



Community Development Department

RENAISSANCE ZONE AUTHORITY

MEETING AGENDA

February 9, 2011

City-County Office Building	4:00 p.m.	Second Floor Conference Room
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- 1. Call to Order**
- 2. Consider Approval of Minutes – January 12, 2011 Meeting**
- 3. Downtown Core Zoning District and Downtown Design Review – Discussion**
 - a. Proposed amendments to the DC-Downtown Core and DF-Downtown districts
- 4. Other Business**
- 5. Adjourn – Next regular meeting is scheduled for March 9, 2011.**

Bismarck-Burleigh County Community Development Department

221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarck.org

**RENAISSANCE ZONE AUTHORITY
MEETING MINUTES
January 12, 2011**

The Bismarck Renaissance Zone Authority met on January 12, 2011 in the 2nd Floor Conference Room in the City-County Office Building at 221 North 5th Street.

Authority members present were Dave Blackstead, Chuck Huber, Kevin Magstadt (telephonically) and Brenda Smith.

Technical Advisors Jeff Ubl and Bruce Whittey were present.

Staff members present were Jason Tomanek, Kimberley Gaffrey, Carl Hokenstad, Kim Lee, Brenda Johnson and Charlie Whitman.

Guests present were Jim Christianson – PO Box 1097, Richard & Lisa Bohrer – 122 East Main Avenue and Jody Smith – 115 North 4th Street.

CALL TO ORDER

Chairman Blackstead called the meeting to order at 4:18 p.m. after a quorum was obtained.

MINUTES

The minutes of the October 13, 2010 meeting were distributed with the agenda packet.

MOTION: A motion was made by Mr. Huber and seconded by Ms. Smith to approve the minutes of the October 13, 2010 meeting as received. The motion passed unanimously with members Blackstead, Huber, Magstadt and Smith voting in favor.

RENAISSANCE ZONE PROJECT PUBLIC HEARING

A. 122 East Main Avenue Suite 102 – Spaces, Inc. – Lease

Mr. Tomanek gave an overview of the lease project by Spaces, Inc. for the building at 122 East Main Avenue. Mr. Tomanek said the applicant is proposing to lease 2,375 square feet of space on the main floor of the building. The applicant will be providing interior design services, retail sales, wholesale services and distribution of interior design related products and materials. The building floor area is 13,957 square feet and the applicant's lease area would be approximately 2,375 square feet, with an estimated income tax benefit of \$5,000-\$10,000 over five years.

Mr. Tomanek then listed the following findings for the proposed Renaissance Zone Project:

1. The proposed use is consistent with the City's Renaissance Zone Development Plan.

2. The lease will be for a new business locating within the Renaissance Zone. The interior design and retail sales business will be leasing a portion of the first floor; currently the space is vacant.
3. The applicant will be occupying space in building that has been classified as a Renaissance Zone project; therefore, no applicant investment is required. However, the space is currently vacant and will require a full build-out prior to occupancy. The building owner estimates that the cost of the build-out project will range between \$50,000 to \$70,000, approximately \$20 to \$30 per square foot.
4. The project completion date is projected for February 2011.

Mr. Tomanek said based on the above findings, staff recommends approval of the designation of the lease of space in the building at 122 East Main Avenue by Spaces, Inc. as a Renaissance Zone project with an exemption from state tax on income derived from the business and investment location for five years beginning with the date of occupancy.

MOTION: Based on the findings included in the staff report, a motion was made by Ms. Smith and seconded by Mr. Huber to recommend approval of the request for designation of the lease of space in the building at 122 East Main Avenue by Spaces, Inc. as a Renaissance Zone project with an exemption from state tax on income derived from the business and investment location for five years beginning with the date of occupancy. The motion passed unanimously with members Blackstead, Huber, Magstadt and Smith voting in favor.

