

## **ARTICLE XII: ADMINISTRATION**

### **Section 1201. Planning Administrator**

The Joint Planning Board shall appoint one or more Planning Administrators. The Planning Administrator(s) shall perform the following duties:

- A. Enforce and administer the provisions of this Ordinance;
- B. Issue necessary permits for permitted uses and/or activities which comply with and as called for under the provisions of this Ordinance;
- C. Maintain permanent and current records of this Ordinance, including but not limited to applications, plats, official zoning maps, amendments, variances and conditional uses;
- D. Receive, file and forward, along with recommendations, all applications for appeals, variances, conditional uses or other land use matters and requests to the designated official bodies and authorities responsible for official reviews and approvals;
- E. Institute, in the name of the Greater Bemidji Area, any appropriate actions or proceedings against a violator as provided for in this Ordinance, or otherwise by law.
- F. Coordinate with and assist other zoning and/or regulatory authorities and their administrators regarding matters which are subject of shared concern and exercise of official controls within the Greater Bemidji Area.

### **Section 1202. Planning Commission**

- A. The Planning Commission is an advisory body appointed by the Joint Planning Board to engage in the process of community planning in the Greater Bemidji Area. The Planning Commission is charged with the following responsibilities:
  - 1. To prepare and update as needed the Greater Bemidji Area Comprehensive Plan, or any component thereof, and the regulations designed to effectuate the Plan including zoning, subdivision, and shoreland management. In addition, the Planning Commission shall undertake a complete review of the Comprehensive Plan, or its components, and prepare recommended revisions to the Joint Planning Board for its consideration at least every five years.
  - 2. To participate in the implementation of the Comprehensive Plan, or its components, by reviewing applications for the subdivision of land, zoning amendments, and conditional use permits, and forwarding recommendations for approval or denial, as well as conditions for approval, to the JPB, as further specified below.
    - a. Assist the Joint Planning Board in the formulation of goals, policies and programs for the future development of the Greater Bemidji Area;

- b. Assist the Joint Planning Board in the preparation of development controls designed to promote development consistent with adopted goals and policies;
  - c. Review applications for conditional use permits, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to the Joint Planning Board;
  - d. Review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings, and forward final plats, along with recommendations, to the Joint Planning Board;
  - e. And in general have the authority to review and make recommendations on any proposed plans for the implementation of any planning, improvement, or redevelopment of any area or neighborhood, notwithstanding whether those plans fall within the purview of the existing Zoning Ordinance and related regulations. This advisory role includes recommendations on proposed improvements in neighborhoods, areas or districts that have been destroyed in whole or in part by fire, earthquake, tornadoes, wind storms or other natural disasters, as well as by deterioration due to disinvestment.
  - f. Any other such duties as required or requested by the Joint Planning Board to further goals and policies in furtherance of the intent of this Ordinance.
- B. The Planning Commission shall consist of nine (9) members. Six (6) of those members shall be appointed from names recommended by the Bemidji City Council, and three (3) members shall be appointed from names recommended by the Northern Township Board. The initial appointments shall be made by the Joint Planning Board so that each jurisdiction shall have an equal proportion of its appointees serving terms of one, two and three years respectively. There is no limit to the number of terms that a Planning Commissioner may serve.
- 1. The Planning Commission shall meet at least monthly, and its first regular meeting in January shall be designated as its Annual Meeting.
  - 2. No Planning Commission member may be an employee of any of the jurisdictions that are a party to the Joint Powers Agreement.

**Section 1203. Board of Adjustment**

There is hereby created a Bemidji Area Board of Adjustment vested with the authority as is hereinafter provided, and as provided in Minnesota Statutes Chapter 462. The JPB shall act as the Board of Adjustment. However, in the future the JPB may appoint a separate Board with equal City and Township representation.

- A. The Board of Adjustment and Appeals shall elect a Chairperson and Vice-Chairperson from among its members. It shall adopt rules or bylaws, for the transaction of its business and shall keep a permanent record of its proceedings, findings and determinations. The Board of

Adjustment and Appeals shall cause all such records of its proceedings, findings and determinations to be filed in the offices of the Joint Planning Board.

