



**IMPLEMENTING**

# UPDATES TO POLICIES AND REGULATIONS

Date: September 20, 2013

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Bismarck-Mandan MPO

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Project: Task 3.2, Recommended Updates to Existing Policies, Regulations and Guidelines

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To ensure that the Subarea Plan is supported by policies, regulations and guidelines, the following memo identifies necessary amendments to or possible updates of existing City of Bismarck and/or Bismarck-Mandan MPO documents to be executed by the City and/or MPO planning and engineering staff following adoption of the Subarea Plan.

Recommended updates to existing policies, regulations and guidelines include:

- I. Main Avenue Road Diet and Diversion Study-** Additional detailed traffic analysis will be required to determine the necessary improvements for alternative east/west corridors in the Downtown that will allow for traffic calming of Main Avenue.
- II. Policy Updates-** The Downtown Subarea Plan's urban design and complete streets frameworks should be utilized as a basis for updating the Long Range Transportation Plan and Growth Management Plan to ensure policies support downtown revitalization.
- III. Zoning Ordinance Updates-** The intent of the zoning ordinance updates is to clarify and strengthen essential permitted land use types, and site design and improvement standards within the Downtown Bismarck Subarea Study boundary. Wherever possible, unnecessary permitted uses and inappropriate site design and improvement standards should be eliminated.
- IV. Downtown Design Guidelines-** The City should fund the creation of Downtown Design Guidelines to ensure high quality projects and development certainty for private investors and developers. Downtown Bismarck Design Guidelines would aid designers and developers in understanding the City's urban design expectations by providing a framework for an orderly discretionary review process that would supplement and strengthen downtown regulatory codes.
- V. Downtown Street Design Standards-** Downtown Street Standards will need to be developed for streets within the Downtown Subarea and would replace the Streetscape Design Guidelines for Downtown Bismarck (1995). Implementation of Downtown Street Design Standards will ensure that a complete-streets approach to circulation design is built as envisioned in the Downtown Bismarck Subarea Plan.
- VI. Managing Implementation-** Plan implementation will require a coordinated effort that includes establishing an updated regulatory framework, city departments and agencies cooperation, public and private partnerships, integrated funding strategies and a central managing entity and oversight committee to direct implementation efforts
- VII. Financing-** The City of Bismarck has a variety of fiscal resources to assist in the implementation of downtown projects.

## I. MAIN AVENUE ROAD DIET AND DIVERSION STUDY

### *Intent*

The single defining element of the Bismarck Subarea Plan is the creation of a retail and entertainment destination along Main Avenue and 5th Street. This will require converting, at a minimum, Main Avenue (1st St to 6th Street) and 5th Street (Main Avenue to Bowen Avenue) from a 4-lane section to a 3-lane section. The benefit of this conversion is:

- Improved traffic circulation by way of signalization improvements and a dedicated turn lane
- Pedestrian enhancements that include widened sidewalks to support street level retail and on-street curbside parking
- Curb extensions at intersections to ensure safe and comfortable pedestrian crossings

The Downtown Bismarck Subarea Study - Traffic Operations Review by SRF provided a planning-level analysis of the conversion of Main Avenue and 5th Street, as well as, two-way operations on Chancellor Square. The results of that analysis concluded the following:

- Travel times on Main Avenue are not significantly impacted
- Main Avenue intersections would operate at an acceptable Level of Service
- There is sufficient capacity to convert 5th Street to a three-lane facility
- 2035 traffic operations would require a two-way Broadway Avenue
- The Chancellor Square conversion to two-way operations has the potential to provide some diversion from Main Avenue.

Additional detailed traffic analysis will be required to determine the necessary improvements needed to improve access through alternative east/west corridors in the Downtown and help divert some “through” traffic away from Main Avenue. To ensure that the adjacent corridors can adequately support the potential diversion from Main Avenue, the traffic analysis should consider the following:

- Front Avenue must remain open to two-way traffic
- Allow two-way traffic on Broadway Avenue (i.e. Chancellor Square conversion)
- Extend/connect Broadway Avenue to Main Avenue
- Access modification at 4th Street (right-in/right-out or three-quarter) and 6th Street (three-quarter), including removing the traffic signals. This would likely improve vehicular operations, but would be less pedestrian friendly- consider maintaining the signal at 4th Street
- Addition of right-turn lanes along Main Avenue, where appropriate
- Modification of 3rd Street to have two through lanes in the northbound/southbound direction (i.e. shared left/through and shared through/right lanes)

## II. POLICY UPDATES

### *Intent*

This Downtown Subarea Plan document will need to be adopted by the City Commission and Metropolitan Planning Organization (MPO) as a supporting element to the Long Range Transportation Plan (LRTP), and the Growth Management Plan. The Plan will replace the Central Business District Plan (1993) as the guiding policy framework and implementation plan for Downtown Bismarck. The Downtown Subarea Plan's urban design and complete streets frameworks should be utilized as a basis for the current in-process update to the LRTP and Growth Management Plan to ensure coordinated policies that support downtown revitalization.

### Growth Management Plan

Ongoing update of the Growth Management Plan primarily includes modification to the Future Land Use Plan (FLUP) outside of the Downtown Bismarck Subarea Study boundary. The draft FLUP and urban design framework are generally aligned, as the FLUP designated much of the Subarea Study boundary as mixed-use development and the overarching land use concept for the Growth Management Plan update is a 'Development Block Concept' that supports and encourages a mix of uses within specifically identified land use areas. The Bismarck Subarea Plan should be used as a guide for implementing future land uses within the downtown core area.

## Long Range Transportation Plan 2015-2040 (MPO)

The Long Range Transportation Plan 2015-2040 currently being updated should include consideration of the Downtown Subarea Study. It is recommended that an alternate scenario for land use assumptions for transportation model purposes of the Long Range Transportation Plan account for the additional homes and jobs identified in the Downtown Bismarck Subarea Study. Furthermore, The City Commission should approve funding for the Main Avenue Road Diet and Diversion Study to more definitively determine necessary traffic diversion improvements and priorities for necessary capital projects and costs for roadway diversion improvements, streetscape enhancements, and bicycle and pedestrian facilities improvements.

## Bismarck Central Business District Plan (1993)

Much of the concepts and frameworks identified in the Central Business District Plan (CBDP) have carried over into the Downtown Bismarck Subarea Plan- most directly in the general location of key public gathering spaces (Depot Plaza and the Mehus Commons) and the prominence and importance of the Main Avenue and Fifth Street corridors as areas for concentrated retail and entertainment infill and redevelopment. Fifth Street should provide a seamless link between the downtown and the Civic Center/Kirkwood Mall area south of the rail line. The Subarea Plan expands upon the Districts concept of the CBDP and provides greater detail and direction for growth in employment, strengthening Downtown retail in conjunction with Mall expansion and more importantly encouraging increased housing opportunities. Circulation concepts also deviate from the original plan with a greater emphasis on calming traffic along Main Avenue and Fifth Street that is essential for creating a Downtown pedestrian oriented shopping and entertainment environment. More specifically the Subarea Plan provides additional detail and the priority actions required for Plan implementation. The adopted Downtown Bismarck Subarea Plan will replace the Central Business District Plan (1993) as the guiding policy framework and implementation plan for Downtown Bismarck.

## Renaissance Zone

The Renaissance Zone encourages reinvestment in downtown and requires design review by staff and the Renaissance Zone Authority for development projects within the Renaissance Zone boundary. In an effort to provide sufficient design review and financial incentives for development that implements the Downtown Bismarck Subarea Study, the Renaissance Zone District boundary should be modified. The location of the modified boundary should include:

- All parcels west of Fifth Street from the BNSF Rail Right of Way south to Bowen Avenue and west to Mandan Street
- All parcels south of Bowen Avenue to Ingals Avenue from Third Street to Seventh Street

Modification of the Renaissance Zone boundary that adds additional land area will require removal of areas currently included in the Renaissance Zone Boundary.



Renaissance Zone

### III. ZONING ORDINANCE UPDATES

Establishing the regulatory framework in the form of codes, standards and discretionary guidelines for design review are time sensitive measures to be instituted to ensure future development meets the intent of the Subarea Plan, and encourages quality development while providing certainty to private developers and the community. The necessary regulatory and design review process updates include:

- Creating a Downtown Subarea Overlay District and mapping of overlay standards to include required ground-floor uses, build-to-lines, active edges, building heights and areas of no minimum residential lot size requirement
- Consolidating the Subarea into three zoning districts by expanding the Downtown Core, Downtown Fringe and Health Medical Zone Districts
- Amending the permitted uses for each zoning district to allow for the predominate mix of uses identified in the Urban Design Framework of the Subarea Plan with an emphasis on accommodating and encouraging mixed-use and residential development
- Creating Design Guidelines, a Design Review Committee, and a Design Review Process as an essential tool for review of Subarea buildings and public areas
- Codifying Street Standards and details for the Subarea to ensure unified and consistent design and construction of streets, sidewalks, intersections and public spaces

When considering a zoning approach for the Downtown Subarea it is important to ensure that:

- A vertical or horizontal mix of uses can be accommodated
- Encourage appropriate residential density to support the retail and commercial uses
- Ensure retail and commercial uses are not precluded by incompatible uses, at street level within the Subarea

- The scale, and form, of buildings is in context with community values and transitions in scale to maintain compatibility between lower and higher intensity uses
- The orientation of buildings supports an active street edge
- Public parks or spaces are centrally located and function as amenities for higher intensity uses
- Encourage a street network and block form that supports development and multi-modal access

Of the three types of zoning approaches a Subarea Overlay offers the best possible tool for establishing the regulatory framework within the context of this planning effort. The types of zoning approaches are as follows:

#### Traditional Zoning

Traditional zoning defines and designates land use zones and stipulates for each zone and zoning category maximum densities and building heights, maximum lot coverage and minimum setback, yard and lot dimensions. Conventional zoning has produced patchwork quilts of single-use districts and private enclaves, often with minimal vehicular, pedestrian or visual connections between neighboring zones.

Concerns for the use of traditional zoning to regulate neighborhood centers are as follows:

- Separates, rather than mixes land uses
- Sets minimum (or maximum) standards/requirements, rather than promoting desired outcomes
- Doesn't address important urban design and "quality" issues
- Doesn't address the "public realm" (streets, street/building interface, open spaces)

## Form Based Codes

Form based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are keyed to a regulating plan that designates the appropriate form and scale of development rather than simply distinctions by the use of land use zones.

Concerns for the use of form-based codes to regulate downtown are as follows:

- Requires a full code rewrite for the city and regulating plan increasing the time and cost to create the implementing regulatory framework
- Form-based codes can be prescriptive and very rigid which impact development time lines and limit flexibility
- Allows for competing uses that dilute the certainty for specific outcomes for types of uses to build out over time, such as a retail and commercial hub

## Subarea Overlays

Subarea Overlay zoning identifies the type and assembly of land uses that encourage mixed use development and required standards for private development (such as build-to-lines, required ground-floor uses and active edges) and the design of public spaces and streets within a specific defined area.

Subarea Overlay zoning provides the greatest opportunity to tailor make the district you wish to create that can exist within the existing or modified zoning code. The Subarea Overlay zone supports a land use framework with appropriate land use configurations that encourage the right kind of development in a specific area that is not precluded by simply using a form-based code approach.

In the case of the Downtown Subarea Plan, the Subarea Overlay offers a more condensed version of the form-based code for building form, by limiting prescriptive elements to only those that are essential.

### *Intent*

The intent of the zoning ordinance updates is to clarify and strengthen essential permitted land use types, site design and improvement standards within the Downtown Bismarck Subarea Study boundary. Wherever possible, unnecessary permitted uses and inappropriate site design and improvement standards should be eliminated. While, additional regulation will need to be developed to ensure that specific uses are required and current uses are prohibited within the Downtown to meet the Downtown Bismarck Subarea Plan vision.

Throughout Downtown, existing permitted conforming uses should be 'grandfathered' to remain, be improved upon, or sold and operated 'as-is' until renovated as property owners deem necessary. Furthermore, existing private property shown for public uses (such as a park) would not be rezoned until the parcels are acquired by a public entity or transferred to public use by easement, dedication, or other means.

The Downtown Subarea Plan framework elements generally comply with existing policies and regulations. However, where inconsistencies exist, updates should be made to existing City documents. These updates should address:

- Existing zoning, including permitted uses and development standards. Regulatory changes should apply to all new or redevelopment projects. Where current uses are inconsistent with the future vision, 'Grandfather' existing uses to allow current uses to remain until renovated
- Building and site development standards that emphasize compatibility with existing historic design characteristics and a pedestrian orientation
- Creation of new discretionary review design guidelines to supplement regulations

## Title 14 Ordinance Update

The Subarea boundary is regulated under eight District Zone designations. The Downtown Fringe and Downtown Core District Zones provide the model for mixed-use and pedestrian oriented development along with design standards and a design review process that encourage quality development consistent with the Subarea Plan. However, the design review process within the Title 14 code should be amended and the design review elements of the code should be integrated in a new Design Guidelines document. Development projects within the Subarea should be required to go through a separate design review process and reviewed by an appointed Design Review Committee. Additional information on design guidelines and a recommended design review process is identified in section IV. Downtown Design Guidelines.

