

City of Fargo

Land Development Code Diagnostic

Planning Commission Presentation

August 4, 2020



LWC

THE CITY OF
Fargo
FAR MORE

Introduction

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SRF Consulting

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City of Fargo

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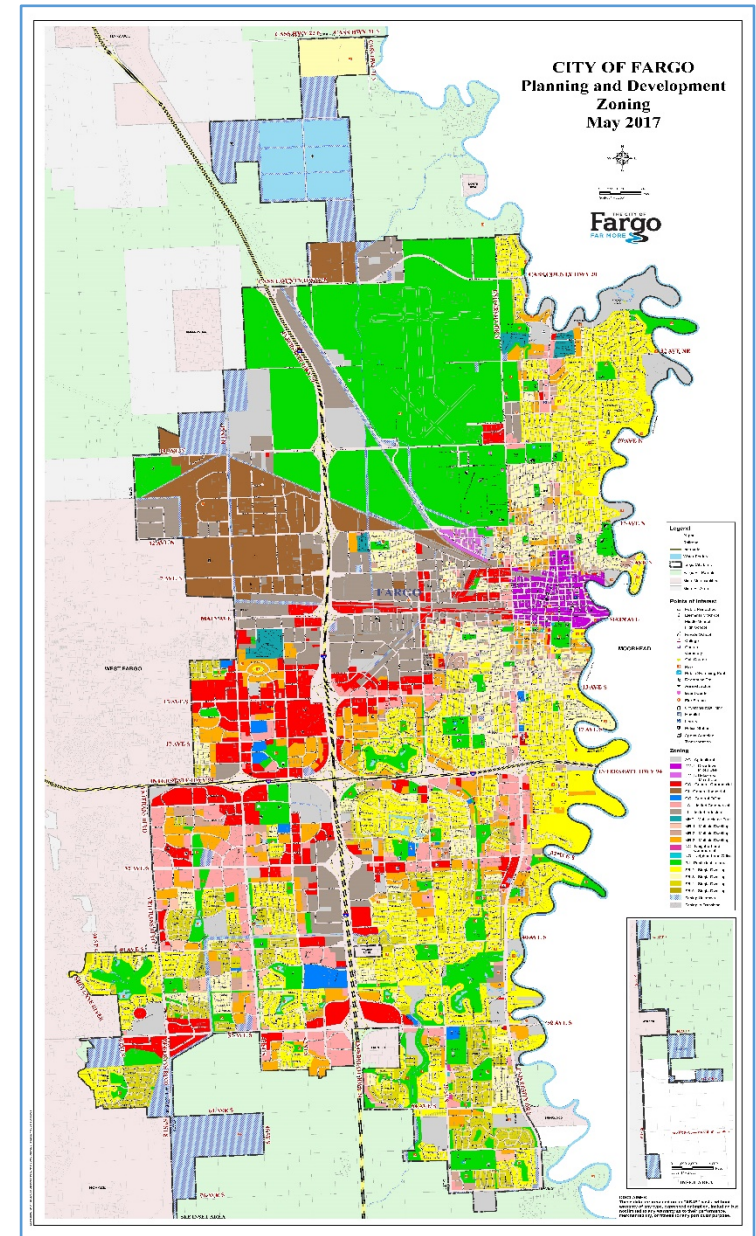
Agenda

- 1 Project Overview
- 2 Land Development Code Diagnostic Report
- 3 Key Findings
- 4 Next Steps

Project Overview

What is the LDC?

- Title 20 of the Fargo Municipal Code
- LDC controls all development within the City by establishing:
 - Zoning districts
 - Subdivision regulations
 - Development standards
 - Allowed uses and use regulations
 - Permit requirements and review procedures
- Not been comprehensively updated in 20+ years.



Fargo Zoning Map

Comprehensive Plan

2012 Fargo Comprehensive Plan *Go2030* emphasizes shared community values, ideals, and aspirations to govern growth and development through 2035.

