

Zoning Change Protest Guide

What is a zoning map change?

Property owners often apply for a zoning map change, or rezoning, to allow for different uses or building types on their property. The rezoning is reviewed by the City's Plan Commission and voted on by the Common Council. An example would be a request to rezone a lot to build a duplex instead of a house.

How many votes are needed to approve the zoning map change?

After Plan Commission holds a public hearing and reviews a rezoning request, the rezoning requires 50% or more of Common Council members to vote in favor of the proposed change (simple majority). City ordinance (23.10.31(8)(c)) allows affected or neighboring properties to file a protest petition, which requires that 75% or more of Common Council members to vote in favor of the rezoning (supermajority).

I'm concerned about a zoning map change. What can I do?

Questions or concerns can be sent to the City's Community Development Department. During the Plan Commission meeting where a rezoning is reviewed, you can provide your comments or questions during the public hearing. Meeting agendas and public notices are posted on the City's website and at City Hall.

Can I protest a zoning map change?

To require the 75% vote, concerned property owners must submit petitions for at least:

1. 20% or more of the area of the land included in the proposed rezoning; OR
2. 20% or more of the area of land immediately adjacent and extending 100 feet from the area proposed to be rezoned; OR
3. 20% or more of the land directly opposite the area proposed to be rezoned extending 100 feet from the street frontage of such opposite land.

The City's Community Development, Engineering, and/or Attorney staff can assist with these calculations and will review them prior to Council action on the rezoning. Please see the attached drawings for examples of how land area is calculated.

Instructions to file a protest petition:

On the attached petition, please write the address of the property being rezoned and the address(es) of all the property you own near or within the rezoning. Print your name and sign your petition in the presence of a public notary who can notarize the signature. Notaries are available at City Hall in the Clerk/Customer Service Office (1st Floor), City Attorney Office (2nd Floor), and Engineering Department (3rd Floor).

When complete, submit the petition to the City Clerk/Customer Service Office at least three (3) business days before Common Council votes on the rezoning. If you have neighbors who also are against the rezoning, they may have to complete their own petitions to meet the 20% land area requirement.

Questions?

Contact the City Clerk/Customer Service Office at City Hall by calling 261-6620 or the City Attorney Office at 261-6590.

Formal Protest Petition Against Proposed Zone Change

To the Common Council of the City of Wausau:

Please consider this as a formal protest against the proposed zone change amendment for:

(Address or Addresses of Property Proposed for Rezoning)

It is my understanding that, if enough property owners adjacent to this proposed zoning submit this type of petition, the proposed zone change amendment can only be approved by a three-fourths vote of the Common Council.

I own the property at the following address(es): _____

(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature)

(Signature)

(Print name)

(Print name)

(Date signed)

(Date signed)

State of Wisconsin

} ss.

_____ County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

ZoningFormalProtestPetition.frm

Drafted by: Joe Pribanich, City Planner
Date: November 28, 2007
Revised: December 13, 2007; February 18, 2022

Notification to Withdraw Name From Formal Protest Petition Against Proposed Zone Change

To the Common Council of the City of Wausau:

Please consider this as a **formal withdrawal** of my name from a formal protest against the proposed zone change for:

(Address or Addresses of Property Proposed for Rezoning)

I had previously signed and submitted a formal protest petition against the proposed zoning for the above address. I have changed my mind on this issue and wish to have my name removed from the formal protest petition.

I own the property at the following address(es): _____

(Address/Addresses of Property/Properties Owned by Protest Petitioner)

Below is my signature, witnessed and notarized by a notary public to confirm my desire to have my name removed from the earlier petition.

(Signature)

(Signature)

(Print name)

(Print name)

(Date signed)

(Date signed)

State of Wisconsin

} ss.

_____ County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

ZoningFormalProtestPetition.frm

Drafted by: Joe Pribanich, City Planner
Date: November 28, 2007
Revised: December 13, 2007; February 18, 2022

Illustrations/Examples for Determining Validity of Protest Petitions Against a Proposed Zone Change

Criterion 1: 20% or more of the area included within the proposed amendment.

