

THE ZONING ORDINANCE AMENDMENT PROCEDURE¹ FOR THE CITY OF INDEPENDENCE

An amendment to the text of the zoning code or the zoning map may be initiated by the city council, the planning commission, or by application of a property owner.
(*Ref: Independence City Code Subsection 520.07, Subd. 1-6*).

The applicant for a zoning amendment must complete and submit to the city administrator-clerk an application for a zoning amendment and required documentation, together with a fee established by city council ordinance. In addition to said fee, the applicant shall sign an agreement, on forms provided by the city, to pay the cost of all engineering, planning, legal and inspection expenses incurred by the city in processing the application.

The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments:

- Zoning amendments must conform to the Independence city comprehensive plan.
- The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment.
- The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts.
- The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned.
- The zoning amendment application must demonstrate merit beyond the private interests of the property owner.

STEPS TO FOLLOW

In order to have your application be complete and reviewed in the timeliest fashion, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed zoning amendment and obtain a land use application from City Hall.
2. Put together an informational packet (described herein) that outlines your request

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Independence City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

- and outlines all reasons as to why the zoning amendment should be granted.
3. Submit your application and the completed packet to the staff by the applicable due date for review. Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. When all the information requirements are complied with, the request shall be considered as being officially submitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date shall not be reviewed until the following month.²
 4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, notifying and holding a public hearing.
 5. The Planning Commission will review the request at their monthly meeting (2nd Monday of every month³) and forward a finding of fact and recommendations to the City Council (meets the 4th Tuesday of the month⁴). Applicants are advised to attend both the Commission meeting and the Council meeting and be open to questions that might be posed regarding the request.
 6. The City Council will consider the request and either grant or deny the zoning amendment.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete by the applicable due date. Because of state mandated notification requirements, there may be NO exceptions to this deadline.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested zoning amendment should be granted. City staff is not authorized, nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific request.

CHECKLIST

The following items must be completed for a zoning ordinance amendment:

Item:

1. **Schedule a pre-application meeting** with the Planning Department to discuss the purpose of the request and what will be needed in order to complete the application.

² Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

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- 2. **A land use application form** signed by **all** property owners and applicant along with payment of the proper filing fee.

- 3. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below:
 - a. The name and address of the applicant or applicants;
 - b. A listing of the following site data: legal description of the property (including lot/block, plat name, and parcel identification number), parcel size (in acres and square feet), and a description of the area proposed to be rezoned;
 - c. The present zone classification of the area and the proposed zone classification;
 - d. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
 - e. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire city;

- 4. **General Development Plan:** An application for an amendment to the zoning map must include a general development plan (Six [6] copies⁵). Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller⁶ than 11"x 17" and be pre-folded for distribution. Staff will assist you in determining what is required.

The general development plan must show topography with a contour interval not greater than two feet and must include the following:

- a. The proposed site with reference to existing development on adjacent properties;
- b. Proposed public and private road arrangements, loading, access drives, landscaping, walkways, recreation and open space, other public areas, and any other improvements currently on the site;
- c. General location of proposed structures;
- d. General location of parking areas;
- e. Soil classifications and ground water elevation;
- f. General locations of wells and on-site sewage treatment systems;
- g. General drainage pattern;
- h. Plans and proposals generally describing the applicant's future expansion plans and intentions.

⁵ Six copies are needed due to the number of people who receive Park, Planning, and Council Packets. Depending upon how the project progresses (i.e. if the item is tabled), additional copies may be required.

⁶ We ask that three (3) copies of the plan be in the large format (30x40), with the remainder (3) reduced to 11x17.

- 5. Any other information required by city staff, commissioners, or council members necessary to provide a complete review of the proposal.⁷ Staff will list other requirements below:

Process following application submittal (Ref: Independence City Code Subsection 520.05, Subd. 3-7):

The city administrator-clerk will refer the application(s) to the zoning administrator, who must determine that all information required by subsection 520.05, subdivisions 1 and 2 has been provided, before presenting the application to the planning commission. The request shall be considered as being officially submitted when all the information requirements are complied with.

The planning commission will hold a public hearing on the proposed zoning amendment. Notice of the time, place, and subject matter of the proposed zoning amendment will be published in the official newspaper of the city. The city administrator-clerk will mail to property owners within **500 feet** of the subject property a copy of the notice by first class mail. The notices will be published and/or mailed at least ten days before the public hearing. Except as otherwise provided by law, failure to give the mailed notice does not invalidate the proceedings.

The planning commission is encouraged to make written findings and recommendations on the proposed zoning amendment to the city council.

Following referral by the planning commission, the city council will approve or deny the requested zoning amendment within 60 days of the filing of a completed application. The city council may extend the review period up to an additional 60 days upon written notification to the landowner of the reason for the extension and the anticipated length of the extension.

No application of a property owner for an amendment to the text of the zoning code or the zoning map may be considered by the planning commission within a one-year period following a denial of the same or similar request, except the planning commission may

⁷ Information deemed critical to the review process not listed in this handout may be requested. Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

proceed on its own motion if the planning commission finds new evidence or a change of circumstances warrant it.

The City may require (or the applicant may choose to submit) evidence that is beyond what is required in any section outlined in this handout. Please be advised that the City reserves the right to impose conditions on an amendment to zoning if necessary to avoid a detrimental impact on surrounding properties or the City as a whole.

Please contact Rose Lorsung, City Planner at (763)746-1632 if you have any questions.

Thank You!

Application Due Dates⁸ (2007 to 2008):

<u>Year</u>	<u>Meeting Month</u>	<u>Application Due Date</u>	<u>Parks⁹</u>	<u>Planning¹⁰</u>	<u>Council¹¹</u>
2007	January	December 8	January 4	January 8	January 23
	February	January 12	February 1	February 12	February 27
	March	February 9	March 1	March 12	March 27
	April	March 9	April 5	April 9	April 24
	May	April 13	May 3	May 14	May 22
	June	May 11	June 7	June 11	June 26
	July	June 8	July 5	July 9	July 24
	August	July 13	August 2	August 13	August 28
	September	August 10	September 6	September 10	September 25
	October	September 7	October 4	October 8	October 23
	November	October 12	November 1	November 12	November 27
	December	November 9	December 6	December 10	December 11 or 18
2008	January	December 14	January 3	January 14	January 22

⁸ This table does not reflect holidays. Generally, meetings which fall on holidays are rescheduled for the following day. Please check with City Hall to confirm actual dates.

⁹ Park Commission meetings start at 7:00 p.m.

¹⁰ Planning Commission meetings start at 7:30 p.m.

¹¹ City Council meetings start at 7:30 p.m.