1. CALL TO ORDER

2. ROLL CALL AND DETERMINATION OF A QUORUM
   - Absences

3. DISPOSITION OF MINUTES FROM REGULAR MEETING: February 21, 2017, and:
   DISPOSITION OF MINUTES FROM SPECIAL MEETING: February 16, 2017.

4. COMMUNICATION
   A. Planning article of the month

5. PUBLIC HEARINGS
   A. Ordinance 1060, an ordinance creating a Highway Commercial Corridor (HCC) Zoning District – Staff

   B. Ordinance 1061, an amendment to Ordinance 999 which regulates Temporary Use Permits, allowing Temporary Use Permits in the Highway Commercial Corridor (HCC) Zoning District – Staff

6. COMMITTEE REPORT
   • NONE

7. UNFINISHED BUSINESS
   • NONE

8. NEW BUSINESS
   A. Final plat for JEM Estates located in the NE ¼ of the SE ¼ of the SE ¼, Section 24, T155N, R101W, City of Williston - Jay Mikolinski

9. DATE OF NEXT REGULAR MEETING – April 17, 2017

10. ADJOURNMENT
Williams County Planning and Zoning Chairman Tate Cymbaluk called the meeting to order at 6:00pm. Roll Call was taken per request from City Planning & Zoning Commission Vice-Chairman Maristuen. A quorum was present.

MEMBERS PRESENT: Boyeff, Hansen, Bauer, Christensen, Long, Maristuen.

MEMBERS ABSENT: Aafedt.

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Christine Edwards, P&Z Office Manager; Bob Hanson, City Engineer; Howard Klug, City Commission Chairman.

PUBLIC HEARINGS:

1. Public Hearing to consider adoption of the updated Williston – Williams County Regional Plan.

Public Hearing was opened up by Williams County Planning and Zoning Commission Chairman Tate Cymbaluk. He explained that Cindy Gray would be making a presentation on the Regional Plan Update and when she was finished he would open the public hearing for comments.

Cindy Gray of SRF Consulting said she has been working with the City of Williston for over nine years and has seen many changes and it has been great to see and be a part of. She said that for this meeting she would briefly explain the Updated Comprehensive Use Plan, the Transportation Plan (with projected traffic models up to 2040) and the five corridor studies and at the end of her presentation she would have a recommended motion for both the Williams County and the Williston City Planning and Zoning Commissions.

Gray made her presentation following a slide show she had prepared for this meeting. (Full presentation attached)

**PRESENTATION NOT INCLUDED HERE FOR 3/20/17 MEETING, NEED ONLY MINUTES REVIEWED**

County Commissioner Tate Cymbaluk stated that this Plan is a tool to guide future growth of Williston asked if there were any questions for Cindy by commissioners of either board or the mayor; none were expressed at that time. Cymbaluk then opened the floor for public comment.
Tony Axelson approached and asked Cindy Gray about a slide showing a possible roundabout on Hwy 1804. Gray said yes, one possible version of traffic routing and control does show a roundabout at the connection of the south truck route at 7th Ave. E. and East Broadway (Option B, pg. 90). Axelson stated his concern that semi-trucks cannot get through roundabouts. He said he travels a lot and he is finding many places removing roundabouts because of accidents. Cymbaluk noted that the roundabout was only one possible option and that it would require a lot more study before choosing or implementing it. Axelson further stated that a traffic light needed to be put into place at County Rd. 9 and Hwy. 1804 but NDDOT refuses. He stated that many vehicles crash through his fence onto his property. Both Commissions said they would make a note of his concern.

Gerald Miller asked if on the west side of town while working on the highway from 11th Street to OK Tire if they would shut traffic down during construction or put in a temporary light at 2nd Street and will “dead man’s curve” be shortened? Bob Hanson, City Engineer, stated that the area in question, known as “dead man’s curve” would be reconstructed to a smoother corner. The 2nd Street intersection onto the highway will be reconstructed and would be a conventional four-way intersection with a rapid signal traffic control light. Miller asked if that would have a free right turn like the 2nd Ave. W. and 26th Street intersection. Hanson said it would not it would be a full stop.

After a second call for public input, Monica Weber told the Commission that she is concerned about Corridor C with the new District 8 school building and the new airport being built out there. She lives in the Lukenbill Estates and while 55th Street is now paved to them that is the only thing that is. She stated that the residents of Lukenbill Estates are concerned with 135th Street to 56th connecting to 139th and then to truck route; they would like for it to at least be chip sealed. The dirt roads get too muddy for school busses and deliveries to reach them. There is a new fire department now and with all the new traffic Lukenbill it will only get worse and they don’t want to be forgotten in all the new projects. County Planning Commissioner Aberle told Weber that those roads are township roads and they have to be the ones to improve them. He explained that the County has grant money for the Townships to help with these types of things but the Township must apply. He directed her to continue this pursuit with Township officers.

Cymbaluk made a third call for public comment. Luther Hoffman said he would like to see more bike trails throughout the community within this area asked if there were any plans for development from the new airport. Cymbaluk stated that bike trails are in consideration with future development within the
City. As to development surrounding the new airport; there is one small pocket out there and when and if that happens both the City and County will need to work on how to do that strategically with the influx of traffic.

Harry Wanner discussion of East bypass possibly going through the corps of engineer land – County Planning Commissioner Aberle and City Engineer Hanson assured him that it will not go through the land he is concerned about. There is no specific route determined at this time and there are some more study areas. Gray did get the ok from DOT and other to show the two narrowed down alternatives; Aberle stated that since that time, the study area has been expanded to look at a couple other possibilities.

Patrick McGary said it’s great that the County and the City are in cooperation on this but states that they should also include Townships in these discussions. He states that the subdivisions are approved by the County and the Townships are often left with roads to maintain within that new subdivision and not enough funds to do so. He would like to see more collaboration with the City, County and Townships impacted by this plan area to get areas like Lukenbill paved and roads continuing now out to the new airport.

Gerald Miller asked what the highway name of the bypass is; Hwy 85 or is it Hwy 2/85? City Engineer Hanson said that NDDOT has deemed the bypass as Hwy 85 and from that intersection east into town is Hwy 2.

Cymbaluk called one last time for any public input; hearing none he closed the public hearing and asked if the City Planning & Zoning Commission had any recommendation.

MOTION BY BOYEFF, SECOND BY HANSEN to recommend adoption of the Williston and Williams County Regional Plan, consisting of the Comprehensive Plan and Transportation Plan, to the City Commission, and to accept the recommendations of the Corridor studies that pertain to roadways in the City’s jurisdiction (primarily Corridors A and E). AYES: Long, Christensen, Boyeff, Hansen, Bauer, Maristuen. NAYS: None ABSENT/NOT VOTING: Aafedt ABSTAINED: None

County Planning & Zoning Commission made a similar motion which received a unanimous vote. Williston City Mayor, Howard Klug, asked each staff when they expected to take this forward. Williston

Special joint meeting of the Williams County and City of Williston Planning and Zoning Commissions, February 16, 2017.
Planning & Zoning staff said that they would plan to present the Plan to the City Commission in March after the appropriate public advertisement time.

DATE OF NEXT REGULAR MEETING: February 21, 2017

MEETING ADJOURNED.

