



Bartlesville City Planning Commission EXPLANATION OF REZONING PROCEDURE

If you desire to make application to have your property rezoned, the procedure is as follows:

1. Check with the Community Development Department to see what your present zoning is and the designation of the zone you desire. A list of all current zoning districts and a brief description of each is included in this information packet. Staff will also determine whether or not your request must be accompanied by a supplemental designation Planned Unit Development (PUD). The PUD designation is required when requesting a rezoning of land to an office, commercial, or industrial zoning district. The staff will be happy to help you with this.
2. The City of Bartlesville Zoning Regulations require applicants for rezoning to submit with their application a list of the names and addresses of all property owners of record within a three hundred (300) foot radius of the exterior boundaries of the subject property. This list must be certified as current and accurate by a registered professional engineer, an attorney, a bonded abstractor, or a registered land surveyor. The attached certification must be submitted with this list (see Exhibit A). The applicant is also required to construct and post a site sign on the property giving public notice of the rezoning request. The attached information (see Exhibit B) further explains the applicant's responsibility in completing this requirement.
3. If your rezoning request involves a supplemental designation Planned Unit Development (PUD), a separate application and separate filing fee of \$100 must be completed and submitted requesting the PUD designation and providing required information concerning the proposed development of the site. Both applications will be processed together and considered at the same time as one agenda item.
4. Complete the rezoning application and bring it with *all required material*, including a \$100 filing fee, to the Community Development Department at the address below. The staff will make sure your application is complete; **incomplete applications will not be accepted.**
5. Your application, along with the filing fee, must be filed at the Community Development Department before 5:00 p.m., Tuesday, thirty (30) days prior to the next Bartlesville City Planning Commission (BCPC) meeting. The BCPC generally meets on the fourth Tuesday of each month unless the schedule is altered by a holiday during that particular month. Applications which do not meet this deadline schedule **will not** be accepted.

After your application and required materials are filed, legal notice of the request will be published in the Bartlesville Examiner-Enterprise, as required by State law. Also at this time, every property owner within three hundred (300) feet of the exterior boundaries of your property is notified by letter of your request and invited to present comments at the BCPC public hearing. The City will bill you for the costs associated with the publication of the legal notice and the mailing of these required property owner letters. You will need to reimburse the City for these costs prior to the scheduling of final action by the City Council on your rezoning request.

These owners, and any other citizen, may protest if they so desire. Should the owners of fifty percent (50%) of the land within the notice area protest your request, it will take an affirmative vote of four of the five members of the City Council to rezone your property.

In order to promote public participation in the development review process, the applicant is required to provide for citizen participation activities prior to the BCPC public hearing. Information concerning this requirement is included in this information packet as **Exhibit C**.

7. The staff will research and analyze your request and prepare a staff report with a recommendation, which will be mailed to each BCPC member, as well as to the applicant. This staff report will also be made available to any member of the public on the Friday before the BCPC meeting in the Community Development Department. You are welcome to pick up a copy of the staff report on this Friday from the Community Development Department if you so desire.

The Staff's recommendation on your rezoning request will be based on the following factors (to include, but not limited to):

- a. Compatibility of the request with the Comprehensive Plan and policies adopted by the BCPC, City Council.
 - b. The compatibility of the proposed zoning with adjoining land uses.
 - c. The compatibility of the proposed zoning with abutting zoning districts (Is the request an extension of an existing district?).
 - d. Whether or not there is a need for additional land to be rezoned as requested.
 - e. Whether the change represents a public need or is merely for the convenience of the owner.
8. At the next scheduled BCPC meeting, your request will be considered at a public hearing. You will be sent notice of this meeting and you or your representative must be present. The staff will introduce your request, and you and any interested citizen will have the opportunity to speak to the Commission concerning your request. Information concerning presentations before the BCPC is provided in **Exhibit D**.
 9. At the conclusion of this public hearing the BCPC, by majority vote, will recommend that your requested rezoning either be approved, denied or modified. This recommendation, along with your application and related materials, will be transmitted to the City Council.
 10. When the BCPC has acted upon an application for rezoning, an ordinance shall be prepared and introduced before the City Council at a second public hearing approximately three to five (3-5) weeks later. At this meeting, the City Council will have reviewed the BCPC recommendation and will vote either to adopt or reject the proposed rezoning ordinance. You or your representative must be present at this meeting. The average rezoning case takes about 60 to 75 days from the time we receive the application until final approval.