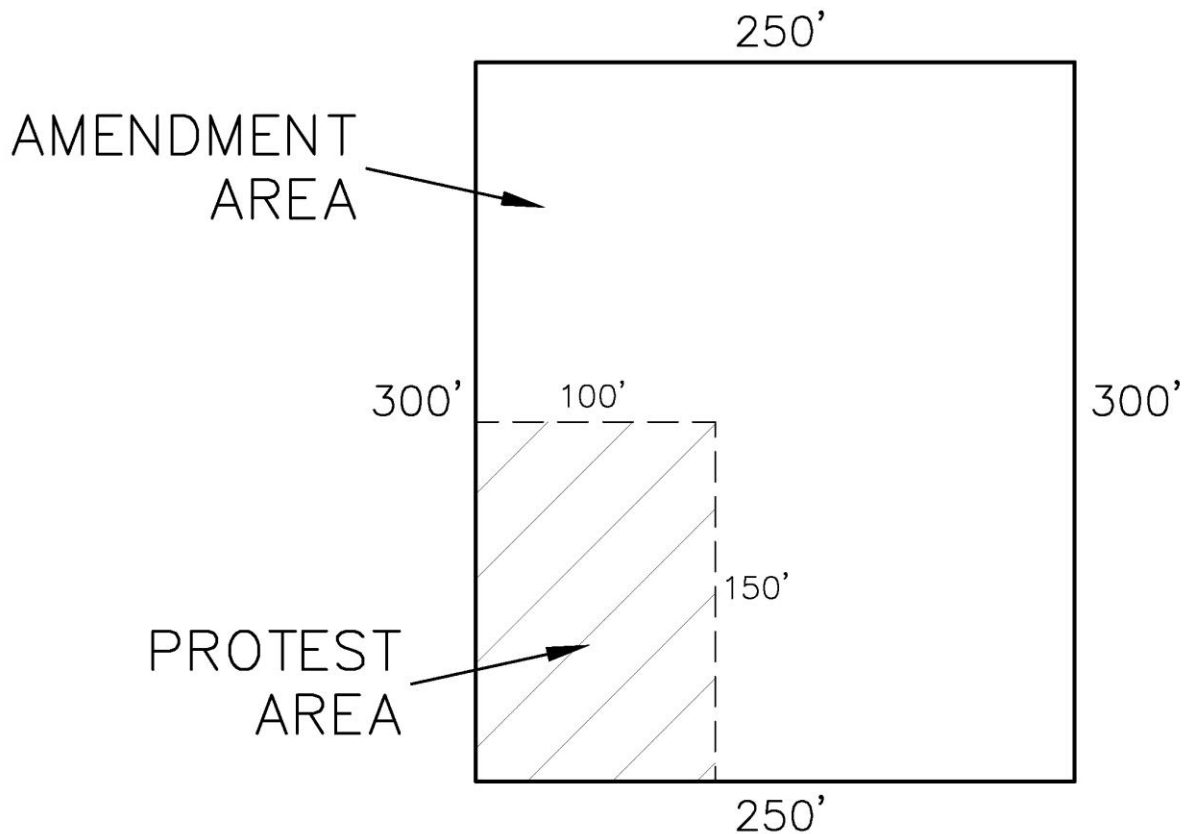
Total Area of Proposed Amendment = 250 feet X 300 feet = 75,000 Square Feet.

Area Owned by Protest Petitioner = 100 feet X 150 feet = 15,000 Square Feet.

15,000 Square Feet (divided by) 75,000 Square Feet = 20%

Petitioner Meets Criterion 1.

Illustration:



OR **Criterion 2:** 20% or more of the area of the land immediately adjacent extending 100 feet therefrom.

Example 1:

Total area including the petitioner's = 200 feet X 200 feet = 40,000 Square Feet.

