

ORDINANCE NO. 5188

AN ORDINANCE AMENDING CHAPTER 1 (TITLE AND APPLICATION), SUBSECTION 1-2(6) (APPLICATION); AND CHAPTER 5 (RI SINGLE-FAMILY RESIDENTIAL DISTRICT) SUBSECTION 5-7(D)(3) (LOT, HEIGHT, AREA, AND YARD REQUIREMENTS); AND CHAPTER 8 (R3C TOWNHOUSE RESIDENTIAL DISTRICT) SUBSECTION 8-2 (GENERAL DESCRIPTION); AND CHAPTER 9 (RH HIGH DENSITY RESIDENTIAL DISTRICT) SUBSECTION 9-7(E)(2) (LOT, HEIGHT, AREA, AND YARD REQUIREMENTS) AND SUBSECTION 9-8(E) (SPECIAL REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS); AND CHAPTER 11 (C2 GENERAL COMMERCIAL DISTRICT) SUBSECTION 11-7(D) (LOT, HEIGHT, AREA, AND YARD REQUIREMENTS), AND CHAPTER 12 (C3 CENTRAL BUSINESS DISTRICT) SUBSECTION 12-13(A) (SIGNAGE PERMITTED WITHIN THE C3 DISTRICT); AND CHAPTER 13 (PUD PLANNED UNIT DEVELOPMENT) SUBSECTION 13-9(A) (REVIEW AND AMENDMENTS); AND CHAPTER 14 (MI LIGHT INDUSTRIAL DISTRICT) SUBSECTION 14-3(A) (USES PERMITTED) AND SUBSECTION 14-4(4) (CONDITIONAL USES) AND SUBSECTION 14-7(D) (LOT, HEIGHT, AREA, AND YARD REQUIREMENTS); AND CHAPTER 15 (M2 HEAVY INDUSTRIAL DISTRICT) SUBSECTION 15-8(D) (LOT, HEIGHT, AREA, AND YARD REQUIREMENTS); AND CHAPTER 22 (SIGNAGE REGULATIONS) SUBSECTION 22-6(A)(B)(H)(I) (TEMPORARY SIGNS: ONLY FOR GRAND OPENINGS, SPECIAL EVENTS, AND HOLIDAYS) AND SUBSECTION 22-8(A) (COMMERCIAL DISTRICTS ALLOWABLE SIGNAGE IN C1, C2, C4, AND GMU); AND CHAPTER 22.1 (OFF-PREMISE SIGNAGE BILLBOARD) SUBSECTION 22.1-5(A) (SIZE AND LOCATION); AND CHAPTER 30 (ADMINISTRATIVE PROCEDURES) SUBSECTION 30-2(G) (VARIANCES) AND SUBSECTION 30-3(E) (CONDITIONAL USE PERMITS) OF THE CITY OF MINOT, NORTH DAKOTA OFFICIAL ZONING ORDINANCES.

WHEREAS, the City of Minot City Council authorized the City of Minot Mayor to appoint an ad hoc committee to discuss proposed amendments to the City of Minot Zoning Ordinance,

WHEREAS, the appointed ad hoc committee discussed the changes at several open meetings where the public was notified of the meeting, invited to attend the meeting, and permitted to comment at the meeting, and the committee made recommendations to Planning Commission and the full City Council to amend certain provisions of the City of Minot Zoning Code,

WHEREAS, the Planning Commission of the City of Minot recommended approval of the amendments to subsections 1-2(6), 5-7(d)(3), 8-2, 9-7 (e)(2), 9-8(e), 11-7(d), 12-13(a), 13-9(a), 14-3(a), 14-4(4), 14-7(d), 15-8(d), 22-6(a)(b)(h)(i), 22-8(a), 22.1-5(a), 30-2(g), 30-3(e) of the City of Minot Zoning Code,

WHEREAS, City of Minot desires to amend sections of the City of Minot Zoning Code,

§1. Subsection 1-2(6) of section 1-2 (Application) of Chapter 1 (Title and Application) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

“C-4” Planned Commercial District	“C2” General Commercial District and Planned Unit Development (PUD)*
-----------------------------------	--

*Developed properties previously zoned C-4 shall attend to underlying C2 except in cases of alterations or changes of use. If an alteration or change of use is proposed, refer to the original development plan with design and dimensional standards being negotiable based on deviation from the original development plan and attendant amenities for the site. Major modifications shall require review and approval from the Planning Commission, while minor modifications may be approved by the Planning staff.

§2. Subsection 5-7 (d)(3) of Section 5-7 (Lot, Height, Area, and Yard Requirements) of Chapter 5 (R1 Single-Family Residential) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

d) Minimum lot dimensions shall be as follows:

3) Area – two (2) acres for properties in the extraterritorial jurisdiction with approved wastewater disposal systems by First District Health Unit.

