

**ZONING ORDINANCE  
OF THE  
CITY OF WILLISTON  
WILLISTON, NORTH DAKOTA**

Adopted JUNE, 1983  
With Amendments to  
April 22, 2003

Prepared by  
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Amended December 10, 1996, Ord. No. 796; June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850.

**ORDINANCE NO. 613 AS AMENDED**

***AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 352 OF THE CITY OF WILLISTON. ALSO KNOWN AS THE "ZONING ORDINANCE OF THE CITY OF WILLISTON", ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF WILLISTON AND UNINCORPORATED TERRITORY LOCATED WITHIN ONE MILE OF THE CITY LIMITS, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 40-47 OF THE NORTH DAKOTA CENTURY CODE, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.***

***BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA, TO-WIT:***

**SECTION 1.            SHORT TITLE**

This ordinance shall be known, cited, and referred to as the "Zoning Ordinance of the City of Williston, North Dakota".

**SECTION 2.            PURPOSE**

These regulations have been made in accordance with the policies and recommendations set forth in a duly adopted Comprehensive Plan and have been enacted with the following purposes in mind:

1.     Lessen congestion in the streets.
2.     Secure safety from fire, panic, and other dangers.
3.     Promote health and the general welfare.
4.     Provide adequate light and air.
5.     Prevent the overcrowding of land.
6.     Avoid undue concentration of population.
7.     Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.

**SECTION 3. ESTABLISHMENT OF DISTRICTS**

In order to effectively carry out the provisions of these regulations, the land within the corporate limits and the land within one mile of the corporate limits of the City of Williston shall be divided into the following zoning districts:

1. F-H: Flood Hazard Overlay District
2. A: Agricultural District
3. R-1E: Rural Estate District
4. R-1A: Rural Residential District
5. R-1: Single-Family Residential District
6. R-2: Single-Family and Two-Family Residential District
7. R-3: Lowrise-Multifamily and Townhouse Residential District
8. R-4: Highrise-Multifamily Residential District.
9. R-5: Mobile Home Court District
10. R-6: Manufactured Home Subdivision District
11. R-7: Residential Manufactured Home Subdivision District
12. P: Parks and Open Space District
13. P-1: Planned Unit Development Overlay District
14. C-1: Neighborhood Commercial District
15. C-2: General Commercial District
16. C-3: Restricted Commercial District
17. M-1: Light Industrial District
18. M-2: Heavy Industrial District
19. M-3: Industrial Park District

**SECTION 4. DISTRICT ZONING MAP**

**A. Official Zoning Map.** The City and adjoining unincorporated territory is hereby divided into zones or districts, as shown on the Official Zoning Maps, which together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the President of the Board of City Commissioners, attested by the City Auditor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in SECTION 4 of Ordinance Number 613 of the City of Williston, North Dakota", together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Chapter 40-47, North Dakota Century Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Building Official after the amendment has been approved by the City Commission, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Commission, the following change (s) were made in the Official Zoning Map: (Brief description of nature of change(s))", which entry shall be signed by the President of the Board of City Commissioners and attested by the City Auditor. No amendment to this ordinance, which involved matter portrayed on the Official Zoning Map, shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map, or matter shown thereon, except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 26.D.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Auditor shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

**B. Replacement of Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the President of the Board of City Commissioners, attested by the City Auditor, and bearing the seal of the City under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 613 of the City of Williston, North Dakota”.

Unless the prior Official Zoning Map has been lost, or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

C. Rules For Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to, or extensions of, features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustments shall interpret the distance boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustments may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

**SECTION 5. APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
  - a. To exceed the height or bulk.
  - b. To accommodate or house a greater number of families.
  - c. To occupy a greater percentage of lot area.
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.
3. No part of a yard, other open space, off-street, or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
5. All territory which may hereafter be included in the one-mile extra-territorial area due to city annexations shall be considered to be in the A: Agricultural District unless otherwise classified.

**SECTION 6. NONCONFORMITIES**

Within the districts established by this ordinance or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently.

