**City of Minneapolis**
**Community Planning & Economic Development**
**Development Services Division**
**250 South 4th St. Room 300**
**Minneapolis MN 55415-1316**
**612-673-3000**

# ZONING APPLICATION, PETITIONS AND AFFIDAVITS PACKET

A zoning amendment changes the zoning classification of property from one primary zoning district to another, or adds or deletes an overlay zoning district classification. The procedure for changing the zoning of a property is regulated by Minnesota Statutes section 462.357, and by the Minneapolis Zoning Code. The following information is provided only as a general guide to the process. Please consult with staff to discuss your particular situation. Staff does not recommend a specific zoning classification and the information provided to you should not be considered as support for your zoning request.

Many of the steps explained here are required in order to comply with state statute and court cases that govern how property owners can seek zoning of their property.

**In addition to submitting the required information contained in the *General Land Use Application Packet* the following is required for a rezoning application:**

(1) Complete Form A found in the *Zoning Application, Petitions and Affidavits Packet*.

(2) If the applicant is not the owner of the property to be rezoned, an affidavit (Form B) must be submitted by the property owner(s) authorizing the applicant to seek the rezoning. This affidavit must be notarized.

(3) If the property to be rezoned is subject to a contract for deed, an affidavit (Form C) must be submitted by the contract for deed purchaser(s) and seller(s). This affidavit must be notarized.

(4) If the applicant is proposing to change zoning from a residential zoning district to a commercial or industrial zoning district the applicant must seek the consent of owners of the real estate located within 100 feet of the subject site and any property contiguous to the property to be rezoned that is currently owned, or that has been sold within the past year, by the same ownership as the subject site (Forms D and E and possible Forms F and G). Streets break contiguity, alleys do not. See Table 1 for further details. Applicant obtains a list of property owners within 100 feet of the subject property and a map showing these properties (mailing labels not required). The 100-foot radius must be from the boundaries of the entire property and all contiguous property under the same ownership as the property in question. The list and map must be purchased from Hennepin County Taxpayer Services, A-600 Government Center, 4th Avenue S., Phone 612-348-5910. The applicant must request that the map include underlying platted lots.

(4a) The applicant must identify any property contiguous to the property to be rezoned that is currently owned, or has been sold within the past year by the same ownership as the subject site. An affidavit (Form D) must be submitted by the applicant. This affidavit must be notarized.

**Attention**: If you need other disability related accommodations, such as a sign language interpreter, accessible meeting site, or materials in alternative format, please contact 612-673-2162 (673-2157 TTY/VOICE) at least five days prior to the meeting. If you want help translating this information, call – **Hmong** – Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; **Spanish** – Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500.

(4b) The applicant takes the consent petition to the property owners on the list for their signatures (Form E). The rezoning cannot proceed and no public hearing on the rezoning petition may be held, unless the owners of 2/3rds of the descriptions of real estate within the 100-foot boundary consent to the rezoning by signing the petition. The consent of the owners of the property for which rezoning is sought counts towards fulfilling the 2/3rds consent provision.

(4c) A consent for property owned by more than one individual (for example, property held in joint tenancy) is only valid if the signatures of ALL owners of that property are obtained.

(4d) When properties are owned by corporations, government agencies, cooperatives, schools, churches or other types of entities, an affidavit will be required that indicates that the person signing the consent petition is authorized to do so on behalf of the owner entity (Form F). This affidavit must be notarized.

(4e) Affidavits will also be required any time the person signing the consent petition is not the person listed as the owner on the Hennepin Co. list of property owners (Form G). This affidavit must be notarized.

(4f) After obtaining the signatures, the applicant schedules an appointment to return the consent petition, Hennepin County map of parcels and list of property owners, and all application materials, to the Department of Community Planning and Economic Development – Development Services Division office.

(4g) The Department of Community Planning and Economic Development – Development Services Division office then forwards the consent petition materials to the City Attorney's Office with a request for that office to review the petition and determine the validity of the signatures and whether a sufficient number of consents have been obtained.

Please be aware that obtaining the consents of your neighbors is only one of the requirements for rezoning. Once you file a complete application, the City Planning Commission will evaluate your application based on the factors found in Section 525.280 of the Zoning Code and make a recommendation to the City Council. The City Council will make the final decision regarding all zoning amendments.

**525.280. Findings and recommendations of city planning commission on zoning amendments.** After the close of the hearing on a proposed amendment, the city planning commission shall make findings with respect to the following and shall submit the same together with its recommendations to the zoning and planning committee of the city council:

(1) Whether the amendment is consistent with the applicable policies of the comprehensive plan.