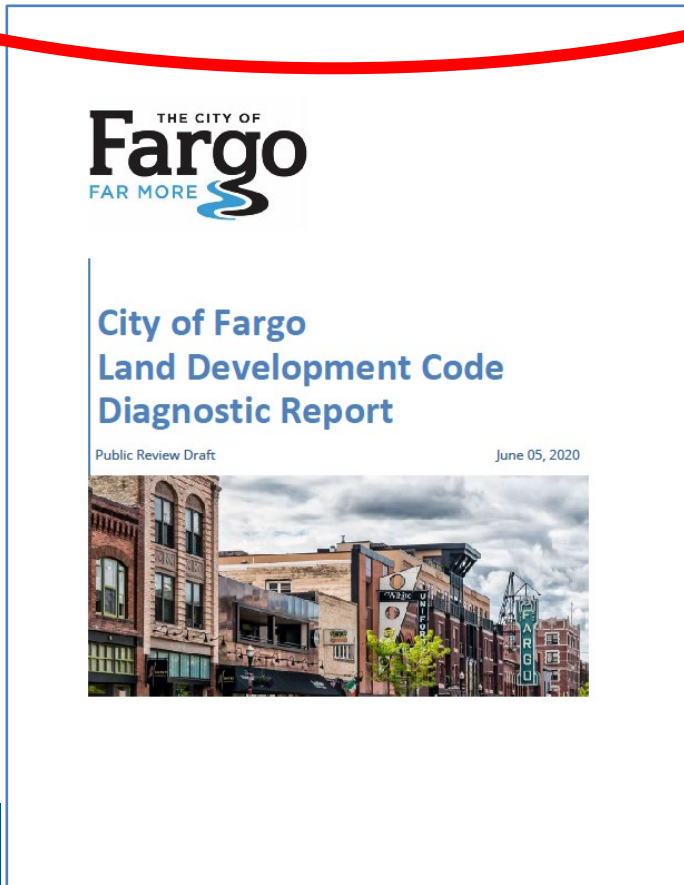
Some *Go2030* initiatives :

- Develop policies to promote infill and density within areas that are already developed... Control sprawl and focus on areas outside of the floodplain.
- Develop a Commercial Design Zone District and continue to follow the Design Guidelines for Growth Areas for infill and new residential development.
- Support ... high quality, energy efficient buildings, and require new development to meet site design standards
- Develop higher quality affordable housing near NDSU

The LDC is one tool to implement Fargo's Comprehensive Plan and related land use policies in a manner that protects the health, safety, and general welfare of the Fargo community.

Project Overview

Land Development Code Diagnostic Report



Preferred Alternative & Work Plan

Approach Comparison Table

Elements	Approaches		
	1	2	3
Code Format and Organization			
Format	Revise	Replace	Replace
Reorganization of Content	Limited	Extensive	Extensive
Content Rewriting	Low/Moderate	Moderate	High
Clean up for Consistency	Same Across All Approaches		
Development Review Models			
By-Right Review	Low	Medium	High
Customized Zoning	High	Medium	Low
Discretionary Review	Medium	Low	Low
Development Standards Models			
Euclidean Based	High	Medium	Low
Performance-Based	Same Across All Approaches		
Form-Based	Very Limited*	Medium	High
Hybrid Code	No	Yes	Yes

* Applied only in New Small Area Plans

Approach 2 is the CodeNEXT Team's recommended approach.

September 2014 Code Approach Alternatives and Annotated Outlines | 3-3



Project Process

**Listen,
Analyze,
and
Understand
Issues**
(Fall 2019)

**Summarize
Findings in
Diagnostic
Report**
(Spring 2020)

**Present and
Discuss the
Diagnostic
Report**
(Summer 2020)

**Develop and
Discuss
Alternatives**
(Summer 2020)

**Prepare
Preferred
Alternative**
(Summer
2020)

**Present
and Discuss
Preferred
Alternative
and Work
Plan**
(Fall 2020)

Meetings and Outreach

Kickoff and City Tour September 2019

Stakeholder Interviews November 2019

Planning Commission Study Session #1 November 2019

Community Workshop November 2019

Planning Commission Study Session #2 August 2020

Planning Commission Study Session #3- TBD

Planning Commission Study Session #4- TBD

Land Development Code Diagnostic Report

Elements of the Analysis

- Comprehensive Plan Implementation
- Best Practices
- Development Process
- User Friendliness
- Legal Compliance
- Economic Implications



Diagnostic Report - Table of Contents

Executive Summary

Section 1: Introduction

Section 2: Implementing the Comprehensive Plan

Section 3: Land Development Code and Analysis

Section 4: Administration and Procedures

Section 5: Legal Compliance

Section 6: Economic Implications

Section 7: Conclusion

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Key Findings



Key Findings

- Inadequate Base Zoning Districts
- Lack of Best Practices
- Over-reliance on Negotiated Processes
- Legal and Economic Considerations



