

City of Minot

Planning Commission
Staff Report

Application Date: 1/25/2020
Date of Staff Report: 2/23/2021

Staff Contact: John Van Dyke, Principal Planner
Staff Recommendation: Approval

Case Number: 2021-03-08
Project Name: Zoning Supplement to the City of Minot Code of Ordinances
Current Legal Description: N/a
Proposed Legal Description: N/a
Present Address: N/a
Entitlements Requested: New Zoning Ordinance

Applicant: Harold Stewart, City Manager
Owner: City of Minot

Present Zone(s): N/a
Present Use(s): N/a
Uses Allowed in Present Zone(s): See respective chapter in current and proposed code.
Present Future Land Use Map Designation: N/a

Proposed Zone(s): N/a
Proposed Use(s): N/a
Uses Allowed in Proposed Zone(s): N/a
Proposed Future Land Use Map Designation: N/a

PROJECT DESCRIPTION:

The City of Minot, in collaboration with numerous stakeholders and the Zoning Ordinance Steering Committee (ZOSC), present the new Zoning Supplement to the City of Minot Code of Ordinances.

BACKGROUND INFORMATION:

The effort to overhaul the Zoning Ordinance began in March of 2019, when the Zoning Ordinance Steering Committee (ZOSC), City Planning Staff, and SRF Consulting Group first sat down together to work on the City of Minot Code of Ordinances (Zoning Ordinance). The last major update to the Zoning Ordinance occurred in 2013 along with minor amendments since that time.

The Zoning Ordinance Steering Committee (ZOSC) is an important component of zoning text amendments in the City of Minot and reviews all proposed text amendments prior to presentation to the Planning Commission and City Council. The ZOSC is represented by city staff from multiple departments such as Engineering, Planning, Economic Development, Inspections, City Attorney, and Airport. The ZOSC also includes members of the public with a variety of development-related backgrounds, such as surveying, engineering, architecture, finance, and general contracting. Finally, the ZOSC includes an Alderman and planning commissioner.

The ZOSC met 38 times since work began in January 2019. The effort was facilitated by a consultant, Scott Harmstead, SRF Consulting Group who has extensive experience assisting communities in North Dakota and beyond with similar efforts.

The ZOSC met for the last time on January 27, 2021 following an open comment period which commenced in December 2020. The ZOSC recommended the Zoning Ordinance be presented to Planning Commission with a recommendation to approve.

STAFF ANALYSIS:

Zoning Text Amendment Analysis:

Section 30-5 of the Zoning Supplement to the Minot Code of Ordinances (Zoning Ordinance) recognizes that periodic changes will be required to facilitate orderly development and that these should occur via a thorough public process including a public hearing, direct noticing to neighboring property owners, and general public noticing within the Minot Daily News. The applicant has submitted the necessary application documents required per Section 30-5 g) and noticing has been conducted as required per 30-5 b).

Section 30-5 h) requires the Planning Commission to provide reasoning and hold discussion of the effect of each amendment on the Comprehensive Plan. Staff provides the following guidance:

A link to the proposed Zoning Ordinance is provided in Exhibit 1. The ZOSC, stakeholders, and staff from numerous departments provided input over the course of two years. An open comment period was provided in December 2020 and 4 comments from the general public were received. The resulting proposed Zoning Ordinance is the product of robust stakeholder engagement. Staff recommends approval of the proposed Zoning Ordinance as provided in Exhibit 1.

Staff provides a summary of the most substantive changes from the current Zoning Ordinance to the proposed Zoning Ordinance.

1. New Use Table

- a. In the current Zoning Ordinance, each zoning district has a list of uses allowed, permitted conditionally or in the interim. With the proposed Zoning Ordinance, individual uses have been pulled out of their respective chapter and compiled into one table to show which uses are allowed or permitted conditionally or in the interim across each zoning district. Following the use table is an alphabetical list of definitions for every use listed within the table.

2. Article format versus chapter format

- a. A major change is related to reorganization. This is a very important component of any regulatory document, as it allows for predictable and understandable organization of information for those seeking to find answers to questions. The previous format included many regulations that were difficult to find even for city staff. The new format will ease the process for identifying standards and conveying requirements to inquirers.

