

REZONING

GUIDE TO REZONING PROPERTY IN THE CITY OF OAK GROVE

Background

Zoning protects the rights of property owners and promotes the general welfare of a community through the regulation of land use. Zoning divides property in the City of Oak Grove into land use categories such as agricultural, residential, commercial, and industrial. Each use is located where it is most appropriate, taking into account existing land use patterns and the location of roads and public utilities. The Unified Development Code also specifies details such as the height, bulk, and setback of buildings, the size and location of parking lots and green space, and the intensity to which the land may be developed.

Definition

When a property owner wishes to develop their land in a manner not permitted under the current zoning, they must apply for a change to their zoning classification, also commonly referred to as a rezoning.

Conditions

The application and review process is required to ensure proposed rezonings will result in development that will be compatible with surrounding land uses. A rezoning's potential benefits to the community are weighed against its potential to adversely impact surrounding property owners. Rezoning applications are also reviewed for consistency with the City of Oak Grove's Comprehensive Plan. The map helps City officials and developers consider how to integrate and balance new and existing land uses in the City of Oak Grove.

Process

Applications for rezoning must be reviewed by City staff, the Planning and Zoning Commission, and the Board of Alderman. Any person submitting an application for a rezoning must contact Community Development Department staff, who will explain the review process and provide the necessary forms, checklists, and dates. Staff will schedule a pre-application meeting to review the rezoning request.

When the Community Development Department accepts a rezoning application, staff reviews it for completeness and compliance with applicable plans and ordinances. Staff will contact the applicant if additions or revisions to the application are necessary. Staff prepares a report containing its findings and a recommendation of approval or denial of the rezoning request. The application and staff report are submitted to the Planning and Zoning Commission for review and then to the Board of Alderman for final approval.

The application is subject to comment from the general public. A public hearing is required at the Planning and Zoning Commission and Board of Alderman meetings where the application is presented. At least fifteen (15) days' notice of the time and place of scheduled public hearings before the Planning and Zoning Commission and Board of Aldermen meetings shall be published in a newspaper of general circulation within the City. The City shall attempt to post notice on the property and notify, by mail at least fifteen (15) days prior all property owners whose property limits are within one hundred eighty-five (185) feet of the boundaries of the property for which the application is filed. Failure to receive notice by mail does not invalidate any action taken.

Decision

The Planning and Zoning Commission is made up of seven members who are citizens and residents of the City of Oak Grove. The Commission meets on the first and third Tuesday of every month. At the meeting, the Commission will allow the applicant and staff to present a report on the proposed rezoning. A public hearing is also required. The Commission then makes "findings of fact" to determine whether the application is compatible with the criteria for approval. Based on those determinations, the Commission provides a recommendation of approval or disapproval to the Board of Alderman. The Commission may recommend approval of an application subject to conditions reasonably necessary for conformance with the required conclusions.

Board of Alderman meetings are held on the first and third Monday of every month. The applicant and staff will again have the opportunity to present a report on the proposed rezoning. A public hearing is required. The Board of Alderman will consider staff and Planning and Zoning Commission recommendations, along with the public's input, when making their decision to approve or deny the rezoning request. An Ordinance, which requires two separate readings by the Board of Alderman, must be approved for the rezoning to be effective.

- Pre-application meeting with City Staff
- Complete application
- ▶ **Within 60 Days before P&Z Commission Meet-**
 Filing deadline:
 - Submit a completed application (see application checklist)
 - Pay filing fee
- ▶ **Prior to P&Z Commission**

Staff review
- ▶ **At Least 15 Days Before P&Z Commission**
 - *City mails notice of public hearing*
 - *Sign posted*
 - *Notice of public hearing posted in local newspaper*
- ▶ **10 Working Days Before P&Z Commission**
 - Final revisions submission deadline
- ▶ **First & Third Tuesday of the Month**
 - Planning & Zoning Commission Meeting/ Public Hearing
- ▶ **First & Third Monday of the Month**
 - - Board of Alderman First Reading/Public Hearing
 - - Board of Alderman Second Reading

REZONING

APPLICATION CHECKLIST

For applications filed under Unified Development Code Section 405.085

In order to request a hearing before the Planning and Zoning Commission a completed application must be received by the Community Development Department before the filing deadline. The filing deadline for rezoning applications is typically 60 days before the next meeting. Please contact the Community Development Department for exact dates.

A completed application includes the following:

- A completed application form.** The application form for a rezoning is available in the Community Development Office located in Oak Grove City Hall or on the internet at www.cityofoakgrove.com.
- Attached legal description** and legal description in Word Document format on a disk (legal description must be full description with callouts).
- An application fee of two hundred fifty dollars (\$250.00) plus associated cost**, payable to the City of Oak Grove.

To determine the adequacy of existing public facilities, the City of Oak Grove's Engineering Contractors may require additional materials, such as a traffic study, from the applicant. Additional requirements will be determined at the pre-application meeting with City staff.

REZONING

PUBLIC NOTICE REQUIREMENTS

From Oak Grove Unified Development Code Section 405.085

Upon filing an application, the City will take the following action to inform surrounding property owners of the rezoning request and advertise the public hearings:

- **A notice of the public hearing** will be published in a news paper of general circulation in the City stating the time and place of the public hearing at least fifteen (15) days before the public hearing.
- **A notice of the public hearing** will be mailed by the City to property owners within one hundred and eighty-five (185) feet of the property to be rezoned at least fifteen (15) days before the public hearing.
- The City will **post a sign** within five feet of the right-of-way of each road frontage on the property to be rezoned.
- The cost of these notifications will be included in the associated fees.

REZONING

FINDINGS OF FACT

The following criteria will be used by the Planning and Zoning Commission to review your application.