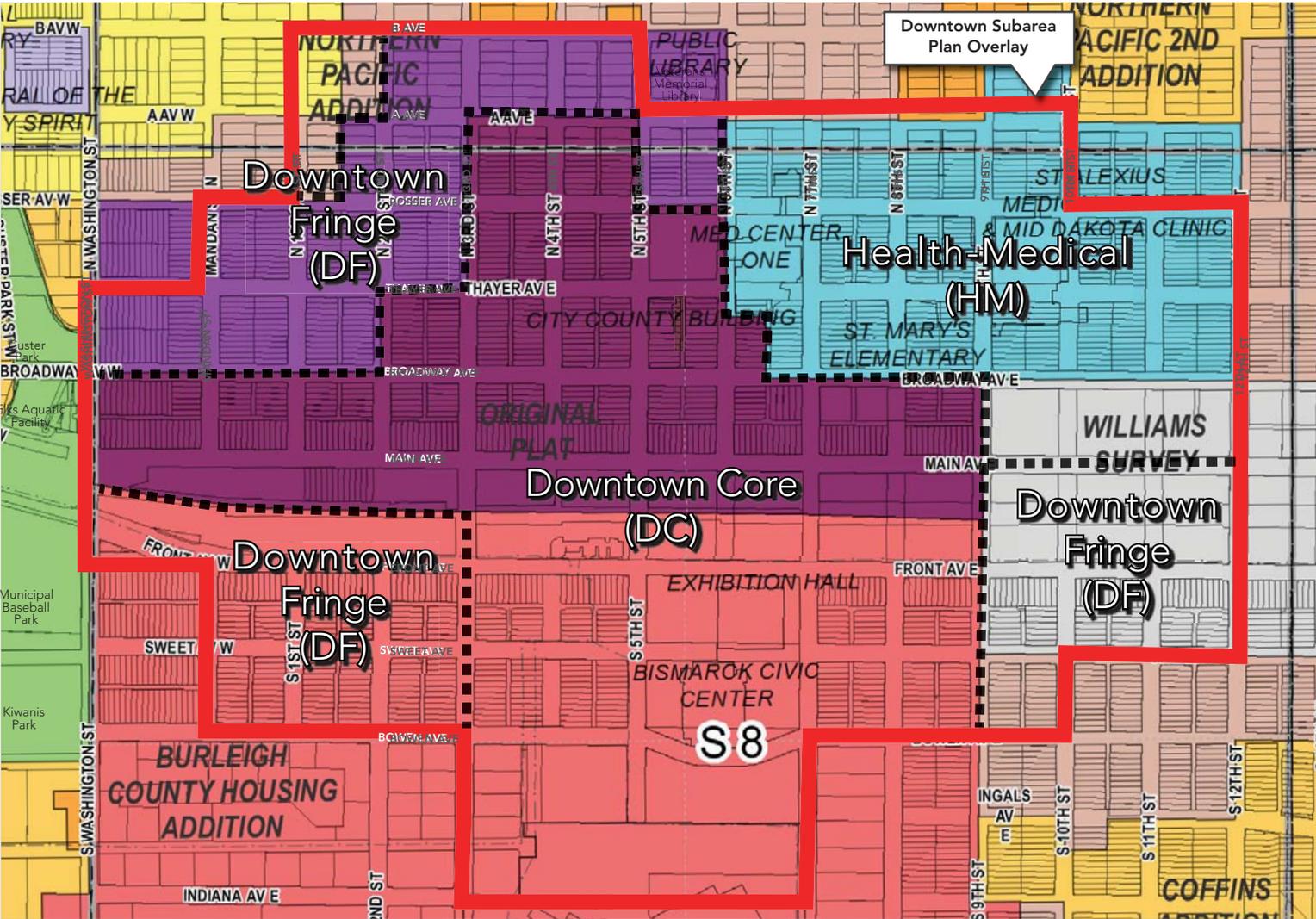
To align current code requirements with the Subarea Plan, two approaches to address inconsistencies might be to:

- 1) Maintain current zoning and provide additional or revised permitted use tables. Additionally, provide new or revised site design and development standards.
- 2) Consolidate the Downtown Subarea Overlay into three Zoning Districts by expanding the Downtown Core, Downtown Fringe and Health-Medical Zoning Districts. For each zone, rewrite the permitted use tables, and create new or revised dimensional and design standards consistent with the urban design framework of the Downtown Bismarck Subarea Plan.

Suggested ordinance updates include:

- 1. Foster mixed-use development.** Adjustments to foster mixed-use development and increase Downtown vitality, existing regulations that limit or prohibit higher density residential development should be revised or amended to promote increased residential density (dwelling units per acre) and/or intensity (floor area ratio). No maximum densities or intensities should be applied. Instead, maximum heights or other means of controlling compatibility, massing, and building form should be enacted as part of updates to the Dimensional and Design Standards.

Title 14- District Zones Consolidation



**2. Reassess downtown parking requirements.** Currently, Downtown businesses are largely within the parking exempt- Downtown Parking District (See graphic). Outside of the district, parking requirements within the Commercial General and Commercial Regional districts are onerous for housing, retail, and commercial development. In some cases requiring parking ratios at suburban development standards that will only continue the development of large surface lots. As an option to the current parking requirement, the City should consider the feasibility of requiring either on-site parking at lower minimum thresholds such as 2.5 spaces per 1000 SF for retail/commercial and 1 space per unit for residential or require in-lieu-of parking fees to be assessed on new development for providing off-site parking within designated parking ramps.

Downtown Parking District



**3. Expand downtown parking enforcement.** Parking enforcement should be expanded to include all block frontages of the Subarea Plan boundary south of the BNSF rail line. A parking enforcement strategy should be developed to:

- Maximize high turnover of on-street parking along Third Street and Fifth Street (1 hour- no reparking) between Front Avenue and Ingals Avenue.
- Consider establishing a restricted parking zone (RPZ), a half block west of Third Street to Mandan Street to help ease parking congestion for residential development through the use of signed time limits from which vehicles displaying a valid RPZ permit are exempt.

Downtown Parking Time Zones



## Specific Permitted Use Updates

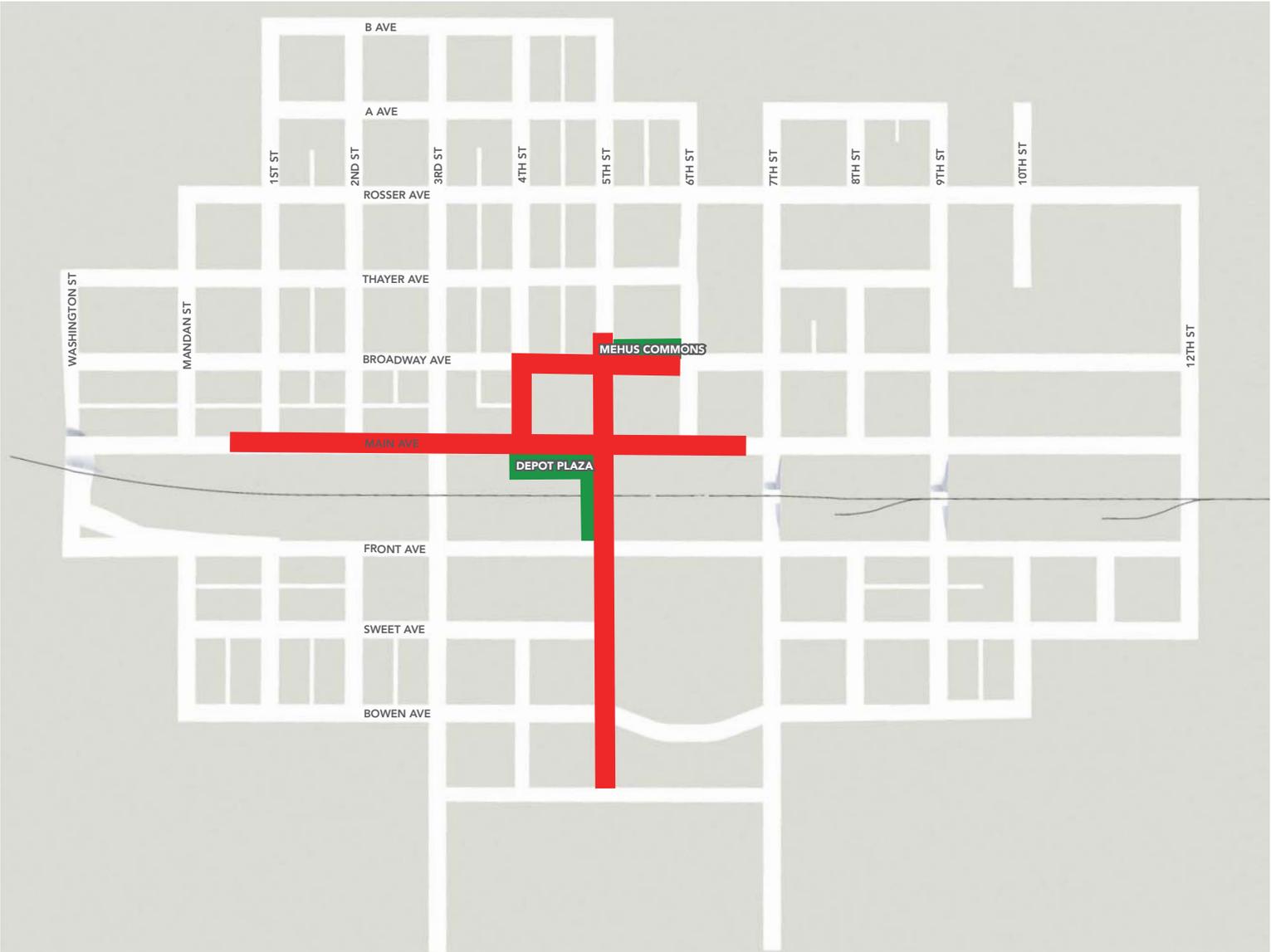
### *Intent*

Permitted uses outside of the Downtown Core and Downtown Fringe zone districts within the Subarea Boundary should be modified to the predominate and mix of uses identified in the Downtown Bismarck Subarea Plan.

The following are essential zoning ordinance permitted-use updates that must be addressed:

- 1. Modify existing permitted-use tables—** for the District Zones within the Downtown Bismarck Subarea boundary- prohibit, provide restrictions, or set forth conditions-of-use upon auto-oriented uses (drive-through windows of banks, restaurants, and other similar businesses) and allow for and encourage retail development along Main Avenue, Fifth Street, and Broadway Avenue and higher density residential development (no maximum dwelling unit density requirements) within existing and new development.
- 2. Retail Opportunity Areas—**defined exclusively as the sale of goods, restaurants, and entertainment uses, encourage the street frontages along Main Avenue, Broadway Avenue and Fifth Street to include ground-floor retail and limit or exclude non-retail uses that are not complimentary to shopping, dining and entertainment. Exceptions for residential or office lobbies should be allowed/reviewed as a conditional use. Prohibition of service bays, entrances to parking lots or service and loading bays should also be enacted.

Retail Opportunity Area



## Dimensional and Design Standards Updates

### *Intent*

To ensure that the Main Avenue, Broadway Avenue and Fifth Street storefronts are active and animated, requiring additional 'form-based' building site design and façade design standards should be enacted. The following standards are recommended to be applied throughout the Subarea Overlay boundary and should be placed in a map format.

In general, it suggested that where applicable standards such as, building heights, and setbacks be located on maps rather than the text form that exists today. Since the mapping standards would apply throughout the Subarea Overlay these maps could be located at the beginning of the Chapter and provide a quick reference for Title 14 users.

**1. Requirement of active edge**—block frontages within the retail opportunity area should also include a provision for active edges on the ground floor of buildings. Active edges are building frontages with direct sidewalk entries and a high degree of transparency. Active edges increase visual and physical interaction between people inside and people outside of the buildings and create a safe and vibrant pedestrian environment. Active edges must provide a minimum of 70 percent transparent glass along ground-floor facades; frosted, tinted, reflective or other types of glass that diminish transparency should be prohibited and primary ground-floor uses must be oriented to the public right-of-way.



**Active Edges**

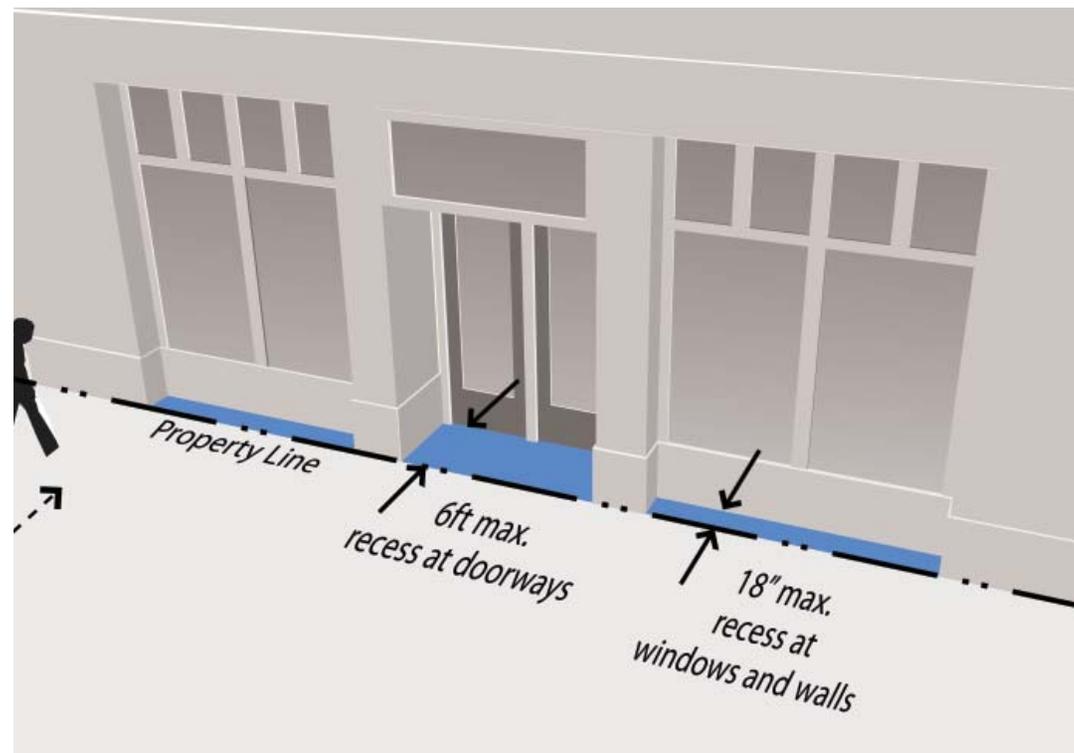
The following active-edge criteria should be met for all other land uses throughout the Downtown Subarea:

- Primary entrances must be oriented toward the street
- Windows should be provided along facades with a minimum of 50 percent transparent glass along ground-floor facades; frosted, tinted, reflective or other types of glass that diminish transparency should be prohibited
- Art walls, flower booths, newsstands or other activating uses are appropriate throughout

**2. Requirement of Build-to-Lines**—block frontages within the retail opportunity area should also include a provision for Build-to-Lines that require a continuous ‘street wall’ framing identified retail streets and the plaza. A diagram that illustrates where ground floors of buildings must engage the property line directly should be provided as indicated on the right. Exceptions to these ‘zero-setback’ requirements might include—windows and walls recessed up to 18” from the property line to accommodate columns or other architectural elements and those frontages along the west side of Fifth Street where a ten foot building setback is encouraged to expand the sidewalk area to accommodate larger outdoor seating areas specifically within the Fifth Street entertainment zone.

