

ORDINANCE NO. 2026

**AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 62,
RELATING TO PUBLIC HEARING NOTICES FOR REZONING
REQUESTS AND SPECIAL USE PERMITS**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

SECTION 1: Section 62-56. – Amendment procedure. of Chapter 62 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 62-56. – Amendment procedure.

- a) Purpose. The amendment procedures describe the methods by which changes may be made in the text of the zoning ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).
- b) Initiation of amendments.
 - 1) Text amendments may be initiated by the Planning Commission or Board of City Commissioners.
 - 2) Re-zonings may be initiated by a property owner or authorized agent, the Planning Commission, or the Board of City Commissioners.
- c) Rezoning application requirements. An application for a rezoning may be filed with the Planning Director, or a designee. The application shall, at a minimum, include the following information:
 - 1) Name and address of the applicant.
 - 2) Owner, address and legal description of the property.
 - 3) A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
 - 4) Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Building Official to be necessary to describe the proposed use to approving agencies.
 - 5) Completed submittal checklist with all required agency comments.
- d) *Amendment process.*
 - 1) The Planning Commission, following 15 days' notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the Board of City Commissioners. A vote either for or against an amendment by a majority of all Planning Commission members shall constitute a recommendation to the Board of City Commissioners. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the Board of City Commissioners.
 - 2) The Board of City Commissioners shall act on the proposed amendment. On applications which receive a recommendation of approval from the Planning

Commission, a majority vote of those members elected to the Board of City Commissioners is required for approval.

- 3) Protest. If a valid protest petition opposing an amendment is filed with the City Administrator, or a designee, by eligible property owners, a three-fourths vote of those members elected to the Board of City Commissioners is required for approval. A valid protest petition must meet the following criteria:
 - a. Submission of the petition in the Office of the Building Inspector within 14 days after the conclusion of the public hearing on the amendment by the Planning Commission.
 - b. Notarized signatures by at least one of the following:
 1. The owner or owners of at least 20 percent of the property proposed for rezoning.
 2. The owners of 20 percent of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the City and within 150 feet of the proposed rezoning.
- e) *Required notice and publication for rezoning, special use permits, and text amendments.*
 - 1) Notice of public hearings—Rezoning, special use permits. Prior to consideration of a rezoning or special use permit, notice of public hearings shall be provided by the following methods, ~~as determined by the City:~~
 - a. Publication. At least 15 days before the date of hearing, the Zoning Administrator shall have published in a daily newspaper having a general circulation in the City a notice of the time, place and subject matter of such hearing.
 - b. Notification by mail. At least ten days prior to the date of hearing, the party initiating the rezoning request shall present the Zoning Administrator a certified address list of those persons who own property within 300 feet of the subject site. The Zoning Administrator shall mail notice of the time, place and subject matter of the hearing to such property owners at least ten days prior to the date of the hearing.
 - ~~c.—Notification by petition. The applicant shall acquire the signatures of the owners of all properties within 200 feet of the property line in question indicating their approval of the proposed rezoning.~~
 - 2) Notice of public hearings—Text amendments. Prior to consideration of a text amendment, notice of public hearings shall be provided by publication as provided in Subsection (d)(1) of this section.
- f) *Notification by mail of school district.* The Zoning Administrator shall mail notice of the time, place and subject matter of any Planning Commission rezoning hearings to the Public and Parochial School District Administrative Officials and/or Chairpersons of the Board of Education, within whose boundaries the subject site is located. The notification shall be submitted to the applicable official and/or Board of Education at least ten days prior to the date of such meeting. Each school district to be affected by such rezoning proposal shall be notified.

SECTION 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

SECTION 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026