

# WARREN COUNTY PLANNING & ZONING

## Rezone Permit Procedure

### Section 11.1 - Amendments to the Zoning Order and Zoning Map

The County Commission may, upon the recommendation of the Planning and Zoning Commission, after public notice and hearing as provided by law, amend, supplement or change the Order or the Zoning Map.

### Section 11.2 - Change by Owner Application

Applications for amendment, revision or change of the Order or the Zoning Map may be made by any owner or his attorney-in-fact who wants his property to be rezoned. If such application is made by the owner's attorney, he shall enter upon the application the name and current mailing address of the owner. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the County Commission and duly filed with the Zoning Administrator. Accompanying said application shall be:

- a. A legal description of the property proposed for rezoning;
- b. A parcel map outlining the property proposed for rezoning;
- c. A recent certificate of title to the subject property evidencing ownership;
- d. A development plan, either in narrative form or a preliminary site plan, indicating the intended use of the property;
- e. A list of the names and addresses of all of the owners of all of the property within one thousand (1,000) feet of the property proposed for rezoning;
- f. A fee in the amount as determined by the County Commission from time to time, shall accompany the application.

In addition to the aforementioned fee, the applicant shall pay for all mailing costs for notification to adjacent property owners within one thousand (1,000) feet of the property proposed for rezoning and any publication costs required by the Order.

All such applications shall be set down for hearing before the Planning and Zoning Commission not later than ninety (90) days from the date of filing of the application. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Planning and Zoning Commission, be continued. Notice of the time and place of such hearing shall be published at the applicant's expense in at least one newspaper of general circulation, within the County, such notice to be published at least fifteen (15) days prior to the date of said hearing before the Planning and Zoning Commission.

Notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one or more public areas of the County Courthouse. Notice at the applicant's expense shall also be given, at least fifteen (15) days before the hearing, by certified mail, to all owners of any real property located within one thousand (1,000) feet of the parcel of land for which the change is proposed.

Within forty-five (45) days after the final hearing of such application, the Planning and Zoning Commission shall recommend the approval or denial of the same by majority vote and a report of such recommendation shall be made by the Planning and Zoning Commission to the County Commission. The County Commission may accept or reject the recommendation of the Planning and Zoning Commission and shall approve or deny the application. If an application is denied, no subsequent application requesting the same amendment, revision or change with reference to the same property, or part thereof, may be filed by an applicant until the expiration of six (6) months after the final denial by the County Commission.

#### Section 11.3 - Change by County Commission

Recommendations for amendment, revision or change of the Order or the Zoning Map may be made by the Planning and Zoning commission upon its own motion or upon request of the County Commission. The County Commission may revise, modify or amend the Order and the Zoning Map; provided, however, such proposed changes shall first be submitted to the Planning and Zoning Commission. In either case, final action thereon shall be taken only upon notice and hearing as provided hereinabove. The payment of the fee set forth above shall not be required for requests for proposed amendments, revisions or changes initiated by the Planning and Zoning Commission or the County Commission.

#### Section 11.4 - Protest Procedures

In case of written protest filed against any proposed change or amendment to the Order of the Zoning map signed and acknowledged by the owners of twenty percent (20%) of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty (20%) of the frontage proposed to be changed, or by the owners of twenty percent (20%) of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1.5) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Clerk, such amendment may not be passed except by the favorable vote of all the members of the County Commission.

## **Rezone Checklist**

**For**

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### **Section 11.2. Change by Owner Application.**

Applications for amendment, revision or change of the Order or the Zoning Map may be made by any owner or his attorney-in-fact who wants his property to be rezoned. If such application is made by the owner's attorney, he shall enter upon the application the name and current mailing address of the owner. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the County Commission and duly filed with the Zoning Enforcement Officer. Accompanying said application shall be:

- A legal description of the property proposed for rezoning;
- A parcel map outlining the property proposed for rezoning;
- A recent certificate of title to the subject property evidencing ownership;
- A development plan, either in narrative form or a preliminary site plan, indicating the intended use of the property;
- A list of the names and addresses of all of the owners of all of the property within one thousand (1,000) feet of the property proposed for rezoning;
- A fee in the amount as determined by the County Commission from time to time, shall accompany the application.
- In addition to the aforementioned fee, the applicant shall pay for all mailing costs for notification to adjacent property owners within one thousand (1,000) feet of the property proposed for rezoning and any publication costs required by the Order.
- All paperwork must be turned in to the Planning and Zoning office and all fees paid no later than 4:00pm on the 3<sup>rd</sup> Thursday of each month. The application will then be placed on the agenda for the Planning and Zoning Commission meeting for the next month.
- A photo ID of the property owner or their designated representative (with a notarized affidavit).

