



## **REZONING**

### **PROCESS GUIDE & APPLICATION**

**Town of Buckeye**  
**Community Development Department**  
530 East Monroe Avenue  
Buckeye, Arizona 85326

Phone: 623.349.6200

Fax: 623.349.6222

[www.buckeyeaz.gov](http://www.buckeyeaz.gov)

## **APPLICATION PROCEDURES**

### **REZONING**

#### **Important Information:**

- A property will not be rezoned unless incorporated into the Town of Buckeye.
- Rezoning may not occur prior to the required thirty (30) day waiting period upon completion of an annexation.
- All zoning must be consistent with and in conformance to the Town of Buckeye General Plan.
  - A General Plan Amendment must be completed if the Community Development Department determines that the intended zoning is not consistent with the General Plan.

The following information is provided to assist in the preparation and submittal of an application for the Rezoning of a property within the Town of Buckeye. The request will be considered by the Planning Commission at a public hearing, and a final decision will be made by the Town Council at a public hearing.

1. *Pre-Application Conference (“PAC”) Process* – **Prior to filing an application for Rezoning, the applicant must complete the PAC review process.** Forms to apply for a PAC review are available through the Community Development Department or on the Town’s website ([www.buckeyeaz.gov](http://www.buckeyeaz.gov)). PAC meetings are held on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Thursday each month. The PAC process takes approximately four (4) weeks.
2. *Application Filing* – For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. It shall be the responsibility of the applicant to ensure the accuracy and completeness of the request. Applications received after 4:00 p.m. will be processed the next business day. Incomplete applications will NOT be accepted.

In accordance with Section 8.2.3.H of the Development Code, the Application is to include a Citizen Participation Plan (“CPP”). Included within the CPP is the requirement of a Neighborhood Meeting. This meeting should be conducted prior to the submittal of the Citizen Participation Report.

3. *Staff Review* – Once a complete application is received and processed, the submitted information will be assigned to a Project Coordinator (“PC”) and routed to appropriate Town staff and agencies for review/comment. After this review, the PC collects and consolidates the comments, which are then returned to the applicant.

The applicant is then responsible for addressing the comments and submitting revised plans. Upon resubmittal, the staff review process will begin again albeit at an expedited pace. In some cases, it is necessary to have several resubmittals before moving the request forward in the process.

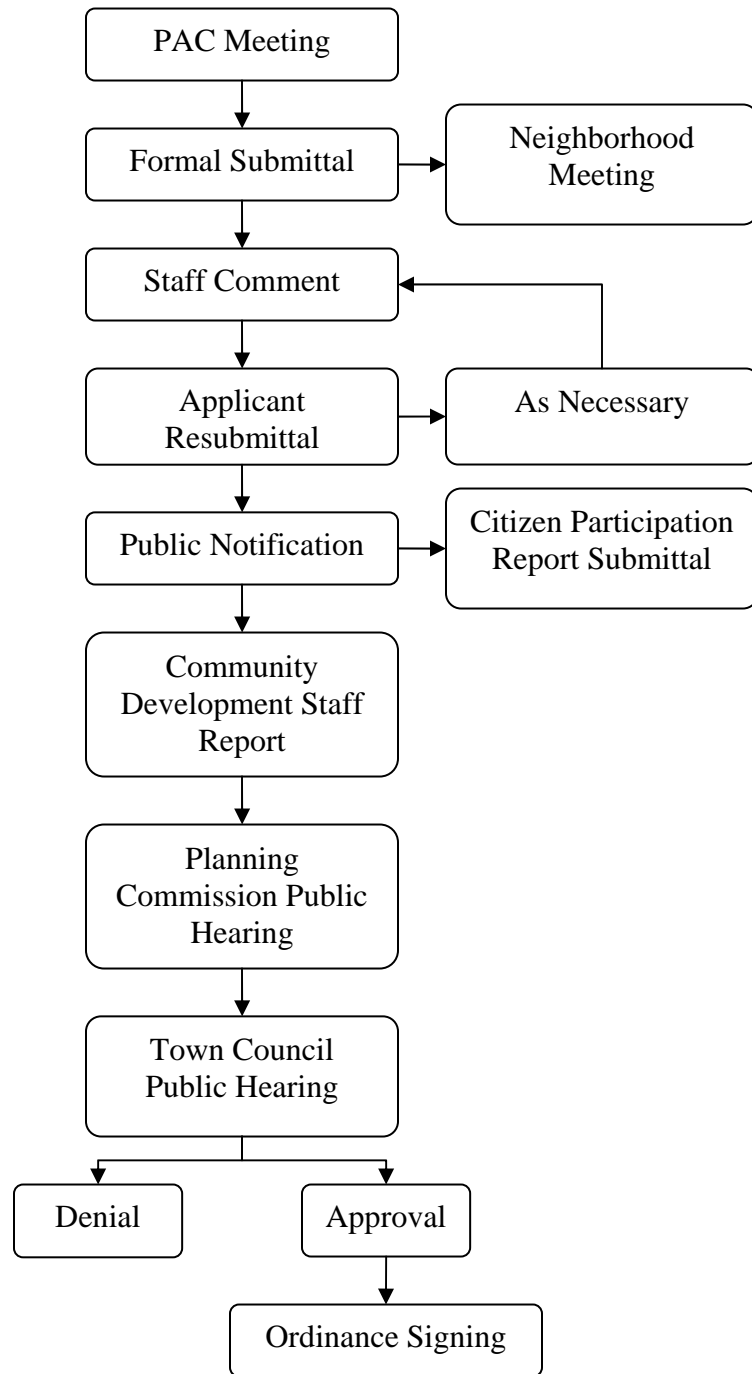
4. *Public Notification* – Upon the scheduling of any public hearing and no later than fifteen (15) days prior to its occurrence, it is the responsibility of the applicant to notify all property owners within three hundred (300) feet of the subject property. Notification shall be in the form of a letter delivered via First Class U.S. Mail, a sign(s) posted adjacent to all public rights-of-way, and publication within a widely circulated newspaper throughout the Town (i.e. The Arizona Republic). All notifications should contain, at minimum, the following information; description of the request, owner/applicant contact information, and public hearing time/date/location. Upon completion of the above-mentioned notification requirements, an Affidavit of Mailing, an Affidavit of Posting, and Proof of Publication shall be submitted to the PC not less than ten (10) days prior to the public hearing. Failure to submit the requested information will result in the postponement of the public hearing item.

