PLANNED ZONING DISTRICT APPLICATION

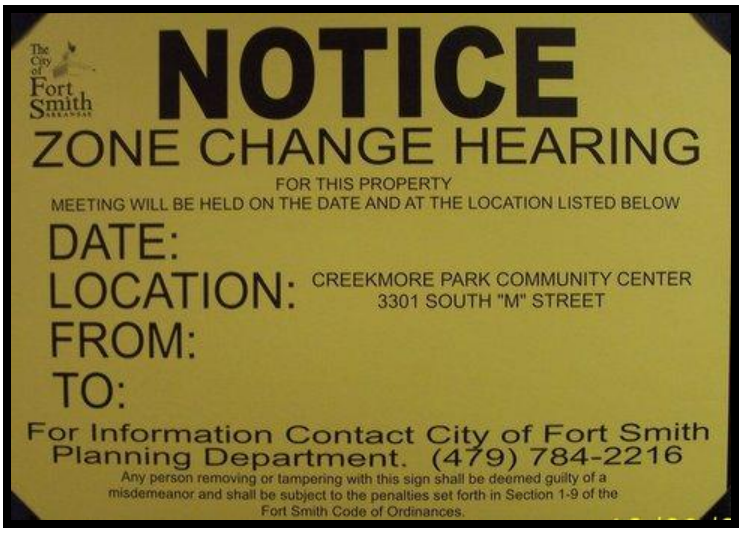
I. The filing deadline will be Friday, _____, 20___, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.

II. There will be a study meeting of the Planning Commission, Tuesday,_____ _____, 20_____, at 11:30 a.m. in the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.

III. The Planning Commission meeting will be Tuesday, _____, 20_____, at 5:30 p.m. in the Rose Room of the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.

IV. A processing fee of $350.00 shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. **This fee is Non-Refundable.**

TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW, AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.



CHECKLIST FOR REZONING APPLICATION

Please use this checklist to verify that your application is complete.

- ○ **Pre-Application Conference** (Pursuant to Section 27-302)
- ○ **Complete Application**
- ○ **Legal Description of Subject Property**
- ○ **Street Address**
- ○ **Existing Zoning Classification**
- ○ **Project Booklet (15 paper copies & 1 pdf)**
- ○ **Submit Master Land Use Plan Amendment (if required)**
- ○ **Signature of Owner or Agent Authorized by Owner**
- ○ **Indicate Whether Restrictive Covenants Apply**
- ○ **List of Property Owners within 300 Feet**
- ○ **List of all Property Owners to be Rezoned**
- ○ **Authorization of Agent-Owners Names & Signatures** ***(if using an agent)***
- ○ **Vicinity Map of Subject Property**
- ○ **Zoning & Land Use Maps** ***(Staff will assist applicant in preparing these maps)***
- ○ **Processing Fee of $350.00**
- ○ **Neighborhood Meeting** (Pursuant to Section 27-304)

INSTRUCTIONS FOR COMPLETING FORMS REQUESTING PLANNED ZONING DISTRICT

ITEMS REQUIRED FOR EACH APPLICATION.

A. PRE-APPLICATION CONFERENCE AND SUBMITTAL REQUIREMENTS

1. A meeting with the Planning & Zoning Department is required (To be held at least ten (10) days before the application deadline date for submission.
2. Application Fee of $350.00.
3. A project booklet, submitted graphically and/or in narrative form addressing as many items as applicable. In no instance shall the design requirements and development standards be less than those found in Chapters 27-200, 27-500, 27-600 and 27-700.
   a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.
   b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.
   c. Summary description of the scope, nature, and intent of the proposal.
   d. General project scope:
      i. Street and Lot Layout
      ii. Site plan showing proposed improvements
      iii. Buffer areas, screening, and landscaping
      iv. Storm water detention areas and drainage
      v. Undisturbed natural areas
      vi. Existing and proposed utility connections and extensions
      vii. Development and architectural design standards
      viii. Building elevations
      ix. Proposed signage (type and size)
   e. Proposed development phasing and timeframe
   f. Identify land use designations
   g. Identify area and bulk regulations
   h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.).
   i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.
   j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).
   k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.
   l. A traffic study when required by the Engineering Department (consult with staff prior to submittal)
   m. Statement of availability of water and sewer (state size of lines).