For those areas outside of the retail opportunity area build-to-lines should include a maximum ten-foot setback to provide:

- Privacy of street level residential uses, dining and entertainment uses that intend to use the setback area for outdoor seating
- Interruptions for accommodation of passageways, building lobbies, or private courtyard entrances

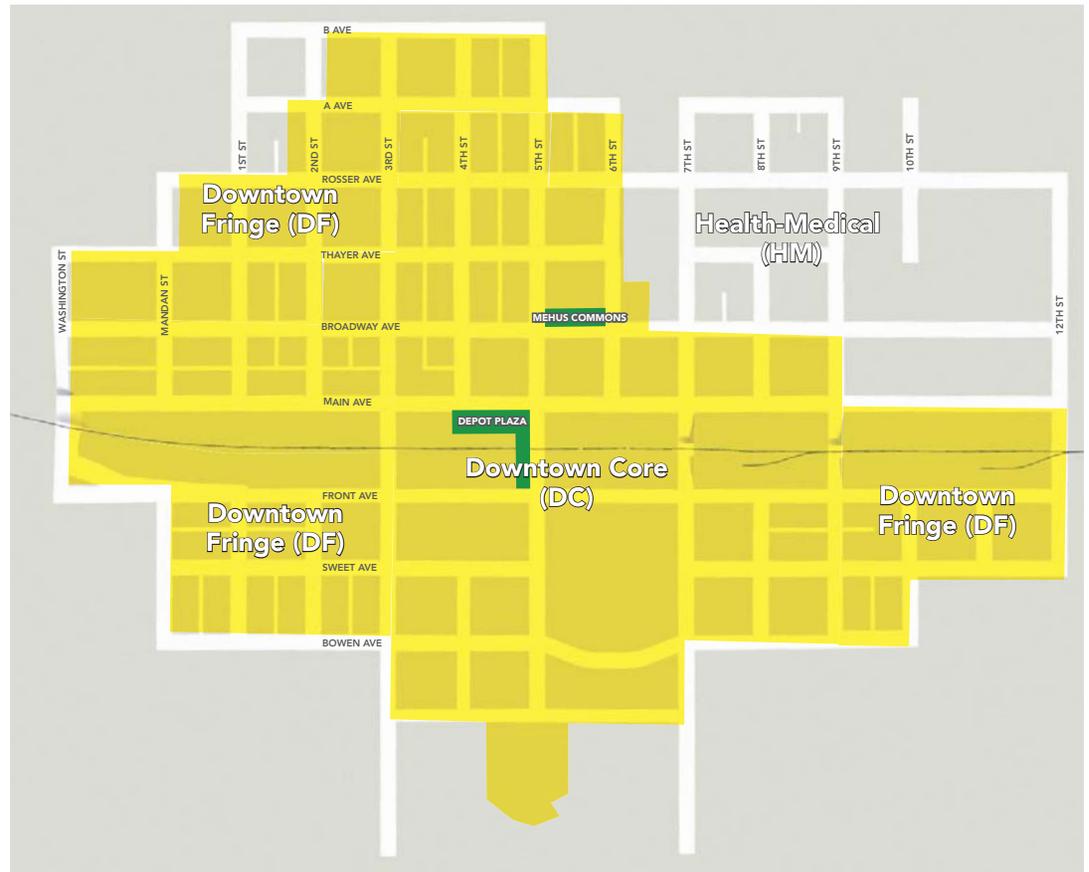


**Build-To-Lines**

### 3. No Minimum Residential Single-Use Lot Size Requirements

New high-density residential development is an essential component of the Downtown Bismarck Subarea Plan. This proposed overlay is suggested for only those areas where current zoning requirements may limit or discourage high density residential development. The graphic illustrates where higher density development should be encouraged.

The Downtown Core and Downtown Fringe Zoning Districts limit density of permitted residential uses by requiring minimum lot area. No minimum residential lot size should be required for single purpose residential buildings in the areas illustrated in the diagram.



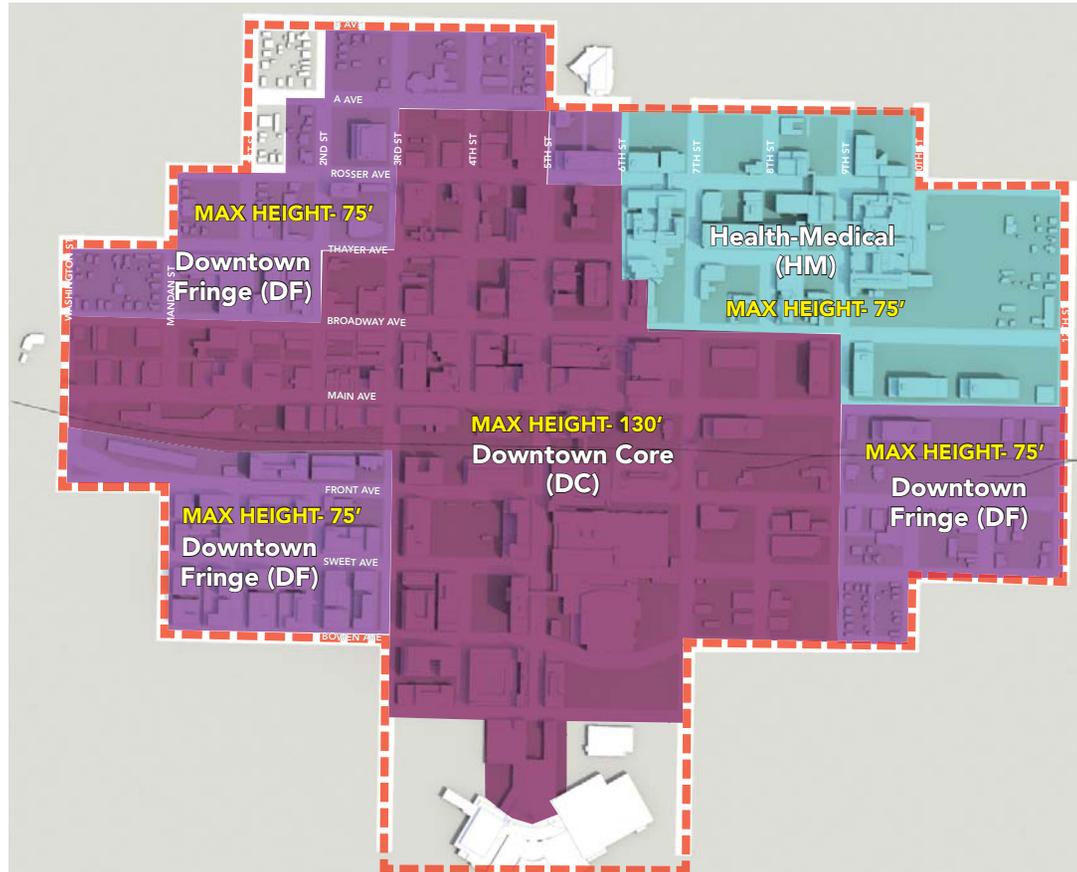
Residential Single Use Lot Size Exemption

#### 4. Building Heights

The diagram shown to the right identifies proposed maximum building heights. Adjustments are suggested only for key development areas where additional density is envisioned.

Within the Downtown Fringe and Health Medical District Zones consider increasing the allowable building heights to 75'. A 75' dimension allows for higher density residential construction that consists of wood frame construction over a groundfloor constructed of concrete. Typically called five-over-one construction, this type is an affordable model for mixed use development that supports increased housing density.

In addition, consider 'stair-stepping' requirements for buildings to establish transitions with development located adjacent to significant historic buildings or consider reducing the height limit to 50' when adjacent to well established single-family neighborhoods.



Building Heights

## IV. DOWNTOWN DESIGN GUIDELINES

### *Intent*

Currently there is limited design review required within the Downtown Bismarck Subarea and what is required is imbedded in the design standards for only the Downtown Core and Downtown Fringe zoning districts. Many of the so-called standards are technically guidelines and as such should be removed and located within a set of Subarea Overlay-wide Design Guidelines. The recommended design standards to be removed and repurposed as design guidelines include:

- **d. New Construction**
- **e. Building Materials**
- **d. New Construction**, *except for the following which should remain as a standard Non-transparent mirrored or one-way glass with a reflectance greater than forty percent (40%) shall be prohibited from covering more than forty percent (40%) of the exterior walls. All subsequent renovations, additions and related structures undertaken after the construction of an original building shall be 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.*
- **f. Building Colors**
- **i. Width**
- **j. Horizontal Rhythms**
- **k. Entrances**

Furthermore, the review process falls into the hands of the Renaissance Zone Authority rather than the Planning and Zoning Commission which should be the standard procedure.

In an effort to establish greater clarity in the design review process and to expand the reach of design review throughout the Subarea Overlay boundary the City should fund the creation of Downtown Design Guidelines to ensure high quality projects and development certainty for private investors and developers.

A Design Review Commission should be created to review all projects within the Downtown Subarea boundary. Minor projects should be reviewed by City staff. The Design Review Commission should be appointed by the City Commission and comprised of architects, landscape architects, engineers, real estate developers and citizens at large. The Design Review Commission would provide recommendations to the Planning and Zoning Commission and City Commission for all projects, using the Design Guidelines as an exclusive evaluation tool.

Downtown Bismarck Design Guidelines would aid designers and developers in understanding the City's urban design expectations by providing a framework for an orderly discretionary review process that would supplement and strengthen downtown regulatory codes. The guidelines would ensure a degree of order, harmony and quality within the built environment; they would foster the development of buildings and projects that are attractive individually yet contribute to a downtown that is unified and distinctive as a whole.

### **Role of Design Guidelines**

There should always be many ways of meeting a particular guideline. The guidelines should not prescribe specific design solutions, nor should they be rigid requirements without flexibility.

The design guidelines should provide a descriptive template for maintaining and improving the urban character of Downtown, without dictating or prescribing a specific style or theme. The guidelines should however foster the evolution of Downtown Bismarck from an auto-dominated to a pedestrian-friendly downtown where buildings should be built edge-to-edge and engage public sidewalks. Moreover, the Design Guidelines should ensure that new development does not treat existing older buildings as urban leftovers; lost and unattached fragments of the past. Rather, new construction and rehabilitation should respect and build upon the unique qualities of Bismarck's existing historic downtown.

### **Design Guideline Content**

The guideline document should be the primary tool for the design review process for any new project that occurs in the Downtown Bismarck Subarea Study boundary. It should be divided into four sections or 'Guideline Elements,' each of which addresses a particular set of design concerns that affect the downtown environment. These guideline elements would include the following:

- Pedestrian Emphasis
- Architecture
- Lighting
- Signs

For each of these guideline elements, there should be an introductory page describing the intent of that section of guidelines, followed by specific guidelines. Each specific guideline should contain a descriptive statement of the guideline itself, as well as, examples of recommended and not recommended applications, both listed in text form and illustrated in photo examples. The visual examples should be included in each guideline element, as models for design and review purposes. They would provide designers, developers, and the Design Review Commission a means to effectively judge a building relative to appropriate and inappropriate design criteria.

## Bismarck Character

The guidelines should address Bismarck’s unique ‘sense of place,’ its special quality and personality. People’s image of Bismarck is that of the capitol city which is hospitable and family-oriented. They should address what gives Bismarck this feeling, this ‘character’ as a unique collection of spaces and buildings, not simply a group of individual projects that could be anywhere.



PEDESTRIAN EMPHASIS

In Downtown Bismarck, the pedestrian should be the ‘priority.’ These guidelines should address the ways in which buildings and spaces may be designed to create a convenient, comfortable, human-scaled environment where people will want to be.



ARCHITECTURE

The Architecture Guidelines should promote quality development while reinforcing the individuality and spirit of Bismarck. The guidelines should promote architectural types indigenous to Bismarck and/or the Great Plains. Buildings in Bismarck should seem to be ‘at home’, reflecting its character and heritage, suiting its climate, landscape, and downtown urban setting.



LIGHTING

Lighting should not only provide nighttime security, but also encourage nighttime patronage of businesses. Lighting should create an atmosphere of festivity and activity, especially where special elements or places are concerned. Utilitarian application of glaring, offensively-colored lights should not be appropriate for Downtown.



SIGN

Signs should make it easy to locate and identify businesses as well as providing other information relevant to getting around and doing business in Downtown. However, signs should never overwhelm either building or landscape. Moreover, signs should provide information in a highly graphic format that is complementary to downtown architecture. Tasteful logos, symbols and graphics are encouraged. A strong pedestrian orientation should be encouraged for all signs.

## Design Review Process

Projects should be evaluated for consistency with the Downtown Bismarck Subarea Plan, the Title 14 Zoning Ordinance and the proposed Design Guidelines. The Design Guidelines should be applied during City review of development applications. City staff should review development proposals in the Downtown and determine the appropriate review procedures. Decisions to approve, approve with conditions, or denying a proposal should be made by staff or by an appointed 'Design Review Commission'. Development projects should be reviewed to determine consistency with permitted uses and site design standards of an updated Title 14 Zoning Ordinance, and substantial consistency with the Downtown Design Guidelines. Where a project is not found consistent with the Downtown Design Guidelines, staff or the Design Review Commission may impose conditions of approval requiring the project to be modified, or it can be established that design details or other site factors warrant finding for approval of the project without meeting the particular design guidelines. For those applications that are substantially inconsistent with the guidelines, staff or the Design Review Commission should also have the option to deny the development request.

All new development, additions, remodels, and renovations within the Downtown should be subject to design review for determination of consistency with the Design Guidelines. The process for design review might be based on the extent of work proposed and whether it falls under one of three categories as follows:

1. Exterior Maintenance and Repair (Administrative staff review only for all work requiring a building permit)
2. Minor Exterior Modifications (Administrative staff review)
3. Major Exterior Modifications (Review before a newly appointed Design Review Commission)

To aid the design review process the guidelines should be summarized into a single, one page 'checklist' (see example).

## DEVELOPMENT GUIDELINES CHECKLIST

Project and Applicant Name: \_\_\_\_\_  
 Zoning: \_\_\_\_\_  
 Building Use: \_\_\_\_\_  
 Other : \_\_\_\_\_  
 Submission Date: \_\_\_\_\_

### DEVELOPMENT GUIDELINES

	Applies		Complies	
	Yes	No	Yes	No
<b>1). Oak Park Character</b>				
• Reinforce Oak Park's Sense of Place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Integrate the Environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Promote Linkages to Oak Park's Heritage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Establish or Strengthen Gateways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Promote Architectural Compatibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Preserve Historic Buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Integrate Art	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2). Pedestrian Emphasis</b>				
• Reinforce and Enhance the Pedestrian System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Define the Pedestrian Environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Protect the Pedestrian from the Elements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Provide Places for Stopping and Viewing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Create Successful Outdoor Spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Integrate Universal Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3). Architecture</b>				
• Residential Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Residential Windows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Residential Bay Windows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Balconies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Retail Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Retail Corner Doors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Retail Windows	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Building Massing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Security/Privacy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Roofs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Rooftops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Wall Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4). Lighting</b>				
• Building Lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Pedestrian Lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5). Signs</b>				
• Wall Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Hanging Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6). Sustainability</b>				
• Green Architecture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Sample Checklist

## V. DOWNTOWN STREET DESIGN STANDARDS

Fundamentally, the Central Business District Streetscape Design Plan (Streetscape Guidelines for Downtown Bismarck) was designed to support the Central Business District Plan (1993) and the elements of the document provide a limited foundation for directing future improvements to streets and public areas that meet the intent of the Downtown Bismarck Subarea Study. Other than a few standards for lighting, benches and fencing- the majority of the document describes multiple alternatives for any given street type, and supports the rebuild, as is, of the Chancellor Square area and continuation of elements such as raised planters at intersections that should not occur.

As primarily a guideline document there is little direction for the comprehensive set of street and public area design standards that will be required to ensure high quality and compatible design and construction of the public right-of-way and public areas. Standards elements beyond lighting, benches, monuments, and fencing such as bike parking/corrals, bollards, sidewalk paving materials and scoring, intersection design and crosswalks are not provided for in the existing Streetscape Design Plan.

Where standards do exist for lighting, benches, monuments, and fencing , these should not become the predominate standards for future improvements. A comprehensive set of street standards is required that may or may not utilize some of these existing street standard elements.