The Community Development Director may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary.

5. *Citizen Participation Report Submittal* – The Citizen Participation Report (“CPR”) must be submitted to the PC prior to the first public hearing. Failure to submit the CPR will result in the continuance of the project to the next available public hearing date. The CPR is a written report outlining the results of the citizen participation effort. The minimum requirements of the CPR can be found in Section 8.2.3.I of the Development Code.
6. *Staff Reports* – Once all staff comments have been addressed and a public hearing has been scheduled, the PC will prepare a report describing and evaluating the proposed project and making a recommendation for action to the Planning Commission and Town Council. Copies of the staff report will be made available to the public and sent to the applicant prior to each hearing.
7. *Planning Commission Public Hearing* – Regular Planning Commission hearings occur on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Tuesday of each month at 6:00 p.m. Regular meetings are held in the Town Council Chamber, located at 530 E Monroe Avenue. The applicant, owner, or appointed representative must be present at the hearing. The Planning Commission, taking into consideration staff presentation, owner/applicant/project representative presentation, and public testimony, will recommend approval, approval with modifications and/or conditions, or denial of the request to the Town Council.
8. *Town Council Public Hearing* – Regular Town Council hearings occur on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of each month at 6:00 p.m. Regular meetings are held in the Town Council Chambers, located at 530 E Monroe Avenue. The applicant, owner, or appointed representative must be present at the hearing. The Town Council, taking into consideration Planning Commission recommendation, staff presentation, owner/applicant/project representative presentation, and public testimony, will approve, approve with modifications and/or conditions, or deny the request. The Ordinance approving the project will become effective thirty (30) days after being signed by the Mayor.

9. *Inactive Cases* – All applications need to be actively pursued to a decision. If the Town has completed any and all appropriate reviews and no activity has occurred for the continued processing of the application on behalf of the applicant for at least for one hundred eighty (180) days, the application will be considered inactive, deemed to be withdrawn, and the file will be closed. Thirty (30) days prior to the inactive date, staff will notify the applicant in writing of the impending action. The applicant may submit a written request for the application to remain active along with an explanation for the inactivity. The Community Development Director may grant an extension for up to one hundred eighty (180) days for good cause if there is reasonable belief that the application will be actively pursued during the extension period.

**Rezoning Process**



## **SUBMITTAL CONTENT REQUIREMENTS**

### **1. Development Application**

- Complete and signed application containing all information relative to a rezone.
  - If the applicant is not the property owner, the applicant must provide authorization from the property owner that the application is being filed with their permission.

