750, and to review the application and discuss the same with the Planning Staff.

\_\_\_\_\_  
Lorene Burns, Planning Director  
City of Centerton

**P R O X Y (Assigning Authorized Agent)**

TO: THE CENTERTON PLANNING COMMISSION

I, \_\_\_\_\_ hereby authorize  
(property owner/applicant) (Cross out one)

\_\_\_\_\_ to represent me and to  
(authorized representative)

make decisions on my behalf for \_\_\_\_\_  
(Rezoning, Conditional Use, Variance, Lot Split, Development, Subdivision)

which is to be presented to the Centerton Planning Commission at their meeting  
to be held on \_\_\_\_\_.

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner / Applicant

\_\_\_\_\_  
Date

**CITY OF CENTERTON  
Planning Department**

**AFFIDAVIT for Notication of Rezone Hearing**

For: \_\_\_\_\_

I, \_\_\_\_\_, acting as agent/owner, hereby certify that I have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the City of Centerton regarding Rezoning Application and that the notice information provided is to the best of my knowledge true and factual. The following supporting documents have been or will be provided to the City of Centerton:

- List of persons to be notified within 300-ft of parcel boundary;
- Copy of Notice and any attachments;
- All certified mailing receipts;
- All returned post cards;
- Any mailed notices that were undeliverable; and
- Notarized proof of publication (unless published by City at our cost).

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature: Property Owner/Authorized Agent\*\*

\_\_\_\_\_  
Date

\*\* = Confirm Proxy on File

\*\* = Cross-out designation Not Applicable