### *Intent*

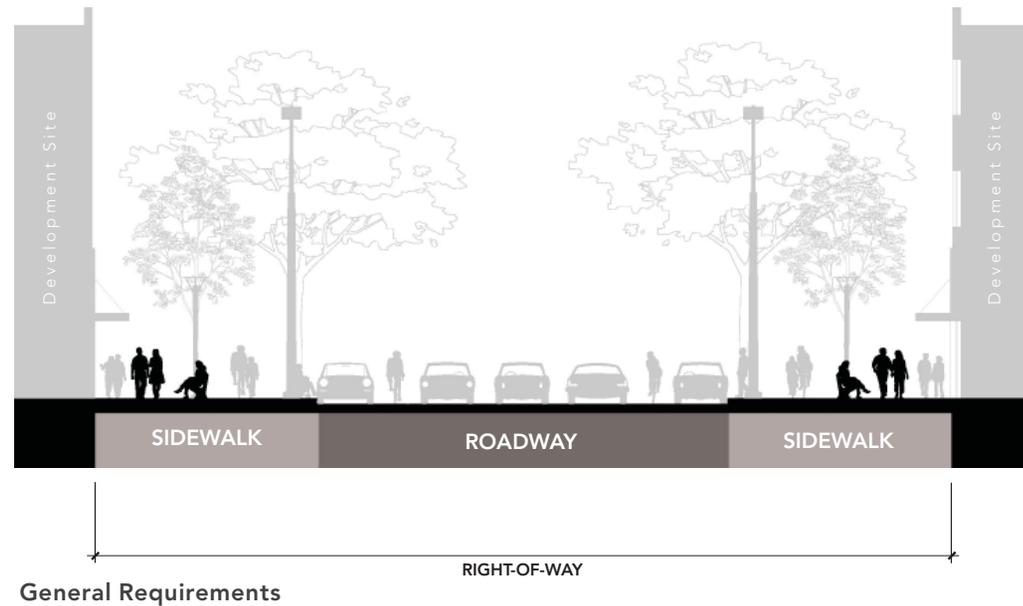
Downtown Street Standards will need to be developed for streets within the Downtown Subarea and would replace the Streetscape Design Guidelines for Downtown Bismarck (1995). Implementation of Downtown Street Design Standards will ensure that a complete-streets approach to circulation design is built as envisioned in the Downtown Bismarck Subarea Plan. Additionally, the Standards would ensure that a unified, consistently applied design of streetscape improvements are constructed throughout the Downtown Subarea. The City, other public agencies, private utility companies and private developers would be required to adhere to the Standards when constructing all new street improvements and any major replacement or repairs.

The Standards document to be developed should include general requirements and design elements. The following is an outline for the Downtown Street Design Standards and includes suggested street types and guidance for the general requirements for Main Avenue, Fifth Street, the Sixth Street Cultural Trail, and the Rail Trail.

## 1. GENERAL REQUIREMENTS

The General Requirements should classify and locate downtown 'street types', describe the required street type plan and section, and dimension all essential design elements of each street type for all public rights-of-way. The General Requirements should describe the:

- **Roadway**— measured from face-of-curb to face-of-curb within the right-of-way; the roadway includes travel and turn lanes, curbside parking and protected bikeways, bike lanes, landscaped medians, etc.
- **Sidewalk**— measured from development property line to face-of-curb within the right-of-way; in some instances sidewalks may extend into development easements or setbacks



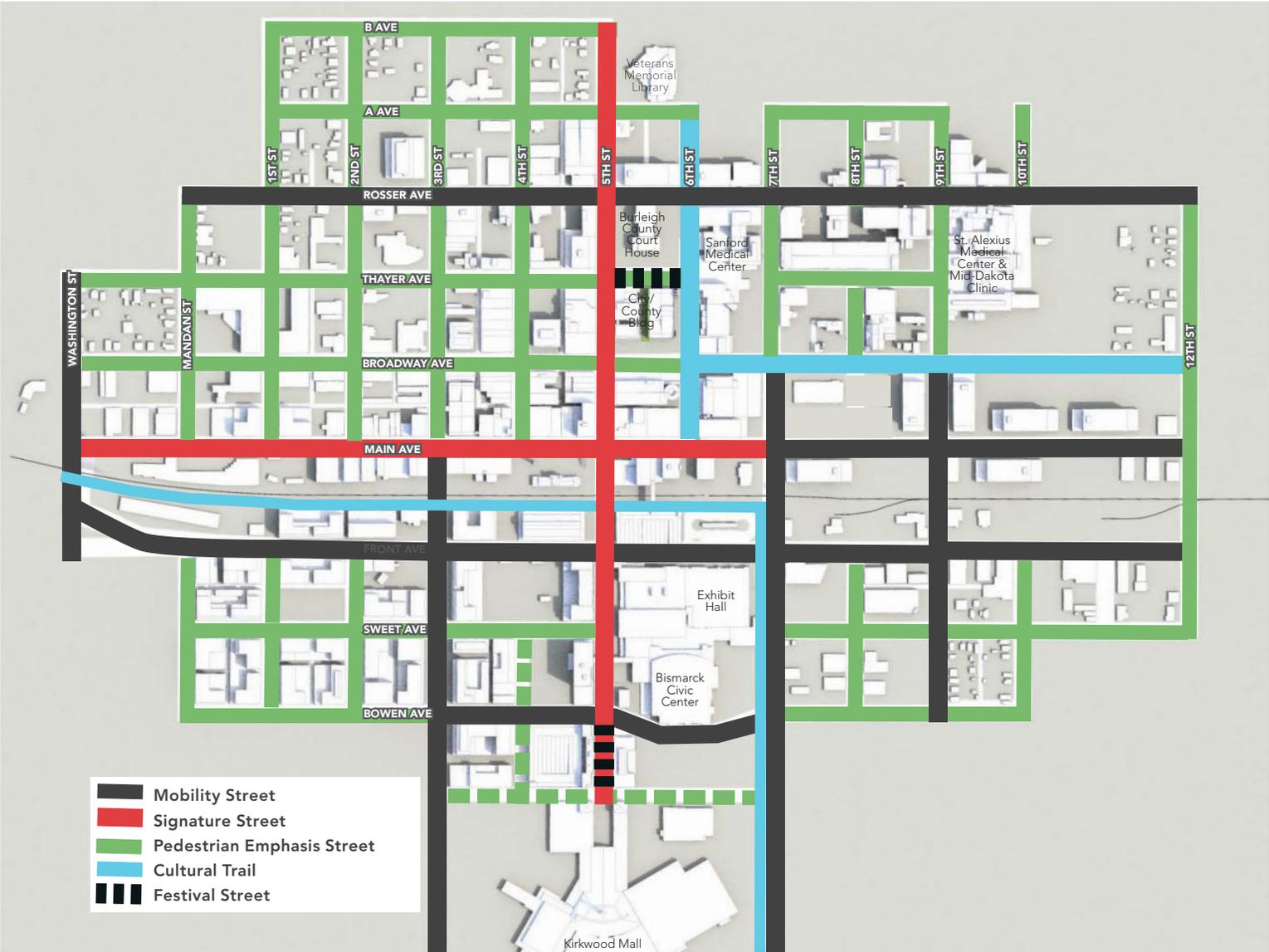
## STREET TYPES

Each street within the Downtown Subarea should be assigned a standard street type. Each type should reflect the streets' intended character, transportation function, and supporting adjacent land uses. Below are recommended street types to be incorporated in a Downtown Street Design Standards document.

The street types include:

- **Mobility Street**—Rosser Avenue, Main Avenue (East of Seventh Street), Washington Street, Third Street (South of Main Avenue), Seventh and Ninth Streets (South of Broadway), Front Avenue, and Bowen Avenue function as the primary auto and truck mobility routes into the downtown and connecting to regional destinations
- **Signature Street**—Main Avenue (West of Seventh Street) and Fifth Street (Avenue A to Kirkwood Mall) establishes the 'front door' to downtown and functions as a destination for shopping, entertainment, events and government functions
- **Festival Street**—Thayer Avenue (5th to 6th Streets) and 5th Street (Bowen Ave to Ingals Ave) function as special use areas for temporary street closure during community activities and events associated with the Mehus Commons along Thayer Ave and the street oriented retail and entertainment uses along 5th Street south of Bowen Ave
- **Pedestrian Emphasis Street**—East/West Avenues' A, B, Thayer, Broadway (West of Sixth Street), Sweet, Bowen (West of Third Street and East of Seventh Street), and a New Ingals (Between Third street and Seventh Street) and North/South Streets' Mandan, First, Second, Third (North of Main Avenue), Fourth, Seventh (North of Broadway Avenue), Eighth, Ninth, Tenth (North of Broadway), and Twelfth function as essential primary pedestrian linkages within the study area supporting residential, and commercial uses
- **Cultural Trail**—Sixth Street (Main Avenue to the Capitol), Broadway Avenue (East of Sixth Street), Adjacent to the BNSF rail line (Seventh Street to the Missouri River), Seventh Street (Front Avenue to the University of Mary) function as the primary active transportation routes for biking and walking within a mile of the downtown

Street Types

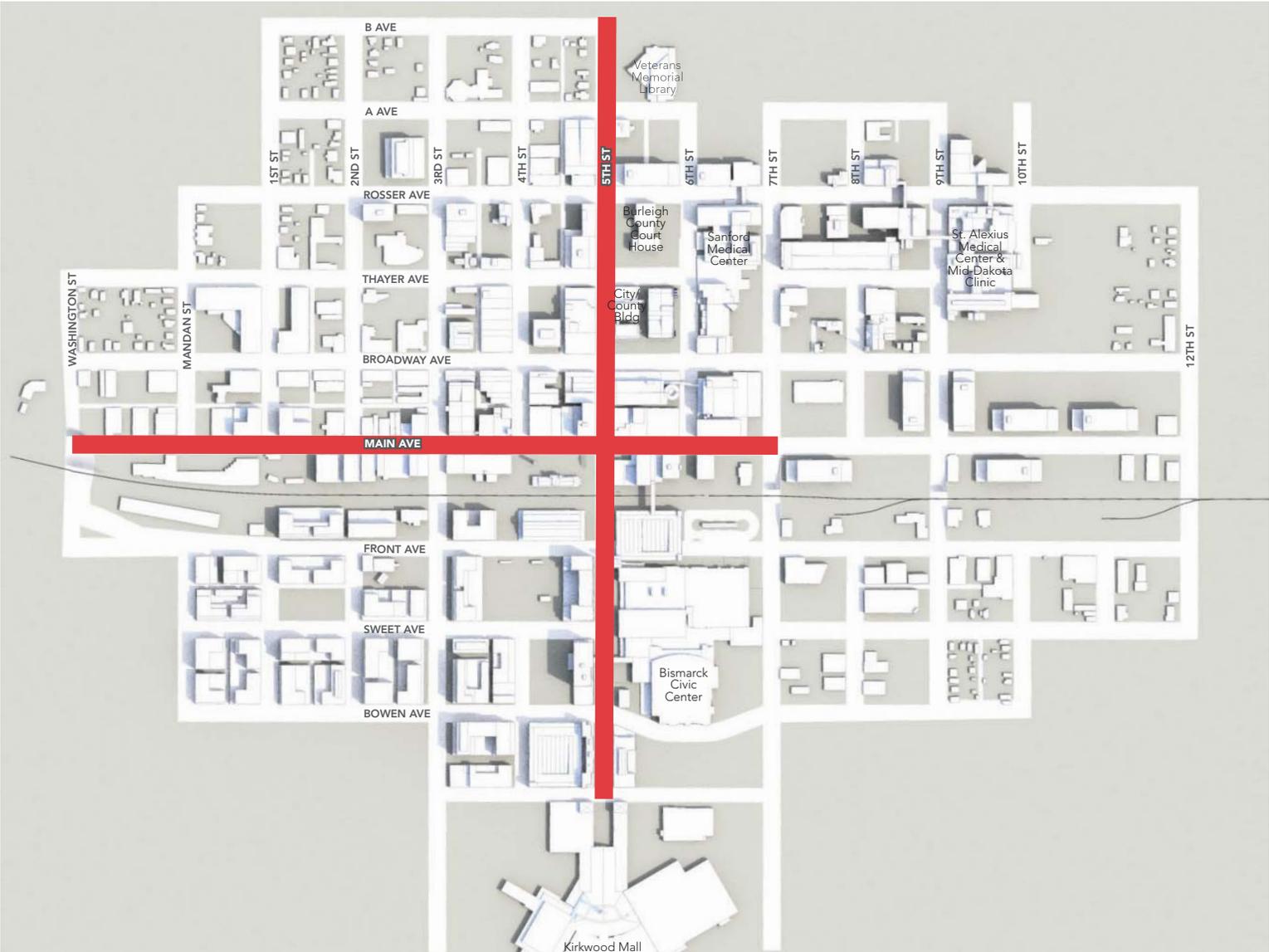


## SIGNATURE STREET

The Signature Street– Main Avenue and Fifth Street– are the two most important streets in the Downtown and a destination for downtown retail, arts and entertainment. These streets are designed to be memorable and timeless. Not just a place to drive through, this unique and pedestrian oriented environment is the active 18-hour heart and focus of the community.

- **Main Avenue**–the heart of Downtown’s historic retail center includes a traffic calmed street with parking, widened sidewalks and intersection enhancements that support a high quality shopping environment
- **Fifth Street**–as Downtown’s ‘spine’ Fifth Street is the primary connector between the historic retail and employment center north of the rail line and the Civic Center and Kirkwood Mall to the south. The street provides a gracious pedestrian environment with an emphasis on landscaping and pedestrian amenities that support retail, office, entertainment and Civic Center uses

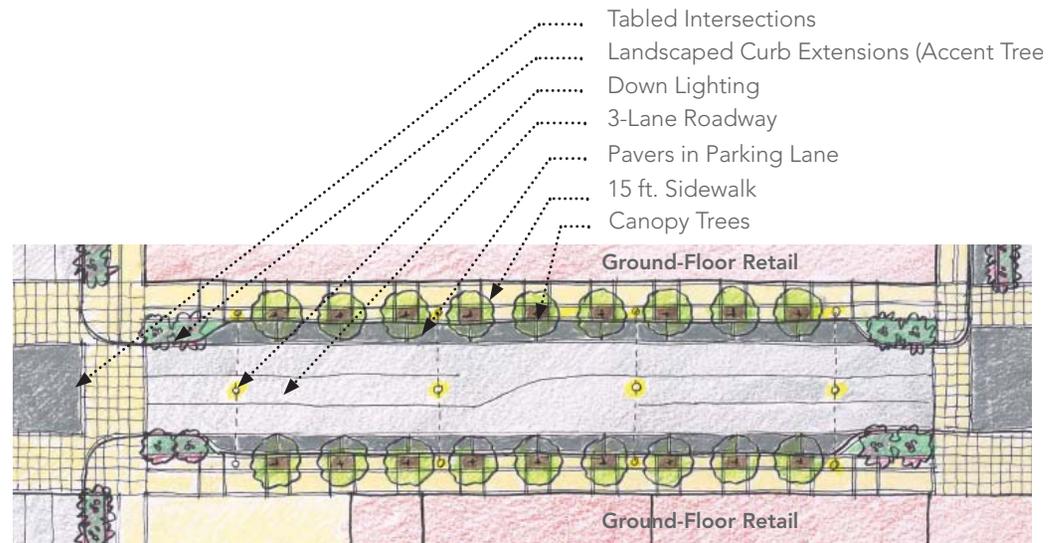
Signature Street



## MAIN AVENUE SIGNATURE STREET REQUIREMENTS

The standard Main Avenue Signature Street section represents the preferred design for the intended character and function of Main Avenue as a retail emphasis street west of Seventh Street.