________________________________________
Kent Jarcik, Williston Planning Director
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON February 21, 2017 AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND

Vice-Chairman Maristuen called the meeting to order at 5:30pm. Roll Call was taken. A quorum was present.

MEMBERS PRESENT: Boyeff, Hansen, Bauer, Christensen, Long, Maristuen.

MEMBERS ABSENT: Aafedt

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Christine Edwards, P&Z Office Manager; Bob Hanson, City Engineer; Bill Tracy, Building Officer; Richard DeBrunner, Code Enforcement Officer; Jordon Evert, Assistant City Attorney.

PUBLIC HEARINGS:

- NONE

COMMITTEE REPORT:

A. NONE

UNFINISHED BUSINESS:

A. NONE

NEW BUSINESS:

A. Code Enforcement Violation Appeal, James Cozart, 13452 53rd St. NW, Williston – RV trailer as residence

Maristuen introduced this item (as above) and asked Laqua to present. Laqua stated this was a Code Enforcement case for Lot 18, Dolman Subdivision which is R1-A (Rural Residential) and indicated the property on an aerial map.

Code Enforcement received a complaint that a camper was being utilized as a dwelling unit on the above property. Subsequently, the applicant received a letter on December 7th, 2016, stating that his property was in violation of the zoning ordinance, as it appears there was a family living in a camper on the premises.


Laqua said that this matter was discussed at an Ad Hoc Committee meeting on February 6, 2017. The Committee determined that Paul Bauer, Planning Commissioner, who is acquainted with the applicant, would discuss the violation with the applicant, and that the appeal would be heard at the February 21 Planning and Zoning Commission meeting.

Laqua said she had received a report from Mr. Bauer on Monday, February 13th that he has spoken with the applicant, and the applicant has stated that all persons on the property who were living in
campers are now either living off of the property or in a house on a separate property that the applicant owns just to the south of the property in question.

Code Enforcement Officer, Richard DeBrunner stated that he had since done a follow up inspection and has found the issue to be resolved.

Laqua stated that staff recommends removal of this item as the violation has been rectified.

MOTION BY BAUER, SECOND BY CHRISTENSEN to remove this appeal from consideration.  AYES: Hansen, Boyeff, Christensen, Bauer, Maristuen, Aafedt. NAYS: None.  ABSENT/NOT VOTING: Long. ABSTAINED:  None.

Mr. Cozart was in attendance at the meeting and understands the dismissal of his appeal.

DATE OF NEXT REGULAR MEETING:  March 20, 2017

MEETING ADJOURNED.

Kent Jarcik, Williston Planning Director
Northwestern Small Blocks: The History and Rationale Behind an Urban Model

By Will Macht
January 17, 2017

More than 170 years ago, town-site developers formulated development patterns for Portland, Oregon, and Vancouver, Washington, based on sound development considerations that led to modern, sustainable cities. Though much admired by contemporary city planners and developers, these patterns have rarely spread beyond the U.S. Northwest. Today’s community developers, who develop many projects on a scale greater than the 640 acres per square mile (100 ha per sq km) on which Vancouver and Portland were based, can benefit from understanding the history and functional advantages of the northwestern cities’ 200-by-200-foot (61 by 61 m) block patterns.

How It Began

A series of pioneers platted northwestern cities with the small-block patterns that defined their human-scaled development. Canadian John McLoughlin developed Fort Vancouver for the British in 1825 along the Columbia River in territory that later became the state of Washington. It was the major trading post and administrative center in the U.S. Northwest for the British Hudson’s Bay Company, which dominated the territory for more than two decades. In 1829, at Willamette Falls, whose waters could be harnessed to power new lumber and wheat mills, McLoughlin founded a new town, Oregon City, in territory that would become the state of Oregon 30 years later. He hired a surveyor to plat

The Northwestern small block patterns followed the U.S. Land Ordinances of 1785, 1787, and 1789 that established a standard public land survey system for new territories and states under which all land was to be divided into six-square-mile (15.5 sq km) townships, each of which was to be subdivided into 36 one-square-mile (2.6 sq km) subsections. (© Macht & Company)
Oregon City with small blocks measuring 200 by 275 feet (61 by 84 m). Oregon City became the central U.S. registry for all western city plats.

2017 ULI Spring Meeting in Seattle: Schedule | Sponsorship

In 1844, pioneer Henry Williamson filed a plat there for Vancouver City, in the territory that would become Washington state in 1889. Vancouver would be a town of lots measuring 200 by 200 feet (61 by 61 m), with 60-foot-wide (18 m) street rights-of-way in one square mile (2.6 sq km).

In 1845, Asa Lovejoy, an agent of the Hudson’s Bay Company and mayor of Oregon City, filed a plat of 16 lots of those same dimensions, with the same size rights-of-way, for Portland. Subsequently, several other towns, including Hood River and Milwaukie in Oregon, and Camas and Washougal in Washington, adopted the same-scaled plats.

Development Rationale

For community developers, the most relevant questions are why the early city builders might have chosen these smaller-scale block patterns, what benefits they afforded both developers and cities, and how contemporary planner/developers could use the small-block grid scale to achieve walkability and urbanity in a variety of settings.

The early city founders in Oregon and Washington were entrepreneurs as well as political beings. McLoughlin’s Hudson’s Bay Company was a trading company that built trading forts all over the northern United States and Canada not only to generate profits, but also to claim and settle land. Lovejoy was a lawyer, Oregon City mayor, and speaker of the first Oregon Territorial House who claimed the first Portland land as an investment, along with investments in the territory’s first newspaper and steamship line. McLoughlin and Lovejoy, who were educated men aware of New York City’s influential 1807–1811 Commission Plan, adopted New York’s short cross-block 200-foot (61 m) widths between 60-foot-wide (18 m) streets, but rejected the long block lengths, which varied from 610 to 920 feet (186 to 280 m).

The profit-seeking, public-spirited developers found that the small-scale square block patterns offered many benefits—as they still do for contemporary new community developers—for several reasons:

- **Simplicity.** The northwestern town planners realized that they could simplify the New York plan and could plat an even 20 blocks in one mile (1.6 km). Their one-square-mile (2.6 sq km) town plats of 20-by-20 blocks yielded 400 city blocks that could be easily surveyed, understood, and sold.

- **Visibility.** Many architects and planners have contended that the principal reason for platting small blocks was to create more corners. While no direct

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evidence exists that that was a major reason for town builders’ decisions, it is clear that corners are more visible and more valuable for most uses, especially those requiring daily visits such as shops, restaurants, and hotels. In the same area, the small-block grid has almost four times the number of corners than does the more common larger-block grid of other American cities whose ten-acre (25 ha) subsections, 660 feet (201 m) per side, were commonly divided into only two blocks of 600 feet (183 m) long by 270 feet (82 m) wide, surrounded by 60-foot-wide (18 m) street rights-of-way.

- **Accessibility.** The vastly higher number of corners and the finer-grained configuration of their interspersed streets make the small-block lots more accessible to vehicles, pedestrians, utilities, and so on. Distance traveled between varied destinations in grids declines with reduced scale. Access also increases with the availability of more on-street parking.

- **Walkability.** Smaller blocks are more walkable than larger ones. The street right-of-way defines the public realm from building line to building line, including sidewalks, tree strips, and parking, traffic, and bike lanes. Walking along Portland’s and Vancouver’s tree-lined small-block grids, one can see the next street destination marker. Walking a mile (1.6 km) there, one covers 20 city blocks versus only eight in typical long blocks.