## **Appeal and Protest Procedure Regarding Rezones**

- a. If an applicant is aggrieved by a decision of the Planning and Zoning Commission regarding an application for a Rezone or an amendment thereto, the applicant may file an appeal with the County Commission requesting a determination from that body. A Notice of Appeal shall be filed in duplicate with County clerk within ten (10) days after the applicant has received written notice of the Planning and Zoning commission's decision and shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in the regulations regarding Rezones. Notice of Appeal shall be accompanied by a fee in the amount as determined from time to time by the County Commission and a payment to cover all mailing and publication costs (as provided in section 11.3 of the Warren County Zoning Order) necessary to provide notice of the public hearing on the appeal to be conducted by the County Commission.
- b. Any party other than the applicant aggrieved by a decision by the Planning and Zoning Commission regarding a Rezone or an amendment thereto may file a protest with the County Commission requesting a determination by that body. Pending a decision by the County Commission on the protest the Rezone shall not be effective. A Notice of Protest shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision and shall specifically state how the Rezone application, as initially filed or subsequently modified, fails to meet the criteria set forth in the regulations regarding Rezones. The Notice of Protest shall be accompanied by a fee in the amount determined from time to time by the County Commission and payment to cover all mailing and publication costs (as provided in Section 11.3 of the Warren County Zoning Order) necessary to provide notice of the public hearing on the protest to be conducted by the County Commission.
- c. Before act in on any appeal or protest the County Commission shall set the appeal or protest for public hearing within thirty (30) days of the filing of said appeal or protest. The County Commission shall give written notice of such hearing in the same manner as provided in Section 10.3c of the Warren County Zoning Order hereof. The applicant and the protestants in the case of a protest shall be granted an opportunity to be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Commission, will be aggrieved by any decision or action with respect to an appeal or protest may also be heard at the hearing.
- d. Following the hearing by the County Commission on an appeal or protest, the County Commission shall make a determination regarding the impact of the Rezone in accordance with criteria set forth in Section 11.4 of the Warren County Zoning Order hereof and may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission regarding the Rezone or amendment thereto which is the subject of the appeal or protest.
- e. Within forty-five (45) days of the hearing on the appeal or protest the County Commission shall notify in writing the applicant and in the case of a protest the protestant(s) of its decision regarding Rezone or amendment thereto.

# WARREN COUNTY PLANNING AND ZONING

## Schedule of Fees

January 1, 2012

### Zoning Permits

Single Family Residence:	\$ 80.00
Manufactured Dwelling, Mobile Home, & Recreational Vehicle:	\$ 80.00
Two Family Residence (2 units)	\$160.00
Residential Improvement:	\$ 40.00
Commercial:	\$100.00 plus 5¢/ sq. ft.
Multi-Family Residence (more than 2 units) is charged at Commercial Rate	
Shared Use (Tower)	\$300.00

### Conditional Use

Application:	\$100.00
Amend CUP Conditions	\$ 55.00
Publication:	\$ 55.00
Certified Mailings (# x \$6.50):	

### Variance

Application	\$125.00
Publication	\$ 55.00
Certified Mailings (# x \$6.50)	

### Rezone Application

Publication:	\$55.00
Certified Mailings (# x \$6.50):	
Application:	
Less than 1 acre:	\$175.00
1 to 4.99 acres:	\$200.00
5 to 9.99 acres:	\$250.00
10 to 19.99 acres:	\$300.00
20 to 49.99 acres:	\$350.00
50 to 99.99 acres:	\$400.00
100 to 199.99 acres:	\$450.00
200 to 299.99 acres:	\$500.00
300 to 399.99 acres:	\$550.00
400 to 499.99 acres:	\$600.00
Over 500 acres:	\$700.00

### Subdivisions

Preliminary Plats:	\$25.00/ lot
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### Amendments to Order or Zoning Map

Application:	\$200.00
Publication:	\$ 55.00

Effective 3-7-01, the fee will be doubled if the correct permit(s) is not obtained before the project is started. Effective 4-30-07, additional publication and certified mailing fees for second hearing conducted by the County Commissioners.

