

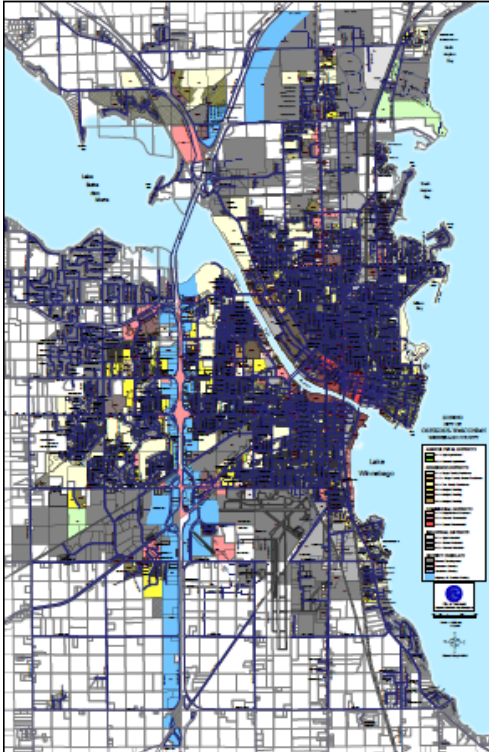


REZONING

APPLICATION AND REVIEW STANDARDS

City of Oshkosh Planning Services
215 Church Avenue PO Box 1130
Oshkosh, WI 54903-1130
920-236-5059

What is a Rezoning?



A property owner may discover that their parcel is located in an existing zoning district that prohibits a desired use and will request a change to an accommodating zoning district. A rezoning typically involves changing a property's zoning district class from one to another (e.g. residential to commercial) or changing the use intensity (e.g. C-1 to C-2). A rezoning will change a property's zoning designation and the Official Zoning Map of the City. The purpose of rezoning is to accommodate changes and growth in the city by allowing the highest and best use of land as set forth in the City's Comprehensive Plan and to assure compatibility with adjacent uses.

Where Do I Start?

Contact Planning Services Division Staff to discuss an interest in rezoning. Staff will provide guidance as to the appropriate zoning designation for your project and its consistency with the City's Comprehensive Plan.

What's Next?

- An application to rezone is required to be submitted. A complete submittal includes a Rezoning Application and a legal description of the property to be rezoned. Be sure to include a narrative statement as to the reasons for the request.
- Complete submittals will be placed on a Plan Commission meeting agenda according to the filing deadline.
- Staff will prepare a report to the Plan Commission with a recommendation to approve or deny the request. The Plan Commission may also lay over the request for additional information. The report will take into consideration the request's consistency with the Comprehensive Plan, especially the land use recommendation, as well as impacts on adjacent properties. A notice sign is required to be placed on the property/area involved in the rezoning request and notice of the zone change request is sent to all adjacent property owners. It is recommended that the petitioner, especially for a potentially controversial zone change request, hold a separate neighborhood meeting to explain the rezoning.
- The Plan Commission will then act on the rezoning request by recommending approval or denial of the request to the Common Council. The Common Council formally approves or denies the rezoning request after a public hearing during a regular meeting of the Council. A notice of public hearing is published in the newspaper two consecutive weeks before the Common Council meeting.

NOTE: Timing of the public hearing before the Common Council after Plan Commission will vary due to the publishing requirements and the availability of a legal description.



REZONING
APPLICATION

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Property and Project Information

Property Address: _____

Parcel Number: _____ Existing Zone District _____

Lot Size Frontage: ____ ft. Depth: ____ ft. Area: ____ Acres/Sq Ft Rectangle Irregular

Comprehensive Plan Future Land Use Map Designation _____

Current use of property _____

Proposed use of property _____

Proposed Zone District _____

Legal Description (to be provided in digital form, MS Word format)

Will a Conditional Use Permit be required? Yes No Don't Know

Applicant Information

1. Applicant

Identify the person or organization requesting the zone change:

Name _____ Cell Phone _____

Organization _____ Business Phone _____

Mailing Address _____ Fax _____

City _____ State _____ Zip _____ E-Mail _____

2. Applicant Interest

The applicant must have a legal interest in the subject property:

Property Owner Purchaser by Option or Purchase Agreement

Purchaser by Land Contract Lessee/Tenant

3. Property Owner Check here if Applicant is also Property Owner

Identify the person or organization that owns the subject property:

Name _____ Cell Phone _____

Organization _____ Business Phone _____

Mailing Address _____ Fax _____

City _____ State _____ Zip _____ E-mail _____

Required Application Attachments

- 1. Need for Zone Change**
Written description of why the zone change is needed, and how the proposed zone district will meet the needs of the development.
- 2. Project Description**
Written description of the proposed site and/or building layout, building and structure design information, floor plans, parking calculations, current environmental conditions, and other pertinent information.
- 3. Site Plans, Building Elevations, Floor Plans, and Landscape Plans**
If Planned Development approval is being requested concurrently with the zone change request, enclose the site plans, building elevations, floor plans, and landscape plans required on the Site Plan Review Checklist.
- 4. Conditional Use Permit Application** (if necessary)
If applicable, include a completed Conditional Use Permit application with the zone change submittal.
- 5. Planned Development Application** (if necessary)
If applicable, include a completed Planned Development Application with the zone change submittal.

Request and Affidavit

The applicant must read the following statement carefully and sign below:

The undersigned requests that the City of Oshkosh review this application and related required documents and site plans. The applicant further affirms and acknowledges the following:

- That the applicant has a legal interest in the property described in this application.
- That the answers and statements contained in this application and enclosures are in all respects true and correct to the best of his, her, or their knowledge.
- That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes, and does not constitute the granting of a variance.
- That the applicant will comply with any and all conditions imposed in granting an approval of this application.
- If also the owner, the applicant grants the City of Oshkosh staff, Plan Commission, and Common Council the right to access the subject property for the sole purpose of evaluating the application.

Applicant Signature

Date

Applicant Signature

Date

If the applicant is not the property owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she or they are the owner(s) of the property described in this application, and:

- Is/are aware of the contents of this application and related enclosures.
- Authorizes the applicant to submit this application and represent the undersigned in the matter of being reviewed by the City of Oshkosh.
- Grants the City of Oshkosh staff, Plan Commission, and Common Council the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Signature

Date

Property Owner Signature

Date



REZONING REVIEW STANDARDS

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The Plan Commission and the Common Council may consider whether the proposed zone change meets the following standards:

Standard #1 Comprehensive Plan/Zoning Ordinance

- A. Explain how the proposed zone district designation is consistent with the purpose and intent of the City's Comprehensive Plan, including the Future Land Use Map.

- B. Explain how the proposed zone district will further the themes and objectives of the City's Comprehensive Plan, as well as any relevant adopted area redevelopment plans.

Standard #2 Public Facilities

- A. Describe how adequate public facilities already exist or will be provided at no additional public cost, and will safeguard the health, safety, morals and general welfare of the public.

- B. Explain how the proposed zone district will not be detrimental to the financial stability and economic welfare of the city.

Standard #5 Other

Describe how the proposed zone district is consistent with the trend of development in the neighborhood, or the property to be rezoned was improperly zoned or classified when the City's Zoning Ordinance was adopted or amended.



REZONING APPLICATION PROCEDURE

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General Information

A zone change may be initiated by the Common Council or by petition. It may also occur as the result of the Comprehensive Plan or the adoption of an area redevelopment plan. Regardless of who initiates the request, all zone changes must be reviewed by the Plan Commission and approved by the Common Council. Typically, property owners request a zone change in order to use their property in a way that is not allowed under the current zone district.

Pre-Application Consultation

A pre-application meeting with planning staff is recommended as an initial informal review of the proposed project. The meeting is intended to determine what kind of zone change is needed, if other approvals are required, and to explain the process to be followed to obtain a decision on the proposal.

The preliminary proposal may also be referred to the City staff Development Review Team to obtain the input of other City departments such as the City Engineer, Transportation Engineer, Police, Fire, Water, and others. Following this initial review, the applicant will be better prepared to complete a zone Change application.

Neighborhood Meeting

Applicants are strongly encouraged to meet with neighboring property owners and any applicable neighborhood association or business association for the area before the Plan Commission meeting OR prior to application submittal. The purpose of a neighborhood meeting is to inform nearby stakeholders of the proposed change, receive comments and address concerns about the proposal, and whenever possible resolve conflicts in advance of Plan Commission review. Failure to hold a neighborhood meeting may result in tabling or delay of the request.

