

ORDINANCE NO: 6064

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF MINOT.

WHEREAS, the City Council has the authority to adopt zoning ordinances under the general powers of municipalities under its home rule charter powers;

WHEREAS, the City Council recognizes the Land Development Ordinance of the City of Minot (LDO) is a living document and it is necessary to make amendments periodically to improve clarity, increase simplicity, and ensure the document reflects best practice and the needs of the community; and

WHEREAS, the LDO will be updated on an annual basis at a minimum to reflect necessary changes for the purposes described immediately above; and

NOW, THEREFORE, BE IT ORDANED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§ 1 That Chapter 2.26. “GC Overlay” Gateway Corridor Overlay District be added as follows:

Chapter 2.26. – “GC Overlay” Gateway Corridor Overlay District

SECTION 2.26-1. GENERAL DESCRIPTION

The Gateway Corridor Overlay District is intended to provide a high level of design and landscaping requirements on properties adjacent to the principal arterials that comprise the entrance corridors of Minot. The purpose of this district is to create attractive entrance corridors using high design standards that are still compatible with responsible commercial and industrial development.

SECTION 2.26-2. USES

As allowed in the base zoning districts.

SECTION 2.26-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

As specified in the base zoning districts.

SECTION 2.26-4. OVERLAY RESTRICTIONS

As with other land development projects, any building constructed or remodeled in the Gateway Corridor Overlay District shall meet specified development requirements. Projects in the “GC Overlay” districts shall meet the building construction materials and design

standards set forth in the C2 zoning district as required in Section 4.2-6 of this ordinance and the C2 landscaping requirements as required in Article 7. Compliance with these requirements will be reviewed at the time of site plan review and building permit application.

§ 2 That Section 4.1-7 relating to Manufacture or Storage of Fertilizer, Petroleum, and Similar Hazardous Materials and Compounds regarding required setbacks is **AMENDED** as follows:

SECTION 4.1-7. INDUSTRIAL USES

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

1. C2, M1 & M2 District:

a. Storage or handling of hazardous materials, hazardous substances, or hazardous waste as these terms are defined by the Code of Federal Regulations (list and definitions of hazardous materials), if the amount of hazardous materials, hazardous substance, or hazardous waste on a particular premise at any one time exceeds the “reportable quantity.” The reportable quantity shall be as specified in Title 49 of the Code of Federal Regulations at Section 172.101.

b. Refer to buffer yard requirements within Article 7 when abutting a less intensive zoning district.

~~c. Any new use shall be located a minimum distance of one thousand (1,000) feet from a classified street.~~

c. Any new use shall be evaluated on a case-by-case basis for any distance requirements from classified roads and existing adjacent uses.

d. Hazardous materials are limited to those reviewed and approved by the Fire Chief or their designee and must be included as a condition on the conditional use permit, if one is necessary.

2. I2 District:

Facilities located within an industrial park shall be exempt from fencing and screening requirements, provided the perimeter of the industrial park is fully screened from adjacent streets and properties as set forth in Article 7.

§ 3 That Chapter Section 3.1-10 relating Outdoor Lighting is **AMENDED** as follows:

SECTION 3.1-10. OUTDOOR LIGHTING

D. Exemptions and Prohibited Lighting

~~The following installations are exempt from the provisions of this section.~~

- ~~1. Nonconforming fixtures, provided that any change in use, replacement, structural alteration, or restoration shall be made in conformance to this section.~~
- ~~2. Fossil fuel lighting, such as fixtures using natural gas combustion as a light source.~~
- ~~3. Ornamental or thematic lighting in the Minot downtown area, planned unit developments, partnering project as with Minot Park District, and other special projects, provided that such lights do not exceed sixteen feet (16') in height. Ornamental lights in excess of sixteen feet (16') high may be approved for specific design purposes by the Community Development Director.~~
- ~~4. Construction or emergency lighting, provided that such lighting is removed on completion of the construction project or emergency.~~
- ~~5. Temporary event lighting such as searchlights, subject to issuance of a temporary use permit or interim use permit by the Building Official for a specific duration of time.~~
- ~~6. Exemptions granted by the Director of Public Works for special conditions, upon issuing a written finding that conditions exist that make conforming fixtures inadequate to the specific task.~~

~~Refer to Section 23-113 of the Minot Code of Ordinances for exemptions and prohibited lighting standards.~~

§ 4 That Chapter 4.1 relating rural and agricultural uses is **AMENDED** as follows:

Chapter 4.1. – Use and District Standards

Section 4.1-1. Purpose

In order to mitigate the potential adverse impacts of certain uses, supplemental use regulations are provided in addition to the regulations set forth in each zoning district chapter and Article 3, Standards General to All Development. These regulations can apply to permitted uses, conditional uses, and interim uses.

