



Date: \_\_\_/\_\_\_/\_\_\_

# 2008 City of Dayton Rezoning Application

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

Legal Description/PID No. \_\_\_\_\_  
*(If metes and bounds, attach description)*

Current Zoning: \_\_\_\_\_ Requested Zoning: \_\_\_\_\_

Description of Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~~~~  
Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone No. \_\_\_\_\_ E-mail \_\_\_\_\_ Fax No. \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Please Print Name

~~~~~  
Property Owner/Fee Owner *(If different from above)* \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Please Print Name

<b>FEES:</b>	
Application .....	\$500.00
Escrow.....	\$ 1,000.00 for legal notices, planning, engineering and legal services by staff and/or consultants.

### Planning Department

12260 S Diamond Lake Road...Dayton, MN 55327...www.cityofdaytonmn.com  
Phone: (763) 427-4589 Fax: (763) 427-3708



# 2008 City of Dayton Application Addendum

Placement of any application on City agendas is at the discretion of the City, including the time of consideration. An application will not be placed on any agenda until City staff has received the appropriate materials and financial matters are in order. The application approval time commences and an application is considered officially filed when City staff has received and examined the application and determined that the application is complete. The application shall be determined by City staff to be complete or incomplete within ten (10) business days following submittal of the application.

The undersigned acknowledges that before this request can be considered, all required information and fees (including all up front escrow deposits) must be paid to the City. If additional fees are required to cover costs incurred by the City, the City Planner or City Administrator has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. Such expenses may include (but are not limited to) personnel costs, fees for consultants, legal assistance and other professionals, recording fees, along with other overhead costs. The amount of escrow is determined by the City of Dayton fee schedule in effect at the time of the application submittal.

You will receive a statement of account every 30 days. If the deposit is depleted before the application is concluded, you may be asked to make an additional deposit. In all cases, bills must be current before final action on your application is taken by the City Council.

There will be no credit given in cases where requests are denied or determined to be premature. We make every attempt to keep costs down. It is important that completed documents, plans, and designs be furnished by you and your consultants in a timely fashion in order to accomplish this. Incomplete submittals result in time consuming report writing and increased review time.

The applicant agrees that the City may withhold the issuance of a building permit until all financial matters are resolved. If need be, the City reserves the right to pass outstanding balances from this application to Hennepin County to be assessed with next year's property taxes for the property involved as indicated on page one of this application and the Property Owner agrees to such an assessment.

In order for the Planning Commission and City Council to consider any application, the applicant or a representative designated in writing before the meeting must be present at the scheduled meeting. If not, the matter may be tabled until the next available agenda.

The signature of the Property Owner on this form hereby grants City staff and consultants and City officials access on to the subject property for the purpose of conducting a site visit as part of the project review and consent to the review of such records of the Owner, Applicant or otherwise relating to the development as are necessary.

Please contact the Planning Department if there are unanswered questions or if you are unsure how to proceed. City staff will endeavor to process your application as quickly as possible and assist you in every way we can.

I acknowledge that I have read all of the information discussed in the City of Dayton development application and fully understand that I am responsible for all costs incurred by the City related to the processing of this application and agree with all items above.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date



# Rezoning Application Supplemental Information

## *City of Dayton*

### Planning Department

**PROCEDURE:** Pursuant to Minnesota Statutes 15.99, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to Statute or a time waiver is granted by the applicant.

Additional City requirements are as follows:

- A. Request for rezonings (text and map amendments) shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. Unless modified by the Zoning Administrator, such application shall also be accompanied by five (5) copies of detailed written and graphic materials fully explaining the proposed change, development, or use and a list of property owners located within five hundred (500) feet of the subject property obtained from and certified by an abstract company. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the Zoning Administrator. In cases when an application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten (10) days from the date of submission.
- B. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the City Clerk, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and a general description of the property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred (500) feet of the boundary of the property in question, if notification is required by State Statute.
- C. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within the Zoning Ordinance.
- D. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council.
- E. The Planning Commission shall consider possible effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:
  1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.
  3. The proposed use conforms with all performance standards contained in the City Code.
  4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
  5. Traffic generation by the proposed use is within capabilities of streets serving the property.
- F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of the Zoning Ordinance. Failure on the part of the applicant to apply all necessary supportive information may be grounds for denial of the request.
- G. Unless excused by the Planning Commission Chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
- H. The Planning Commission shall, as appropriate, make findings of fact and shall recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff.
- I. The City Council shall not act upon an amendment until the Planning Commission has held a public hearing on the request. The City Council shall act upon the amendment within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota Statutes 15.99.
- J. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary.
- K. Subject to limitations of Minnesota Statutes 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one (1) time on a singular action.
- L. Approval of a proposed amendment shall require passage by a four-fifths ( $\frac{4}{5}$ ) vote of the entire City Council.
- M. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.

- N. Whenever an application for a rezoning has been considered and denied by the City Council, a similar application for a rezoning affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths ( $\frac{4}{5}$ ) vote of the full City Council.

**CERTIFICATION OF TAXES PAID:** Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.