



REZONING APPLICATION FORM¹

This handout is intended to provide guidance on putting together and submitting a rezoning application in Montgomery. The purpose of the rezoning form is to provide the City a chance to review your proposal.

In order to have your rezoning 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 rezoning request and obtain a land use application.
2. Put together an informational packet (described herein) that fulfills the rezoning submittal requirements. Initially providing detailed information and answers will greatly reduce the potential overall review time.
3. Submit your completed packet to staff by the applicable **due date** for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in ensuring your application is complete. Applications found to be incomplete as of the due date shall not be reviewed until the following month².
4. Staff will address completed applications by reviewing all information, writing a report regarding the request, and notifying all parties required by law.
5. The Planning and Zoning Commission will hold a public hearing regarding your request and give a recommendation to the City Council. Attendance is **required** at this meeting for action. **Nonattendance** will result in denial.
6. The City Council will consider the request and either grant or deny the request. Attendance is **required** at this meeting for action. **Nonattendance** will result in denial.

The City Council has established a **\$250** non-refundable fee for processing a rezoning application.

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Montgomery 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.

² Minnesota State Statute 15.99 requires local governments to review an application within 10 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

At a minimum, the following materials must be submitted prior to deeming an application complete:

Sub: Req: Item:

___ ___ **1. Land Use Application** signed by all property owners along with payment of the proper filing fee.

___ ___ **2. Rezoning Application Form**

Current Zoning: _____ Requested Zoning: _____

Reason for Request: _____

Description of Request (Explain how the proposed the zoning change would affect surrounding properties and traffic patterns on abutting roadways): _____

___ ___ **3. Fifteen (15) Copies of a preliminary building, site development plan, and boundary line survey** depicting the property in question.

___ ___ **4. Evidence of ownership or enforceable option** on the property.

***General Information Regarding Rezoning
Reason for Request***

1. Zoning designation was wrong.
2. Times and conditions have changed.

***** Burden of proof is upon the applicant*****

Criteria for granting a Rezoning Request

In granting a Rezoning Request, the City Council shall consider the advice and recommendation of the Planning and Zoning Commission and:

1. The effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands.
2. Existing and anticipated traffic conditions including parking facilities on adjacent streets and lands.
3. The effect on values of property and scenic views in the surrounding area.
4. The effect of the proposed use on the Comprehensive Plan.

***** Zoning must be in conformance to the Comprehensive Plan. If not, a
Comprehensive Plan Amendment is needed*****

Staff Checklist for Rezoning

_____ **Completed Application Form**

_____ **Notice of Public Hearing for Newspaper / Affidavit of Publication**

- Published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing.

_____ **Notice of Public Hearing for Mailing / Affidavit of Mailing**

- Notify by mail all property owners within 350 feet of the outer boundaries of the property in question, not less than ten (10) days and not more than thirty (30) days prior to said hearing

_____ **Staff Report**

_____ **Planning & Zoning Commission Item / Public Hearing**

_____ **Rezoning Amendment Ordinance**

_____ **City Council Action Item**

_____ **Follow-Up Letter to Applicant**

_____ **Notify Le Sueur County GIS of Amendment**

_____ **Update Official Zoning Map**