



ZONING ORDINANCE STEERING COMMITTEE

Agenda for Wednesday, December 8, 2021 Meeting

8:00 – 10:00 AM

Minot City Hall, 515 2nd Ave. SW, Council Chambers

- I. ATTENDANCE AND ROLL CALL – 8:00**
- II. REVIEW AND APPROVAL OF AGENDA – 8:01**
- III. APPROVAL OF MINUTES – 8:02**
 - A. September 27, 2021 Meeting.
- IV. INTRODUCTION OF GUESTS – 8:04**
- V. PROPOSED ORDINANCE AMENDMENTS – 8:05**
 - A. Numerous Clean-up Items Provided in Document Titled “Running List of Tasks and Changes for the New Ordinance”
- VI. NEXT STEPS – 9:50**
- VII. NEXT MEETING – 9:55**
 - A. Date/Time/Location.
 - 1. TBD
 - B. Topic(s) of Discussion.
 - 1. TBD
- VIII. ADJOURNMENT – 10:00**

CITY OF MINOT
ZONING ORDINANCE STEERING COMMITTEE

Meeting Minutes
September 27, 2021
8:00 am – 10:00
Council Chambers, City Hall, 515 2nd Ave., SW

I. ATTENDANCE AND ROLL CALL

Committee: Rolly Ackerman (Chairman), Rusten Roteliuk (by phone), Alderman Tom Ross, Tim Baumann

Absent: Tyler Neether (Vice-Chair), Gloria Larsgaard, Pat Bailey

City Staff: Brian Billingsley, Community & Economic Development Director
John Van Dyke, Principal Planner
Lance Meyer (City Engineer)
Peter Baumgartner (Assistant City Planner)
Glenda Sorensen (Administrative Assistant)

Guests: None

Brian Billingsley called the meeting to order at 8:04 am.

II. APPROVAL OF AGENDA

Motion made by Baumann to approve the agenda for the meeting, second by Alderman Ross. Passed by the following votes: ayes: all: nays: none.

Motion carries

III. APPROVAL OF MINUTES

Motion by Alderman Ross to approve the September 15, 2021 meeting minutes, second by Baumann. Passed by the following votes: ayes: all, nays: none.

Motion carries

IV. INTRODUCTION OF GUESTS.

No guests were present.

V. PROPOSED ORDINANCE AMENDMENTS

A. Article 10: Subdivisions – FINAL DRAFT

Principal Planner Van Dyke presented the final draft of this Chapter as noted below:

Section 10.1-1 PURPOSE

- The word “other” stricken from the paragraph (two occurrences)

Section 10.2-7 MAJOR SUBDIVISION PRELIMINARY PLAT

B. Pre-application Meeting Required

- Added language, “A copy of the DRT minutes will be added . . . “

Section 10.2-9 MAJOR SUBDIVISION FINAL PLAT

Zoning Ordinance Steering Committee Minutes September 27, 2021

B. Application Submittal

- 4 (k) "Planning" is added before Commission

Chapter 10.3 – Subdivision Design Standards

Section 10.3-3 SUBDIVISION NAMES

Language "Ward County Recorder" added to the paragraph.

Section 10.4-17 AMENITIES AND PRESERVATION OF NATURAL FEATURES

C. Boulevard Trees

- Language "if required" added to first sentence.

VI. NEXT STEPS

Motion by Baumann to forward final draft to Planning Commission in November, second by Ross. Passed by the following votes: ayes: all, nays: none.

Motion carries

- VII. NEXT MEETING** – Tentatively set for Wednesday, December 01, 8:00 am – 10:00 am, Council Chambers.

VIII. ADJOURNMENT

Motion to adjourn the meeting by Ross, second by Baumann, the meeting adjourned at 8:48 am.

2021 LDO Clean-up

1. Chapter 2.3 Definitions

Lodging House (Use Table Definition): A building other than a hotel where, for compensation and by arrangement, meals, lodging, or both, are provided for three (3) or more persons. A ~~boarding lodging~~ house is not occupied by the owner. This includes rooming houses.

Purpose: Correct word selection.

2. Section 6.1-7 (B) Parking Location Requirements

In ~~all residential districts and the RR, R1, R1S, R2, R3C, RM, RH, MH,~~ and residential PUD Overlay Districts, personal vehicles may park as specified in compliance with the location requirements specified below. Personal vehicles are defined as Class D or M including passenger cars, motorcycles, vans, pick-up trucks, campers, toppers and other similar appurtenances intended for attachment to personal vehicles; trailers under twenty feet in length and boats.