- B. The meeting of the Board of Adjustment shall be held as specified in the rules or bylaws, and at other such times as the Chairperson of the Board shall deem necessary and appropriate.
- C. The Board of Adjustment shall have the exclusive power concerning the following:
  - 1. To grant variances from the strict enforcement of standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criterion prescribed in Section 1206 of this Ordinance;
  - 2. To hear and decide any appeal from an order, requirement, decision or determination made by the Planning Administrator;
  - 3. To interpret any management district boundary on the Official Zoning Map;
  - 4. All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final except that any aggrieved person, department, agency, Board or Commission shall have the right to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.

**Section 1204. Land Use, Building and Other Administrative Permits**

Separate permits shall be required for the following permitted activities: building construction, alteration, tree removal, signs, Type II home occupations, specific group living and daycare activities in unsewered areas, subsurface sewage treatment system installation or alteration, and grading or filling in shoreland areas. All permits issued shall be in accordance with the standards prescribed in this Ordinance. Permit Types include:

- A. **Building Permits.** All property owners, contractors, subcontractors, builders or other persons having charge of the erection, alteration, moving, change, or remodeling of any building or structure shall apply for a Land Use Permit from the Joint Planning Board or a Building Permit from the City Building Department, as applicable, before beginning or undertaking such work. Requests to the City of Bemidji for building permits which require a site plan review shall be forwarded to JPB Staff for review and approval prior to issuance of any permit. JPB Staff may require a pre-application meeting for land use or building permits for developments more complex than one and two family dwellings. After the appropriate fee has been paid, and if the proposed work does not conflict with any portion of this Ordinance or related regulations, the permit shall be granted. If the permit is not granted, the reasons for such denial shall be provided, in writing, to the applicant.
- B. Land Use Permits are the Township version of City of Bemidji Building Permits.

- C. SSTS and Shoreland Alteration Permits. Permits for the installation of subsurface sewage treatment systems or grading and filling in shoreland areas must also be obtained from JPB Planning Staff before such installation or shoreland alteration has begun.
- D. Sign Permits. Permits for the construction or placement of signs must be obtained from JPB Planning Staff before such construction or placement shall be allowed.
- E. Tree Removal Permits. Permits for the removal and/or replacement of significant trees must be obtained from JPB Planning Staff before such removal, cutting, or clearing may commence on any property where such permits are required.

All building, sign, excavation and related installation permits shall expire one year from the date of approval unless the project has been substantially completed. SSTS permits shall expire at the end of the calendar year in which they are issued. A request for an extension may be considered by the Planning Administrator or Joint Planning Board pursuant to M.S. Chapter 462.

Any disturbance of soil or any construction related projects shall require some form of erosion control mitigation. Measures engaged to prevent erosion including: soil stabilization practices, limited grading, mulch, temporary or permanent cover, compost application, and construction phasing. Methods employed to prevent sediment from leaving the site -- including silt fence, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Site plan improvements for all new, expanded, or redevelopment projects, shall meet all performance standard requirements of this Ordinance. These improvements may be waived or modified by the Planning Administrator, provided the structure(s) and/or site impervious footprint is not expanded or intensified greater than twenty percent (20%).

#### **Section 1205. Conditional Use or Interim Permits**

Any use listed as a Conditional or an Interim Use in this Ordinance shall be permitted only upon application to the Planning Office, review and recommendation of the Planning Commission, approval and issuance of a Conditional/Interim Use Permit by the Joint Planning Board, and only after any additional approval required under applicable official controls of any other governmental jurisdiction. The applicant for a conditional/interim use permit shall fill out and submit to the Planning Office an Application for Conditional/Interim Use Permit. When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by JPB Planning Staff and, as applicable, the Planning Commission prior to consideration of the permit by the JPB. An applicant seeking a CUP or IUP for a use existing as a lawful preexisting nonconforming use shall, upon approval of such permit, be subject to the terms and conditions of the CUP or IUP, which shall apply in lieu of the rights attaching to the nonconforming use. An applicant's acceptance of the conditions of the CUP or IUP shall constitute an intentional waiver of the rights applicable to the nonconforming use and agreement that the use shall be controlled by the terms and conditions of the permit, including the cessation of the use upon revocation of the permit.