B. PETITION FOR CHANGE IN ZONING MAP

1. Complete the application.
2. Submit any development plans to help explain the proposed zone change.
   (Note: Development plans will not be required for neighborhood or corrective rezoning)
3. Submit companion Master Land Use Plan Amendment (if necessary).

C. NOTICE OF PUBLIC HEARING

1. Provide the legal description of the property included in the rezoning request in the space indicated.
2. Provide the street address of the property.
3. Provide the existing zoning classification of the property.
4. Provide the proposed zoning classification.
5. Date of hearing will be provided by the City.
6. The notice must be signed by the owner.

D. LETTER REGARDING RESTRICTIVE COVENANTS

1. If you have restrictive covenants, enter any part of a restrictive covenant applicable to the property that appears to prohibit this rezoning request.

2. If there are no restrictive covenants in effect or no statement in your existing covenant, enter the word NONE on the attached statement.

E. LIST OF OWNERS OF SURROUNDING PROPERTY WITHIN 300 FEET

List the names and addresses of the owner(s) of all property within 300 feet of the petitioned property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107. Please call the Tax Assessor's Office at 783-8948 to schedule an appointment. A small charge will be assessed for this service. (The Planning Department will mail the notices for you.)

F. LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and address of all property owners included within the area requested by this petition to be rezoned.

G. AUTHORIZATION OF AGENT

1. If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

H. MAPS OF THE AREA

1. Provide a vicinity map showing the location of the property requested for rezoning.

2. Provide a zoning district map.

3. Provide a land use map.

I. FILING FEE AND OTHER COSTS

1. A processing fee of $350.00 must be paid to the City of Fort Smith at the time of filing the application. **This fee is Non-Refundable.**

J. NEIGHBORHOOD MEETING (See Section 27-304)

1. Notify all properties within 300 feet of the petitioned property.

2. Written notice of meeting time & place provided to Planning Department and residents/ property owners seven (7) days prior to neighborhood meeting.

3. Provide summary report and attendance list of meeting to Planning & Zoning Department.

All zoning is by ordinance, and only the City Board of Directors has the authority to make or change an ordinance. The Board of Directors has assigned the study of zoning and rezoning to the City Planning Commission, which will make a recommendation to the Board. If the Planning Commission recommends this request for rezoning, it will not be effective until it has been passed and approved by the Board of Directors.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

.

2. Address of property: _____

3. The above described property is now zoned: _____

4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

5. Explain why the Planned Zoning District is requested?

_____

_____

_____

Signed:

_____
Owner or Agent Name
(please print)

_____
Owner

or

_____
Owner or Agent Mailing Address and
Phone Number

_____
Agent

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Address of property _____has filed with the Director of Planning a
(Street Address)
written application to City of Fort Smith , Arkansas, to request a zone change from
_____ to a Planned Zoning District by _____.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20_____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *****

_____

_____

_____

_____

_____
Signature

(* If no restrictive covenants exist, indicate "none".)

LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET
(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

	NAME	ADDRESS
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7._____	_____
8. _____	_____
9. _____	_____
10. _____	_____

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize _____ to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6._____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

This form is necessary only when the person representing this request does not own all property.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location_____

Meeting Time & Date_____

Meeting Purpose_____

	NAME	ADDRESS	PHONE #
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

27-302 Pre-Application Conference

27-302-1 When Required
A pre-application conference with the Planning and Zoning Department is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated by the individual application type sections below. The purpose of the meeting is to:

A. Review the requirements of the Unified Development Ordinance;
B. Review the requirements of the Fort Smith Comprehensive Plan;
C. Discuss the nature and design of the proposed development; and
D. Discuss the development application review and approval process.

