

**PLANNING COMMISSION
MEETING AGENDA
MAY 31, 2016**

CHAIR: JOHN ZIMMERMAN

VICE CHAIR: PAM KARPENKO

SUBJECT: THE CITY PLANNING COMMISSION WILL MEET IN REGULAR SESSION AT 6:30 PM ON TUESDAY, MAY 31, 2016, IN CITY COUNCIL CHAMBERS, 515 2nd AVENUE SW.

ROLL CALL.

PLEDGE OF ALLEGIANCE.

APPROVAL OF APRIL 25, 2016, MINUTES OF REGULAR MEETING.

SUGGESTED ITEMS ON CONSENT: 3

1. Marketplace Foods Store on Dakota Square 2nd Addition, Lot 3

Application by Johanneson's, Inc. represented by John Meyers, for a C4 Plan Review and Approval to remodel the existing Marketplace Foods Store on Dakota Square 2nd Addition, Lot 3.

This property is located at 1024 24th Ave SW.

2. Prairie Green 2nd Addition, Block 18, Lots 7-9; and Prairie Green 2nd Addition, Replat of Block 18 & Lots 1-6 of Block 19, Lot 2

Application by by Badlands Restaurant, represented by Abe Sakak, for a C4 Plan Review and Approval to expand the outdoor patio space on Prairie Green 2nd Addition, Block 18, Lots 7-9; and Prairie Green 2nd Addition, Replat of Block 18 & Lots 1-6 of Block 19, Lot 2.

This property is located at 1400 31st Ave SW.

3. Alley between Maple St and 9th St SW, that portion between Burdick Expressway West and 6th Ave SW. Also described as the alley between Lots 4-10 of Block 41 of Brooklyn Addition, and Lots 4 & 6 of Reeves-Van's rearrangement of a portion of Block 41 of Brooklyn Addition

Application by Donald Anderson represented by Daniel Klingbeil, to vacate an alley between Maple St and 9th St SW, that portion between Burdick Expressway West and 6th Ave SW. Also described as the alley between Lots 4-10 of Block 41 of Brooklyn Addition, and Lots 4 & 6 of Reeves-Van's rearrangement of a portion of Block 41 of Brooklyn Addition.

This property is located between 825 and 825.5 Burdick Expy W.

Other Business:

4. Correction to legal the descriptions for Meadowbrook Estates 8th and 9th. Meadowbrook Estates 8th Addition will be known as Meadowbrook Estates 9th Addition. Meadowbrook Estates 9th Addition will be known as Meadowbrook Estates 10th Addition.
5. Notice is hereby given that on May 31, 2016, the Minot Planning Commission will hold a public hearing to adopt changes to an ordinance amending the Minot Zoning Code of Ordinances.

Staff Updates:

- Zoning Ordinances update.
- Next month Planning Commission applications.

City of Minot

Planning Commission

Staff Report

Meeting Date:	05/31/2016	Item #:	1
Project #:	8016-5.2	Staff Recommendation:	APPROVAL
Development Title:			
Current Legal Description:	Dakota Square 2 nd Addition, Lot 3		
Address: (if applicable)	1024 24 th Ave SW		
Current Zoning:	C4	Proposed Zoning:	C4
Guided Use:	Commercial		

Applicant/Owner: Johanneson's Inc.
2301 Johanneson Ave NW
Bemidji, MN 56601
(218)444-8508
Johnm@shopmpf.com

Rep/Contractor: John Meyers
2301 Johanneson Ave NW
Bemidji, MN 56601
(218)444-8508
Johnm@shopmpf.com

Zoning Ordinance Ref: Section 13: PUD (Planned Unit Development)
Section 13-4

- 7) The public benefits, such as but not limited to:
- Improved site or architectural design,
 - Open space preservation,
 - Improved parks, trails, recreation facilities or other amenities,

PROJECT DESCRIPTION:

REQUEST(S): The applicant is requesting:

- A **C4 Plan Review and Approval** to remodel the existing Marketplace Foods Store on Dakota Square 2nd Addition, Lot 3.
- This property is located at 1024 24th Ave SW.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

SUMMARY/CONDITIONS/ISSUE:

The applicant is requesting a Plan Review and Approval to renovate an existing building located at 1024 24th Ave SW, known as Marketplace Food to include an organic food store and a TJ Maxx. The exterior of the

existing building will consist of accent materials contrasting yet complimentary in color with other design elements and building finishes. Staff supports the requests.

FINDINGS OF FACT:

Finding of Facts:

1. The subject property is zoned C4 (PUD) Planned Commercial District.
2. The proposed redevelopment meets the intent and design standards for PUD Zoning District.

Conditions:

1. Additional landscaping islands are required at the far end of the parking lot rows to provide shade and define the drive aisles.

DEVELOPMENT SUMMARY CHART:

Site Area:	172,800 SF
Building Area:	53,142 SF
Green Area Proposed:	2,860 SF
Parking/ Loading Proposed:	130

PLANNING DEPARTMENT CONSIDERATIONS

CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The property is zoned C-4, Planned Commercial as are surrounding properties. The property is guided Commercial on the future land use plan. The use is consistent with the future land use plan.

BUILDING MATERIALS AND ARCHITECTURE / LANDSCAPING AND BUFFER SCREENING PLANS:

The applicant has provided renderings showing building materials and architectural features that meet the specifications of the zoning ordinance. The designs show different materials such as split face CMU, EIFS, and aluminum glazed door.

The applicant has provided 2,860 Sf of landscaping bed around the parking lot and front of the building. As with the commercial retail properties in the immediate vicinity, the parking facilities and outdoor areas of the subject property do not conform to the landscaping requirements as updated in 2013. However, parking facilities in the vicinity do have varying levels of landscaping improvements within the parking lots that exceed the current level of improvements in the parking lot of the subject Marketplace building. Therefore, in order to make a reasonable effort toward compliance with the City's landscaping requirements and to at least meet the level of improvements as seen in adjacent parking lots, the applicant has proposed some improvements to the Marketplace building parking lot. As shown in the attached site plan, parking lot islands are proposed to separate the loading/unloading drive aisle in front of the building from the main portion of the parking lot—this improvement will be similar to other parking lots in the area and will create a safer environment for pedestrians and vehicular traffic. The planter islands also give an opportunity to provide trees and shade to reduce heat within the parking lot during the summer months.

PLANNED UNIT DEVELOPMENT (PUD) DETAIL AND DEVIATIONS:

Through the PUD process, a developer may be permitted greater flexibility in matters such as site plan, building height or density in return for providing qualities or benefits such as superior architecture, improved public space or facilities, or other exceptional benefits not otherwise provided through basic/conventional zoning districts. In the case of the subject project, the applicant is allowed significant deviations from existing ordinance requirements and conventional setback requirements. The benefit in return to the City is improvements within the parking lot to add landscaped islands that will help guide traffic, better protect pedestrians and provide summer time shade. The need for public benefits as a result of granting a PUD is outlined in the Zoning Ordinance, Section 13-4 a), as follows:

- 6 c) *The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district.*
- 7 *The public benefits, such as but not limited to:*
 - a. *improved site or architectural design. . .*

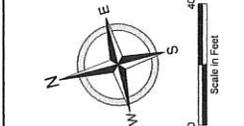
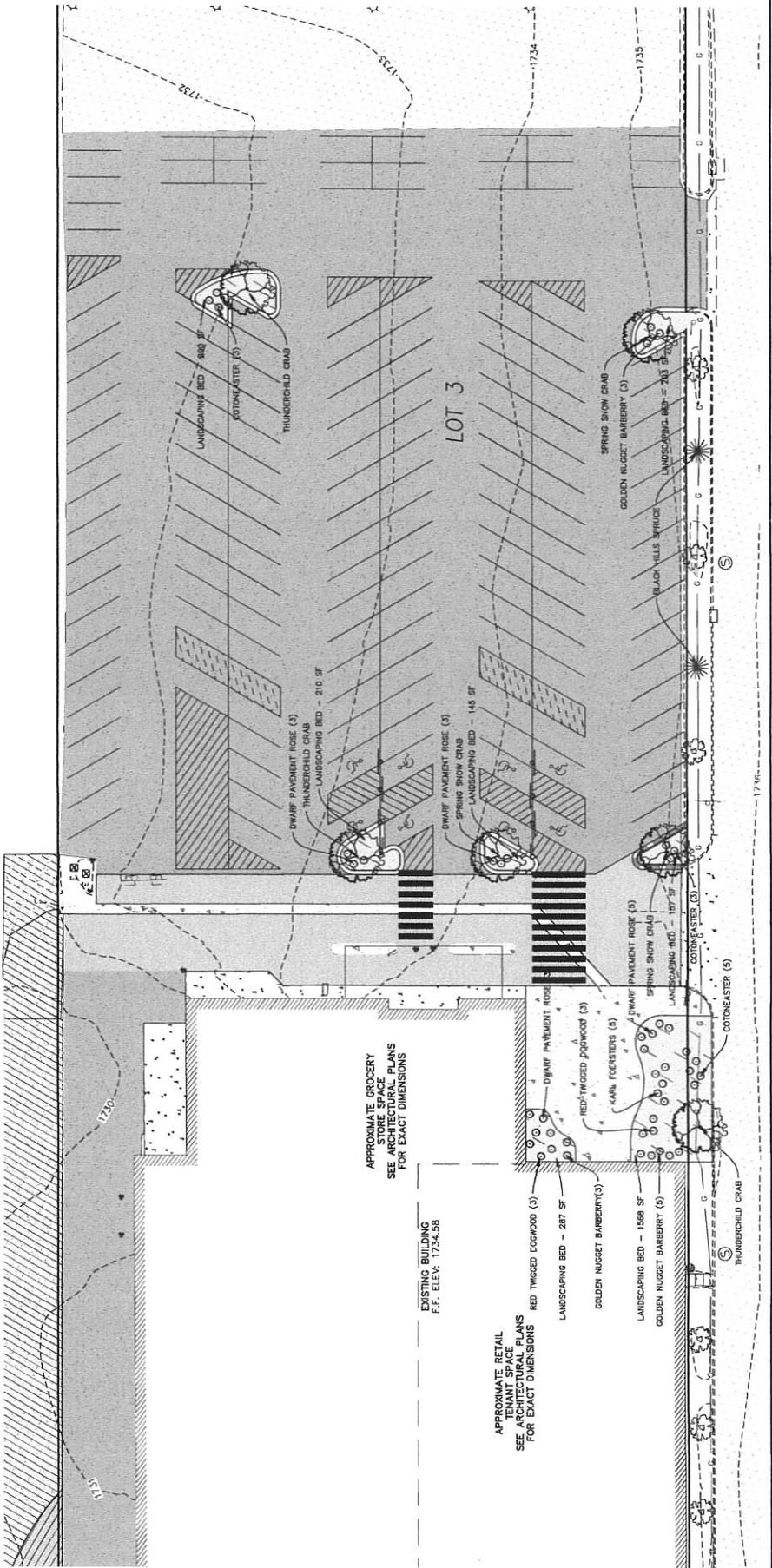
PLANNING LOCATION MAP:

Planning Map with Future Land Uses



PLANTING INFORMATION			
PLANT NAME	SCIENTIFIC NAME	SIZE	QUANTITY
GOLDEN NUGGET BARBERRY	BERBERIS THUNBERGII 'GOLDEN NUGGETS'	18-24 INCHES	11
RED TWIGGED DOGWOOD	CORNUS SERICEA	18-24 INCHES	6
DWARF PAVEMENT ROSE	ROSA 'DWARF PAVEMENT'	18-24 INCHES	14
COTONEASTER	COTONEASTER SALICIFOLIUS	18-24 INCHES	11
KARL FIBERSTERS	CALAMAGROSTIS X ACUTICORNIS 'KARL FIBERSTERS'	18-24 INCHES	5
SPRING SNOW CRAB	MALUS X 'SPRING SNOW'	2 INCH CALIPER	3
THUNDERCHILD CRAB	MALUS 'THUNDERCHILD'	2 INCH CALIPER	3
BLACK HILLS SPRUCE	PICEA ELUGDA VAR. DENGATA	6 FEET	2

NOTE: ALL ELEVATIONS SHOWN ARE NGVD 1929



PRELIMINARY



LANDSCAPING PLAN
 DAKOTA SQUARE MARKET PLACE
 1024 24TH AVENUE SOUTHWEST
 MINOT, NORTH DAKOTA

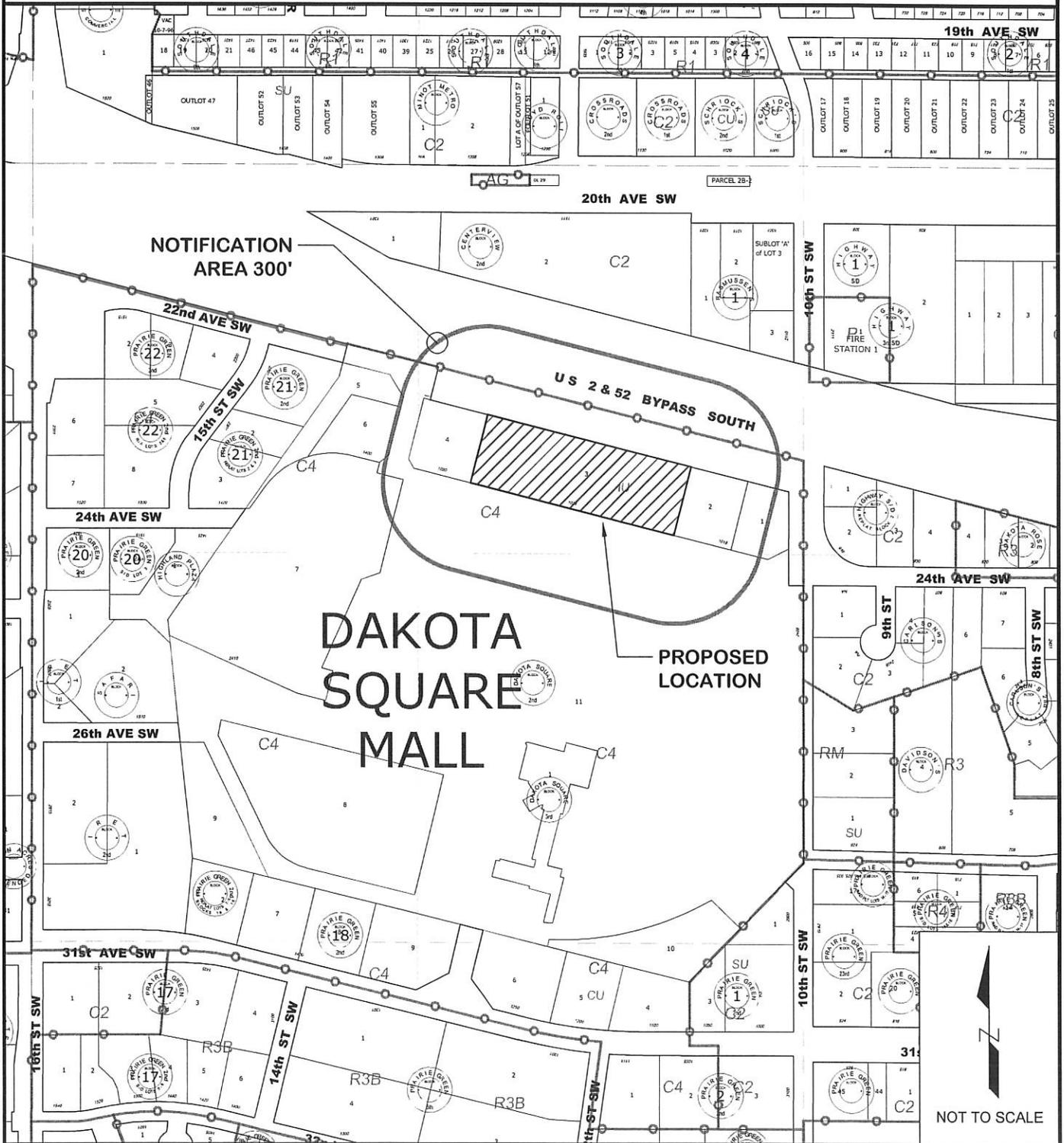
DATE: 03.18.18
 REVISIONS:
 REVISION NO. 1
 REVISION NO. 2
 REVISION NO. 3
 REVISION NO. 4
 REVISION NO. 5

PROJECT NO. 19131
 DRAWN BY: ASM
 CHECKED BY: JWR
 PROJ. MANAGER: BJW
 PROJ. DESIGNER: JWR

C-404
 SHEET 7 OF 9

PROPOSED C4/PUD PLAN REVIEW DAKOTA SQUARE 2ND ADDITION LOT 3

CITY OF MINOT, NORTH DAKOTA



City of Minot

Planning Commission
Staff Report

Meeting Date:	05/31/2016	Item #:	2
Project #:	8016-5.1	Staff Recommendation:	APPROVAL
Development Title:			
Current Legal Description:	Prairie Green 2 nd Addition, Block 18, Lots 7-9; and Prairie Green 2 nd Addition, Replat of Block 18 & Lots 1-6 of Block 19, Lot 2		
Address:(if applicable)	1400 31 st Ave SW		
Current Zoning:	C4	Proposed Zoning:	C4
Guided Use:	Commercial		

Applicant/Owner: Badlands Restaurant
1400 31st Ave SW
Minot, ND 58701
(701)240-9929
abe@hmisupport.com

Rep/Contractor: Abe Sakak
401 107th Ave S.W
Minot, ND 58701
(701)240-9929
abe@hmisupport.com

Zoning Ordinance Ref: Section 13: PUD (Planned Unit Development)

PROJECT DESCRIPTION:

REQUEST(S): The applicant is requesting:

- A **C4 Plan Review and Approval** to expand the outdoor patio space on Prairie Green 2nd Addition, Block 18, Lots 7-9; and Prairie Green 2nd Addition, Replat of Block 18 & Lots 1-6 of Block 19, Lot 2.
- This property is located at 1400 31st Ave SW.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

SUMMARY/CONDITIONS/ISSUE:

The applicant is requesting a Plan Review and Approval to extend an open outdoor space located at 1400 31st Ave SW, Badlands Restaurant and Bar. The new patio extends approximately 15'2" x 48'8" at the south side of the building. Staff supports the request.

FINDINGS OF FACT:

Finding of Facts:

1. The subject property is zoned C4 (PUD) Planned Commercial District.
2. The proposed redevelopment meets the intent and design standards for PUD Zoning District.

Conditions:

1. Landscape will be required to be replaced on site where the proposed patio is located to meet landscaping standards. A landscaping plan will be required and approved by the Planning Department prior to the issuing of a building permit.

DEVELOPMENT SUMMARY CHART:

Site Area:	5.20 acres
Building Area:	27,798 SF
Green Area Proposed:	

PLANNING DEPARTMENT CONSIDERATIONS

CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The property is zoned C-4, Planned Commercial as are the surrounding properties. The property is guided Commercial on the future land use plan. The use is consistent with the future land use plan.

BUILDING MATERIALS AND ARCHITECTURE / LANDSCAPING AND BUFFER SCREENING PLANS:

The applicant has provided renderings showing building materials and architecture features that meet the specifications of the zoning ordinance. A landscaping plan was not provided. However, landscape will be required to be replaced on the site where the proposed patio will be located to meet landscaping standards. At a minimum, replacement of lost landscaping area as a result of the patio expansion is a reasonable request. The applicant should make a reasonable effort toward compliance with the City's landscaping requirements.