Section 4.1-2. Using this Chapter

The Zoning and Land Use Table indicates which land uses are subject to supplemental regulations and provides references to applicable sections of the Ordinance.

Section 4.1-3 through Section 4.1-8 codify the supplemental regulations. For some land uses, the nature and extent of supplemental regulations varies by zoning district. Reference the appropriate zoning district(s) as needed.

Section 4.1-3. Rural and Agricultural Uses A.

Animal Production and Livestock Sales

1. All Districts Where Permitted:

- a. Animal feeding operations (AFOs) are prohibited within the City and its extraterritorial area.
- b. Ranching activities, excluding AFOs, are permitted in the extraterritorial area only.
- c. No disposal of garbage, rubbish, or other animal waste associated with animal production shall occur within five hundred (500) feet of any pre-existing residential districts, including all residential districts and shall only be conducted on premises outside the Corporate Limits of the City.

2. ~~RR District~~ Any Residential District in the Extraterritorial Zoning Jurisdiction:

- a. Lots containing one (1) acre or more may maintain two (2) horses, llamas, or other equine and/or hooved animals and their immature offspring. Such site may have up to one (1) additional animal for each additional acre of dedicated site area, up to a maximum total of twenty (20) animals. Numbers of turkeys, guineas, peacocks; chickens, ducks, game hens, pheasants and similar birds shall not exceed six (6) per acre with a maximum of twenty (20). The number of rabbits shall not exceed twenty (20) animals. Quantities for other species will be determined on a case-by-case basis by the Planning Division.

§ 5 That Section 3.1-9. C. related to fencing standards in commercial and industrial zones is **AMENDED** as follows:

C. Commercial and Industrial District Fencing Standards

1. Fences in commercial and industrial districts shall not exceed eight feet (8') in height unless an exception is granted in writing by the Planning Division.
2. ~~Fence materials allowed in commercial districts shall include maintenance free, wood, PVC vinyl, stone, masonry, black powder coated chain link, or related materials. Traditional chain link (non-black powder coated) may be erected in limited circumstances including schools, parks, or other public or semi-public facilities zoned "P" Public District following commercial~~

~~standards or as noted as a condition of approval for conditionally permitted uses within commercial districts (e.g. Commercial Self Storage).~~

- ~~3. Privacy slats are not allowed in commercial zones except as permitted for trash and/or recycling enclosure gates per Article 7: Landscaping.~~
2. Fence materials allowed in commercial and industrial districts shall include maintenance free, wood, PVC vinyl, stone, masonry, ~~black powder coated~~ chain link, or related materials, ~~including traditional chain link fencing with or without privacy slats. There are special situations where chain link with or without privacy slats is not allowed such as Section 4.2-3, Section 7.1-3 B. 2. C, and Section 7.1-4 B & D.~~
3. The determination of what constitutes “related materials” shall be made by the Planning Division. Any appeal to a determination by the Planning Division shall follow the appeals processes as provided in Section 9.1-9. Appeal of Administrative Decisions or related procedure available at the time of the appeal should the Land Development Ordinance of the City of Minot be changed in the future.
4. Sheet metal shall not be an approved fencing material in any zoning district.
5. No business sign or logo advertising the location in which the fence is located shall be attached to or painted on the fence.
6. Barbed wire, concertina wire, or electrified fencing is allowed when installed with a minimum clearance of six feet (6’) in height. Such fencing is not allowed in the “CBD” Central Business District. This standard is further subject to limitations for barbed wire or electric fences within City limits as provided by Section 22-1 of the Municipal Code of Ordinances.