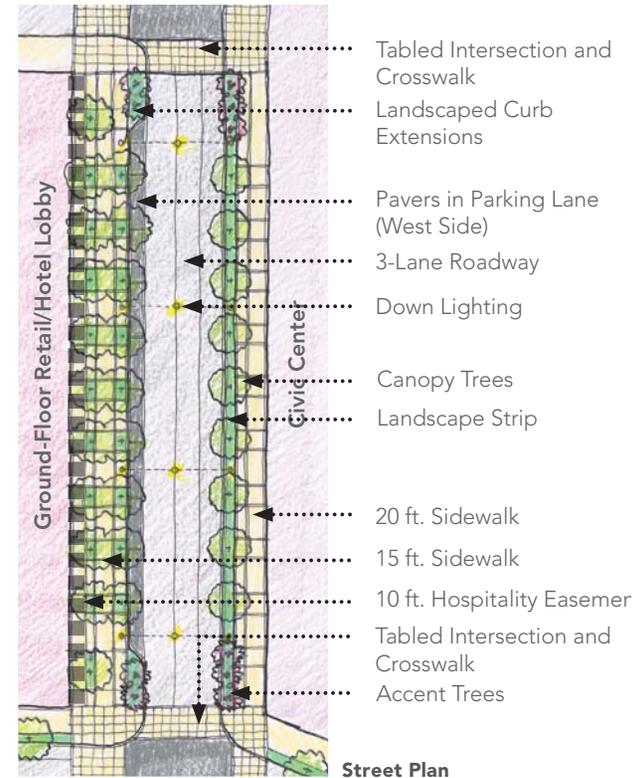
STANDARD SECTION ELEMENTS	
<b>Traffic:</b>	Two-way; two 12-ft. travel lanes, one 10' turn lane
<b>Parking:</b>	8-ft. parallel lane, each side of street
<b>Sidewalk:</b>	15 ft. wide, each side
<b>Bicycle:</b>	None
<b>Intersections:</b>	Tabled intersection or laid-down corners, & crosswalks (15' Wide Min.)
<b>Curbs:</b>	1-ft. concrete
<b>Paving:</b>	Scored concrete, tinted concrete, accent pavers and asphalt
<b>Trees:</b>	Canopy and accent
<b>Landscape:</b>	Shrubs and groundcover in 4-ft. tree wells and curb extensions
<b>Lighting:</b>	Roadway and sidewalk
<b>Furnishings:</b>	Benches, trash receptacles, bike racks, & tree grates



## FIFTH STREET SIGNATURE STREET REQUIREMENTS

The standard Fifth Street Signature Street section represents the preferred design for the intended character and function of Fifth Street as a retail, entertainment, and Civic Center emphasis street south of Main Avenue and a well greened pedestrian emphasis street north of Main Avenue.

STANDARD SECTION ELEMENTS	
<b>Traffic:</b>	Two-way; two 12-ft. travel lanes, one 13' turn lane
<b>Parking:</b>	8-ft. parallel lane, west side of street
<b>Sidewalk:</b>	15 ft. wide, west side 20' east side (Includes 15' sidewalk and 5' furniture/landscape zone) 10' Hospitality Easement, west side
<b>Bicycle:</b>	None
<b>Intersections:</b>	Tabled intersection or laid-down corners, & crosswalks (Min 15')
<b>Curbs:</b>	1-ft. concrete
<b>Paving:</b>	Scored concrete, tinted concrete, accent pavers and asphalt
<b>Trees:</b>	Canopy trees and accent
<b>Landscape:</b>	Shrubs and groundcover in 4-ft. tree wells, landscape strip & curb extensions
<b>Lighting:</b>	Roadway and sidewalk
<b>Furnishings:</b>	Benches, trash receptacles, bike racks, & tree grates



## FIFTH STREET SIGNATURE STREET VARIATIONS

Fifth Street Signature Street variations from the Standard Section south of Front Avenue include the following.

- Festival Street- South of Bowen Avenue to Kirkwood Mall
- Fifth Street Promenade- North of Main Avenue to the Library

### **Festival Street—Bowen Avenue to Ingals Avenue**

The Festival Street provides a distinct character to the nightlife zone by incorporating a flexible street design that allows for daily auto access to shops but is also dedicated for street events with the ability for temporary street closures.

Street elements:

- A curbless, brick paved surface from building edge to building edge
- Wide sidewalks (Minimum 18' each side)
- A two-lane roadway, one lane in each direction (12' lanes)
- Curbside parking both sides of street (8' parking lane)
- Curbside landscaping and pedestrian scaled lighting
- Curb extensions and enhanced crossings at intersections
- Decorative string lighting over the sidewalk and roadway

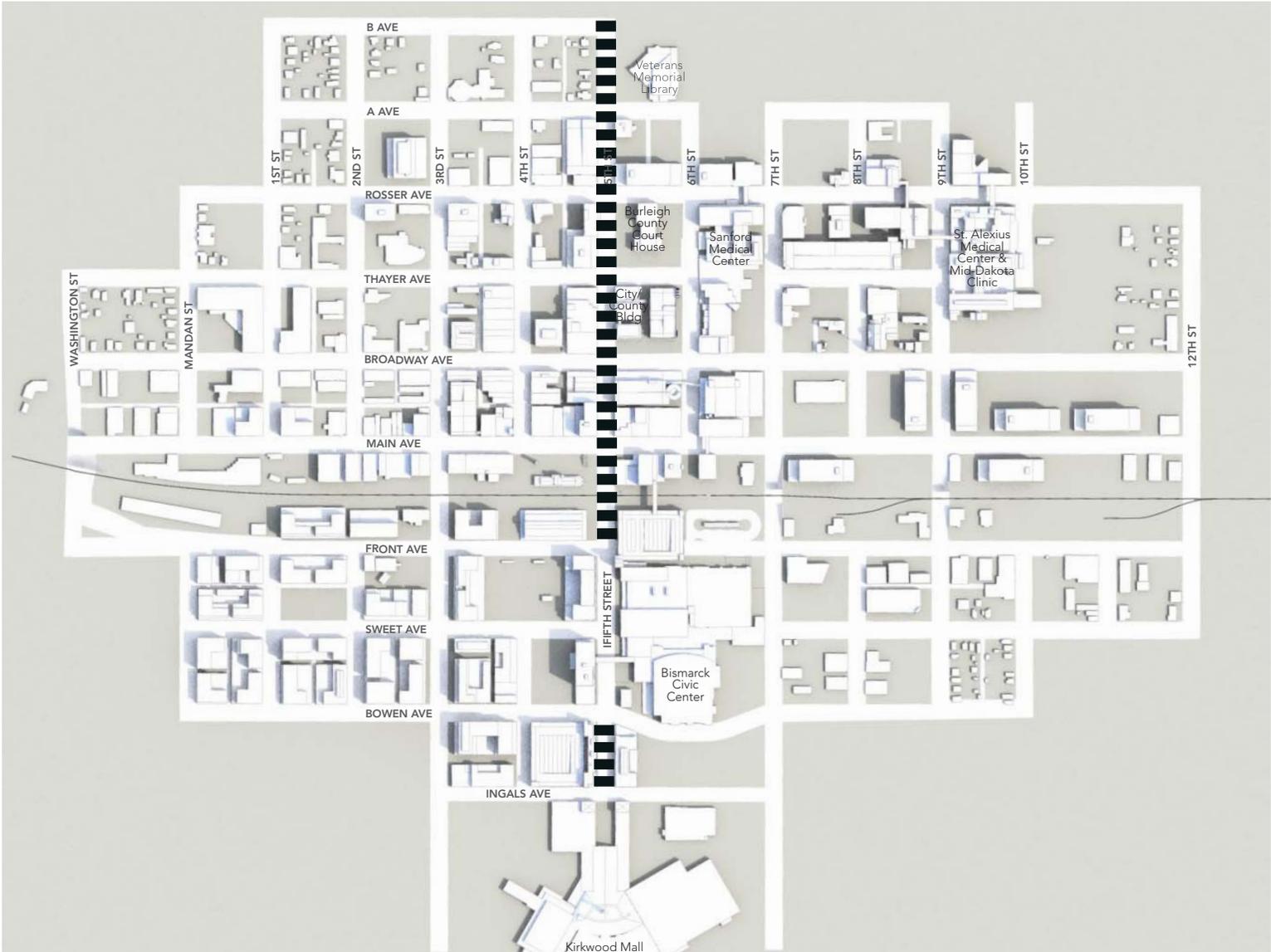
### **Fifth Street—Front Avenue to Avenue A**

Fifth Street north of Front Avenue is intended to incorporate a continuous pedestrian promenade with enhanced landscaping along the east side of the street and to maintain street trees and curbside parking on the west side. In areas where curbside parking serves retail uses on both sides of the street curbside parking would be provided.

Street elements:

- Wide sidewalks (Minimum 15' each side)
- Curbside landscaping (8' wide- east side)
- Street trees in large curbside tree wells (west side)
- A two-lane roadway, one lane in each direction (11' lanes)
- A continuous turn lane (12' lane)
- Curb extensions and enhanced crossings at intersections

Fifth Street Variations

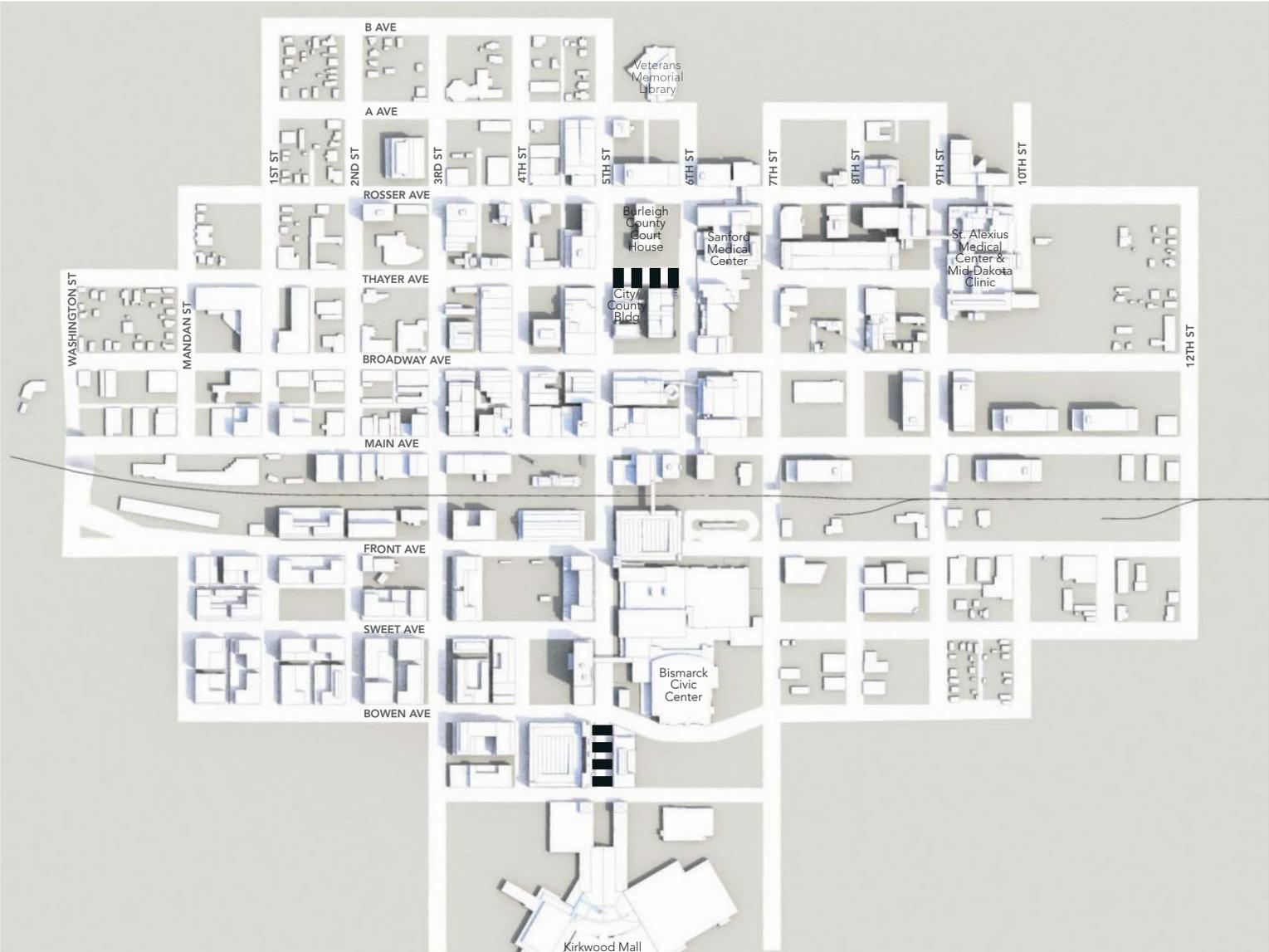


## FESTIVAL STREET

These streets are designed to promote a sense of community in that they provide an approved public right-of-way location that can be closed to traffic on multiple occasions during the year for pedestrian-focused special events. They are strategically located to serve the Mehus Commons area and the retail, entertainment, and Civic Center uses along Fifth Street.

- **Thayer Avenue (5th to 6th Streets)**– A curbless street design accommodating temporary street closure for events and providing a complementary and supporting space to the Mehus Commons and Burleigh Mall (Alleyway)
- **Fifth Street (Bowen Avenue to Ingals Avenue)**– A curbless street design accommodating temporary street closure for Fifth Street retail business/ community events or activities associated with the Civic Center

Festival Street

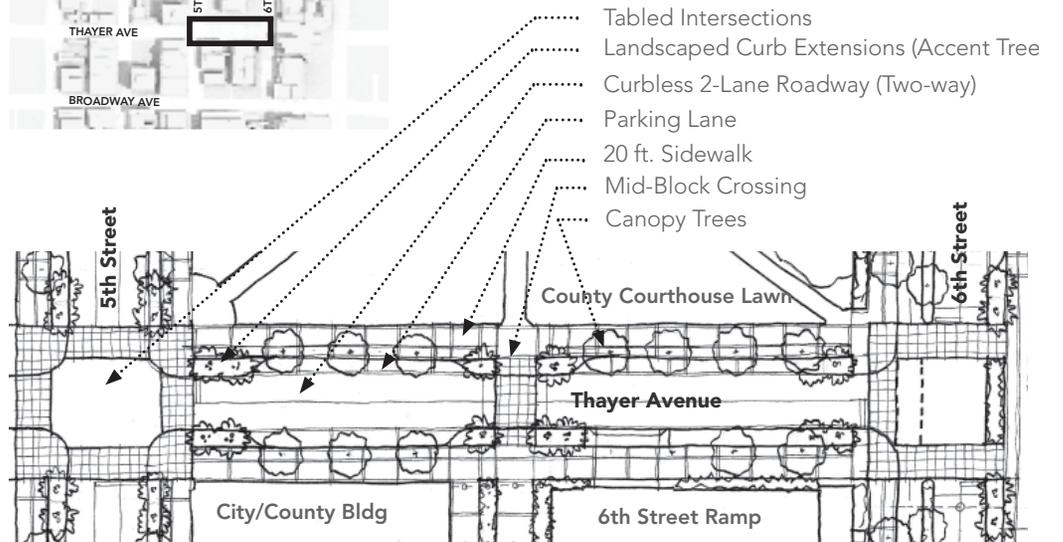


### THAYER AVENUE FESTIVAL STREET REQUIREMENTS

The standard Thayer Avenue Festival Street section represents the preferred design for the intended character and function of Thayer Avenue between 5th and 6th Streets as a complementary space to the Mehus Commons and Burleigh Mall (Alleyway) that supports temporary street closure for events and provides a high quality pedestrian environment linking major employment and government uses in the downtown.