- **Navigability.** Residents and visitors need mental maps of cities so that they can find their way around. While any grid facilitates navigation, smaller square grids—especially those oriented in cardinal, north–south, east–west directions—simplify navigation on foot and in vehicles. Street grids labeled alphabetically and numerically also simplify sequencing. Small street grids also ease traffic flows because there are more paths and options.

Far left: Ten-acre (4 ha) subsections, 660 feet (200 m) per side, were commonly divided into only two blocks 600 feet (183 m) long by 270 feet (82 m) wide, surrounded by 60-foot-wide (18 m) street rights-of-way, yielding 20 lots each 60 by 125 feet (92 by 18 m) flanking a 20-foot-wide (6 m) alley. Neer left: The Northeast plat plan yields 6.25 blocks 200 feet (61 m) per side with 50 lots. The common configuration not only has a density of almost 25 percent fewer lots than the Northwest plan, but also yields 73 percent fewer corner lots (eight versus 30). Counterintuitively, the longer blocks actually require building 17 percent more streets and alleys but yield one-third fewer on-street parking spaces. (© Macht & Company)

- **Adaptability.** Small blocks are more adaptable for multiple uses either within the blocks, because of their corners, or between them if a single use occupies a block. For example, a department store needing large floor plates might occupy a full block. But hotels, apartments, offices, and restaurants need smaller-footprint buildings with shallower depths and more windows for light and air and therefore benefit from proximity to more streets.

- **Transferability.** Whereas any sized lot in a gridded city needs to be surveyed only once to facilitate legal transfers, lots adaptable to several kinds of uses, and configurable in simple two-to-one proportions, like 50-by-100-foot (15 by 30 m) standard northwestern city lots, can be transferred simply to more parties for more uses.
• **Developability.** The intention of the pioneer planner/investors was to quickly sell small parcels that could be developed easily. Half of their small square blocks were corner lots, which were visible, accessible, and adaptable to retail, office, and residential uses. As such, their lots could be more developable than the deeper lots on long blocks. A small block could be developed more quickly than a large one, thereby giving block-by-block permanence to the city as it grew, which, in turn, acted as a catalyst for further development.

• **Scalability.** Scale and density on small blocks could easily vary from eight detached houses to 16 townhouses to a wide variety of higher-density buildings on combinations of eighth, quarter, half, or full blocks. Historically, one can trace the development and infill of many neighborhoods in Portland and Vancouver where rows of single-family houses were converted for retail, restaurant, office, and residential uses on various levels within and between the original houses. Higher densities can be scaled more gradually on smaller blocks.

• **Parking availability.** A 200-by-200-foot (61 by 61 m) block supports up to 40 parallel parking spaces around its 40,000-square-foot (3,700 sq m) floor plate. These surface spaces are created at a fraction of the cost of erecting structured parking. Control of them for frequent turnover to support the shorter-term demands of retail uses and restaurants magnifies effective ratios. A block that turns over five times a day creates a functional parking capacity of 200 spaces. Moreover, because the small-block grid is continuous, supply and demand can ebb and flow over a larger area, magnifying the functional parking supply. A 400-block, one-square-mile (2.6 sq km) section can create up to 16,000 less-expensive surface, shared, on-street spaces, inherently supporting higher densities.

• **Economy.** Small blocks with small lots attract smaller developers, spreading risks among more developers and more tenant/owner users. It was common in the 19th and first half of the 20th centuries—and again currently in infill development—for owner/developers to build smaller buildings on eighth or quarter blocks. The diversity of lot and building sizes and configurations possible led to a greater diversity of capitalist ventures more responsive to the marketplace. In other cities, larger block sizes led to larger, more dominant developers. The same phenomenon beset Portland and Vancouver when they created superblocks, the building of which in most cases led to less diverse, less active urban spaces developed by fewer, larger developers. Diversified risks, on-street surface parking, smaller buildings, and simpler construction are more economical.

• **Networkability.** Smaller blocks lead to finer-grained urban networks. More streets spread traffic across a broader area. Because only so many cars can pass through an intersection in a given period, having more intersections allows for the movement of more vehicles. Moreover, more travel routes are created. When one particular route is congested, traffic naturally flows to adjacent ones, spreading the flow. One can observe more fluid flows on the east side of Portland compared with the more congested routes through areas on the west side that abandoned the grid. A smaller grid facilitates shorter actual distances traveled between various origination and destination points. The same principles apply to the provision of utility services for power, water, sewer, and cable. A network of tree-lined multimodal streets provides universal access without special easements.

• **Sustainability.** Smaller blocks increase the potential for better solar orientation. Not only can simple two-to-one proportions of lots be varied to maximize solar exposure, but also the openness of closer streets reduces building shading. A finer grain of green streets can more easily absorb or channel surface water. More-walkable streets can reduce vehicular pollution.
Smaller-scaled streets are more hospitable to bicyclists.

- **View preservation.** Finer-grained patterns of streets between smaller blocks preserve view corridors in two directions and at more frequent intervals.

Where elements such as rivers, canyons, or mountains intersect such grids at angles, residents from twice as many locations and perspectives can view them.

- **Phasability.** The development of any city or block occurs over time. The smaller the block, the easier it is to develop and the fewer phases it requires. When blight occurs, the urban fabric heals like the human skin, from the outside in, cell by cell, block by block. Smaller block interventions can be more feasible and successful.

- **Limitability.** One bane of suburban development has been the scale at which buildings have been permitted to develop. Big-box stores and suburban shopping centers are mammoth structures, with a single big box often exceeding 150,000 square feet (14,000 sq m). In a city of small blocks, a store cannot exceed 40,000 square feet (3,700 sq m) unless it rises to multiple levels. Small blocks inherently limit building sizes.

- **Urbangity.** In a city of fine-grained urban blocks, urban density occurs at a more human scale. Because the essence of urbagnity occurs at the street level, the more accessible, visible, navigable, and diverse the urban network of streets and uses is, the more vibrant and urbane the city can be, making the investment more valuable.

- **Extendability.** The nature of the simple grid makes it inherently extendable by aligning streets in all four directions, permitting organic growth to occur. Retail demand increases as housing is built, but because retail streets are extendable, monolithic shopping centers are unnecessary.

- **Profitability.** Low-rise development at urban density can be profitable. Lower-cost wood-framed construction is feasible. Party-wall design is less expensive and more energy efficient than detached buildings. Expensive structured parking is unnecessary. All land is efficiently used. Fee-simple housing lot sales can escalate land values. Within a strong physical framework, streets can be developed block by block, avoiding the heavy community-wide preservicing investment at low densities experienced by
mid-20th-century builders of new towns. As occurred in Portland and Vancouver, areas of the small-scale grid could be developed for taller buildings and greater densities, but they are unnecessary to create an urbane community.

**Contemporary Urban Model**

While it might seem that the northwestern system of small blocks is a relic a century and a half old, contemporary developers can profitably apply its form. Even with low-scaled buildings on small blocks, one can achieve substantial densities.

