



Planning Commission Staff Report

Application Date: 01/24/2024

Staff Contact: Doug Diedrichsen, Principal Planner

Date of Staff Report: 03/12/2024

Staff Recommendation: Approval

Planning Commission Meeting: 04/02/2024

Case Number: 2024-02-04

Owners: N/a

Project Name: Text Amendment – Spring 2024

Representative: Brian Billingsley,

Current Legal Description: N/a

Community and Economic

Proposed Legal Description: N/a

Development Director, City of Minot

Present Address: N/a

Entitlements Requested: Amendment to the
Land Development Ordinance of the City of
Minot

Present Zone(s): N/a

Proposed Zone(s): N/a

Present Use(s): N/a

Proposed Use(s): N/a

Uses Allowed in Present Zone(s): N/a

Uses Allowed in Proposed Zone(s): N/a

Present Future Land Use Map Designation: N/a

Proposed Future Land Use Map Designation: N/a

PROJECT DESCRIPTION:

Public hearing request by Brian Billingsley, Community Development Director for a text amendment to the Land Development Ordinance of the City of Minot. The proposed code changes pertain to the following sections: Table 9.1-2 to allow additional sign square footage for building with five (5) or more stories in the “CBD” Central Business District and “P” Public District, Section 4.1-6 C clarifying language regarding Sales or Service of

Industrial, Agricultural, and Construction Equipment and Semi-Trucks; Section 10.3-13. B. 3. Clarifying language regarding public utilities easements. Chapter 2.3. Adding a definition for Pet Overnight Boarding Facilities (Up to 5) and Pet Overnight Boarding Facilities (6+), use categories will be added to the Use Table in the Minot Land Development Ordinance for both of these new uses; Section 4.1-6. N-O clarifying language concerning Kennels and Veterinary Clinics with Overnight Boarding Facilities and adding language regarding Pet Overnight Boarding Facilities; The proposed changes are provided in **Exhibit 1**.

BACKGROUND INFORMATION:

The proposed text amendments are part of a “clean-up” ordinance that is performed, at a minimum, once annually.

The text amendments, including a brief explanation for each of the respective four (4) changes, may be found in **Exhibit 1**.

STAFF ANALYSIS:

Amendment to the Land Development Ordinance of the City of Minot Analysis:

Section 9.1-8 of the Land Development Ordinance of the City of Minot (LDO) provides the procedures for amending the LDO. Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. The applicant has submitted the necessary application documents required per Section 9.1-7 C. and noticing has been conducted as required per Section 9.2.

Section 9.1-8 I. requires the Planning Commission and City Council to find the following, as applicable:

1. The amendment must not adversely affect the public health, safety, or welfare.
2. The amendment is supported by a strategy, recommendation, or other concepts from the Comprehensive Plan.
3. The amendment is necessary because of changed social or economic conditions in the areas affected.
4. The amendment is necessary to improve the ordinance by introducing best practices or makes the ordinance easier to understand and use by the public.

Staff provides the following guidance:

Staff finds Section 9.1-8 I. 1. is applicable and satisfied, as the proposed changes aim to address concerns that have been brought to the attention of staff over time, providing paths forward for new uses and/or reducing requirements for redevelopment when certain site characteristics exist. The changes will not adversely affect the public health, safety, and/or welfare in each instance.

Section 9.1-8. I. 2. is not applicable. While the Comprehensive Plan generally speaks to zoning, the proposed changes do not specifically fulfill any of the objectives and simultaneously are not deterred by, or interfere with, the fulfillment of the Comprehensive Plan.

Section 9.1-8. I. 3. is applicable, in part, and satisfied. Proposed Change #2 of Exhibit 1 makes changes to language that has proven to deter some businesses that specialize in the sales and service of large machinery from locating in appropriate areas within the zoning jurisdiction of the City of Minot.

Section 9.1-8. I. 4. is applicable and satisfied, as the proposed changes are an effort to ensure that known potential inhibitors to development are not replicated the subsequent building season. The proposed changes will make the code easier to understand and use by the public.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and no comments were received.

FINDINGS OF FACT:

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

- 1) The applicant has submitted a complete application.
- 2) Section 9.1-8 I. 1., 3., and 4. are applicable and satisfied as noted in the Staff Analysis section of staff's written report.
- 3) Section 9.1-8 I. 2. is not applicable.
- 4) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the zoning text amendment as provided in Exhibit 1.