**A. Nonconforming Lots Of Record.**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustments.

If two or more lots or combinations of lots and portion of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, with the exception of existing lots which are fifty feet (50') or greater in width, the land involved shall be considered to be an undivided parcel for the purposes of this ordinance; and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

**B. Nonconforming Uses of Land (or Land with Minor Structures Only).**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1000, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than three years, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

C. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of \$1000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such buildings.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustments, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustments may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for three years (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

E. Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing wall, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

F. Uses Under Special Permitted Use Provisions not Nonconforming Uses. Any use which is permitted as a Special Permitted Use in a district under the terms of this ordinance (other than a change through Board of Adjustments action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use. If the property ceases to be used for the nonconforming use (Special Permitted Use) for a continuous 3-year period, this section shall not apply and any subsequent similar use shall require a special use permit pursuant to Section 27 of this Zoning Ordinance.

## SECTION 7.

## F-H: FLOOD HAZARD OVERLAY DISTRICT

- A. Intent. This district is intended to be an overlay district and includes lands subject to a 1 percent or greater chance of flooding in any given year. These lands (known as special flood hazard areas) include, but are not limited to, those identified by the Federal Emergency Management Agency in its latest Flood Insurance Rate Map (FIRM), dated September 1, 1987 and all subsequent revisions thereto. This map is hereby adopted by reference and declared to be a part of this ordinance. It is intended to discourage unwise and incompatible development in special flood hazard areas so as to protect the natural environment and to prevent loss of life and property due to flooding.
- B. Permitted Uses. Uses permitted in this district shall be restricted to those conforming with allowable uses in the underlying districts and to those which meet the regulations of this section.
- C. Permit Procedures. Before development begins within any special flood hazard area, a permit shall be obtained from the City Building Official. The permit shall specifically include:
1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures.
  2. Elevation in relation to mean sea level to which any structure will be floodproofed.
  3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in the Specific Standards Section G.2.
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- D. Use of other Base Flood Data. When base flood elevation data has not been provided for the City of Williston and its extra-territorial jurisdiction, the Building Official shall coordinate with the City Engineer to obtain, review, and reasonable utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this ordinance.
- E. Review Procedures. All permit applications shall be reviewed (using the best available base flood elevation data from any Federal, State, or local source) to: assure sites are reasonably safe from flooding; determine that all necessary permits have been obtained from those Federal, State, or local agencies from which prior approval is required; and to determine if the proposed development adversely affects the flood-carrying capacity of a flood-prone area. For the purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1') foot at any time.

1. If it is determined that there is not an adverse effect and the development is not subject to other provisions of this ordinance, then the permit shall be granted without further considerations.
2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.
3. If it is determined there is no adverse effect, then the following provisions shall apply.

F. General Standards. All new development and substantial improvements including the placement of prefabricated buildings and mobile homes (manufactured homes) shall conform to the following standards:

1. All new construction and substantial improvements (including additions) shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All mobile homes (manufactured homes) must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
8. All subdivision proposals shall be consistent with the need to minimize flood damage; shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; and shall have adequate drainage provided to reduce exposure to flood damage.
9. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

10. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

G. Specific Standards. Where base flood elevation data is available, the following standards shall be met.

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- b. Mobile homes (manufactured homes) shall be placed so that the lowest floor is elevated on fill to or above the base flood elevation.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design methods of construction are in accordance with accepted standards of practice.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the City Building Official as set forth in the Administrative Requirements Section H.2.b.

H. Administrative Requirements. In all special flood hazard area, the City Building Official shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:
  - a. Obtain and record the actual elevation (in relation to mean sea level)to which the structure has been floodproofed.
  - b. Maintain the floodproofing certifications required in the Specific Standards Section G.2.c.
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.
4. Notify nearby communities, water resource districts and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Management Agency; and
5. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Amended August 25, 1987, Ord. No. 703; May 23, 1989, Ord. No. 716; October 23, 2001, Ord. No. 850.

**SECTION 8. A: AGRICULTURAL DISTRICT**

A. Intent. This district is intended to protect and preserve lands which are presently rural or agricultural in character and use. These lands are not presently required for urban development, but will accommodate residential development opportunities for those who desire rural living and are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities.