For example, even if one restricted development to two stories on fee-simple lots, without needing multifamily homes to achieve its density on a single block, one could build 16 to 20 two-story, 1,600- to 2,000-square-foot (150 to 185 sq m) townhouses, each with an additional 400- to 500-square-foot (37 to 46 sq m) private accessory dwelling (PAD), a 400- to 500-square-foot (37 to 46 sq m) private courtyard, and a two-car garage accessible from an alley. That model achieves a density of 35 to 44 units per net acre (88 to 110 units per ha), with each unit having access to more than two parking spaces.

Even a two-story, small-block urban model can achieve remarkable densities. For example, by developing an urban village, with as many as 32 full-block, diagonally contiguous parks that traverse the section to four additional full central blocks dedicated to a market, school, health club, and clinic, a single one-square-mile (2.6 sq km) township subsection could develop over 13,000 units housing more than 25,000 people.

That urban village could be served by over 1.3 million square feet (121,000 sq m) of storefronts, plus jobs that could be located in 1.3 million square feet (121,000 sq m) of offices above, supported by up to 3,200 on-street parallel parking spaces adjacent to the retail blocks, a physical parking ratio of 2.5 spaces per 1,000 square feet (93 sq m), without need for off-street parking. Additional peak parking demand would be supplied by on-street parking spaces on adjacent blocks. If a community developer so chose, each of the two central streets could expand within that grid to four-lane, 80- to 100-foot widths (24 to 30 m) with diagonal parking, doubling the parking supply. However, the pedestrian- and bike-friendly grid should actually lower demand.

That urban village model mix yields a gross density exceeding 16 to 20 units per acre (40 to 50 units per ha), even including all the streets and parks. Its 25,000 people in one square mile (2.6 sq km) achieve a density over five times greater than
Portland’s current density of 4,375 people per square mile (1,690 per sq km) and actually double the density in its Pearl District, the city’s former railyard and warehouse area. Yet in such a small-block, low-rise urban village, every residential block would be no more than four blocks from a full-block park and less than a half-mile (0.8 km) walk from a full-service village center. Every unit could have access to at least two inconspicuous parking spaces per unit and either a private outdoor courtyard or a rooftop deck.

Perhaps more than any other factor, the small-block grid pattern adopted by the original city builders in the U.S. Northwest has functioned to make several of its cities renowned walkable, livable places with strong increases in rent and sales values. Contemporary community developers can emulate and adapt this basic small-block grid pattern to create comparable new communities.

William P. Macht is a professor of urban planning and development at the Center for Real Estate at Portland State University in Oregon and a development consultant. (Comments about projects profiled in this column, as well as proposals for future profiles, should be directed to the author at macht@pdx.edu.)

SHOW COMMENTS

Can Apartment REITs Turn It Around in 2017?

By Andrew Howard-Johnson
January 17, 2017

This article is republished with permission from REITCafe.

Supply is the name of the game with the apartment sector, which uncharacteristically underperformed through 2016. The sector, which has been a perennial leader in recent years, posted a flat 2.86 percent total return for the year, a stark contrast with its more than 50 percent rise during 2014 and 2015. Among the four major REIT sectors (along with retail, office, and health care), it is one of the most interest sensitive, and it appears the impact of rising rates canceled out any benefits that should have accrued from rising household income and expectations for inflation.

Though 2016 was disappointing, the outlook for the apartment sector remains positive: executives maintain that flattening supply growth will bolster returns. "[M]ultifamily will continue to be a favored asset class for commercial real estate investors," says Kim Betancourt, director of economics and market research at Fannie Mae. "A combination of ... a healthy spread between cap rates and U.S. Treasury rates, continued job growth, and demand for multifamily rentals from millennials, coupled with low homeownership rates, present a positive scenario for multifamily fundamentals over the next 12 months." The apartment sector also shows resilience to the movements of the broader equity markets; in some cases countercyclical results can even be seen: Failing or flat income encourages potential homebuyers to hold off until income growth returns.

The underlying health of the apartment market tightly correlates with the balance of supply and demand, that balance drives occupancy and effective rent growth, which has slowed considerably since peaking in 2015. The current housing supply is at historically low levels, but the crowd-sourced content service Seeking Alpha reports
that multifamily construction has returned to pre-recession levels and will remain elevated through mid- to late 2017. New supply growth is expected to fall to more moderate levels soon afterward.

Overall, rising interest rates and oversupply in key markets took a toll on the apartment sector in 2016. The future looks relatively positive, and the sector may be a haven for investors expecting uncertainty in the equity markets. Some investors might even encounter great returns because the sector is poised for success in an inflationary environment with stronger income growth.

* TREPP-i Survey Loan Spreads levels are based on a survey of balance sheet lenders. For more information, visit Trepp.com.

** – 10 yr. Treasury Yield as of 1/13/2017.
Public Hearing Item 5A  

Zoning Ordinance 1060  
HCC: Highway Corridor Commercial District

Analysis:

The 1-mile extraterritorial jurisdiction was adopted on July 14, 2015. The new territory included in the ETJ expansion has gone through a rezoning process to be rezoned to the most consistent City zoning district. The west corridor along Highway 2 to the four mile corner was not rezoned when the Williston township portion of the ETJ was considered for rezoning. Prior to the growth beginning in the mid 2000’s and before the City urban area expanded along the corridor, the nature of development was more industrial oriented. With the development of the 2010 comprehensive plan and the current plan update, community input and direction with the plan was to transition the corridor into more of an urban entryway into the City. It was determined that a new zoning district would be needed to finalize the rezoning for the ETJ project in order to work with existing development and meet the goals of the comprehensive plan.

The intent of this district is a specific purpose zoning district that will allow for a mix of commercial to light industrial uses and implementation of development standards to work with the existing pattern of development that has occurred along the principal arterial highway corridor. Further it is intended to achieve the goals of the comprehensive plan of developing an urban entryway. These goals include: 1) identify physical features that improve the appearance of existing development at the gateways to the City, and work with property owners to implement these features; 2) establish zoning which requires higher industrial development standards to ensure that future development and redevelopment contributes to a positive image of the community. The goals serve to meet the input of the community to transition the corridor into more of an urban corridor entryway.

This proposed ordinance would clarify permitted uses and special permitted uses that would allow for a mix of commercial and industrial uses to work with the existing development and allow for more commercial options that are consistent with an urban corridor. In addition, this ordinance provides for: 1. building placement requirements along the corridor; 2. required parking, access and lot surfacing requirements; 3. landscaping, screening and buffering requirements; 4. building height regulations adjacent to residentially zoned property.

Ordinance Development Committee: A committee was setup to provide feedback and input on ordnance development. The Committee included: Howard Klug, Tate Cymbaluk, Jon Maristuen, Kevin Christianson, Bob Hanson, Rachel Laqua, Kent Jarcik.

AD HOC MEETING:  
The monthly ad hoc committee meeting was held on March 6th, 2017, attended by:  
CITY COMMISSIONER: Howard Klug  
PLANNING COMMISSIONERS: Donna Hansen, Bob Eynon, Paul Bauer  
CITY STAFF: Kent Jarcik, Bob Hanson, Rachel Laqua, Josephine Ching

There were comments that some of the permitted uses were more passive assembly in nature and not highway commercial oriented and may not be suitable uses for the goals of this mixed use district. Upon further analysis, distinction was given toward general passive assembly and active commercial oriented uses that may have assembly. Staff has made corrections and will highlight these in the meeting.
Staff also brought up an item regarding lot size and bringing non-conforming pre-existing required parking and storage yard surface requirements into compliance with the new code. With current policy non-conforming lots are required to bring development standards and parking requirements into compliance with a building expansion or new building on the property. In further work with this ordinance and evaluating lots in the proposed zoning district, it was recognized that a phasing plan to come into compliance with the ordinance may be needed as the result of the size of some of the lots. A phasing plan option and criteria were developed and are included in this ordinance for review. The criteria for what would trigger the surfacing required to bring a non-conforming lot into compliance is also outlined in this ordinance.

