

Town of Oshkosh
Application Instructions
ZONING CHANGE, VARIANCE REQUEST, AND CONDITIONAL USE

BASIC RULES OF THE PROCESS:

1. Application must be made for an entire parcel. If a request is for a pending lot sale or to rezone part of a parcel, a deed must be recorded to create the parcel prior to the application being filed. This may require the owner to record a Quit Claim Deed from themselves to themselves for the purpose of creating the lot. The newly recorded deed must accompany the application. If a Certified Survey Map has been prepared, the application can reference the pending CSM provided the CSM is included with the application. THE FILING OF A DEED WILL ALSO REQUIRE A CERTIFIED SURVEY MAP FOLLOWING THE PUBLIC HEARING PROCESS.
2. When the request is for vacant property, you are to place flags at the PROPERTY LINE. The Commission members and staff can easily determine the location of the property when viewing.

FOR ZONING CHANGE, VARIANCE REQUEST, AND CONDITIONAL USE PERMITS, following pertains:

3. APPLICATION REQUIREMENTS-Section Instructions:

Section A-1: Property owner completes and signs

Section A-2: If a different person is handling the application, that person must complete and sign

Sections B-1 and B-2: Information can be obtained from the tax bill or deed

Section B-3: Identify by address, or closest address and directions (i.e. North of 2222 Address Rd)

Sections B-4 and B-5: Information can be obtained from Zoning Administrator and/or
Winnebago Co. GIS office.

Section B-7: All applications must include a Site Plan.

Additional for a Zoning Change application only Z-101 form must include an existing map scaled map showing the affected area, and all surrounding properties within 1,320', detailing at a minimum, parcel boundaries, zoning districts, structures, and road names. You would obtain this map by making a request to the Winnebago County's GIS office. Winnebago County does charge a fee for a printed map.

Section C: To be completed in your own words

4. FILING REQUIREMENTS/Checklist; submit to Town Zoning Administrator:

- Completed appropriate form(s)
- Quit Claim Deed/Certified Survey Map or other evidence documentation if applicable to the situation
- Site plan of proposed change
- Zoning Change applications ONLY, an existing scaled map as described above in #3, Section B-7.
- Filing fee of \$450 cash or check payable to Town of Oshkosh. Debit or credit cards are not accepted.

5. **SIGNAGE NOTIFICATION.** After having completed the application process, the applicant must post a 10-day public notice on the property that informs the public of the pending application for the zoning change. It is the responsibility of the applicant to check with Digger's Hotline prior to placing the sign. The public notice sign will be available from the Zoning Administrator with a deposit of \$100, which will be refunded upon return of sign after public hearing. Cash or check payable to the Town of Oshkosh.

6. **3-MILE EXTRATERRITORIAL Rule Regarding ZONING CHANGE.** If property is located within three (3) miles from the City of Oshkosh's municipal boundary, a zoning petition will have to be made to the City of Oshkosh to change their Land Use Comprehensive Plan, if the City's existing plan does not agree with the proposed zoning by the applicant. Contact the City of Oshkosh Planning office for instructions and fee. This rule does not apply to variances and conditional use.

7. **TIMELINE OF PROCEEDINGS Regarding ZONING CHANGE.** Once the completed application is submitted to Zoning Administrator.
 - Zoning Administrator will submit full application to town clerk.
 - Town Clerk will schedule a hearing date and publication notice. Notice is a class 2 notice that must be published between 15-20 days before the hearing date.
 - Planning & Zoning Commission meetings are generally the third Thursday of the month, but can vary. The Commission will vote on a recommendation to the town board.
 - The nearest regular Town Board meeting after a P&Z vote, the matter will be on the agenda for the Town Board to vote on proposed Resolution. Town Board meetings are every second and fourth Monday each month.
 - If approved by the Town Board, the Resolution and application materials will be forwarded to Winnebago County. Winnebago County will schedule the matter for a County Board of Supervisors vote. The Winnebago County Clerk sends certification of decisive vote.

Special Note: If Winnebago County's Future Comprehensive Land Use Plan does not match what the town proposes to change, Winnebago County will not approve the zoning change. The applicant will have to petition the City of Oshkosh for a Land Use change. Winnebago County's Land Use Plan mirrors the City's Land Use Plan. Winnebago County will only change their plan if the City does. Please go back and read #6 section of these instructions.

8. **TIMELINE OF PROCEEDINGS Regarding VARIANCE AND CONDITIONAL USE.** Once the completed application is submitted to Zoning Administrator.
 - Zoning Administrator will submit full application to town clerk.
 - Town Clerk will schedule a hearing date and issue publication notice. Notice is a class 2 notice that must be published between 15-20 days before the hearing date. The public hearing is heard before the Board of Appeals.

I-100 Instructions

- Board of Appeals will set a date to hear the matter and make the final decision. Meetings are scheduled when applicable in conjunction with the public hearing, no later than 30-days from public hearing date.
- The application does NOT need Winnebago County approval, unlike zoning changes. The process ends at the Board of Appeals, unless the applicant decides to appeal an unwanted decision, which then the applicant would have file the objection through the Circuit Court process at Winnebago County.