City Of Wyoming
26885 Forest Blvd, PO Box 188
Wyoming, MN 55092
651-462-0575
permits@wyomingmn.org

LAND USE APPLICATION: ORDINANCE AMENDMENT

This application initiates a request to change the text of a city ordinance or to change the boundaries of a zoning district (rezoning). Any person owning real estate within the city may initiate an ordinance amendment request.

Property Address: _____

Applicant(s): Name(s) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Email _____

Owner(s) - If other than Applicant(s):

Name(s) _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Email _____

Owners(s) Signature(s) _____ **Date** _____

Legal description of property (if rezoning) **OR** proposed text amendment (attach additional pages if necessary):

_____

Present use of property: _____

Property Identification Number(s): 21. _____

Present Zoning District: _____ Proposed Zoning District: _____

This application and the following attachments must be submitted to be considered a complete application:

1. Stated reason for requested change
2. Statement of compatibility to the City Comprehensive Plan
3. Text of the portion of the existing ordinance to be amended (If applicable)
4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this ordinance
5. Additional information as may be requested by the Planning Commission - Rezoning requests will require a map of the area to be rezoned
6. The application fee and escrow must be paid at the time of application.

A public hearing can be scheduled only after a complete application has been received.

Applicant(s) Signature(s) _____ Date _____

As the applicant for this request, I agree to reimburse the City for all expenses incurred by the City in employing planning, engineering, legal, and other professional consultants in reviewing this application. This may include the replenishment of any escrow funds as required as part of this application. Such costs shall be paid by me, the applicant, regardless of the outcome of the review and prior to commencing any work on the project. Article V, Division 9, Zoning Amendments, is attached to this application. By signing this application, the applicant acknowledges that it has been read and understood.

OFFICE USE ONLY

Permit # _____

Date Application Received: ____/____/_____

Date **Complete** Application Received: ____/____/_____

60 Days: ____/____/_____ By: _____
Official

Fee: $220.00 + Escrow $750.00

Date Paid: ____/____/_____

DIVISION 9. ZONING AMENDMENTS

Sec. 40 – 140. Initiation of Amendments.

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance. All amendment requests must first be reviewed by the Planning Commission.

Sec. 40 – 141. Procedure.

(1) Requests for amendments as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The Zoning Administrator shall refer said application, along with all related information, to the City Planning Commission for consideration at its next regular meeting provided that adequate time exists between the filing date and meeting date to allow for notification of hearing as required by State law. If there is not adequate time between the filing and the meeting date, the request will be considered at the next following regular meeting of the Planning Commission. Such application shall be accompanied by written and graphic materials containing Items (a) through (e) below. Within two working days of receipt of all of the following items, the Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City. As of the date of publication, the application shall be considered complete.

- (a) Application for an Amendment shall be made to the Zoning Administrator on forms provided by the City.
- (b) Stated reason for requested change.
- (c) Statement of compatibility to the City Comprehensive Plan.
- (d) Text of the portion of the existing ordinance to be amended.
- (e) Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordnance.
- (f) Additional information as may be requested by the Planning Commission.

(2) The Zoning Administrator on behalf of the Planning Commission shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice of public hearings for general ordinance amendments shall be sent to the governing bodies of all Cities, school districts, and any municipality located adjacent to Wyoming City. When application of the amendment is to specific properties, written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, to property owners within one-half (1/2) mile of the affected property in unincorporated areas and to affected school district(s). A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

(3) The Planning Commission shall consider the request and hold a public hearing at its next regular meeting. The applicant or a representative thereof, shall appear before the Planning Commission in order to answer questions concerning the requested amendment.

(4) The Planning Commission shall consider the possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following criteria:

- (a) The City may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendment shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City. The following factors shall also be considered:
  1. Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  2. Whether the amendment is sufficiently compatible so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
  3. The amendment in the opinion of the City is reasonably related to the overall needs of the City.
  4. The amendment is consistent with the intent and purposes of the zoning ordinance.
  5. The amendment will not cause traffic hazard or congestion.

(5) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the City in reviewing the request.

(6) Within thirty-five (35) days from the date of receipt of a complete application (as defined by Sec. 40 – 141, (1), (a) – (f)) for an amendment, the Planning Commission shall make a finding of fact and recommend such actions or conditions related to the request to the City Council.

(7) Upon receiving the report and recommendation of the Planning Commission, or within thirty-five (35) days of receiving the completed application, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council.

(8) Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

(a) Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.

(b) Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the City Council's records, or

(c) Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action.

(d) Should the City Council approve or deny the applicants request contrary to the Planning Commission's recommendation, the City Council shall include in their Findings of Fact the reason for their differing decision.

(e) Approval of a request shall require a three-fifths majority vote of the full City Council. The adoption or amendment of any portion of the Ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a four-fifths majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the City Council's action.

(9) The recommendation of the Planning Commission shall be advisory to the City Council. The decision of the City Council shall be final, subject to judicial review.

(10) Within sixty (60) days of receipt of a complete amendment application (as defined in Sec. 40 – 141, (1), (a) – (f)), the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material, and the sixty (60) day time limitation for review will then begin after receipt of the missing materials.

Secs. 40 - 142—40 - 149. Reserved.