This district is also intended to protect and preserve areas of prime agricultural soils as identified in the Williston Development Guide, for continued agricultural and agriculturally-oriented uses. These areas consist of the most agriculturally productive soils and should not be converted from agricultural to another zoning classification unless and until there are no other lands available in Williston and the extraterritorial area to accommodate nonagricultural uses. This district is not intended to regulate agricultural uses, but to regulate those uses which threaten agriculture.

This district is also intended to allow development of mineral resources including oil and gas, coal, potash, sand, gravel, scoria, and the like in a manner that does not adversely impact the natural environment and adjoining land uses.

B. Minimum Dimensional Requirements. None.

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

1. General farming and dairying, including the sale of the product of the farm, located within the city's extraterritorial jurisdiction but outside city limits, except as provided by Ordinance No. 777 incorporated as Section 4-2 of Williston Code of City Ordinances, which provisions shall apply.
2. Public stables, greenhouses, nurseries, and the growing and preservation of trees, provided that storage of manure shall not be permitted nearer than 150 feet to any lot line.
3. Fish hatcheries, beekeeping, fur farms, and dog kennels.
4. Stock raising, but not including commercial feed lots.
5. Single-family dwellings, mobile homes and/or manufactured homes.
6. Churches, schools, libraries, community centers, public parks, and other public buildings and recreational facilities.
7. Educational, religious and philanthropic institutions, but not including penal or mental institutions.
8. Electric substations and gas regulator stations, provided that for each substation where transformers are exposed there shall be an enclosing fence at least 6 feet high.
9. Fire stations, police stations, and telephone exchanges.

10. Radio or television towers, not exceeding 50 feet in height except as may be restricted by airport zoning.
11. Cemeteries.
12. Parks, recreation areas, wildlife areas, game refuges, and forest preserves.
13. Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines and powerlines, public sewage treatment facilities, and similar essential public utilities and service buildings.
14. Railroad right-of-ways, but not railroad yards.
15. Animal hospital or veterinary clinic.
16. Seismographic exploration as regulated by State Statute.
17. Storage of flammable liquids above grade, up to 20,000 gallons, subject to the locally adopted Fire Code Regulations.
18. Storage of liquefied petroleum gases, up to 50,000 gallons, subject to the Locally adopted Fire Code Regulations.

D. Permitted Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Roadside stands for operation during six months of the year for the sale of products produced on the farm. Signs for permitted uses shall meet the requirements stated in SECTION 25.H.
3. Solar energy systems.

E. Special Permitted Uses. The following shall be considered for special permitted uses.

1. Hospitals and sanitariums for contagious or infectious diseases, provided:
  - a. The Planning and Zoning Commission shall approve the location of said hospital or sanitarium.
  - b. The Planning and Zoning Commission shall prescribe all setback requirements.
2. Airports, provided:
  - a. They do not endanger the immediate area.

- b. They meet all local, State, and Federal regulations.
3. Livestock sales rings, provided:
- a. The State Livestock Sanitary Board has given approval for the establishment.
  - b. Auctioning of farm implements shall be conducted as a secondary "service" or "convenience" to the livestock auction and shall, in no manner, be conducted for the sale of general household wares, household appliances or furniture, miscellaneous items or junk.
  - c. Parking or storage area for farm implements must be screened and enclosed by a chain link fence at least 6 feet high. No piece of farm equipment shall remain on the premises for more than 15 consecutive days, except for machinery used for maintenance of the livestock sales ring and premises.
  - d. All corrals, or pens for live animals shall be placed at least 200 feet from any public street or public road and shall be to the rear of the main building.
  - e. The area shall include adequate off-street parking for automobiles as well as trucks and shall be designed to provide adequate truck maneuvering space for both loading and unloading of trucks.
  - f. Livestock sales rings shall not be operated in any manner so as to impair, or in any way affect, the public health, safety, or welfare; or to operate said livestock sales ring in any manner as to be a public nuisance.
  - g. No unusual amount of odor or noise disseminated beyond the boundaries of the premises on which the use is located shall be permitted.
  - h. No more than 10 percent of the total number of animals present for sale at any one auction shall be kept on the premises for more than ten consecutive days following each auction.
  - i. The special permit for operation of a livestock auction ring, as provided in these regulations, shall be enforced if inspection by the Planning and Zoning Commission or its representatives reveals that the feeding and keeping of animals, as in the manner of a feed lot, is the primary use of the premises.
  - j. Storage of manure shall not be permitted.
  - k. Use of building or structure (temporary or permanent) for restaurant or "coffee shop" be subject to all regulations of the Williston Building Code and Williams County Health Department.