**Process:** This step is only the creation of the zoning district itself. Following district creation another public process and notification of property owners would need to be conducted to rezone the properties within the designated zoning district. The boundaries of the proposed zoning district are defined on the map attached with this fact sheet.

**Comprehensive Plan Consistency:** This specific purpose zoning district is intended to implement the highway corridor area in the comprehensive plan located in Williston Township defined as area 2(Blue) of Figure 5.3(Growth Area Map) of the comprehensive plan. The comprehensive plan identifies this area as a corridor that has developed industrial in nature and has been highlighted to transition into a mixed use commercial and light industrial zone that promotes an urban entryway. This zoning district is set up as a special purpose district implemented at the direction of the City. If an area were considered other than the area defined in area 2(Blue) of Figure 5.3(Growth Area Map) of the comprehensive plan, a comprehensive plan amendment would be needed for its recommendation by the City for consideration.

**Notice:** In addition to the minimum requirement of posting notification of the public hearing for the proposed ordinance in the Herald, copies of the ordinance were also sent to property owners within the boundary of the proposed zoning district.

**ITEMS REQUIRED FOR APPROVAL**
1. Public Hearing at the City Commission, scheduled for April 11, 2017, and a second reading of the ordinance, to be heard at a later date.

**AD HOC RECOMMENDATION**
1. Recommend Approval of Ordinance 1060 to the City Commission

**ATTACHMENTS**
1) Ordinance 1060 – draft; 2) Proposed West Corridor Rezone Area Map; 3) Existing Zoning; 4) Surrounding Zoning Map
ORDINANCE 1060
AN ORDINANCE ADDING SECTION 21.1, ZONING DISTRICT HIGHWAY CORRIDOR COMMERCIAL (HCC) TO ORDINANCE 613, OTHERWISE KNOWN AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON

Section 21.1. HCC: Highway Corridor Commercial

A. Intent. Prior to the growth beginning in the mid 2000’s and before the City urban area expanded along the corridor the nature of development was more industrial oriented. The intent of this district is a specific purpose zoning district that will allow for a mix of commercial to light industrial uses and development standards to work with the existing pattern of development that has occurred along the principal arterial highway corridor. Further it is intended to achieve the goals of the comprehensive plan of developing an urban entryway. These goals include: 1) identify physical features that improve the appearance of existing development at the gateways to the City, and work with property owners to implement these features; 2) establish zoning which requires higher industrial development standards to ensure that future development and redevelopment contributes to a positive image of the community. The goals serve to meet the input of the community to transition the corridor into more of an urban corridor entryway.

The industrial uses permitted do not include heavy nuisance industry uses that may be incompatible with promoting a mix of commercial and light industrial uses that serve to promote an urban entryway. The district is further intended to provide services for motorists and to provide for non-pedestrian oriented retail, wholesale, service and repair and light industrial uses. Uses in this district are intended for operations which do not generate large volumes of heavy truck traffic, do not emit significant amounts of noise, smoke, dust, odors or glare that would interfere with adjacent residential areas. This district would not be intended for residential uses.

These regulations establish development standards and conditions through which uses may be located in this zone.

The allowable uses in this district shall not be limited to those enumerated as permitted uses and structures or special permitted uses; however, all uses shall be similar in character. Also, uses similar to those specified in the district shall not be dangerous or detrimental to persons living or working in the vicinity, or to the public welfare, nor shall they impair the use, enjoyment or value of any property in the district.

B. District Implementation. This zone would only be applied to corridor areas as determined appropriate for this zone by the Planning and Zoning Commission and City Commission.

C. Permitted Principal Uses and Structures. The following uses shall be permitted:

Commercial Uses:
1. Small business machine sales, repair and service shops, auto supply stores, bicycle shops, carpenter and cabinet shops, and household appliance repair shops.

2. Amusement places, taverns or lounges, package liquor stores, theaters, bowling alleys, commercial recreation uses, games of chance, dance halls, night clubs, roller or ice skating facilities.

3. Antique shops and stores, providing all merchandise is displayed and sold inside a building, art and art supply stores.

4. Apparel and accessory stores, clothing and costume rental shops, custom dressmaking shops, furrier shops, tailor shops, department stores, jewelry and metal and handicraft stores, watch repair shops, leather goods and luggage stores, shoe and shoe repair stores, sporting and athletic goods stores, toy stores, and variety stores, and other specialty shops.

5. Governmental services

6. Banks and other savings and lending institutions, office and office buildings, office supply and office equipment stores, newspaper offices, printing offices, and publishing offices.

7. Barber and beauty shops, dry cleaning and laundry establishments, book and stationary stores, cigar and tobacco shops, drug stores, florist, and gift shops.

8. Business and technical schools; schools for photography, music, and dance; music stores; photographic studios; and picture frame shops.

9. Delicatessen and catering establishments, grocery stores, and restaurants.

10. Furniture and home furnishing stores, hardware stores, household appliance stores, interior decorating shops.

11. Hotels, motels, private clubs

12. Medical, dental, and health clinics; medical and orthopedic appliance stores; optician and optometrist shops.


17. Greenhouses, plant nurseries, taxidermy shops.

**Industrial Uses:**

1. Small business machine sales, tire sales and service, repair and service shops, auto supply stores, carpenter and cabinet shops, and household appliance repair shops.

2. Plumbing shops, sheet metal shops, roofing shops, mini-storage buildings.

3. Contractor or commercial service businesses, offices, and associated storage repair yards (This would include oilfield service contractors).

4. Airports, railroads, essential public utilities, and public service installations.

5. Light manufacturing industries consisting of the processing and treatment of goods and foodstuffs, except fish, meat products, vinegar and yeast.

6. Other light manufacturing and assembly plants.

7. Bottling plants.

8. Automobile, mobile home, recreational vehicle, or equipment sales.

9. Building material yards and lumber yards (Not including: wholesale oilfield pipe yards; storage/stacking laydown yards for oilfield equipment/tanks as a primary use).

10. Gasoline or service stations, car washes.

11. Heavy commercial truck shops.

12. Animal hospitals or veterinary clinic.


**D. Permitted Accessory Uses and Structures.** Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including solar energy systems.

**E. Special Permitted Uses.** The following shall be considered for Special Permitted Uses:


3. Storage of Special Industrial Explosive Device(s) under 50 pounds, subject to the locally adopted Fire Code and State Building Code regulations.

4. Underground oil and gas storage facilities, as approved by the City Building Official and Fire Chief.

5. Storage of flammable liquids above-grade, and wholesale, subject to locally adopted Fire Code regulations.

6. Outdoor RV/boat storage (Note: new use added, should be conditioned for surface requirements and fencing/screening as appropriate to the proposed location).