- A. Required Findings of Fact. The Planning Commission shall during its public hearing consider and include in its recommendation to the JPB consideration of the following findings-of-fact:
1. Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of surrounding land;
  2. Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land;
  3. Whether the proposed use adversely affects property in the surrounding area;
  4. Whether the proposed use is in conformance with the community's Comprehensive Plan or Land Use Plan; and,
  5. Whether adequate utility, drainage and other such necessary facilities have been or can be provided.
- B. In consideration of the granting of any conditional use permit throughout the Greater Bemidji Area, the Joint Planning Commission and Joint Planning Board shall evaluate the effect of the proposed use upon:
1. The maintenance of the public health, safety and welfare;
  2. The location of the site with respect to existing and proposed access roads;
  3. Its compatibility with adjacent land uses;
  4. Its compatibility with the intent of the zoning district in which such use is proposed;
  5. Its compatibility with the objectives of this Ordinance and its consistency with the Greater Bemidji Area Land Use Plan.
  6. The ability to provide pedestrian and bicycle access, as noted in the site plan, to any customer/tenant ingress/egress of the building, including from a public right-of-way and off-street parking area that serves the use in a manner which minimizes non-vehicular/vehicular conflicts.
- C. In consideration of the granting of any conditional use permit in shoreland areas, the Planning Commission and Joint Planning Board shall also evaluate the effect of the proposed use upon:
1. The prevention and control of water pollution, including sedimentation and nutrient loading;
  2. Existing topography and drainage features and vegetative cover on the site;
  3. The erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover

4. The need for the proposed use for a shoreland location;
5. The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;
6. The visibility of structures and other facilities as viewed from public waters;
7. Adequacy of the site for water supply and on-site sewage treatment systems if central utilities are not available;
8. The potential adverse impact on historic or cultural sites;
9. The types, uses and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate the watercraft.

D. Upon consideration of the factors listed above, the Planning Commission may attach such reasonable conditions, in addition to those required elsewhere in this Ordinance, which it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:

1. Increased yards and setbacks;
2. Limitations on odor, dust, noise, and light pollution;
3. Periods and/or hours of operation;
4. Minimum number of off-street parking spaces;
5. Type of construction;
6. Adequate access for all pedestrians, including those using wheelchairs or any other mobility aid, subject to requirements in Section 1010 of this Ordinance and the Americans with Disabilities Act.
7. Deed restrictions;
8. Landscaping and vegetative screening;
9. Type and extent of shore cover;
10. Specified sewage treatment and water supply facilities;
11. Location of signs, parking, docks and piers;
12. Requirement to notify the Planning Commission within thirty (30) days of the transfer of ownership of a property subject to a conditional use permit;

13. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
- E. An applicant for a Conditional/Interim Use Permit may be required to furnish to JPB Staff, in addition to the information required for the building or other permit, the following:
1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;
  2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
  3. Plans for buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
  4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations;
  5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this Ordinance.
- F. The Planning Commission and the Joint Planning Board, in evaluating a conditional/interim use application, may request the Beltrami Soil and Water Conservation District, or other qualified entity, to make available expert assistance to assist in the evaluation and consideration of such application.
- G. The procedure for applying for a conditional/interim use permit is as follows:
1. An applicant desiring a conditional/interim use permit shall fill out and submit to the JPB Office a completed Conditional/Interim Use Permit Request form, copies of which are available from the JPB Office. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
  2. JPB Planning Staff shall make a written recommendation to the Planning Commission and schedule a public hearing to be conducted within thirty (30) days of the receipt of the application.
  3. The Planning Commission shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance.
  4. The Planning Commission will forward its recommendation to the Joint Planning Board for consideration at its next scheduled meeting. If it recommends approval of the conditional/interim use permit, the Commission may recommend conditions it considers necessary to protect the public health, safety and welfare.