RENAISSANCE ZONE PROJECT MODIFICATION

115 North 4th Street – J & J Smith Property Management, LLC – Purchase with Improvements

Mr. Tomanek said that on January 26, 2010 the Bismarck Board of City Commissioners designated the purchase and rehabilitation of the building at 115 North 4th Street as a Renaissance Zone project, granted an 80% property tax exemption on the building and improvements for five years beginning with the date of completion, and an exemption from state tax on income derived from the business/ investment location for five years beginning with the date of completion (contingent upon State approval). He continued by saying the Board of City Commissioner's action also included a provision that if the actual rehabilitation costs put this project into another category in the Renaissance Zone Authority's Guidelines for Purchase Projects, staff was directed to bring the project back to the Renaissance Zone Authority and City Commission for revision of the property tax exemption amount. Mr. Tomanek went on to say that the project has now been completed and detailed documentation was provided showing that the applicant invested \$161,746 in the rehabilitation project. Based on an original assessed building value of \$294,400, the applicants have invested 55% of the assessed value of the building back into the building and would be eligible for a 100% property tax exemption based on the Guidelines for Purchase Projects. The original proposed investment for this project was \$120,000, which was a 40% reinvestment. Mr. Tomanek concluded by saying if a change in the

property tax exemption amount is recommended by the Renaissance Zone Authority, the request will be forwarded to the Board of City Commissioners for final action.

MOTION: Based on the information provided, a motion was made by Ms. Smith and seconded by Mr. Huber to recommend approval of project modification of the J & J Smith Property Management, LLC purchase with improvements project, increasing the property tax exemption from 80% to 100% based on actual investment for the building located at 115 North 4th Street. The motion passed unanimously with members Blackstead, Huber, Magstadt and Smith voting in favor.

RENAISSANCE ZONE PRJOECT DISCUSSION

715 East Broadway Avenue – IRET, LP – Rehabilitation

Mr. Tomanek said that the Renaissance Zone Authority previously granted the 100% property tax exemption and IRET, LP also has a state tax exemption. He went on to say that one of the conditions of approval was that IRET, LP adequately landscape the parking lot. IRET, LP submitted a proposal for decorative planters to be placed on the public sidewalk in December 2009 and the answer from City Engineering was no. Mr. Tomanek continued by saying if the IRET, LP project is not closed out by February 1, 2011, there will be a higher assessment value on the improvements that were made. IRET, LP asked the City to reconsider the request for decorative planters to adequately screen the parking lot. Mr. Tomanek added that the encroachment committee consisting of Carl Hokenstad, Jeff Heintz, Jackson Bird, Mel Bullinger, Mark Berg and himself would be agreeable to reviewing some options that IRET, LP is proposing. At this point the encroachment committee has not made any decisions. IRET, LP is requesting the Renaissance Zone Authority close out the project now, so they can begin the property tax exemption, with the condition that they will continue to work with City staff to reach an agreement for landscaping. Mr. Tomanek ended by saying that staff is comfortable working with IRET, LP to reach some kind of an agreement for landscaping.

Mr. Whittey stated that when IRET, LP was granted approval of the Renaissance Zone project, they understood that they would have to screen the parking lot and it was a condition of the project. He went on to say that IRET, LP was told decorative planters were not acceptable at that time and they have had adequate time to come up with a solution. Mr. Whittey said that he lauds the great investment that IRET, LP has made; however, the landscaping was a condition of approval and should be met and the rules should be followed.

Mr. Huber suggested a decorative fence on the sidewalk instead of the planters.

Ms. Lee said that when the Board of City Commissioners approved this project in December 2009, a condition of approval was the landscaping and screening requirements shall be provided in accordance with Section 14-03-11 Landscaping and Screening of the City Code of Ordinances though the use of perimeter parking lot screening elements, such as trees or shrubs or decorative fence in locations where the off street parking lots are adjacent to the public right-of-way. Ms. Lee stated that if a decorative fence is preferred it shall conform to the criteria set forth in the adopted streetscape guidelines for downtown Bismarck. The landscape plan shall be reviewed

by the Renaissance Zone Authority prior to installation in accordance and in conjunction with the rehabilitation with project. Ms. Lee ended by saying it does not specifically say that IRET, LP needed to do a fence.

MOTION: A motion was made by Mr. Huber to recommend denial of the request by IRET, LP to use planters. The motion failed for lack of a second.

MOTION: A motion was made by Mr. Magstadt and seconded by Ms. Smith to recommend that City staff work with IRET, LP to agree on an acceptable landscape plan and to close out the Renaissance Zone project with members Blackstead, Magstadt and Smith voting in favor and Huber voting against. The motion passed 3-1.

Renaissance Zone Authority member Kevin Magstadt left the meeting, resulting in no quorum.