### **2. Project Narrative**

- Description of current site conditions;
- Description of proposed zoning district and uses;
- General outline of intended plans for development; and
- Information on how the proposed zoning/project complies with the General Plan and other adopted plans or requirements.

Please include exhibits where necessary and appropriate.

### **3. Proposition 207 Waiver**

- Must be submitted prior to the scheduling of an application before the Planning Commission or Town Council.

### **4. Maps/Graphics**

- Vicinity map;
- Current General Plan designation;
- Current zoning designation;
- Proposed zoning designation;
- Scale, north arrow, and dimensions;
- Adjacent zoning districts and adjoining lot lines within three hundred (300) feet;
- Land uses and existing structures within three hundred (300) feet; and

### **5. ALTA Survey**

### **6. Maricopa County Assessor's Parcel Map**

### **7. Citizen Participation Plan (As required by Section 8.2.3.H of the Development Code)**

- Every application shall include a citizen participation plan which must be implemented prior to the first public hearing and shall include, at minimum:
  - Which residents of the Town, adjacent property owners, interested parties who have submitted a request to the Town to be notified of any rezoning pursuant

- to ARS 9-462-04, adjacent political jurisdictions and public agencies with jurisdiction over the subject property may be affected by the application;
- How those interested in and potentially affected by an application will be notified that an application has been made;
  - How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
  - How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems, they may have with the proposal in advance of the public hearing;
  - The applicant's schedule for the completion of the citizen participation plan; and
  - How the applicant will keep the Planning Department informed of the status of their citizen participation efforts.
- Notification should include:
    - Property owners within 300' of the subject property;
    - The head of any homeowners associations or registered neighborhoods within 300' of the subject property; and
    - Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning Department.

#### **8. Citizen Participation Report (As required by Section 8.2.3.I of the Development Code)**

- Provide a written report of the result of the citizen participation effort prior to scheduling of a public hearing. The citizen participation report shall address, at minimum, the following:
  - Details of techniques the applicant used to involve the public, including:
    - Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
    - Content, dated mailed, and numbers of mailings including letters, meeting notices, newsletters and other publications;
    - Where residents property owners, and interested parties receiving notices, newsletter or other written material are located; and
    - The number of people that participated in the process.
  - A summary of concerns, issues and problems expressed during the process, including:
    - The substance of the concerns, issues, and problems;
    - How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
    - Concerns, issues and problems the applicant is unwilling or unable to address and why.

#### **9. Legal Description**

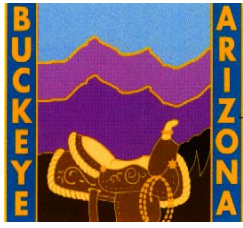
10. **Additional Material** – The Community Development Department may request additional submittal items.

**Rezoning 1<sup>st</sup> Submittal Checklist**  
(Please provide original list with formal submittal)

<u><b>REQUIRED MATERIALS</b></u>	<b>Applicant Checklist</b>	<b>Staff Verification</b>
<b>Application</b> – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Completed Fee Worksheet w/ Appropriate Fee</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Project Narrative</b> – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Proposition 207 Waiver</b> .....	<input type="checkbox"/>	<input type="checkbox"/>
<b>PAC Meeting Comments</b> – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Responses to PAC Meeting Comments</b> – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Maps or Graphics</b> – 6 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>ALTA Survey</b> (conducted within the last 12 months):		
3 full size (24" x 36") copies <b>folded</b> to approximately 9" x 12".....	<input type="checkbox"/>	<input type="checkbox"/>
3 reduced (11' x 17") copies <b>folded</b> to approximately 8.5" x 11".....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Maricopa County Assessor's Parcel Map:</b>		
6 copies – 8.5" x 11" highlight project area and provide parcel numbers.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Citizen Participation Plan</b> – 2 copies.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Legal Description:</b>		
1 Digital Copy.....	<input type="checkbox"/>	<input type="checkbox"/>
1 Hard Copy.....	<input type="checkbox"/>	<input type="checkbox"/>
<b>Additional Materials</b> (8 copies):		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

**Subsequent Submittals:**

- Submit six (6) copies of all requested materials to the Community Development Department. In addition to the two (2) copies of requested materials submitted directly to Engineering, please provide one (1) additional copy to the Community Development Department.
- For all materials submitted to Woody Scoutten, BJY, or WLB, the initial processing fee covers the first (1<sup>st</sup>) and second (2<sup>nd</sup>) review. For all subsequent reviews, review fees are calculated on a per hour basis and will be the direct responsibility of the applicant.