5. The Joint Planning Board will act upon the request within fifteen (15) days of receipt of the recommendation, and within sixty (60) days from receipt of the application. The Joint Planning Board may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. The Joint Planning Board may affirm, deny or modify the recommendation provided by the Planning Commission. If it grants the conditional/interim use permit the Joint Planning Board may impose reasonable conditions it considers necessary to protect the public health, safety and welfare. Such conditions may include a time limit for the use to exist or operate.
  6. If a time limit or periodic review is included as a condition by which a conditional/interim use permit is granted, the conditional/interim use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Planning Administrator to schedule such public hearings and the owner of land having a conditional/interim use permit shall not be required to pay a fee for said review. A waiver from a public hearing for annual review of conditional/interim use permits may be granted by the Joint Planning Board at the time of review at its discretion.
  7. Conditional/Interim Use Permits issued shall be recorded in the office of the Beltrami County Recorder as per Minnesota statutes.
- H. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the original Conditional Use Permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.
- I. The Planning Administrator shall maintain a record of all conditional and interim use permits issued including information on the use, location, and conditions imposed by the Joint Planning Board, time limits, review dates, and such other information as may be appropriate. Any major Permit modification including, but not limited to, hours of operation, additional employees, expansion of structures, structural alterations and/or premises, operational modifications resulting in increased traffic, enlargement, intensification of use, or similar change not specifically permitted by the original Conditional or Interim Use Permit issued shall require an amended interim or conditional use permit and all procedures of this Section shall apply as if a new permit were being issued. Proposed permit modifications shall be classified as major or minor, as determined by the Planning Administrator. Major and minor permit modifications shall be further subject to and processed as follows:
1. Major Permit Modifications:
    - a. Any modification that exceeds twenty percent (20%) of a quantifiable standard of any condition of a permit shall be considered a major modification.
    - b. Qualifications: Any permit modification not classified or qualifying as major shall be classified as minor.



- c. Applications for substantial modification of uses that were granted prior to the establishment of the Greater Bemidji Area Joint Planning Board and which require a conditional or interim use permit according to Article III of this Ordinance shall require a Major Permit Modification according to the requirements of this Section.
  - d. Procedure: Major permit modifications shall be processed according to all provisions of this Section and shall be subject to all requirements and standards of this Ordinance.
2. Minor Permit Modifications: In addition to other considerations noted above, minor permit modifications shall meet the following criteria:
- a. Sites shall be in nonresidential zoning districts, and shall not abut any residentially zoned property.
  - b. All sites must be legal parcels of record at the time of application and shall not contain more than one principal use on the parcel.
  - c. All applications for permit modification shall be complete and in full compliance with all the requirements of this Ordinance. All applicable fees shall be paid.
  - d. All permit modification proposals shall meet or exceed the current standards of all applicable codes, ordinances, and policies and shall be free of any variances from those standards.
  - e. Applications for modification of existing structures, infrastructure or other physical characteristics of a site upon which a conditional or special use was granted prior to the establishment of the Greater Bemidji Area Joint Planning Board; may be approved as a Minor Permit Modification, provided all requirements of the current standards of this Ordinance are met for administrative approval.
  - f. Intensification of previously permitted conditional, interim or special uses may be allowed as a Minor Permit Modification provided the intensification does not result in a net increase of greater than twenty percent (20%) of the existing use or impervious surface of the existing parcel and it does not exceed existing quantifiable standards.
3. Procedure: Administrative approval of minor permit modifications shall be subject to the requirements of Section 1204 of this Ordinance.
- J. A conditional use permit shall expire and become void if the use it allows is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.
  - K. Restriction on Application Resubmittal. A conditional use permit or an interim use permit application shall not be accepted for processing for any special use where that special use was part of a conditional or interim use permit application on the same property and for the same or

substantially the same conditional or interim use that was denied by the supervisors in the previous six (6) months.