27-302-2 Timing The pre-application conference shall be held at least ten (10) days before the submission date unless otherwise specified by the Director. Applications must be submitted within six months of the conference date or a new conference shall be required.

27-302-3 Additional Parties As necessary, the Planning and Zoning Department may include representatives of other departments or agencies at the pre-application conference.

27-303 Application Requirements

27-303-1 Materials
Current development application with submittal requirement instructions is available from the Planning and Zoning Department. Most applications are also available on the City website. All materials submitted in support of a development application become part of the public record and are generally not returned to the applicant(s).

27-303-2 Technical Studies
The Director may require applicants to prepare additional technical studies in support of their applications for rezoning, planned rezoning or special use permits. The cost of the study shall be the applicant's responsibility. If the applicant disagrees with the Director's decision to provide additional technical studies, it may be appealed to the Planning Commission for a final decision. No further action shall be taken to process the development application until the Planning Commission makes a final determination on the appeal.

27-303-3 Deadlines
The Planning and Zoning Department has a list of submission and revision deadlines for the various development applications available at their office. This list is also available on-line at the City's website. Failure to submit a complete or revised application on or before the deadline shall result in the City not placing the application on the scheduled Planning Commission agenda.

27-303-4 Completeness
Within three (3) business days of submittal by the applicant, a member of the Planning Staff shall review the development application to ensure that it is complete.

A. When Complete.
An application is complete when all of the items required by the UDO and on the application form are prepared and/or answered, and any required supplemental or additional

applications (e.g., comprehensive plan amendment) are submitted with the appropriate fees to the Planning and Zoning Department.

B. Return of Incomplete Applications.
Incomplete applications shall be returned to the applicant with a written description of the missing information, defects, or other problems. The Director shall take no further action on incomplete applications. Appeals of this determination are made to the Planning Commission, which is the final decision-making body. No further action shall be taken to process the application until after the Planning Commission's determination. Applications that have been returned to an applicant for revisions shall not be processed until such revisions have been determined to be complete by the Director.

C. Processing Complete Applications.
The applicant will be notified that the application is complete and processed in accordance with this Chapter.

D. Failure to Act.
If the Director fails to act within three (3) business days, the application shall be deemed complete.

E. Revisions Following Determination.
Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.

F. Determination Not Substantive.
A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

27-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the cost changes associated with the development application.

27-304 Neighborhood Meeting

27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-201.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

27-304-2 Neighborhood Identification

Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least seven days before the meeting. The meeting should also be held at least six days before the planning commission voting meeting.

27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

27-304-5 Meeting Report

Following the neighborhood meeting, the applicant shall provide the Planning and Zoning Department with a mailing list of the people who attended the meeting and a written summary of the discussion and comments. All documents and materials which detail the proceedings of the neighborhood meeting shall become part of the public record for the development application and should be submitted to the Planning and Zoning Department.

Additional Information-Restrictive Covenants

What's the Purpose of Restrictive Covenants?

Restrictions give a development a more standard appearance and control some of the activities that take place within its boundaries. When enforced, covenants protect property values.

What You'll Always See in Covenants

Restrictive covenants nearly always stipulate the minimum size residence allowed, how many homes may be built on one lot, and what type of construction the homes must (or must not) be.

More Topics You'll See in Restrictive Covenants

- Set backs (how far homes must be from streets and interior lot lines).
- Easements (such as a pathway for power lines or roads).
- Fees for road maintenance or amenities.
- Rules regarding changing or voiding the covenants.
- Rules about pets and other animals (for instance: no breeding for profit, no livestock, no unchained pets).
- Regulations dealing with in-home businesses and home rentals.
- Rules that limit tree-cutting.
- Clauses that dictate what type of fencing can be used, or that forbid all types of fencing.
- Clauses to reduce clutter on lots, such as prohibiting owners from storing a vehicle that doesn't run within view of others, or parking a recreational vehicle on the property.
- Some restrictions limit the paint colors that can be used on a home's exterior or might require that all homes have a certain type of siding.
- In areas where wildfires are a problem, covenants might require you to use only fire retardant building materials.