

REZONING (ZONING DISTRICT BOUNDARY) APPLICATION

Return to:

Department of Community Development  
City of Shoreview  
4600 Victoria Street North  
Shoreview, MN 55126  
(651) 490-4682

**Existing Zoning:** \_\_\_\_\_

**Proposed Zoning:** \_\_\_\_\_

**Site Identification:**

Address: \_\_\_\_\_

Property Identification: \_\_\_\_\_

Legal Description: \_\_\_\_\_

**Applicant:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
City State Zip Code

Telephone Number: \_\_\_\_\_ (daytime) \_\_\_\_\_ (home)

Fax Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Property Owner (if different from applicant):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
City State Zip Code

**Interest in property:** \_\_\_\_\_  
(see filing requirement #2)

**Signatures:**

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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Date Received by City: \_\_\_\_\_ By Whom: \_\_\_\_\_

## FILING REQUIREMENTS

### THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.
2. A currently certified Abstract of Title or an Owner's Duplicate Certificate of Title and copies of all unrecorded documents necessary to establish a legal or equitable interest by the applicant in the property involved.
3. A statement describing the intended use of the property, why you believe the City should approve the proposed amendment and how the proposal meets the criteria for review indicated below.
4. **One** folded and collated copy of the plan sheets, on 11"x17" half-scale print. **One** 8½"x11" reproducible print for each required sketch, drawing, or plan. **Four** 20"x30" copies of each plan sheet for staff review.
5. Filing fee of \$500.00 (\$100.00 for amendments to UND to RESIDENTIAL), make checks payable to the City of Shoreview. **The filing fee is non-refundable.**

## CRITERIA FOR REVIEW

The Planning Commission and City Council shall consider the following when making recommendation or decision regarding the zoning district amendment:

1. That the proposed rezoning is consistent with the policies of the Comprehensive Guide Plan and with the general purpose and intent of the development regulations.
2. That the development facilitated by the proposed rezoning will not significantly and adversely impact the planned use of the surrounding property.
  - a. Rezoning proposals are exempt from this finding:
    - i. When only one zoning district option is available for the site on the current Land Use Plan Map designation; or
    - ii. When the proposed zoning district option is not the most intensive option identified for the site by the Land Use Plan Map designation.
  - b. When more than one zoning district option exists, the base line from which to measure any significant adverse impact relative to the planned use of surrounding property shall be:
    - i. The current zoning if such zoning is not planned unit development (PUD);
    - ii. The underlying or assigned zoning if the current zoning is planned unit development (PUD); or
    - iii. When rezoning from Urban Underdeveloped (UND), the most restrictive zoning district option permitted by the current Land Use Plan Map designation for the site.
  - c. That the applicant is willing to enter into a development agreement with the City as a condition of rezoning approval.

CRITERIA FOR REVIEW continued

- d. If the request is to rezone a parcel to the Telecommunications Overlay District, the Planning Commission must also make the following additional findings:
- i. That the new site is necessary and that useable sites already appropriately zoned are not located within a ½-mile radius of the proposed new site; and
  - ii. That the proposed site will further the City's objective that all antennas and towers be designed to blend into the surrounding environment; and
  - iii. That there are site features such as trees, topography, buildings, or utility poles that reduce or eliminate the visual impact of the proposed tower;
  - iv. That there are no public health or safety issues with the proposed site.
  - v. That the proposed site can comply with the standards in Section 207.
  - vi. That the proposed site would provide new opportunities for collocation.
  - vii. That the proposed site is necessary to reasonably accommodate a wireless telecommunications service.

## REVIEW PROCEDURE

Zoning District Boundary amendments shall require a public hearing and shall be processed in accordance with Sections 203.053 and 203.020 (A) of the City's Development Code.

1. Public Hearing. Applications that require review via a public hearing shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for hearing of the application. The application shall be heard and acted on by the Planning Commission and City Council in accordance with Minnesota Statute 15.99.
  - a. Planning Commission. The Planning Commission shall hold a public hearing, preceded by published and/or mailed notice as required by the terms of Section 203. Upon review of the application in accordance with the requirements of the Development Ordinance, the Planning Commission will forward the application to the City Council with a recommendation of approval or denial and the reasons thereof, or shall table the application for further consideration.
  - b. City Council. The City Council may hold a public hearing in lieu of a public hearing by the Planning Commission. Upon receipt of the Planning Commission report, the City Council shall consider the application. The City Council shall, taking into consideration the advice and recommendations of the Planning Commission, table, grant or deny the application in accordance with the requirements of the Development Ordinance.
2. Notice and Hearing Procedure. Public hearings shall be preceded by either published notice and/or mailed notice as required by the terms of Section 203.
  - a. Publication. Notice of the purpose, time and place of a public hearing shall be published at least 10 days before the date of the hearing in the official newspaper of the City of Shoreview as designated by the City Council. Affidavits of publication shall be made a part of the record of the proceedings.
  - b. Mailed Notice. Notice of the purpose, time and place of a public hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property, which will be the subject matter of the public hearing. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.

## REVIEW PROCESS continued

- c. Failure to Give Notice. Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.
3. Issuance and Conditions. If approved, the City Council may impose conditions and safeguards therein to insure that the proposed use will not be detrimental to the health, safety or general welfare of the community and that the use is in harmony with the general purpose and intent of the Development Ordinance and the Comprehensive Guide Plan. If denied, the City Council shall provide the reasons thereof.
4. Decision. The City Council has the authority to grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership, unless otherwise stated in this ordinance. Requests for text amendments, zoning district map amendments, comprehensive guide plan amendments and planned unit development – concept stage require a 4/5 majority vote of the City Council’s entire membership for approval.

## NOTES

1. An application cannot be accepted until each of the filing requirements listed above has been satisfied.
2. The purpose of requiring the data referenced in the filing requirements is to permit the City to thoroughly evaluate your proposal relative to City ordinances and policies. Refusal to provide the requested information may jeopardize the scheduling of your request for Planning Commission review. Information submitted with this application will be made available to anyone who may request it.
3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit an application. In so doing, you may address items that might be of later concern.
4. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforce any condition(s) of any resulting approval or permit.