

Rezone Procedure

For

Towns under County Comprehensive Zoning

{ Adams, Colburn, Dell Prairie, Easton, Jackson, New Chester, New Haven, Preston, Richfield and Springville }

And

All Areas in All Towns under the Jurisdiction of the County Shoreland, Wetland and Habitat Protection Ordinance

1. Applicant verifies current zoning in the County Planning & Zoning Department.
2. If a zoning change is desired, applicant obtains a rezone packet from the Planning & Zoning Department.
3. If the Town has a Plan Committee (or Commission):
 - The applicant appears before the Plan Committee. The Plan Committee adequately posts the meeting (as one would post a Town Board meeting). The Town Plan Committee hears the request and refers to their Comprehensive Plan to determine if the request is appropriate and/or reasonable with regard to their overall plan and Future Land Use Plan Map and then makes recommendation to the Town Board⁽¹⁾. The Town Board posts the request on their notice, discusses the request, votes, then completes and signs the Town Participation form and indicates they either object or do not object to the request.

If the Town does not utilize a Plan Committee:

- The applicant appears before the Town Board. The Town Board posts the request on their notice, hears and discusses the request and refers to their Comprehensive Plan to determine if the request is appropriate and/or reasonable with regard to their overall plan and Future Land Use Plan Map, votes and signs the Town Participation form and indicates they either object or do not object to the request.
 - In either scenario above, whether or not the Town provides a completed and signed Town Participation form, the applicant is entitled to a hearing at the County. However, without the form, it is likely that the County Planning and Zoning Committee will not act on the petition.
4. The applicant is responsible to see that the Planning & Zoning Department receives all required paperwork for the request including, but not necessarily limited to: The Petition for Rezone Application, Town Participation Form, maps etc.
 - Property owner must sign all applications.
 5. Once all required paperwork is submitted to the Department, the applicants' petition will be placed on the County Planning & Zoning Committee public hearing agenda. The paperwork must also be received by the Department deadline for publishing the notice. The Department is responsible for all required class II notice publishing and mailing of notices.
 6. The County Planning & Zoning Committee will hear the request, vote, and forward recommendation of either approval or denial to the full County Board.
 - The Committee may table a request if further information is required.
 - If an agent is to represent the applicant (landowner), we need that statement in writing from the applicant.
 7. The County Board will take action at the next County Board meeting by one of the following:
 - Vote yes to the Committee recommendation.
 - Vote no to the Committee recommendation.
 - Table the request if more information is required.
 - Refer the matter back to the Planning & Zoning Committee.

⁽¹⁾ If a rezone request is to be approved that is not consistent with the Comprehensive Plan, the Plan must be amended accordingly and prior to the rezone (NOTE: Upon direction from the Town, both the Plan amendment and rezone can be on the same County Planning and Zoning public hearing agenda; however, the Plan amendment must be approved first).

NOTE: In the interest of saving the applicant time by expediting the process, the Planning & Zoning Department will allow applicants to be placed on the County Planning & Zoning Committee hearing agenda before they meet with the Town. However, the Department must have the completed Town Participation Form prior to the hearing at the County.