The BCPC and City Council meetings are held at 7:00 p.m. in the City Council Chambers of the Bartlesville City Hall, 401 S. Johnstone, Bartlesville, Oklahoma. If you have any further questions, please call the Community Development Department at 918-338-4237.

8.2015



Case No:	
Date Received:	
BCPC Hearing Date:	
City Council Hearing Date:	

APPLICATION FOR REZONING OF PROPERTY

NAME OF APPLICANT: _____

Daytime Phone: _____

Address of Applicant: _____

Location of area to be rezoned (address and legal description or legal description and general location)

NATURE OF ZONING CHANGE REQUESTED:

Present Zoning _____ *Proposed Zoning* _____ *Adjacent Zoning* _____
Present Land Use _____ *Proposed Land Use* _____ *Adjacent Land Use* _____

ADDITIONAL INFORMATION REQUIRED:

1. Is the tract within the corporate limits of Bartlesville? Yes ___ No ___
2. Is the tract within an established flood hazard area? (If yes, a Flood Plain Development Permit Application will be required to accompany application.) Yes ___ No ___
3. Does the tract contain a natural / man made watercourse? Yes ___ No ___

THE FOLLOWING ITEMS ARE ATTACHED:

Attached

1. Application fee of \$100.00
2. Site Plan – Vicinity sketch showing boundary lines and dimensions, adjoining streets, rights-of-ways, existing and proposed utilities within existing and proposed easements and rights-of-way, and the location of existing and proposed structures
3. Name and address of legal owner(s) of property to be rezoned
4. Two (2) sets of self-stick mailing labels, either typed or legibly printed, of names and addresses of all property owners within 300-feet of the property to be rezoned

SIGNATURE (Applicant) _____

SIGNATURE (Of Property Owner if not Applicant) _____

SUMMARY OF ZONING DISTRICTS

City of Bartlesville Zoning Regulations

RESIDENTIAL DISTRICTS:

RA - Residential Agriculture. This district is designed to preserve temporarily in agricultural use, land which is suited for eventual development in some urban use, pending the need and the economical provision of major streets, utilities, and other facilities. This district is composed mainly of unsubdivided lands that are vacant or in agricultural use with some dwellings and accessory uses.

RE - Residential Estate. This district is intended to provide low-density, limited growth residential areas. It is designed to accommodate residential development opportunities for those who desire exurban, low density, or estate living and are willing to live in more remote areas and assume the costs of providing many of their own services and amenities. The public provisions of these services are precluded because the City of Bartlesville must concentrate its limited resources in areas where more intense future development is logical. Unlike the Residential Agriculture District, the Estate District is not to be considered a holding zone or temporary zone which will permit more intensive zoning at a future date.

RS - Single-Family Residential Districts; RM - Multi-Family Residential Districts, and RT - Mobile Homes Residential District. These residential districts are designed to protect the residential character of the included areas by excluding commercial and industrial activities, to encourage a suitable environment for family life by permitting such neighborhood facilities as churches, schools and playgrounds, to permit certain appropriate institutions to be located in residential neighborhoods, to preserve openness of the areas and avoid overcrowding by requiring certain minimum yards, and to make available a variety of dwelling types and densities in a variety of locations to serve a wide range of individual requirements.