**Section 1206. Variances, Appeals and Adjustments**

- A. The Board of Adjustment and Appeals shall have the exclusive power to order the issuance of variances from the terms of this Ordinance, including restrictions placed on nonconformities. All such variances shall be granted in accordance with M.S. Chapter 462.357 (Subd. 6), or as may be amended.
- B. Appeals to the Board of Adjustment and Appeals may be taken by any affected person upon compliance with any reasonable conditions imposed by the Zoning and Subdivision Ordinance. The Board of Adjustment and Appeals has the following powers with respect to the Zoning and Subdivision Ordinance:
  - 1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Administrator in the enforcement of the Zoning and Subdivision Ordinance.
  - 2. To hear requests for variances from the requirements of the Zoning and Subdivision Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Zoning and Subdivision Ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning Ordinance.
  - 3. Practical difficulties, as used in connection with the criteria for granting of a variance, means:
    - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;
    - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
    - c. The variance, if granted, will not alter the essential character of the locality;
    - d. Economic considerations alone do not constitute practical difficulties.

Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. A variance shall be granted for earth sheltered construction as defined in Minnesota Statutes, Section 216C.06, subdivision 14, when in harmony with the Zoning and Subdivision Ordinance. The Board of Adjustment and Appeals may not permit as a variance any use that is not allowed under the Zoning and Subdivision Ordinance for property in the zone where the affected person's land is located.

- C. The Board of Adjustment and Appeals or other governing body, as the case may be, may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- D. The Board of Adjustment and Appeals must make an affirmative finding on all four criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under the terms of this Ordinance.
- E. The Board of Adjustment and Appeals may impose conditions upon a variance that relate to the purposes and objectives of this Ordinance to ensure compliance and to protect adjacent properties.
- F. The procedure for applying for a variance is as follows:
  - 1. An applicant desiring a variance shall fill out and submit to the JPB Office a completed Variance Request form, copies of which are available from the JPB Office. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment and Appeals.
  - 2. The Planning Staff shall make a written recommendation to the Joint Planning Commission and Board of Adjustment and Appeals. A public hearing shall be conducted within thirty (30) days of receipt of the application.
  - 3. The Joint Planning Commission shall hold a public hearing in accordance with M.S. 462 and the provisions of this Ordinance. The JPC shall make a recommendation to the Board of Adjustment and Appeals.
  - 4. The Board of Adjustment and Appeals will act upon the request within thirty (30) days of receipt from the Commission, and within sixty (60) days from the receipt of the completed application. The Board of Adjustment and Appeals may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. The Board of Adjustment and Appeals may approve, deny, or modify the recommendation of the Planning Commission.
- G. The procedure for filing an appeal:

An appeal of an administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Planning Administrator an Application for Appeal, which application is available from the JPB Office. An application for an appeal must be submitted within fourteen (14) days of the administrative decision being appealed. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment and Appeals. Such appeal shall be heard by the Board of Adjustment and Appeals, and a decision shall be made, within sixty (60) days of the date that such completed application is submitted to the Planning Administrator. The Board of Adjustment and Appeals may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension.

- H. A variance shall expire and become void if the use it allows is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.
- I. Restriction on Application Resubmittal. A variance permit application shall not be accepted for the processing of any variance request for any property that had the same variance or a similar request in which was recently denied by the supervisors in the previous six (6) months; unless authorized for resubmittal by the Joint Planning Board.

**Section 1207. Amendments; Text or Zoning District**

The Board of Adjustment and Appeals may adopt amendments to the Zoning and Subdivision Ordinance, including the zoning map in relation to land uses within a particular district or to the location of the district lines. Such amendments 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 Greater Bemidji Area Land Use Plan, or changes in conditions of the Greater Bemidji Area.