City of Fargo Land Development Code Diagnostic Report

Public Review Draft

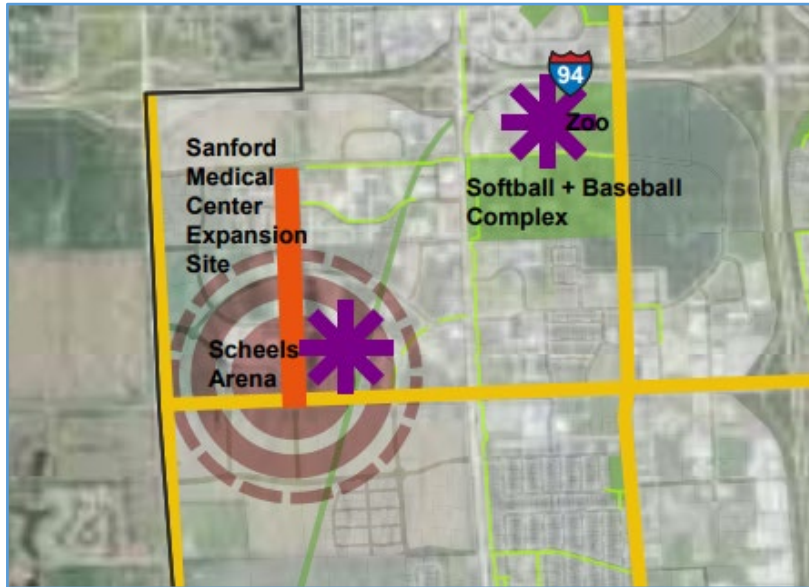
June 05, 2020



Comprehensive Plan

Go2030 land use policy:

- Promote Infill
- Walkability
- Design Standards
- Quality New Development
- Catalysts, e.g. mixed-use centers



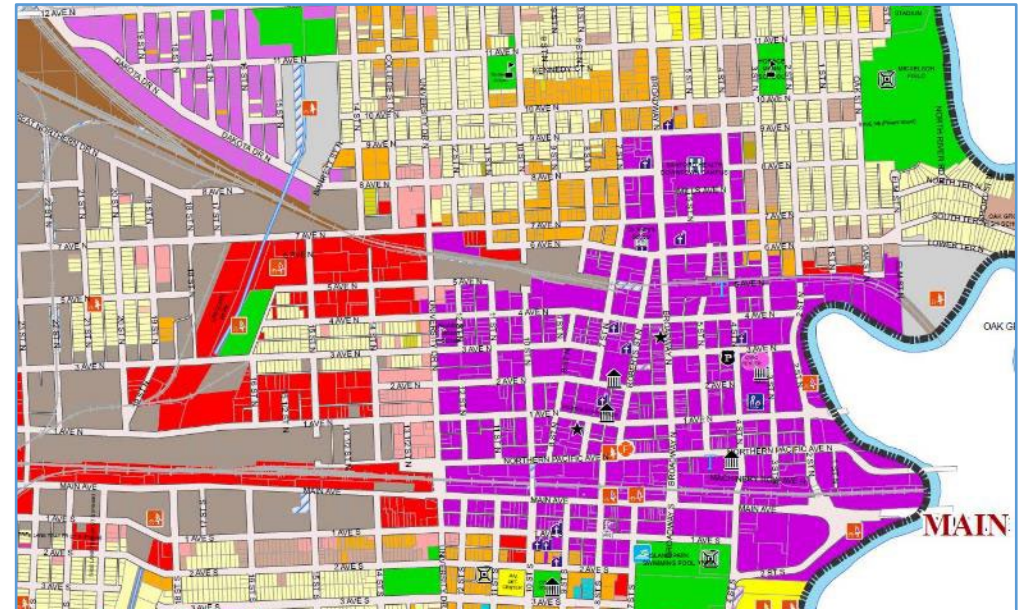
From Go2030 Catalysts Map

Related documents:

- Downtown InFocus
- Fargo/West Fargo Parking & Access Plan
- Bicycle & Pedestrian Plan
- Analysis of Impediments to Fair Housing Choice
- Roosevelt/NDSU Neighborhood Plan
- Public Arts Master Plan

Inadequate Base Zoning Districts

- “Conventional districts” do not align with *Go2030* policy goals
 - Walkability
- DMU and UMU closest to goals but need refinement
- Negotiated zoning
 - Use of PUDs and COs
 - Protracted and unpredictable process between the developer and neighborhoods