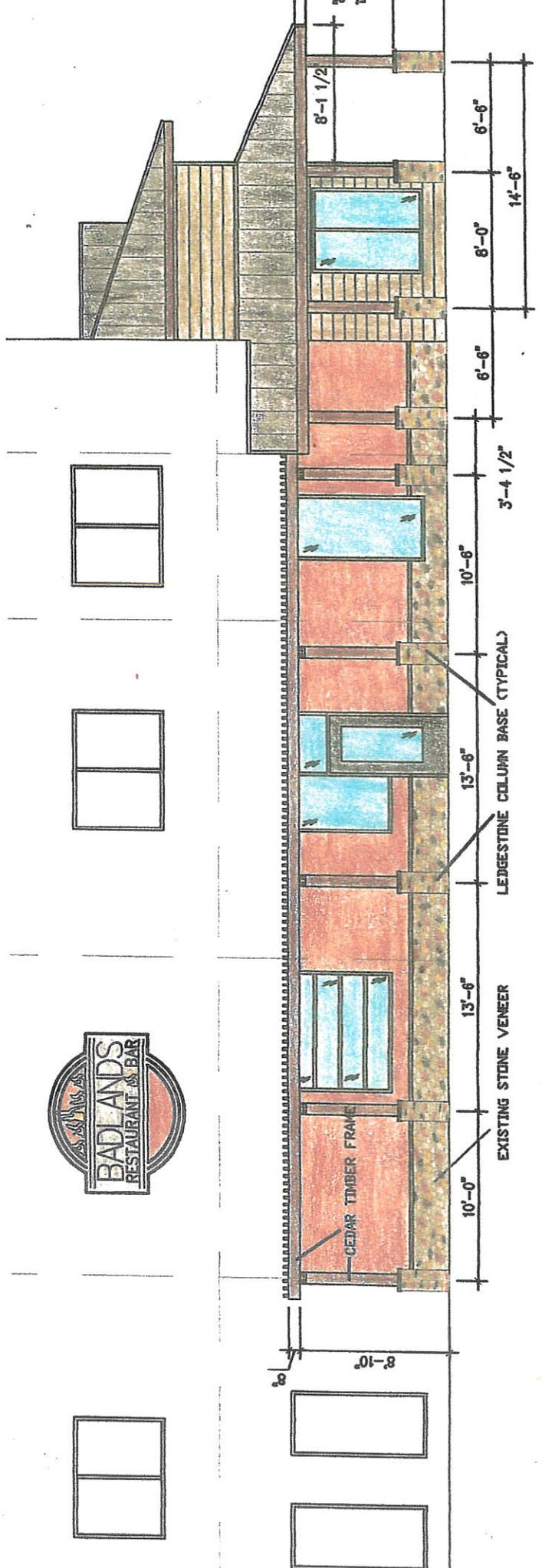
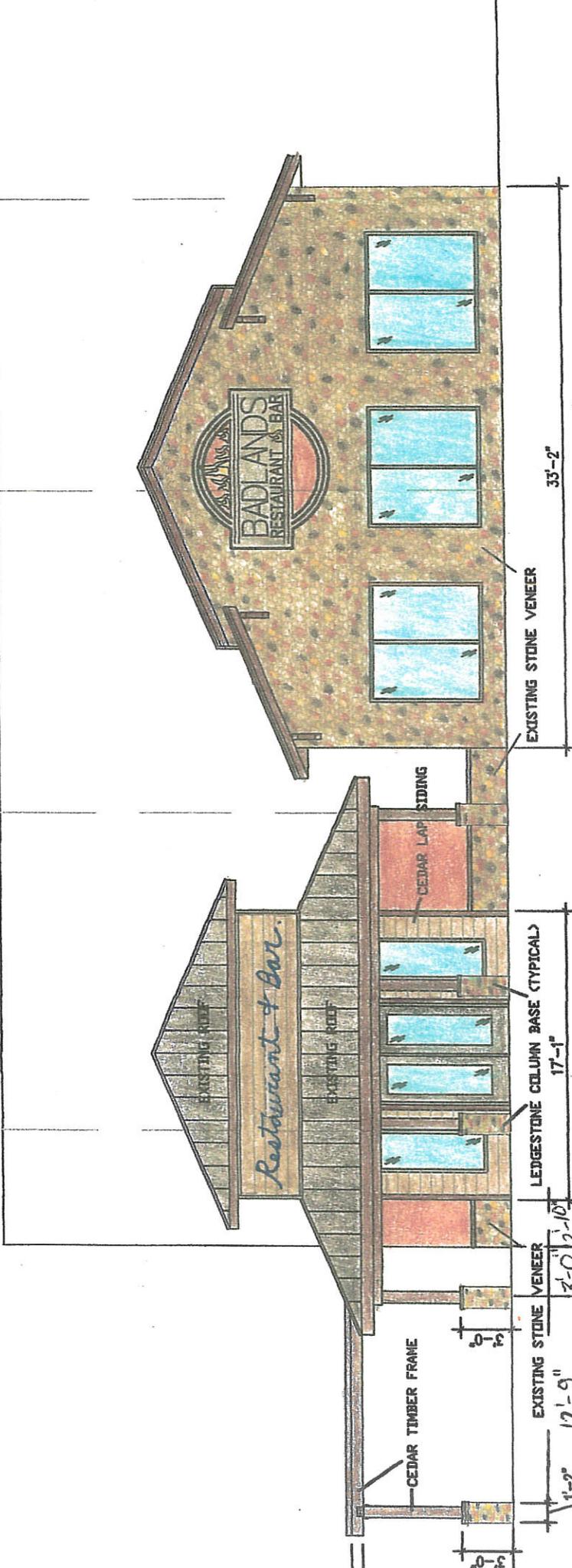
PLANNED UNIT DEVELOPMENT (PUD) DETAIL AND DEVIATIONS:

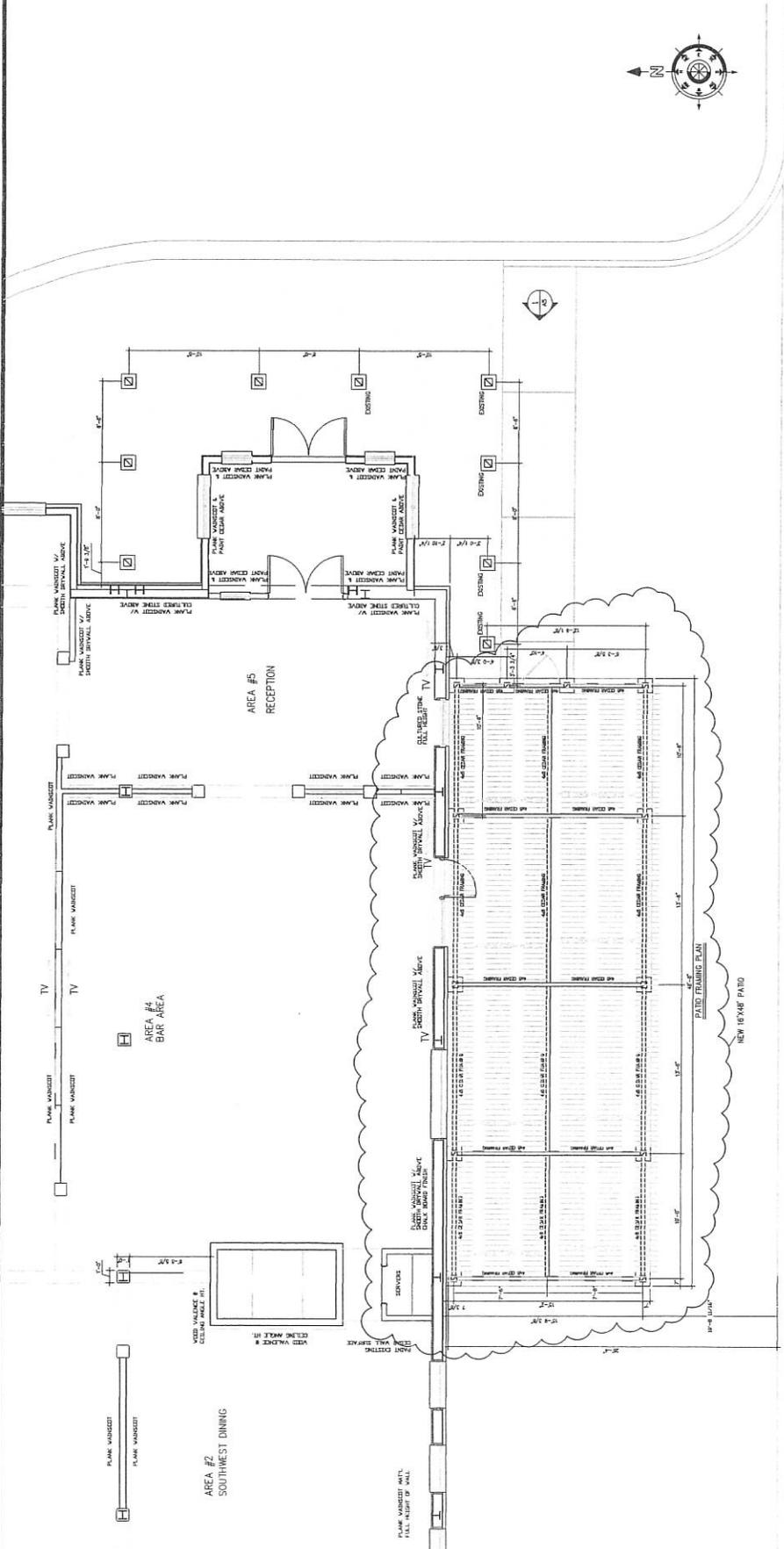
Through the PUD process, a developer may be permitted greater flexibility in matters such as site plan, building height or density in return for providing qualities or benefits such as superior architecture, improved public space or facilities, or other exceptional benefits not otherwise provided through basic/conventional zoning districts. In the case of the subject project, the applicant is allowed significant deviations from existing ordinance requirements and conventional setback requirements. The benefit in return to the City is improvements within the parking lot to add landscaped islands that will help guide traffic, better protect pedestrians and provide summer time shade. The need for public benefits as a result of granting a PUD is outlined in the Zoning Ordinance, Section 13-4 a), as follows:

- 6 c) *The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district.*
- 7 *The public benefits, such as but not limited to:*
 - a. *improved site or architectural design. . .*

PLANNING LOCATION MAP:
Planning Map with Future Land Uses







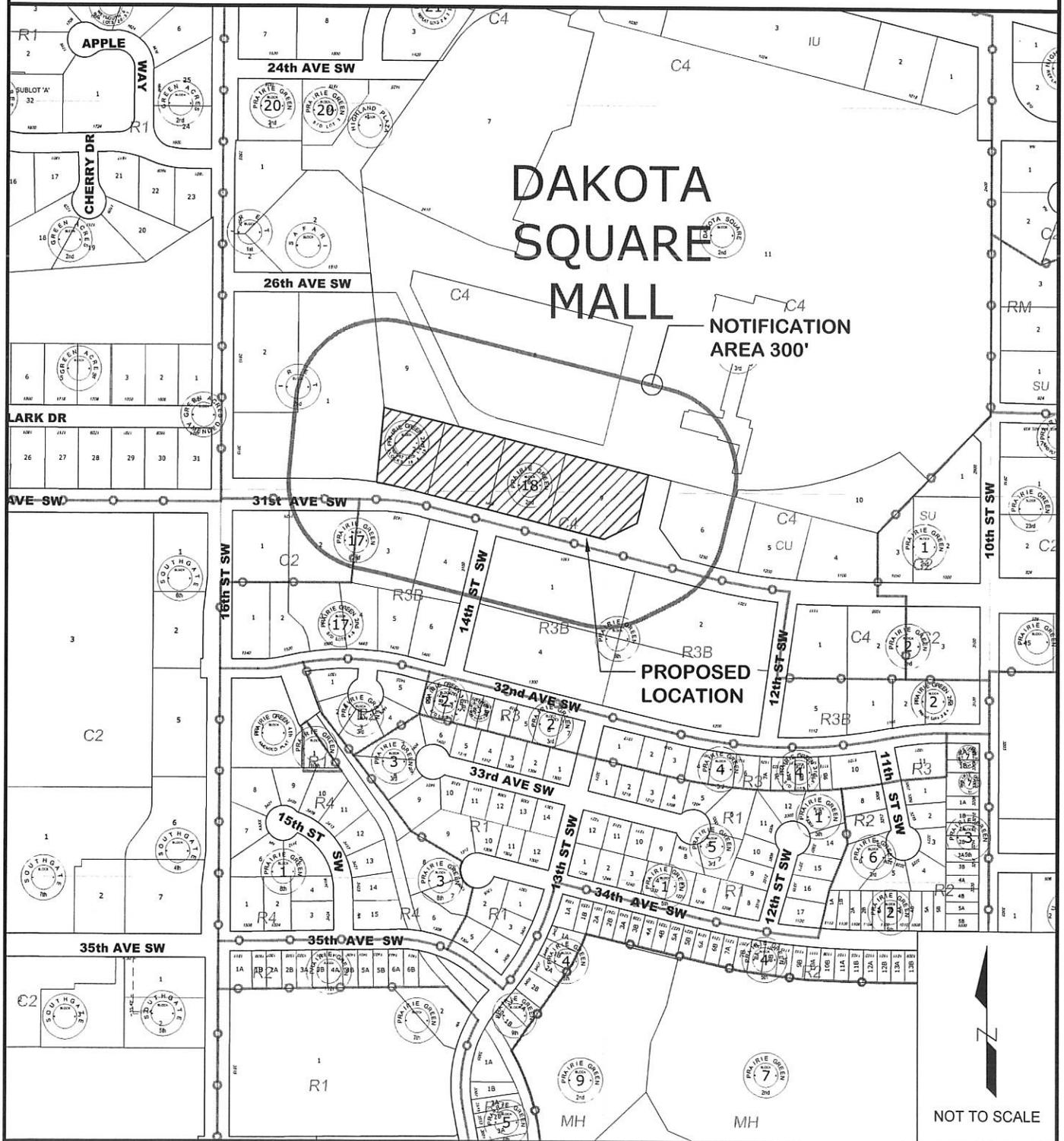
EXISTING CONCRETE SIDEWALK

PATIO PLAN
1/4" = 1'-0"

31ST AVE S.W.

31ST AVE S.W.

PROPOSED C4/PUD PLAN REVIEW
PRAIRIE GREEN 2ND ADDITION, BLOCK 18, LOTS 7, 8,
& 9; AND PRAIRIE GREEN 2ND ADDITION, REPLAT OF
BLOCK 18 & LOTS 1-6 OF BLOCK 19, LOT 2
CITY OF MINOT, NORTH DAKOTA



MAP CREATED APRIL 19, 2016

City of Minot

Planning Commission
Staff Report

Meeting Date:	05/312016	Item #:	3
Project #:	8016-5.3	Staff Recommendation:	APPROVAL
Development Title:			
Current Legal Description:	An alley between Maple St and 9 th St SW, that portion between Burdick Expressway West and 6 th Ave SW. Also described as the alley between Lots 4-10 of Block 41 of Brooklyn Addition, and Lots 4 & 6 of Reeves-Van's rearrangement of a portion of Block 41 of Brooklyn Addition		
Address:(if applicable)	825 & 825.5 Burdick Expy W		
Current Zoning:	C2	Proposed Zoning:	C2
Guided Use:	Commercial		

Applicant/Owner: Daniel Klingbeil
825 Burdick Expy W
Minot, ND 58701
(701)838-0702
Dan@rhissupply.com

Rep/Contractor: N/A

Zoning Ordinance Ref: Section 3-5: Street, Alley, or Public Way Vacation

PROJECT DESCRIPTION:

REQUEST(S): The applicant is requesting to:

- **Vacate an alley** between Maple St and 9th St SW, that portion between Burdick Expressway West and 6th Ave SW. Also described as the alley between Lots 4-10 of Block 41 of Brooklyn Addition, and Lots 4 & 6 of Reeves-Van's rearrangement of a portion of Block 41 of Brooklyn Addition.
- This property is located between 825 and 825.5 Burdick Expy W.

EXECUTIVE SUMMARY AND CITY STAFF CONSIDERATIONS:

SUMMARY/CONDITIONS/ISSUE:

The applicant is requesting an alley vacation between Burdick Expressway West and 6th Ave SW. There are no utilities underground and the road is not paved. However, the property owner has extended a building over the alley. Xcel Energy currently has some overhead facilities in this area and will need to continue to service them with an easement. No other issues were reported from other utility companies. Staff supports the request.

FINDINGS OF FACT:

Finding of Facts:

1. The subject property is zoned C2, General Commercial.
2. The request meets Section 3-5 of the city Zoning Ordinance.

Condition:

1. Full easement will be granted to utility companies to maintain its facilities.

DEVELOPMENT SUMMARY CHART:

Site Area: 0.736 SF

PLANNING DEPARTMENT CONSIDERATIONS

CURRENT ZONING, LAND USES & RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The property under consideration is currently zoned C2, General Commercial; as are properties to the west and northeast. The properties to the south and east are zoned R3B, Medium Density Residential. The north property line is bounded by Burdick Expressway. Subject property is guided on the Future Land Use Plan as commercial. The proposed use would be in compliance with the Comprehensive Plan.

PLANNING LOCATION MAP:

Planning Map with Future Land Uses



DATE: April 26, 2016

TO: Xcel Energy, PO Box 788 (FAX 420-1481)
Verendrye Electric, 1225 Hwy 2 Bypass E (FAX 624-0353)
Souris River Telephone Co., PO Box 2027 (FAX 858-1402)
Montana Dakota Utilities Co., 1130 20th Ave SW (FAX 857-6825)
Midco, PO Box 2067 (FAX 852-8688)
City Engineer
Water & Sewer Maintenance (FAX 857-4783)

FROM: City of Minot Planning Department
Sybil Tetteh, Assistant City Planner (FAX 857-4130)

The City of Minot has received a petition for the vacation of the following alley:

Between Maple Street & 9th ST SW

Please describe the location of utility easements which may be necessary if this vacation is approved, and return the enclosed map with the desired easements drawn on.

If you have any objections to the proposed vacation, list them below.

Please return this to my office prior to:

Thank you for your consideration.

(To be completed by the Utility Company)

Easement necessary	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Plat of easement attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Description of easement attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Objections to vacation: Xcel Energy currently has some
overhead facilities in this area and will need to
continue service to customers with this access.

By: Don Trueblood Xcel Energy
(Name of Utility Company)

DATE: April 26, 2016

TO: -Xcel Energy, PO Box 788 (FAX 420-1481)
-Verendrye Electric, 1225 Hwy 2 Bypass E (FAX 624-0363)
-Souris River Telephone Co., PO Box 2027 (FAX 858-1402)
Montana Dakota Utilities Co., 1130 20th Ave SW (FAX 857-6825)
Midco, PO Box 2067 (FAX 852-8688)
City Engineer
Water & Sewer Maintenance (FAX 857-4783)

FROM: City of Minot Planning Department
Sybil Tetteh, Assistant City Planner (FAX 857-4130)

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Please describe the location of utility easements which may be necessary if this vacation is approved, and return the enclosed map with the desired easements drawn on.

If you have any objections to the proposed vacation, list them below.

Please return this to my office prior to:

Thank you for your consideration.

(To be completed by the Utility Company)

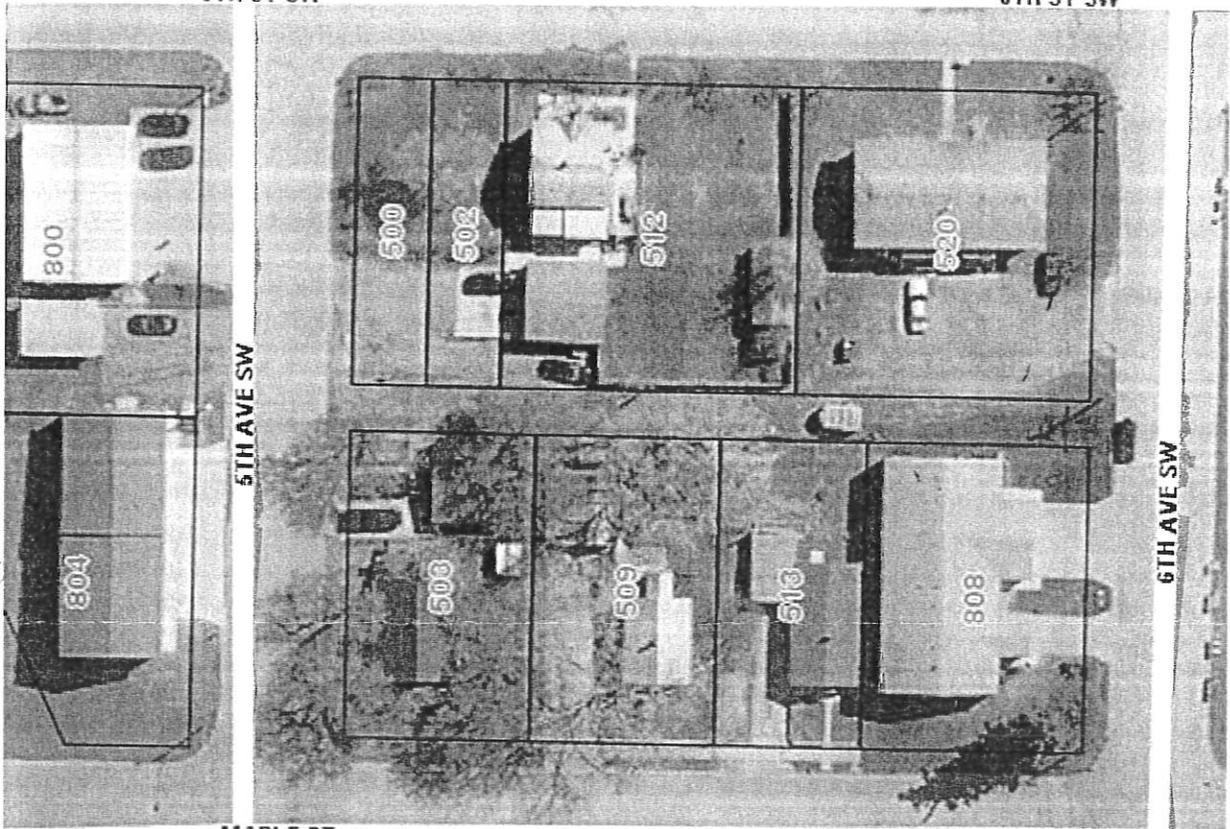
Easement necessary	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Plat of easement attached	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Description of easement attached	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

~~Objections to vacation:~~ No conflicts with MDU. See attached map for reference.

