

How to Request an Ordinance Amendment/Rezoning

The City Council may amend the Zoning Ordinance or the zoning map (rezoning) in order to reflect changes in the goals and policies of the city as reflected in the comprehensive plan. Amendments to rezone residential property to commercial or industrial must be adopted by a two-thirds majority vote of the City Council. All other amendments to the zoning ordinance or the zoning map must be adopted by a majority vote of the City Council.

Ordinance amendments or rezoning can be initiated by the Planning Commission, by the City Council, or by a property owner, who would like his/her property to be rezoned or would like changes in the district regulations that affect his/her property.

Minnesota law requires that the zoning ordinance and zoning map be consistent with the comprehensive plan. A comprehensive plan amendment may be required prior to formal adoption of an ordinance amendment or rezoning request.

In order for a property owner to initiate an ordinance amendment or rezoning, an application and fee to the City Administrator are required along with several exhibits.

Procedure

1. The property owner or his/her agent shall meet with the City Administrator to describe the situation and be advised of the procedures. At this time the applicant will obtain the application form.
2. The applicant shall return the completed application form together with the required exhibits and fees to the City Administrator.
3. City staff will review the proposal and submit a formal, written recommendation to the Planning Commission. For rezonings, City staff will give notice to all property owners within 350' of applicant's property. For rezonings and text amendments, a notice of the public hearing shall also be published in the Albany Enterprise ten (10) days prior to the public hearing. The applicant should appear at the public hearing prepared to present the proposal and answer questions. The Planning Commission will then forward its recommendation to the City Council.
4. The City Council may also hold a public hearing on the matter and shall have the final decision on approving or denying the ordinance amendment or rezoning.

* No re-application by a property owner for an ordinance amendment or rezoning shall be submitted to the Council within a 12-month period following a denial of such a request unless the Council, in its sole discretion, determines new evidence or change of circumstances has occurred. The Council shall make this determination without a public hearing.

Required Exhibits for a Zoning Ordinance Amendment/Rezoning

1. A written statement that explains the request, including the section of the zoning ordinance for which an amendment is requested as well as suggested language for the amendment. If applying for a rezoning, the request should describe the current and proposed zoning classification along with reasons supporting the proposed change.
2. In order for the City Council to adopt a zoning ordinance amendment or rezoning, it needs to be consistent with the city's comprehensive plan. The applicant should describe how the request is consistent with the comprehensive plan, or a proposed amendment to the comprehensive plan.
3. In addition to the above requirements, the following shall be required with a rezoning application:
 - a. For a rezoning, the applicant shall describe how the request meets one of the following findings:
 - A mistake was made in the original zoning of the property.
 - Times and conditions have changed to warrant a change in zoning.

- Rezoning promotes public health, safety or welfare.
- b. The rezoning must not establish a use classification inconsistent with surrounding uses.