DOWNTOWN CORE ZONING DISTRICT AND DOWNTOWN DESIGN REVIEW

Proposed amendments to the DC-Downtown Core and DF-Downtown districts

Mr. Tomanek said that in an effort to clarify portions of the DC-Downtown Core and DF-Downtown Fringe Zoning Districts, staff will be preparing proposed amendments to each portion of the City Code of Ordinances. Areas being considered for revision include building materials, design regulations, new construction and rehabilitation regulations and general language to clarify the intent and purpose of each district. Mr. Tomanek explained that all zoning ordinance text amendments must be introduced with the Planning & Zoning Commission with the Commission then calling for a public hearing the following month. Once the public hearing has been held the Planning & Zoning Commission makes a recommendation to the Board of City Commissioners. The Board of City Commissioners will vote upon the recommendation of the Planning & Zoning Commission. If the Board of City Commissioners approves of the recommendation, the zoning ordinance text amendments become a permanent part of the zoning ordinance.

Mr. Tomanek distributed the proposed amendments the Renaissance Zone Authority members.

After a brief discussion it was the general consensus of the Renaissance Zone Authority that the ordinance language is to be reviewed by staff and possible amendments to the regulations and design guidelines be presented at the next meeting.

RENAISSANCE ZONE BOUNDARY ADJUSTMENT

Mr. Tomanek said that the Renaissance Zone Authority instructed staff to hold a public hearing to add the Richtman's Printing block to the Renaissance Zone boundary. He went on to say that letters were sent to all the property owners on that block and no responses were received. At the June 9, 2010 meeting, the motion was made to add the Richtman's Printing block to the Renaissance Zone. The public hearing for the boundary adjustment will be held in February.

STATUS OF APPROVED RENAISSANCE ZONE PROJECTS

Mr. Tomanek said that no Renaissance Zone projects have been closed out since the last Renaissance Zone Authority meeting.

STATUS OF APPROVED CORE INCENTIVE PROJECTS

Mr. Tomanek said that no CORE Incentive Program Projects have been closed out since the last Renaissance Zone Authority meeting.

OTHER BUSINESS

There was no other business

ADJOURNMENT

There being no further business, Chair Blackstead adjourned the meeting of the Bismarck Renaissance Zone Authority at 5:05 p.m.

Respectfully Submitted,

Kimberley Gaffrey
Recording Secretary

APPROVED:

David Blackstead
Chair

CITY OF BISMARCK

Ordinance No. XXXX

<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, 14-04-21.1, 14-04-21.2, 14-04-21.3 AND 14-04-21.4 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DOWNTOWN DISTRICTS, DC DOWNTOWN CORE DISTRICT, DF DOWNTOWN FRINGE DISTRICT, USE CATEGORIES AND USE STANDARDS.

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

Section 1. Amendment. Section 14-04-21 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the Downtown Districts is hereby amended and re-enacted to read as follows:

14-04-21. Downtown Districts.

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2. Use Table. The table contained herein lists the uses allowed within the downtown zoning districts.

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Use Table.

Proposed Use Category	Definition	Use Standards	District	
			DC	DF
Other				
<u>Demolition of Existing Buildings</u>	<u>Demolition of any existing building, regardless of the reason</u>	<u>X</u>	<u>SUP</u>	<u>SUP</u>

Section 2. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DC Downtown Core District is hereby amended and re-enacted to read as follows:

14-04-21.1 DC Downtown Core District.

1. Purpose. The purpose of the Downtown Core District is to preserve and enhance the mixed-use, pedestrian-oriented nature of the City's downtown area. The district allows a wide range of mutually supportive uses in order to enhance downtown Bismarck's role as a commercial, cultural, governmental, health/medical, entertainment and residential center. The district standards also facilitate the creation of a strong and distinctive sense of place through the inclusion of open space and public plazas. The use of design standards will maintain the historical integrity, enhance the quality of design, and preserve the human-scale development of downtown.

* * * * *

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

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Core District. The regulations are also intended to ensure that new buildings, building additions, facade alterations, building rehabilitations, and signage are compatible with the character of the Downtown Core District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to architectural design, building materials, details, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. ~~Compliance with these design standards shall be carried out in conjunction with the City's site plan review procedures.~~ All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation

or modification, fences, lighting and improvement within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures. An administrative decision by City staff regarding the design standards may be appealed to the City's Planning and Zoning Commission Renaissance Zone Authority and will be subject to the Commission's Authority's standard public hearing procedures. Any decision of the Renaissance Zone Authority regarding design standards may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3).

c. Remodeling of Historically Significant Buildings. Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, or more than 50 years old is considered to be a historically significant building. Projects involving the remodeling, renovation or rehabilitation of existing historically significant buildings shall reflect the original architectural character of the building. The introduction of any new design elements must be consistent with the traditional features of the building. To the greatest degree practicable, rehabilitation of existing historically significant buildings shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation.

d. New Construction. Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions.

ee. Building Materials. For new construction, all walls visible from the street shall be primarily faced with architectural materials such as brick,

stone, architectural concrete or pre-cast concrete panels, glass, exterior insulation finish insulation systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than 40 percent (40%) shall be prohibited from covering more than 40 percent (40%) of the exterior walls.

