



**City of Minot**  
**Planning Commission**  
**Staff Report**

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| <b>Application Date:</b> 12/2/19<br><b>Date of Staff Report:</b> 12/13/19   |  | <b>Staff Contact:</b> Brian Billingsley, Community and Economic Development Director<br><b>Staff Recommendation:</b> Approval   |  |
| <b>Status:</b> New Application  |  |   |  |
| <b>Staff Report Item #:</b> 4<br><b>Project Number:</b> 8020-1.4<br><b>Project Name:</b> Amendment to Section 30-5(i) of the City of Minot Zoning Ordinance<br><b>Current Legal Description:</b> N/A<br><b>Proposed Legal Description:</b> N/A<br><b>Present Address:</b> N/A<br><b>Entitlement Requested:</b> Zoning Ordinance Amendment |  | <b>Owner:</b> City of Minot<br>1025 31 <sup>st</sup> Street SE, Minot, ND 587601<br>Brian.billingsley@minotnd.org<br>(701) 857-4147<br><b>Representative:</b> Same as Above |  |
| <b>Existing Zoning Profile:</b> N/A   |  | <b>Proposed Zoning Profile:</b> N/A   |  |
| <b>Present Zone:</b> N/A<br><b>Present Use:</b> N/A<br><b>Uses Allowed in Present Zone:</b> N/A<br><b>Future Land Use Map:</b> N/A  |  | <b>Proposed Zone:</b> N/A<br><b>Proposed Use:</b> N/A<br><b>Uses Allowed in Proposed Zone:</b> N/A<br><b>Future Land Use Map:</b> N/A                                       |  |

**PROJECT DESCRIPTION:**

City staff is requesting approval of a text amendment to zoning ordinance section 30-5 (i): “Action by the City Council” to eliminate duplicative public hearings before the City Council for text amendments applications, rezoning applications, conditional use permits, and interim use permits.

**BACKGROUND INFORMATION:**

Currently, Sections 30-3(b), 30-4(B), 30-5(i), and 30-5(h) of Chapter 30 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota requires both the Minot City Council and the Minot Planning Commission to hold a public hearing on text amendments applications, rezoning applications, conditional use permits, and interim use permits with 30-5(i) applicable to the Minot City Council, and 30-5(h) applicable to the Minot Planning commission, respectively.

The proposed text amendment will eliminate the need for a second public hearing at City Council since the requirement for public input will be satisfied at the Planning Commission meeting.

A strikeout/underline version of the proposed text amendment is included below with notes:

Note: Section 30-5(i). This where the actions of the City Council are set forth. The requirement for a public hearing as City Council action is deleted.

Action by the City Council: After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall ~~hold a public hearing, after which the proposed amendment may be passed~~ consider the proposed amendment. City Council approval shall be by majority vote (four (4) affirmative votes).

Note: Section 30-3, Conditional Use Permits refers to 30-5(i) as follows:

30-3(b)

Application, Public Hearing, Notice and Procedure: The application, public hearing, public notice and procedure requirements for conditional use permits shall be the same as those for amendments as provided in Section 30-5 of this chapter, except that the permit shall be issued on the affirmative vote of a majority of the entire council.

Note: Section 30-4, Interim Use Permits refers to 30-3

30-4(b)

Application, Public Hearing, Notice, and Procedure: The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for conditional use permits as provided in Sec. 30-3 of this chapter.

Note: Section 30-5, Text Amendments and Zoning District Changes. This is where the public hearing requirement for the Planning Commission is set forth

30-5(h) (emphasis added)

Review by Planning Commission: No amendment, supplement, change or modification of this Ordinance shall be made by the City Council without first the consideration of each by the Planning Commission. The Planning Commission approval shall be by majority vote of its members. **Following a public hearing before and consideration by the Planning Commission**, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only.

## HOW HEARINGS ARE HANDLED IN OTHER NORTH DAKOTA CITIES:

Planning staff contacted several cities throughout the State and asked if public hearings are held before the City Council. Their responses are shown in the table below:

| City        | Text Amendments | Rezones | Conditional Uses | Interim Uses |
|-------------|-----------------|---------|------------------|--------------|
| Fargo       | No              | Yes     | No               | No           |
| Bismarck    | Yes             | Yes     | No               | No           |
| Grand Forks | Yes             | Yes     | Yes              | Yes          |
| Jamestown   | No              | No      | No               | No           |

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### RECOMMENDATION:

Staff recommends the Planning Commission approve the revision of Section 30-5(i) of the City of Minot Zoning Code