

## RESOLUTION NO. **xxxx**

**BE IT, HEREBY, RESOLVED BY THE CITY COUNCIL** of the City of Minot, North Dakota, that a conditional use permit is granted to Jennifer Guderjahn, Applicant for North Country Construction and Rental, Inc., Owner, for a Conditional Use Permit to locate and maintain an above ground 12,000 gallon diesel fuel tank on property described as; Magic City Industrial Park 2<sup>nd</sup> Addition, City of Minot, subject to the following conditions:

- 1) A stormwater management plan is required for development/disturbance of more than 2,000 sq. ft. A SWMP may not be required for tank only.
- 2) Erosion Control practices will need to meet State of North Dakota requirements and be approved by the City Engineer.
- 3) Connection fees are required when connections are made to City utilities.
- 4) Access locations to be approved by the City Engineer as a part of a future site plan.
- 5) One-hundred (100) foot setback from any property line.
- 6) The tank shall be of double-wall construction.
- 7) The tank and installation methods shall meet industry standards and all local, state, and federal requirements.
- 8) Any change in ownership requires the renewal of the conditional use permit
- 9) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
- 10) If substantial construction has not taken place within one (1) year of the date on which the conditional use permit was granted, the permit is void except that, on application, the council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six (6) months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this title, but the six (6) month period shall not be deemed to commence until the effective date of this title.
- 11) An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits

shall include reapplications for permits that have expired or have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance. Applications for conditionally permitted uses which consist of multiple structures to be developed on the property shall include a conceptual development plan showing the structures proposed. The conditional use permit is approved for the use of the property which does not require an amendment each time a structure is proposed; however, once proposed development exceeds the approved conceptual development plan or if the characteristics of use change, an amended application shall be submitted for consideration.

- 12) Any trees removed from the site as a result of the tank installation or operations shall be replaced on a 1:1 basis with new trees meeting City of Minot minimum size requirements of one and one-half (1 ½) inch caliper for deciduous species and five (5) feet minimum height for conifers, not including the container or root ball.

Passed and adopted this 4th day of November, 2019.

APPROVED:

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Shaun Sipma, Mayor

ATTEST:

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Kelly Matalka, City Clerk