# Town of Buckeye

## Project Application

**DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY**

Date: \_\_\_\_\_

Project Coordinator: \_\_\_\_\_

Case No: \_\_\_\_\_

Project Name: \_\_\_\_\_ Associated Cases: \_\_\_\_\_

Project Address/Location: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_ Parcel Number(s): \_\_\_\_\_ Quarter Section: \_\_\_\_\_

Request: \_\_\_\_\_

Case Type:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Other: _____            | <input type="checkbox"/> General Plan Amendment(major/Minor) | <input type="checkbox"/> Site Plan            |
| <input type="checkbox"/> Area Plan               | <input type="checkbox"/> Land Division/Lot Split             | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Community Master Plan   | <input type="checkbox"/> Map of Dedication                   | <input type="checkbox"/> Variance             |
| <input type="checkbox"/> Development Review Team | <input type="checkbox"/> Preliminary Plat                    |   |
| <input type="checkbox"/> Final Plat              | <input type="checkbox"/> Rezoning                            |   |

The property owner shall designate an agent as the coordinator for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required.

**All contact for this project will be made through the applicant listed below.**

**Owner Contact:** \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Developer Contact:** \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Architect Contact:** \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Engineer Contact:** \_\_\_\_\_

Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant Contact: \_\_\_\_\_

Company: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner Signature \_\_\_\_\_

Date \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

### Community Development Department

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6200 Fax 623.349.6222



# Town of Buckeye

## Project Application-Continued

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: \_\_\_\_\_

Project Coordinator: \_\_\_\_\_

Case No: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project

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

Proposed Property Details:

Single-Family Residential

Multi-Family Residential

Commercial

Industrial

Other: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Number of Buildings: \_\_\_\_\_ Parcel Size: \_\_\_\_\_

Gross Floor Area/Total Units: \_\_\_\_\_ Floor Area Ratio/Density: \_\_\_\_\_

Parking Required: \_\_\_\_\_ Parking Provided: \_\_\_\_\_

Setbacks: Front- \_\_\_\_\_ Rear- \_\_\_\_\_ Side- \_\_\_\_\_ Side- \_\_\_\_\_

Historical Site: YES NO Lot Coverage (%) \_\_\_\_\_ Landscaping (%) \_\_\_\_\_ Open Space (%) \_\_\_\_\_

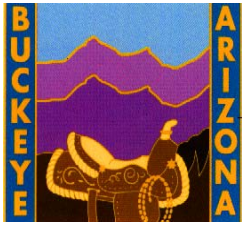
Existing Condition: \_\_\_\_\_

General Plan Designation: \_\_\_\_\_

**Description of Request:**

**Community Development Department**

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6200 Fax 623.349.6222



# Town of Buckeye

## Project Application-Continued

**DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY**

Case ID: \_\_\_\_\_

Project Coordinator: \_\_\_\_\_

Project Address/Location: \_\_\_\_\_

Date: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Zoning District: \_\_\_\_\_

TO BE COMPLETED BY APPLICANT		CALCULATIONS	TO BE COMPLETED BY TOWN
COMMERCIAL	RESIDENTIAL		
		Net Lot Area	
		Gross Lot Area	
		Gross Floor Area Allowed	
		Gross Floor Area Provided	
		Building Volume Allowed	
		Building Volume Provided	
		Number of Units or Lots	
		Density Allowed	
		Density Provided	
		Minimum Lot Size Allowed	
		Minimum Lot Size Provided	
		Building Height Allowed	
		Building Height Provided	
		Net Floor Area	
		Parking Spaces Required	
		Parking Provided On-Site	
		Parking Provided Off-Site	
		Total Parking Provided	
		Open Space Required	
		Open Space Provided	
		Front Open Space Required	
		Front Open Space Provided	
		Parking Lot Landscaping Required	
		Parking Lot Landscaping Provided	

### SET BACKS & PARKING REQUIREMENTS

REQUIRED	PROVIDED	CALCULATIONS	N, S, E, W	REQUIRED	PROVIDED
		Front			
		Rear			
		Left Side			
		Right Side			
		Parking			

## Community Development Department

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6200 Fax 623.349.6222

## **PUBLIC HEARING NOTIFICATION REQUIREMENTS**

The Town of Buckeye Development Code requires that a public hearing notice be published and mailed to adjacent property owners prior to a public hearing.

