



Rezone Notice by Petition Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: February 4, 2026
 Re: ZTA-003-2026 Section 62 – Rezone Notice by Petition

APPLICANT

Name: City of Dickinson Community
 Development
 Address: 38 1st Street West
 City: Dickinson North Dakota 58601

Public Hearing	February 11, 2026	Planning and Zoning Commission
Public Hearing	February 17, 2026	City Commission
Final Consideration	March 3, 2026	City Commission

Community Development staff is requesting approval of zoning text amendments to Section 62-56 – Amendment procedure, in Chapter 62-Zoning of the Dickinson Municipal Code, to remove the requirement placed on rezoning and Special Use Permit (SUP) applicants to notify adjacent property owners through petition signature collection. This amendment also clarifies the specific procedure the City utilizes to notify adjacent properties of any public hearings.

Staff recommendation: Staff recommends approval of this text amendment.

The proposed ordinance amending Chapter 62 addressing removal of notice by petition is included with this staff report.

STAFF ANALYSIS

BACKGROUND

In response to a previous development application, a resident brought up a requirement in Section 62-56(e)(1) of the Dickinson Municipal Code that states *"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:"*, and one of the methods listed is *"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."* Based on the above sections, the City has the authority to determine whether City staff or applicants must notify adjacent property owners following the associated methods.

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Municipal Code

The requirements for noticing Planning and Zoning Commission public hearings, as outlined in Section 62-56(e), align with the requirements stated in NDCC 40-47-04. However, there is no requirement in the Century Code for a notice by petition, so the City of Dickinson is able to remove the requirement from the Municipal Code. Additionally, the amendment clarifies that all rezoning and Special Use Permit applications shall be consistent and not up to the discretion of the City.

Upon further review of the notification by petition requirements, Community Development staff determined the process would place an undue burden on applicants and potentially halt even favorable rezoning or SUP applications in the event any adjacent property owners are not available to sign a petition.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: As of the date of this report, City staff has not received any public comments.

Staff Recommendation: The City Development Team staff recommends **approval** of ZTA-003-2026.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-003-2026: The Rezone Notice by Petition Zoning Text Amendment** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend denial of **ZTA-003-2026: The Rezone Notice by Petition Zoning Text Amendment** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*