A. Findings

1. Findings Required for Amendments to Text.

When a proposed amendment would result in a change in the text of this chapter but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and findings as to the following:

- a. Whether such change is consistent with the interest and purpose of this Ordinance;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and,
- c. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions

2. Findings Required for Amendments to Change Zoning Districts.

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and findings as to the following:

- a. Whether the change in classification would be consistent with the intent and purpose of this Ordinance;

- b. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
- c. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
- d. Whether the proposed amendment would correct an error in the application of this Ordinance; and,
- e. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

B. The procedure for amendments to this Ordinance shall be as follows:

1. An amendment may be initiated by a property owner, JPB staff, the Planning Commission or the Joint Planning Board. Property owners, or their representative, wishing to initiate a text amendment may do so one of two ways. The first is an informal request. In such instances, and after consult with the Planning Administrator, they may appear before the Joint Planning Commission without completing an application and submitting a fee for a non-‘binding discussion’ on the subject. The Planning Administrator will take the discussion into account and proceed to administer the Ordinance accordingly. Property owners wishing to initiate a formal text or map amendment shall complete an Application for Amendment, available from the Planning Administrator. Such application shall be filled out and submitted to the Planning Administrator together with the appropriate fee. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request. The application shall be deemed complete only after receipt of the completed form, payment of required fees, and meeting with the Planning Commission.
2. A public hearing on the amendment request shall be conducted by the Planning Commission within thirty (30) days following receipt of the application. The public hearing shall be conducted in accordance with M.S. 462;
3. The Planning Commission shall make its recommendation to the Joint Planning Board within fifteen (15) days after the proceedings of this public hearing.
4. The Joint Planning Board shall consider the recommendation of the Planning Commission within thirty (30) days after the public hearing is conducted, and within sixty (60) days of the receipt of the completed application. The Joint Planning Board may, at its discretion, extend the review period by no more than sixty (60) additional days provided that it notifies the applicant, in writing, of the reason for such extension. The applicant shall be notified in writing of the action of the Joint Planning Board.

No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request,

except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change in circumstances warrant it.

**Section 1208. Public Notice and Hearing Requirements**

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, requests for amendments, and preliminary plat approval shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of the Joint Planning Board and mailed notice to all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, Conditional Use Permits and Preliminary Plats, all property owners within three hundred and fifty (350) feet of the property must be notified; In the case of amendments to official controls which involve changes in district boundaries of five acres or less, all owners of property within three hundred and fifty (350) feet must be notified.
- B. The Commissioner of Natural Resources must also receive mailed notice at least ten (10) days prior to hearings to be conducted concerning applications for conditional use permits, variances, amendments or preliminary plat approvals, in shoreland areas. Notice of hearings to consider subdivisions must include copies of the proposed preliminary plat.
- C. The Commissioner must also receive a copy of approved conditional use permits, variances, zoning amendments and final plats in shoreland areas, postmarked within ten (10) days of final action.

**Section 1209. Nuisance**

Creating, maintaining, or allowing to continue any condition, use, or structure declared to be, or that otherwise constitutes, a public nuisance under this Ordinance is prohibited and is a violation of this Ordinance subject to enforcement and penalties provided for hereunder or as may otherwise be applicable by law.

**Section 1210. Enforcement and Penalties**

- A. The Planning Administrator or his or her agent shall have the right, at all reasonable times, to enter upon private property for the purpose of administration or enforcement of this Ordinance. This includes the right to conduct investigations, inspections, sampling, test borings and other actions necessary for the enforcement of this Ordinance.
- B. In the event of violation or threatened violation of this Ordinance, the Joint Planning Board may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
- C. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and

upon conviction thereof shall be punished by such penalties and fines provided by law. Each day that the violation continues shall constitute a separate offense.

**Section 1211. Fees**

In order to defray the administrative costs associated with the processing of applications for building and related permits, conditional use permits, interim use permits, variance requests, amendments, appeals, and subdivision plat approval, a schedule of fees shall be adopted by the Joint Planning Board. The schedule of fees shall be adopted by ordinance, reviewed by the Joint Planning Board on an annual basis, and amended as needed. The Fee Ordinance shall be posted at the Bemidji City Hall and Northern Town Hall, and may be altered or amended only by ordinance of the Greater Bemidji Area Joint Planning Board.

This Ordinance shall become effective upon its passage and the first day of publication.

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 2018.

Ayes:  
Nays:  
Absent:

ATTEST:

APPROVED:

\_\_\_\_\_  
Casey Mai, Planning Director

\_\_\_\_\_  
Michael Meehlhause, Chairperson