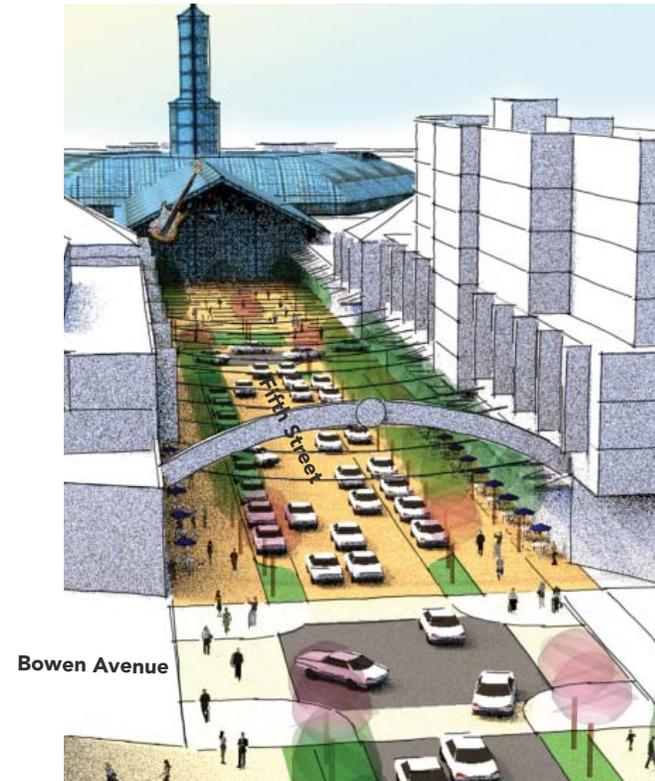
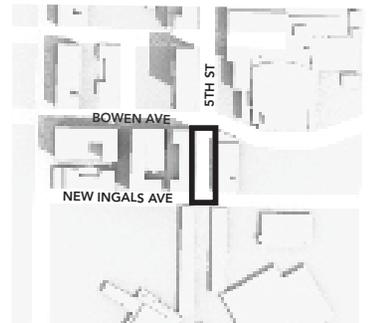
STANDARD SECTION ELEMENTS	
<b>Traffic:</b>	Two-way; two 12-ft. travel lanes.
<b>Parking:</b>	8-ft. curbside lane
<b>Sidewalk:</b>	20 ft. wide
<b>Intersections:</b>	Tabled intersection or laid-down corners, crosswalks
<b>Curbs:</b>	Curbless w/ bollards
<b>Paving:</b>	Brick, Scored concrete, or accent pavers
<b>Trees:</b>	Canopy and accent
<b>Landscape:</b>	Shrubs and groundcover in 5-ft. tree wells and curb extensions
<b>Lighting:</b>	Roadway, sidewalk, overhead string lights
<b>Furnishings:</b>	Benches, trash receptacles, bike racks



## FIFTH STREET FESTIVAL STREET REQUIREMENTS

The standard Fifth Street Festival Street section represents the preferred design for the intended character and function of Fifth Street between Bowen Avenue and Ingals Avenue to incorporate a curbless street design to support temporary street closure in association with adjacent business, community or Civic Center events.

STANDARD SECTION ELEMENTS	
<b>Traffic:</b>	Two-way; two 11-ft. travel lanes. 12-ft turn lane
<b>Parking:</b>	8-ft. curbside lane
<b>Sidewalk:</b>	15 ft. wide
<b>Intersections:</b>	Tabled intersection or laid-down corners, crosswalks
<b>Curbs:</b>	Curbless w/ bollards
<b>Paving:</b>	Brick, Scored concrete, or accent pavers
<b>Trees:</b>	Canopy and accent
<b>Landscape:</b>	Shrubs and groundcover in 5-ft. tree wells and curb extensions
<b>Lighting:</b>	Roadway, sidewalk, overhead string lights
<b>Furnishings:</b>	Benches, trash receptacles, bike racks



## PEDESTRIAN EMPHASIS STREET

The Pedestrian Emphasis Streets essentially function as every day routes for pedestrians and local traffic within the downtown. The design of the street is specific to the adjacent land uses and two types exist today that include:

- **Residential Character**—routes outside of the core commercial area of downtown and between commercial and residential use transition areas within predominately residential neighborhoods.
- **Commercial Character**— routes within the core commercial area of downtown and between commercial and residential use transition areas

City street standards exist for these streets and should continue to provide guidance for future improvements or extensions of existing streets or new streets within the Subarea.

**Pedestrian Emphasis Street**

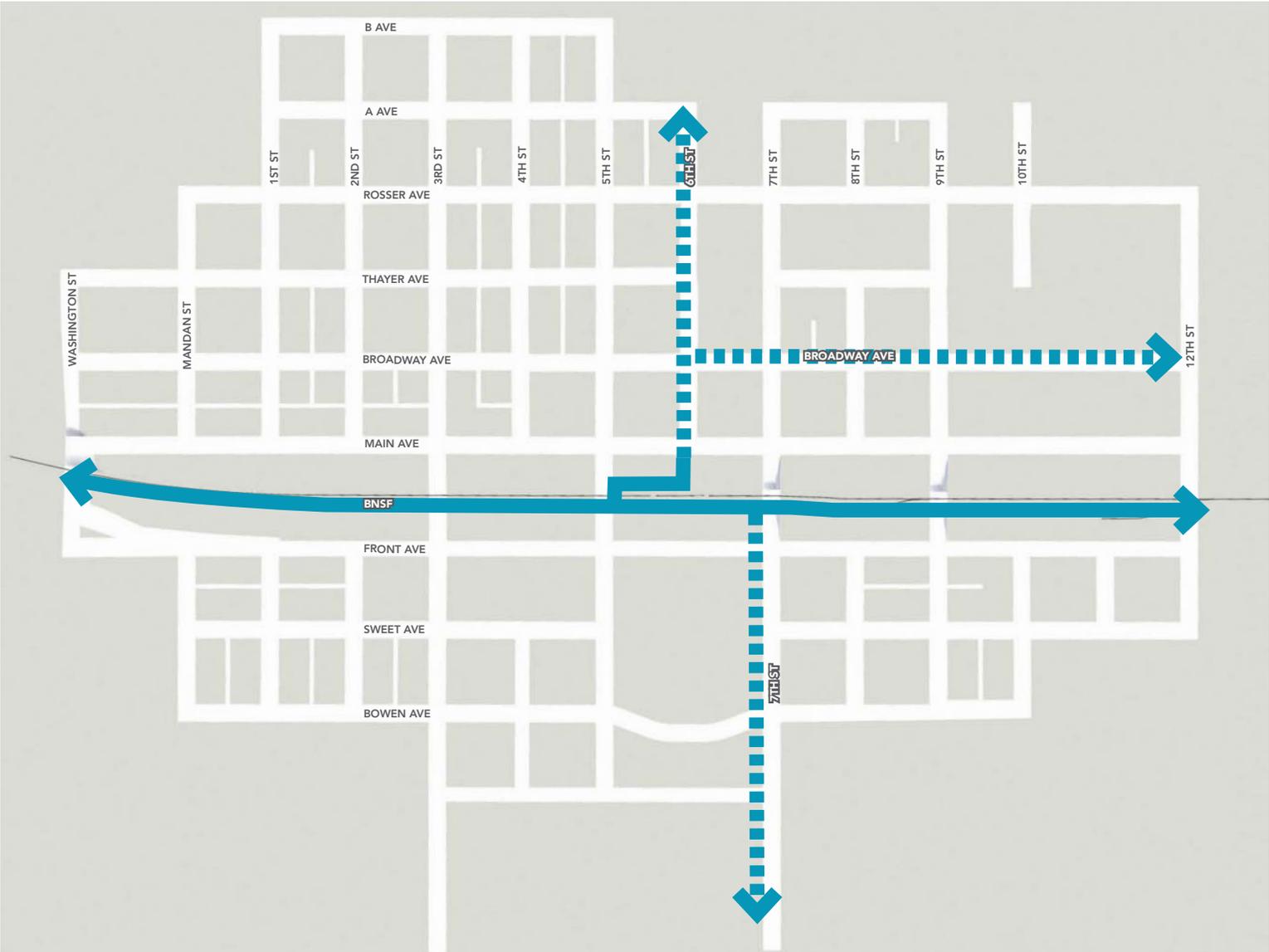


## CULTURAL TRAIL

The Cultural Trail—6th Street, Broadway Avenue, adjacent to the BNSF rail line and Seventh Street— is the backbone of an active transportation network that connects neighborhoods and attractions to downtown beyond a five minute walk by way of a five minute bike ride.

- **Protected Bikeway**—the standard for progressive bike communities, this facility has a physical separation from bicycle and traffic by way of landscaping, extruded curbs or parked cars along 6th Street connecting the Downtown to the State Capitol, and Broadway Avenue east of Sixth Street
- **Multi-Purpose Trail**— a mixed pedestrian and bicycles facility adjacent to the BNSF rail line and connecting to existing off-street bike facilities along Front Avenue to the Missouri River and located off-street on the west side of Seventh Street linking to the Bismarck Expressway, and University Drive/Airport Expressway trails south to adjacent neighborhoods, the airport and the University of Mary

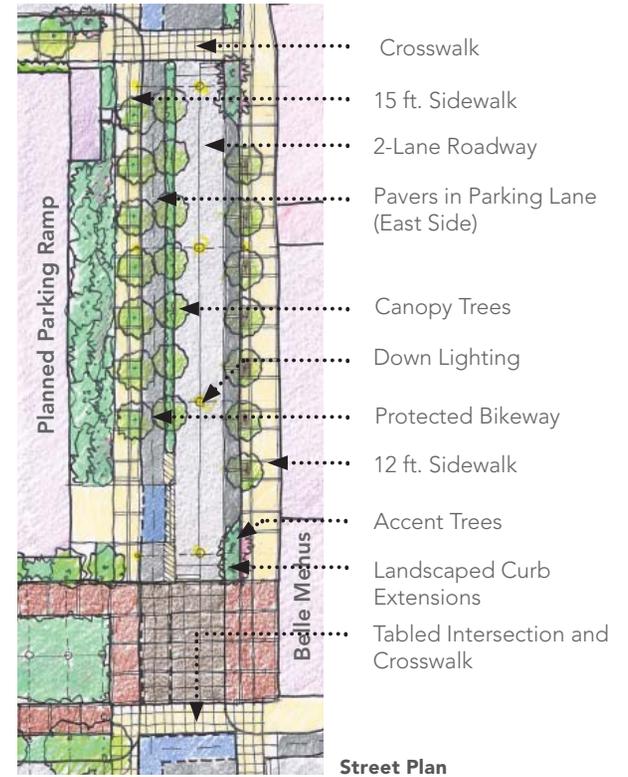
Cultural Trail



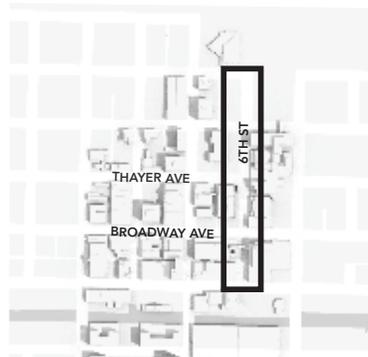
## SIXTH STREET CULTURAL TRAIL REQUIREMENTS

The standard Sixth Street Cultural Trail section represents the preferred design for the intended character and function of Sixth Street as a protected bikeway route linking the Downtown to the State Capitol. This design would also be applicable to Broadway Avenue east of Sixth Street linking neighborhoods and the Sanford and St Alexius medical centers.

STANDARD SECTION ELEMENTS	
<b>Traffic:</b>	Two-way; two 12-ft. travel lanes
<b>Parking:</b>	8-ft. parallel lane, east side of street
<b>Sidewalk:</b>	12 ft. wide, west side 19 ft. wide, east side (15-ft. sidewalk & 4' furniture zone),
<b>Bicycle:</b>	Two-way 12-ft. protected bike lanes, west side
<b>Intersections:</b>	Tabled intersection or laid-down corners, crosswalks (15' Wide Min.), & bike boxes
<b>Curbs:</b>	1-ft. concrete
<b>Paving:</b>	Scored concrete, tinted concrete, accent pavers and asphalt
<b>Trees:</b>	Canopy and accent
<b>Landscape:</b>	Shrubs and groundcover in 5-ft. tree wells and curb extensions
<b>Lighting:</b>	Roadway and sidewalk
<b>Furnishings:</b>	Benches, trash receptacles, bike racks



Street Plan



## RAIL TRAIL REQUIREMENTS

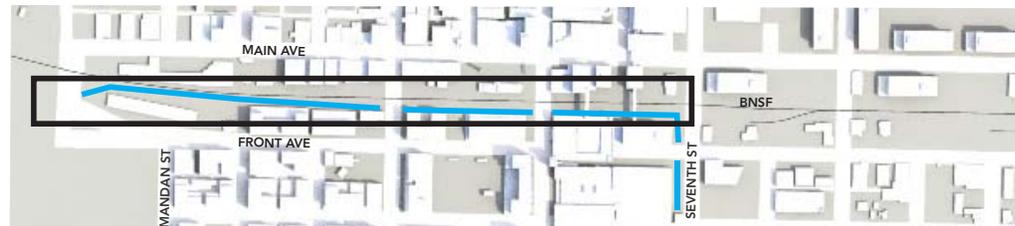
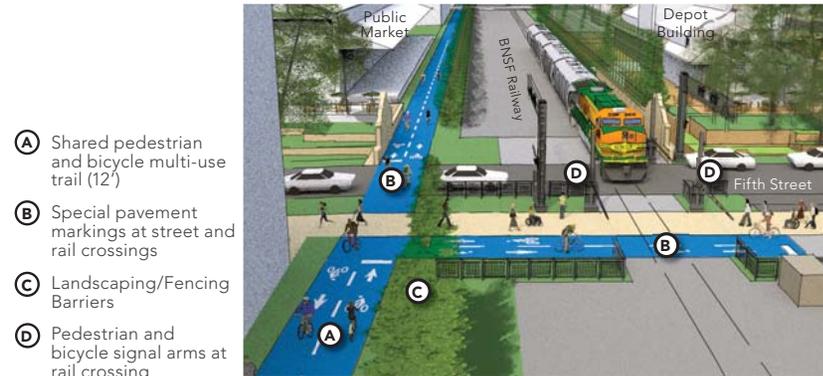
The standard Rail Trail section represents the preferred design for the intended character and function of the rail trail linking the Downtown to the Sertoma Park Trail Loop, Riverfront Trail and the Missouri River. The rail trail is located adjacent to the southerly edge of the BNSF right of way. The trail is envisioned to extend from Seventh Street to the existing paved trail west of Washington Street.

