



Rezoning Application Supplemental Information *City of Lakeville* *Community Development Department*

PROCEDURE

Pursuant to Minnesota Statutes 15.99, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to Statute or a time waiver is granted by the applicant.

Additional City requirements are as follows:

- A. Request for text and map amendments to the zoning ordinance shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the Zoning Administrator. In cases when an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.
- B. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the City Clerk, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. The applicant must submit a certified list prepared by an abstract company and mailing labels of the names and addresses of all property owners within 500 feet of the subject property. Notice of said hearing shall consist of a legal property description, description of request and a general description of the property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred (500) feet of the boundary of the property in question, if notification is required by State Statute.
- C. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within the Zoning Ordinance.
- D. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council.
- E. The Planning Commission shall consider possible effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:
 1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
 2. The proposed use is or will be compatible with present and future land uses of the area.

3. The proposed use conforms with all performance standards contained in the City Code.
 4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 5. Traffic generation by the proposed use is within capabilities of streets serving the property.
- F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of the Zoning Ordinance. Failure on the part of the applicant to apply all necessary supportive information may be grounds for denial of the request.
- G. Unless excused by the Planning Commission Chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
- H. The Planning Commission shall, as appropriate, make findings of fact and shall recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff.
- I. The City Council shall not act upon an amendment until the Planning Commission has held a public hearing on the request. The City Council shall act upon the amendment within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99.
- J. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary.
- K. Subject to limitations of Minnesota Statutes 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one (1) time on a singular action.
- L. Approval of a proposed amendment shall require passage by a two-thirds (2/3) vote of the entire City Council.
- M. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.

- N. Whenever an application for a rezoning has been considered and denied by the City Council, a similar application for a rezoning affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths ($\frac{4}{5}$) vote of the full City Council.

CERTIFICATION OF TAXES PAID

Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.