Application

An application packet for a rezoning is available from the City of Oshkosh Planning Services Division located at 215 Church Avenue, Room 204, or at the Planning Services Division website www.ci.oshkosh.wi.us/Community_Development/Planning_Services under Application Forms.

Staff Review

The application will be reviewed by planning staff prior to submission to the Plan Commission. A planner may contact the applicant with questions or a request for additional information, or may advise the applicant on recommended changes or revisions to the application and submittals for the purpose of clarity.

Notice to Property Owners

Following the staff review, the rezoning application is forwarded to the Plan Commission for a public meeting. A notice sign is required to be placed on the property/area involved in the rezoning request and a notice of the public meeting is mailed to adjacent and abutting property owners prior to the scheduled meeting date. Interested persons may submit a letter or speak at the public meeting.

Plan Commission Meeting

Planning staff introduces and explains the request to the Plan Commission. The applicant is then asked to present information on his/her proposal. The Plan Commission may ask questions of staff and/or applicant. The Plan Commission then allows public comment on the application, and a chance for the applicant to respond to any concerns or questions. The public comment period is then closed and the Plan Commission deliberates on the request in open session. The Plan Commission may recommend approval, approval with conditions, denial, or may table the application.

Common Council Action

The Plan Commission recommendation is forwarded to the Common Council for review, and if approved, for adoption of a City Ordinance. The Common Council will consider the recommendation of the Plan Commission through the following process:

- A rezoning is an Ordinance change and as such receives two separate readings at consecutive Common Council meetings unless the second reading is waived by the Common Council. *
- At the first reading, the rezoning is placed on the agenda as a public hearing and any person wishing to comment on the item may do so. Common Council takes no action on the item unless the second reading is waived.
- The public hearing is also noticed in the newspaper as a Class II notice for two consecutive weeks, the last notice being published seven days before the scheduled hearing date.
- At the second Common Council reading, the item is put on the agenda as a "Pending Ordinance" and the public and petitioner may still comment on the item. Common Council can approve, deny, table, or refer the item back to the Plan Commission.
- If approved, the effective date of the zone change is the following Saturday after published in the newspaper.

** In extraordinary circumstances, where timing is critical to the rezoning, the applicant may request that the Common Council waive the second reading and adopt the rezoning at its first meeting. To request this, a letter needs to be submitted to the City Manager's office at least one week before the Common Council meeting. The request should detail the reasons why the rezoning cannot wait until the second reading.*

Written Notice

The applicant will be provided with a letter and Ordinance that documents the decision of the Common Council.

Appeal

If the Common Council denies an application for a zone change, the applicant may not appeal the decision. The applicant may pursue action in Circuit Court as an alternative avenue for project consideration.



REZONING APPLICATION CHECKLIST

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The following items are required for a complete Rezoning application. Incomplete applications will be returned.

- Signed Application Form**
Complete pages 2 and 3 of the Rezoning application packet. The application must be signed by the applicant and the property owner (if different).
- Response to Rezoning Review Standards**
Complete page 4 of the rezoning application packet. Use additional paper if needed.
- Need for Rezoning**
Provide a written description of why the rezoning is needed, and how the proposed Zone District will meet the needs of the development.
- Project Description**
Provide a written description of the proposed site and/or building layout, building structure design information, floor plans, parking calculations, current environmental conditions, and other pertinent information.
- Site Plans, Building Elevations, Floor Plans, and Landscape Plans (if necessary)**
If site plan approval is being requested concurrently with the rezoning request, submit the site plans, building elevations, floor plans, and landscape plans required on the Site Plan Review Checklist.
- Conditional Use Permit Application (if necessary)**
If a Conditional Use Permit is also needed, include a completed CUP application.
- Planned Development Application (if necessary)**
If a Planned Development is also being requested, include a completed PD application
- Neighborhood Meeting Sign-In Sheet (if held)**
Enclose the sign-in sheet from the neighborhood meeting. Include the date, time and location of the meeting. Failure to hold this meeting may result in tabling of the request.
- Fee** (make check payable to the City of Oshkosh)
- Plan Submittal**
 - 2 - full size copies
 - 5 - 11" x 17" copies
 - 1 - digital copy submitted in PDF format (one file for each drawing, plan, or document)
- Legal Description**
Common Council cannot act on the rezone request without legal description.

Additional Information

In the course of reviewing the application, Planning staff may request additional information from the applicant.