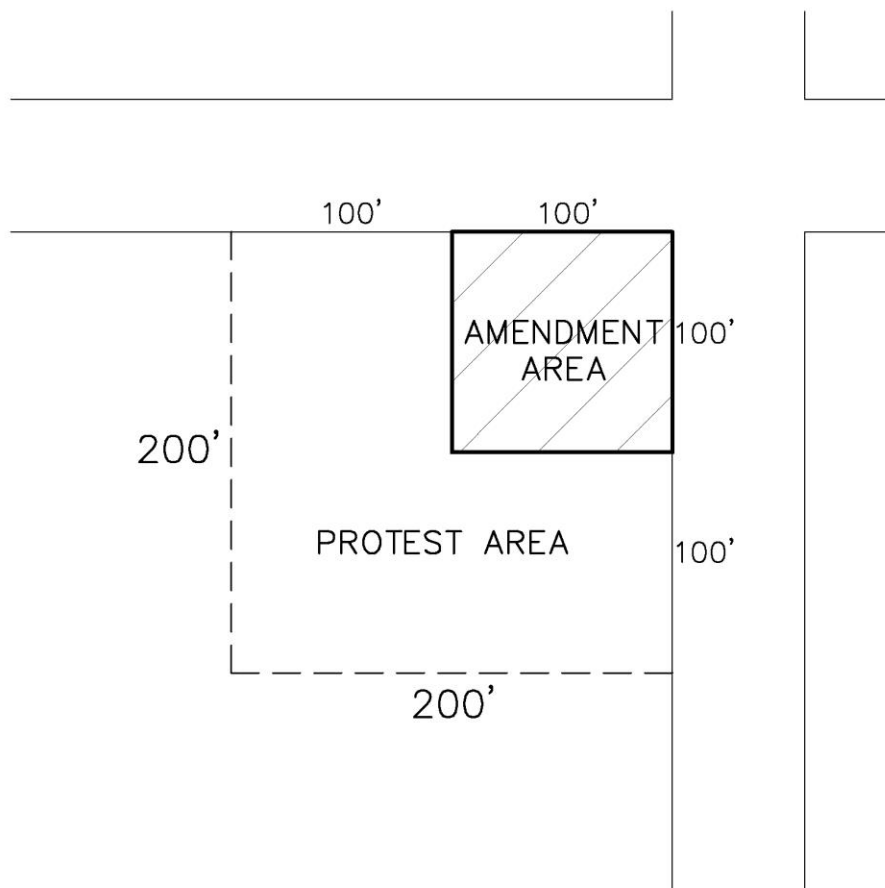
Amendment Area = 100 feet X 100 feet = 10,000 Square Feet.

Difference = 30,000 Square Feet (40,000 Square Feet - 10,000 Square Feet).

20% of 30,000 Square Feet = 6,000 Square feet.

Protest petitioners owning 6,000 square feet of land or more within the 30,000 square foot area would qualify.

Illustration:



Example 2:

Total area including the petitioner's = 200 feet X 250 feet = 50,000 Square Feet.

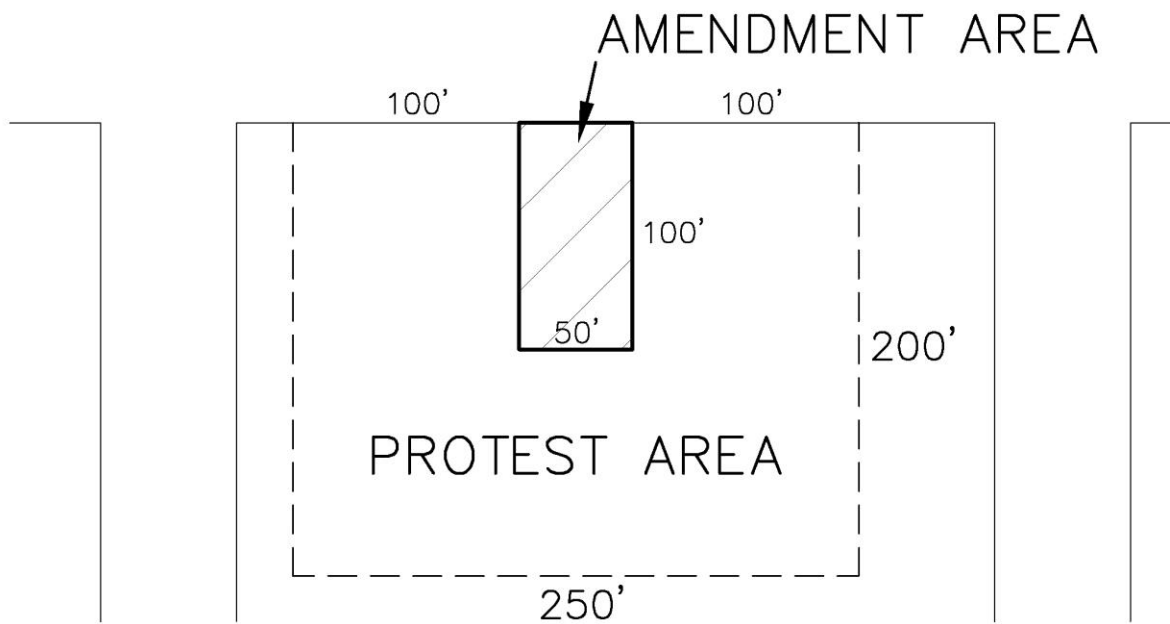
Amendment Area = 100 feet X 50 feet = 5,000 Square Feet.