1. When the application for livestock auction rings is filed with the Planning and Zoning Commission, the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
  - i) Topographic map showing 2-foot contour intervals.
  - ii) Drainage plan showing method of handling drainage problems including storm sewer drainage locations, if necessary.
  - iii) Location of existing utilities and proposed utility extensions.
  - iv) Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service, or from the local health jurisdiction concerning satisfactory wells and septic tanks.
  - v) Plat showing dimension and locations of all structures, existing or proposed, on the tract of land.
  - vi) Parking plan defining off-street parking areas. Such plan is subject to the provisions of these regulations.
  - vii) Driveway plan indicating all interior driveways, curb cuts and areas for maneuvering trucks.
  
4. Commercial feed lots shall be permitted subject to conditions set below:
  - a. No unusual amount of odor or noise shall be disseminated beyond the boundaries of the premises on which the use is located.
  - b. Storage of manure shall not be permitted within 200 feet from any lot line.
  - c. All corrals, pens, and buildings shall be located at least 200 feet from any lot line.
  - d. When the application for feed lots is filed with the Planning & Zoning Commission the applicant shall present a plan showing the proposed development. Included in the plan shall be the following:
    - i) Topographic map showing two foot contours.
    - ii) Drainage plan.
    - iii) Locations of existing utilities and proposed utility extensions.
    - iv) Letters of commitment or intent from the utility companies concerning satisfactory water and sanitary sewer service or from the local health jurisdiction concerning satisfactory wells and septic tanks.

- v) Plat showing dimensions and locations of all structures, existing or proposed, on the tract of land.
  - vi) Parking and loading plan defining off-street parking and loading areas. Such plan is subject to SECTION 25. I & J of these regulations.
  - vii) Driveway plan indicating driveways, curb cuts, area for maneuvering trucks.
  - viii) Petition signed by at least 75 percent of the property owners within a one-half mile radius of the site of the proposed feed lot.
  - vix) All plans, plot plans, and petitions as required must be submitted to the Williston Planning and Zoning Commission at least 30 days prior to the public hearing date.
- e. If the operation is a registered livestock feed lot, the owner must obtain registration number from the State Livestock Sanitary Board.
5. Stockyard or the slaughter of animals.
  6. Rock crushers, concrete and asphalt mixing plants, sand and gravel pits, or any other such excavation or surface mining shall be allowed provided they meet the requirements as set forth in SECTION 25.L.
  7. Oil and gas drilling, provided it meets the requirements as set forth in SECTION 25.M.
  8. Marina.
  9. Private clubs.
  10. Gun clubs, skeet, ranges or target ranges.
  11. Golf driving ranges and golf courses.
  12. Amusement parks, commercial baseball or athletic fields.
  13. Race tracks or fairgrounds.
  14. Open-air theaters.
  15. Radio or television towers exceeding 50 feet in height.
  16. Storage of explosives and blasting agents, subject to the locally adopted Fire Code, provided it is located outside the city limits.
  17. Storage of flammable liquids above grade, over 20,000 gallons, subject to the locally adopted Fire Code Regulations.

18. Storage of liquefied petroleum gases, over 50,000 gallons, subject to the locally adopted Fire Code Regulations.
19. Building material yards, contractor yards, and lumberyards.
20. Animal units, such as a horse, mule, jackass, goat or other animals kept as a family pet, may be kept within the city limits provided there is a minimum of three acres for the first two animal units; and with one additional animal unit allowed for each acre over three.

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

G. Minimum Lot Requirements.

1. Minimum lot area - 10 acres.
2. Minimum lot width - 125 feet.

H. Minimum Yard Requirements.

1. Front yard - 50 feet.
2. Side yard - 15 feet.
3. Rear yard - 25 percent of the depth of the lot.

I. Maximum Lot Coverage By Buildings. None.

J. Minimum Floor Area. The minimum floor area of any dwelling, excluding attached garage, shall be 800 square feet.

K. Maximum Height of Buildings. None, other than that which may be set forth by airport zoning.

L. Sign Limitations. (See Section 25. G., for General Sign Regulations.)

Business signs are defined under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One Freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional Freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this, it is strongly recommended that a common sign be shared by all business establishments. In addition to one Freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:

1. Freestanding signs may be erected not exceeding 45 feet in height as a permitted use and 100 feet in height as a Special Permitted Use. The sign face shall not exceed 3 square feet per 1-foot of store frontage where the sign is to be placed, up to a maximum of 125 square feet; but in any event, 32 square feet is permitted.

2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
3. Roof signs may be erected provided they do not exceed the district height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed 3 square feet per 1-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
4. Marquee signs may be erected with sign faces up to 50 square feet.
5. Wall signs may be erected with a sign face not exceeding the larger of 20 percent of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.

M. Off-Street Parking Requirements. See SECTION 25.H. for Off-Street Parking Requirements. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements. None

Amended May 14, 1985, Ord. No. 645; May 23, 1989, Ord. No. 716; February 26, 1991, Ord. No. 732; October 14, 1997, Ord. No. 807; June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850; Ord. No. 864; April 22, 2003. Ord. No. 865; April 22, 2003

**SECTION 9.**

**R-1E: RURAL ESTATE DISTRICT**

- A. Intent. This district is intended to provide low-density, limited-growth residential areas. It is designed to accommodate residential development opportunities for those who desire low-density or estate living and are willing to live in more remote locations and to assume the costs of providing many of their own services and amenities. Public services may never be provided to these areas because Williston must concentrate its limited resources in areas where more intense future development is logical. The low density allowed in this district is needed to preserve and support the existing public infrastructure. Accordingly, capital improvements such as highways and major sewer interceptors should be directed away from the Rural Estate District. The low densities permitted in this district generally permit on-site water supply and waste disposal systems.
- B. Minimum Dimensional Requirements. The minimum area for this district shall be ten acres.
- C. Permitted Uses and Structures. The following shall be permitted:
- 1a. Single-family dwellings, mobile homes and/or manufactured homes.
  - 1b. Housing structures built off-site and Manufactured Homes which meet the definition of Single-family detached dwellings, fits the character of the neighborhood, and is placed in accordance with the following permitting procedure:
    - i) A Notice of Intent to grant a permit after ten working days shall be sent by certified mail to all property owners within 100' of the lot where the dwelling is to be placed.
    - ii) The Building Official shall grant or deny the permit after ten working days from the day that the notice was sent to the adjoining property owners.
    - iii) The Building Official shall send a notice of his decision to the applicant and to all owners who supported or objected to the permit notifying them of the decision and, if adverse, the right to appeal the decision. The permit, if granted, shall be stayed pending the appeal decision.
  2. Farm animals, provided there is a minimum lot area of five acres for the first four animal units, and no more than one animal unit per acre of land over five acres.
  3. Parks, playgrounds, and non-commercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.
  4. Structures and uses required for operation of a public utility or performance of a governmental function, except for those permitted only as special permitted uses.

D. Permitted Accessory Uses and Structures. Uses that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Solar energy systems.

E. Special Permitted Uses. The following shall be considered for special permitted uses:

1. Community centers, schools, churches, and cemeteries.
2. Nursing homes, hospitals, and medical complexes.
3. Quasi-institutional homes.
4. Group child care homes and child care centers.
5. Watchman's dwelling as an accessory use for a permitted principal use structure.
6. Governmental maintenance and service shops.
7. Private clubs and country clubs.
8. Art galleries and museums depending on proximity to a particular historical site.
9. Electrical substations and gas regulator stations, provided:
  - a. For each electric substation where transformers are exposed there should be an enclosing fence at least 6 feet high.
  - b. The height requirements may be exceeded, provided that for each additional one foot height an additional one foot of front, rear, and side yard shall be required.
10. Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations, provided:
  - a. For each instance the Planning and Zoning Commission shall be provided with plot plans showing the proposed installation and its relationship to any nearby property.
  - b. The Planning and Zoning Commission shall prescribe conditions as to setbacks, etc. for each installation.
11. Bed and Breakfast Inn.

F. Temporary Uses. The following uses shall be considered as temporary uses, provided the provisions set forth in SECTION 25.0. are met:

1. Contractor's office and construction equipment sheds.
2. Real estate sales office.
3. Temporary shelter.

G. Minimum Lot Requirements.

1. Minimum lot area - 40,000 square feet.
2. Minimum lot width - 120 feet.

H. Minimum Yard Requirements.

1. Front Yard - 30 feet.
2. Side Yard - The minimum requirements for a side yard shall be 10 feet. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings provided as follows:
  - a. No adjacent dwellings front on the same street, in which case the entire front yard must be provided.
  - b. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
3. Rear yard - 30 feet. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 30 feet. For attached garages with vehicular entry from other than the alley, all yard requirements shall be the same for the principal building. An attached garage is considered a part of the principal building for the purpose of determining setbacks.

I. Maximum Lot Coverage by Buildings. Not more than 15 percent of the lot shall be covered by the principal building and all accessory buildings. Any solar collection device or related apparatus not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. The minimum floor area of any dwelling, excluding attached garage, shall be 800 square feet.

K.     Maximum Height of Buildings. The maximum height of any building shall be 35 feet.

L.     Sign Limitations. See Section 25.G., General Sign Regulations.

1.     One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
2.     In connection with residential subdivisions, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a.     No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b.     In the case of new subdivision, one sign, not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3.     No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M.     Off-Street Parking Requirements. See Section 25.H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N.     Other Requirements. None.

**SECTION 10. R-1A: RURAL RESIDENTIAL DISTRICT**

- A. Intent.** This district is intended to include areas where community sewer and water are not planned in the near future, but where other public services may be available and topography and soil conditions allow development at a low population density that can rely on on-site water supply and waste disposal systems without creating public health hazards. This district is intended primarily for areas devoted to large-lot suburban residential use, adjacent to existing or planned urban development. The regulations and restrictions in this district are intended to protect the residential character of these areas and conserve their environmental resources.
- B. Minimum Dimensional Requirements.** The minimum area for this district shall be five acres.
- C. Permitted Uses and Structures.** The following shall be permitted:
1. Single-family dwellings, mobile homes, and/or manufactured homes.
  2. Farm animals, located within the City's extraterritorial jurisdiction, but outside city limits, are allowed provided there is a minimum lot area of one acre, and no more than one animal unit per one-half acre of land.
  3. Parks, playgrounds, and non-commercial recreational facilities such as golf course, swimming pools, tennis courts, game rooms, libraries, and the like.
  4. Structure and uses required for operation of a public utility or performance of a governmental function, except for those permitted only as special permitted uses.
- D. Permitted Accessory Uses and Structures.** Uses that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:
1. Home occupations, provided all requirements in SECTION 31 are met.
  2. Solar energy systems.
- E. Special Permitted Uses.** The following shall be considered for special permitted uses:
1. Community centers, schools, churches, and cemeteries.
  2. Nursing homes, hospitals, and medical complexes.
  3. Quasi-institutional homes.
  4. Group child care homes and child care centers.
  5. Watchman's dwelling as an accessory use for a permitted principal use or structure.
  6. Governmental maintenance and service shops.
  7. Private clubs and country clubs.

8. Art galleries and museums depending on proximity to a particular historical site.
9. Electrical substation and gas regulator stations, provided:
  - a. For each electric substation where transformers are exposed, there should be an enclosing fence at least 6 feet high.
  - b. The height requirements may be exceeded, provided that for each additional one foot height an additional one foot of front, rear, and side yard shall be required.
10. Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations provided:
  - a. For each instance the Planning and Zoning Commission shall be provided with plot plans showing the proposed installation and its relationship to any nearby property.
  - b. The Planning and Zoning Commission shall prescribe conditions as to setbacks, etc. for each installation.
11. Bed and Breakfast Inn.
12. Animal units, such as a horse, mule, jackass, goat or other animal kept as a family pet, may be kept within the city limits provided there is a minimum of three acres for the first two animal units; and with one additional animal unit allowed for each acre over three.