- **RS. Single-Family Residential Districts:** These districts are designed for those areas where the land is presently being used, or where development appears desirable, for single-family dwellings. The regulations for the RS District are designed to encourage the provision of single-family detached residences in district of four permitted densities.
- **RM. Multi-Family Residential Districts:** These districts are designed to provide areas for medium and high population density and consist mainly of areas containing multifamily dwellings (including two-family dwellings) with some single-family dwellings, areas which contain single-family and two-family dwellings, are centrally located, and are appropriate to ultimate multi-family development, and open areas where future multi-family development appears desirable. The regulations for the RM District are designed to encourage the provision of multi-family accommodations in district of three permitted densities.
- **RT. Mobile Homes Residential Districts:** These districts are designed for areas now occupied by mobile homes (house trailers) or mobile homes parks, and for open areas where mobile homes development appears desirable. The district is intended to permit and encourage the development of properly planned and improved mobile home parks in appropriate locations in a residential environment.

NON-RESIDENTIAL DISTRICTS

O - Office District. This district was created to permit professional offices and related uses to be located in close relationship to residentially zoned property. It is anticipated that this zoning designation will principally be applied to individual parcels of land whose adjacency to an arterial street or other more intensive land use limits its desirability for residential use. The uses permitted in this zoning district are low intensity uses which are most compatible with residential uses. Rezoning of parcels of land to this category shall not be construed as a precedent for rezoning similar or adjacent parcels to more intensive commercial uses.

C-2- Neighborhood Shopping District. This district is designed to provide locations for the conduct of retail trade and personal service enterprises to meet the regular needs of and for the convenience of adjacent residential areas. The types of uses authorized in this district are limited to those that serve the everyday needs of the household. Because these facilities are an integral part of the neighborhood, more restrictive requirements for open space and off-street parking are made than are provided in other commercial districts.

C-3- Major Shopping District. This district is designed to provide for shopping facilities covering a wide range of retailing and personal services including most of the shopping goods and services needed to satisfy the personal and household needs of the residents of a major section of the urban area.

C-4- Central Commercial District. This district is designed to be the central business district or the downtown shopping and employment area for the community and surrounding trade area. This district is intended to provide space for retailing of all kinds, professional offices, financial institutions, amusement facilities, transient facilities, and limited wholesaling and warehousing.

C-5- General Commercial District. This district is designed to accommodate miscellaneous commercial enterprises serving the consumer, public, business, industry, and agriculture. This district will provide for commercial uses that do not need to be in shopping centers or the central business district or which are undesirable in such areas.

C-6- Commercial Amusement District. This district is designed to provide for amusement establishments that usually require a large site, generate considerable traffic, and may involve nuisance factors, including such enterprises as bowling alleys, drive-in theaters, miniature auto race tracts and amusement parks.

C-7- Highway Commercial District. This district is designed to permit and encourage the grouping, in defined areas along highways, of certain retail activities and services primarily to serve, and dependent on, the motoring public.

M-1- Limited Industrial District (Light). This district is designed to provide area suitable for manufacturing, warehousing, and other industrial activities, which have slight or no objectionable environmental influences in their operation or appearance (odor, heat, smoke, noise, vibration or other objectionable environmental influences). All uses in the M-1 District which are located within 300 feet of an R District shall be conducted within enclosed buildings.

M-2- General Industrial District (Medium). This district is designed to group together a wide range of industrial uses, which may produce moderately objectionable environmental influences in their operation or appearance. The uses permitted in the M-2 district which are located within 300 feet of an R District shall be conducted within enclosed buildings other than incidental storage of vehicles, equipment, and materials.

M-3- Intensive Industrial District (Heavy). This district is designed to provide areas for manufacturing and other industrial activities, which may constitute substantial environmental influences or hazards.

IP – Industrial Park District. This district is intended to provide an environment conducive to the development and protection of administrative facilities, research institutions, manufacturing plants, warehousing, and similar enterprises in a park-like atmosphere. This district has additional environmental performance criteria and site development standards which ensure that the erection of industrial buildings within this district are pleasing in appearance and harmonize with other surrounding land uses.

