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## Rezoning Procedures and Application Checklist

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### **Review Procedure**

1. Applicant reviews proposal with City Planner before plans are finalized.
2. Applicant submits complete application and submission documents to City.
3. Planner determines whether application is complete within 15 days of submission of application and notifies applicant.
4. Planner prepares written review of application for Planning Commission and City Council. (City Attorney, Engineer, Building Inspector and Fire Chief may also prepare reviews depending on issues involved in application).
5. Planning Commission holds a Public Hearing, reviews proposal and makes recommendation to City Council.
6. City Council holds an initial first reading of the rezoning.
7. City Council holds a public hearing and second reading and takes action.
8. City Staff processes the rezoning.

### **Process**

A rezoning application may be initiated by the City Council, the Planning Commission, or by the owner of the subject property. Any such application shall be referred to the Planning Commission for public hearing, study, and report and may not be acted upon by the City Council until it has received the recommendation of the Commission.

It is the policy of the City that: A) Zoning classifications must be consistent with the Comprehensive Plan, and, B) Rezoning proposals will not constitute "spot zoning", defined as a zoning decision, which discriminates in favor of a particular landowner and does not relate to the Comprehensive Plan or to accepted planning principles.

Each rezoning will be considered on its merits, measured against the above policy and against the following guidelines, which may be weighed collectively or individually as deemed by the City:

- A. Is there a clear and public need or benefit?
- B. Is the proposed zoning change consistent with and compatible with surrounding land use classifications?
- C. Can all permitted uses in the proposed zoning district be contemplated for development of the subject property?
- D. Have there been substantial physical or zoning classification changes in the area since the subject property was zoned?
- E. In the case of City-initiated rezoning proposals, is there a broad public purpose evident?
- F. Will the subject property bear fully the ordinance development restrictions for the proposed zoning districts?
- G. Is the subject property generally unsuited for uses permitted in the

present zoning district, with respect to size, configuration, topography or location?

- H. Will the rezoning result in the expansion of a zoning district, warranted by: 1) Comprehensive planning; 2) The lack of developable land in the proposed zoning district; or, 3) The best interests of the community?
- I. Does the proposal demonstrate merit beyond the interests of an owner or owners of an individual parcel?

**Application Requirements**

The application and supporting documents must be submitted at least thirty days before the Planning Commission meeting. All application and supporting documents must be submitted in electronic format to [communitydevelopment@ci.brooklyn-center.mn.us](mailto:communitydevelopment@ci.brooklyn-center.mn.us). Please review the project checklist to ensure that all required materials have been submitted. The full Zoning Code is available online at [www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org).

Complete	Incomplete	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Proposed Rezoning.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Fee of \$1,050, and Escrow amount as determined by the City Planner
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Statement describing reasons why rezoning is necessary and in the public interest and in keeping with the City's Comprehensive Plan

**Complete/Incomplete Applications:** The application will be reviewed by the Planning Commission and report its recommendations to the City Council who makes a final determination. The applicant shall receive written notice of the actions taken. Once an application is submitted, City Staff shall have fifteen (15) business days to determine if the application is complete. An incomplete application will delay process of the request. If incomplete, City Staff will notify the Applicant in writing that the application is incomplete and what information is needed in order to make the application complete. Once an application has been deemed complete it will be placed on the next available agenda.

**Escrows:** All Planning Commission Applications shall be subject to a \$1,000 escrow deposit. Costs expended in reviewing and processing an application will be charged against the cash escrow and credited to the City. Charges to the escrow may include attorney and consulting fees and/or mailing and public notice costs. The escrow amount may be reduced or increased by the City Planner on a project by project basis. If at any time a required cash escrow is depleted the applicant shall deposit additional escrow funds as determined by the City. Unused portions of an escrow deposit shall be returned to the Applicant upon successful implementation of an approved application.