All subsequent renovations, additions and related structures ~~constructed~~ undertaken after the construction of an original building shall be ~~constructed of~~ finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

For existing historically significant buildings, the sheathing or installation of another material over the facade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.

~~In order to maintain a sense of harmony within the area, the colors and materials used should generally be compatible with or complementary to those used for buildings on adjoining parcels.~~

f. Building Colors. In order to maintain a sense of harmony within the Downtown Core District, color schemes used shall complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues shall generally be limited to smaller accent features of the building. Color schemes which are designed to draw attention or which create a result that is difficult for people to ignore shall not be allowed. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.

eg. Height. The height of a new mid-block building shall be within one story/15 feet of any adjoining building. If a proposed mid-block development is between two existing buildings that vary more than three stories in height, the new building shall be within one story/15 feet in height of either the taller or shorter building. The height of a new corner building may be higher than buildings on adjoining parcels, but should generally be within the average height of the buildings occupying the three adjacent corners of the intersection. It is not the intent of this provision to regulate the height of a new building which occupies one-quarter of a block or more as it relates to adjacent or adjoining buildings.

eh. Alignment. New infill development in the Downtown Core District shall maintain the zero setback and the alignment of adjoining facades at the property line.

ei. Width. New buildings shall reflect the existing characteristic rhythm of facades along the street. New construction on multiple lots, including parking ramps ~~that require two or more lots~~, should respect this pattern by designing the pattern of adjacent façade widths into the new facade.

ej. Horizontal Rhythms. New development shall maintain the alignment of building windows, cornices, and rooflines that dominate the block on which it will be constructed. Character and scale shall be compatible with surrounding structures through the use of materials, detailing and window placement. A clear visual division between the street level and upper floors shall also be maintained. Canopies and awnings consistent with the architectural style of the building are encouraged to accentuate the street level relationship between the building and streetscape and to provide protection ~~of~~ for pedestrians.

ek. Entrances. ~~Main entrances to buildings shall face and be clearly visible from the street, and be recessed to maintain a coherent pattern along the sidewalk and to define the entry point. The size, spacing, horizontal alignment and proportions of doors should reflect the predominant style along the block.~~

Recessed entries that were part of the original building design shall be preserved. For new buildings, recessed entries shall be required when the property is located in an area where recessed entries are the predominate style.

~~i. Historic Preservation. Rehabilitation of existing historically significant buildings shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation to the greatest degree practicable.~~

j1. Display Windows. The original size, and shape and proportion of display all windows on existing historically significant buildings shall be preserved. For new non-residential buildings, a minimum of fifty percent (50%) of first floor facades fronting the street shall be windows, doors and other transparent elements. In order to preserve the character of existing historically significant buildings, it is not the intent of this provision to require windows to be installed where none existed in the original design. However, if the exterior of an existing historically significant building is being remodeled, renovated or rehabilitated, the size, shape and proportion of the original window openings shall be restored. Replacement windows shall generally conform with the style of the original windows used in the building, with wood or prefinished aluminum as the finish material.

~~km. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.~~

~~ln. Vacant Buildings. Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.~~

~~no. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than 180 days, said lot shall be landscaped. The lot~~

shall be maintained and kept free of debris and litter.

np. Exposed Common Walls. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within 90 days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

eq. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck, ~~dated (May 1995)~~ or subsequent updates, shall be in accordance with the design elements identified by those guidelines and shall comply with the standards established by the City Engineer.

r. Landscaping and Screening. New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.

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Section 3. Amendment. Section 14-04-21.2 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DF Downtown Fringe District is hereby amended and re-enacted to read as follows:

14-04-21.2 DF Downtown Fringe District.