3. Parking Requirements

- a. Parking requirements were adjusted for many uses with additional provisions including:
 - i. Parking Maximums – Parking maximums have been incorporated along with minimums to provide flexibility for developments to provide a range of parking. This ensures parking is not consistently spilling over onto the public street and that valuable land is not left underutilized by impervious surfaces.
 - ii. Alternative Parking – This allows for up to 20% deviations below the minimum or above the maximum to be achieved subject to approval by both the Planning and Engineering Departments. Anything above this would require a variance.
 - iii. Transportation Demand Management (TDM) – The use of van pool, car pooling, or park and ride facilities may be considered for a reduction in parking. Bicycle parking for a uses that are conducive to bicycle usage and proximity to a parking garage are a few other examples.
 - iv. Demonstrated Parking – The Planning Commission is now able to evaluate proposals that reserve an area for additional parking but which can demonstrate that the use itself will not generate demand sufficient to require adherence to the parking minimums. The area reserved will be required to be converted to parking stalls, as necessary.

4. Telecommunications Chapter

- a. The telecommunications chapter, now Article 8: Wireless Facilities has been modified to bring it into compliance with federal regulations. The current Zoning Code from Chapter 31 was merged with the code from Killdeer, ND, which had recently been updated by a consultant that the former principal planner knew. Staff then modified that code to bring it into conformity with Chapter 31 of the Zoning Ordinance and Article VII, Division 3. of the Municipal Code to address wireless facilities in the public right-of-way. This will address what is commonly referred to as small cell technology or 5G.

5. Article 5: Signs

- a. Within the current Zoning Ordinance, sign requirements are organized by zoning district. Now, these requirements are organized in a series of tables, similar to the use table explained earlier. Temporary signs, such as sandwich boards, blade signs, and detached yard signs will all require a permit to be erected. Also introduced with the new ordinance is the Master Sign Plan. The

Master Sign Plan will allow a selection of business, listed in Section 5.1-2 B, to apply for numerous signs that are greater in quantity than what is otherwise allowed when applying for sign permits individually. The Master Sign Plan will be approved administratively by the Planning Department. Finally, Chapter 22.1 Off-Premise Signage has been rolled into Article 5 as part of the general sign ordinance.

6. Article 3: General Standards

- a. This new section outlines the general standards for each district, such as only having one principal building on a lot in single-family residential districts, what is required for permanent residence, how to measure setbacks, fencing requirements, and outdoor lighting.
 - i. Outdoor lighting standards themselves are new to the ordinance.

7. Article 4: Specific Standards

- a. Under the current zoning ordinance, each zoning district has a list of permitted, conditional, and interim uses each use may or may not have a list of specific requirements that apply. These lists have been removed from their respective districts and placed in their own article that is organized alphabetically by use type, similar to the new use table.

8. Article 9: Procedures

- a. Procedural changes include shifting decisions for conditional and interim use permits to the Planning Commission. Currently, Planning Commission provides a recommendation to City Council which renders a decision. City Council will only hear an item in this land use application category if the decision by the Planning Commission is appealed. Noticing requirements are more robust to include two publications in the Minot Daily News and property owner notification distances of 600 feet for properties in the extra-territorial jurisdiction (ETJ).

9. Additions

- a. Landscaping and design improvements previously did not apply to the entirety of the site if a secondary or accessory building was constructed. Site expansion, whether by an addition to an existing primary structure or by adding a secondary or accessory structure are now the same.

10. Accessory Structures

- a. The 1,200 square foot maximum area for accessory structures is being removed in favor of allowing 5% of the total lot area or the size of the house, measured by the footprint of the building, whichever is greater, up to the maximum impervious surface percentage of lot coverage permitted in each zoning district.
- b. Attached garages no longer count toward the maximum accessory building area after 720 square feet.

11. Zoning District Name and Designation Changes

- a. "RA" Agricultural Residential District – "RR" Rural Residential District
- b. "C3" Commercial Business District – "CBD" Commercial Business District
- c. "M3" Office Park District – "Office Park District"

Areas of the Ordinance that remain very similar, if not identical, to the current Zoning Ordinance

1. Height, Area, and Lot Size standards for zones

- a. Overall, the vast majority of the height, area, and lot size standards for the zoning districts have not changed.

2. Article: 7 Landscaping

- a. The landscaping chapter was updated a few years ago and does not warrant any changes.

