

# Zoning Map Amendment & SUP Notice Requirements

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# Questions to Consider

- What requirements does the City have in place to ensure residents are notified of any nearby Special Use Permit and Zoning Map Amendment applications?
- Are these requirements fair and effective?
- How do other cities notice these types of projects?

# Section 62-56. – Amendment procedure. (Relevant excerpts)

*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.”*

# Findings

- The City is able to determine whether or not to apply the requirements listed in Section 62-56(e)(1), which can lead to confusion over whether or not the developer must abide by the rules. Requirements can be interpreted differently by different staff members.
- The notification by petition listed in 62-56(e)(1)(c) is overly strict and limiting. Could potentially be used maliciously by a nearby property owner, or could cause an otherwise supported amendment to be prevented from going to public hearing due to an unavailable property owner.

What are other communities doing?

# Bismarck – Current Requirements

## **14-07-02. Amendments Procedure.**

4. Public Hearing by Planning and Zoning Commission. Following preliminary approval of a zoning change application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the proposed zoning change. “Notify” shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning and Zoning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study.

# Williston – Current Requirements

## Section Z-29. Amendments

### A. Public hearings.

The City Commission shall require a report from the Planning and Zoning Commission on any proposed amendment before taking final action thereon. The Planning and Zoning Commission shall thereupon make a preliminary report and hold a Public Hearing thereon. Notice of said Public Hearing shall be published once a week for two successive weeks prior to the time set for said hearing in the official paper of the City of Williston. Such notice shall contain the following items:

1. The time and place of the hearing.
2. A description of any property involved in any zoning change, by address if streets have been platted or designated in the area affected.
3. A description of the nature, scope, and purpose of the proposed change, restriction, or boundary.
4. A statement of the times at which it will be available to the public for inspection and copying at the office of the City Auditor. Any party may appear at the public hearing in person, or by agent or attorney.

The Planning and Zoning Commission shall prepare final written findings which shall be submitted to the City Commission within 90 days after the time of referral of the proposed amendment to the Planning and Zoning Commission. If the zoning amendment is for an area located in the extraterritorial area of the City, the final written findings shall include a recommendation from the appropriate township board.



# Grand Forks – Current Requirements

## Article 10. - Amendments

### Section 18-1001. Zoning maps and zoning regulations.

- 3) Before any amendment is adopted, the planning and zoning commission shall hold at least one (1) public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten (10) days before the hearing. Following the hearing the planning and zoning commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the city council within thirty (30) days after the hearing. If no recommendation is transmitted by the planning and zoning commission within thirty (30) days after the hearing, the city council may take action without awaiting such recommendation.

# Suggestions

e) *“Required notice and publication for rezoning, special use permits, and text amendments.*

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- 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.”*

Comments? Questions?