



Rezoning

Application & Checklist

Application can be found at <http://www.tontitown.com/>

Application # _____

Please fill out this form completely, supplying all necessary information and documentation to

*support your request. **Your application will not be placed on the Planning Commission agenda until the application is completed and required information provided.***

Property Description	Site Address(s) _____ Parcel # _____
	_____ Acreage _____
	Current Zoning _____ Proposed Zoning _____
	Proposed Land Use _____ _____

Representative Information	Representative _____ Office Phone _____
	Business Name _____ Cell Phone _____
	Mailing Address _____ E-mail _____
	_____ <input type="checkbox"/> Check here if this is the primary contact.

Property Owner Information	Property Owner _____ Office Phone _____
	Business Name _____ Cell Phone _____
	Mailing Address _____ E-mail _____
	_____ <input type="checkbox"/> Check here if this is the primary contact.

Representative Signature	I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.
	Representative Signature _____ Date _____

Owner Signature	I certify under penalty of perjury that I am the owner of the property that is subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)
	Owner Signature _____ Date _____

Office Use Only	Date Submitted: _____ PC Meeting Date _____ Date Approved _____
	Date Fwd. to NWARPC: _____ Permit Fee: \$ _____ Receipt # _____
	Zone: _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check _____ <input type="checkbox"/> Credit Card _____



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Please Note: THE REZONING APPLICATION WILL NOT BE ACCEPTED AT THE DATE OF SUBMITTAL IF THE FIRST FIVE ITEMS ARE NOT MET.

- 1. **Application (Required at time of application submittal):** Completed application form.
- 2. **Fee (Required at time of application submittal):** Payment of the application fee as shown on this link [http://www.amlegal.com/nxt/gateway.dll/Arkansas/tontitown_ar/titlexvlandusage/chapter155fees?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:tontitown_ar\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Arkansas/tontitown_ar/titlexvlandusage/chapter155fees?f=templates$fn=default.htm$3.0$vid=amlegal:tontitown_ar$anc=)
- 3. **Warranty Deed (Required at time of application submittal):** A copy of the warranty deed showing the **current ownership** of the property is required. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Washington County Circuit Clerk office located in the Washington County Courthouse building at 280 N. College, Suite 302, Fayetteville, AR 72701. Phone number: (479) 444-1538.
- 4. **Legal Description (Required at time of application submittal):** A digital copy of an accurate legal description of the property must be submitted in Word & PDF format. The legal description shall be e-mailed to the Planning Clerk planning@tontitownar.gov.

Boundary Survey by Land Surveyor registered to practice in the State of Arkansas. **Two (2) copies** of this (24" by 36") folded to 8 ½ x 11-page size with title information on the outside and a digital copy of this file in DWG and PDF format shall accompany this application. The Plat drawing shall label at least 2 exterior boundary corners with State Plane Coordinates (based on City of Tontitown GIS Monuments or Monuments of equal or higher order utilizing the same datum's.) And an ACAD file that shall contain at a minimum **all items** shown visibly on the submitted original signed and sealed documents (may exclude professional seal). **"All DWG files submitted shall be on Arkansas State Plane North coordinate system."**

Waiver of Right (Private Property Protection Act MUST be completed and signed by property owner. See Attached
- 5. **Narrative (Required at time of application submittal):** A typed or written statement addressing each of the following must be submitted:
 - A. State the current zoning designation and proposed zoning designation. An explanation of the proposed zoning change including current owner information and any proposed sales.
 - B. Reason (need) for requesting the zoning change.
 - C. Statement of how the property will relate to surrounding properties:
 - 1. Use.
 - 2. Traffic.
 - 3. Signage.
 - 4. Appearance.
 - D. Availability of water and sewer (state size of lines). If direct water and / or sewer is not available, state how lines will be accessed and connected. This information is available from the Water Department at (479) 361-2996 or download from the City of Tontitown's G.I.S. site.
 - E. Waiver of Rights and remedies, also known as the Private Property Protection Act MUST be completed with legal description and Signed by the property owner.
- 6. **Notification: Required Steps (Required by 2nd Tuesday of Month)**
 - A. Locate all the property owners within **200 feet** of the subject property. This information may be obtained from the City of Tontitown's G.I.S. site, a Title Company, which is listed in the yellow pages under *Title Companies* or it may be individually researched. See form letter Attached.
 - B. Obtain an 8.5" X 11" vicinity map from the Planning Department or create your own. The Planning Department can provide you with a vicinity map **per your request** two days (Wednesday) after the date of application submittal. **It is your responsibility to obtain a vicinity map.**
 - C. Complete the public notice letter provided within this application and attach a vicinity map. **Do not send public notices without a vicinity map.**
 - D. The public notices and attached vicinity map must be sent to all property owners within 200 feet by certified mail.
 - E. The following must be submitted to the Planning Department **by the 2nd (second) Tuesday of the month the application was made:**
 - 1. List of property owners within 200 feet signed by the authenticator.
 - 2. Certified mail receipts.
 - 3. Copy of sent public notice form and attached vicinity map.