- 1. The character of the surrounding neighborhood, including the existing uses and zoning classification of properties near the subject property;**
- 2. The physical character of the area in which the property is located;**
- 3. Consistency with the goals and objectives of the Unified Development Code and other plans, codes and ordinances of the City of Oak Grove;**
- 4. Suitability of the subject property for the uses permitted under the existing and proposed zoning districts;**
- 5. The trend of development near the subject property, including changes that have taken place in the area since the subject property was placed in its current zoning district;**
- 6. The extent to which the zoning amendment may detrimentally affect nearby property;**
- 7. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;**
- 8. The suitability of the property for the uses to which it has been restricted under the existing zoning regulations;**
- 9. The length of time (if any) the property has remained vacant as zoned;**
- 10. Whether the proposed zoning map amendment is in the public interest and is not solely in the interests of the applicant; and**
- 11. The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.**



APPLICATION FOR REZONING

**FOR OFFICE
USE ONLY:**

Case Number: _____ Staff Planner: _____ Filing Fee: _____
P&Z Date: _____ BOA 1st Date: _____ BOA 2nd Date: _____

APPLICANT/OWNER INFORMATION

Applicant Name: _____ **Company:** _____

Street Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Telephone: _____ **Fax:** _____ **E-Mail:** _____

Property Owner Name (if different than applicant): _____

Street Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Telephone: _____ **Fax:** _____ **E-Mail:** _____

Firm Preparing the Plat: _____ **Contact:** _____

Street Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Telephone: _____ **Fax:** _____ **E-Mail:** _____

*All correspondence on this application should be sent to (check one): Applicant Property Owner Firm

REZONING REQUEST

The applicant is hereby requesting a zoning change from _____ district to _____ district.

PROJECT DETAILS

General Location or Address of Property: _____

Property Area in Acres and/or Square Feet: _____

Present Use of the Property: _____

Proposed Use of the Property: _____

COMPATIBILITY WITH EXISTING LAND USES

Please address how any potential incompatibilities between the property to be rezoned and the surrounding properties will be addressed : _____

CONSISTENCY WITH THE UNIFIED DEVELOPMENT CODE

What is the property's current land use classification?

Residential Commercial Public/Institutional
 Multi-Family Residential Industrial

THIS PORTION OF THE APPLICATION IS FOR REZONING TO "P" PLANNED DISTRICTS ONLY

Please indicate any proposed variations from the following underlying district regulations. If more than one set of regulations is proposed, please attach a separate sheet.

Underlying zoning: _____

Minimum Area per Lot	Minimum Area per Dwelling Unit	Lot Width Minimum	Lot Depth Minimum	Front Yard Minimum	Rear Yard Minimum	Side Yard Minimum	Maximum Area of Building Coverage
↓ Underlying Zoning Regulations ↓							
_____ Sq. Ft.	_____ Sq. Ft.	_____ Ft.	_____ Ft.	_____ Ft.	_____ Ft.	_____ Ft.	_____ Percent
↓ Proposed "P" Planned Regulations ↓							
_____ Sq. Ft.	_____ Sq. Ft.	_____ Ft.	_____ Ft.	_____ Ft.	_____ Ft.	_____ Ft.	_____ Percent

Does the application include any other variations from the Oak Grove City Code?

Yes. Please explain: _____

No.

APPLICANT'S DECLARATION

My application consists of the following items and information necessary for a complete application:

<input type="checkbox"/> Completed Application Form	<input type="checkbox"/> Attached legal description and legal description in Word Document Format (<i>legal must be full description with callouts</i>)
<input type="checkbox"/> Required Fee: \$ 250.00	
<input type="checkbox"/> Ownership affidavit, copy of deed OR completed owner(s) consent form	

The following declarations are hereby made:

- The undersigned is the owner or authorized agent of the owner or the officers of a corporation or partnership.
- The submitted plan, if any, contains all of the necessary information required by the Oak Grove Unified Development Code. I will provide any and all omitted information and understand omissions can delay the development process a minimum of thirty (30) days.
- The applicant has discussed this application with staff in the Community Development Department.
Staff: _____ **Date:** _____
- The information presented and contained within this application is true and correct to the best of the undersigner(s) knowledge.

SIGNATURE OF OWNER(S) AND APPLICANT(S)

Printed Name: _____

Signature: _____ Date: _____

Subscribed and sworn to me on this Stamp:
the _____ day of _____ 20____
in the County of _____,
State of _____.

Notary Public: _____ My Commission Expires: _____

Printed Name: _____

Signature: _____ Date: _____

Subscribed and sworn to me on this Stamp:
the _____ day of _____ 20____
in the County of _____,
State of _____.

Notary Public: _____ My Commission Expires: _____

SIGNATURE OF OWNER(S) AND APPLICANT(S)

Printed Name: _____

Signature: _____ Date: _____

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State of _____.

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Signature: _____ Date: _____

Subscribed and sworn to me on this Stamp:
the _____ day of _____ 20____
in the County of _____,
State of _____.

Notary Public: _____ My Commission Expires: _____

Printed Name: _____

Signature: _____ Date: _____

Subscribed and sworn to me on this Stamp:
the _____ day of _____ 20____
in the County of _____,
State of _____.

Notary Public: _____ My Commission Expires: _____

OWNERSHIP AFFIDAVIT

STATE OF MISSOURI)

COUNTY OF JACKSON)

Comes now _____ (owner)
who being duly sworn upon his/her oath, does state that he/she is the owner of the
property legally described in the application for rezoning and acknowledges the sub-
mission of the application for rezoning of said property under the City of Oak Grove
Unified Development Code.

Dated this _____ day of _____, 20__

Signature of Owner

Printed Name

Subscribed and sworn to before me this _____ day of _____, 20__

Notary Public

My Commission Expires