7. Grain and feed mills, grain elevators.

F. Temporary Uses. In compliance with SECTION 25.(O) and most recent amendments.

G. Minimum Lot Requirements.

1. Front yard - as described in Section. (L) Design Criteria.

2. Side yard - none, except for as described in Section. (L) Design Criteria.

3. Rear yard - none, except for as described in Section. (L) Design Criteria.

4. Parcels abutting residential parcels - A 20 foot non-buildable setback must be maintained along the shared parcel line with a residential zoning district including residential on an agriculture zoned lot.

H. Minimum yard requirements. None

I. Maximum Lot Coverage by Buildings. None

J. Maximum Height of Buildings. The maximum height of any building shall be 100 feet.

1. 75 Feet from Residential: Structures or portions of structures may not exceed 35 feet in height within 75 feet of any single family residential zoning district.

2. 76 to 100 Feet from Residential: Structures or portions of structures may not exceed 45 feet in height when located 76 to 100 feet from any single family residential zoning district.
3. 101 to 150 Feet from Residential: Structures or portions of structures may not exceed 55 feet in height when located 101 to 150 feet from any single family residential zoning district.

K. **Sign Limitations.** See Section 25.G. General Sign Regulations and most recent amendment.

L. **Design Criteria.**

1. *Building placement:* Developments should maximize the amounts of parking and storage located to the side or rear of buildings and should locate buildings near their primary fronting streets, in order to avoid large parking lots and storage areas along primary streets. Where property faces the highway corridor the highway corridor is the primary frontage regardless of access.

   Where a property fronts a right-of-way, there shall be a front yard landscape setback area from the right of way of not less than 15 feet, which shall be maintained regardless of parking with no more than one bay (a double row) of parking between the building and the edge of the required landscape area.

   If a property has a double frontage, parking shall be limited as above along the frontage fronting the highway corridor, while the secondary frontage shall be landscaped as appropriate based on Ordinance 1007 or most recent amendments, but shall not be limited to a single bay of parking.

2. *Landscaping/screening:* All landscaping, screening and parking lot perimeter landscaping shall be in compliance with ordinance 1007 or most recent amendments.

   Any area used for storage must be screened pursuant to Ordinance 1007, Section 4C or more recent amendments and fenced from any right-of-way.

   Lots which are used only for outdoor storage must be fully screened from the corridor, as pursuant to Ordinance 1007, Section 4C or more recent amendments, including the use of fencing and landscaping.

3. *Buffer yard requirement:* Buffer yards between other districts shall be in compliance with ordinance 1007 or most recent amendments. Requirements shall be those for commercial districts between any Agricultural, Residential, or Parks and open space zone in the ordinance.

4. *Parking and access:* All required access and parking shall be hard surface with hot mix asphalt or concrete. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

5. *Yard storage areas:* Yard storage areas shall be surfaced with materials and recommended specifications below per approval by the City Engineering Department that are stabilized and placed upon a graded and prepared subgrade.
that provide a dust free/mud free surface. Storage yards are to be maintained as to not create blowing dust or tracking of mud onto streets.

a. The storage yard area shall be surfaced with one of the following:

i. 6 inches of concrete pavement with a 6 inch aggregate base placed upon a graded and prepared subgrade.

ii. 4 inches of asphalt pavement—paved in two lifts—with a 6 inch aggregate placed upon a graded and prepared subgrade.

iii. 6 inches of 3 inch minus scoria surface placed upon a graded and prepared subgrade.

iv. 6 inches of 3 inch minus milled or crushed asphalt watered and rolled until stabilized and placed upon a graded and prepared subgrade.

v. 6 inches of material meeting the NDDOT specified gradation for Salvaged Base Course watered and rolled until stabilized and placed upon a graded and prepared subgrade.

vi. 6 inches of material meeting NDDOT specified gradation for Class 3 Course Concrete Aggregate watered and rolled until stabilized and placed upon a graded and prepared subgrade.

b. For less intensive and more passive use storage yards in which semi-trucks are not used, the yard area for storage and parking of equipment may also be surfaced with one of the following:

i. 6 inches of material meeting NDDOT specified graduation for Class 5 Aggregate watered and rolled until stabilized and placed upon a graded and prepared subgrade.

ii. 6 inches of material meeting NDDOT specified graduation for Class 13 Aggregate watered and rolled until stabilized and placed upon a graded and prepared subgrade.

c. Alternative surfacing plans:

i. Alternative surfacing types and combinations may be proposed to the City Engineering Department for review and approval when demonstrated that the proposal can provide a dust-free, mud-free surface that meet the goals of this ordinance and can be feasibly maintained for continued compliance with the ordinance.

ii. For display areas and very low activity areas grass surfaces may be proposed when demonstrated that the grass surface can be maintained and kept alive in conjunction with the intended use providing a dust-free, mud-free surface while meeting the goals of this ordinance. Grass needs to be mowed and the area needs to maintain compliance with the property maintenance code.
d. Heavy Truck and equipment parking:

i. A separate private parking and storage area used for business owned equipment and heavy trucks which are used in the operation of the business located on the premise may be utilized. This parking and storage area does not need to be hard surfaced (concrete or hot mix asphalt) and may instead be surfaced as noted above for storage yards. This area must be screened and landscaped according to the standards pertaining to storage yards set forth in this ordinance. Any public use traffic areas used for heavy trucks using the services of the business and all required parking and access must be hard surfaced with concrete or hot mix asphalt.

M. Phased Development Allowances.

Any new areas of development required to be hard surfaced according to this ordinance must be completed at time of development, prior to being issued a certificate of occupancy.

Pre-existing, non-conforming lots which are required to come into compliance based on the zoning ordinance (This requirement is enacted in the case of: new building permits or expansion of existing buildings after the effective date of this ordinance amendment and which increase the floor area by more than 1,000 square feet or 10 percent of the existing building footprint area, whichever is greater; or two or more expansions of square footage on the site that, in total, exceed 1,000 square feet or 10 percent of the existing building footprint area, whichever is greater.) must do so at time of development, prior to being issued a certificate of occupancy. Alternatively, a property may, at time of building permit application, apply for a phasing permit to allow the non-conforming portion of the property to come into compliance over a period of time. To request a phasing permit for the non-conforming portions of the property, the applicant must submit a written request to the Planning and Zoning Department outlining the need for a phased time allowance to complete the required improvements. The written request must include a phased plan drawing that shows the areas to be improved, use and activity level for each phase and the timed order in which each phase will be implemented. The highest activity areas must be addressed in the earliest stages of the phased plan. The storage area phases must utilize the surfacing standards laid out in section L. above.

As part of a phased plan approved by the Planning and Zoning and City Engineering Departments, lots may be allowed up to two (2) construction seasons per two (2) acres for completion of surfacing. Property owners working within a phased plan must complete two acres of surfacing every two construction seasons. However, a full acre does not need to be completed each year (i.e. grading of the full two acres could take place in year 1, while final surfacing could take place in year 2). Starting and completing 10 acres of surfacing in year 10 would not meet the requirements of this ordinance.
For example:

1. A property of two acres and less would have two construction seasons to complete any surfacing required to bring a non-conforming lot into compliance.

2. A property of more than two acres and up to four acres would have four construction seasons to complete any surfacing required to bring a non-conforming lot into compliance.

3. A property of over four acres and up to six acres would have six construction seasons to complete any surfacing required to bring a non-conforming lot into compliance.

For every additional two acres, a property would be able to utilize an additional two construction seasons to complete any surfacing required to bring a non-conforming lot into compliance.