Difference = 45,000 Square Feet (50,000 Square Feet - 5,000 Square Feet).

20% of 45,000 Square Feet = 9,000 Square feet.

Protest petitioners owning 9,000 square feet or more within the 45,000 square foot area would qualify.

Illustration:



OR Criterion 3: 20% or more of the land directly opposite from the petitioner's extending 100 feet from the street frontage of such opposite land.

Example 1:

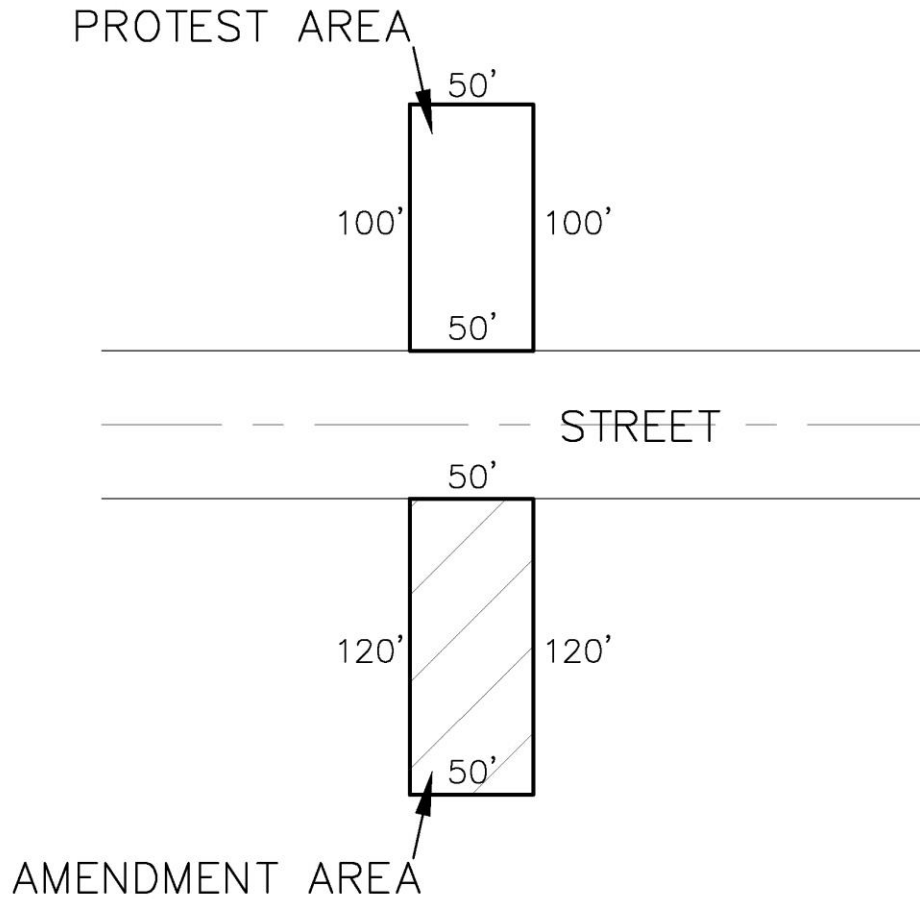
Petitioner's frontage across the street = 50 feet of street frontage.

Area extending 100 feet from street frontage = 50 feet X 100 feet
= 5,000 square feet.

20% of 5,000 square feet = 1,000 square feet.

Protest petitioners owning at least 1,000 square feet of property within the 50 foot by 100 foot area across the street would qualify.

Illustration:



Example 2:

Petitioner's frontage across the street = 100 feet + 100 feet = 200 feet of street frontage.

Area extending 100 feet from street frontage = 100 feet X 100 feet + 100 feet X 100 feet
= 20,000 square feet.

20% of 20,000 square feet = 4,000 square feet.

Protest petitioners owning at least 4,000 square feet of property within either or both of the two 100 foot by 100 foot areas across the street would qualify.

Illustration:

