

ORDINANCE NO. 16-01

AN ORDINANCE ESTABLISHING SECTION 2.5 OF TITLE II OF THE HEBRON, NORTH DAKOTA ZONING ORDINANCE OF 1982 REGARDING CONDITIONAL USE PERMITS WITHIN THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA, THAT SECTION 2.5 OF TITLE II OF THE HEBRON, NORTH DAKOTA ZONING ORDINANCE OF 1982 IS HEREBY ESTABLISHED AND ENACTED AS FOLLOWS:

2.5 CONDITIONAL USE PERMITS

I. Generally:

- A. Conditional Use Permits are available as specified in the Zoning Ordinance:
- B. The permissible conditional uses for each district are referenced in Chapter III of the Zoning Ordinances of the City of Hebron entitled "Districts."

II. Conditional Use Permit Process:

A. Submit Application for Conditional Use Permit

1. Application

Conditional Use Permit applications shall be submitted to the City Auditor's Office in the appropriate form along with a non-refundable fee that has been established by the City Council.

2. Processing Requirements

The City Auditor's Office will determine when an application for a conditional use permit is considered complete. In addition to the required fee, see the submittal checklist provided in Section II(A)(3) for all other required items.

3. Application Checklist

- a. Site Plan, drawn to scale, with dimensions.
- b. Elevation of proposed structure(s), if structures are included.

- c. Project description, including detail on the daily or seasonal operations; number of employees, customers, visitors; number of shifts; activities; products and services; maximum living units proposed, as applicable.
- d. Other items and information requested by the Planning and Zoning Commission or City Council to evaluate the proposal's potential impacts on traffic, aesthetics, city utilities, noise, and other environmental impacts.

B. Review and Action

- 1. The Planning and Zoning Commission will be advised of the application and provided with a copy thereof.
- 2. The Planning and Zoning Commission shall hold a public hearing for the Conditional Use Permit request. The Planning and Zoning Commission may make a recommendation to the City Council to approve, approve with conditions, or deny the application. The Conditional Use Permit application may also be tabled by the Planning and Zoning Commission in order to allow for additional information requested of the applicant. The Planning and Zoning Commission will use the criteria located in Section II(C) as guidance to determine if a Conditional Use Permit should be approved.
- 3. The City Council shall hold a public hearing on the proposed Conditional Use Permit. The City Council may act to approve, approve with conditions, or deny the application. The Conditional Use Permit application may also be tabled by the City Council in order to allow for additional information requested of the applicant. The City Council will use the criteria located in Section II(C) as guidance to determine if a Conditional Use Permit should be approved.

C. Criteria: A Conditional Use Permit may not be approved unless the City Council finds that all of the following criteria, as applicable, have been satisfied:

- 1. The proposed use is in harmony with the purpose and intent of the Zoning Ordinance for the City of Hebron, and is an applicable conditional use in the respective zoning district.
- 2. If applicable, the proposed use will comply with all special standards established by the City Council.
- 3. Adequate utility, drainage, and other such necessary facilities and services have been or will be provided at the time of development.
- 4. Adequate access roads or entrance and exit drives will be provided and be so designed to prevent traffic hazards and to minimize traffic congestion in public streets.

D. Notice of Public Hearing

1. Newspaper: Notice is to be published in the official newspaper of the City of Hebron at least once and not less than fifteen (15) days preceding the date of each scheduled public hearing (not necessary for hearings after a continuation of the application).
2. Adjacent Properties: Written notice shall be provided by first class mail to all owners of the subject property and all property owners within 300 feet of the subject property. The notice shall be deposited in the U.S. mail at least 15 days before each scheduled public hearing (not necessary for hearings after a continuation of the application) and also for the City Council hearing.

E. Appeal Process: An appeal of the City Council decision may be made to the district court.

F. Amendments: The process for amendments to Conditional Use Permits is the same as required for a new application.

G. Application Costs: In addition to the Application Fee as set by the City Council, the applicant shall be responsible for all costs and expenses associated with their applying for a Conditional Use Permit, including, but not limited to, engineers fees, legal fees, publication costs, postage, and special meeting fees, if any.

DATED this 11th day of April, 2016.


GRANT WALTH, Mayor

ATTEST:


ERIN BRINK, City Auditor

Introduction and First Reading: March 14, 2016

Second Reading: April 11, 2016

Final Passage: April 11, 2016