



## **COMMUNITY DEVELOPMENT DEPARTMENT**

**DATE:** May 15, 2018

**FROM:** Carl D. Hokenstad, AICP, Director of Community Development

**ITEM:** Section 14-04-21.1(4)(b) (DC- Downtown Core District - Design Standards) and Section 14-04-21.2(4)(b) (DF- Downtown Core District - Design Standards) – Zoning Ordinance Text Amendment

### **REQUEST**

The Community Development Department – Planning Division is initiating a zoning ordinance text amendment to allow administrative review and approval for signs in the downtown zoning districts.

Please place this item on the May 22, 2018 City Commission meeting agenda and the June 12, 2018 City Commission meeting agenda.

### **BACKGROUND INFORMATION**

The Planning & Zoning Commission held a public hearing on this request on April 25, 2018.

No members of the public spoke at the public hearing.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning ordinance text amendment for Section 14-04-21.1(4)(b) (DC- Downtown Core District - Design Standards) and Section 14-04-21.2(4)(b) (DF- Downtown Core District - Design Standards) relating to the administrative review and approval of signs in the downtown zoning districts.

This zoning ordinance text amendment addresses the applicable provisions in Title 14, but changes to Title 4 are also required and are being forwarded for action at the same meetings.

### **RECOMMENDED CITY COMMISSION ACTION**

May 22<sup>nd</sup> meeting of the Board of City Commissioners – consider the request for the zoning ordinance text amendment as outlined in Ordinance 6332 and call for a public hearing on this item for the June 12<sup>th</sup> meeting of the Board of City Commissioners.

June 12<sup>th</sup> meeting of the Board of City Commissioners – hold a public hearing on the zoning ordinance text amendment as outlined in Ordinance 6332 and take final action on this request.

## **STAFF CONTACT INFORMATION**

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**CITY OF BISMARCK**  
**Ordinance No. 6332**

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-21.1 and 14-04-21.2 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE DC DOWNTOWN CORE DISTRICT, THE DF DOWNTOWN FRINGE DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to DC Downtown Core District is hereby amended and re-enacted to read as follows:

**14-04-21.1 DC Downtown Core District.**

\* \* \* \* \*

**4. Design Standards.** All development within the Downtown Core District is subject to the following design standards:

\* \* \* \* \*

**b. Review and Approval.** All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Guidelines document and must be approved prior to issuance of any permits. The City's Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee and shall review project applications for conformance with the Downtown Design Guidelines. After review, the Renaissance Zone Authority may approve

an application, deny the application or ask for project modification before approval. The City's Downtown Design Review Committee may delegate design review related tasks to Community Development staff. The building official is authorized by the Downtown Design Review Committee to review sign project applications for design compliance and grant permits to sign applications that meet design standards in the ordinance. Any sign application that is denied because it does not meet design standards in the ordinance may be appealed to the Renaissance Zone Authority acting as the Downtown Design Review Committee upon the request of the applicant. A decision by the Renaissance Zone Authority, acting as the Downtown Design Review Committee regarding the application of the design guidelines, may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3) of the City Code of Ordinances (Appeal to the Board of City Commissioners).

\* \* \* \* \*

(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11; Ord. 5852, 11-22-11; Ord. 6118, 05-12-15)

Section 2. Amendment. Section 14-04-21.2 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to DF Downtown Fringe District is hereby amended and re-enacted to read as follows:

**14-04-21.2 DF Downtown Fringe District.**

\* \* \* \* \*

**4. Design Standards.** All development within the Downtown Core District is subject to the following design standards:

\* \* \* \* \*

**b. Review and Approval.** All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Guidelines document and must be approved prior to

issuance of any permits. The City's Renaissance Zone Authority is authorized to act as the Downtown Design Review Committee and shall review project applications for conformance with the Downtown Design Guidelines. After review, the Renaissance Zone Authority may approve an application, deny the application or ask for project modification before approval. The City's Downtown Design Review Committee may delegate design review related tasks to Community Development staff. The building official is authorized by the Downtown Design Review Committee to review sign project applications for design compliance and grant permits to sign applications that meet design standards in the ordinance. Any sign application that is denied because it does not meet design standards in the ordinance may be appealed to the Renaissance Zone Authority acting as the Downtown Design Review Committee upon the request of the applicant. A decision by the Renaissance Zone Authority, acting as the Downtown Design Review Committee regarding the application of the design guidelines, may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3) of the City Code of Ordinances (Appeal to the Board of City Commissioners).

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*(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11; Ord. 6118, 05-12-15)*

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



# STAFF REPORT

City of Bismarck  
Community Development Department  
Planning Division

April 25, 2018

## Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2018-001

### Project Summary

Title:	Downtown Design Review and Approval
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Will Hutchings, Planner
Sections Amended:	Section 14-04-21.1(4)(b) – DC- Downtown Core District - Design Standards Section 14-04-21.2(4)(b) – DF- Downtown Core District - Design Standards
Request:	Amend the zoning ordinance to allow administrative review and approval for signs in the downtown zoning district

### Staff Analysis

Community Development Department – Planning Division staff is initiating a zoning ordinance text amendment to allow administrative review and approval for signs in the downtown zoning districts.

At the February 26, 2018 special meeting of the Renaissance Zone Authority, staff was directed to draft ordinance revisions that give the Renaissance Zone Authority, acting as the Downtown Design Review Committee, the ability to delegate sign application review and approval to the City’s Building Official for signs located in the DC-Downtown Core and DF-Downtown Fringe zoning districts.

At the March 8, 2018 regular meeting of the Renaissance Zone Authority, a draft version of the requested amendments was presented for review. The attached draft amendments reflect feedback received from that meeting as well as additional changes noted by the City Attorney.

The Planning and Zoning Commission tentatively approved the draft amendments on March 28, 2018 and called for a public hearing.

The attached revised draft amendment language was presented to the Renaissance Zone Authority April 12, 2018.

The proposed changes would allow the City’s Downtown Design Review Committee to delegate design review related tasks to Community Development staff. The City’s Building Official may approve or deny any sign that does not meet requirements outlined in Title 4 of the City Code of Ordinances (Building Regulations). A denial by the City Building Official may be appealed to the Renaissance Zone Authority upon request of the applicant.

Companion changes shown below to Section 04-04-09(15)(a) of the City Code of Ordinances (Building Regulations) will be presented to the City Commission along with the proposed changes to Title 14.

- a) Any application for a sign permit shall be forwarded to the Downtown Design Review Committee for their review within thirty (30) days of the application submittal. The City’s Downtown Design Review Committee may delegate sign permit application review and approval to the Building Official.

(continued)

**Required Findings of Fact** (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the zoning ordinance text amendment of Section 14-04-21.1(4)(b) (DC- Downtown Core District - Design Standards) and Section 14-04-21.2(4)(b) (DF- Downtown Core District - Design Standards), as presented in the draft ordinance attached to the staff report.

**Attachments**

1. Draft zoning ordinance text amendment
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*Staff report prepared by:* Will Hutchings, Planner  
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