Portion of City of Fargo Zoning Map



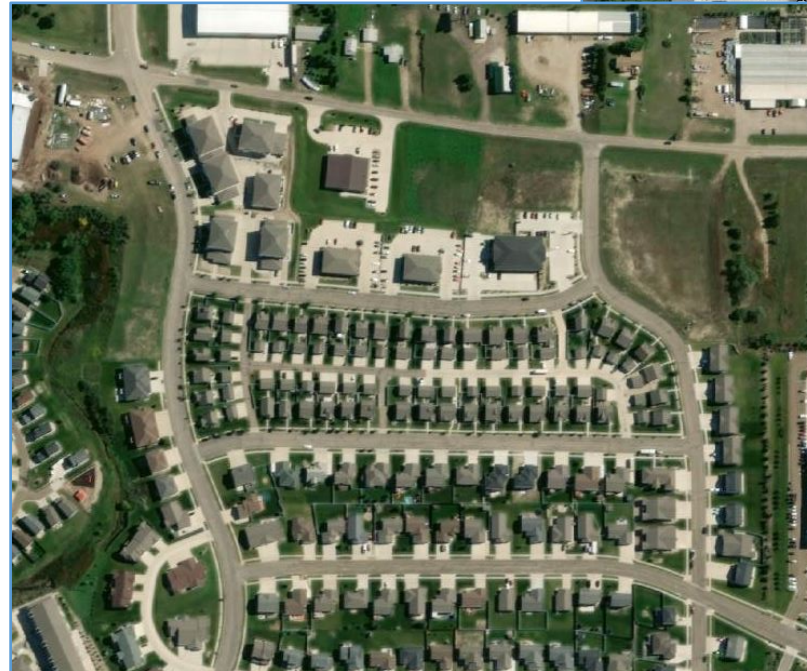
Parking Lot Between the Street & Mixed-Use Building

Inadequate Base Zoning Districts

- Subdivision Regs. are incompatible with historic development patterns
- Demand for small lot subdivisions, lack of subdivision tools
 - Right-of-way flexibility
 - Utility placement
- Development with private infrastructure



Highpointe Subdivision – Fargo, ND



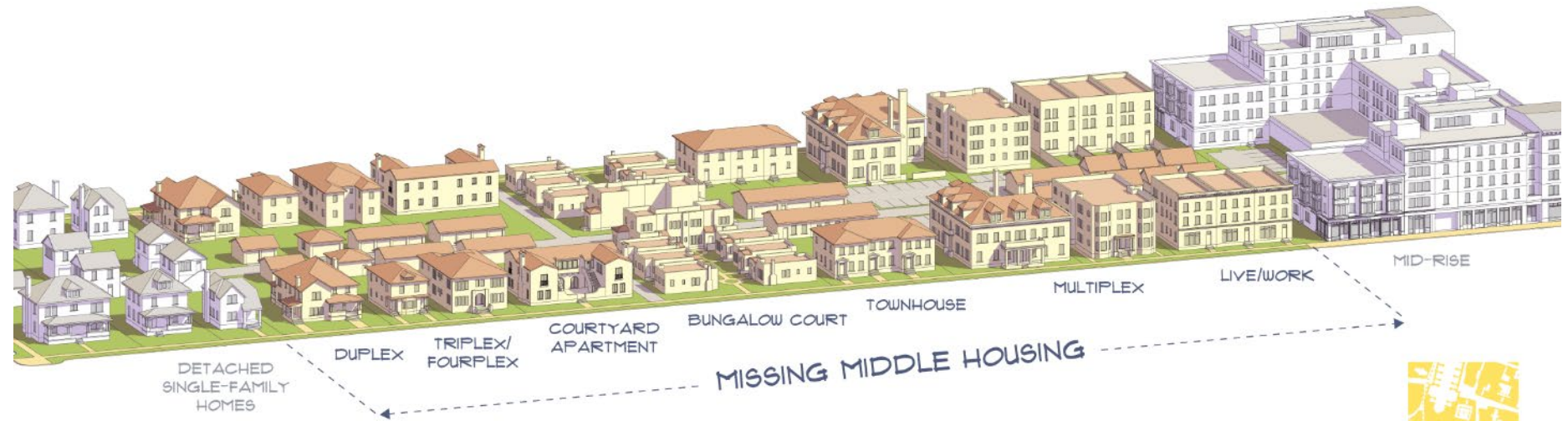
Small Lot Subdivision – Bismark, ND

Inadequate Base Zoning Districts

- Multi-family zoning and large lots, relationship to development and housing costs
- Alternatives to conventional single family or multi-family zoning must prove consistency with *Go2030*
- Bonus Density provision increases lot sizes