HY75-O – Highway 75 Overlay District. This district applies only within an area lying one half mile on either side of U.S. Highway 75 from the Bartlesville city limits to County Road 3100 and are applied to all tracts of land covered by the 2003 U.S. Highway 75 Corridor Study with the express purpose of guiding development within the corridor to provide a safe and convenient roadway serving the economic and transportation needs of all residents. Additional design standards are required within this overlay district which are in addition to the regulations which apply to the underlying zoning district

EXHIBIT A
CERTIFICATE

STATE OF OKLAHOMA)

) ss

WASHINGTON COUNTY)

The undersigned, _____, in and for said County and State, does hereby certify:

That the attached is a complete and correct list of property owners within 300-feet of the property described below as reflected by the tax rolls in the office of the County Treasurer for Washington County, Oklahoma and the last recorded conveyance in the office of the County Clerk for Washington County, Oklahoma

Dated at Bartlesville, Oklahoma this _____ day of _____, 20____.

Signature

Typed or Printed Name

Legal description of property:

EXHIBIT B

Bartlesville City Planning Commission SITE POSTING REQUIREMENTS

For all Planned Unit Development (PUD) and Rezoning Cases and Sketch Plan Proposals

To provide adequate notice to the community, you are required to post your site at least 20 days prior to the first public hearing date and to maintain the posting until the City Council decision on the request. If you are requesting a rezoning of property, the site sign must specifically state the present zoning classification and the proposed zoning classification of the property within the sign subject identified as **“REQUEST.”**

SITE POSTING SPECIFICATIONS:

1. Sign shall be a minimum of 4' x 8' in size and painted yellow in color.
2. Sign shall be made of laminated plywood or heavyweight plastic.
3. Sign shall provide black vinyl lettering sized and lettered as per the attached diagram. Where not indicated on the attached diagram, lettering shall be no less than 1" in height.
4. Sign shall be attached with a minimum of 6 screws to 2 - 4" x 4" x 10' wood poles.
5. Sign may be created and posted by applicant or by a licensed sign contractor.
6. Sign shall be posted at least 20 days prior to the date of the first public hearing. Sign shall remain posted on the site until after the final hearing. Sign shall be removed from the site following final action on the request.
7. Within twenty (20) days prior to the date of the first hearing of the request by the BCPC, the applicant shall send to the Community Development Director a notarized affidavit of posting (attached) along with a photo of the sign posted on the site.
8. Applicant is responsible for the maintenance and care of the site sign during the term of the case.

AFFIDAVIT OF POSTING

Case No. _____

Location _____

Site Posting Date: _____

Applicant Name _____

In order to provide adequate notice to interested parties, the APPLICANT for any Planned Unit Development or rezoning hearings or sketch plan proposals within the Bartlesville City Planning area shall erect, not less than twenty (20) calendar days prior to the date of public hearing, notice of the date, time and place of each public hearing and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO ERECT AND TO MAINTAIN THE NOTICE OF THE SUBJECT PROPERTY until final disposition of the case. The number and location of notices shall be determined by the Director of Community Development.

I confirm that the site has been posted as indicated by the Director of Community Development for the case as listed above. **A photograph of the site posting/s have been submitted.**

Applicant Signature

Date

This instrument was acknowledged before me this ____ day of _____, 20____, by _____ . In witness whereof, I have hereunto set my hand and official seal.

Notary Public

My commission expires _____

Return completed, notarized affidavit AND pictures to Director of Community Development AT LEAST 20 DAYS PRIOR TO BCPC HEARING.

SITE POSTING SPECIFICATIONS

PUBLIC NOTICE

**CITY OF BARTLESVILLE
PUBLIC HEARINGS**

City Planning Commission: 7:00 PM Date: _____
City Hall, 401 S. Johnstone, Bartlesville, OK

City Council: 7:00 PM, Date: _____
City Hall, 401 S. Johnstone, Bartlesville, OK

REQUEST: _____

LOCATION:

CASE NO.:

APPLICANT:

PHONE NO.:

Case file available at the Community Development Department
(918-338-4237)

Posting Date:

1" letters

4" letters

-- 2" letters

- 1" letters

2" letters

1" letters

Must specifically state the present zoning classification and the proposed zoning classification for zoning requests (see note below)

NOTE:

Under the REQUEST category: Information provided on sign should be similar to the following examples. NOTE: If more than one request is being made, include all such requests under this category.