By: Kyara Diaz Montana-Dakota Utilities Co.
(Name of Utility Company)

8TH ST SW

8TH ST SW



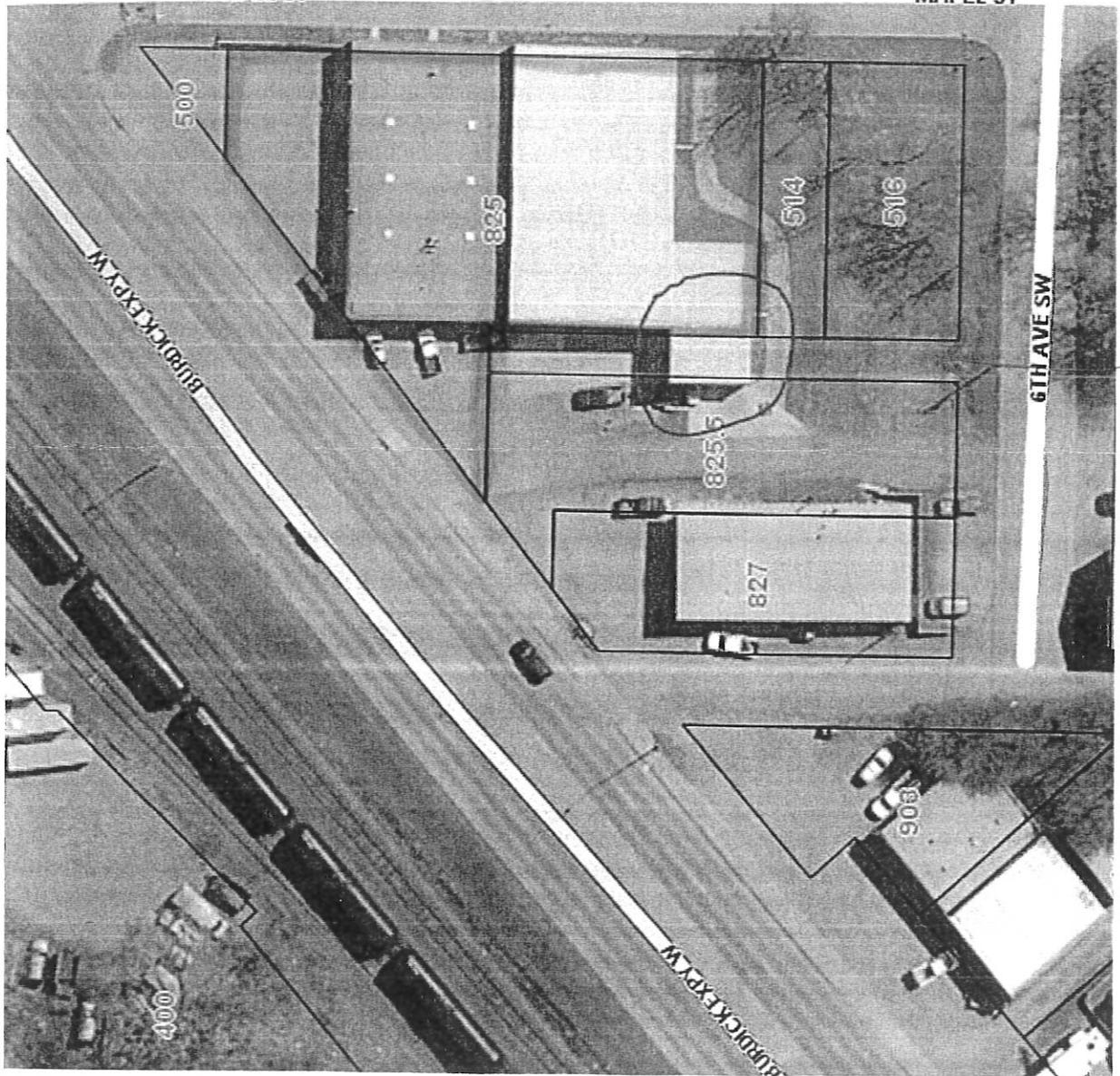
5TH AVE SW

6TH AVE SW

MAPLE ST

MAPLE ST

MI 23, 025, 000, 0030
 825 Burdick Expy W



BURDICK EXPY W

6TH AVE SW

15' alley not vacated

Street/Alley Vacation & Easement Checklist:

- 1) Meet with Planning Department to discuss future intentions.
- 2) Detailed description of request.
- 3) O and E Report from local abstract company for each property must accompany application to vacate.

4) Complete petition to Vacate. The owners of all properties abutting _____ respectfully petition the Mayor and City Council to vacate said

Signature of Owner Ronald Johnson
 Legal Description of Property _____
 Signature of Owner _____
 Legal Description of Property _____
 Signature of Owner _____
 Legal Description of Property _____
 Signature of Owner _____
 Legal Description of Property _____

(Continue on separate sheet if further signatures are required)

I hereby certify that I circulated this instrument, that the signatures are true and correct and that I:

- Represent Myself only.
- Represent Myself and am acting as agent for the aforementioned property owners.
- Am acting as agent only for the aforementioned property owners

Dan Klingbeil
 Signature of Applicant

8 April 2016
 Date

STATE OF NORTH DAKOTA)
 COUNTY OF WARD) SS

On this 8th day of April, 16, before me, a Notary Public in and for the said county and state, personally appeared Dan Klingbeil known to me to be the person described and who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Kelly Duchsherer
 Notary Public

4-8-16
 Date

June 24, 2020
 My Commission Expires

KELLY DUCHSHERER
 Notary Public
 State of North Dakota
 My Commission Expires June 24, 2020



To: Lance Meyer, City Engineer
Sybil Tetteh, Planner

From: Cindy Gray, AICP
Scott Harmstead, AICP

Date: May 23, 2016

Subject: Zoning Supplement to the City of Minot – Chapter 22 revisions for Planning Commission Review

This memo includes a detailed list of recommended revisions to Chapter 22, Signage Regulations, from the draft Zoning Supplement to the City of Minot. Deletions are indicated by red strikethrough text. Additions are indicated by red underline. Comments are given in bold. As new sections and items were added and others removed, all numbering was adjusted accordingly. The references to Section 22-9 d were changed to Section 22-15 b throughout. Section number and item letters are given for the following changes.

Section 22-1. Purpose: “This ordinance applies to all signs located in residential, commercial ~~(except C3)~~, industrial, and agricultural zoning districts.”

Section 22-2. Definitions:

- e) **Hyphenate “seventy-two”**
- bb) **Changed typo “extent” to “extends”**
- cc) Pylon Sign: “A freestanding sign in excess of six (6) feet...”
- ii) **New item added:** Special Purpose Sign: A sign utilized to advertise for a publicly-owned establishment/use or an institutional establishment/use. Such establishments/uses include, but are not limited to, churches, museums, zoos, government buildings, schools, and parks. A special purpose sign may be located in any zoning district where the associated establishment/use is allowed or permitted otherwise.
- kk) **Spelled out “Reference” and “Section”**

Section 22-3. General Provisions: Regulations encompassing all signs

e) “No signs shall be erected, or temporarily placed, ~~project~~ within any, ~~upon any~~ public lands, easements, or rights of way, or project upon such lands, except as allowed under Section 22-11 Special Purpose Signs.

Item l) was substantially edited. It reads:

l) “Setbacks and Utility Easements – The leading edge of all freestanding, billboard, and temporary signs shall be placed behind any property line located adjacent to public right of

way, provided there is no existing utility easement. The leading edge of all freestanding, billboard, and temporary signs shall be set back a minimum of ten (10) feet from interior side yard and rear yard lot lines (except for C3 and Pylon signs). All pylon signs are subject to the same setback requirements as the principal building. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.

m) ~~“No All electronic message centers or digital signs shall comply with the requirements for digital billboards as found in Section 22-13.”~~ **The remainder of the text for this item was deleted.**

Section 22-4. Prohibited Signs (All districts):

h) ~~“Roof signs, except roof signs where allowed as a result of an approved deviation per section 22-17.”~~

i) **Spell out “Section”**

j) **Additional text at end of item:** Signs on vehicles utilized for public and private transit purposes (i.e. city buses, privately owned taxi cabs) are not prohibited.

Section 22-6. Temporary Signs:

b.1) **Hyphenate “Forty-eight”.**

j) **Item j) was deleted.**

Section 22-7. Residential District Allowable Signage (R1(s), R2, RM, R3C, and RA)

All instances of “non-residential use identification sign” were replaced with “special purpose sign”.

e) ~~“Digital signs shall only be allowed on non-residential for public or institutional uses.”~~

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

a.5) ~~“All freestanding signs or monument/ground signs shall be located with the pole and edge of sign located completely within the property line. The leading edge of all freestanding signs or monument/ground signs shall be placed behind any property line located adjacent to public right of way, provided there is no existing utility easement. The leading edge of all freestanding signs or monument/ground signs shall be set back a minimum of ten (10) feet from interior side yard and rear yard lot lines. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.”~~

d.1) ~~“Digital signs are allowed on as a freestanding or wall sign. provided the digital display does not exceed eighty percent (80%) of the total primary sign area per sign face (no more than two sign faces.”~~

The reference to Section 22-9 d was changed to Section 22-14 b.

Section 22-9. Signage Permitted within the C3 District:

Section 22-9b was relabeled Section 22-9.

c.2) “1.5” changed to “1/2”.

e) ~~“Sandwich Board Signs: Sandwich board signs are (2) sided temporary signs placed outside of a building, which are allowed by permit only. A one-time permit shall be required for installation of each new sandwich board sign. Sandwich board signs may be no more than three (3) feet in width and four (4) feet in height and must be located within twenty (20) feet of the main entrance to the business they advertise. Sandwich board signs must be placed upon private property, leaving a minimum of four (4) feet of clearance for pedestrian access. Sandwich board signs may not be placed upon the public sidewalk with the approval of an encroachment agreement. Sandwich board signs may be used only during business hours and must be removed daily. No banners, flag, balloons may be attached to the sandwich board sign. One sandwich board sign is allowed per business establishment.”~~

Section 22-10. Industrial Districts Allowable Signage (M1, M2, M3, M4):

d.1 ~~“Digital signs are allowed on a freestanding or wall sign provided the digital display does not exceed sixty percent (60%) of the total primary sign area per sign face (no more than two sign faces).”~~

Section 22-11. Special Purpose Sign Regulations:

A new section was inserted at Section 22-11. The next reads:

a) “Except for the special purpose signs in residential districts (R1(s), R2, RM, R3C, and RA), special purpose signs (for public and institutional uses such as churches, schools, and parks) shall comply with the requirements of Section 22-8. Special purpose signs in residential districts (R1(s), R2, RM, R3C, and RA) shall comply with the sign requirements specified in Section 22-7.”

Section 22-12. Billboards Advertising:

***Section 22-12, item a), has not been finalized. Three alternatives are suggested below. The original alternative is given first. It is the most permissive of the three options, and does not include a spacing requirement between signage and residential uses. The language has been slightly revised:**

Alternative 1 is most restrictive in that it only allows additional billboards in the ETA, but within the ETA, the language does not restrict the distance between billboards and areas of future residential land use.

a) *“Billboards are permitted only upon properties zoned C2 (General Commercial), M2 (Light Industrial), M2 (Heavy Industrial), and M3 (Office Park) and along minor and principal arterials as designated the City within the City’s area of extraterritorial jurisdiction.*

Alternative 2 is less restrictive in that it allows additional billboards within City limits as well as the ETA, but is more restrictive in that it specifies a minimum distance from residential zoning:

“Within the City and its area of extraterritorial jurisdiction, billboards are permitted only upon properties zoned C2 (General Commercial), M1 (Light Industrial), M2 (Heavy Industrial), and M3 (Office Park), and only along principal and minor arterials as designated by the City. Spacing of billboards shall be at least five hundred feet (500’) from any residential zoning district or mixed-use district allowing residential uses, unless the presence of one or more existing structures obstructs the view of all or substantially all of the sign from such residences.”

Alternative 3 is somewhat more permissive than Alternative 2:

“Within the City and its area of extraterritorial jurisdiction, billboards are permitted only upon properties zoned C2 (General Commercial), M1 (Light Industrial), M2 (Heavy Industrial), and M3 (Office Park), and only along principal and minor arterials as designated by the City. All billboards shall be spaced at least three hundred feet (300’) from any residential zoning district or mixed-use district allowing residential uses. Static billboards with dimensions no larger than 250 square feet are permitted within three hundred to five hundred feet (300’ to 500’) of these districts. All digital billboards and billboards with dimensions greater than 250 square feet shall be spaced at least five hundred feet (500’) from these districts.”

- b) ~~“A sign permit shall be required for approval of a billboard pursuant to this Ordinance. The applicant shall provide documentation of landowner approval prior to the issuance of a sign permit for a billboard.”~~

A new item was inserted at item c). The new text reads:

“A city issued sign permit shall be required for approval of a billboard pursuant to this ordinance. A Sign Permit must be obtained to convert a static billboard (billboard that is not digital) to a digital billboard. Submitted with the completed sign application will be:

- 1) A detailed site plan showing:
 - a. The latitude/longitude coordinates accurate within 18” for the proposed sign structure.
 - b. All property lot lines.
 - c. Sign setbacks from the subject property lot lines.
 - d. All public streets with names.
 - e. The location of existing residential and commercial structures within three hundred (300) feet of the proposed site.
 - f. All additional relevant surrounding information. (i.e. parks, churches, schools, etc.)
- 2) Signed and sealed detailed engineering plans for the sign structure.
- 3) Signed North Dakota Department of Transportation permit for the proposed site, if applicable.
- 4) Nonrefundable required City of Minot application fee.”

A new item was inserted at item d). The new text for item d) reads:

“All billboard shall comply with all applicable building codes and must be reviewed by the Building Official prior to installation of a billboard.

- 1) General:
 - a. The following signs are exempt from the requirements of building code review before erection:
 - i. Painted nonilluminated signs.
 - ii. Temporary signs announcing the sale or rent of property.
 - iii. Signs erected by transportation authorities.
- 2) Where a building code review is required:
 - a. Design documents shall be prepared by a Registered Design Professional, documents shall show the dimensions, material and required details of construction, including loads, stresses, anchors and foundation.
 - b. Signs shall be designed and constructed to withstand wind pressures up to 115/90 mph, snow loads, seismic loads and working stress as specified in Chapter 16 2012 IBC, the working stress shall not exceed 25 % of the ultimate strength of rope or fasteners and shall not exceed 1/5th the ultimate strength of chains, guys or steel cables
 - c. Foundations shall be designed and constructed in accordance with Sections 1808.2 through 1808.9.2012 IBC.
- 3) Geotechnical Design:
 - a. Questionable soil: Where the classification, strength or compressibility of the soil is in doubt or where a load-bearing value superior to that specified in this code is claimed, or where expansive soil exists, the building official shall be permitted to require that a geotechnical investigation be conducted.
 - b. When required by the building official, geotechnical investigations shall be conducted in accordance with Sections 1803.2 and 1803.3 and reported in accordance with Section 1803.6 IBC 2012
 - c. Exception: The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.2012 IBC
- 4) Electrical Service: Signs that require electrical service shall comply with NFPA 70. And 2014 NEC”

h) “The closet point of any portion of the sign shall be setback ten (10) feet from the property line. The leading edge of all billboards shall be placed behind any property line located adjacent to public right of way, provided there is no existing utility easement. The leading edge of all billboards shall be set back a minimum of ten (10) feet from interior side yard and rear yard lot lines. In all cases, sign placement shall avoid utility easements unless permission from each applicable utility company is provided stating the utility entity’s agreement with placement of the sign within the easement.”

l) “In compliance with Section 11-4 k) of this Ordinance, no billboard sign shall be installed in an agricultural district. Billboards shall advertise only for a business, commodity, good,

~~service, entertainment or attraction, which is not sold, produced, manufactured, or furnished on the premises or within 300' of where the billboard is located."~~

A new item was inserted at item m). The text reads:

m) "Billboards shall advertise only for a business, commodity, good, service, entertainment or attraction, which is not sold, produced, manufactured, or furnished on the premises or within 300' of where the billboard is located."

Section 22-13. Billboard Sign Spacing Requirement:

Changed typo "sing" to "sign"

a) ~~"Spacing between off-premise signs shall be at least five hundred (500) feet, as measured from the curbline of the street along the same side of the street along in which the sign is oriented of another billboard regardless of geographic jurisdiction.~~

A new item was inserted at item c). The text reads:

b) "Billboards shall be located at least two hundred (200) feet from the center point of an intersection of an arterial and arterial and/or collector."

A new item was inserted at item d). The new text reads:

c) "Billboards shall be located at least five hundred (500) feet from the nearest right of way of a US Highway interchange."

d) ~~"Digital Billboards: Spacing between digital billboards shall be at least one thousand two hundred (1,200) feet, as measured from the curbline of the street along the same side of the street in which the sign is oriented."~~

A new item was inserted at item e). The text reads:

e) "All distances as provided in this section shall be measured radially from the center of the pole."

Section 22-14. Digital Billboards:

b) ~~"Message Transitions: The transition from one such static message to the next shall occur instantaneously (one second or less) without the use of animation, flashing or frame effects."~~

A new item was inserted at item d). The text reads:

d) "Maximum brightness levels for digital billboards shall not exceed .3 (three tenths) foot-candles over ambient light levels measured within 150 feet of the sign at a preset distance as described in the following table:

Size of Sign in Total Square Feet	Distance from Sign*
0 – 350	150 feet
352 – 650	200 feet
Over 650	250 feet

*If sign cannot be measured at pre-set distance, the sign shall be measured as near as practical to pre-set distance.

Prior to issuance of a Sign Permit, certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be required by the City in its reasonable discretion.”

Item e) was rewritten. The new text reads:

- e) “Brightness of digital billboards shall be measured as follows:
- 1) At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This shall be done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.
 - 2) The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
 - 3) If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.”

Section 22-15. General Permit Procedures:

- a) “Applicability: Any installation, modification, or expansion of any nonconforming or conforming sign which is not exempt from the provisions of this Section Ordinance shall be subject to the following permit procedure prior to installation. Billboards that are static or not digital must obtain a sign permit and comply with tall of the terms of the City Zoning Ordinance in order to change to a digital billboard.”

- d) **New text added at end of item:** “All application fees are nonrefundable.”

Section 22-17. Deviations to Sign Regulations:

A new section was inserted at Section 22-17. The new text reads:

- a) The Planning Director shall have the authority to grant administrative approval for minor deviations to sign height and sign placement, provided:
- 1) The deviations do not exceed ten (10) percent of the basic requirement; and
 - 2) The deviation is based on a hardship problem with the site, existing building placements, or poor site visibility, and not based on economic factors or personal design preferences.

- 3) The deviation has been reviewed by the City Engineer and does not pose a threat to health and safety of the public.
 - 4) The Planning Director, with copy to the City Engineer, will issue a written statement of approval or denial of the deviation request. If a request is denied by the Planning Director, the applicant may choose to file a variance pursuant to Section 30-2.
- b) A request for adjustments beyond ten (10) percent shall be processed as a variance pursuant to Section 30-2.”

CHAPTER 5 - "R1" SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 5-1. Regulations:

The regulations set forth in this chapter, or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R1" Single-Family Residential District.

Section 5-2. General Description:

The R1 (Single-Family Residential District) is established as a district in which the principal use of land is for single-family dwellings and related residential neighborhood uses. The R1 District falls within the Low Density Land Use Category of the City of Minot Comprehensive Plan with a density range of four (4) to eight (8) units per acre.

Section 5-3. Uses Permitted:

The following uses are permitted:

- a) Single-family dwellings other than "R" District ~~excluding~~ manufactured homes.
(single wide).
- b) Elementary school.
- c) High school or middle school.
- d) Kindergarten.
- e) Private or parochial school offering a curriculum substantially equivalent to that offered by public schools.
- f) Golf course (public or private).
- g) Park (public or private).
- h) Playground or athletic field (public or private).
- i) Swimming pool (public or private).
- j) Ice skating rink (outdoor).
- k) Public places of assembly;
- l) A church or public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- ~~m) (A group home for housing of no more than six (6) persons plus staff.) this is required under conditional use permit.~~
- m) Home occupations, except bed and breakfast businesses.
- n) Group home, licensed, housing no more than six (6) persons plus staff.

Section 5-4. Accessory Buildings~~Uses:~~

- a) Accessory building or use customarily incidental to all permitted uses including a private garage. Only two (2) accessory buildings ~~or storage sheds~~ shall be allowed per ownership, ~~except where the lot area exceeds fifteen thousand (15,000) square feet, in which case Section 5-89 shall apply.~~

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Comment [ST2]: How many should be allowed if the lot is 15,000 sf?

b) ~~Accessory buildings for single-family dwellings may be used for vehicle or other storage, play areas, or shop, or office use and no others.~~

e) ~~All accessory buildings to a residence shall be limited to a total coverage of twelve hundred (1,200) square feet, except the coverage shall not exceed that of the primary structure. For an attached garage, any coverage in excess of seven hundred twenty (720) square feet shall be considered part of the maximum allowable accessory building coverage.~~

d) ~~The maximum accessory building coverage for lots exceeding twenty-four thousand (24,000) square feet in area shall be five percent (5%) of the lot area.~~

a)e) ~~Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of sidewall plate.~~

b)f) ~~Temporary real estate offices as part of a new development.~~

g) ~~Residential association managed community building.~~

e)h) ~~Accessory buildings (sheds) are subject to setback requirements of Chapter 21, Section 21-8.~~

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Section 5-5. Conditional Uses:

Within any R1 district, no structure or land shall be used for the following uses except by a conditional use permit:

a) Accessory Dwelling Unit provided it meets the following requirements:

1) ~~The Single family dwelling in which the Accessory Dwelling Unit is proposed is owner occupied. The Accessory Dwelling Unit is occupied by a family member, or extended family member of the single family dwelling, with no more than four (4) unrelated individuals within the entire structure. The Single family dwelling in which the Accessory Dwelling Unit is proposed shall be occupied by a family member, or extended family member of the Single family dwelling unit, with no more than four (4) unrelated individuals occupying the entire structures. The Accessory Dwelling Unit must be owned by the Single family dwelling owner.~~

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Comment [JA5]: 1) Rerword to say this.

2) The lot meets minimum lot size requirements.

3) One paved (or other permeable surface material as approved by the City Engineer) on-site parking space for the accessory dwelling unit is provided.

4) The unit must be attached to the single-family dwelling living space or located within the single-family dwelling. Accessory Dwelling Units are not permitted in detached structures, including, but not limited to, detached garages and accessory buildings.

5) No more than one Accessory Dwelling Unit is permitted per residential site.

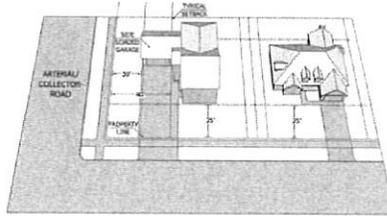
6) Accessory Dwelling Units must be at least three hundred (300) square feet in area but cannot exceed nine hundred-sixty (960) square feet. Total floor area must not exceed thirty percent (30%) of the living area of the associated single family dwelling unit.

7) Entrances for an accessory apartment in dwellings constructed after the effective date of the ordinance shall not be placed on the building front; no new entrances shall be established along the building front of an existing dwelling to serve an accessory apartment.

8) ~~Occupancy is limited to two persons.~~

9)8) The Accessory Dwelling Unit must be designed and constructed to allow conversion of the Accessory Dwelling Unit back to single family residential space in the future.

- 10)9) An accessory apartment may not be established where a home occupation is already located on the property.
- b) Bed and breakfast business in a single family detached home provided that no more than three (3) guest rooms are permitted and that one (1) off-street parking space be provided for each guest room in addition to the requirement off-street parking for the residential use.
- c) Day care facility, licensed – serving more than eighteen (18) persons;
- d) Privately operated community building integrated into the overall residential development plan.
- e) Temporary real estate offices in a model home.
- e)f) Residential facility (group home), licensed – serving more than six (6) persons.
- f)a) Temporary real estate offices in a model home.



Section 5-6. Interim Uses:

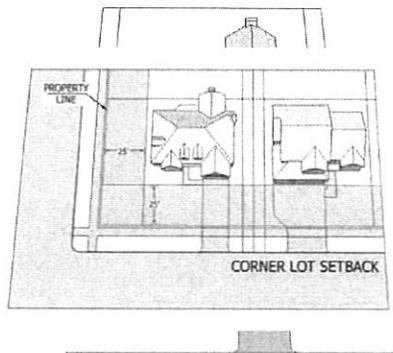
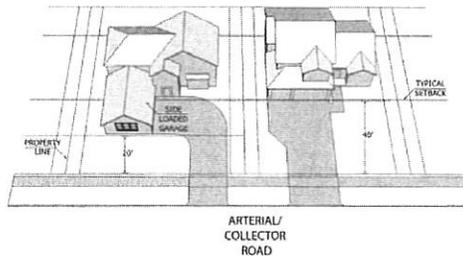
Within any R1 district, no structure or land shall be used for the following uses except by an interim use permit:

- a) Modular classrooms connected or immediately adjacent to a school building.

Section 5-7. Lot, Height, Area and Yard

Setback Requirements:

- a) Maximum height of any residential building shall not exceed thirty-five (35) feet, except the maximum height of an accessory building's sidewall shall not exceed sixteen (16) feet.
- b) Maximum lot coverage shall be forty percent (40%), subject to provisions in Chapter 21.
- c) Minimum yards setback for principal structure are as follows:
 - 1) Front – twenty-five (25) feet. Front yards facing a platted or proposed collector or arterial street – forty (40) feet. An exception will be made for a side-loaded garage to be twenty (20) feet provided the lot is an interior lot and a window is included on the street facing garage elevation.
 - 2) Side (interior lot line) – six and one-half (6 ½) feet.
 - 3) Side (corner side) – twenty-five (25) feet. Corner side yards facing a platted or proposed collector

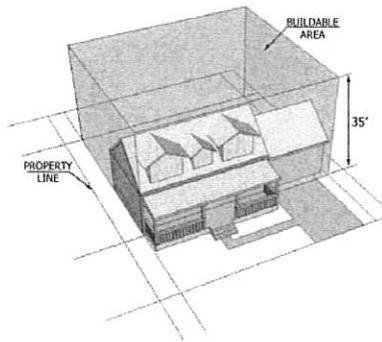


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- or arterial street – forty (40) feet.
- 4) Rear – twenty (20) feet. Detached garages parallel to an alley shall be three (3) feet.
- 5) No required off-street parking shall be located in the required front yard.
- 6) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.

7) Accessory buildings (sheds) are subject to setback requirements of Chapter 21, Sec. 21-8.



Comment [JA7]: Moved to 5-4 and deleted from this section

- d) Minimum lot dimensions shall be as follows:
 - 1) Area – 7500 square feet (interior lots)
 - 2) Area – 9500 square feet (corner lots)
 - 3) Width – 65 feet (interior lots)
 - 4) Width – 75 feet (corner lots)
 - 5) Depth – 85 feet
- e) The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.
- f) Front Yard: The front yard setback for living area in an R1 district shall be twenty- five (25) feet. The setback may be reduced to twenty (20) feet if the following conditions are met:
 - 1) The setback reduction is for an attached living area or porch to the principal structure, not including the garage, which does not exceed a total of one hundred twenty (120) square feet of above grade finished livable space.
 - 2) The exterior materials of the proposed living area or porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling.
 - 3) The roof of the proposed living area or porch is properly proportioned to and integrated with the roof of the dwelling.
 - 4) The structure does not adversely affect drainage on the lot or neighboring properties.
 - 5) Does not affect visibility at an intersection for corner lots.
- g) Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.

Section 5-8. Residential Design Standards:

Newly constructed single family homes shall be constructed with the following design considerations:

- a) Platted residential developments of ten (10) or more adjoining lots under single ownership shall provide for a variety of elevations and color choices throughout the development.
- b) Homeowners' Association: A Homeowners' Association shall be established in instances where developments within the R1 district contain common open space, driveways, utilities

(not maintained by public entity), etc. Those Homeowners' Associations' are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorders' office against the property.

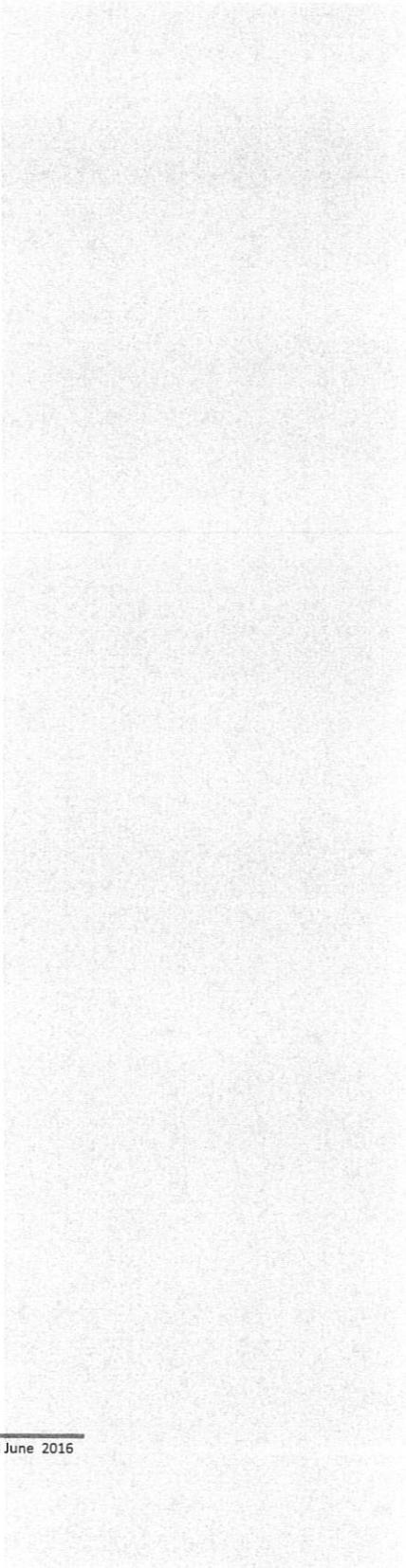
Section 5-9. Miscellaneous Provisions:

- a) ~~All accessory buildings to a residence shall be limited to a total coverage of twelve hundred (1,200) square feet, except the coverage shall not exceed that of the primary structure. For an attached garage, any coverage in excess of seven hundred twenty (720) square feet shall be considered part of the maximum allowable accessory building coverage. The maximum accessory building coverage for lots exceeding twenty four thousand (24,000) square feet in area shall be five percent (5%) of the lot area. Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of sidewall plate. Move this to 5-4 since this is related to "Accessory Uses".~~
- b) The uses permitted or allowed by this chapter (which uses are enumerated in Section 5-3) shall not be construed to include as part thereof the parking of a semi-trailer upon land within the district regulated by this chapter, if the land is not part of the public right of way. (Parking upon the public right of way is governed under Division 2 of Article II of Chapter 20 of the City of Minot Code of Ordinances.)
- c) However, the restriction on parking set forth in subsection (b) hereof shall not extend to incidental and temporary parking of a semi-trailer by someone who is delivering materials to or supplying services on the property in question, in the course of such activity, if such parking is reasonably necessary to the accomplishment of the activity. That parking is not unlawful by virtue of the prior sentence shall be an affirmative defense in any proceeding to enforce the Zoning Ordinance.
- d) The uses permitted or allowed by this chapter shall not be construed to include as part thereof the provision of food or artificial shelter to any of the animals prohibited in Chapter 7 of the code of Ordinances of the City of Minot.
- 1) Section 7-15 of the City of Minot Code of Ordinances is incorporated herein by reference, except that references therein to the "Cehief of pPolice" shall be deemed to refer to the ~~city planner~~ Planning Director.
 - 2) This subsection shall apply to R1 districts both within City limits and within the extraterritorial jurisdiction of the City of Minot only.
 - 3) Notwithstanding anything to the contrary in Chapter 25 (Non-conforming Uses), the restrictions imposed in this subsection in respect to horses shall not apply to any property which, as of January 1, 2003, was being used for the harboring or keeping of horses. However, nothing in this paragraph (4) is to be construed as legalizing that which may be illegal under some other provision of the ordinances of the City of Minot, for example, those pertaining to the preservation of the public health and prohibiting the maintenance of a nuisance.

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CHAPTER 5.1 - "R1S" SINGLE-FAMILY RESIDENTIAL DISTRICT WITH SMALL LOT SIZE FLEXIBILITY

Section 5.1-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R1S" Single-Family Residential District.

Section 5.1-2. General Description:

The R1S (Single Family Residential District with Small Lot Size Flexibility) is established as a district in which the principal use of land is for varying lot sizes, with support for small lot single-family dwellings, in a planned residential neighborhood. Developments shall be planned in a manner that maintains the natural topography of the site, preserves open space, and preserves or enhances natural features on the site within private common and public open space. Development in an R1S District shall provide shared amenities on site together, with the variety of lot width and lot sizes. This is an integrated and well planned development including a greater variety in home design.

Section 5.1-3. Uses Permitted:

- a) Same permitted uses as in the R1 District.

Section 5.1-4. Accessory Building Uses:

- a) The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.

- b) Same accessory uses as in the R1 District except for the following:

1. All accessory buildings to a residence shall be limited to a total coverage of eight hundred (800) square feet, except the coverage shall not exceed that of the primary structure.
- ~~For an attached garage, any coverage in excess of seven hundred twenty (720) square feet shall be considered part of the maximum allowable accessory building coverage.~~
2. The maximum accessory building coverage for lots exceeding twenty-four thousand (24,000) square feet in area shall be five percent (5%) of the lot area.
3. Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of sidewall plate.
4. The maximum height of an accessory building shall not exceed sixteen (16) feet.
5. Accessory buildings (sheds) are subject to setback requirements of Chapter 21, Section 21-8.

a) -

Section 5.1-5. Conditional Uses:

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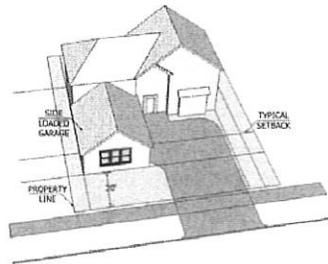
playground area/tot lots (maintained by homeowners association), trails (above what is required by ordinance), on site recreational facilities such as a community center, picnic pavilion, basket/volleyball courts, and swimming pools.

- 6) Alternative choices may include development wide features including the following elements: enhanced pedestrian scale and decorative street lighting, monument signage with decorative lighting (located in private easement), water feature or enhanced entry landscaping surrounding the monument.

- d) Density: The maximum density shall be eight (8) units per gross acre.

- e) Minimum yards are as follows:

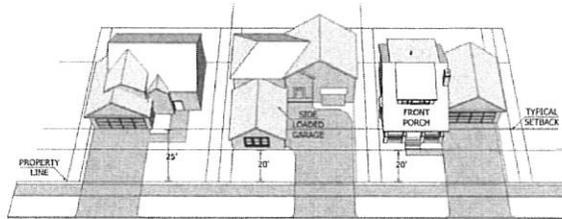
- 1) Front (house with side-load garage or front porch) – twenty (20) feet. Front yards facing a platted or proposed collector or arterial street – forty (40) feet.



- 2) Front (garage) – twenty-five (25) feet. An exception will be made for a side-loaded garage to be twenty (20) feet provided the lot is an interior lot and a window is included on the street facing garage elevation. Front yards facing a platted or proposed collector or arterial street – forty (40) feet.

- 3) Side (interior lot line) – five (5) feet.

- 4) Side (corner) – fifteen (15) feet. Corner side yards facing a platted or proposed collector or arterial street- forty (40) feet.



- 5) Rear – twenty (20) feet. Detached garages parallel to an alley shall be three (3) feet.

- 6) No required off-street parking shall be located in the required front yard.

- 7) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.

- 8) Accessory buildings (sheds) are subject to setback requirements of Chapter 21. See 21-8.

- f) Minimum lot dimensions shall be as follows:

- 1) Area – five thousand (5,000) square feet but may vary based on requirements above. Corner lots shall be a minimum of seven thousand (7,000) square feet.
- 2) Width – sixty (60) feet
- 3) Corner lot – seventy (70) feet
- 4) Depth – eighty (80) feet (minimum)

- g) ~~The total coverage and floor area of all accessory buildings shall not exceed those of the~~

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~~primary structure.~~

- h) Front Yard: The front yard (house) setback for living area in an RIS district shall be twenty-five (25) feet. The setback may be reduced to fifteen (15) feet if the following conditions are met:
- 1) The setback reduction is for an attached living area or porch to the principal structure, not including the garage, which does not exceed a total of one hundred-twenty (120) square feet of above grade finished livable space.
 - 2) The exterior materials of the proposed living area or porch are consistent or complementary in color, texture and quality with those visible at the front of the dwelling.
 - 3) The roof of the proposed living area or porch is properly proportioned to and integrated with the roof of the dwelling.
 - 4) The structure does not adversely affect drainage on the lot or neighboring properties.
 - 5) Does not affect visibility at an intersection for corner lots.
- i) ~~Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.~~

Comment [ST11]: Move to section 5.1-4 a)

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Comment [JA12]: Should this be removed because this zoning is new and there shouldn't be any existing non conforming use?

Section 5.1-8. Residential Design Standards:

Newly constructed single family homes shall be constructed with the following design considerations:

- a) Platted residential developments of ten (10) or more adjoining lots under single ownership shall provide for a variety of elevations and color choices throughout the development.
- b) A homeowners' association shall be established in instances where developments within the district contain common open space, driveways, utilities (not maintained by public entity), etc. Homeowners' associations are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorders' office against the property.

Section 5.1-9. Miscellaneous Provisions:

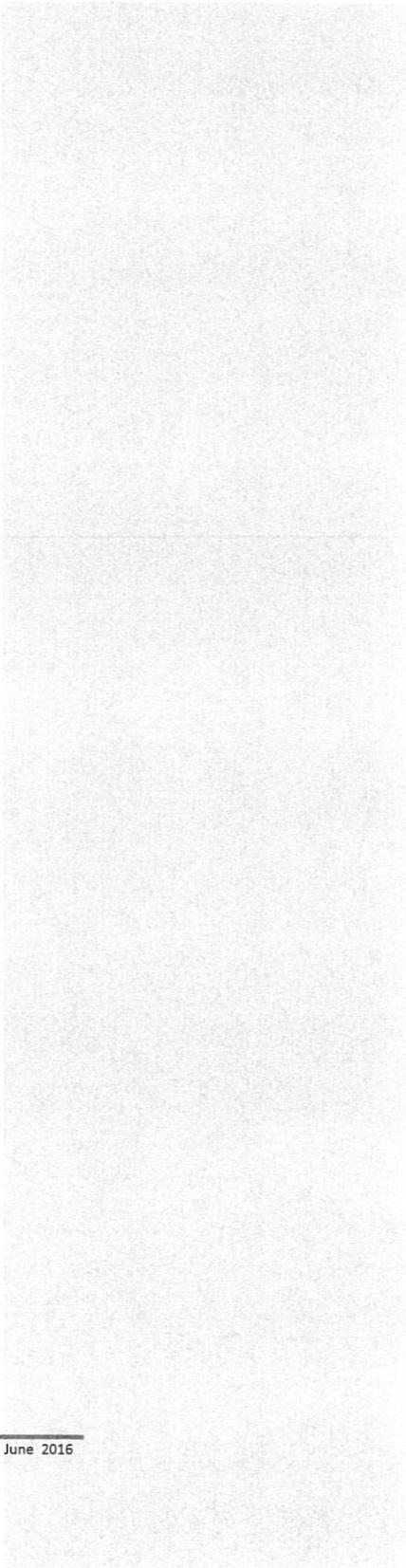
- ~~a) All accessory buildings to a residence shall be limited to a total coverage of eight hundred (800) square feet, except the coverage shall not exceed that of the primary structure. For an attached garage, any coverage in excess of seven hundred twenty (720) square feet shall be considered part of the maximum allowable accessory building coverage. The maximum accessory building coverage for lots exceeding twenty-four thousand (24,000) square feet in~~

Comment [JA13]: Moved to 5.1-4

area shall be five percent (5%) of the lot area. Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of sidewall plate.

b)a) _____ The uses permitted or allowed by this chapter (which uses are enumerated in Section 5-3) shall not be construed to include as part thereof the parking of a semi-trailer upon land within the district regulated by this chapter, if the land is not part of the public right of way. (Parking upon the public right of way is governed under Division 2 of Article II of Chapter 20 of the City of Minot Code of Ordinances.)

e)b) _____ However, the restriction on parking set forth in subsection (b) hereof shall not extend to incidental and temporary parking of a semi-trailer by someone who is delivering materials to or supplying services on the property in question, in the course of such activity, if such parking is reasonably necessary to the accomplishment of the activity. That parking is not unlawful by virtue of the prior sentence shall be an affirmative defense in any proceeding to enforce the Zoning Ordinance.



CHAPTER 5.2 - "RA" AGRICULTURAL RESIDENTIAL DISTRICT

Section 5.2-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "RA" Agricultural Residential District.

Section 5.2-2. General Description:

The RA (Agricultural Residential) District is established as a district in which the principal use of the land shall be for low density, large lot single-family dwellings, limited agriculture, and limited equine husbandry.

Section 5.2-3. Uses Permitted:

The following uses are permitted:

- a) Single family dwelling other than "R" District Excluded Manufactured Homes.
- b) Elementary school.
- c) High school or middle school.
- d) Kindergarten.
- e) Private or parochial school offering a curriculum substantially equivalent to that offered by public schools.
- f) Golf course (public or private).
- g) Park (public or private).
- h) Playground or athletic field (public or private).
- i) Swimming pool (public or private).
- j) Ice skating rink (outdoor).
- k) Places of public assembly.
- l) A church or public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- m) A group home for housing of no more than six (6) persons plus staff.
- n) Home occupations, except bed and breakfast businesses.
- o) Private horse stables provided that horses shall be for private use only; that no horse, horse stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence, nor any closer to the lot lines than the minimum yards set forth in Section 5.1-47; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one (1) horse for every additional three (3) acres of contiguous property under the same ownership. For the purpose of this ordinance the definition of a horse will be only those horses that are one year of age or older. Also, this permitted use will be allowed only for properties outside the Minot City limits.
- p) Railroad right-of-way, not including railroad yards.
- q) Farming, except the keeping of livestock other than horses.
- r) The keeping of household pets such as dogs and cats.

Comment [JA14]: Should refer to 5-7 which is the yard setback

Section 5.2-4. Accessory Building Uses:

a) Accessory Buildings: Accessory buildings may occupy up to five percent (5%) of the lot area. Accessory buildings above the five percent (5%) threshold may be considered through a conditional use permit request. Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of sidewall plate. Accessory buildings for the above computation shall include the following buildings: barns, stables and storage buildings, and attached and detached garages; ~~provided those seven hundred twenty (720) square feet of attached garages shall be excluded from the maximum allowable accessory building coverage computation.~~

Comment [JA15]: Moved this from Section 5.2-7 to 5.2-4

a) Accessory buildings meeting requirements in Sec. 5.2-7. Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of the sidewall plate.

Comment [JA16]: Moved here from 5.2.7

a)b) _____

Section 5.2-5. Conditional Uses:

Within any RA district, no structure or land shall be used for the following uses except by a conditional use permit:

- a) Accessory Dwelling Unit provided it meets the following requirements:
 - 1) The Single family dwelling in which the Accessory Dwelling Unit is proposed is owner occupied. The Accessory Dwelling Unit is occupied by a family member or extended family member of the single family dwelling
 - 2) The lot meets minimum lot size requirements.
 - 3) One paved (or other permeable surface material as approved by the City_Engineer) on-site parking space for the accessory dwelling unit is provided.
 - 4) The unit must be attached to the single-family dwelling living space or located within the single-family dwelling. Accessory Dwelling Units are not permitted in detached structures, including, but not limited to, detached garages and accessory buildings.
 - 5) No more than one Accessory Dwelling Unit is permitted per residential site.
 - 6) Accessory Dwelling Units must be at least three hundred (300) square feet in area but cannot exceed nine hundred-sixty (960) square feet. Total floor area must not exceed thirty percent (30%) of the living area of the associated single family dwelling unit.
 - 7) Entrances for an accessory apartment in dwellings constructed after the effective date of the ordinance shall not be placed on the building front; no new entrances shall be established along the building front of an existing dwelling to serve an accessory apartment.
 - 8) Occupancy is no more than four (4) unrelated individuals occupying the all structures, limited to two persons.
 - 9) The Accessory Dwelling Unit must be designed and constructed to allow conversion of the Accessory Dwelling Unit back to single family residential space in the future.
- b) Agricultural nurseries or tree farms.
- c) Bed and breakfast business in a single family detached home provided that one (1) off-street parking space be provided for each guest room in addition to the requirement off-street parking for the residential use.

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Section 5.2.6 Interim Uses:

a) Same uses as in the R1 District.

Section 5.2-76. Lot, Height, Area and Yard Setback Requirements:

a)b) Maximum height of any residential building shall not exceed thirty five (35) feet. Accessory buildings side wall height shall not exceed sixteen (16) feet from the bottom plate to the top of the sidewall plate.

b)c) Maximum lot coverage shall be ten percent (10%), subject to provisions in Chapter 21.

e)d) Minimum yards are as follows:

- 1) Front – thirty-five (35) feet. Front yards facing a platted or proposed collector or arterial roadway– forty (40) feet.
- 2) Side – twenty (20) feet. Side yards facing a platted or proposed collector or arterial street – forty (40) feet.
- 3) Rear – thirty-five (35) feet.
- 4) No required off-street parking shall be located in the required front yard.
- 5) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- 6) Additional setbacks may be required on county roads within the two-mile jurisdiction.

e)d) Minimum lot dimensions shall be as follows:

- 1) Area – two (2) acres
- 2) Width – one hundred-fifty (150) feet
- 3) Depth – one hundred-fifty (150) feet

Section 5.2-8 Design

Newly constructed single family homes shall be constructed with the following design considerations:

~~Platted residential developments of ten (10) or more adjoining lots under single ownership shall provide for a variety of elevations and color choices throughout the development.~~

~~a) Homeowners' Association: A Homeowners' Association shall be established in instances where developments within the RA district contain common open space, driveways, utilities (not maintained by public entity), etc. Those Homeowners' Associations are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorders' office against the property. Refer to R1 for design criateria.~~

Section 5.2-79. Miscellaneous Provisions:

~~a) Accessory Buildings: Accessory buildings may occupy up to five percent (5%) of the lot area. Accessory buildings above the five percent (5%) threshold may be considered through a conditional use permit request. Accessory buildings side wall height shall not exceed~~

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Comment [JA17]: Deleted and moved to accessory uses 5.2.4

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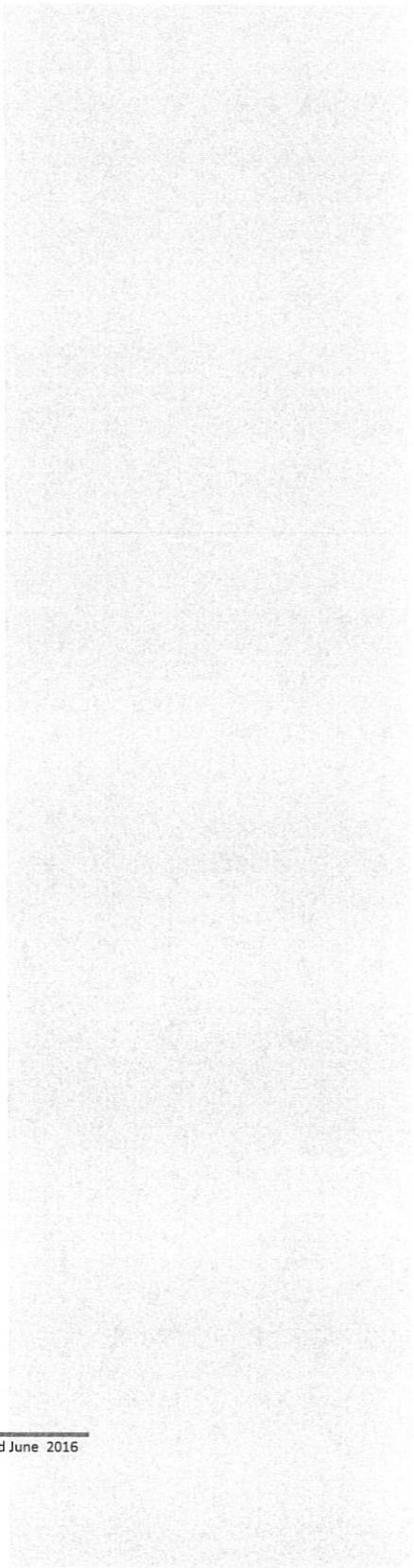
Comment [JA18]: Inserted the design standards for R1

Comment [JA19]: Moved to 5.2-4

~~sixteen (16) feet from the bottom plate to the top of sidewall plate. Accessory buildings for the above computation shall include the following buildings: barns, stables and storage buildings, and attached and detached garages, provided those seven hundred twenty (720) square feet of attached garages shall be excluded from the maximum allowable accessory building coverage computation.~~

~~b) a) The uses permitted or allowed by this chapter (which uses are enumerated in Section 5.1-3) shall not be construed to include as part thereof the parking of a semi-trailer upon land within the district regulated by this chapter, if the land is not part of the public right of way. (Parking upon the public right of way is governed under Division 2 of Article II of Chapter 20 of the City of Minot Code of Ordinances.)~~

~~e) b) However, the restriction on parking set forth in subsection (b) hereof shall not extend to incidental and temporary parking of a semi-trailer by someone who is delivering materials to or supplying services on the property in question, in the course of such activity, if such parking is reasonably necessary to the accomplishment of the activity. That parking is not unlawful by virtue of the prior sentence shall be an affirmative defense in any proceeding to enforce the Zoning Ordinance.~~



CHAPTER 6 - "R2" TWO-FAMILY RESIDENTIAL DISTRICT

Section 6-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R2" Two-Family Residential Districts.

Section 6-2. General Description:

The R2 (Two-Family Residential) District is intended to establish areas for the development of a mixture of single and two-family housing; to restrict encroachment on incompatible uses; to broaden the choice of residential living styles in the City; and to promote quality development. This district includes parcels previously zoned R2 and R2(B). These previously platted parcels are subject to the requirements in this chapter. If lot sizes, setbacks or other requirements in this chapter do not meet the requirements, the site may be considered legal non-conforming subject to requirements in Chapter 25.

Section 6-3. Uses Permitted:

The following uses are permitted:

- a) Dwelling, single-family detached.
- b) Dwelling, two-plex (attached under common ownership) on the same lot.
- c) Dwelling, two-family (townhouse).
- d) Schools, public or private.
- e) Golf course (public or private).
- f) Park (public or private).
- g) Playground or athletic field (public or private).
- h) Swimming pool (public or private).
- i) Ice skating rink (outdoor).
- j) Places of public assembly.
- k) Accessory building or use customarily incidental to all permitted uses including a private garage.
- l) A church or public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- m) A group home for housing of no more than six (6) persons plus staff.
- n) Home occupations, except bed and breakfast businesses.

Section 6-4. Accessory Building Uses:

- a) Accessory building or use customarily incidental to all permitted uses including a private garage. Only two (2) storage sheds/accessory buildings shall be allowed per ownership, except where the lot area exceeds fifteen thousand (15,000) square feet, in which case Section 5-8-4 shall apply. Accessory buildings for single-family dwellings may be used for

vehicle or other storage, play areas, or shop or office use and no others.

- b) Temporary real estate offices as part of a new development.
- c) Residential association managed community building.
- d) The maximum height of an accessory building shall not exceed sixteen (16) feet.
- e) Accessory buildings (sheds) are subject to setback requirements of Chapter 21, Section 21-8.
- f) The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.
- g) The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.

Section 6-5. Conditional Uses:

Within any R2 district, no structure or land shall be used for the following uses except by a conditional use permit:

- a) Same conditional uses as in the R1 District except accessory dwelling units are not permitted.

Section 6-6. Interim Uses:

Within any R2 district, no structure or land shall be used for the following uses except by an interim use permit:

- a) Same interim uses as in the R1 District except accessory dwelling units are not permitted.

Section 6-7. Lot, Height, Area, and Yard Setback Requirements:

- a) Maximum height of any building shall not exceed thirty-five (35) feet, ~~except the maximum height of an accessory building shall not exceed sixteen (16) feet.~~
- b) Maximum coverage shall be forty percent (40%) of the lot area.
- c) Minimum yards are as follows:
 - 1) Front – twenty-five (25) feet at the street of each platted lot. Front yards facing a platted or proposed collector or arterial street – forty (40) feet. An exception will be made for a side – loaded garage to be twenty (20) feet provided the lot is an interior lot and a window is included on the street facing garage elevation.
 - 2) Side – six (6) feet
 - 3) Side (street) – twenty-five (25) feet at the street of each platted lot. Corner side yards facing a platted or proposed collector or arterial – forty (40) feet.
 - 4) Rear – twenty-five (25) feet.
 - 5) No required off-street parking shall be located in the required front yard.
 - 6) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- d) Minimum lot dimensions for a single family dwelling shall follow the R1 requirements for lot dimensions in ~~Section 5-7.~~
- e) For a two-family townhouse in the R2 district, the following shall be required per townhouse as minimums:
 - 1) Lot area – three thousand and five hundred (3,500) square feet.
 - 2) Lot width – thirty (30) feet.

Comment [JA20]: Moved from 6-7

Comment [JA21]: Moved from 6-7

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Comment [JA22]: Deleted and moved to 6-4

~~f) The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.~~

~~g) Each dwelling unit is served by its own independent water, sewer, heat and other utility service. With respect to a duplex located in the same district, where one owner owns both units, combined utilities are allowed.~~

~~h) Accessory buildings (sheds) are subject to setback requirements of Chapter 21, Sec. 21-8.~~

~~i) Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.~~

Comment [JA23]: Moved to 6-4

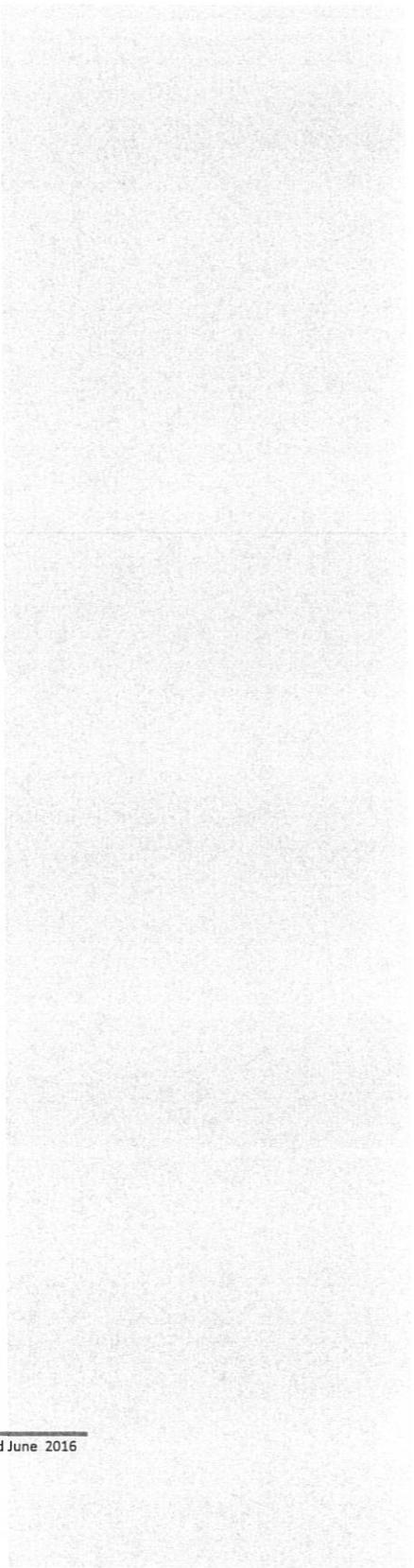
Section 6-8. Residential Design Standards:

Newly constructed single family homes shall be constructed with the following design considerations:

- a) Platted residential developments of ten (10) or more adjoining lots under single ownership shall provide for a variety of elevations and color choices throughout the development.
- b) A homeowners' association shall be established in instances where developments within the district contain common open space, driveways, utilities (not maintained by public entity), etc. Those Homeowners' Associations' are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorders' office against the property.

Section 6-9. Miscellaneous Provisions:

- a) The uses permitted or allowed by this chapter (which uses are enumerated in Section 6-3) shall not be construed to include as part thereof the parking of a semi-trailer upon land within the district regulated by this chapter, if the land is not part of the public right of way. (Parking upon the public right of way is governed under Division 2 of Article II of Chapter 20 of the City of Minot Code of Ordinances.)
- b) However, the restriction on parking set forth in subsection (a) hereof shall not extend to incidental and temporary parking of a semi-trailer by someone who is delivering materials to or supplying services on the property in question, in the course of such activity, if such parking is reasonably necessary to the accomplishment of the activity. That parking is not unlawful by virtue of the prior sentence shall be an affirmative defense in any proceeding to enforce the Zoning Ordinance.



CHAPTER 7 - "RM" MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 7-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "RM" or "R3B" Multiple Residential Medium Density Residential Districts.

Section 7-2. General Description:

The purpose of the RM (Medium Density Residential) District is to allow a variety of housing types including single-family attached and detached dwellings and multi-family (stacked) with a minimum net density of six (6) units per acre and maximum net density of sixteen (16) units per acre.

Comment [JA24]: Inconsistent with 7-6d4

This district includes parcels previously zoned R3 and R3(B). These previously platted parcels are subject to the requirements in this chapter. If lot sizes, setbacks or other requirements in this chapter do not meet the requirements the site may be legal non-conforming subject to requirements in Chapter 25.

Section 7-3. Uses Permitted:

- a) Any use permitted in the "R1" Single Family Residential District except for home occupations.
- b) Any use permitted in the "R2" Two Family Residential Districts, except that child care facilities and private nursing homes as home occupations shall be allowed only in single-family detached homes.
- c) Two-plex, three-plex and four-plex.
- d) Townhomes with no more than six (6) dwelling units per structure in a row or no more than eight (8) dwelling units if back to back, with each having a separate entrance.
- e) ~~Stacked~~ Multi-family dwellings including apartment or condominium buildings provided any principle structures are not located within one hundred (100) feet from the property line abutting an R1 or R1S zoning district or existing single family residential structure.
- f) Nursing, convalescent, or rest home, age restricted housing.
- g) Condominiums

Comment [ST25]: This includes home occupation. Should this be allowed in RM other than day care?

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Comment [JA26]: The "planners dictionary" does not define "stacked". The zoning ordinance needs to define this, or we need to select another term.

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Section 7-4. Accessory Uses Buildings:

- a) Accessory building customarily incidental to all permitted uses including a private garage. Only two (2) ~~storage sheds~~ accessory buildings shall be allowed per ownership. Any accessory building shall be used by the development and shall not be rented.
- b) Temporary real estate offices as part of a new development.
- c) Residential association managed community building.
- ~~e)d) Except the maximum height of an accessory building shall not exceed sixteen (16) feet.~~

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Shall follow the height requirements as set forth in this section.

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Section 7-5. Conditional Uses:

Within any RM district, no structure or land shall be used for the following uses except by a conditional use permit:

- a) Bed and breakfast business in a single family home and which may include food service for people other than overnight patrons provided that such food service is limited to a seating capacity of twenty (20) and that one off-street parking space be provided for each two (2) seats in the food service portion of the business. Further required parking shall not be located in the front yard setback of the property and shall not occupy more than thirty percent (30%) of the total lot area.
- b) Day care facility, licensed - serving more than eighteen (18) persons.
- c) Fraternity house or sorority house.
- d) Multi-family residential building ~~(stacked)~~ exceeding three (3) stories.

Section 7-6. Interim Uses:

Not applicable in RM District.

Section 7-76. Lot, Height, Area, and Yard Setback Requirements:

- a) Maximum height of any building shall be three (3) stories not to exceed forty-five (45) feet, ~~except the maximum height of an accessory building shall not exceed sixteen (16) feet.~~
- b) Maximum coverage shall be fifty percent (50%) of the lot area.
- c) Minimum yards are as follows:
 - 1) Front – twenty--five (25) feet. Front yards facing a platted or proposed collector or arterial street – forty (40) feet.
 - 2) Side – ten (10) feet, or zero (0) feet wherever two (2) units are joined by common wall.
 - 3) Side (street) – twenty-five (25) feet. Corner side yards facing a platted or proposed collector or arterial street – forty (40) feet.
 - 4) Rear –twenty-five (25) feet.
 - 5) On each end of the townhouse complex site, greater than two (2) units, there shall be a minimum of ten percent (10%) of the entire site width or fifteen (15) feet, whichever is greater, unless an end lot of a townhouse complex is a corner lot, in which case the provisions pertaining to corner lots, if more restrictive, shall govern. In any instance, however, the end yard need not exceed thirty (30) feet. All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- 6) ~~Stacked, multi-story level, multi-family dwellings including apartment or condominium buildings provided any principle structures are not located within one hundred (100) feet from the property line abutting an R1 or R1S zoning district or existing single family residential structure.~~
- d) Minimum lot area shall be as follows:
 - 1) Area for single- family dwelling in RM districts shall be five thousand (5,000) square

Comment [JA27]: Added this.

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- feet. Corner lots shall be a minimum of seven thousand (7,000) square feet.
- 2) Area for a two-family dwelling in RM district shall be seven thousand (7,000) square feet thirty-five hundred (3,500 square feet per unit).
 - 3) Area for a three-family dwelling in RM district shall be ten thousand (10,000) square feet. For each additional dwelling unit in the RM district in excess of a three-family dwelling, the lot shall have an additional area of three thousand (3,000) square feet.
 - 4) Minimum net density of eight (8) units per acre and maximum net density of sixteen (16) units per acre.
 - e) Minimum lot dimensions shall be as follows:
 - 1) Lot width (RM) – sixty (60) feet (interior)
 - 2) Lot width – eighty (80) feet (corner).
 - 3) Lot depth – eighty-five (85) feet.
 - f) The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.
 - g) Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.

Section 7-78. Special Minimum Design Requirements for Buildings Containing Three or More Units or Greater of Attached Units:

Stacked Multi-story level, multiple-family buildings in the RM district shall follow the RH Special Minimum.

- a) Unit Width: The minimum width of a dwelling unit within the RM district shall be twenty-five (25) feet.
- b) Unit Construction:
 - 1) Subdivision or Rezoning Requests: Site plans, building elevations and floor plans shall be furnished with any subdivision and or rezoning requests illustrating overall site plan, landscaping, exterior building material and colors to demonstrate compliance of this title. Building floor plans shall identify the interior storage space within each unit.
 - 2) Decks or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
 - 3) Exterior Building Finish: The exterior of attached/townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.
- c) Elevations: Platted residential developments of five (5) or more dwelling units (detached) or attached buildings (twin and townhomes) shall provide for a variety of elevations and color choices throughout the development. Elevation renderings shall be provided to the Planning Department for review and approval.
- d) Façades and walls: Each façade of a townhouse, twin home or apartment building shall be finished with a minimum of two (2) different colors and two (2) different finishes (exterior finishes exclude exposed foundation walls constructed of poured concrete or smooth-face concrete block, whether painted or not painted). Accenting shall be incorporated into the

Comment [JA28]: Make sure the definition of "stacked" covers this.

design where appropriate to avoid expansive, unadorned areas, including, but not limited to, areas below gabled roofs.

- e) Roofs: Each attached/townhome building shall feature a combination of primary and secondary roofs. Primary roofs shall be articulated by at least one of the following elements:
 - 1) Changes in place and elevation.
 - 2) Dormers or gables.
 - 3) Transitions to secondary roofs over entrances, garages, porches, bay windows.

~~f) Outside Storage: Outside storage shall be allowed only in designated areas which are screened in accordance with this Ordinance and under the ownership of the property owners' association subject to other applicable provisions of this title.~~

~~g) Required Parking and Guest Parking: At minimum, one-quarter ($\frac{1}{4}$) of guest parking spaces per unit shall be provided in an off street parking lot or private drive at locations dispersed within the development to provide convenient access to individual dwelling units. The design and location of the off street parking shall be between or to the side of buildings in a manner compatible with surrounding dwelling units, including (but not limited to) a minimum fifteen (15) foot setback from principal buildings, decks, patios or other open spaces intended for active use. Required parking shall not be located within the front yard. Guest parking areas shall be screened in conformance with the requirements of Chapter 23.~~

~~h) Trash Handling and Recycling: All trash and recyclable materials and handling equipment shall be stored within the principal structure, completely screened from eye level view from a public street and adjacent properties by the principal building, or enclosed within a solid fence. Wood and chain link (with or without slats) fence materials shall not be permitted. The fence shall be a minimum of six (6) feet in height, with a swinging door and person gate. The enclosure cannot be located in the front yard setback. Compactors that are attached to the principal structure shall be completely screened from eye level view from public streets and adjacent properties by means of landscaping or fencing.~~

~~i) Parking Lot Screening:~~

- 1) The light from automobile headlights and other sources shall be screened whenever it may be directed onto residential windows.
- 2) When required parking areas abut any residential district, the edge nearest the lot line shall be completely screened to a height of at least three and one-half feet ($3\frac{1}{2}'$) above the parking grade. Such screening shall either be constructed of durable building materials designed in harmony with the principal structure or accomplished through use of earth mounds and/or landscape materials as approved.
- 3) When the design of the site is such that parking occurs in the front yard, a minimum of ten (10) feet landscaped area shall be provided between parking and building, in addition to the required setbacks.

~~j) Amenities: On site amenities shall be provided for developments with twenty-five (25) units or greater, or for the development of a single lot with twenty-four (24) units or greater. Amenities may include such elements as community room, swimming pools, tennis, basketball or volleyball courts, play equipment, walking trails, gardens, or other appropriate amenity that are suitable for the projected population of the development shall be provided when the nearest public park or school with field and playground amenities is more than one-half ($\frac{1}{2}$) mile or across a collector or arterial roadway from the development.~~

~~k) A homeowners' association shall be established in instances where developments within the RM district contain common open space, driveways, utilities (not maintained by public~~

Comment [ST29]: Why would this be allowed in an apt complex

Comment [ST30]: This should read all trash and recyclable materials should be screened from eye level.

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entity), etc. Those Homeowners' Associations' are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorders' office against the property,

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Section 7-9. Miscellaneous Provisions:

Not applicable in RM District.

CHAPTER 8 - "R3C" TOWNHOUSE RESIDENTIAL DISTRICT

Section 8-1:- Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R3C" Townhouse Residential District.

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 stacked multiple family is more compatible. Density range shall be six (6) and twelve (12) units per acre.

Section 8-3:- Uses Permitted:

The following uses are permitted:

- a) Townhouses.
- b) Golf course (private).
- c) Park (private).
- d) Playground or athletic field (private).
- e) Swimming pool (private).
- f) Accessory building or use customarily incidental to all permitted uses including a private garage. Only two (2) ~~storage sheds~~ accessory buildings shall be allowed per ownership.
- g) A public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- h) Home occupations.

Section 8-4:- Accessory UsesBuildings:

- a) Accessory building customarily incidental to all permitted uses including a private garage. Any accessory buildings shall serve development and shall not be rented.
- b) Temporary real estate offices as part of a new development.
- c) Residential association managed community building.

Section 8-5:- Conditional Uses:

Within any R3C district, no structure or land shall be used for the following uses except by a conditional use permit:

- a) Fraternity house or sorority house.

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- a) Section 8-6: Interim Uses:
Not applicable in R3C District.

Comment [ST31]: Referring to R1 to its not needed ?

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Section 8-7:6. Lot, Height, Area and Yard Setback Requirements:

- a) Maximum height of any building shall not exceed thirty-five (35) feet.
- b) Maximum coverage shall be fifty percent (50%) of the lot area.
- c) Minimum yards are as follows:
 - 1) Front – twenty-five (25) feet. Front yards facing a platted or proposed collector or arterial street – forty (40) feet. An exception will be made for a side-loaded garage to be twenty (20) feet provided the lot is an interior lot and a window is included on the street facing garage elevation.
 - 2) Rear – twenty-five (25) feet.
 - 3) Side – zero (0) feet wherever two townhouses are joined by a common wall.
 - 4) Side (street) – twenty-five (25) feet. Corner side yards facing a platted or proposed collector or arterial street – forty (40) feet.
 - 5) Six (6) feet on each end of a two-unit townhouse complex.
 - 6) On each end of the townhouse complex site, greater than two units, there shall be required a minimum of ten percent (10%) of the entire site width or fifteen (15) feet, whichever is greater, unless an end lot of a townhouse complex is a corner lot, in which case the provisions pertaining to corner lots if more restrictive shall govern. In any instance, however, the end yard need not exceed thirty (30) feet. (See Chapter 21.)
- d) Minimum lot area – two thousand five-hundred (2,500) square feet.
- e) Minimum lot width – sixteen (16) feet.
- f) Minimum lot depth – one hundred (100) feet.

Section 8-87:- ~~Special Minimum~~ Design Requirements for Townhome buildings containing three units or greater:

Comment [ST32]: -This section is talking about design requirements.... Headind should match with RM section

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- a) Unit Width: The minimum width of a dwelling unit within the RM district shall be twenty-five (25) feet.
- b) Unit Construction:
 - 1) Subdivision or Rezoning Requests: Site plans, building elevations and floor plans shall be furnished with any subdivision and or rezoning requests illustrating overall site plan, landscaping, exterior building material and colors to demonstrate compliance of this title. Building floor plans shall identify the interior storage space within each unit.
 - 2) Decks or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
 - 3) Exterior Building Finish: The exterior of attached/townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.
- c) Elevations: Platted residential developments of five (5) or more dwelling units (detached) or attached buildings (twin and townhomes) shall provide for a variety of elevations and color choices throughout the development.

d) Façades and walls: Each façade of a townhouse, twin home or apartment building shall be finished with a minimum of two (2) different colors and two (2) different finishes (exterior finishes exclude exposed foundation walls constructed of poured concrete or smooth-face concrete block, whether painted or not painted). Accenting shall be incorporated into the design where appropriate to avoid expansive, unadorned areas, including, but not limited to, areas below gabled roofs.

e) Roofs: Each attached/townhome building shall feature a combination of primary and secondary roofs. Primary roofs shall be articulated by at least one (1) of the following elements:

- 1) Changes in place and elevation.
- 2) Dormers or gables.
- 3) Transitions to secondary roofs over entrances, garages, porches, bay windows.

~~f) Outside Storage: Outside storage shall be allowed only in designated areas which are screened in accordance with this Ordinance and under the ownership of the property owners' association subject to other applicable provisions of this title.~~

g) Required Parking and Guest Parking: At minimum, one-quarter ($\frac{1}{4}$) of guest parking spaces per unit shall be provided in an off street parking lot or private drive at locations dispersed within the development to provide convenient access to individual dwelling units. The design and location of the off street parking shall be between or to the side of buildings in a manner compatible with surrounding dwelling units, including (but not limited to) a minimum fifteen (15) foot setback from principal buildings, decks, patios or other open spaces intended for active use. Required parking shall not be located within the front yard. Guest parking areas shall be screened in conformance with the requirements of Chapter 23.

~~h) Trash Handling and Recycling: All trash and recyclable materials and handling equipment shall be stored within the principal structure, completely screened from eye level view from a public street and adjacent properties by the principal building, or enclosed within a solid fence. Wood and chain link (with or without slats) fence materials shall not be permitted. The fence shall be a minimum of six (6) feet in height, with a swinging door and person gate. The enclosure cannot be located in the front yard setback. Compactors that are attached to the principal structure shall be completely screened from eye level view from public streets and adjacent properties by means of landscaping or fencing.~~

i) Parking Lot Screening:

- 1) The light from automobile headlights and other sources shall be screened whenever it may be directed onto residential windows.
- 2) When required parking areas abut any residential district, the edge nearest the lot line shall be completely screened to a height of at least three and one-half ($3\frac{1}{2}$) feet above the parking grade. Such screening shall either be constructed of durable building materials designed in harmony with the principal structure or accomplished through use of earth mounds and/or landscape materials as approved.
- 3) When the design of the site is such that parking occurs in the front yard, a minimum of ten (10) feet landscaped area shall be provided between parking and building, in addition to the required setbacks.

j) Amenities: On site amenities shall be provided for developments with twenty- five (25) units or greater, or for the development of a single lot with twenty-four (24) units or greater. Amenities may include such elements as community room, swimming pools, tennis, basketball or volleyball courts, play equipment, walking trails, gardens, or other appropriate

Comment [ST33]: This is applicable to this section ?

Comment [ST34]: Same as RM

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amenity that are suitable for the projected population of the development shall be provided when the nearest public park or school with field and playground amenities is more than one-half (1/2) mile or across a collector or arterial roadway from the development.

- | ~~k)~~ j) A Homeowners' Association shall be established in instances where developments within the R3C district contain common open space, driveways, utilities (not maintained by public entity), etc. Those Homeowners' Associations' are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorder's office against the property.
- | ~~k)~~ j) Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.

| Section 8-98:- Miscellaneous Provisions:

- a) The uses permitted or allowed by this chapter (which uses are enumerated in Section 8.1-3) shall not be construed to include as part thereof the parking of a semi-trailer upon land within the district regulated by this chapter, if the land is not part of the public right of way. (Parking upon the public right of way is governed under Division 2 of Article II of Chapter 20 of the City of Minot Code of Ordinances.)
- b) However, the restriction on parking set forth in subsection (a) hereof shall not extend to incidental and temporary parking of a semi-trailer by someone who is delivering materials to or supplying services on the property in question, in the course of such activity, if such parking is reasonably necessary to the accomplishment of the activity. That parking is not unlawful by virtue of the prior sentence shall be an affirmative defense in any proceeding to enforce the Zoning Ordinance.

CHAPTER 9 - "RH" HIGH DENSITY RESIDENTIAL DISTRICT

Section 9-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "RH" High Density Residential District.

Section 9-2. General Description:

The purpose of the RH (High Density Residential) District is to allow development of multi-family housing. It is intended that this district provide a mix of life-cycle housing choices throughout the city with a maximum density of twenty-four (24) units per acre. The RH district will be limited to areas guided High Density Residential as identified on the Future Land Use Plan.

Section 9-3. Uses Permitted:

- a) Public Parks, trails, playfields, playgrounds, and directly related buildings and structures;
- b) More than one principal building on a base lot.
- c) Townhomes with no more than six (6) dwelling units per structure if in a row or no more than eight (8) dwelling units if back to back, with each having a separate entrance.
- d) Dwelling, multiple-family (apartment, condominium, cooperative, age restrictive);

Section 9-4. Accessory Buildings:

- a) Only those accessory buildings, structures, or fences owned and maintained by a Homeowners' Association shall be erected on a common base lot or on an individual townhome dwelling lot. An accessory building on site shall be used to serve the development and cannot be rented.
- b) Temporary real estate offices as part of a new development.
- c) Residential association managed community building.
- d) The maximum height of an accessory building shall not exceed sixteen (16) feet.

Section 9-5. Conditional Uses:

- a) Day care facility, licensed – serving more than eighteen (18) persons.
- b) Fraternity house or sorority house
- c) High-rise apartment building above the maximum forty-five (45) feet permitted subject to the following requirements:
 - 1) The principal building are not located within one hundred (100) feet from the property line abutting an R1, R1S zoning district or existing single family residential structure.
 - 2) ~~Additional amenities (as required in Section 9-7) shall be incorporated into the development plan at time of review of the application for a conditional use permit.~~

Section 9-6: Interim Uses:

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Comment [ST35]: Amenities is addressed under section 9-7 h). a CUP should not be required for amenities

~~This section does not apply to the~~Not applicable in RH Districts.

Section 9-5. Accessory Uses

- ~~a) Only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot or on an individual townhome dwelling lot. An accessory building on site shall be used to serve the development and cannot be rented.~~
- ~~b)a) Temporary real estate offices as part of a new development.~~
- ~~c)a) Residential association managed community building.~~

Section 9-76. Lot, Height, Area, and Yard Requirements:

- a) Maximum height of any building shall be three (3) stories not to exceed forty-five (45) feet, except by conditional use permit. ~~The maximum height of an accessory building shall not exceed sixteen (16) feet.~~
- b) Maximum coverage shall be fifty percent (50%) of the lot area.
- ~~b)c) Setbacks in Townhouse Developments: Buildings in townhouse developments shall be located at least twenty (20) feet apart and twenty (20) feet from the back of the curb of private roadways.~~
- e)d) Minimum yards are as follows:
 - 1) Front – thirty (30) feet. Front yards facing a platted or proposed collector or arterial street – forty (40) feet.
 - 2) Side – ten (10) feet, or zero (0) feet wherever two (2) units are joined by common wall.
 - 3) Side (street) – thirty (30) feet. Corner sides facing a platted or proposed collector or arterial street – forty (40) feet.
 - 4) Rear – twenty-five (25) feet.
 - 5) On each end of the townhouse complex site greater than two (2) units, there shall be a minimum of ten percent (10%) of the entire site width or fifteen (15) feet, whichever is greater, unless an end lot of a townhouse complex is a corner lot, in which case the provisions pertaining to corner lots, if more restrictive, shall govern. In any instance, however, the end yard need not exceed three (3) feet. All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- ~~d)c) Minimum lot area shall be as follows:~~
 - 1) Area for a townhouse dwelling in R4 district shall be ten thousand (10,000) square feet. For each additional dwelling unit in the RH district in excess of a four-family dwelling, the lot shall have an additional area of two thousand (2,000) square feet.
 - 2) Area for a stacked multiple family building shall be one (1) acre with a one hundred (100) feet lot width.
 - 3) Maximum density of twenty-four (24) units per acre.
- ~~3)f) Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.~~

Section 9-87. Special Minimum Requirements for Multi-Family Residential Developments.

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- a) Utilities: All multiple-family dwellings shall be served by public sanitary sewer and water.
- b) Parking: The design and maintenance of off street parking areas and the required number of parking spaces shall be in accordance with Chapter 23 of this title.
 - 1) No required off-street parking shall be located in the required front yard.
 - 2) Private driveways for garages in townhouse developments shall be a minimum of twenty (20) feet in length to allow vehicle parking on the driveway.
- c) Trash Handling and Recycling: All trash and recyclable materials and handling equipment shall be ~~stored within the principal structure,~~ completely screened from eye level view from a public street and adjacent properties by the principal building, or enclosed within a solid fence. Wood and chain link (with or without slats) fence materials shall not be permitted. The fence shall be a minimum of six (6) feet in height, with a swinging door and person gate. The enclosure cannot be located in the front yard setback. Compactors that are attached to the principal structure shall be completely screened from eye level view from public streets and adjacent properties by means of landscaping or fencing.
- d) On Site Screening: All mechanical equipment, utility meters, storage and service areas and similar features shall be screened from grade eye level view from adjacent properties and public streets, or designed to be located on site so as not to be visible from the street. This section applies only to building wide mechanical units, not unit specific units.
- e) Building Design and Materials – Multi-family (stacked): Each façade of a townhouse, twin home or stacked multi-family buildings shall be finished with a minimum of two (2) different colors and two (2) different finishes (exterior finishes exclude exposed foundation walls constructed of poured concrete or smooth-face concrete block, whether painted or not painted).
- f) Accenting shall be incorporated into the design where appropriate to avoid expansive, unadorned areas, including, but not limited to, areas below gabled roofs.
- g) Parking Lot Screening:
 - 1) The light from automobile headlights and other sources shall be screened whenever it may be directed onto residential windows.
 - 2) When required parking areas abut any residential district, the edge nearest the lot line shall be completely screened to a height of at least three and one-half (3^{1/2}) feet above the parking grade. Such screening shall either be constructed of durable building materials designed in harmony with the principal structure or accomplished through use of earth mounds and/or landscape materials as approved.
 - 3) When the design of the site is such that parking occurs in the front yard, a minimum of ten (10) feet landscaped area shall be provided between parking and building, in addition to the required setbacks.
- ~~e)h) Setbacks in Townhouse Developments: Buildings in townhouse developments shall be located at least twenty (20) feet apart and twenty (20) feet from the back of the curb of private roadways.~~
- h)i) Amenities: On site amenities shall be provided for developments with twenty-five (25) units or greater, or for the development of a single lot with twenty-four (24) units or greater. Amenities may include such elements as community room, swimming pools, tennis, basketball or volleyball courts, play equipment, walking trails, gardens, or other appropriate amenity that are suitable for the projected population of the development shall be provided when the nearest public park or school with field and playground amenities is more than one-half (1/2) mile or across a collector or arterial roadway from the development.

Comment [ST37]: See above section

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j) A homeowners' association shall be established in instances where developments within the RH district contain common open space, driveways, utilities (not maintained by public entity), etc. Homeowners' Associations' are subject to review and approval by the City Attorney prior to the release of the final plat. This document shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common, when there is more than one individual property owner having interest within the development. All association documents must be recorded at the County Recorders' office against the property.

i) ~~Legal non-conforming dwellings, due to setback requirements, can be replaced at the existing setback provided any replacement structure is within the same footprint as 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.~~

k)

Section 9-9: Miscellaneous Provisions:

Not applicable in RH District.

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Comment [ST39]: Moved up to section 9-7: Lot, height, area, and yard requirement.

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Section 9-9: Miscellaneous Provisions:

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CHAPTER 22 - SIGNAGE REGULATIONS

Section 22-1. Purpose:

Signs have an impact on the character and quality of the environment as a prominent part of the scenery; they attract or repel the viewing public and affect the safety of vehicular traffic. Their suitability or appropriateness helps to set the tone of the neighborhood. The purpose of this section shall be to regulate the placement, erection and maintenance of signs in the city, and its ETA, so as to promote the health, safety, aesthetics, economic welfare and general welfare of the community. The following standards in this chapter are, therefore, adopted to regulate signs. This ordinance applies to all signs located in residential, commercial, industrial, and agricultural zoning districts.

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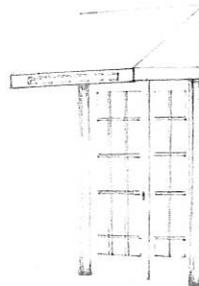
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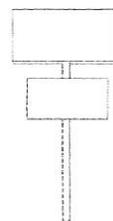
Section 22-2. Definitions:

- a) Abandoned sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found;
- b) Awning: A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, doorway, walk or similar;
- c) Balloon Sign: A sign consisting of a bag made of lightweight material supported by helium or by hot or pressurized air, which is greater than twenty-four inches (24") in diameter;
- d) Banner: A temporary sign device generally made of flexible materials such as cloth, plastic, or other non-rigid material with no enclosing framework;
- e) Billboard Sign: An off-premise sign whose sign face is greater than seventy-two (72) square feet in size, but not greater than six hundred seventy-two (672) square feet, and advertises a business, commodity, good, service, entertainment or attraction, which is not sold, produced, manufactured, or furnished on the premises where the billboard is located.
- f) Building Sign: Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy;
- g) Canopy: A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway;
- h) Canopy Sign: Any sign that is part of or attached to a canopy. A canopy sign is not a marquee and is different from service area canopy signs;
- i) Clearance (of a sign): The smallest vertical distance between the grade of vehicular uses or pedestrian uses and the lowest point of any sign, including framework and embellishments, extending over that grade;
- j) Construction sign: A temporary sign identifying parties involved in construction on the property on which the sign is located;
- k) Cabinet sign: A sign that contains all the text and/or logo symbols within a single enclosed cabinet;
- l) Digital Sign: Electronic image displays that present multiple static advertising on a rotating basis through LED, or similar, electronic technologies;

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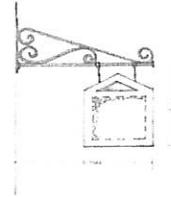
- m) Directional/Information sign: An on premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g. parking or exit and entrance signs may be located within the site or on a building wall.
- n) Electronic or Digital Display Screen: An electrically activated changeable sign whose variable message capability can be electronically programmed. This does not include signs which contain only weather information, date or time, or fuel prices.
- o) Flag: Any fabric or similar light weight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices;
- p) Flashing Sign: A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling;
- q) Freestanding sign: A pole, pylon, or monument (billboards exempt) sign supported by a permanent foundation upon the ground and not attached directly to any building;
- r) Height of Sign: The height of a sign shall be computed as the vertical distance measure from the base of the sign at grade to the top of the highest attached component of the sign or sign structure;
- s) High impact sign: A sign that contains a mobile electronic message center, automatically changing sign faces, vehicles or other device of significant signage, or other hi-impact business promotion mechanisms non-digital in nature.
- t) Illuminated sign: A sign, non-digital in nature, with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- u) Incidental sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business;
- v) Monument sign: A sign mounted directly to the ground not supported by exposed posts or poles, which is architecturally designed and located less than two (2) feet from base of sign to ground where the base width dimension is at least as wide as the sign and has not more than two (2) signs and not greater than six (6) feet in total height;
- w) Nonconforming Sign: A sign that does not conform to the requirements of this section:
 - 1) Legal: A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto, but which does not conform to the regulations of this Ordinance;
 - 2) Illegal: A sign which was constructed after the passage of this Ordinance or amendments thereto, but which does not conform to the regulations of this Ordinance, or a sign which existed prior to the adoption of this sub-Ordinance which did not conform to regulations then in effect.
- x) Off-Premise Advertising Sign: Any sign used to advertise products, goods, services which are not exclusively related to the premises or owner of the property on which the sign is located.
- y) Pole Sign: A freestanding sign in excess of six (6) feet in height that is detached from a building which is supported by one or more structural elements which are either:
 - 1) architecturally dissimilar to the design of the primary structure or



- 2) less than ¼ the width of the sign faces.
- z) Portable sign: Any sign which meets one or more of the following conditions: movable, either by skids, wheels, truck, or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category; neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. Portable Signs and High Impact Signs are mutually exclusive. Portable sign are classified as temporary signs and are subject to the requirements in Section 22-6 of this ordinance.

aa) Project identification sign: A freestanding ground or wall sign identifying a recognized subdivision, condominium complex, or development;

bb) Projecting or flag mount sign: A sign, other than a flat wall sign, which is perpendicular to and projects from a building, is supported by a wall of a building where the leading edge extends more than twelve (12) inches beyond the surface of the wall. Any such sign that would project into a right-of-way must be accompanied by an encroachment permit.



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cc) Pylon Sign: A freestanding sign in excess of six (6) feet in height that is detached from a building and is supported by one or more structural elements which are architecturally similar in design to the primary structure.

dd) Real estate sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale;

ee) Roof sign: Any sign erected over or on the roof of a building;

ff) Sandwich board sign: A freestanding temporary sign with only two sides that are situated adjacent to a business with the intent to attract traffic to businesses. Sandwich board signs are not meant to be read by vehicular traffic. A sandwich board sign does not fall under the requirements for temporary signage.



gg) Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, good, or service;

hh) Sign Area: That area that includes;

- 1) the smallest rectangle around each line of copy for individually mounted letter signs
- 2) the entire face of a sign including the advertising surface and any framing, trim, or molding but not including the supporting structure for all other signs.

ii) Special Purpose Sign: A sign utilized to advertise for a publicly-owned establishment/use or an institutional establishment/use. Such establishments/uses include, but are not limited to, churches, museums, zoos, government buildings, schools, and parks. A special purpose sign may be located in any zoning district where the associated establishment/use is allowed or permitted otherwise.

jj) Stringer: A line of string, rope, cording, or an equivalent to which is attached a number of pennants;

kk) Temporary Sign: A movable sign, poles, posts, or other structure or apparatus intended to be erected for a short period of time and not permanently fastened to a foundation or other permanent structure. Reference Section 22-6.

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- ll) Wall sign: Shall mean a sign attached essentially parallel to and extending not more than twenty-four inches (24") from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and signs on a mansard;
- mm) Window sign: Shall mean a sign installed inside or outside a window and intended to be viewed from the outside.

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Section 22-3. General Provisions: Regulations encompassing all signs

- a) No sign permitted by this title shall, by reason of its location, color or intensity, lighting, glare, focus, animation or flashing create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", etc., unless such sign is needed to direct traffic on the premises. No sign may be placed in a manner as to materially impeded vision between a height of two and one-half (2 ½) feet and ten (10) feet above the center grade of the intersecting streets within thirty (30) feet to the point of curvature of the intersecting street curbs.
- b) All signs and sign structures shall be properly maintained in a safe, orderly condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.
- c) All signs shall be constructed in accordance with the City of Minot adopted building and electrical codes. The maximum brightness shall not exceed one hundred (100) foot- lamberts (A unit of brightness equal to 1/π candela per square foot).
- d) No sign shall be erected, placed or maintained on fences, trees, power and light poles or the supports thereof, except as allowed at special events. Signs on rocks shall be allowed if they use metal letters and numbers or the commercial message is etched into the surface of the rock.
- e) No signs shall be erected, temporarily placed, project within any, upon any public lands, easements or public rights of way, except as allowed under Section 22-11 Special Purpose Signs.
- f) Window signs shall not cover more than thirty-five percent (35%) of the window area on each elevation of a building. Holiday signs placed in windows shall be included in the thirty-five percent (35%) window area. All window signs shall be placed on the inside surface of the glass, except for window signs of paint or decal application applied directly to the glass surface.
- g) Commercial message of the sign shall be neat, orderly and not obscene. The signs shall be professionally prepared.
- h) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- i) Signs with external lighting shall have no exposed light sources or fixtures unless decorative fixtures are utilized and the light source is fully concealed and diffused. If a wall sign is mounted above the first floor of a building, the illumination, if any, shall be internal.
- j) The installation of electrical signs shall be subject to the State's Electrical Code.
 - 1) Electrical service to such sign shall be underground.
- k) All signs except billboard/off premise signs shall be located on the property that contains the principal building in which the sign is advertising. No freestanding sign shall be installed on vacant property.
- l) ~~Setbacks and Utility Easements - The leading edge of all freestanding, billboard and temporary~~

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signs shall be placed behind any property line located adjacent to public right of way, provided there is no existing utility easement. The leading edge of all freestanding, billboard and temporary signs shall be set back a minimum of ten (10) feet from interior side yard and rear yard lot lines, (except for C3 and Pylon signs). All pylon signs are subject to the same setback requirements as the principal building. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.

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Comment [CG42]: The proposed change needs to be discussed due to the fact that the change goes beyond the discussion of the Committee relative to interior side yard and rear yard lot lines and utility easements along these property lines.

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<#>Example using a 12 square foot sign.

<#>Measurement Distance = $\sqrt{(12 \text{ Sq. Ft.} \times 100)}$ = 34.6

All digital billboards and electronic message centers shall come equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.

m)

n) All electronic message centers or digital signs shall comply with the requirements for digital billboards as found in Section 22-14.

o) Any freestanding sign one hundred-fifty (150) square feet or above shall provide engineer structural plans stamped and signed by a professional engineer.

p) All signs shall be subject to the visibility triangle requirements as approved by the Traffic Engineer.

Section 22-4. Prohibited Signs (All districts):

- a) Signs painted on or attached to rocks, trees, or other natural objects.
- b) Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
- c) Signs on or overhanging public property or public right-of-way, unless specifically authorized by the appropriate public agency.
- d) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
- e) Abandoned Signs: Any abandoned sign (not in use, not containing a sign face) must be removed within six months of date of abandonment. Removal shall include removal of abandoned structural components.
- f) Signs that are not clean or in substantial good repair; or are not affixed to a sound structure.
- g) Signs advertising activities that are illegal under Federal, State, or local laws and regulations.
- h) Roof signs, except roof signs where allowed as a result of an approved deviation per section 22-17.
- i) Any sign which contains or consists of banners, bannerettes, pennants, ribbons, streamers, strings of light bulbs, balloons and hot or cold air inflatable devices, spinners, portable signs or similar outdoor advertising devices, except as may be approved by a special event permit in accordance with the provisions as set forth in section Section 22-6.
- j) Signs on motorized vehicles (not including advertising on a business owned vehicle) not related to activities of the site in which the vehicle is located. Example of such signage includes: stationary vehicles or semi-trailers and detached trailers with off-premise signs. Signs on vehicles utilized for public and private transit purposes (i.e. city buses, privately owned taxi cabs) are not prohibited.
- k) In an agricultural district no on or off-premise sign shall be installed, except for signs specific to the agricultural business.
- l) No off-premise signs other than billboards, temporary signs (subject to Section 22-6 regulations), or when accompanied by Interim Use permit are allowed by this ordinance.
- m) Temporary signs exceeding the time and location limitations set forth in Section 22-6.

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Section 22-5. Exempt Signs: (All districts)

- a) Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of twenty (20) square feet and are not located in a required sign setback.
- b) Real estate signs provided they meet the following requirements:
- c) Property for sale signs shall be wall or freestanding signs and shall be removed within ten (10) days after the closing of the property.
- d) Such signs shall be professionally designed. Freestanding signs shall be properly anchored into the ground.
- e) The content of the commercial message on these signs shall include an offer of the property for sale or lease, realty company name, contact information.
- f) Such signs shall measure no more than twelve (12) square feet in the Residential Districts and forty (40) square feet in all other districts.
- g) Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.
- i) Seasonal decorations for display on private or public property.
- j) On-premise construction signs with a maximum sign area of ten (10) square feet in residential districts and ninety-six (96) square feet in other districts. Such signs must be removed within one week after the completion of the construction project to which they refer.
- k) One (1) temporary sign per zoned lot for grand openings or special events provided that such sign remains in place for a maximum of seven (7) days.
- l) Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
- m) Residential signs below two (2) square feet in size (address sign)
 - 1) Subdivision identification signs under fifty (50) square feet.
 - 2) Street Address
 - 3) House Numbers
- n) Directional/information signs placed on a building wall not to exceed eight (8) square feet.

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

- a) Permitted in C1, C2, GMU, M1 and M2 districts based on the following regulations.
- b) No more than two (2) temporary signs (banner or portable sign) not exceeding,
 - 1) Forty-eight (48) total square feet in the C1, GMU, and M1 districts.
 - 2) One hundred and fifty (150) total square feet allowed in the C2 and M2 districts placed on an outside building wall (or tenant space in the case of multiple occupancy).
- c) Temporary signs shall not have more than two (2) faces.
- d) Each sign shall be allowed to be displayed for a maximum period of forty-five (45) days prior to a special event or holiday and shall be removed five (5) days following the event or holiday.
- e) Temporary signs shall be secured in a manner as to prevent them from being moved or blown over by the wind.
- f) Temporary signs shall be professionally made and constructed of durable, weather-resistant materials such as aluminum, plastic or wood finished surfaces and shall be maintained in good condition.

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- g) If any Temporary Sign is not removed by the end of the forty-five (45) day period, the City of Minot may remove it. The City may charge the costs of removal and storage to the individual or enterprise responsible or to the property owner.
- h) Temporary signs for non-profit civic campaigns or events, political campaigns, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:
 - 1) Such signs are installed no earlier than thirty (30) days before the date of the event or election and removed no later than seven (7) days after the date of the event or election.
 - 2) The maximum size of such signs is thirty-two (32) square feet when located in any R or C1 district; and one hundred (100) square feet in any other zoning district.
 - 3) Portable signs:
 - a. In the C2, 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 considered a temporary sign and required to follow the all regulations in this section governing the use of temporary signage.
 - b. May be displayed at a location for a period not to exceed thirty (30) consecutive days. Upon termination of the display, a portable sign may not be displayed again at the same location for an additional fourteen (14) days.
 - c. In no event may a portable sign be displayed at the same location for more than ninety-eight (98) days in any single calendar year.
 - 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, 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.
 - ii. Portable signs with blinking, flashing or fluttering lights or other illuminating devices which have a changing intensity; brightness or color may not be displayed within three hundred (300) feet of any residential zoning district.
- i) High Impact Signs: A high impact sign may be displayed for a period no longer than the following:
 - 1) In C2, 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.
 - 2) A high impact sign may not be displayed on a parcel upon which a portable sign is displayed; provided, however that a maximum of either:
 - a. two (2) high impact signs or;

one (1) portable sign and one (1) high impact sign may be displayed during any given period on a multi-tenant property containing three or more businesses as described.

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Section 22-7. Residential District Allowable Signage (R1(s), R2, RM, R3C, and RA)

- a) Two (2) special purpose signs shall be permitted for each applicable property and two (2) special purpose signs shall be permitted for each entrance to an applicable special purpose property, as described in Section 22-11, Special Purpose Signs.
- b) The name, address and/or logo portion of a special purpose sign shall not exceed forty-eight (48) square feet.
- c) Special purpose signs shall be constructed of durable, weather-resistant materials.
- d) Standard lighting of a special purpose sign shall be from either an external source directed at the sign, or from internal illumination. Lighting for the sign shall be so directed as to not interfere with the movement of traffic on adjacent roadways or be a nuisance to adjacent property owners with a timer that turns off the lighting during the hours of 10:00 p.m. until 6:00 a.m. Lighting for the sign shall be so directed as to not interfere with the movement of traffic on adjacent roadways or be a nuisance to adjacent property owners.
- e) Digital signs shall only be allowed for public or institutional uses. (e.g. church, school, etc.). Digital signs are allowed on a freestanding or wall sign provided the digital display does not exceed seventy percent (70%) of the total sign area per primary sign face (no more than two sign faces). The display message shall not change more than once every two (2) second interval. During the hours of 10:00 p.m. and 6:00 a.m. the message shall remain as a single static message. Digital display shall comply with requirements in Section 22-15 b)-e).

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<#>Sandwich Board Signs: Sandwich board signs are two (2) sided temporary signs which are allowed by annual permit only. Sandwich board signs may be no more than three (3) feet in width and four (4) feet in height and must be located within twenty (20) feet of the main entrance to the business they advertise. Sandwich board signs must be placed upon private property, leaving a minimum of four (4) feet of clearance for pedestrian access. Sandwich board signs may not be placed upon the public sidewalk, except in the Central Business District. Sandwich board signs may be used only during business hours and must be removed daily. ¶

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

- a) Freestanding sign:
 - 1) One (1) freestanding sign is allowed per business establishment, provided that no more than two (2) business establishments are located on the same lot. Where more than two (2) business establishments are located on the same lot, and an additional freestanding sign is sought, a site plan must be submitted to the Planning Commission for review as a Conditional Use Permit. However, in multi-use establishments it is strongly recommended that a common sign be shared by all business establishments. In addition to one freestanding/pole or monument/ground sign, a business establishment may have one projecting or wall sign.
 - 2) Shall not exceed forty-five (45) feet in height.
 - 3) The sign face shall not exceed three (3) square feet per one (1) foot of lot frontage where the sign is to be placed, up to a maximum of one hundred-fifty (150) square feet (primary cabinet); but in any event, fifty (50) square feet is permitted. A secondary tenant and/or digital display panel (following the requirements in item d below) shall be permitted up to eighty percent (80%) of the primary cabinet sign area.
 - 4) The minimum freestanding sign height clearance to the bottom of the sign, including the cross bracing, framing or sign enclosure, shall be fourteen (14) feet, or ten (10) feet with ground protection.

5) ~~The leading edge of all freestanding signs or monument/ground signs shall be placed behind any property line located adjacent to public right of way, provided there is no existing utility easement. The leading edge of all freestanding signs or monument/ground signs shall be set back a minimum of ten (10) feet from interior side yard and rear yard lot lines. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.~~

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Comment [CG43]: The proposed change needs to be discussed due to the fact that the change goes beyond the discussion of the Committee relative to interior side yard and rear yard lot lines and utility easements along these property lines.

6) Freestanding directional/information signs may be installed within the interior of a site and shall not to exceed eight (8) square feet and not greater than forty-two (42) inches in height.

b) 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 or GMU district. c) Wall signs:

c) Wall signs:

- 1) Wall signs may be erected with a sign face not exceeding the larger of twenty percent (20%) of the façade to which it is attached or sixty (60) square feet up to a maximum of two hundred (200) square feet.
- 2) Total sign area allowed can be divided into multiple signs.
- 3) Digital wall signs shall meet the standards in item d) below.
- 4) The sign(s) shall not extend above the top of the wall or façade to which it is attached.

d) Digital signs:

1) Digital signs are allowed ~~as a freestanding or wall sign.~~ The display message shall not change more than once every one (1) second interval. Digital display shall comply with requirements in ~~Section 22-14 b)-e).~~

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Section 22-9. Signage Permitted within the C3 District:

a) Freestanding sign:

- 1) One (1) freestanding sign is allowed per business establishment, provided that no more than two (2) business establishments are located on the same lot. Where more than two (2) business establishments are located on the same lot, and an additional freestanding sign is sought, a site plan must be submitted to the Planning Commission for review as a Conditional Use Permit. However, in multi-use establishments it is strongly recommended that a common sign be shared by all business establishments. In addition to one freestanding/pole or monument/ground sign, a business establishment may have one projecting or wall sign.
- 2) Freestanding signs shall not exceed forty-five (45) feet in height. The sign face shall not exceed one and one-half (1.5) square feet per one (1) foot of lot frontage where the sign is to be placed, up to a maximum of one hundred (100) square feet (primary cabinet); but in any event, sixty (60) square feet is permitted. A secondary tenant or digital display panel (following the requirements in item d below) shall be permitted up to fifty (50) percent of the primary cabinet sign area

b) Wall signage:

- 1) Signs must be within a horizontal band no more than three feet (3') in height, at least ten feet (10') and no more than fifteen feet (15') above the ground.
- 2) Wall signage shall be either:
 - a. Attached to the wall: Flat and parallel to the surface of the building and projecting no more than one foot (1') from it, or
 - b. Projecting from the wall: Perpendicular to the surface of the building and no more than one foot (1') in thickness.
- 3) Attached wall signage shall consist of individual letters or script logos mounted on the building.

c) Projecting or Flag signs:

- 1) Projecting or Flag 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 may not extend over a public right of way or public property unless by permit issued by the City Council. Projecting signs may not extend over a designated parking space or loading area.

- 2) Allowable area of wall signs is one and one-half (1 1/2) square feet of signage per linear foot of building frontage on a public street, public open space, or private parking area. Each wall shall be calculated individually and sign area may not be transferred to another side of the building. In calculating the total allowable area of wall signage, only one side of a two (2) sided projecting sign shall be counted. In calculating the amount of signage for tenants in a multi-tenant building, the exterior facade adjacent to the individual tenant bay shall be the basis for calculating the maximum area of signage allowed for that tenant.

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d) Digital Display Requirements for freestanding signs:

- 1) Digital signs are allowed on a freestanding or wall sign provided the digital display does not exceed eighty percent (80%) of the total primary sign area per sign face (no more than two sign faces). The display message shall not change more than once every one (1) second interval. Digital display shall comply with requirements in Section 22-15 b)-e).

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- e) Sandwich Board Signs: Sandwich board signs are two (2) sided temporary signs placed outside of a building. Sandwich board signs may be no more than three (3) feet in width and four (4) feet in height and must be located within twenty (20) feet of the main entrance to the business they advertise. Sandwich board signs must be placed upon private property, leaving a minimum of four (4) feet of clearance for pedestrian access. Sandwich board signs may be used only during business hours and must be removed daily. No banners, flag, balloons may be attached to the sandwich board sign. One sandwich board sign is allowed per business establishment.

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Section 22-10, Industrial Districts Allowable Signage (M1, M2, M3, M4):

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a) Freestanding sign or monument/ground sign:

- 1) One (1) freestanding sign or is allowed per business establishment, provided that no more than two (2) business establishments are located on the same lot. Where more than two (2) business establishments are located on the same lot, and an additional freestanding sign is sought, a site plan must be submitted to the

Planning Commission for review as a Conditional Use Permit. However, in multi-use establishments it is strongly recommended that a common sign be shared by all business establishments. In addition to one freestanding or monument/ground sign, a business establishment may have one projecting or wall sign.

- 2) Freestanding signs shall not exceed fifty (50) feet in height on local roads and collectors and seventy-five (75) feet when facing an arterial or principle roadway. Monument signs shall not exceed six (6) feet in height. The sign face shall not exceed three (3) square feet per one (1) foot of lot frontage where the sign is to be placed, up to a maximum of two hundred-fifty (250) square feet (primary cabinet); but in any event, sixty (60) square feet is permitted. A secondary tenant or digital display panel (following the requirements in item d below) shall be permitted up to sixty (60) percent of the primary cabinet sign area.
- 3) The minimum freestanding sign height clearance to the bottom of the sign, including the cross bracing, framing or sign enclosure, shall be fourteen (14) feet, or ten (10) feet with ground protection.
- 4) All freestanding signs shall be subject to sight triangle requirements as approved by the Traffic Engineer.
- 5) Any freestanding sign one hundred-fifty (150) square feet or above shall provide engineer structural plans stamped and signed by a professional engineer.

b) Projecting/flag mount signs:

- 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.

c) Wall signs:

- 1) Wall signs may be erected with a sign face not exceeding the larger of twenty percent (20%) of the façade to which it is attached or sixty (60) square feet up to a maximum of two hundred (200) square feet.
- 2) Total sign area allowed can be divided into multiple signs.
- 3) The sign(s) shall not extend above the top of the wall or façade to which it is attached. Digital wall signs shall meet the standards in item d) below.

d) Digital signs

- 1) Digital signs are allowed as a freestanding or wall sign. The display message shall not change more than once every one (1) second interval. Digital display shall comply with requirements in Section 22-14 b)-e).

Comment [CG44]: This is included in the general provisions section in Section 22-3 o. Does it need to be repeated here? It isn't included in any of the other districts.

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Section 22-11. Special Purpose Sign Regulations:

- a) Except for special purpose signs in residential districts (R1(s), R2, RM, R3C, and RA), special purpose signs (for public and institutional uses such as churches, schools, and parks) shall comply with the requirements of Section 22-8. Special purpose signs in residential districts (R1(s), R2, RM, R3C, and RA) shall comply with the sign requirements specified in Section 22-7.