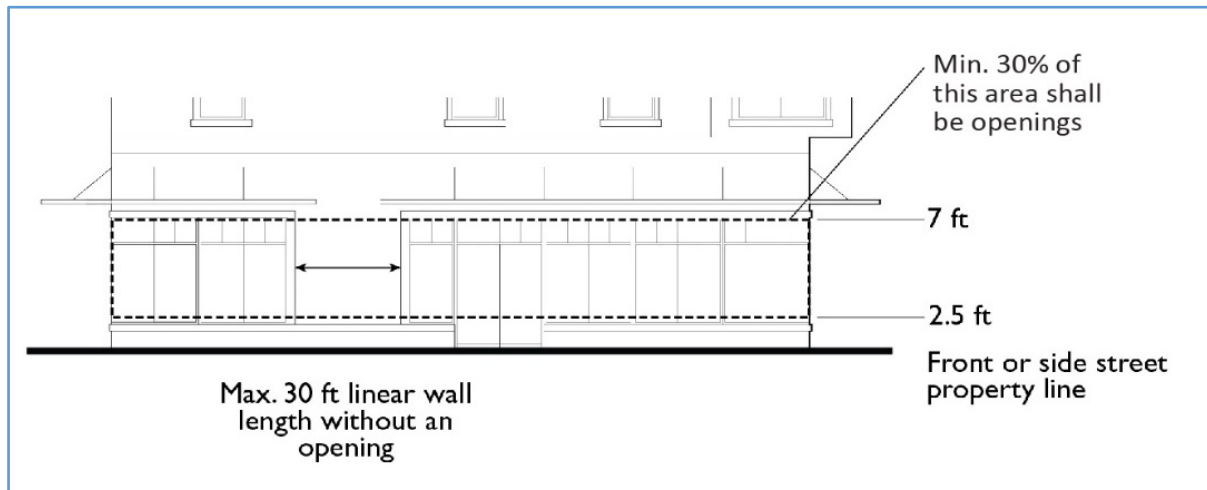


Example of "Missing Middle" Housing Development



Lack of Best Practices

- Missing building form standards within and outside of DMU and UMU
- Unpredictable outcomes
- Best Practice: Build-to-Zone, Transparency Standards



Example of Transparency Standards

City of Las Vegas Form Based Code

19.09.050.E.012 T5 Main Street Zone (T5-MS)

E. Building Placement				
Setback Distance (Distance from ROW/Lot Line)	Front ^{1,2}	Corner Side ^{1,2}	Interior Side	Rear
	L	M	N	O
Primary Building				
Min.	10 ft	10 ft	0 ft ³	10 ft
Max.	20 ft	20 ft	--	15 ft
Primary Building Facade within Facade Zone				
Front (min.)	70%			
Side Street (min.)	60%			
Miscellaneous				
A building form with a chamfered corner is only allowed on corner lots and only if a corner entry is provided.				
Notes:				
1 Additional setback and/or easement may be required where street ROW or a utility easement is needed.				
2 Sidewalk must be extended into the setback areas to meet the building.				
3 Buildings and structures located < 5 feet from a property line must comply with all applicable Building and Fire Code requirements.				
Key for Tables				
-- No Requirement				

F. Building Form Standards		
Building Height	Stories	P
Primary Building	2 min. - 7 max.	
Accessory Building	2 max.	
Primary Building		
Ground Floor Finish Level^{1,2}		
Height above curb		
Residential	1.50 ft min.	
Service or Retail uses	0.50 ft max.	
Ground floor lobbies and common areas in multi-unit buildings may have a ≤ 0.50 ft ground floor finish level.		
Floor-to-Ceiling		
Ground floor	14 ft min.	R
Upper floors	9 ft min.	S
Footprint		
Lot coverage	70% max.	
Depth		
Ground floor space	30 ft min.	T
Notes:		
1 Buildings existing at the time of adoption of the Form-Based Code and additions to those buildings that are less than 50% of the existing gross floor area are exempt.		
2 Primary buildings located on lots sloping down and away from the street are exempt.		