Purpose: To alleviate concerns over potential enforcement issues with the 7 defunct/legacy zoning districts

3. Section 7.1-1 B. Applicability (of landscaping regulations)

This chapter shall apply to new development within all zoning districts other than R1, R2 districts, and the CBD District, unless the new development consists of a multifamily dwelling containing three (3) dwelling units or more, in which case this section shall apply without regard to the district in which such multifamily new development occurs. Additional exceptions are noted below.

1. This section applies to improvements on private property and does not require or allow for improvements on right of way owned and maintained by any public agency. Note that these regulations also applies to public uses in any zoning district, subject to the City's zoning authority.
2. New public zoned uses shall follow the same provisions as required for C2 zoned properties. Requirements for MH districts are contained in Chapter 2.12.

3. Requirements for landscaping in I1 and I2 districts are contained in Chapters 2.20 and Chapter 2.21.
4. “R1” Single Family Residential District and “R2” Two-Family Residential District shall comply with the provisions of Section 7.1-1 F.

Purpose: To address the gap in landscaping applicability that does not seem intentional given the specific requirements for Single-Family and Two-Family lots provided for in Section 7.1-1 F.

4. Section 7.1-1 F. Single Family and Two-Family Lots

1. Single-family and two-family lots shall have primarily turf (seeding, sod), or alternative ~~approved plant~~ or other landscaping material approved by the Planning Division, established within the front yard within 120 days of the City issuing a Certificate of Occupancy (excluding time between October 1st and May 1st in which the turf shall be established within the next growing season).
2. All silt fence or erosion controls required by NPDES must be maintained until turf is established.
3. Any required sidewalk installation must be established for all portions of a yard within one (1) year of the issuance of a Certificate of Occupancy.
4. The public right-of-way from the curb to the property line is required to be seeded or sodded or planted to an approved alternative plant material and maintained by the property owner.
5. To ensure continuity in streetscape design and to reduce costs associated with transportation projects, no landscape rock shall be allowed between the public sidewalk and the street curb (street right-of-way) and this area shall not be paved with concrete or asphalt. Exceptions to this requirement may be granted in-writing by the City Engineer or their designee. Verbal authorization shall not constitute an exception to this requirement. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.
- ~~5. No landscape rock shall be allowed between the public sidewalk and the street curb (street right-of-way) and this area shall not be paved with concrete or asphalt. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.~~

Purpose: To recognize that many residential properties have a variety of landscaping materials within the front yard. Adding the word “primarily” gives a base threshold to uphold these requirements and provides for flexibility in Planning Division approvals for any alternatives. Also, bolsters the boulevard landscaping limitations.

5. ADDING Section 7.1-1 I. Landscaping Within Boulevard or Right-of-Way Limited

To ensure continuity in streetscape design and to reduce costs associated with transportation projects, no landscape rock shall be allowed between the public sidewalk and the street curb (street right-of-way) and this area shall not be paved with concrete or asphalt. Exceptions to this requirement may be granted in-writing by the City Engineer or their designee. Verbal authorization shall not constitute an exception to this requirement. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.

Purpose: To bolster the boulevard/ROW landscaping limitations. Previously, this restriction was only applicable within the SFR and TFR Districts. Flexibility is provided to Engineering to determine when a streetscape may deviate from this requirement.

6. Section 13.1-4 D. Replacement Criteria

1. Dwellings in R1, R2, RM, R3C, and RH Districts Legal nonconforming dwellings that are nonconforming only because they do not meet setback, ~~density, lot size, or lot coverage~~ requirements can be replaced ~~at the existing setback~~ provided any replacement structure is within the same footprint as the original structure or within current setback requirements. The replacement structure shall be of the same design character, height, and roof design as the original structure. Flat roofs may be altered subject to approval of the Planning Division.

Purpose: To clarify when non-conforming residences may be reconstructed. The current language appears to limit this to only those instances when setbacks are the only issues. However, the perception is to address all of the non-conforming residences that are non-conforming by way of lot size, which is a substantial portion of the housing stock within the City in certain areas. Staff believes this was the intent of this section and is simply adding clarifying language to better convey the original intent.

7. ADDING Section 1.2-7. Land Use Application Fees, Sign Permit Fees, and Administrative Review Fees

The Community Development Director or their designee shall devise a schedule of (1) Land Use Application Fees, (2) Sign Permit Fees, and (3) Administrative Review Fees which may be amended from time to time as necessary, provided that, however, no schedule or fees nor amendment thereof shall become effective until ratified, by way of resolution, of the City Council.

Purpose: Adding language to explicitly provide for the establishment of fees related to carrying out the permitting and other applications necessary as part of the Land Development Ordinance is necessary per the Legal Department.