STANDARD SECTION ELEMENTS	
<b>Multi-Purpose Trail</b>	Pedestrian and Bicycle-Min. 15'
<b>Intersections:</b>	Ladder Crossing
<b>Paving:</b>	Scored concrete, or asphalt
<b>Trees:</b>	Columnar evergreen and accent
<b>Landscape:</b>	Shrubs and groundcover in buffer between trail and buildings and/or railway
<b>Lighting:</b>	Roadway and sidewalk
<b>Furnishings:</b>	Benches, trash receptacles, & fencing

RAIL TRAIL EXAMPLE



RAIL TRAIL- VIEW LOOKING



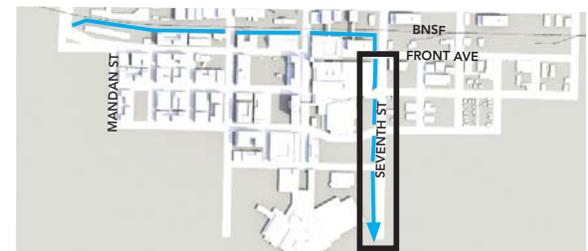
## TYPICAL MULTI-PURPOSE REQUIREMENTS

The typical Multi-Purpose Trail section represents the preferred design for the intended character and function of the Cultural Trail (along the west side of Seventh Street from Front Ave to the Bismarck Expressway Trail) linking the Downtown to the University Drive Trail and destinations further south such as the airport and University of Mary. This design includes much of the elements of the existing trails along University Drive and the Bismarck Expressway.

STANDARD SECTION ELEMENTS	
<b>Multi-Purpose Trail</b>	Pedestrian and Bicycle-Min. 15'
<b>Intersections:</b>	Ladder Crossing
<b>Paving:</b>	Scored concrete, or asphalt
<b>Trees:</b>	Canopy and accent
<b>Landscape:</b>	Shrubs and groundcover in buffer between trail and buildings and/or roadway
<b>Lighting:</b>	Roadway and sidewalk
<b>Furnishings:</b>	Benches, trash receptacles, & fencing



- Ⓐ Shared pedestrian and bicycle multi-use trail (15' min.)
- Ⓑ Special pavement markings at street and rail crossings
- Ⓒ Landscaped Buffer between Trail and Roadway

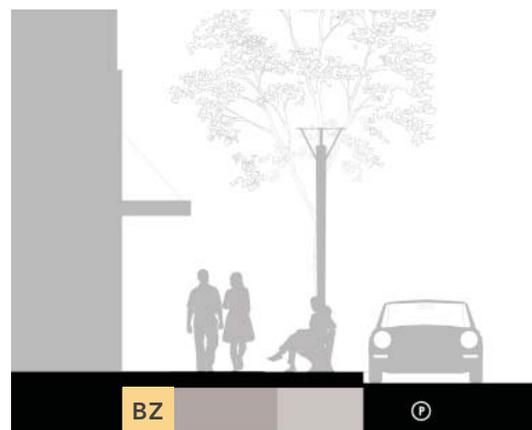


## 2. DESIGN ELEMENTS

The design elements prescribe specific design and specifications of all roadways and sidewalks for each street type. The design elements include the following:

- Sidewalk and Roadway Zones– identify the character and arrangement of ‘functional zones’ within sidewalks and roadway lanes. Provide detailed dimensioned layouts (plans and sections) for all elements within each sidewalk zone and roadway lane
- Sidewalk and Roadway Details– provide plans and construction design details for all key elements within the right-of-way
- Street Furniture Elements–identify the type, location, and material specifications for lighting, benches, bicycle racks, landscape planting lists, etc.

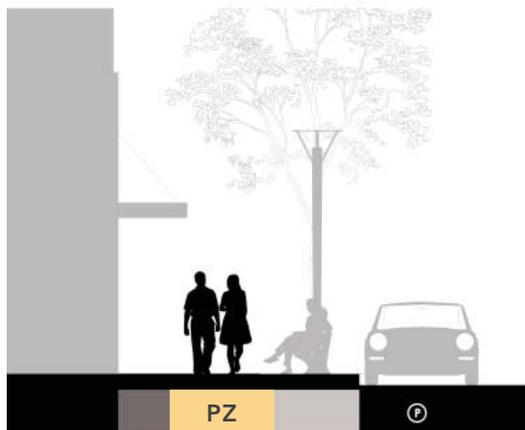
### Sidewalk and Roadway Zones Example



#### Building Zone (BZ)

The area immediately adjacent to the building facade. Due to its limited area, this zone accommodates retail displays, small two-person cafe tables/seating, and minor building projections such as downspouts. This zone is interrupted at doorways, corners and driveways.

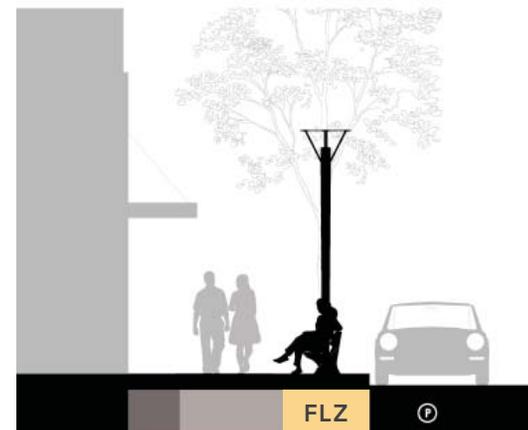
**Size:** 3 feet



#### Pedestrian Zone (PZ)

An unobstructed area for pedestrian through-movement, free of cafe seating, sandwich boards, signal poles, utility poles, etc. This zone should not be interrupted by driveways on the Retail Street.

**Size:** 6 to 7 feet

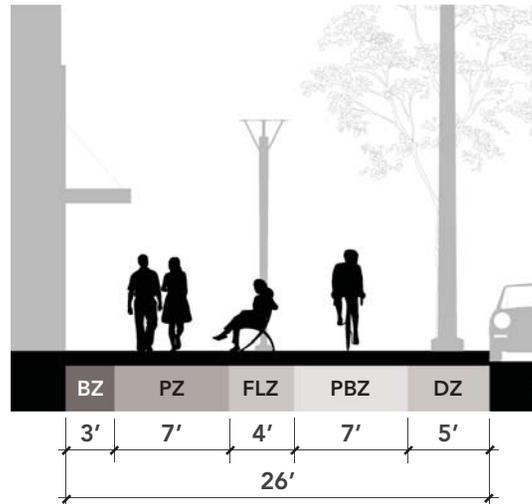


#### Furnishings/Landscape Zone (FLZ)

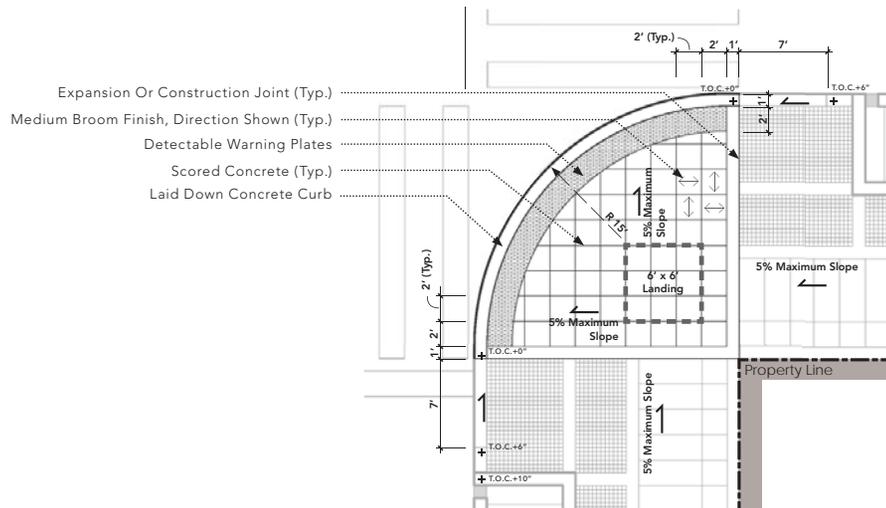
This is the location of all elements supporting pedestrian, vehicular and bicycle use of the right-of-way, including sign poles, lighting, street furniture, seating corrals, landscape, rain gardens and bicycle parking facilities. This zone is interrupted at corners and driveways.

**Size:** 4 to 8 feet (Min. 5 feet at curb side)

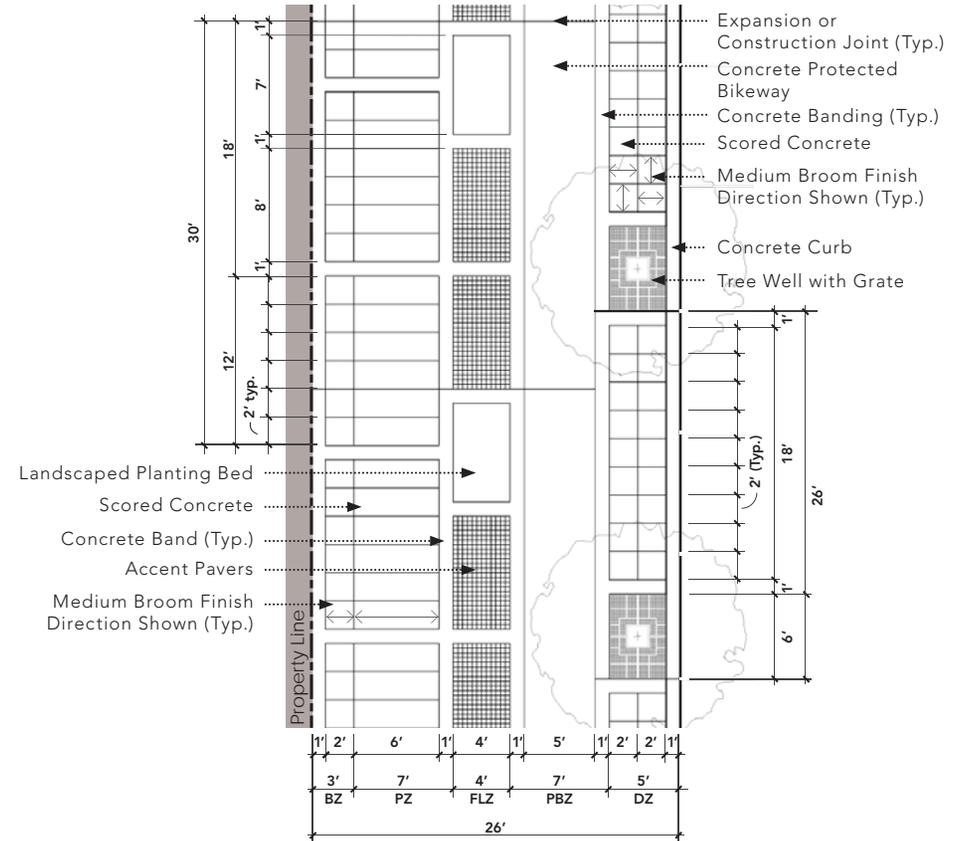
## Sidewalk and Roadway Details Example



**Zones**

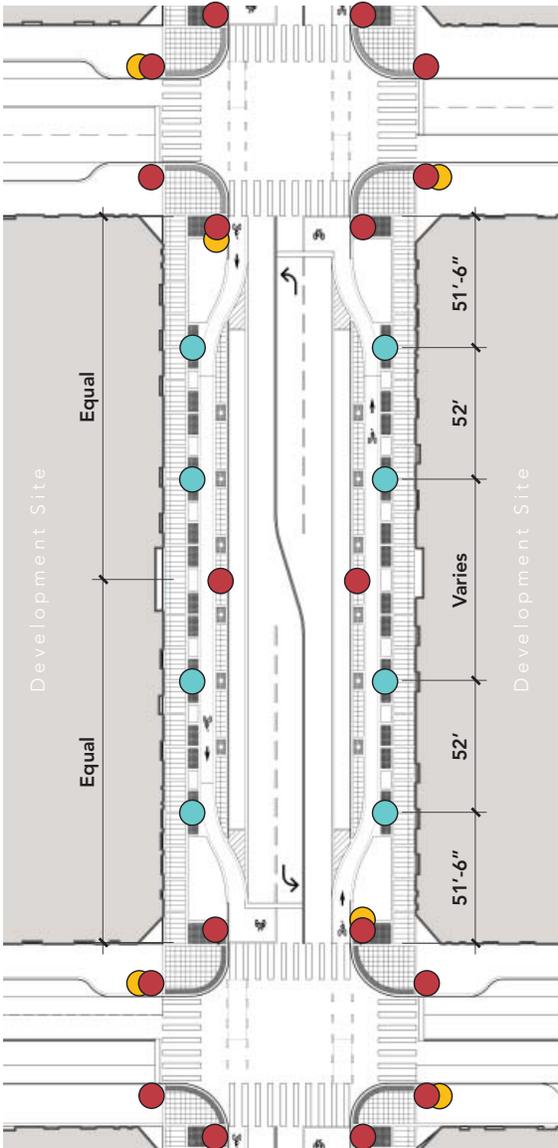


**Typical Corner Plan**



**Paving Plan**

Street Furniture Elements Example



Sidewalk Lighting

- **Manufacturer**–Kim Lighting
- **Model**–Bounce, single luminaire, 10-ft. pole height
- **Finish**–Platinum Silver

- Roadway Light Fixture
- Sidewalk Light Fixture
- Potential Traffic Signal Fixture

## VI. MANAGING IMPLEMENTATION

The implementation of the Downtown Subarea Plan can occur through passive measures- those that rely on the regulatory parameters guiding Plan development, or active measures- those using a systematic approach that includes the regulatory framework, city departments and agencies coordination, public and private partnerships, integrated funding strategies and a central managing entity to coordinate implementation efforts.

While planning within the context of the Downtown Subarea Plan is considered a longer term effort, implementation will not occur without some short-term strategic actions that lay the foundation for future success. The short term strategic actions include plan and implementation strategy adoption and the update to existing codes and ordinances that establish the Plan’s regulatory framework as discussed in the previous section.

City Commission adoption of the plan and implementation strategy provides the authority to create the regulatory framework needed to ensure that the intent of the Plan is realized and establishes the directive to City departments for integrating the Plan’s recommendations into departmental work plans.

### A Recommended Comprehensive Implementation Approach

By taking a more active approach, the City can maximize the development potential in a coordinated fashion benefitting both existing and future residents and businesses and ensuring the efficient use of public dollars to leverage significant private development.

It is recommended that the city consider the following active implementing measures that include:

### The Regulatory Framework

Establishing the regulatory framework in the form of codes and ordinances is the most time sensitive measure to be instituted to ensure that future development meets the intent of the Plan and creates a level playing field by providing certainty to the development community. The first task in terms of implementing the Plan will be to establish the regulatory framework which consists of updating zoning codes, plans and standards.

### Interagency Coordination

Interagency coordination will be required to ensure that citywide planning across agencies and departments are working together to implement the Downtown Bismarck Subarea Plan. For instance, the timing of this planning effort will allow for the Plan to inform the final update of the growth management plan as well as the upcoming update to the long range transportation plan..

The implications for coordinating with the LRTP update provide the opportunity to guide the future location and design of streets and identify priorities and funding for public investment in citywide transportation projects that support Plan implementation. In addition, interagency coordination should look for opportunities to include the Plan’s implementing measures and goals within existing city department work plans.