# Warren County Planning and Zoning Application

PARCEL ID \_\_\_\_\_ PERMIT # \_\_\_\_\_

CONDITIONAL USE \_\_\_\_\_ REZONE From \_\_\_\_\_ To \_\_\_\_\_

PLAT: P F Description: \_\_\_\_\_

(Circle One)

Zone Order Reference:

Please check all that apply:

**RESIDENCE \_\_\_\_\_ (New construction only)**

Single Family \_\_\_\_\_ Multi Family \_\_\_\_\_

Single Story \_\_\_\_\_ Two Story \_\_\_\_\_

Basement \_\_\_\_\_ Slab Foundation \_\_\_\_\_ Concrete Foundation: \_\_\_\_\_

# of Bedrooms \_\_\_\_\_ # of Bathrooms \_\_\_\_\_ Square Footage: \_\_\_\_\_

Central Sewer: \_\_\_\_\_ Individual Sewer: \_\_\_\_\_

**MANUFACTURED DWELLING \_\_\_\_\_ Model \_\_\_\_\_ Make \_\_\_\_\_ Year \_\_\_\_\_**

(If exchanging: 60 days to remove the old dwelling) **Remove & Replace \_\_\_\_\_**

**Address where mobile is being moved from: \_\_\_\_\_**

\_\_\_\_\_ NON RESIDENTIAL IMPROVEMENT, WITH NO INTERNAL PLUMBING

Type \_\_\_\_\_ Dimensions \_\_\_\_\_

\_\_\_\_\_ NON RESIDENTIAL IMPROVEMENT, WITH INTERNAL PLUMBING

Type \_\_\_\_\_ Dimensions \_\_\_\_\_

NAME: \_\_\_\_\_

Check One: **OWNER (S) \_\_\_\_\_ OTHER (Owner (S) Affidavit Required) \_\_\_\_\_**

MAILING ADDRESS:

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_ MO \_\_\_\_\_ ZIPCODE: \_\_\_\_\_

PHONE # \_\_\_\_\_

If property purchased within last 12 months, list previous owner \_\_\_\_\_

PROPERTY ADDRESS: (If different from mailing address)

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

**(NEXT PAGE)**

DIRECTIONS TO PROPERTY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any buildings presently on property: \_\_\_\_\_

**Signature valid only if notarized or witnessed by Planning & Zoning office staff. PHOTO ID REQUIRED**

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

(By signing this application you acknowledge you have been informed and agree to the stipulations and/or conditions required under the Warren County Zone Order to obtain the necessary permit(s).)

MONIES FOR PERMITS ARE NON-REFUNDABLE      Witness \_\_\_\_\_

Permits not paid for and acquired within 90 days of applying are canceled.

**OFFICE USE ONLY**

Temporary Electric Sticker \_\_\_\_\_ Permanent Electric Sticker \_\_\_\_\_

PARCEL ID \_\_\_\_\_ LOT \_\_\_\_\_ ACREAGE \_\_\_\_\_

TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_ SECTION \_\_\_\_\_

FLOOD PLAIN \_\_\_\_\_ ZONED \_\_\_\_\_

FIRE DISTRICT: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

CULVERT SPECIFICATIONS DISTRIBUTED: YES \_\_\_\_\_ NO \_\_\_\_\_

60 DAY / FP REVIEW: YES \_\_\_\_\_ NO \_\_\_\_\_ REVIEW DATE: \_\_\_\_\_

AS BUILT / BFE REQUIRED: YES \_\_\_\_\_ NO \_\_\_\_\_

Reviewed By \_\_\_\_\_