8. G. Manufacture or Storage of Fertilizer, Petroleum, and Similar Hazardous Materials and Compounds

1. C2, M1, and M2 Districts:

- a. Storage or handling of hazardous materials, hazardous substances, or hazardous waste as these terms are defined by the Code of Federal Regulations (list and definitions of hazardous materials), if the amount of hazardous materials, hazardous substance, or hazardous waste on a particular premise at any one time exceeds the “reportable quantity.” The reportable quantity shall be as specified in Title 49 of the Code of Federal Regulations at Section 172.101.
- b. Refer to buffer yard requirements within Article 7 when abutting a less intensive zoning district.
- ~~c. Any change in ownership requires renewal of the conditional use permit.~~
- c. Any new use shall be located a minimum distance of one thousand (1,000) feet from a classified street.
- d. Hazardous materials are limited to those reviewed and approved by the Fire Chief or their designee and must be included as a condition on the conditional use permit, if one is necessary.

Purpose: Hazardous materials were added to “C2” General Commercial District as a conditionally permitted use prior to adoption in April 2020. The use standards, however, only refer to “M1” and “M2”. This removes the loophole. In addition, the renewal requirement based on transfer of ownership is not needed. Expiration occurs after one-year of non-use and the added requirement to specify which materials are housed onsite as a condition to include on the conditional use permit provides recourse for any substantive changes in material storage. (It should be noticeable if an oil field-based business shifts to an agricultural chemical business).

9. Modification to Table 2.2. Table of Uses

- Strike Twinhomes as an allowable use within the “MH” Manufactured Home Park District.

Purpose: Allowing twinhomes in a manufactured home park makes little-to-no sense and does not align with the purpose of the district as provided in Chapter 2.12.

10. Section 3.1-1 C. General Development Principles

- A. No structure shall be erected, no change of lot boundaries shall be permitted, and no change of ownership allowed which will result in a violation of this ordinance.
- B. For purposes of this Chapter, the erection of a structure shall include: 1. moving a structure upon a lot, whether or not it is placed upon a permanent foundation, or 2. any alteration to an existing structure which changes any of its exterior dimensions.
- ~~C. A lot for purposes of this zoning ordinance may consist of two (2) or more contiguous lots under common ownership or control, as long as the contiguous lots remain under common ownership or control.~~
- ~~D. Lots deemed nonconforming that do not meet minimum lot width or size requirements of the zoning district may be developed, as long as said development is in conformance with all requirements of the subject zoning district and other applicable requirements as provided in the Ordinance.~~

Purpose: C. Treating multiple lots as one is not best practice. While it creates temporary relief from replatting to consolidate multiple lots, it can create problems later down the road with financing and zoning verifications. This also creates the potential to sell off lots that only maintain accessory structures and the City has no ability to monitor or influence sales transactions. The minor plat process provides a simple and convenient means to consolidate multiple properties into one.

11. Section 13.1-2. D. Nonconforming Lots of Record

Lots deemed nonconforming that do not meet minimum lot width or size requirements of the zoning district may be developed, as long as said development is in conformance with all requirements of the subject zoning district and other applicable requirements as provided in the Ordinance.

Purpose: Moved from Section 3.1-1. C. General Development Principles

12. Table 1.2: Zoning Equivalency Table

Table 1.2: Zoning Equivalency Table	
Previous Zoning District	New Zoning District
“R-1” Single Family Residence District	“R1” Single Family Residential District
No comparable previous district	“R1S” Single Family Residential District with Small Lot Flexibility
“RA” Agricultural Residential District	“RR” Rural Residential District
“R-2” and “R-2B” Two-Family Residence District	“R2” Two-Family Residential District
“R-3” and “R-3B” Multiple Residence District	“RM” Medium Density Residential District
“R-3C” Townhouse Residence District	“R3C” Townhouse Residence District
“R-4” Planned Residence District ¹	“RH” High Density Residential District or with “PUD Overlay” Planned Unit Development ¹ (PUD)
“C-1” Limited Commercial District	“C1” Neighborhood Commercial District
“C-2” General Commercial District	“C2” General Commercial District
“C-3” Central Business District	“CBD” Central Business District
“C-4” Planned Commercial District ¹	“C2” General Commercial District and with “PUD Overlay” Planned Unit

	Development (PUD) ¹
“M-1” Light Industrial District	“M1” Light Industrial District
“M-2” Heavy Industrial District	“M2” Heavy Industrial District
“M3” Office Park District	“OP” Office Park District
“I1” Light Industrial Park District	“I1” Light Industrial Park District
“I2” Heavy Industrial Park District	“I2” Heavy Industrial Park District
“P” Public Zone	“P” Public Zone
“MH” Manufactured Home District	“MH” Manufactured Home District
“O” Office District	No comparable district was recreated
No comparable previous district	“GMU” General Mixed Use District
“AG” Agricultural District	“AG” Agricultural District