(2) Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

(3) Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

(4) Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

(5) Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

**Table 1 - STATUTORY REQUIREMENTS FOR AMENDMENT TO ZONING DISTRICT CLASSIFICATIONS IN MINNEAPOLIS**

Minn. Stat. § 462.357, effective May 30, 2001

**Statutory consent requirement for rezoning in cities of the first class:** Minn. Stat. §462.357, subd. 5, requires that written consent of the owners of two-thirds of the properties within 100 feet of the property to be rezoned be obtained when the proposed amendment to the zoning ordinance would change "all or part of the existing classification of a zoning district from residential to either commercial or industrial," *unless* the amendment is based on a survey by the City of not less than 40 acres and the Planning Commission determines that the number of properties affected by the proposed amendment renders the obtaining of such written consent impractical.

If the owner of the property to be rezoned currently owns or sold within the past year property that is contiguous to that to be rezoned, the consent area is all property within 100 feet of the property to be rezoned *and* such contiguous property.

**Voting requirement for rezoning:** Pursuant to the provisions of Minn. Stat. §462.357, subds. 2 and 5, in the City of Minneapolis amendments to the zoning district classification of a property may be made by a majority vote of the City Council, *except that* a two-thirds majority vote is required to amend a residential classification to either a commercial or industrial classification where that amendment is based upon a survey of not less than 40 acres and for which obtaining consents was found to be impractical.

| **Current Zoning Classification** | **Proposed Zoning Classification** | **Does Consent Requirement Apply?** | **Voting Requirement** |
|---|---|---|---|
| Residential | Another Residential district | No, consent signatures are *not* required. | majority |
| Residential | Commercial or Industrial<br>1. If not based on 40-acre survey.<br>2. If based on 40-acre survey. | 1. Yes, consent signatures are required.<br>2a. If finding is made by the Planning Commission that obtaining consents is impractical, then consent signatures are *not* required.<br>2b. If obtaining consents is not impractical, then consent signatures are required, even if rezoning recommendation is based on a 40-acre survey. | 1. majority<br>2a. two-thirds<br>2b. majority |
| Any Commercial or Industrial district | Any other zoning district | No, consent signatures are *not* required. | majority |

**Residential, Commercial and Industrial zoning district classifications.** For purposes of applying the provisions of Minn. Stat. §462.357 to changes, the primary and overlay zoning districts in the Minneapolis Zoning Code fall into the statutory zoning categories as outlined below.

- "Residential" includes: All Residence Districts (R1 – R6); all Office Residence Districts (OR1 – OR3).
- "Commercial or Industrial" includes: All Commercial Districts (C1 – C4); Downtown Districts B4, B4S and B4C; Industrial Districts (I1, I2, I3); Transitional Parking Overlay District
- The other overlay districts in the Zoning Code do not implicate a change in the residential or non-residential nature of the zoning district and can be assessed based on the current and proposed primary zoning classification alone.

**PETITION FOR AMENDMENT OF THE ZONING CODE – FORM A**

Pursuant to Minnesota Statutes section 462.357, we, the undersigned, request that the following legally described real estate in the City of Minneapolis, Minnesota, to wit:

Legal description: _____

_____

_____

as identified on the respective plan(s) of said addition(s) on file in the office of the Register of Deeds in and for Hennepin County, Minnesota, and as further identified by the following street address(es) and property identification number(s):

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
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(If additional properties are to be included, please attach an additional petition form.)

be reclassified by amending Section 521.30 Plate(s) _____ of the Minneapolis Zoning Ordinance to rezone the above-described property from the _____ District to the _____ District for the purpose of

_____

_____

Respectfully Submitted,

Name of petitioner(s) (please print): _____

(This petition must be signed by all owners of property in the area designated for rezoning, or by the owners' authorized agent.)

Address of petitioner(s): _____

_____

Phone: _____

Signature of petitioner(s): _____

_____

## AFFIDAVIT RELATED TO REZONING REQUEST – FORM B

**Authority for Agent to Petition for Rezoning on Behalf of Property Owner(s)**

Your affiant(s), _____ (print name(s)), being duly sworn, affirm(s) as follows:

Where the property to be rezoned is owned by a corporation or similar entity:

I am the _____ (title or position) of _____ (name of owner entity), and am authorized to appoint, and do so appoint, _____ (name of agent) to petition on behalf of that entity for rezoning of the property identified below to the _____ zoning district.

**OR**

Where the property to be rezoned is owned by one or more individuals (all owners must be listed as an affiant):

I/We authorize _____ (name of agent) to petition on my/our behalf for the rezoning of the property identified below to the _____ zoning district.