March 2024 Proposed Land Development Ordinance Text Amendments

Amendment #1

Table 9.1-2 is proposed to be amended as follows:

	Table 9.1-2 Master Sign Plan Budget Calculation						
	Zoning Districts						
	AG	RR, R1, R1S, R2	R3C, RM, RH, MH	C1, GMU	C2, C4	CBD, P	M1, M2, OP
Multiplier for Calculated Permitted Sign Budget	0.05	1	1	0.75	1.5	1.5	2
Maximum Permitted Sign Budget	RU: 4 sqft NRU: 200 sqft	RU: 2 sqft NRU: 200 sqft	RU: 2 sqft NRU: 200 sqft	800 sqft	800 sqft	<u>4 stories</u> <u>or</u> <u>shorter:</u> 500 sqft; <u>5 stories</u> <u>or taller:</u> 900 sqft	800 sqft
<p>RU - Residential uses: Includes all residential uses plus permitted home based businesses and excludes multi-family and manufactured home park use types.</p> <p>NRU - Non-residential uses: Includes all non-residential uses plus multi-family and manufactured home park use types.</p>							

Amendment #2

Section 4.1-6 C. is proposed to be amended as follows:

A. Sales or Service of Industrial, Agriculture, and Construction Equipment and Semi-Trucks

1. C2 District:
 - a. Shall have a principal structure on the lot. In cases where multiple lots are proposed for open sales, only one of the lots is required to have a principal structure on the lot if all lots are contiguous to one another, under common ownership and used for the same business operating from the principal structure. Typical commercial site development standards, such as, but not limited to such requirements as; hard-surface, grass, or gravel parking, concrete curb and gutter, landscaping, lighting, storm drain, public sidewalks and similar as requested by Staff, Planning Commission and/or City Council shall be required of the adjacent lot(s) to the primary business before the lot(s) can be used for display or storage of inventory, even if no building is required on the lot(s).
 - b. Vehicles for sale, lease, or rental shall be parked on a paved surface that conforms to

Article 6.

- i. No outside repair or maintenance of vehicles.
- ii. Parking lot landscaping shall comply with all requirements of Article 6 and Article 7.
- iii. The use of outdoor speaker systems shall be limited to the hours of 7 AM and 10 PM.
- iv. Delivery and loading hours shall be limited to the hours of 7 AM and 10 PM for all open sales/rental lots that abut or are across the street from a residential use. No idling trucks shall be permitted outside of approved delivery hours.

Amendment #3

Section 10.3-13 B.3 is proposed to be added to the Land Development Ordinance as follows:

3. A public utility easement ten feet (10') wide shall be provided along the front lot line of every lot. The City Engineer may waive this requirement in their sole discretion if the dedication of the easement may cause a detriment to the public or a public improvement. The waiver determination will be kept on file in the Community Development office.

Amendment #4

Various sections regarding kennels and pet boarding are proposed to be amended or added to the Land Development Ordinance as follows:

(See next three pages)

Rural and Agricultural Uses

Add Table Uses: "Animal Services" section

Pet Overnight Boarding Facilities (Up to 5) w/ P districts

Pet Overnight Boarding Facilities (6+) w/ P&C districts

Chapter 2.3. – Definitions

Page 2-13

Kennel (Use Table Definition): Any building or fenced area where pets are kept for breeding, sale, training, or boarding. In addition, any building or fenced area where five (5) or more pets, six (6) months or older, are kept for other than an individual's own use.

Pet Overnight Boarding Facility: (Use Table Definition): Any building or fenced area where pets that are not licensed by the owner of the property are kept for boarding. There are two classifications of boarding facilities. One being a facility that house up to five (5) pet six (6) months or older, and the other facilities that house six (6) or more pets, six (6) months or older. Boarding can be for the day or overnight but for not more than three (3) consecutive nights.

Section 4.1-6. N-O Commercial Uses

Pages 4-9 & 4-10

N. Kennels and Veterinary Clinics with Overnight Boarding Facilities

1. AG, C2, and M1 Districts:

- a. The minimum lot size shall be two (2) acres.
- b. No exterior dog runs shall be located nearer than one hundred feet (100') from any property line and five hundred feet (500') to the property line of any residential use or residential zoning district.
- c. Commercial kennels must be connected to public sewer or an onsite treatment system to manage and dispose of animal waste.
- d. **Commercial** kennels and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- e. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- f. Fencing around animal runs and exercise areas shall be of a sufficient height and sufficiently buried to prevent animal escape by leaping or digging.
- g. All **commercial** kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Such screening shall be a maximum of six feet (6') in height and shall be completely solid and site obscuring so as to aid in noise mitigation.

O. Pet Overnight Boarding Facilities

1. All Districts where permitted or allowed by Conditional Use Permit:

- a. All boarding facilities that house pets in excess to the number allowed within a personal household are required to apply for a Conditional Use Permit and submit a floor plan and site plan to the Community Development Department for approval and part of the permitting process.
- b. No exterior dog runs shall be located nearer than ten feet (10') from any property line and fifty feet (50') to the property line of any residential use or residential zoning district. Article 4: Standards Specific to Uses and Districts Page 4-10
- c. Commercial Boarding facilities must be connected to public sewer or an onsite treatment system to manage and dispose of animal waste.
- d. Animal quarters and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.
- e. All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- f. Fencing around animal runs and exercise areas shall be of a sufficient height and sufficiently buried to prevent animal escape by leaping or digging.
- g. All yards used for exercise on the property of the boarding facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Such screening shall be a maximum of six feet (6') in height and shall be completely solid and site obscuring so as to aid in noise mitigation.