The phasing permit and plan must be approved by the Planning and Zoning Department and City Engineering Department.

N. Comprehensive Plan Consistency. This specific purpose zoning district is intended to implement specified areas as identified in the comprehensive plan. This zoning district is set up as a special purpose district implemented at the direction of the City. If an area were considered other than the area defined in the comprehensive plan, a comprehensive plan amendment would be needed for its recommendation by the City for consideration.
Public Hearing Item 5B

PLANNER: Laqua

Ordinance Amendment: 1061

Analysis:
In September of 2014, the City Commission passed Ordinance 999, regulating transient merchants, mobile businesses, and temporary use permits.

In July of 2016, the City Commission passed Ordinance 1048, which amended Ordinance 999 by changing the following items:

1. Allowing TUPs to be issued in Agricultural and M-2: Heavy Industrial zones.
   a. With the expansion of the ETJ, there are numerous properties along main roads which are zoned Agriculture or M-2. There is potential for these to be used for Temporary Use Permits, and it seems reasonable to expand the ordinance to reflect this.

2. Allowing up to 32 square feet of signage.
   a. As has been discussed in various meetings regarding the City’s sign ordinance, 16 square feet is a very limited amount of signage with which to advertise for a business event. This regulation would not be dealt with in the proposed sign ordinance, which is why it is being proposed with this amendment to Ordinance 999.

3. Better reflecting State regulations by clarifying that EITHER a State Sales Tax Permit OR a State Transient Merchant License is required, NOT both, as is stated in Ordinance 999.

This amendment, Ordinance 1061, would additionally allow for Temporary Use Permits to be allowed in the proposed Highway Commercial Corridor District. This would be consistent with the intent behind allowing TUPs in Agricultural and M-2: Heavy Industrial Districts which exist in the ETJ along main highways, which is where the Highway Commercial Corridor District would be proposed.

AD HOC MEETING:
An ad hoc committee meeting was held on March 6, 2017, attended by:
CITY COMMISSIONER: Howard Klug
PLANNING COMMISSIONERS: Donna Hansen, Bob Eynon, Paul Bauer
CITY STAFF: Kent Jarcik, Bob Hanson, Rachel Laqua, Josephine Ching, David Tuan, Jordon Evert, Dave Bell

There were no concerns with this amendment.

ITEMS REQUIRED FOR APPROVAL

1. Public Hearing at City Commission, scheduled for April 11, 2017, and a second reading of the ordinance, to be heard at a later date, most likely April 25.

AD HOC RECOMMENDATION

1. Approval of Ordinance 1061, amending Ordinance 1048: Recommend Approval to the City Commission

ATTACHMENTS

1) Ordinance 1048 – draft
ORDINANCE NO. 1061

AN AMENDMENT OF ORDINANCE NO 613 ALSO REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, AMENDING CHAPTER 25 “SUPPLEMENTARY REGULATIONS” OF THE WILLISTON ZONING ORDINANCE AMENDING SECTION O “TEMPORARY USES AND STRUCTURES” TO CLARIFY AND ESTABLISH FURTHER RESTRICTIONS FOR SUCH USES WITHIN THE CITY LIMITS AND THE EXTRA-TERRITORIAL JURISDICTION

BE IT ORDAINED, by the Board of Commissioners of the City of Williston, North Dakota, as follows:

O. TEMPORARY USES AND STRUCTURES

1. DEFINITIONS

Political Subdivision- a unit of government within a state, including a county, city, township, or village.

Transient Merchant, Itinerant Merchant, or Itinerant Vendor- a person, firm, or corporation, whether as owner agent, consignee or employee, who temporarily sets up business on private property, or out of a vehicle, trailer, tent, other portable shelter, or vacant store front for the purpose of exposing or displaying for sale, selling or attempting to sell, goods, wares, products, or merchandise.

2. PURPOSE

To allow for the administrative review for temporary uses and structures, which have seasonal or temporary durations, which render the display and transaction of goods or services outside of a building or vacant store front. These activities shall be regulated to avoid incompatibility between uses in the surrounding area and control the types of temporary uses which occur on private property or parking lots throughout the City.

3. TEMPORARY USE PERMIT REQUIRED

A temporary use permit shall be required for all temporary uses and structures listed in this section. Applications for these permits shall be reviewed and if approved, filed with the Planning Director in the Planning & Zoning Department. Temporary uses and structures may be subject to additional permits, licenses, inspections, and interdepartmental review as needed.

a) Application requirements:

i. A completed application form;

ii. Address, legal description of the property where the temporary use or structure is to be located;

iii. A site plan or drawing of the property illustrating the lot, all existing structures, parking spaces, and where such temporary use or structure is to be located.
iv. A complete description of the proposed temporary use or structure, including hours of operation, proposed method of merchandise display, proposed signage, list of all goods to be sold and material and equipment to be used in the proposed operations;

v. Permission from the property owner which pertains to the authorization for the use of the site and other facilities or services necessary to provide for the safe operation of the temporary use;

vi. A copy of the State Sales and Use Tax Permit; or

vii. A copy of the State Transient Merchants License.

b) Exemptions include the following uses:

i. Rummage sales, yard sales, and garage sales held at the home of the vendor;

ii. Merchants or vendors participating in farmers market, flea market, fairs, carnivals circuses, or other similar activity; and

iii. Mobile businesses or mobile commercial businesses, transient merchants, itinerant merchants, and itinerant vendors who are invited to events approved by the City, that are organized, and managed by a fair association, convention bureau, or other political subdivision including the City itself. Such events include but are not limited to the Chokecherry Festival, Band Day, Holiday Lights, and Clean City.

iv. Mobile business operations recognized by the City to have been operating and in existence at the time of the City’s adoption of Ordinance 974 and 990, an ordinance establishing a temporary moratorium prohibiting the use of future mobile commercial businesses, which was approved by the City Commission on 9/24/13 and up until the adoption of this ordinance, shall be exempt from Ordinance 999 until January 1, 2016, at which time the exemption described herein shall sunset.

   i. After January 1, 2016, all mobile commercial businesses, whether previously exempt in accordance with Subsection 3(b)(iv) shall be brought into compliance by January 1, 2016.

   ii. Any mobile commercial business not in compliance with Ordinance 999 by January 1, 2016 shall be deemed to have violated Ordinance 999 and subject to enforcement described in Section 10 “Enforcement”

4. PERMITTED USES

A temporary use permit may be issued for the following uses:
a) Halloween pumpkin patches, and Christmas trees lots;

b) Mobile businesses or mobile commercial businesses operating under temporary provisions and performing public service operation only; and

c) Transient merchants, itinerant merchants, and itinerant vendors

5. FINDINGS

The Planning Director may approve a temporary use permit application only when all of the following findings of facts can be made in a positive manner:

a) That the operation of the requested temporary use or structure at the location proposed will not jeopardize, endanger or otherwise constitute a nuisance to the public health, safety or general welfare or be injurious or detrimental to properties served, adjacent to, or in the vicinity of the nearby area with respect to the existing land use and zoning designation;

b) That the proposed site is adequate in size and shape to accommodate the temporary use or structure;

c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available on-site and not take away from the minimum parking requirement established for the existing uses.

d) That the proposed egress and ingress for the site is adequately served by unobstructed fire lanes, driveway aisles, streets, or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use or structure could reasonably generate;

e) That the proposed location of setup and operation shall not be located in the public right of way.

f) That the proposed signage for the temporary use or structure is limited to one (1) sign, not to exceed thirty-two (32) square feet. The sign shall be attached to the vehicle or structure associated with the temporary use. No off-premise signs or dynamic messaging signs are allowed;

g) That the proposed temporary use or structure is limited to one (1) temporary use or structure per site;

h) That the proposed temporary use or structure is limited to 1 event consisting of up to 14 days and 3 events per calendar year, not to exceed 42 days. Days not utilized in a single event will not be carried over to the next event;

i) That the property owner of the site is restricted to host no more than 1 event consisting of up to 14 days and 3 events per calendar year, not to exceed 42 days. Days not utilized in a single event will not be carried over to the next event; and
j) In approving an application for a temporary use permit, the Planning Director may impose such conditions as are deemed necessary to insure that the permit will be in accord with the intent and purpose of this chapter.

