

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

\$300.00 Fee Paid on \_\_\_\_\_ via \_\_\_\_\_ Cash \_\_\_\_\_ CC \_\_\_\_\_ Check # \_\_\_\_\_ R# \_\_\_\_\_  
Planning Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

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



**REZONING APPLICATION**

**PLANNING DEPARTMENT**

200 Municipal Dr. ♦ PO Box 208 ♦ Centerton, AR 72719  
PH (479)795-2750 ♦ FAX (479)795-2545 ♦ [planning@centertonar.us](mailto:planning@centertonar.us)

**THIS APPLICATION MUST BE ACCOMPANIED BY A FILING FEE OF \$300.00. THE APPLICANT WILL ALSO BE RESPONSIBLE FOR ALL COSTS OF NOTICE AND PUBLICATION, INCLUDING BUT NOT LIMITED TO POSTAGE AND CERTIFIED MAILINGS. IN ADDITION, THE APPLICANT WILL BE REQUIRED TO MOST A MINIMUM OF ONE SIGN ON THE PROPOSED PROPERTY AT THE COST OF \$7.00 PER SIGN.**

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): \_\_\_\_\_

**Which of the above assumes responsibility for expenses incurred outside the initial application fee?**

\_\_\_ Applicant \_\_\_ Owner \_\_\_ Developer \_\_\_ Engineer/Surveyor \_\_\_ Other: \_\_\_\_\_

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. Build on the property \_\_\_\_\_ (Yes or No) and if YES, \_\_\_\_\_.
4. The anticipated Impact of the proposed zoning upon the adjacent property and neighborhood is 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**

**Feel free to make additional copies of this form as needed.**

All owners, or authorized signatory, must sign below, or may provide a letter, (*written, typed, or emailed*) acknowledging, and/or giving consent of, the request. The letter must contain details specific to the request and must be provided "with" the application.

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    }  
                                  }ss.  
Count of Benton     }

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

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

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

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

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

State of Arkansas    }  
                                  }ss.  
Count of Benton     }

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

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

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

**CITY OF CENTERTON**  
200 Municipal Dr. ♦ PO Box 208 ♦ Centerton, AR 72719  
PH (479)795-2750 ♦ FAX (479)795-2545 ♦ [planning@centertonar.us](mailto:planning@centertonar.us)

## **REZONING PROCEDURE AND CHECKLIST**

(For Applicant's reference only)

### **OWNER'S RESPONSIBILITY**

It is the responsibility of the owner to ensure that all necessary procedures are followed in a satisfactory and timely manner and to verify the accuracy and completeness of all necessary information. Incomplete Applications will not be processed, and/or may be rejected if all necessary requested items are not provided. Please be sure to read the entirety of the below Procedures & Requirements.

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

### **FILING DEADLINE**

Planning Meetings are usually held on the 1st and 3rd Tuesday of the month. The deadline for submission of a petition for rezoning is 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 of Notification
- 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:
  - A. \$300 Application Fee (Publication & Filing Fees incurred by the City will be invoiced to the applicant or responsible party)
  - B. Completed Rezone Application
    - 1. Copy of recorded Warranty Deed
    - 2. Survey showing accurate legal description.
    - 3. 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 including 1) Owner Name (last, first), 2) Mailing Address; 3) PID #; 4) Property Address; 5) Lot # (if Platted lands). **If more than 10, provide a digital copy in Excel format.**
  - E. Word Format Digital copy of Legal Description
- 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. Additionally, it is the applicant's responsibility to ensure the accuracy of the exhibit and public notice provided by staff.

- **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, to everyone on the certified mailing list at least 15 days prior to hearing date. **Please make sure to fill out the green & white certified mail receipts.** Mail receipts shall be provided immediately to the City after notices have been mailed.
  - 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 at least 15 days prior to hearing date. The City will also post notices of the hearing in five (5) designated locations in the City.
  - C. The Applicant will be responsible to post one or more signs, at the cost of \$7.00 per sign, on the property subject to rezone hearing at least 15 days prior to 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. A photo of the posted sign(s) should be emailed to [planning@centertonar.us](mailto:planning@centertonar.us) . The signs should be disposed of within one day following the hearing.
- Returned post cards or proof of notice delivery, undeliverable notices, and the signed “Affidavit for Notification of Rezone Hearing” shall be provided to the Planning Department no less than seven (7) days prior to the hearing.
- **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 refiling of the complete application form with an additional filing fee and proper renotifications 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 the requested 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.



**FOR OFFICE USE ONLY**

Proof of Ownership Provided	<input type="checkbox"/> Y	<input type="checkbox"/> N	
Individual Authorization for Company Provided	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NA
If Multiple Owners, All Signatures Provided	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NA

**AUTHORIZATION OF PROXY**

TO: THE CENTERTON PLANNING COMMISSION:

I, \_\_\_\_\_ hereby authorize  
(owner/trustee/managing partner/etc.\*\*)

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

make decisions on my behalf for \_\_\_\_\_  
(List all affiliated projects)

which is to be presented to the Centerton 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 if owned by a corporation, LLC or other, provide documentation of individual signer's authority and their authorization to sign document(s) on business' behalf.



Planning Department

## AFFIDAVIT FOR NOTIFICATION Public Hearing

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 Conditional Use Approval 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 or USPS tracking results; and
- Any mailed notices that were undeliverable

It is understood that the I/we shall be responsible to reimburse the city for the public hearing publication within the newspaper and that delaying payment may lead to delays in final project completion.

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

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

\_\_\_\_\_  
Date

### **FOR OFFICE USE ONLY**

PROXY RECEIVED  Y  N  NA

ADJACENT PROPERTY OWNER LIST  Y  N

UNDELIVERABLE NOTICES  Y  N

RETURNED POST CARDS OR

USPS TRACKING LIST  Y  N

CERTIFIED MAILING LIST RECEIVED  Y  N

PUBLICATION REIMBURSEMENT RECEIVED  Y  N