- Rezoning from RS-10, Single-Family Residential to C-3, Commercial
- Rezoning from RS-10, Single-Family Residential to RM-3, Multi-Family Residential
- PUD Site Development Plan Approval
- Amendment to PUD restrictions
- Sketch Plan Approval for Single-Family Residential Subdivision
- Sketch Plan Approval for Commercial Subdivision
- Amendment to PUD restrictions

EXHIBIT C

CITIZEN PARTICIPATION

The City of Bartlesville Zoning Regulations requires the applicant provide for citizen participation and input prior to the Planning Commission public hearing as identified in the following section. In reference to Number 3 below regarding “the method of notification and details of techniques the applicant may use to involve the public,” **a copy of the Site Plan must be included as part of the required information distributed to property owners and neighbors.**

Section 12.1.4 B. Citizen Participation Activities Required.

In order to encourage public participation in the development review process, the applicant of every application for zoning map amendment or other such application which requires a public hearing (such as a Planned Unit Development application) shall provide for citizen participation activities prior to the first public hearing.

1. The purpose of such citizen participation activities is to:
 - a) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
 - b) Ensure that the citizens and property owners of Bartlesville have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
 - c) Facilitate direct and ongoing communication between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.
2. The requirement for citizen participation is not intended to produce complete consensus on all applications, but to facilitate direct communication between affected parties, to encourage applicants to be good neighbors and to allow for informed decision making.
3. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. Therefore, the target area for early notification and method of notification required for citizen participation activities will be determined by the Community Development Director after consultation with the applicant. The target area for early notification may include any or all of the following:
 - a) Property owners within 300 feet of the subject site as required by law;
 - b) Property owners within an extended area of the subject site but not to exceed 1000 feet of the subject site;
 - c) The head of any homeowners association or registered neighborhood within one-half mile of the subject site; and
 - d) Other interested parties who have requested that they be placed on the interested parties’ notification list maintained by the Community Development Department or as determined by the Community Development Director.

Further, required notification shall include information concerning the substance of the change, amendment or development proposed by the applicant and how affected or interested parties will be provided an opportunity to review and 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. As determined by the Community Development Director, the method of notification and details of techniques the applicant may use to involve the public may include any or all of the following:

- a) Mailing of letter from applicant to those within the target area providing required information concerning the application;
 - b) Door-to-door distribution of required information concerning the application to those within the target area;
 - c) Hosting of a neighborhood meeting with those within the target area providing required information concerning the application.
4. These requirements shall apply in addition to any notice provisions required elsewhere in this ordinance.
 5. The applicant shall complete citizen participation requirements as determined by the Community Development Director and provide documentation of compliance with such requirements at least one week prior to public review of their application. Such documentation shall consist, minimally, of a written summary prepared by the applicant describing the results of their citizen participation activities, including a summary of concerns, issues and problems expressed during the process. This summary will be attached to the staff report when presented for public review of the application.
 6. Failure to comply with these citizen participation activity requirements may cause the automatic delay of an application for public review.

Questions concerning the implementation of these Citizen Participation Requirements should be addressed to the Director of Community Development at 918-338-4237.

EXHIBIT D

PUBLIC HEARINGS

WHAT IS A PUBLIC HEARING?

State Law requires a Public Hearing, also known as the Oklahoma Open Meeting Act, for all meetings of public bodies to be held at specified times and places which are convenient to the public and shall be open to the public.

A public hearing is required when citizens or businesses apply for a special zoning permit to place a mobile home on a lot, build a carport, request a zoning change or a planned unit development. Applicants are required to attend the meeting, present their application and be prepared to answer questions. The public is always invited to attend as well.

Although public hearings are a required part of the process, the Community Development staff do their best to keep the process simple and customer friendly! We know public speaking is not for everyone, and many suffer anxiety at the thought of standing before a council, committee or board, and others in an audience, to answer questions or present information. Do not worry – everyone there are fellow citizens and neighbors!

Whom should you expect to see in a Public Hearing?