Section 22-12. Billboards Advertising:

- a) Billboards are permitted only upon properties zoned C2 (General Commercial), M1 (Light Industrial), M2 (Heavy Industrial), and M3 (Office Park) and along 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.
- b) The applicant shall provide documentation of landowner approval prior to the issuance of a sign permit for a billboard.
- c) A city issued Sign Permit shall be required for approval of a billboard pursuant to this ordinance. A Sign Permit must be obtained to convert a static billboard (billboard that is not digital) to a digital billboard. Submitted with the completed Sign Permit application shall be:
- 1) A detailed site plan showing:
 - a. The latitude/longitude coordinates accurate within 18" for the proposed sign structure.
 - b. All property lot lines.
 - c. All easements.
 - d. Sign setbacks from the subject property lot lines.
 - e. All public streets with names.
 - f. The location of existing residential and commercial structures within three hundred (300) feet of the proposed site.
 - g. All additional relevant surrounding information. (i.e. parks, churches, schools, etc.)
 - 2) Signed, and sealed detailed engineering plans for the sign structure.
 - 3) Signed North Dakota Department of Transportation permit for the proposed site, if applicable.
 - 4) Documentation of landowner approval for billboard placement.
 - 5) Nonrefundable required City of Minot application fee.
- d) All billboards shall comply with all applicable building codes and must be reviewed by the Building Official prior to installation of a billboard.
- 1) General:
 - a. The following signs are exempt from the requirements of building code review before erection.
 - i. Painted nonilluminated signs.
 - ii. Temporary signs announcing the sale or rent of property.
 - iii. Signs erected by transportation authorities.
 - 2) Where a building code review is required:
 - a. Design documents shall be prepared by a Registered Design Professional. documents shall show the dimensions, material and required details of construction, including loads, stresses, anchors and foundation.
 - b. Signs shall be designed and constructed to withstand wind pressures up to 115-90 mph, snow loads, seismic loads and working stress as specified in Chapter 16, 2012 IBC, the working stress shall not exceed 25 % of the ultimate strength of rope or fasteners, and shall not exceed 1/4 of the ultimate strength of chains, guys or steel cables.

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c. Foundations shall be designed and constructed in accordance with Sections 1808.2 through 1808.9, 2012 IBC.

3) Geotechnical Design:

a. Questionable soil: Where the classification, strength or compressibility of the soil is in doubt or where a load-bearing value superior to that specified in this code is claimed, or where expansive soil exists, the building official shall be permitted to require that a geotechnical investigation be conducted.

b. When required by the building official, geotechnical investigations shall be conducted in accordance with Sections 1803.2 and 1803.3 and reported in accordance with Section 1803.6 IBC 2012.

c. Exception: The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11, 2012 IBC.

4) Electrical Service: Signs that require electrical service shall comply with NFPA 70, And 2014 NEC.

e) The owner shall place and maintain on such billboard the name of the person owning, in charge of, or in control of, said billboard.

f) The maximum sign size shall be six hundred and seventy-two (672) square feet (as the sign base). An additional amount, up to twenty percent (20%) of the sign base, shall be allowed for sign extension elements beyond the sign base.

g) The maximum sign height to the uppermost portion shall be fifty (50) feet.

h) The leading edge of all billboards shall be placed behind any property line located adjacent to public right of way, provided there is no existing utility easement. The leading edge of all billboards shall be set back a minimum of ten (10) feet from interior side yard and rear yard lot lines. In all cases, sign placement shall avoid utility easements unless documented permission from each applicable utility company is provided stating the utility entity's agreement with placement of the sign within the easement.

i) No portion of the sign shall overhang into any right-of-way or recorded easement.

j) Billboards shall be a single support, metal structure free of any additional supports or guywires. The metal shall be either painted or treated in such a manner as to prevent deterioration.

k) Billboards shall have a maximum of two (2) faces.

l) Billboards signs, including mounting pole and devices, shall be located inside of the outside edge of the roadway easement in which the billboard sign is located.

Section 22-13, Billboard Sign Spacing Requirement:

No off-premise sign or digital billboard shall be placed in a location that causes it to violate any of the following spacing requirements:

a) Sensitive Land Uses: A sensitive land use is considered residential, public, institutional or mixed-use zoning districts. Any such land use shall be a distance of at least three hundred (300) feet from a billboard/off-premise sign, as measured from the closet point of the sign to

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the property line of the sensitive land use or zoning district, as measure along the curb line of the street along the same side of the street in which the sign is oriented, unless one or more structures or objects obstructs the view of all or substantially all the sign from such residences, religious institutions, parks or schools.

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b) Spacing between off-premise signs shall be at least five hundred (500) feet of another billboard.

c) Billboards shall be located at least five hundred (500) feet from the nearest right of way of a US Highway interchange.

d) Digital Billboards: Spacing between digital billboards shall be at least one thousand two hundred (1,200) feet.

e) All distances as provided in this section shall be measured radially from the center of the pole.

Section 22-14. Digital Billboards:

Digital billboards are subject to the following additional conditions:

a) Hold Time: Signs shall display a static message which message may not change or be changed for a period of at least seven (7) seconds.

b) Message Transitions: The transition from one such static message to the next shall occur instantaneously (one second or less) without the use of animation, flashing or frame effects.

c) Sign Brightness: Digital billboards shall come equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.

d) Maximum brightness levels for digital billboards shall not exceed .3 (three tenths) foot-candles over ambient light levels measured at a preset distance as described in the following table:

Size of Sign in Total Square Feet	Distance from Sign*
0 – 350	150 feet
351-650	200 feet
Over 650	250 feet
*If sign cannot be measured at pre-set distance, the sign shall be measured as near as practical to pre-set distance.	

Prior to issuance of a Sign Permit, certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be required by the City in its reasonable discretion.

e) Brightness of digital billboards shall be measured as follows:

1) At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This shall be done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

2) The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

3) If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.

Section 22-15. General Permit Procedures:

- a) Applicability: Any installation, modification, or expansion of any nonconforming or conforming sign which is not exempt from the provisions of this Ordinance shall be subject to the following permit procedure prior to installation. Billboards that are static or not digital must obtain a sign permit and comply with all of the terms of the City Zoning Ordinance in order to change to a digital billboard.
- b) Sign permits shall be issued for individually zoned lots. A sign permit may be revoked if the sign is not maintained in good condition.
- c) Sign Permit Applications. All applications for sign permits shall be submitted to the Building Official in accordance with application specifications established by the Building Official.
- d) Application Fees: Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution. All application fees are nonrefundable.
- e) Permit Expiration: If a sign is not constructed in accordance with an approved permit within twelve months of the date of approval, such permit shall lapse.
- f) Assignment of Sign Permits: A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

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<#> No electronic message center shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. Measuring distance shall be calculated with the following formula: The square root of the product of the sign area and one-hundred. ¶

¶ Example using a 12 square foot sign: ¶

¶ Measurement Distance = $\sqrt{(12 \text{ Sq. Ft.} \times 100)}$ = 34.6 ¶

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Section 22-16. Nonconforming Signs:

- a) All permanent signs in place and lawfully established on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.
- b) Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than fifty percent (50%) of its replacement cost, shall be either removed or altered so as to comply with this Section.

Section 22-17. Deviations to Sign Regulations:

- a) The Planning Director shall have the authority to grant administrative approval for minor deviations to sign height and sign placement, provided:
 - 1) The deviations do not exceed ten (10) percent of the basic requirement; and
 - 2) The deviation is based on a hardship problem with the site, existing building placements, or poor site visibility, and not based on economic factors or personal design preferences.
 - 3) The deviation has been reviewed by the City Engineer and does not pose a threat to health and safety of the public.
 - 4) The Planning Director, with copy to the City Engineer, will issue a written statement of approval or denial of the deviation request. If a request is denied by the Planning Director, the applicant may choose to file a variance pursuant to Section 30-2.
- b) A request for adjustments beyond ten (10) percent shall be processed as a variance pursuant to Section 30-2.

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Regular Meeting: Planning Commission Committee

Location: City Hall, Council Chambers, 515 2nd Avenue SW, City of Minot, ND

Meeting Called to Order: April 25, 2016 at 6:32 p.m.

Presiding Official: Vice Chair Pam Karpenko

City Clerk: Kelly Mataalka

Members in Attendance: Wallace Berning, Jon Hanson, Larry Holbach, Brenden Howe, Pam Karpenko, Todd Koop, Kevin Mehrer, Tyler Neether, Todd Wegenast, Travis Zabloutney

Members Absent: Jody Bullinger, Bob Wetzler, John Zimmerman

City Staff Present: Asst. City Planner, City Attorney, City Engineer, Assistant City Engineer, Chief Resilience Officer, Traffic Engineer, Building Official, Public Works Director, Asst. Public Works Director, Police Chief, Public Information Officer.

Others Present: Aldermen Connole, Hatlelid, Hedberg, Olson, Pankow, Schuler, Shomento, and others.

Meeting Called to order by Vice Chair Pam Karpenko

Prior to the regular agenda, the Assistant City Planner took time to educate the Commissioners on a section of the Zoning Ordinance regarding legally non-conforming lots. She stated, as soon as a subdivision is requested with a zone change the lot must be brought into compliance with the current zoning ordinance. There have been several requests recently to waive conditions that are simply attempting to comply with the City ordinance.

Approval of the March 28, 2016 Regular Meeting Minutes.

Motion by Neether, seconded by Koop, to approve the March 28, 2016 regular meeting minutes, and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast, Zabloutney. nays: none

Motion passed

RECOMMENDATIONS

Approval of Agenda Items 1, 3 & 4 included in the Consent Agenda.

Motion by Wegenast, to approve items 1, 3 & 4 on consent.

Motion failed due to lack of a second

Approval of Agenda Items 3 & 4 included in the Consent Agenda

Motion by Wegenast, seconded by Neether, to approve consent items with staff finding of fact(s) and condition (s); and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast. nays: none. abstain: Zabloutney

Motion passed.

Item # 1:

The City Council approve an application by Ed and Paulette Nush to subdivide Glacial Point Addition, Lots 35 & 36 into 2 lots to be known as Glacial Point 3rd Addition, Lots 1 & 2 for a lot line adjustment.

This property is located at 1108 & 1112 Glacial Drive.

Finding of Facts:

1. Subject property is zoned R1, Single Family Residential.
2. Proposed subdivision meets the R1 zoning lot size requirements.

Condition (if approved):

1. Sidewalks will be required.

Paulette and Ed Nush came before the Commission to explain their application. Paulette stated they are trying to straighten the property line between their property and their neighbor's and they are looking for a waiver for the condition that requires sidewalks.

Upon questioning by Commissioner Zabloutney, Mr. Nush replied, the purpose of replatting the property is because they thought the line was adjusted in 1982 but recently found out, half of his shed is located on his neighbor's property.

The City Engineer stated, when an existing subdivision is replatted, it must be brought into compliance with the current City ordinance. Staff cannot waive the requirement, it must be approved by Council. He continued by saying, the Commission can act on the item tonight and recommends the Nush's speak to their Alderman to have the item pulled and discussed at the City Council meeting.

Upon Questioning by Commissioner Zabloutney, the City Engineer stated, all setback requirements are compliant.

Mr. Cromwell spoke in favor of the waiver for the sidewalk requirement, explaining there are no other properties in the neighborhood with sidewalks.

Whereupon a vote was taken on the motion by Neether, seconded by Koop, to approve the item with staff finding of fact(s) and condition(s); and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast, Zabloutney. nays: none

Motion passed.

Item #2:

The City Council approve an application by Jay Lundeen, represented by KLJ-Brice Nelson, to subdivide Northdale 3rd Addition, Lots 1 & 2 plus ½ vacated alley; Polaris Addition, Lot 1; Northgate Subdivision, Lot 2 into three lots to be known as Lundeen's Addition, Lots 1-3 for the purpose of expanding a current business.

Also, to change the zone from C2 (General Commercial) District and R3 (Multiple Residence) District to C2 (General Commercial) District on proposed Lundeen's Addition, Lot 1. Also, to change the zone from R3 (Multiple Residence) District and C2 (General Commercial) District to R3 (Multiple Residence) District on proposed Lundeen's Addition, Lot 3. Proposed Lundeen's Addition, Lot 2 will remain C2 (General Commercial) District.

Also, the Planning Commission approve a variance to the required landscaping and buffer per Section 24-1 h) on proposed Lundeen's Addition, Lot 1.

This property is located at 2705 & 2911 N Broadway and 300 27th Ave NW.

Finding of Facts:

1. Property rights enjoyed by others

Conditions (if approved):

1. Sidewalks will be required on proposed Lundeen's Addition, Lot 1 - 3
2. Buffer would be required along the north portion of Lot 1 and there will be a requirement to remove the fence and plant grass on Lot 1.
3. A detailed drawing of existing and proposed easements on all properties to be included in the replat. Drawing must show easement type, width, and location.

Brice Nelson of KLJ, came forward to represent their client, Jay Lundeen. He explained the purpose of the request is to create a space for the company to drive on and store vehicles while they are waiting to be worked on. It would be located around the back of the building and would be surrounded by a privacy fence in order to prevent neighboring residents from having to see all of the vehicles. He stated the proposed area is not large enough for landscaping but he would install a privacy fence instead. The variance is being requested in order to remove the landscape requirement and change the buffer from 20' of required space to a 10' buffer on the back of the lot.

Jay Lundeen stated he has made arrangements with both of his neighbors to swap land in order to expand the width of the vacated alley behind the business. He shared the letters of written consent from the property owners and explained they would exchange equal quantities of land but in areas more beneficial to each property. He continued by saying, the zone changes would be required so that the swap of land would correlate with the current zoning. They want to be able to keep the vehicles behind the shop rather than in front of it. By shifting the vehicles to the back of the building, it would create a 200' by 300' area in the front for grass and development and would be more aesthetically pleasing.

The Assistant City Planner explained the staff's concerns with the requests by Mr. Lundeen. She stated the fence would not be a sufficient substitute for landscaping since there is a two story building that

PLANNING COMMISSION

Regular Meeting

April 25, 2016

Page 4 of 7

would see over it. She also explained, the C2 zone does not permit outside storage for vehicles. She continued by saying, according to the zoning ordinance, the zone change for the swap of land would require a 20' buffer and has a sidewalk requirement.

Upon protest by Mr. Lundeen to the fact that all shops in Minot store vehicles outside, the Assistant City Planner stated the Commission is there to consider the application before them using the applicable ordinance. Mr. Lundeen's application includes a subdivision and therefore is required to comply with the current ordinance as it is an illegally non-conforming lot.

Upon questioning by Commissioner Neether, Mr. Lundeen stated he will pave the alleyway if necessary. He also said the fencing will go all the way to the northwest corner of the lot where a restaurant will potentially go. The applicant is proposing Lot 2 to be a future restaurant and Lot 1 to be a storage yard with a major repair shop.

Commissioner Zablotney also stated for the record that the C2 requirements should be analyzed to consider the repair shops in town that cannot comply with the requirement that vehicles are not permitted to be stored outside. Vice Chair Karpenko stated the Steering Committee will review those requirements at their next meeting.

Motion by Zablotney, seconded by Mehrer, to approve the request to finding of fact(s) and condition(s); and was carried by the following roll call vote: ayes: Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Zablotney. nays: Berning, Wegenast

Motion passed.

Item # 3: As part of a consent motion, it is recommended

The City Council approve an application by Sue Zane T. Durand to subdivide Outlot 11 and an unplatted portion of the S1/2NW1/4, Section 5-154-82 into 3 lots to be known as Meadowbrook Estates 9th Addition, Lots 1-3.

Also, to change the zone from AG (Agricultural) District to R1 (Single Family Residential) District on proposed Meadowbrook Estates 9th Addition, Lots 2 & 3. Proposed Meadowbrook Estates 9th Addition, Lot 1 will remain AG.

This property is located along 27th St SE and north of 43rd Ave SE.

Finding of Facts:

1. Subject property is zoned AG, Agricultural District.
2. Proposed subdivision meets both R1 and AG zoning district lot size requirements.
3. The subject property is guided Low Density Residential by the Comprehensive Plan and Future Land Use Map.

Conditions (if approved):

1. Storm Water Management Plans will be required and approved by the City Engineer and Ward County Water Resource Board.
2. 27th St SE shall be constructed to township standards from 43rd Ave to the north most

- driveway.
3. Sidewalks will be required when roadways are built to urban road standards.
 4. A Rural Septic Sewer study will be required.

Motion by Wegenast, seconded by Neether, to approve consent items with staff finding of fact(s) and condition (s); and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast. nays: none. abstain: Zabloutney

Item # 4: As part of a consent motion, it is recommended

The City Council approve an application by Earl Allen, Jr. represented by Tim Knutson to subdivide West Minot, Block 22; and Outlot A, Section 23-155-83 into 5 lots to be known as Oak Park Village, Lots 1-5.

This property is the Oak Park Shopping Center; along 4th Ave NW, just north of Oak Park.

Finding of Facts:

3. Subject property is zoned C2, General Commercial.
4. Proposed subdivision meets the C2 zoning district lot size requirements.

Conditions (if approved):

2. 30' access easement would be dedicated for river access.
3. Sidewalks will need to be repaired if damaged.
4. Recorded cross parking agreement will be required.

Motion by Wegenast, seconded by Neether, to approve consent items with staff finding of fact(s) and condition (s); and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast. nays: none. abstain: Zabloutney

Motion passed

Item #5:

The City Council approve an application by JaCraig Partners, represented by Jay Stein, for an appeal to approve a variance to the building design requirements as stated in Section 15-9 of the Zoning Ordinance to construct a building approximately 100' x 60' on Outlot 70 less Lot A, Section 21-155-82.

This property is located at 205 42nd St SE.

Finding of Facts:

1. The subject property is zoned M2 Heavy Industrial District Special Use Permit. With a Special Use Permit to place two above ground fuel tanks, 1,000 gallon of diesel fuel and 100 gallons of methanol.
2. The proposed building is an allowable use within the M2 zoning district.
3. The request demonstrates a hardship on a legal-non confirming lot as a property right enjoyed by others.

Conditions (if approved):

1. 10% of the proposed new CUP landscaping will be required and approved by the Planning Department.
2. The applicant will have to provide the 10% landscaping from the previously approved CUP.
3. Pond and erosion control measures on site need to be brought into compliance with storm water management plan.

Craig Stein of JaCraig Partners came before the Commission to appeal their request for a variance under the basis of property rights enjoyed by others. He explained, as he did in the previous meeting, their company began adding buildings to their property in 2008 in a location zoned heavy industrial. They have been in compliance in the past and want to construct another building in the same material and design as the others. He listed examples of properties with buildings along public roads that have the same design that he is proposing. He then stated, exposed fasteners are a common building practice and he should be permitted to use them.

The City Attorney reminded the Commission, they can make a recommendation to forward to Council but since it is an appeal, City Council will make the final decision.

Commissioner Zablotney stated for the record, there may be an appropriate exception to consider including in the ordinance to refine the language in order to make this type of situation a legal use. He stated, for the application before them, external fasteners will be permitted on the building.

Motion by Zablotney, seconded by Koop, to approve the item with staff finding of fact(s) and condition(s); and was carried by the following roll call vote: ayes: Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast, Zablotney. nays: Berning

Motion passed.

Item # 6:

The City Council approve an application by Lenny Behm represented by Ackerman-Estvold Engineering to subdivide Trestle Ridge 2nd Addition, Lot 1 into 4 lots to be known as Trestle Ridge 4th Addition, Lots 1-4.

Also, to change the zone from AG (Agricultural) District to RA (Agricultural Residential) District on proposed Trestle Ridge 4th Addition, Lots 2-4. Proposed Lot 1 will remain AG (Agricultural)

This property is located between 61st and 62nd St SW and north of 16th Ave SW.

Finding of Facts:

1. Subject property is zoned AG, Agricultural District.
2. Proposed subdivision meets both RA and AG zoning district lot size requirements.

Conditions (if approved):

1. Access will be granted to lots on 61st St SW only.

PLANNING COMMISSION

Regular Meeting

April 25, 2016

Page 7 of 7

2. Any roadway improvements constructed to township standards.
3. Storm Water Management Plans will be required and approved by the City Engineer and Ward County Water Resource Board.
4. Sidewalks will be required when roadways are built to urban road standards.
5. A Rural Septic Sewer study will be required.

The City Engineer explained, this item was pulled because there was an error in the agenda regarding the zone changes. Sean Weeks of Ackerman Estvold clarified, proposed lots 2, 3, and 4 will be zoned RA, and proposed lot 1 will remain AG.

Motion by Wegenast, seconded by Koop, to approve the item with staff finding of fact(s) and condition(s); and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast, Zablotney. nays: none.

Motion passed.

Item #7:

The Planning Commission put the public hearing on hold until next month, regarding amendments to the Zoning Code of Ordinances.

Alderman Pankow explained there will be a presentation next month to better explain all of the changes that will be addressed in the amended ordinance.

Motion by Neether, seconded by Koop, to hold the item; and was carried by the following roll call vote: ayes: Berning, Hanson, Holbach, Howe, Karpenko, Koop, Mehrer, Neether, Wegenast, Zablotney. nays: none.

Motion Passed

Meeting adjourned at 7:39 pm.