***If the notification process is not completed per the steps listed above, this item will be REMOVED from the agenda and the item must be RESUBMITTED. NO EXCEPTIONS.**



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Other Information:

- The Planning Department staff will advertise this rezoning request and notice of a public hearing in a local newspaper no later than 15 days prior to the Planning Commission date.
- The Planning Department staff will post a public hearing sign on the subject property no later than 15 days prior to the Planning Commission date.

Procedure to withdraw a rezoning request:

A rezoning request may be withdrawn by two methods:

- A. The owner(s) may make the request in writing and submit that request to the Planning Department one week before the Planning Commission meeting at which the public hearing will be held.
- B. The owner(s) may appear at the public hearing and request that the rezoning be withdrawn.

*The applicant will not receive a refund if the item is removed from the agenda.

IF REZONING IS APPROVED, THE PLANNING COMMISSION CHAIRMAN WILL FORWARD INFORMATION TO CITY ATTORNEY TO PREPARE ORDINANCE TO FORWARD FOR CITY COUNCIL ACTION.



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NOTICE OF INTENT TO REZONE

_____ has requested The Tontitown Planning Commission to set a public hearing date to consider rezoning the following property from _____ to _____.

The legal description of the property is as follows: _____

The common description of the property is: _____

Proposed land use: _____

The public hearing will be held _____, 20____ at _____ p.m. It will be held at Tontitown City Hall at 235 E. Henri de Tonti Blvd.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to The Planning Commission. Use the bottom of this form to express your opinion by checking the appropriate box and/or send a letter. You may mail this to: City of Tontitown Planning Department, P.O. Box 305, Tontitown, AR 72770.

For more information, you may call the Planning Department at (479) 361-2700.

- () I/we have no objections to the rezoning.
 () I/we object to the rezoning because:

Signature

Signature



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WAIVER OF RIGHTS AND REMEDIES UNDER A.C.A. §18-15-1701 *et al*, also known as the Private Property Protection Act.

This agreement regarding Waiver of Rights and Remedies A.C.A. §18-15-1701 *et al* ("Agreement") is made between _____ ("Owner") and the city of Tontitown, Arkansas ("City"), regarding the following property:

****INSERT LEGAL DESCRIPTION****

The Owner agrees and consents to all the conditions imposed by the City Council regarding the requested [Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application #_] General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance]. By signing this Agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.C.A. §18-15-1701 *et al* related to the zoning classification in [Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application #_]General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance] as a result of the Council's approval of the requested [Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application #_]General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance] with regard to the above-referenced property.

This Agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and City regarding the above-referenced property. This Agreement may not be modified or amended except by written agreement acknowledged by both the Owner and City. This Agreement is entered into in Arkansas and will be construed and interpreted under the laws of the State of Arkansas.

Owner warrants and represents that Owner is the owner of fee title to the above-referenced property, and that no other person has an ownership interest in the property [if more than one owner this will need to be modified]. Owner acknowledges that Owner has been given the opportunity to seek legal counsel regarding this Agreement and enters into this agreement freely and knowingly.

Owner agrees and acknowledges that though entering into this Agreement is not required for submission of the above mentioned request, failure to do so may be considered in the City's approval or denial determination, regarding the request.

The person who signs on behalf of Owner personally warrants and guarantees to the City that [he, she, they] have the legal power to bind Owner to this Agreement.

Dated This _____ day of _____ 20_____.

OWNER: _____

OWNER: _____