In most cases, the public entities involved in public hearings are the City Council, the Bartlesville City Planning Commission (BCPC) and the Board of Adjustment (BOA). These people are dedicated to preserving the integrity of your town, and are fair-minded and unbiased. It is a vital part of their responsibility to interpret and apply City regulations, ordinances and resolutions to each individual application.

Depending on the type of application, one of the following entities will hear it.

- The BCPC considers requests for: Rezoning; Planned Unit Developments; Site Development Plans; Lot Splits; Sketch Plans; Preliminary Plats; Final Plats; and Text Amendments to City Regulations. The BCPC was established to oversee the development of Bartlesville and preserve the integrity of the Comprehensive Plan and Zoning Regulations. The ten (10) members are appointed by the Mayor and City Council.
- The City Council hears BCPC recommendations on the above listed applications, as well as a variety of other city matters. They make well researched and educated decisions, and by vote, make a final determination. The five (5) City Council members are voted upon by citizens.
- The City BOA hears applications for special zoning permits, variances, nonconforming uses and appeals. This usually entails carports, mobile home placement, wireless communication towers, etc. They are also appointed by the Mayor and City Council and are comprised of five (5) members.

Seated in the audience will be any interested neighbors that have been contacted concerning the application. City regulations require that neighbors who live within a 300-foot radius of the property listed on the application must be notified of the proposed construction. Interested citizens and neighbors are always welcome and are given the opportunity to speak at a certain point in the hearing. The Planning Commission and City Council will listen to all public input before making their final decisions.



Community Development Staff will also be present at the meeting. They have researched and prepared the information that will assist the Planning Commission and City Council in the decision making process. A copy of the staff report is provided to the Planning Commission or City Council as well as to the applicant, one week prior to the meeting. Copies of the staff report are available to the public, upon request, from the Community Development Department.

How are the hearings conducted? What is the procedure? What do I do?

The hearings are conducted under Parliamentary Procedure. Parliamentary Procedure is simply a time proven method that keeps a meeting in order, allows everyone a chance to speak and ensures that motions and votes are made a part of the public record. An agenda is followed, with the chairperson or Mayor opening and conducting the meeting. A week prior to the hearing, an applicant will receive a copy of the agenda with their copy of the staff report. Notice of the meeting is posted in the local newspaper, and the agenda is posted at City Hall one week before the meeting for public information.

Upon entering the City Council Room, the council, committee or board will be seated at the front of the room. They have microphones for enhanced listening for the audience. The meeting will be taped and/or taken by transcription by a clerk or administrative assistant. Minutes are available to the public upon request.

A podium and microphone is placed directly in front of the council, committee or board. Each application will be heard in the order it appears on the agenda. The council, committee or board will listen to the staff report, then will ask the applicant to come forward and add any information to what has already been reported. At this time, the applicant should step up to the podium and state his/her name and address for the record. The applicant can then provide any additional information or simply wait for the council, committee or board to make inquiries. Once they have completed their questions, the applicant can then be seated. The Chairperson will open the hearing to the public, and at that time, anyone wishing to speak may do so. Citizens should also step up to the podium and clearly state their name and address for the record. All parties are given an opportunity to speak either in favor of or in opposition to the particular application.

Once the council, committee or board feels they have all the information necessary to make a decision, a motion is made to approve the application. It will be seconded and a roll call vote is taken. Once the vote has been taken and the application either approved or denied, the applicant and neighbors are welcome to take leave of the hearing. A formal letter will be forwarded to applicants the following day for their records with further instructions if necessary.

Public hearings are a wonderful venue for citizens to participate in the decisions and development of their community. We invite you to attend and take an active part!!

FOR MORE INFORMATION:

Inquiries about public hearings, or any city business, are welcomed. Please feel free to call us at 918-338-4238 between 8:00 a.m. and 5:00 p.m., Monday through Friday. We will be happy to answer your questions and provide assistance. Information “at your fingertips” can also be found on the City of Bartlesville website at www.cityofbartlesville.org. Zoning regulations, permit requirements, code enforcement, and much more can be found on this informative and easy to use website.