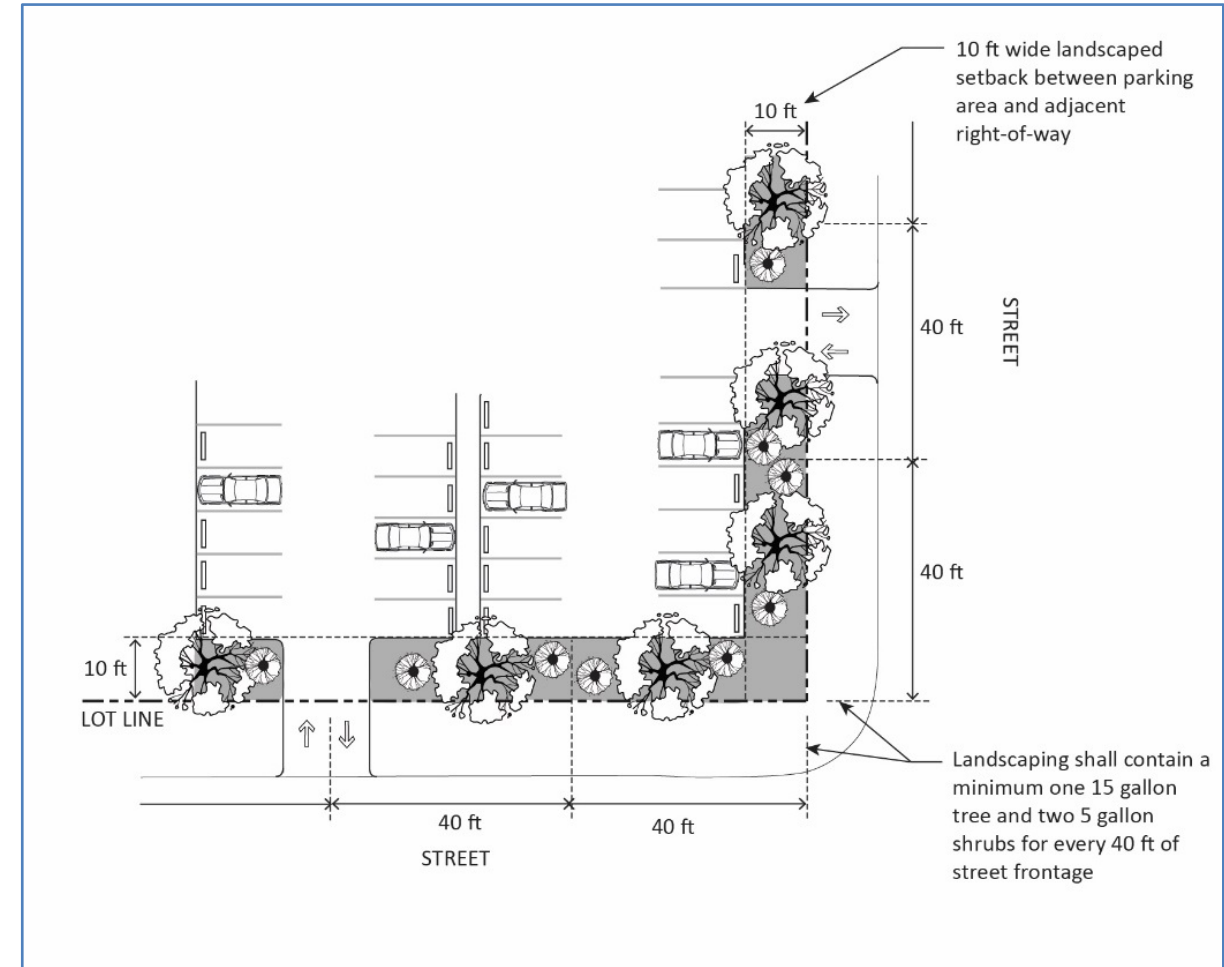
November 2017 | Public Review Draft

Page 09.050-19

Sample Development Regulations with Form Standards

Lack of Best Practices

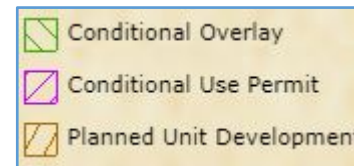
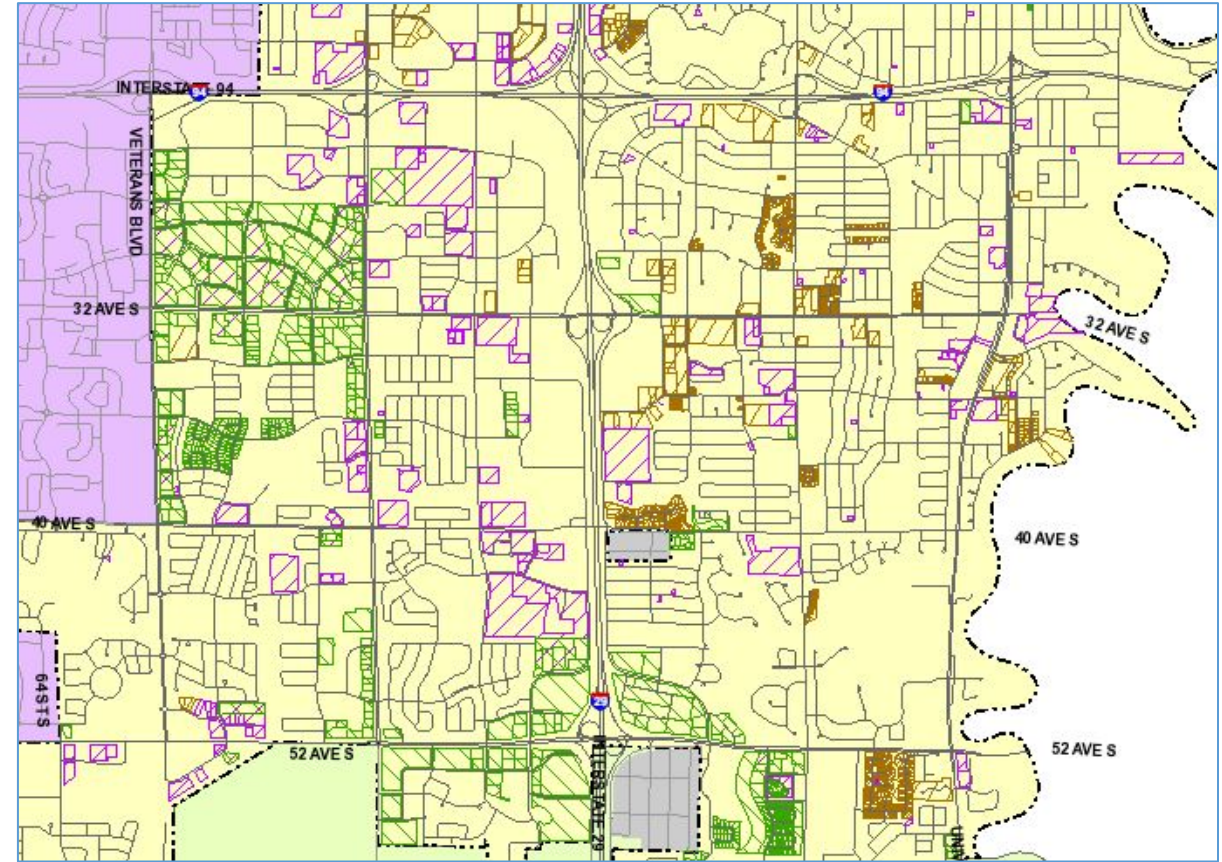
- Inflexibility and lack of clarity in development standards
 - Landscaping
 - Parking Location
- Flexible development standards would produce “Quality Development”
