

Zoning Amendment

What is zoning?

The City of Fergus Falls has a zoning code. This is a set of rules that says where buildings can be built on a lot, how big they can be, etc. It also impacts how a property can be used. Every property within city limits is either residential, business, or industrial. These categories are broken down further into “districts” or “zones.” The City keeps a map which shows property lines and zoning district boundaries. Zoning protects the health, safety, and welfare of a community.

What is a zoning amendment?

A property owner can ask the City to either:

- permanently change the zoning code (a “text amendment”); or,
- change the zoning district of a specific property (a “map amendment” or “rezone”).

A zoning text amendment changes the rules for all properties in the city in that zone. A zoning map amendment only changes the rules for the specific property in the request.

What special rules apply to a rezoning request?

A rezoning of a residential-zoned property to a business or industrial zone requires two-thirds of the City Council. In Fergus Falls, this means six (6) council members must vote in favor of the rezone.

How long does it take?

The process typically takes three months. This is longer than other Planning Commission processes because zoning amendments require a City ordinance.

1. Planning Commission meets once a month on the 4th Monday.
2. City Council meets twice a month on the 1st and 3rd Mondays.
3. Complete applications are due about 6 weeks before the Planning Commission meeting. The deadline is the 3rd Friday of the month (you apply in January for the February meeting).

[Click here](#) for a 2022 calendar which has the meeting dates and deadlines for the year.

How much does it cost?

The application fee is \$700. An application is considered “incomplete” until the fee is paid. The fee is not refundable if the request is denied. The fee is in addition to any other required permit fees.

What are common application mistakes?

The most common reasons an application is incomplete are the following:

- The application fee was not paid.
- The applicant does not own the property and did not get the property owner’s signature.
- The questions are left blank or the answers are not detailed enough.

See the next page for a flow chart about the steps in the process.

STEP 1: APPLICATION

Submit an application and pay the fee. All materials are public and uploaded to the City's website.

STEP 2: COMPLETENESS CHECK

City staff will respond within 10 days. The letter will say if:

- The application is incomplete. The letter will say what is still needed.
- The application is complete. The letter will have the days and times of the meetings.

STEP 3: STAFF REVIEW

City staff review an application to see if it meets the requirements for a zoning amendment. Any staff comments are sent to the applicant. An applicant may need to provide more information before the public hearing.

STEP 4: PUBLIC NOTICE & NEIGHBOR LETTERS

At least ten days before the Planning Commission meeting the City must:

- Publish a notice in the *Daily Journal*. This notice includes basic information about the request.
- Send a copy of the *Daily Journal* notice to property owners within 350 feet of the request.

STEP 5: STAFF REPORT

The staff report is a summary of the request and recommends whether it should be approved or denied. The Planning Commission does not have to accept staff's recommendation. The applicant receives a copy of the staff report. It is published around five days before the Planning Commission meeting.

STEP 6: PUBLIC HEARING (PLANNING COMMISSION)

At the Planning Commission meeting staff present their report. The applicant may speak to the Planning Commission if they choose. The Planning Commission then opens the public hearing. Anyone may come and speak during the hearing. After the public hearing the Planning Commission votes on their recommendation. The recommendation is considered at the next City Council meeting.

STEP 7: FINAL DECISION (CITY COUNCIL)

The final decision is made by the City Council. This usually happens one week after the Planning Commission meeting. The City Council does not have to accept the Planning Commission's recommendation.

STEP 8: ORDINANCE (CITY COUNCIL)

If the City Council approves the zoning amendment, an ordinance is drafted by the City Attorney. The ordinance is required to be on the City Council agenda for two more meetings (referred to as "first reading" and "second reading"). A vote is held on the ordinance after the second reading. If approved, the ordinance is published in the *Daily Journal* (typically on Saturday) and is effective 15 days later.



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Zoning Amendment Application

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

4. Comprehensive Plan Designation: _____

5. Zoning Change Requested: Complete item 5a and/or 5b as appropriate for your application.

a. Zoning Map Change:

Existing Designation(s): _____

Proposed Designation(s): _____

b. Zoning Text Amendment: Identify which section of the City Code is to be amended and briefly describe how the text is to be changed in light of the intended project.

6. Reason for Zoning Change: In approving a request for rezoning a property or amending the zoning text, one or both of the following circumstances must be evident; indicate which of the

following best characterizes the reason that the intended use is not allowed by the existing zoning designation.

A mistake was made when the existing zoning text or map was approved.

Circumstances have changed since the original zoning that now justifies a change.

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

b. Written Narrative: The narrative should describe in detail the nature of the intended use, why you believe the use is not permitted by the existing zoning, and how the use would be permitted under the proposed rezoning or zoning text amendment. Narratives should also state whether any additional land use applications (e.g., conditional use Permit or variance) would be necessary to accommodate the intended use in compliance with the requirements of the proposed zoning change.

c. Consultant Fees: Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.

d. Other Information: In addition to the written narrative, including but not limited to, a full size site plan, topographic survey landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by the Community Development Department.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: _____ *Date:* _____

Applicant: _____ *Date:* _____