

The City's Zoning Code, Chapter 152, establishes standards for development within the community. Uses, site design, and building design requirements are listed for each zoning district and city-wide standards are also established. Occasionally, the Zoning Code does not anticipate changes in technology or innovations in design. Sometimes property owners would like to do something with their properties that is not currently allowed. In these cases, a change to the Zoning Code is necessary. The following is an overview of the typical 90-day review process.

Pre-Application Meeting

It is recommended that you meet with a planner to discuss your intentions prior to making application. This meeting will introduce you to the City staff members who will be working with you. We will discuss the City's current zoning rules, policies, and plans that could affect your application as well as what to expect during the review process. For this meeting, please identify the location of the property and any preliminary plans you have as well as the section(s) of the Zoning Code you are requesting changed.

Depending on what your requested amendment is, it may be recommended that a neighborhood meeting is held prior to your application submittal. City Staff will assist you with dates and suggest meeting locations. At the neighborhood meeting, you will be expected to present your concepts to neighbors and solicit feedback to incorporate into your plans.

After the pre-application meeting, you have the ability to develop your plans further for the formal application.

The Application

The application is due on the first business day of the month. This places you in the queue for the following month's Planning Commission public hearing. The application consists of the application form, a letter of request, the application fee, and the plans that you would like the Planning Commission to review.

Application Form

The application form must be signed by the applicant and the property owner(s). The owners may sign a consent letter and attach it to the application. Failure to sign the application will result in an incomplete application.

Letter of Request

A brief letter explaining the request should be submitted. This letter can give better insight into your plans and define your use. Any supporting evidence for your proposed change or examples from other communities should be presented in this letter.

Application Fee

A non-refundable fee of \$500 is required. Additionally, a \$2,000 review escrow is required with the application. The escrow account that you establish with the City will help cover the costs of the public hearing notices, staff time to review the application and write reports, and the City Attorney's review. Additional escrow will be required upon approval or when the escrow account is low and remaining escrow is refundable when the project is finished.

Plans

Plans may be necessary to show what you are proposing to accomplish by the Code amendment. Plan requirements will be different for new construction or re-use of an existing building. In either case, plans must be submitted in both paper format and in pdf electronic format. Two full-sized sets and two 11x17-inch reductions are required with your initial application. Additional copies may be requested after revisions are made. The full-sized plans must be at a standard engineering scale and contain any information necessary to present your proposal. Please note that this information will be determined at your pre-application meeting.

Receipt of Application

After receiving your application, City staff will review your plans for completeness. In some cases, staff will recommend that changes be made in order to conform to the City's Comprehensive Plan or to be more compatible with neighboring properties. Additional information may be requested. Adequate time will be given to make revisions prior to the Planning Commission meeting.

If the application is determined to be incomplete, it will be returned to you with a letter stating why the application was deemed incomplete and the things that are missing. You are welcome to reapply at the next submittal date with your complete application.

Public Notice

If the amendment is property specific, the City is required to notify surrounding property owners of any pending Code Amendment and information regarding the public hearing. Mailed notices will be sent to all property owners, residents, and businesses within 500 feet of the property line of your site. We also place an ad in the legal section of our official newspaper, The Brooklyn Park Sun Post. A sign may be placed on your property notifying people as well. Make sure that this sign is clearly visible and not moved without consent of the Planning Staff. Amendments that affect the Zoning Code in a more general way will only be notified in the Sun Post. Your escrow will be charged for the notification costs.

Public Hearing

The Planning Commission holds the public hearing and solicits comments from interested parties before making a recommendation to the City Council on your Code Amendment. The Planning Commission meets the second Wednesday of the month following your application. You are welcome to invite people to speak on your behalf. People can also submit letters or emails with their comments. All people speaking or submitting written comments are expected to give their names and addresses. The Planning Commission may ask questions or make suggestions for changes; therefore you must be in attendance or have a knowledgeable authorized representative in your place. If you cannot attend, it is recommended that you extend your application to a future meeting. A CUP cannot be denied simply because neighbors do not want it—it can only be denied for legitimate land-use related issues such as not enough parking or inadequate screening.

City Council

The City Council approves or denies your application. They take into consideration the Planning Commission's recommendation and any comments received at the public hearing. According to our City Charter, Zoning Code Amendment ordinances must pass two readings meaning that the City Council will review your request twice. The City Council is obligated to take action on the first reading within 60 days of your application unless an extension is made per state law. The second reading of the rezoning will happen at subsequent Council meeting, usually two weeks later. After the second reading, the ordinance must be published in the legal newspaper and the amendment will become effective 30 days after publication.