¹Developed properties ~~previously~~ zoned C-4 and R-4 shall attend to the underlying “C2” General Commercial District or “RH” High Density Residential District respectively, except in cases of alterations or changes of use. If an alteration or change of use is proposed, refer to Section 2.23-8 to determine whether a modification qualifies as a minor or major change 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 changes ~~modifications~~ shall require a zoning map amendment to the new zoning district as provided in this table. ~~review and approval from the Planning Commission, while m~~ Minor modifications may be approved ~~by the Planning staff~~ administratively.

Purpose: The table requires clarifying language to direct the applicants within defunct C-4 and R-4 zones to modernize their zoning to the corresponding new zoning district.

13. Section 6.1-7. Parking and Related Outdoor Storage Requirements

A. General

1. This section is not intended to prohibit vehicles and equipment engaged in contractual services for improvements to a given property.
2. Prohibitions:
 - ~~a.~~ No vehicle or related equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
 - ~~b.~~a. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
 - ~~e.~~b. No lot in any residential district shall be used for the outdoor storage, keeping, or abandonment of junk, including scrap metals, or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
 - ~~d.~~c. Vehicles greater than one (1) ton gross empty weight, equipment used for construction, landscape services, snow removal services, and other commercial or agricultural equipment and trailers shall not be stored on any residential zoned property or on any street within a residentially zoned district. This prohibition does not apply to property zoned “RR” Rural Residential so long as it is accessory in nature to the primary residential use. Home Occupation and Home-based Business standards found in Section 4.1-8 B. apply.
 - ~~e.~~d. Recreational vehicles, recreational equipment and recreational trailers less than ten (10) tons gross empty weight may not be parked on any street within a residentially zoned district for a period exceeding seventy-two (72) hours.

ALSO ADDING Section 3.1-3. C. – Residing in RV Prohibited

- C. No vehicle or related equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Purpose: Some property owners within the RR District have referred to this regulation as providing them with an unlimited ability to run landscaping and construction-based businesses from their property. These properties have included front-end loaders, numerous trailers and trucks, cargo containers, etc. The RR District should be less restrictive, understanding it’s ties to agriculture and overall rural living; however, it’s not a commercial lot and we have received complaints. The above language allows for heavy vehicles, but clarifies that it’s not an “anything goes” situation.

Also, this moves disallowing residing in an RV to a more appropriate location related to permanent residence required.

14. Adding Section 4.1-5. D. Schools – **FOR DISCUSSION AND MODIFICATION AS-NECESSARY**

All Districts Where Permitted

- A. A school shall not take primary access to or from a major arterial or local roadway.
 - B. A school's primary access shall only be on a collector or minor arterial roadway.
 - C. A school and all accessory buildings, structures, and uses shall be set back at least fifty feet (50') from all public rights of way and thirty feet (30') from all side and rear yard property lines and shall not be built in, on or over any easements or public rights of way.
 - D. A school shall comply with off street parking requirements listed in Article 6.
 - E. A school shall not be adjacent to an industrial use, industrial zoning district, railroad, railroad yard, railroad tracks or railroad shops.
 - F. A school shall not be located any closer than a minimum one-half (1/2) mile from a fire station.
 - G. A school shall not be located within the airport overlay-1 (land use limitation) zone.
 - H. A school shall comply with the international fire and building codes and the city of Caldwell infrastructure policy.
 - I. A school shall not exceed the maximum building height required in section 10-02-03 of this article.
- (2) Any principal or accessory school building, structure, or use that does not comply with the terms and conditions listed in subsection (1) of this section shall be required to obtain a special use permit.
- (3) This section shall apply whenever the following is requested: a building permit for new construction; change in use; building addition, alteration or expansion; or building reconstruction. (Ord. 2737, 5-5-2008)
- (4) Newly constructed schools shall provide pedestrian and bicycle access/connectivity points from a minimum of two (2) different places on its property in the form of sidewalks and/or paved ten foot (10') wide pathways.
- (5) Newly constructed schools shall provide an on site circulation plan for pedestrians and bicyclists that ensures that these users can safely access the building from all directions and that the site is designed to minimize conflicts between pedestrians/bicyclists and cars and buses. (Ord. 2911, 9-4-2012)

Purpose: Schools are some of the most intense uses, generating a lot of traffic and noise through a variety of community-based activities. Base standards should be created to ensure that the City maintains minimum regulations to ensure harmony as new schools are sited and constructed.