- Best Practice: Minor Modifications



Example of Landscaping Standards Diagram

Over-reliance on Negotiated Processes

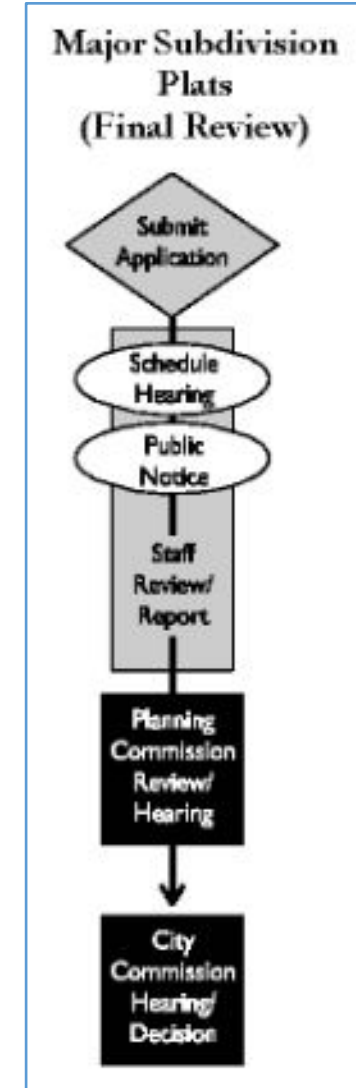
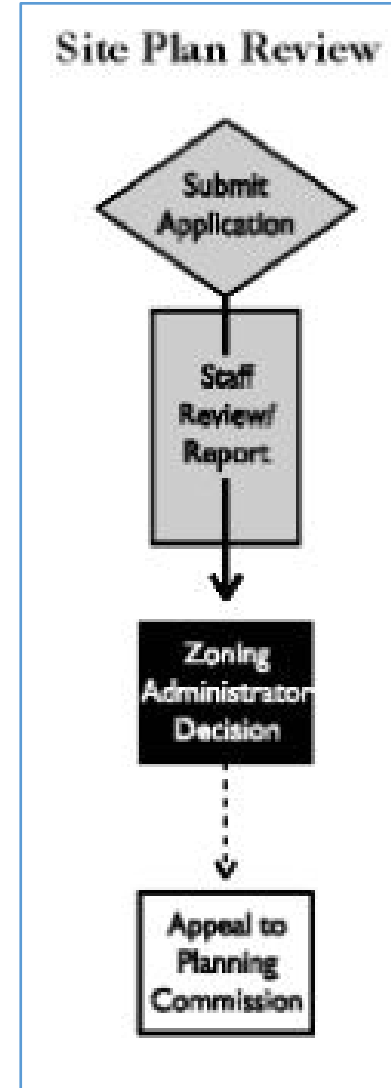
- Use of CUPs, PUDs, and COs to achieve goals
 - Irregular and uneven development standards
 - Ad-hoc design standards
- Residential Protection Standards
 - Implementation and Management