Prior to the public hearing the applicant shall be responsible for completing a minimum 15 day notification of the public hearing including:

1. A public hearing notice to be published in a newspaper of general circulation within the Town of Buckeye;
2. A public hearing notice to be sent to all property owners within 300 feet of all property lines of the subject property; and
3. A public hearing notice to be posted on the property.

- The applicant shall secure a public hearing date from the Community Development Department and shall complete the notice of public hearing by filling in the blanks of a standard Community Development Department form and delivering the public hearing notice to the newspaper within their time frame so that the public hearing notice is published at least 15 days prior to the public hearing date.
- Proof of publication shall be supplied by the applicant to the Community Development Department prior to the public hearing date.
- The applicant shall secure the names and addresses of all property owners within 300 feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and shall send the public hearing notice to each said owner no less than 15 days prior to the public hearing date.
- The applicant shall provide a notarized Affidavit of the mailing list and said mailing to the Community Development Department prior to the public hearing date.
- The applicant shall post the property per the Town of Buckeye Community Development Site Posting Requirements.
- The applicant shall submit a notarized Affidavit of Posting and photographs of the posting (see next page) to the Community Development Department prior to or on the fifteenth day prior to the public hearing date. Failure to provide such documentation in a timely manner will result in continuance of the case to the next available public hearing date.
- The signs must be maintained and updated with amended information until after the final public hearing.
- The signs must be removed and disposed of within 10 days after the final public hearing.
- You may use a sign vendor of your choice

## Public Hearing Notice Sign Specifications

- The sign shall be a minimum of 3ft x 3ft in size.
- The sign shall be constructed of laminated coroplast, laminated plywood, or other suitable construction material.
- The sign shall have a white background with black lettering. The least expensive process is laminated direct printing.
- The minimum lettering size shall be 1/2 inch for lowercase and 1 inch for upper case.
- The words “Public Hearing” shall be a minimum of 2 inches in size. (Sign lettering should be formatted to match the example below).
- The content of the sign shall match the example below and include specific case details.
- The sign shall be securely fastened to wooden or metal stakes.
- The applicant is responsible for maintaining the integrity and accuracy of the sign.
- The height of the sign shall be at least 4 ft from finished grade to top of sign and shall not be obstructed from view.

<p style="text-align:center"><b>Town of Buckeye</b></p> <p style="text-align:center"><b>PUBLIC HEARING</b></p> <p style="text-align:center"><b>Planning Commission: [Date and Time]</b></p> <p style="text-align:center"><b>LOCATION OF HEARINGS:</b></p> <p style="text-align:center"><b>REQUEST:</b></p> <p style="text-align:center"><b>PROPOSAL:</b></p> <p style="text-align:center"><b>GENERAL LOCATION:</b></p> <p style="text-align:center"><b>SIZE:</b></p> <p style="text-align:center"><b>CASE #:</b></p> <p style="text-align:center"><b>APPLICANT/CONTACT:</b></p> <p style="text-align:center"><b>PHONE #:</b></p> <p style="text-align:center"><b>Community Development Department: 623-349-6200</b></p> <p style="text-align:center">Posting Date:</p>
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## Format for Publication

### Town of Buckeye

**NOTICE IS HEREBY GIVEN** that the Town of Buckeye Planning Commission will hold a public hearing on (day of week), (month) (date), 20\_\_\_ in the Town Council Chambers, 530 E Monroe Avenue, Buckeye, Arizona, at 6:00 p.m., for the purpose of hearing all persons for or against the following request:

**Case No. \_\_\_\_\_ (insert case number):** Request by (name of applicant) for the approval of a (name of application type and general description) located at (general location of subject property by street location and brief township/rage/section legal description).

For additional information, please contact the Community Development Department at (623) 349-6200

## Affidavit of Sign Posting

**Case Number:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

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

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

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute, the **applicant** for public hearings in the Town of Buckeye shall post signs as prescribed by the "Town of Buckeye Site Posting Requirements." **It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property and to update the hearing information on the sign until the final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within ten (10) days after the final disposition of the case.**

I confirm that the site has been posted as detailed by the Town of Buckeye Site Posting Requirements for the case above and the site was posted at least fifteen (15) days prior to the public hearing.

See attached date stamped photo exhibit of posted signs.

Applicant's / Representative's signature: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

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

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

## Affidavit of Mailing Notice

**Case Number:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

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

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

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statue, the applicant for public hearings in the Town of Buckeye shall secure the names and addresses of all property owners within \_\_\_\_\_ feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and shall send the public hearing notice to each said owner no less than fifteen (15) days prior to the public hearing date.