## Partnerships

Partnerships provide the relationship building that expand the capacity of a local community to effectively fund and implement planning efforts and are critical for bridging the gap in funding public and private projects. Partnerships are likely to be in the form of:

- Public—The city, MPO and NDDOT are currently involved as partners in the planning for the Downtown Subarea Plan and LRTP
- Public/Private—The majority of specific area planning projects within the Plan introduce development products that have not been readily assembled in the local community, such as mixed-used housing development, and within the restricted current economic environment will require a coordinated effort between developers and the public sector to navigate the process to mutually benefit all parties involved.
- Public/Non-Profit— Affordable housing, services for the elderly, and public spaces, which add to the livability of downtown and ensure safe and equitable access to housing, services and open spaces are often leveraged and implemented through partnerships with non-profits.

## Development Incentives

Development incentives are intended to reduce the barriers to private development and local business creation and are a tool for ensuring high quality development.

Development incentives are most successful when directed toward specific community goals such as the creation of affordable housing, encouraging mixed-use development, improving community access and mobility, and job creation. Incentives encourage private development and shared contributions for public infrastructure such as streets, utilities, affordable housing and parks. Incentives may come in the form of:

- Development bonus programs such as height or density bonuses
- Reduced fees for system development charges
- Streamlined development approvals to reduce the amount of time and cost associated with the plan approval process
- Tax abatement
- Direct loan programs

## Implementation Oversight

Coordination of public and private sector efforts is absolutely essential for navigating the complexities of Plan implementation and for ensuring that implementation is effective and timely. A central agency or point person provides the institutional capacity to manage and coordinate, funding, partnerships and marketing for downtown development.

It is recommended that a single point-of-contact staff position be created to coordinate and manage these projects through implementation in conjunction with an Implementation Oversight Committee. As an oversight body, it is recommended that willing members of the Downtown Subarea Steering Committee and Technical Advisory Committee be transformed into an 'Implementation Oversight Committee'. This committee would review proposals and provide recommendations to the Bismarck City Commission for any expenditure of public resources throughout the life of the implementation plan.

The Implementation Oversight Committee should:

- Be formally appointed by the Bismarck Board of City Commissioners
- Receive support from City staff regarding necessary data and information needs, scheduling of regular meetings and preparation of an annual report and briefing materials
- Meet at regular intervals throughout the life of the Subarea Plan implementation to review and provide recommendations to the City and Commissioners on implementation progress
- Prepare an annual report and briefing to City Commissioners

The make-up, and purpose of an implementation committee is as follows:

### **Committee Members**

The Implementation Oversight Committee should include a diverse and representative group of downtown members including property and business owners, representatives of downtown business associations and advocacy groups, and City departments, agencies, and commissions. Oversight Committee members might be representatives of:

- Downtown Business Improvement District
- Renaissance Zone Authority
- Downtown Business Association
- City Transportation, Planning, Public Works, and Engineering
- Housing Authority and Parking Authority
- Transit Agency
- City Commission and Planning and Zoning Commission
- Downtown Business Owner
- Property Owner

### **Committee Purpose**

The Implementation Oversight Committee should meet regularly to review implementation progress, and identify opportunities for advancing implementation efforts. Tasks of the Oversight Committee should include:

- Meeting monthly
- Keeping the Master Plan ‘Alive and Breathing’
- Tackling topics and components of the Master Plan, setting goals, finding community members to engage in goals, advocating for goals, and creating committees to achieve goals
- Seeing this plan through
- Recognizing that City support is essential for plan success
- Recognizing that accomplishments of the Master Plan are the result of a community-wide effort

### **Committee Annual Report**

The Implementation Oversight Committee should prepare an annual report. An annual report and briefing to City Commission identifies implementation progress and provides a basis for establishing partnerships and prioritization of City funds for implementation projects. The annual report should include:

The annual report should include:

- An update on accomplishments for the last year
- An updated list of Master Plan accomplishments since the start of the plan
- The committee’s immediate goals for the near future



## FUNDING SOURCES

Downtown revitalization is a multi-year task, and success is enhanced by a multi-year commitment of funding and incentive programs. There are many financing tools which will be available to downtown Bismarck to implement the projects identified in the Downtown Bismarck Subarea Plan.

The following are a list of possible federal, state, and local funding sources for transportation and infrastructure, housing, and economic development projects.

### **I. STATE and LOCAL PROGRAMS**

The City of Bismarck has a variety of fiscal resources to assist in the implementation of downtown projects. The methods used to finance infrastructure and other public improvements can influence how development and growth occur within the City. Property taxes, special assessments, sales tax, enterprise funds, community development block grants, and state and federal aid programs are some revenue resources available. These resources can be applied on a case-by-case basis to help achieve the goals and objectives of the Subarea Study.

#### **Renaissance Zone Program**

A state initiative that began in 1999, the Renaissance Zone program provides a five year property tax exemption and a five year state business income tax exemption. Business and property owners can qualify for the tax exemptions by making capital improvements to their lease space, buildings or by constructing new buildings within the Zone. There are no cash incentives or grants available with this program.

#### **CORE Incentive Program**

The CORE Program was created to stimulate new development in the downtown area and fund projects that will serve as the foundation for future downtown development. These incentive programs are funded by the Downtown Tax Increment District and are available to property owners, developers and tenants for projects within that District. All CORE Incentive Program grants and awards are discretionary and will be considered on a case-by-case basis. The funds include:

1. Façade Grant program provides 50% matching funds made to building facades
2. Housing Incentive Grant program provides 20% matching grants for the creation or rehabilitation of housing units within the downtown area
3. Technical Assistance Bank offers financial assistance for professional design services from licensed architects and engineers
4. Sidewalk Subsurface Infill program offers grants for work within the public right-of-way needed to fill subsurface vaults under sidewalks.

### **Special Assessments**

Special assessments are used to levy the costs of specific improvements against the properties that directly benefit from the improvements. Special assessments are traditionally used for infrastructure improvements, including roadways, sanitary sewer, storm sewer, and water mains.

In new subdivisions, the developer is responsible for paying trunk line charges, right-of-way grading, basic water and sanitary sewer main costs up front, with the remainder of the improvements generally being assessed to the individual lots within the subdivision. The North Dakota Century Code also allows the use of special assessments to develop public parks.

### **Property Taxes**

Property taxes are a primary revenue source for local government. Tax rates apply uniformly to all property within the City regardless of what the property creates in terms of costs or benefits within the community. For this reason, property taxes are usually used to fund City operations.

### **Sales Tax**

As a home rule municipality, Bismarck has the authority to utilize sales tax to fund specific projects and reduce property taxes. This 1% sales tax is currently used to fund roadway construction and maintenance of City facilities, economic development activities, and to offset property taxes by an equivalent of 25 mills. Sales tax is also used to fund community betterment projects, which are voted on by the residents of Bismarck. The most recent vote in 2002 authorized funding for several project that would not otherwise have funding, such as the construction of a new fire station, construction of the new 911 emergency center, development of new recreational trails, and improvements to the Community Bowl.

### **Enterprise Funds**

The City also has several enterprise funds, which are self-supporting and function much like a business in that fees are charged for services in order to cover the cost of operation and equipment replacement. Enterprise funds within the City include the airport and flightline operations, the solid waste utility (collection and landfill), the water and sewer utility (water treatment & distribution, wastewater collection & treatment, and stormwater management facilities), and the parking authority operation.

### **Special Revenue Funds**

Several operations of the City also operate as special funds, including the arena and exhibit functions of the Civic Center, the public library, specific function of the roads and streets department (snow gates and street lighting/traffic signals), and specific law enforcement activities. The lodging and restaurant tax used for capital construction and government grants are also budgeted as special revenue funds. The City of Bismarck is an entitlement community for Community Development Block Grants. These funds must be used for projects that benefit low and moderate income households, eliminate slums and blight, or mitigate a life-threatening situation. In Bismarck, CDBG funds may be utilized for infrastructure improvements in low and moderate income neighborhoods. The City is also eligible to apply for a variety of state and federal aid programs including funding for transportation plans, airport improvements, stormwater management studies, and qualified capital improvements.

### **Development Impact Fees**

Although development impact fees are not utilized extensively in Bismarck, they should be considered. Developers would set aside funds to be used as a portion of required future infrastructure (such as roadways, traffic signals, stormwater management facilities, etc) benefiting the property being developed. This would help eliminate the need for general taxpayer subsidy of improvements that primarily benefit specific properties.

### **Legislative Direct Appropriations**

State appropriation bills may include funding for particular local or state transportation projects.

### **Special Districts for Business Improvement, Parking & Other Infrastructure**

Neighborhood residents and downtown property owners can elect to levy special taxes on themselves for special activities and capital improvements within an established special district. Business Improvement Districts, for example, can fund downtown revitalization activities, promotions and events. Parking Districts can assist development efforts in locating parking facilities in a manner consistent with good community design and respectful of the historic streetscape. Cities and counties may also create special improvement districts to pay for projects with bond repayment to be made by the adjoining landowners receiving the benefit of the improvement.

### **General Obligation Bonds**

The sale of general obligation bonds used to finance specific public infrastructure and facilities improvements. A G.O. bond sale, subject to voter approval, can provide the financing initially required for major projects.

### **North Dakota Department of Transportation (NDDOT)**

The NDDOT distributes a variety of federal funds and provides state matching funds requirements for a variety of auto, pedestrian, bicycle and rail infrastructure projects.

### **North Dakota Department of Transportation- Transportation Alternatives Program (TAP)**

The current transportation bill, Moving Ahead for Progress in the 21st Century Act (MAP-21) establishes a new program to provide for a variety of alternative transportation projects, including many that were previously eligible activities under separately funded programs. TAP provides funding for programs and projects defined as transportation alternatives. They include pedestrian and bicycle facilities; safe routes to school projects; safe routes for non-drivers; community improvement activities, and environmental mitigation projects. TAP funds are administered through the NDDOT to local jurisdictions. A 10-member NDDOT director's task force rates the applications and attaches dollar values. The projects are usually reviewed in December with notification of award coming in January.

### **City of Bismarck General Fund**

This fund provides revenue for most major city functions like the administration of local government, and the departments of public services including police, fire, and public works.

### **Downtown Development Incentives Fund**

Creation of a 501-C3 to receive private donations and philanthropic support for public projects and economic development initiatives can provide a significant amount of funds over a sufficiently long period of time to capitalize financing for private investment through such means as:

1. Revolving loan fund offering interest rate write downs
2. Matching funds for contributions to downtown projects
3. Direct incentives for targeted retailers - would provide a “negotiation fund” for target retailers or categories

### **The Bismarck Vision Fund**

The Bismarck Vision Fund is a city sales tax supported fund that provides assistance to businesses that wish to locate or expand in Bismarck. The Bismarck Vision Fund can offer a flexible assortment of financing opportunities, such as interest buy downs, reduced interest loans, equity positions, grants, and other individually tailored financial incentives and exemptions.

In addition, North Dakota is the only state in the nation to own, control, and operate its own development bank. The capacity to arrange financing was a benefit when the bank was established in 1919, and it remains so today. The Bank of North Dakota (BND) and other state and local programs can offer an array of financing opportunities, such as interest buy downs, reduced interest loans, equity positions, and other individually tailored financial incentives and exemptions.

### **MATCH Program**

The MATCH Program is designed to encourage and attract financially strong companies to North Dakota. The program is targeted to manufacturing, processing and value-added industries. Through this program, the BND will participate in loans to financially strong companies and provide interest rates at some of the lowest in the nation.

### **PACE Fund**

The PACE Fund is designed to assist North Dakota communities in expanding their economic base by providing for new job development. This program has two major elements: (1) the participation by the BND with a local lender in a community based loan, and (2) the participation by the PACE Fund with the local community in reducing the borrower’s overall interest rate.

### **Business Development Loan Programs**

The Business Development Loan Program through the BND is designed to assist new and existing businesses in obtaining loans that would have a higher degree of risk than would normally be acceptable to a lending institution.

### **North Dakota Development Fund**

A North Dakota Economic Development and Finance fund designed to provide flexible “gap” financing through loan and equity investments to new or expanding primary-sector businesses in North Dakota.

### **Tax and permitting incentives**

Property tax exemptions can be granted to new and expanding businesses; payment in lieu of property tax may be negotiated; sales and use tax exemption for building materials used to construct an agricultural commodity processing facility; no sales and use tax on machinery or equipment used in processing and manufacturing; no sales tax on computer and telecommunications equipment for a new primary sector business; 5-year corporate income tax exemption; no personal property or inventory taxes.

### **Strategic Partners**

The Bismarck Mandan Development Association (BMDA) has relationships with local service providers. Partnering with the BMDA, many of these utility service providers will negotiate favorable terms, grants, and conditions for new or expanding companies.

### **Other Funding Types**

Another method that may be available to Bismarck for implementation of projects is to structure a range of public and private incentives for downtown retail, business development, and affordable housing. These “indirect funding” mechanisms might typically include:

1. Granting bonus densities under the zoning code in exchange for provision of a public amenity or benefit
2. Special permitting for uses such as sidewalk cafes to animate street life
3. Allowing sponsorships of public space programming to encourage pedestrian activity
4. Below-market-rate land sales or ground leases
5. Fast track approval processes for downtown housing development to lower developer costs while at the same time providing a benefit at little or no cost to the city
6. Below-market-rate public bond financing to reduce the cost of capitol for designated development projects
7. Property tax deferrals in exchange for provision of public amenities

## **II. FEDERAL PROGRAMS**

### **Community Development Block Grants (CDBG)**

Federally-funded through the Department of Housing and Urban Development this grant program provides funding for housing, infrastructure improvements, and economic development and must serve the interests of low and moderate-income populations.

### **New Market Tax Credit Program (NMTC)**

This federal program is intended to attract private-sector investment into qualifying low-income communities to help finance community development projects, stimulate economic opportunity and create jobs. The program offers federal tax credits for making private investments in qualified Community Development Entities (CDEs).

**Federal Rehabilitation Tax Credits for Certified Historic Structures**

Federal program in which a portion of the renovation investment in an historic building is credited back against federal income taxes, in exchange for certain federal (Department of Interior) renovation standards being followed.

**Moving Ahead for Progress in the 21st Century Act (MAP-21)**

Moving Ahead for Progress in the 21st Century Act (MAP-21) MAP-21 is a milestone for the U.S. economy and the Nation's surface transportation program. By transforming the policy and programmatic framework for investments to guide the system's growth and development, MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991.

**TIGER Grants**

The Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, provides a unique opportunity for the U.S. Department of Transportation to invest in road, rail, transit and port projects that promise to achieve critical national objectives. Congress dedicated \$1.5 billion for TIGER I, \$600 million for TIGER II, \$526.944 million for FY 2011 and \$500 million for the FY 2012 round of TIGER Grants to fund projects that have a significant impact on the Nation, a region or a metropolitan area.

**Low-Income Housing Tax Credits (LIHTC) and HOME Investment Partnership Program**

Federal tax credits program created in 1986 under Section 42 of the IRS code to encourage the development of affordable multifamily rental housing.

**Economic Development Administration- U.S Department of Commerce (EDA)**

The EDA provides funds for technical assistance, planning and the development of projects that result in the creation of new employment. Technical assistance grants usually average about \$25,000 and require a small cash match. Capital grants and revolving loan funds are available on a 50/50 matching basis and vary in size from hundreds of thousands to millions of dollars.

Crandall Arambula PC



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