Screenshot of City of Fargo's Interactive GIS Map

Over-reliance on Negotiated Processes

- Uncodified and/or negotiated processes
 - Site Plan Review
 - Parkland Dedication
- Need for clear thresholds for discretionary approvals



Legal Analysis

- Additional legal analysis to be completed
- Signs
 - *Reed v. Town of Gilbert*, US Supreme Court No. 135 S.C.T. 2218, 2015



"Temporary Directional Signs Relating to a Qualifying Event"

Reed v. Town of Gilbert

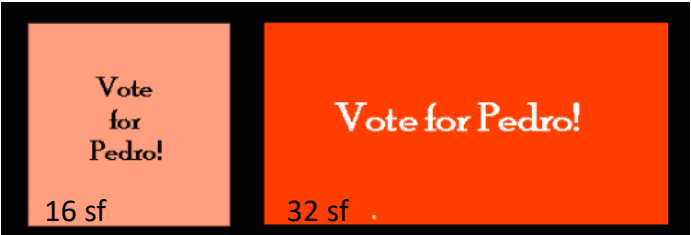
Reed v. Town of Gilbert, US Supreme Court
No. 135 S.Ct. 2218, 2015

Ideological



Where?	How long?
Anywhere	As long as you want

Political



Where?	How long?
Residential (16 sf) NR / public / ROW (32)	60 before primary 15 after general

Temporary Directional Sign Relating to a Qualifying Event



Where?	How long?
Private or public land 4 at a time	12 hours before 1 hour after

Legal Considerations

Content-Based Regulation

- What does sign say?
- Message determines if it stays up or down, or applicable regulations



Vote for Waldo

“Political Sign”

Content-Neutral Regulation

- Time
- Place
- Manner



Sign Text
Sign text

“Freestanding Sign”

Speech v. Local Environment

Freedom of speech is an existential right - election cycles exist – a community’s visual environment defines its special character



Legal Considerations

Some Sign Types Anticipated to be Revised Consistent with *Reed v. Gilbert*

Existing Sign Type	Proposed Sign Type
Temporary Signs	
Contractor Sign	Yard Sign or Banner Sign
Real Estate Sign	A-Frame, Yard Sign, or Banner Sign
Going-Out-of-Business Sign	A-Frame, Yard Sign, or Banner Sign
Grand Opening Sign	A-Frame, Yard Sign, or Banner Sign
Permanent Signs	
Home Occupation Signs	Freestanding or Wall Sign
Nameplates	Incidental or Wall Sign



Economic Analysis

- Mix of uses provides multiple revenue opportunities and creates rent premiums
- More efficient use of on-site infrastructure
 - E.g. shared parking or utilities
- High amenity development creates value for neighboring and adjacent properties
- Aksarben Village in Omaha or Stapleton in Denver are models illustrating the benefits of mixed-use urbanism



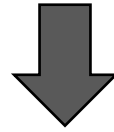
Stapleton, CO (Credit: Great American Country)

Economic Analysis – LDC Issues

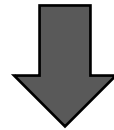
- Lack of design standards inhibit the generation of external benefits to the:
 - Public realm,
 - Neighborhood, or
 - District
- Mixed-use development is only envisioned within the DMU and UMU zones
- Dependence on PUDS, COs, and CUPs to produce quality urban spaces creates uncertainties and discourages this type of development

Next Steps

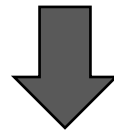
Alternatives and Recommendation Memo (Fall)



Planning Commission Work Session (Fall)



Preferred Alternative and Work Plan (Winter)



Planning Commission Work Session (Winter)

Thank you!

For More Information:

Project Manager **Aaron Nelson, AICP** at (701) 241-1474

or

Visit the Project Website

<http://fargond.gov/city-government/departments/planning-development/land-use-zoning/land-development-code/land-development-code-ldc-diagnostic>.

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Questions

1. Did we get it right?
 - a. Are there issues you're aware of that are not listed?
 - b. Are issues mentioned that are not of significant concern?
2. What are your priority objectives in updating/amending the LDC?
3. How would you describe the ideal balance of predictability and discretion in project review?
4. What types of project approvals could/should be more streamlined?