

CITY OF MINOT
ZONING ORDINANCE STEERING COMMITTEE

Meeting Minutes
December 08, 2021
8:00 am – 10:00
Council Chambers, City Hall, 515 2nd Ave., SW

I. ATTENDANCE AND ROLL CALL

Committee: Rolly Ackerman (Chairman), Tim Baumann, Pat Bailey, Rusten Roteliuk (by phone),
Alderman Tom Ross (by phone)
Absent: Tyler Neether (Vice-Chair), Gloria Larsgaard
City Staff: Brian Billingsley, Community & Economic Development Director
John Van Dyke, Principal Planner
Emily Huettl (Assistant City Engineer)
Peter Baumgartner (Planner I)
Glenda Sorensen (Administrative Assistant)
Guests: None

Brian Billingsley called the meeting to order at 8:01 am.

II. REVIEW AND APPROVAL OF AGENDA

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

Motion carries

III. APPROVAL OF MINUTES

Motion by Bailey to approve the September 27, 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. Numerous Clean-up Items Provided in Document Titled “Running List of Tasks and Changes for the New Ordinance”.

Community Development Director Billingsley opened this session with a “clean-up message” noting that the committee would have periodic meetings/updates every winter.

At this point Principal Planner Van Dyke took over and walked the committee through the 14 changes as follows:

1. Chapter 2.3 Definitions

Purpose: Correct word selection: Lodging replaces boarding.

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

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

“all residential districts” replaces “RR, R1S, R2, R3C, RM, RH & MH”.

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

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

Staff has added #4: "R1" Single Family Residential District and "R2" Two-Family Residential District shall comply with provisions of Section 701-1 F.

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

Purpose: To recognize that many residential properties have a variety of landscaping materials within the yard:

#1 – Adding the word "primarily" gives a base threshold to uphold these requirements and provides for flexibility in Planning Division approvals for alternative uses.

#5 – Modified to read: 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. Exception 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 on be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.

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

Purpose: To bolster the boulevard/ROW landscaping limitations the following paragraph/section has been added:

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 (right-of-way) and this area shall not be paved with concrete or asphalt. Exception 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.

6. Section 13.1-4 D. Replacement Criteria

Purpose: To clarify when non-conforming residences may be constructed. The current language appears to limit this to only those instances when setbacks are the only issues.

#1 is modified to read:

Dwellings in R1, R2, TM, R3C and RH Districts Legal nonconforming dwellings that are nonconforming only because they do not meet setbacks, density, lot size, or lot coverage requirements can be replaced provided any replacement structure is within the same footprint as the original structure or 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.

Principal Planner Van Dyke will look into the proper term for zero pitch.

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

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.

Added language: 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 be come effective until ratified, by way of resolution, of the City Council.

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

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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 removed the loophole.

#1 modified to: C2, M1, and M2 Districts

c. modified to: 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.

9. Modification to Table 2.2. Table of Uses

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

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

10. Section 3.1-1 C. General Development Principles

Purpose: 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.

C. & D. stricken from this section.

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

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

Added: 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 *property's* zoning district and other applicable requirements as provided in the Ordinance.

12. Table 1.2: Zoning Equivalency Table

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

Previous Zoning District “R-4” Planned Residence District → “RH” High Density Residential District with “PUD Overlay” Planned Unit Development

Previous Zoning District “C-4” Planned Commercial District → “C2” General Commercial District with “PUD Overlay”

Modified paragraph to read: Developed properties zone 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 2.238 to determine whether a modification qualifies as a minor or major change to the original development plan. Major changes shall require a zoning map amendment to the new zoning district as provided in this table. Minor modifications may be approved administratively.

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

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.

A. General – Prohibitions

Original a. modified to read: Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

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Subsequent lettering adjusted.

c. Last sentence in paragraph modified to read: This prohibition does not apply to property zoned "RR"
Rural Residential

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.

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 **and comply with landscaping standards.**
- 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 Minot 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 conditional use permit.

(3) This section shall apply whenever the following is requested: a building permit for a new construction; change in use; building addition, alternation or expansion; or building reconstruction. **(Ord. 2737, 5-5-2008)**

(4) Newly constructed schools shall provide pedestrian and bicycle access/connectivity points for a minimum of two (2) different places on its property in the form of sidewalks and/or paved ten (10') wide pathways.

(5) Newly constructed schools shall provide an on site circulation plan for pedestrians and bicyclists that ensure 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)**

This section provided by Community Development Director Billingsley as an example and was taken from another city's Ordinance.

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

Motion by Bailey to approve next meeting date January 12, 2022, second by Baumann.

VII. NEXT MEETING – January 12, 2022 in City Hall Chamber @ 8:00am – 10:00am.

Motion carries

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VIII. ADJOURNMENT

Meeting adjourned at 9:45am.