

ORDINANCE 983

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM TO THE WILLISTON CODE OF ORDINANCES TO PROHIBIT THE CONSTRUCTION OF BUILDINGS CLAD ON THE EXTERIOR WITH INDUSTRIAL METAL SIDING, POLE BUILDINGS, AND BUILDINGS WITH DESIGNS INCONSISTENT WITH THE PROPOSED DOWNTOWN PLAN, AS DETERMINED BY THE PLANNING AND ZONING DEPARTMENT, IN THE DOWNTOWN AREA, DEFINED IN EXHIBIT A, FOR A PERIOD OF 9 MONTHS.

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

PART 1: Background

The City of Williston has taken steps toward creating a downtown atmosphere that improves the quality of life in Williston. These steps include the commissioning of a Downtown Plan, the proposed reconstruction of Main Street, and the proposed implementation of a Streetscape Plan commissioned in 2011. Upon completion of the Downtown Plan, the direction includes creation of a downtown zoning district, complete with a design review component. To further that, there is concern that the existing mix of zoning in the downtown area could allow buildings to be constructed which are not consistent with the future vision of the downtown area. The City does need to examine these visions further. Until then, the City does not wish to see landowners constructing buildings which may become non-conforming under future downtown zoning and design regulations.

Part 2: Purpose & Intent

The purpose of this moratorium is to prohibit the construction of buildings clad on the exterior with industrial metal siding, pole buildings, and buildings with designs inconsistent with the downtown plan in the downtown area in order to properly determine appropriate building requirements for the downtown area. This will allow the City time to either determine those requirements or put a review board and requirements into place.

In addition, this moratorium will allow time to further define the desired building requirements for the downtown area. These building requirements may include appropriate building materials, heights, window transparency, sign types and lighting types. All of these requirements will be put in place in order to enhance the overall appearance of the downtown area, and will most likely include materials and building shapes which are frequently found in older downtown areas. Currently, the downtown area includes a fair amount of industrial property which is outdated and dilapidated. As development in the downtown grows, these properties will turn over and be developed. Having development standards and an updated zoning code will help to create the look and feel of a vibrant, livable downtown that the commission has been focused on helping to create. Until the Downtown Plan is complete, however, and these standards are in place, the City needs to regulate the construction of any new buildings in the downtown area which do not meet the overall standards which are intended to be put into place. This will be done by requiring elevation drawings with any building permit applications for the downtown area.

Part 3: Moratorium

The Board of Commissioners of the City of Williston, North Dakota, hereby specifically prohibit the construction of buildings clad on the exterior with industrial metal siding, pole buildings, and buildings with designs inconsistent with the proposed downtown plan, as determined by the Planning and Zoning department, in the downtown area, defined in Exhibit A, during the

remainder of this nine-month moratorium period. Property owners wishing to apply for building permits on downtown buildings during this time period will need to include elevation drawings with the building permit application, which will be examined by the Planning Department. Any dispute of administrative decisions for such buildings may be appealed to the Board of Adjustments after meeting with the Planning Department during the moratorium period.

Part 4: Violation, Enforcement, and Penalties

Any person, firm, or corporation found violating the provisions of this ordinance shall be found guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine or penalty not to exceed \$500 or by imprisonment not to exceed 30 days, or both such fine and imprisonment. Each day any violation shall exist shall constitute a separate offense.

Commissioner Brostuen moved the adoption of the foregoing ordinance. The motion was seconded by Commissioner Cymbaluk. On roll call vote of Commissioners, the following Commissioners voted "AYE": Cymbaluk, Brostuen and Bekkedahl, And the following Commissioners voted "NAY": None. Absent and Not Voting: Commissioners Klug and Koeser. Whereupon, the motion was passed and the Ordinance declared adopted this 26th day of December, 2013.

Attest:

Approved:

John Kautzman, City Auditor

Ward Koeser, President
Board of City Commissioners

First Reading: December 10, 2013
Second Reading: December 26, 2013
Published:
Adopted This 26th Day of December, 2013