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
|---|---|
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_____
Affiant's signature

Subscribed and sworn to before me this _____ day of _____

_____
Affiant's signature

Notary Public:
County of:
My commission expires:

## AFFIDAVIT RELATED TO REZONING REQUEST – FORM C

**Authority to Petition for Rezoning when Property is Subject to a Contract for Deed**

**To be completed by the Contract for Deed purchaser(s):**

Your affiant(s), _____ (print name(s)), being duly sworn, affirm(s) as follows:

I/we are Contract for Deed purchaser(s) of the property described below and do hereby consent to the rezoning of that property to the _____ zoning district.

_____
Affiant's signature

Subscribed and sworn to before me this _____ day of _____

_____
Affiant's signature

Notary Public:
County of:
My commission expires:

**To be completed by the Fee Owner(s)/Contract for Deed seller(s):**

Your affiant(s), _____ (print name(s)), being duly sworn, affirm(s) as follows:

I/we are the present fee owner(s) and Contract for Deed seller(s) of the property described below and do hereby consent to the rezoning of that property to the _____ zoning district.

_____
Affiant's signature

Subscribed and sworn to before me this _____ day of _____

_____
Affiant's signature

Notary Public:
County of:
My commission expires:

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
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## AFFIDAVIT RELATED TO REZONING REQUEST – FORM D

**Identifying Property Contiguous to the Subject Site that is Currently Owned, or that has Been Sold Within the Past Year, by the Same Ownership Group as the Subject Site**

Your affiant(s), _____ (print name(s)), being duly sworn, affirm(s) as follows:

1. I am the owner, or am acting as the authorized agent on behalf of the owner, in regard to a petition to amend the zoning classification for the subject property described below (if there is an agent, Form B must also be filed).

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
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2. The following property is contiguous to the property to be rezoned and is either currently owned, or has been sold within the last year, by the same owner or ownership group that owns the property to be rezoned. **If this section does not apply, go to #3.**

| ADDRESS OF CONTIGUOUS PROPERTY | PROPERTY ID NO. OF CONTIGUOUS PROPERTY |
|---|---|
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3. Check here if there is no property contiguous to the property to be rezoned that is currently owned, or that has been sold within the last year, by the same owner or ownership group as the subject property _____.

_____
Affiant's signature

Subscribed and sworn to before me this _____ day of _____

_____
Affiant's signature

Notary Public:
County of:
My commission expires:

**CONSENT PETITION FOR AMENDMENT OF THE ZONING CODE – FORM E**

We the undersigned have reviewed the petition of _____ (name of petitioner(s)) to rezone the property described in that petition and encompassing the following addresses:

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
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(If additional properties are to be included, please attach an additional petition form.)

We understand that the petitioner seeks to rezone this property from the _____ District to the _____ District for the purpose of _____, and we do hereby consent to and accept the requested amendment of the Zoning Code of the City of Minneapolis.

**If the property is not owned by an individual, all owners or a duly authorized agent for the owner(s) must sign.**

| PRINT and SIGN NAME | ADDRESS | PROPERTY ID NO. |
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| PRINT and SIGN NAME | ADDRESS | PROPERTY ID NO. |
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**AFFIDAVIT RELATED TO REZONING REQUEST – FORM F**

**Required when the Owner of Property from Which Consent is Sought is a Corporation or Similar Entity**

Your affiant(s), _____ (print name(s)), being duly sworn, affirm(s) as follows:

I am the _____ (title or position) of _____ (name of owner entity). I am authorized thereby to consent, and do so consent, on behalf of the following property, _____ (property address), _____ (property ID number) to rezoning of the property identified below to the _____ zoning district.

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
|---|---|
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_____
Affiant signature

Subscribed and sworn to before me this _____ day of _____

_____
Affiant-signature

Notary Public:
County of:
My commission expires:

## AFFIDAVIT RELATED TO REZONING REQUEST – FORM G

**Required when the Person Signing the Consent Petition is Not the Person(s) Listed as Owner(s) of the Property from Which Consent is Sought**

Your affiant(s), _____ (print name(s)), being duly sworn, affirm(s) as follows:

I am authorized thereby to consent, and do so consent, on behalf of the following property, _____ (property address), _____ (property ID number) to rezoning of the property identified below to the _____ zoning district.

| ADDRESS OF PROPERTY TO BE REZONED | PROPERTY ID NO. OF PROPERTY TO BE REZONED |
|---|---|
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I am authorized to provide this consent because (include information regarding power of attorney, change of ownership, or other basis for your authority to consent to rezoning):

_____

_____

_____

If there has been a change of ownership, please attach supporting documentation.

_____
Affiant's signature

Subscribed and sworn to before me this _____ day of _____

_____
Affiant's signature

Notary Public:
County of:
My commission expires: