

MEMO

To: City of Fargo, Planning & Development

From: Lisa Wise Consulting, Inc. (LWC)

Date: 11/27/2019

Subject: City of Fargo LDC Diagnostic - Stakeholder Interview Summary

Introduction

As part of the Fargo Land Development Code Diagnostic (Project), the Lisa Wise Consulting, Inc. (LWC)- led consulting team (including SRF Consulting Group, Inc. (SRF)) conducted interviews with a cross-section of “code-users” – people in the community who have hands-on experience with the Land Development Code, have experience working through the City development review process, and are on-the-ground seeing developments take shape in neighborhoods across the city.

On November 6th (with follow up interview calls on November 8th and November 13th), the consultant team conducted 23 interviews with 39 individuals including residents, representatives from neighborhood associations, developers, real estate and design professionals, and City officials.

The purpose of the interviews was to gain an understanding of the “user’s” perspective of the Land Development Code, elements of the LDC which are working well, and areas in need of improvement. Interviews were conducted by senior staff from LWC and SRF. No City staff were present during the interviews in observance of confidentiality and encourage more candid responses.

Each interview began with an overview of the Project and an explanation of the purpose of the interviews. Respondents were assured that their participation was completely voluntary, and that no personally identifiable information would be released in public or internal documents or communication. The survey was comprised of open-ended questions, posed in a conversational manner in order to allow the respondents to “drive” the interview.

Common Themes

Several consistencies emerged among interviewees regarding issues with the current Land Development Code. While the interviewees differed on type of change, there was consistency on areas that need to be clarified, simplified, or improved. Following is a list of common themes from the interviews.

1. **Landscaping Requirements.** While many interviewees agreed that landscaping is a valuable element of project design, they felt that existing LDC requirements are ambiguous, subjective, and at times don't make sense in context of the proposed development. Respondents questioned the need for landscaping on industrial sites, burdensome public street planting and maintenance requirements, and the viability of tree islands in parking lots. Developers and design professionals mentioned project approvals being delayed solely due to the landscaping component.
2. **Parking Requirements.** Respondents generally felt that existing parking requirements have had wide-ranging affects on development applications, either previously approved or proposed. Comments included unrealistic regulations for commercial projects given tenant demands and inflexible requirements for multi-family housing.
3. **Setback Regulations.** Whether the topic was constructing a single-family home or a mixed-use building in the DMU, it was unanimous among respondents that the current setback regulations need to be re-evaluated. Broadly, the minimum setback regulations are looked at as being too large and end up increasing construction costs. Specific to the DMU district, many feel that there should be no minimum setback for new developments.
4. **Paving Requirements in Industrial Zones.** The paving requirement for industrial sites is viewed as overly costly, potentially rendering projects infeasible. There is general agreement that there should be more flexibility for allowing alternative materials, such as gravel or crushed concrete (more efficient for managing storm water retention and run off).
5. **Conditional Overlays (CO).** Respondents voiced an overall sense of uncertainty surrounding the use and enforcement of Conditional Overlays. Many felt that COs are not good for the community, difficult to understand in application, created with too much discretion, and impossible to amend.
6. **Mylar Submission Procedure.** The submission and review process for mylar plats has become onerous and time consuming. The requirement that they be signed before approval, given the likelihood of subsequent changes, is seen as impractical.

7. **Subdivision Process.** Connected to the mylar submission procedure, many stakeholders said that the overall subdivision approval process takes too long and there should be a shorter procedure for minor subdivisions. Developers also expressed concerns that the current infrastructure requirements are too burdensome and can be cost-prohibitive, in some cases, and that there is little flexibility in terms of infrastructure installation, particularly with right-of-way dedication and maintenance.
8. **Infill Development.** Flexibility for infill development was brought up several times due to difficulty with the LDC. Many developers felt that the LDC seems to work much better for new development areas rather than infill. The infill projects that have been proposed have run into issues such as not being able to get enough units in the project or floodplain issues in the downtown area. Despite the City's want for more infill and downtown development, it is easier to develop raw, vacant land on the outskirts.
9. **Use of PUDs.** The use of Planned Urban Development (PUD) zones needs to be studied in terms of their role as a zoning tool within the LDC. PUD's were repeatedly mentioned throughout the interviews with a wide variety of associated opinions.

Summary of Comments

Land Development Code (LDC)

In addition to the feedback summarized above, interview respondents provided their perspective on what they felt to be priority components of the LDC, including Downtown Mixed-Use District (DMU), Development Standards, Administration and Procedures and Miscellaneous topics.

- LDC is outdated and more projects require variances because of it.
- While City staff is helpful, the LDC could be easier to understand and more flexible.
- The formatting of the document should be simpler. Very few stakeholders use the online version.
- LDC is too black and white when it comes to requirements for landscaping and parking.
- Challenges arise when making modifications to existing development in older parts of the city, such as additions or changes of use. It generally seems to work better for new development areas except for downtown and infill.
- Any internal policies related of LDC interpretations should be published or made part of the LDC.
- Allowing PUDs within single-family neighborhoods leads to a difficult negotiation process between the neighborhood and developer.

- The overall application process works well and is straightforward, there are clear submittal requirements and process expectations.
- The LDC should be more in-line with the goals of Go2030 and Downtown InFocus in creating a more walkable city.
- LDC should be simplified and focus on predictability, flexibility, implementation, and enforcement. More design standards should be considered.

Downtown Mixed-Use District (DMU)

The use and efficacy of the DMU zoning district was mentioned several times. Comments include:

- While there are issues overall with the LDC, there are little to no issues with the DMU zone standards. It works well and is flexible
- There should be a build-to line requirement or maximum front-yard setback requirements. In addition, there are separate utility location issues associated with building to the sidewalk in this district. Developers and architects pointed out that it is difficult build to the sidewalk due to the need for utility access, leading to the buildings needing to be set back from the sidewalk
- DMU should be looked at as an example for allowing mixed-use outside of downtown, rather than having to utilize Conditional Overlays or PUDs.
- While the DMU district does have more detailed requirements, it is still the most flexible and easiest to work with.

Development Standards

Stakeholders provided input on various development standards within the Land Development Code including design, residential protection, landscaping, height, and others. Comments include:

- Participants were divided on whether or not the City would benefit from more predictable and prescriptive design standards. Concerns included flexibility, monotony, and difficulty in administering. There was agreement design should be considered when putting multi-family buildings in single-family neighborhoods.
- Downtown should have design standards in order to create more a more unique streetscape and interesting built environment.
- City needs to address floodproofing requirements as they relate to creating a walkable urban environment. Many times, these two goals are at odds with one another.
- There is concern that Residential Protection Standards are either not flexible enough, not being enforced, or confusing in their application. Overall clarification

is needed on the process of determining appropriate standards and how they apply to each project.

- Landscaping standards are too rigid and subjective; need more flexibility for reasonable alternatives.
- Buffer standards and height restrictions should be calibrated to allow for more context-sensitive development.
- Large setback requirements lead to “suburban-style” (e.g. auto-oriented) development, especially in downtown and South Fargo.
- Paving standards in industrial areas need to be more flexible.

Administration & Procedure

Stakeholders discussed their experience working with the City throughout the application process and highlighted areas that could be improved. Comments include:

- Largely positive experience working with staff and going to them for help when issues arise.
- The Mylar submission/review process was repeatedly brought up as too onerous and time consuming.
- Planning Department should have more administrative approval discretion with certain applications, such as lot splits.
- Pre-development application meetings work well, they usually catch red flags early in the process.
- Use requirements can be obscure and hard to find, some requirements seem to be buried throughout the LDC.
- Engineering Department is usually the biggest pinch-point in the process, especially with flood or stormwater issues.

Miscellaneous

- City Departments should work in coordination with each other, less siloed.
- The City, School District, and Park Board should be working together more.
- Historic preservation should be a key consideration in older neighborhoods.