§ 6 That Section 7.1-4. related to screening standards in commercial and industrial zones is **AMENDED** as follows:

SECTION 7.1-4. SCREENING REQUIREMENTS

A. Loading and Service Areas

1. Except at access points, one hundred percent (100%) screening of service areas typically found at the rear or on the side of commercial and industrial use areas is required when visible from a public or private street and/or from adjacent residential properties.

2. In commercial and industrial zones outdoor storage of inventory, loading docks, cargo containers, trailers, storage tanks, cardboard bailers, stockpiles of cardboard,

wooden pallets or other shipping and packing materials, and similar service and storage areas shall be screened from view with an opaque barrier not less than six feet (6') in height. Said screening must consist of one or more of the following alternatives:

- a. A solid wood, PVC, chain link with slats or masonry fence that complements the colors of the primary building
- b. A landscape screen consisting of a hedge or evergreen shrubs that will reach a height at maturity of at least six feet (6'), or evergreen conifer trees for taller screening, when appropriate.,
- c. An earthen berm planted to turf grass with side slopes no steeper than one foot of fall to four feet of run (25% grade) to be mowable, or if steeper, a planting plan using groundcover plants other than turf grass shall be approved by the Planning Division.
- d. A combination of these elements.
- e. Screening may be interrupted to provide access drives to service areas or for loading purposes, however, such interruptions shall not exceed twenty percent (20%) of the length of the required screened area.
- f. ~~Chain link fencing and chain link fencing with privacy slats is not allowable in commercial zoning districts (See Diagram 7.1-4(a)).~~

~~3. In industrial zones M1 and M2 chain link fencing and chain link fencing with privacy slats is allowable.~~

§ 7 That Section 7.1-1. related to required landscaping is **AMENDED** as follows: SECTION 7.1-1. REQUIRED LANDSCAPING

F. Single Family and Two-Family Lots

1. Single-family and two-family lots shall have primarily turf (seeding, sod), or alternative plant or other landscaping material approved by the Planning Division, established within the front yard within 120 days of the City issuing a Certificate of Occupancy (excluding time between October 1st and May 1st in which the turf shall be established within the next growing season).
2. All silt fence or erosion controls required by NPDES must be maintained until turf is established.
3. Any required sidewalk installation must be established for all portions of a yard within one (1) year of the issuance of a Certificate of Occupancy.

4. The public right-of-way from the curb to the property line is required to be ~~seeded or sodded or planted to an approved alternative plant material landscaped~~ and maintained by the property owner.

5. To ensure continuity in streetscape design and to reduce costs associated with transportation projects, ~~no landscape rock shall be allowed between the public sidewalk and the street curb (street right-of-way) and~~ this area shall not be paved with concrete or asphalt, other than a driveway apron as permitted per Section 6.1-5 C. Conventional Paving. Exceptions to this requirement may be granted in-writing by the City Engineer or their designee. Verbal authorization shall not constitute an exception to this requirement. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.

I. Landscaping Within Boulevard or Right-of-Way Limited

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

§ 8 That Section 7.1-2. related to required landscaping is **AMENDED** as follows: SECTION 7.1-2. GENERAL REQUIREMENTS

Inorganic Landscaping Materials

1. No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping.
2. Inorganic materials, such as stone, boulders, loose rock, and decorative pavers, may be used as follows:
 - a. Loose landscape rock with supplemental landscaping is allowed in the ten foot (10') wide landscape strip reserved for street trees, ~~however, loose rock is not allowed in the public right-of-way between the sidewalk and the street curb.~~ Decorative pavers may be installed between the sidewalk and street curb if approved by the Engineering Department, however, this area shall not be paved with concrete or asphalt.

SECTION 7.1-3. MINIMUM LANDSCAPING REQUIRED

3. ~~Limitations to Landscape Rock. No landscape rock shall be allowed between the public sidewalk and the street curb (street right-of-way) and this area shall not be paved with concrete or asphalt. Decorative pavers of a complimentary color may be installed between the public sidewalk and the street curb in lieu of grass if approved by the~~

~~Engineering Department. Stamped concrete may only be installed between the public sidewalk and the street curb by the City, who will then maintain the stamped concrete.~~

§ 9 This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: February 18, 2025

PASSED SECOND READING: March 3, 2025

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Tom Ross, Mayor