§3. Subsection 8-2 (General Description) of Chapter 8 (R3C Townhouse Residential District) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 8-2: General Description:

The R3C (Townhouse Residential) District is established as a district in which the principal use of the land shall be townhouse dwellings. The R3C district will be limited to areas guided Medium Density on the Future Land Use Plan and those Medium Density guided parcels that are immediately abutting or are across the street from existing single family residential where townhome versus multi-story, multiple family is more compatible. Density range shall be six (6) and twelve (12) units per acre.

§4. Subsection 9-7(e)(2) of Section 9-7 (Lot, Height, Area, and Yard Requirements) of Chapter 9 (RH High Density Residential) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 9-7. Lot, Height, Area, and Yard Requirements:

e) Minimum lot area shall be as follows:

2) Area for a multi-story, multiple family building shall be one (1) acre with a minimum lot width of one hundred (100) feet.

§5. Subsection 9-8(e) of Section 9-8 (Special Minimum Requirements for Multi-Family Residential Developments) of Chapter 9 (RH High Density Residential) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 9-8. Special Minimum Requirements for Multi-Family Residential Developments.

e) Building Design and Materials – Multi-family (multi-story): Each façade of a townhouse, twin home or multi-story multi-family buildings shall be finished with a minimum of two (2) different colors and two (2) different finishes (exterior finishes exclude unfinished

exposed foundation walls constructed of poured concrete or smooth-face concrete block, whether painted or not painted).

§6. Subsection 11-7(d) of Section 11-7 (Lot, Height, Area, and Yard Requirements) of Chapter 11 (C2 General Commercial) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 11-7. Lot, Height, Area, and Yard Requirements:

- d) Minimum lot area – ten thousand (10,000) square feet, two (2) acres for properties in the extraterritorial jurisdiction with approved wastewater disposal systems by First District Health Unit.

§7. Subsection 12-13(a) of Section 12-13 (Signage Permitted within the C3 District) of Chapter 12 (C3 Central Business) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 12-13. Signage Permitted within the C3 District:

- a) Standards: All signs erected on any building or land within the C3 district must comply with the standards of this section and sections Section 22-9.

§8. Subsection 13-9(a)(b) of Section 13-9 (Review and Amendments) of Chapter 13 (PUD Planned Unit Development) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 13-9. Review and Amendments:

- a) Minor changes that do not alter the overall concept, density, intensity, traffic impact, or environmental impact may be authorized by the Planning Director. Minor changes shall be defined as:
- 1) A building addition of up to twenty-five percent (25%) of the existing floor area.
 - 2) An increase of up to fifty percent (50%) of the impervious coverage of the property.
 - 3) A change in the landscaping, exterior color, or materials, or
 - 4) A change in the location, placement, and/or height of an approved building or structure.
- b) Major changes that alter the overall concept, density, intensity, traffic impact, or environmental impact shall require approval of the Planning Commission and City Council. These changes shall be consistent with the purpose and intent of the approved final development plan. Major changes shall be defined as:
- 1) A building addition of twenty-five percent (25%) or more of the existing floor area.
 - 2) An increase of more than one (1) story or ten (10) feet to the height of an existing building.
 - 3) An increase of more than fifty percent (50%) of the impervious coverage of the property.

- 4) A change which would result in the development no longer meeting the standards of this Section under which the project was approved,
- 5) An increase or change to the traffic access, circulation, or impact,
- 6) A decrease of more than ten percent (10%) of the amount of common open space,
- 7) An encroachment into a required setback,
- 8) An additional building, or
- 9) Rearrangement of building tracts, lots, blocks, and public right-of-way, plus any other change that requires a re-plat.

§9. Subsection 14-3(a) of Section 14-3 (Uses Permitted) of Chapter 14 (M1 Light Industrial) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 14-3. Uses Permitted:

- a) A building or premises may be used for the manufacturing, fabricating, assembling, or processing of products or materials including, among others, factories, assembling plants, food processing plants, and industrial laboratories. In addition to also permitted in the C2 and C3 districts (except residential uses), the following are typical permitted uses:

§10. Subsection 14-4(4) of Section 14-4 (Conditional Uses) of Chapter 14 (M1 Light Industrial) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 14-4. Conditional Uses:

- 4) Outdoor storage areas using gravel or other crushed and/or recycled asphalt, concrete or gravel shall comply with requirements in Section 23-6 (e) & (f) of this code.

§11. Subsection 14-7(d) of Section 14-7 (Lot, Height, Area and Yard Requirements) of Chapter 14 (M1 Light Industrial) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 14-7. Lot, Height, Area and Yard Requirements:

- d) Minimum lot area – ten thousand (10,000) square feet, two (2) acres for properties in the extraterritorial jurisdiction with approved wastewater disposal systems by First District Health Unit.

§12. Subsection 15-8(d) of Section 15-8 (Lot, Height, Area and Yard Requirements) of Chapter 15 (M2 Heavy Industrial) District of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 15-8. Lot, Height, Area and Yard Requirements:

- d) Minimum lot area – ten thousand (10,000) square feet, two (2) acres for properties in the extraterritorial jurisdiction with approved wastewater disposal systems by First District Health Unit.