3. Article 11: Floodplain/flood control

- a. The floodplain/flood control chapter was updated in November 2020 and no additional changes are required at this time.
4. Article 10: Subdivisions
 - a. As of right now, the standards for the creation of a subdivision has not changed. Within the next few months, changes will be presented to the ZOSC and Planning Commission for a recommendation.

Comments:

1. Public Comments were obtained during the open public comment period and included in Exhibit 2.
2. As the Zoning Ordinance was established in consultation with numerous departments over time, specific comments are not included. However, the Zoning Ordinance maintains broad department-wide support for approval.

FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:

- 1) The applicant has submitted a complete application.
- 2) The Zoning Ordinance Steering Committee (ZOSC) is represented by city staff from multiple departments such as Engineering, Planning, Economic Development, Inspections, City Attorney, and Airport. The ZOSC also includes members of the public with a variety of development-related backgrounds, such as surveying, engineering, architecture, finance, and general contracting. Finally, the ZOSC includes an elected official and planning commissioner.
- 3) The ZOSC held 38 meetings since March 2019 to discuss changes to the Zoning Supplement to the City of Minot Code of Ordinances.
- 4) The meetings were facilitated by Scott Harmstead, SRF Consulting Group who has extensive experience assisting communities in North Dakota and beyond with similar efforts.
- 5) These meetings were posted and open to the public and numerous community members and industry specialists were invited to give input on proposed changes and make recommendations on further desired modifications.
- 6) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the proposed Zoning Supplement to the City of Minot Code of Ordinances where a link to the document is provided in Exhibit 1.

Exhibit 1

Directions to Reach a Copy of the Proposed Zoning Ordinance.

Link to Proposed Zoning Code:

<https://www.minotnd.org/DocumentCenter/View/5756/Proposed-Zoning-Ordinance>

Link to Proposed Parking Space Requirement Table:

<https://www.minotnd.org/DocumentCenter/View/5757/Parking-Space-Requirement-Table>

Or, a copy of the Proposed Zoning Code may be viewed on the City website minotnd.org and by clicking on the Planning link within the Government dropdown menu. Finally, click on Zoning Ordinance to see a link and other information surrounding the Proposed Zoning Code. A copy is also available for viewing in the Planning Department located at 1025 31st St SE, Minot, ND.

Exhibit 2: Public Comments

Comment 1

Name: Carla Newgard

Address: Minot

Comment: Please rebook at the whole area off 16th St SW and Green Acres. So much noise. No noise buffers. There's also no buffer at the bank. No privacy when in back yard when people are at the bar. Noisy. Also when people sort at lights so noisy. People rev their engines at the lights. Shook my whole bedroom the other night. Please seriously relook at this area as Trinity moves out here.

Comment 2

Name: Laura Pikka

Address: 1407 13th St NW

Comment: I have been frustrated with the lack of pedestrian infrastructure on north hill, especially on 16th St NW. As I walk to the grocery store from Golden Valley Lane to Marketplace (2211 16th St NW), I'm forced to walk on the lawns of the condos to the west or the apartment lawns to the east of 16th St as I find it incredibly unsafe to walk on the side of 16th St due to distracted drivers and a general disrespect from motorists towards pedestrians/bicyclists. Fortunately there is no snow making it possible to continue to walk on the grass. Though it is not comfortable due the grade, I'm able to walk on the slanted grassy surface until the sidewalk appears for half a block and then disappears again.

Thank you for reading,

Laura Pikka

Comment 3

Name: Megan Laudenschlager

Address: 108 19th St. NW

Comment: Please consider adding a business incubator as a permitted or conditional use for property in Downtown Minot. A business incubator could be a tremendous catalyst for economic development in our community. Business incubators typically include small, affordable office spaces and/or meeting rooms, and they can also include commercial community kitchens and maker spaces.

Thank you for your consideration!

Megan Laudenschlager

Co-Chair

Downtown Innovation & Incubator Team (IEDC)

Comment 4

Name: Josh Reiner

Address: 2080 36th Avenue SW, Suite 215

Comment: There appears to be an incorrect reference in Section 12.2-4. Storm Water Management Plan Components; A.; 4.

This section refers to elevations being provided in NAVD 1988 datum which does not exist. It appears this is a cross between the vertical & horizontal datum's used within the City (NGVD88 & NAD83 respectively).

This should be corrected to read NGVD88 (National Geodetic Vertical Datum of 1988).