I confirm that I secured the names and addresses of all property owners within \_\_\_\_\_ feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and did send the public hearing notice to each said owner no less than fifteen (15) days prior to the public hearing

See attached copies of all sent letters and address lists.

Applicant's / Representative's signature: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

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

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

**WAIVER OF CLAIMS FOR DIMINUTION OF VALUE  
UNDER ARIZ. REV. STAT. §§ 12-1134 to 1136**

This Waiver of Claims for Diminution of Value under ARIZ. REV. STAT. §§ 12-1134 - 1136 (this "Waiver") is made between \_\_\_\_\_ (the "Owner") and Town of Buckeye, Arizona (the "Town") regarding the following property (the "Property"):

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**[Enter legal description, or "See legal description set forth in Exhibit A attached hereto and incorporated as if fully set forth herein" and then include legal description as Exhibit A to this waiver.]**

**RECITALS**

A. Owner is the current owner of all right, title and interest in the Property, and became the owner of all right, title and interest in the Property on \_\_\_\_\_. **[If there are other owners, or others with an interest in the property, they need to be listed above, and need to be signatories.]**

B. The Owner has applied for a **[Enter type of approval requested by the applicant – i.e. annexation, rezoning, use permit, variance, general plan amendment – with application numbers, file numbers, etc.]** (the "Application") which effects the existing right to use, divide, sell, or possess the Property. The Application was submitted to the Town on \_\_\_\_\_.

C. The Owner(s) has obtained advice from legal counsel or has declined to obtain advice from legal counsel on this Waiver and the Owner voluntarily agrees to and submits this Waiver in accordance with ARIZ. REV. STAT. § 12-1134(I), as amended.

**AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the mutual promises and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto state, confirm and agree as follows:

1. Owner agrees and consents to all the conditions and stipulations imposed by the Town on the approval of the Application (the "Approval") and by signing this Waiver waives any and all claims, suits, damages, compensation and causes of action for diminution of value to the Property the Owner of the Property may have now or in the future under the provisions of ARIZ. REV. STAT. §§ 12-1134 through and including 12-1136, as amended, resulting from the Approval and any other "land use law", as such term is defined in ARIZ. REV. STAT. § 12-1136, as amended, that (a) is enacted, adopted or applied by the Town now or hereafter relating to or consistent with the Approval and (b) that directly governs the Property.

2. Owner acknowledges and agrees that the Approval causes an increase in the fair market value of the Property.

3. The Owner warrants and represents that Owner is the owner of all right, title and interest to the Property, and that no other person has an ownership interest in the Property **[if more than one owner this will need to be modified]**. Prior to Owner's transfer, sale, or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the Approval, Owner shall notify the Town of said transfer, sale or conveyance, and shall require the new Owner to execute and agree to this Waiver as part of any transfer, sale or conveyance of the Property. The person who signs on behalf of Owner personally warrants and guarantees to the Town **[he/she/they]** have the legal power to bind Owner to this Waiver.

4. Owner agrees and understands that the conditions and stipulations imposed upon the Approval may be modified, amended or supplemented by the Town Council. If the conditions or stipulations upon this Approval are modified, amended, or supplemented by the Town Council, Owner agrees and understands that it will be a condition of the Approval that Owner executes the Acknowledgement and Agreement to Modification, Amendment or Supplement to Conditions or Stipulations of Approval, attached hereto as Exhibit B and incorporated herein by reference (the "Acknowledgment") and, when executed, such Acknowledgement shall amend and become a part of this Waiver.

5. This Waiver, any exhibits attached hereto, and any addenda, constitute the entire understanding and agreement of the Owner and the Town and shall supersede all prior agreements or understandings between the Owner and Town regarding the Property. This Waiver may not be modified or amended except by written agreement by the Owner and Town.

6. This Waiver is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. This Waiver is subject to the cancellation provisions of ARIZ. REV. STAT. § 38-511, as amended.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of \_\_\_\_\_, 200\_\_.

**"Town"**

TOWN OF BUCKEYE, an  
Arizona municipal corporation

By: \_\_\_\_\_  
Jackie A. Meck, Mayor



**EXHIBIT A  
TO  
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE  
BETWEEN  
THE TOWN OF BUCKEYE  
AND  
[ENTER LEGAL NAME OF ENTITY]**

[Legal Description]

See following page(s).

**EXHIBIT B  
TO  
WAIVER OF CLAIMS FOR DIMINUTION OF VALUE  
BETWEEN  
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[Acknowledgment of Modification, Amendment or Supplement]

See following page.