1. Purpose. The purpose of the Downtown Fringe District is to strengthen and complement the City's downtown area by allowing uses not normally allowed in the

Downtown Core District. The Downtown Fringe District also serves to provide a transitional area between the Downtown Core District and adjacent commercial and residential zoning districts. The uses allowed in this district usually require larger parcels and a greater emphasis on automobile access and parking

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

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Fringe District. The regulations are also intended to ensure that new buildings, building additions, façade alterations, building rehabilitations, and signage are compatible with the character of the Downtown Fringe District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to architectural design, building materials, details, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. ~~Compliance with these design standards shall be carried out in conjunction with the City's site plan review procedures.~~ All new buildings, building additions, facade alterations (both structural and non-structural) demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvement within the public right-of-way within the Downtown Fringe District shall be subject to the City's downtown design review procedures. An administrative decision by City staff regarding the design standards may be appealed to the City's ~~Planning and Zoning Commission~~ Renaissance Zone Authority and will be subject to the ~~Commission's~~ Authority's standard ~~public~~ public hearing procedures. Any decision of the Renaissance Zone Authority regarding design standards may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03.

c. Remodeling of Historically Significant Buildings. Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, or more than 50 years old is considered to be a historically significant building. Projects involving the remodeling, renovation or rehabilitation of existing historically significant buildings shall reflect the original architectural character of the building. The introduction of any new design elements must be consistent with the traditional features of the building. To the greatest degree practicable, rehabilitation of existing historically significant buildings shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation.

d. New Construction. Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions.

ee. Building Materials. For new non-residential and multi-family residential buildings containing more than 8 units, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete panels, glass, exterior insulation finish systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than 40 percent (40%) shall be prohibited from covering more than 40 percent (40%) of the exterior walls.

For residential buildings containing eight (8) or fewer units, ~~traditional~~ typical residential building materials may be used.

All subsequent renovations, additions and related structures ~~constructed~~ undertaken after the construction of an original building shall be ~~constructed of~~ finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

For existing historically significant buildings, the sheathing or installation of another material over the façade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.

f. Building Colors. In order to maintain a sense of harmony within the Downtown Fringe District, color schemes used shall complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues shall generally be limited to smaller accent features of the building. Color schemes which are designed to draw attention or which create a result that is difficult for people to ignore shall not be allowed. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.

eg. Height. The height of a new building should be within one story/15 feet of any buildings on adjoining parcels. It is not the intent of this provision to regulate the height of a building which occupies one-quarter of a block or more as it relates to buildings on adjoining parcels.

eh. Alignment. The setbacks and alignment of a new building should be similar to any buildings on adjoining parcels.

fi. Entrances. Main entrances to buildings shall face and be clearly visible from the street.

~~g. Historic Preservation. Rehabilitation of existing historically significant buildings shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation to the greatest degree practicable.~~

~~h~~j. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

~~i~~k. Vacant Buildings. Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.

~~j~~l. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to ensure to control fugitive dust. If the lot is to remain vacant for more than 180 days, said lot shall be landscaped. The lot shall be maintained and kept free of debris and litter.

~~k~~m. Exposed Common Walls. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within 90 days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

~~l~~n. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck, ~~dated (May 1995) or subsequent updates~~, shall be in accordance with the design elements identified by those guidelines and

shall comply with the standards established by the City Engineer.

o. Landscaping and Screening. New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.

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Section 4. Amendment. Section 14-04-21.3 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Categories is hereby amended and re-enacted to read as follows:

14-04-21.3 Use Categories.

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4. Other Uses.

a. Demolition of Existing Buildings. This category includes the demolition of any existing building, regardless of reason for the demolition. A building ordered demolished by the Building Official under Chapter 4-03 of the City Code of Ordinances (Dangerous Buildings) shall not require a special use permit prior to demolition.

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Section 5. Amendment. Section 14-04-21.4 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Standards is hereby amended and re-enacted to read as follows:

14-04-21.4 Use Standards.

* * * * *

2. Demolition of Existing Buildings.

a. No existing building shall be demolished unless a special use permit is approved in accordance with the provisions of Section 14-03-08.

b. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances.

c. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than 180 days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative cover. The lot shall be maintained and kept free of debris and litter.

d. If the lot is to be used for an accessory or commercial parking facility, a special use permit application for the accessory or commercial parking facility shall be submitted and processed at the same time as the special use permit for the demolition.

* * * * *

Section 6. 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 7. Effective Date. This ordinance shall take effect following final passage and adoption.