6. ZONING

Such permitted uses shall only be located on commercial (C-1, C-2, C-3), Highway Commercial (HCO), Light industrial (M-1), Heavy Industrial (M-2), or Agricultural (A) zoned properties.

7. FEES

The fee for such permit under shall be established by resolution and adopted by the City Commission.

8. EXPIRATION OF PERMIT

Temporary use permits allow for a period of up to 14 days and 3 events per calendar year, not to exceed 42 days. Days not utilized in a single event will not be carried over to the next event. Upon expiration of the permit, all associated materials and equipment shall be promptly removed from the property.

9. REVOCATION

A temporary use permit may be revoked if the Planning Director finds that one or more of the following conditions exists:

   a) Circumstances have changed to such a degree that one or more of the findings of fact contained in Section (O)(5) can no longer be made in a positive manner;

   b) The temporary use permit was obtained in a fraudulent manner;

   c) One or more conditions of the temporary use permit have not been complied with.

10. ENFORCEMENT

Any use which is established, operated erected, moved, altered, enlarged or maintained contrary to the provisions of this title or any condition of approval, is hereby declared to be unlawful and shall be subject to the remedies and penalties set forth in Section 26(D) of the City of Williston Zoning Ordinance.

11. EFFECTIVE DATE

The proposed effective date of this ordinance is April 11, 2017.
Commissioner __________________ moved the adoption of the foregoing Ordinance.
The motion was seconded by Commissioner __________________. On roll call vote of
The Commissioners, the following Commissioners voted
“AYE”:______________________________________________________________, and
The following Commissioners voted
“NAY”:_______________________________________________________________.
Absent and not voting:______________________.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this_______ day
of ________________, 2017.

ATTEST:

______________________________
John Kautzman, City Auditor

APPROVED:

______________________________
Howard Klug, President
Board of City Commissioners

PASSED FIRST READING: ______________________
PASSED SECOND READING: ______________________
PUBLISHED: ______________________
ADOPTED THIS_______ Day of ________________, 2016
New Business Item  8A  

Applicant  
Jay Mikolinski  

Property Owner  
Madeline Code  

Location/Address  
West side of Section 24, north of 56th Street NW and west of 135th Avenue NW  

Legal Description  
NE 1/4 of the SE1/4 of the SE1/4, Section 24  

Property Size  
10 acres  

Current Zoning  
A: Agricultural  

Proposed Zoning  
M-2: Heavy Industrial (6 acres)  
R-5: Mobile Home Court (4 acres)  

Surrounding Zoning:  
North  
R-5:  
South  
A: Agricultural  
East  
Williams County  
West  
M-2  

Current Land Use:  
Undeveloped.  

Surrounding Land Uses:  
North:  
Mobile home court  
South:  
RV Park  
East:  
Undeveloped (in Williams County)  
West:  
Trucking company  

Requested Entitlement  
Plat, zone change  

Code Section  
Subdivision Ordinance; Zoning Ordinance  

Analysis:  
This is the final plat for JEM Estates. The preliminary plat and zone change were approved at the May 12, 2015 City Commission meeting. The plat creates two lots (one 4-acre and one 6-acre) from a 10-acre parcel located in the SE1/4 Section 24, along 135th Avenue NW, and the rezone application rezoned the 4-acre lot from A: Agricultural to R-5: Mobile Home Court and the 6-acre lot from A: Agricultural to M-2: Heavy Industrial.  

The only access to this property from a public road is provided by 135th Avenue NW along the east side of the property. This road is a township road; it was not annexed into the City, as the City’s annexation only went up to the west side of the 66-foot statutory right of way along the section line. Thus, permission was required to be obtained from the two townships that own portions of this road—Missouri Ridge Township (west 33 feet) and Pherrin Township (east 33 feet). Planning and City Engineering staff and the applicant met with the road supervisors from both townships prior to the preliminary plat approval. The road supervisors were not opposed to
the project taking access from 135th Avenue NW, as long as the road was paved, maintained, and a culvert was installed in the drainage this road crosses.

The property is currently served by a paved road, water line, and culvert on 135th Ave. The cost of all improvements will be assessed to the property once the property is transferred to the ownership of Mr. Mikolinski (developer). The property is served by an existing city sewer line.

**Recordation Requirements**

WETLANDS: There are existing wetlands on a portion of this property. The wetlands will not be developed. Easements preventing the filling and disturbance of the existing drainways and delineating the wetlands on the property will be required to be depicted on the plat.

R-5 ZONING: The development of Lot 1 into a Manufactured Home park requires a site plan review process, which is a Planning and Zoning Commission process. Several requirements were noted through the preliminary plat and rezone process:

1. At the time that the mobile home court on Lot 1 is developed, it must be buffered against the surrounding M-2 to the south and west as required by the landscaping and buffering ordinance. The applicant has planned to relocate many existing trees on the property as part of this buffering. If the R-5 zoning is approved, any development of a small mobile home court will need to be buffered against the industrial uses to the south and west.

2. Any manufactured home court would have to meet all development standards of the R-5 zone, including required paving and minimum lot size and, if required by acreage requirements, a playground. The manufactured home court would have to meet North Dakota state requirements as well as City regulations.

3. The applicant’s proposal of the “cabin look” manufactured homes to be memorialized and required in the development agreement and/or CC&R’s.

ADDITIONAL ROAD DEDICATION: The City Engineer noted that the Bakken Industrial Park had provided a 75-foot road dedication along the west side of 135th Avenue NW and this project should make the same width dedication along 135th. This dedication will appear on the final plat.

NON-PROTEST OF FUTURE STREET IMPROVEMENTS: Developer to sign a non-protest of street improvements for 135th Avenue NW, to be recorded with the final plat.

ROAD MAINTENANCE: The City has not annexed the adjacent 135th Avenue Section Line Road. The ownership and maintenance responsibilities of 135th Avenue belong to Pherrin and Missouri Ridge Townships. Access onto 135th Avenue will be granted only if the City takes on the maintenance responsibilities of 135th Avenue. This has been accepted by the City, according to preliminary plat documents.

**RECOMMENDATION**

1. To approve the final plat of the JEM Estates Subdivision, contingent on the items listed under “Recordation Requirements” above.

**ATTACHMENTS**

1) Final Plat 2) Zoning Exhibit 3)Locator map
Plat and Zone Change for SE ¼ of Section 24, along 135 Ave.