

ORDINANCE NO: 5459

AN ORDINANCE AMENDING SECTION 30-3(b), 30-4(b) AND 30-5(i) OF CHAPTER 30 OF THE ZONING SUPPLEMENT TO THE CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA TO ELIMINATE DUPLICATIVE PUBLIC HEARINGS BEFORE THE CITY COUNCIL ON SPECIFIC ZONING CASES.

WHEREAS, Sections 30-4(b) and 30-5(i) of Chapter 30 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota currently requires the Minot City Council to hold a public hearing on text amendments applications and interim use permits; and,

WHEREAS, Sections 30-3(b), 30-4(b), and 30-5(h) of Chapter 30 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota currently requires the Minot Planning Commission to hold a public hearing on text amendments applications, rezoning applications, conditional use permits, and interim use permits; and,

WHEREAS, the Minot City Council, prior to voting on a land use case, is provided with meeting minutes from all Planning Commission meetings, which includes all testimony provided by those in attendance who addressed the Planning Commission and letters of support and opposition written by the applicant, professional advisors, and neighboring property owners; and,

WHEREAS, the Minot City Council desires to eliminate a duplicative public hearing by amending Section 30-3(b), 30-4(b) and 30-5(i) of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1 That section 30-3(b) of Chapter 30 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota is hereby amended and said subsection shall read as follows:

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 zoning district amendments as provided in Sec. 30-5 of this chapter except that the permit shall be issued on the affirmative vote of a majority of the entire council.

§ 2 That section 30-4(b) of Chapter 30 of the Zoning Supplement of the Code of Ordinances, City of Minot, North Dakota is hereby amended and said subsection shall read as follows:

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 except that no public hearing shall be required by the City Council. The

Council shall take action on the application based on the evidence and recommendation received from the Planning Commission.

§ 3 That section 30-5(i) of Chapter 30 of the Zoning Supplement to the Code of Ordinances, City of Minot, North Dakota is hereby amended and said subsection shall read as follows:

~~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. City Council approval shall be by majority vote (four (4) affirmative votes).~~

i. Action by City Council:

- 1) After receipt of the recommendation on any zoning district 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. City Council approval shall be by majority vote (four (4) affirmative votes).
- 2) After receipt of the recommendation on any text 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 take action on the application based on evidence and recommendation received by the Planning Commission, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes).

§ 4 This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: February 18, 2020

PASSED SECOND READING: _____

ATTEST:

APPROVED:

Kelly Matalka, City Clerk

Shaun Sipma, Mayor