§13. Subsection 22-6(a)(b)(h)(i) of Section 22-6 (Temporary Signs: only for grand openings, special events, and holidays) of Chapter 22 (Signage Regulations) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 22-6. Temporary Signs: (only for grand openings, special events, and holidays)

- a) Permitted in C1, C2, C-4, GMU, M1 and M2 districts based on the following regulations.
- b) No more than two (2) temporary signs (banner or portable sign) not exceeding,
 - 2) One hundred and fifty (150) total square feet allowed in the C2, C-4, and M2 districts placed on an outside building wall (or tenant space in the case of multiple occupancy).
- h) Temporary signs for non-profit civic campaigns or events, political campaigns, or other noncommercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:
 - 3) Portable signs:
 - a. In the C2, C-4, GMU, M1 and M2 districts, portable signs shall not exceed sixty-four (64) square feet nor exceed eight (8) feet in height. Portable signs shall not be placed in the right-of-way. Portable signs are consider a temporary sign and required to follow the all regulations in this section governing the use of temporary signage.
 - d. Are prohibited in all zoning districts not specifically listed above. A high impact sign may not be displayed at a location at which a portable sign is displayed; neither shall a portable sign be displayed at a location at which a high impact sign is displayed.
 - i. With respect to multi-tenant properties in C2, C-4, GMU, M1 and M2 districts consisting of three (3) or more businesses under six (6) or more separate leases, a maximum of either: (a) two (2) portable signs or (b) one (1) portable sign and one (1) high impact sign may be displayed during any given period on such multi-tenant property. For every four (4) businesses in addition to the initial three (3) businesses, one (1) additional portable sign is allowed.
 - i) High Impact Signs: A high impact sign may be displayed for a period no longer than the following:
 - 1) In C2, C-4, GMU, M1 and M2 districts, high impact signs may be displayed at a location for a period not to exceed fourteen (14) days in any twelve (12) month period, but in no event may a high impact sign be displayed within three hundred (300) feet of any residential zoning district, as measured in all directions. High impact signs are prohibited in all other zoning districts.

§14. Subsection 22-8(a)(1) of Section 22-8 (Commercial Districts Allowable Signage C1, C2, C-4, and GMU) of Chapter 22 (Signage Regulations) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 22-8. Commercial Districts Allowable Signage (C1, C2, C-4, and GMU):

a) Projecting signs/Flag mount:

- 1) Projecting signs may be erected with a sign face of not more than fifty (50) square feet. The sign shall not extend above the top of the wall or façade to which it is attached. The sign shall be located a minimum of eight (8) feet above ground level. Projecting signs shall be permitted in a C1, C2, C3, C-4, or GMU district.

§15. Subsection 22-1-5(a) of Section 22.1 (Size and Location) of Chapter 22.1 (Off Premise Signage [Billboard] Regulations) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 22.1-5. Size and Location:

- a) Billboards are permitted only upon properties zoned C2 (General Commercial), M1 (Light Industrial), M2 (Heavy Industrial), M3 (Office Park), and properties formerly zoned C-4 (Planned Commercial) and along the following roadways ~~and~~ : Highway 83; Highway 2/ 52 Bypass; Highway 2 E & Highway 2 W; Burdick Expressway; Highway 83 Bypass; 55th Street NE; and Highway 52.

§16. Subsection 30-2(g) of Section 30-2 (Variances) of Chapter 30 (Administrative Procedures) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 30-2. Variances:

- g) Any variance approved by the Planning Commission shall have a time limit of one (1) year after the Commission's approval, during which the variance must be put into effect by the owner. Alternatively, the Planning Commission may establish a different time limit for any variance implementation if special circumstances warrant the same. If the time limit should expire before the variance is put into effect, the ~~City Engineer~~ Planning Director, upon the owner's written request, may grant additional time, not to exceed the number of days originally allowed by the Commission.

§17. Subsection 30-3(e) of Section 30-3 (Conditional Use Permits) of Chapter 30 (Administrative Procedures) of the City of Minot Zoning Ordinance is hereby amended to read as follows:

Section 30-3. Conditional Use Permits:

- e) City Council Action: When it has been determined by the City Council (with approval by majority vote, 4 affirmative votes) that such conditional use will promote the public health, safety, and welfare, and that such proposal is, in general, compatible with adjacent or nearby land uses, the zoning code, and the City's comprehensive plan, the City Council may approve the conditional use permit. In authorizing this permit, the City Council may impose such conditions it deems necessary, i.e. landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, signage, planting screens, operational control, hours of operation, compatibility of appearance, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking

requirements, to fulfill the purpose and intent of this Ordinance. Any conditions imposed by the City Council shall be attached to the conditional use permit and failure to comply with any condition in a conditional use permit shall be a violation of this Ordinance.

Passed First Reading: May 1, 2017

Passed Second Reading:

APPROVED:

Chuck Barney, Mayor

ATTEST:

Kelly Matalka, City Clerk