F. Temporary Uses. The following uses shall be considered as temporary uses, provided the provisions set forth in SECTION 25.0. are met:

1. Contractor's office and construction equipment sheds.
2. Real estate sales office.
3. Temporary shelter.

G. Minimum Lot Requirements.

1. Minimum lot area - 21,780 square feet (one-half acre).
2. Minimum lot width - 80 feet.

H. Minimum Yard Requirements.

1. Front yard - 30 feet.
2. Side yard - The minimum requirements for a side yard shall be eight feet. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:

- a. No adjacent dwellings front on the same street, in which case the entire front yard must be provided.
  - b. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
3. Rear yard - 30 feet. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 30 feet. For attached garages with vehicular entry from other than the alley, all yard requirements shall be the same for the principal building. An attached garage is considered a part of the principal building for the purpose of determining setbacks.

I. Maximum Lot Coverage by Buildings. Not more than 20 percent of the lot shall be covered by the principal building and all accessory buildings. Any solar collection device or related apparatus not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. The minimum floor area of any dwelling, excluding attached garage, shall be 800 square feet.

K. Maximum Height of Buildings. The maximum height of any building shall be 35 feet.

L. Sign Limitations. See Section 25. G., General Sign Regulations.

- 1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
- 2. In connection with residential subdivisions, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a. No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b. In the case of new subdivision, one sign, not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
- 3. No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M. Off-Street Parking Requirements. See Section 25.H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements. None.

Amended May 14, 1985, Ord. No. 645; June 24, 1986, Ord. No. 672; May 23, 1989, Ord. No. 716; October 14, 1997, Ord. No. 807 & 809; June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850

**SECTION 11. R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. Intent.** This district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public services, including sewers and water. This district is intended primarily for single-family detached dwellings at moderate population densities, but certain structures and uses required to serve governmental, educational, religious, recreational and other needs of residential areas are allowed, as permitted, or special permitted uses subject to restrictions intended to preserve and protect the residential character of the district.

**B. Minimum Dimensional Requirements.** The minimum area for this district shall be two acres.

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

- 1a. Single-family detached dwellings, excluding mobile homes.
- 1b. Housing structures built off-site and Manufactured Homes which meet the definition of Single-family detached dwellings, fits the character of the neighborhood, and is placed in accordance with the following permitting procedure:
  - i) A Notice of Intent to grant a permit after ten working days shall be sent by certified mail to all property owners within 100 feet of the lot where the dwelling is to be placed.
  - ii) The Building Official shall grant or deny the permit after ten working days from the day that the notice was sent to the adjoining property owners.
  - iii) The Building Official shall send a notice of his decision to the applicant and to all owners who supported or objected to the permit notifying them of the decision and, if adverse, the right to appeal the decision. The permit, if granted, shall be stayed pending the appeal decision.
2. Parks, playgrounds, and open space for informal recreation.
3. Structures and uses required for operation of a public utility or performance of a governmental function.

**D. Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Solar energy systems.

E.     Special Permitted Uses. The following shall be considered for special permitted uses:

- 1a.     Two-family dwellings.
- 1b.     Housing structures built off-site and Manufactured Homes which meet the definition of Single-family detached dwellings, fits the character of the neighborhood, and is placed in accordance with the following permitting procedure:
  - i)       A Notice of Intent to grant a permit after ten working days shall be sent by certified mail to all property owners within 100 feet of the lot where the welling is to be placed.
  - ii)      The Building Official shall grant or deny the permit after ten working days from the day that the notice was sent to the adjoining property owners.
  - iii)     The Building Official shall send a notice of his decision to the applicant and to all owners who supported or objected to the permit notifying them of the decision and, if adverse, the right to appeal the decision. The permit, if granted, shall be stayed pending the appeal decision.
2.      Community centers, schools, churches, and cemeteries.
3.      Nursing homes, hospitals, and medical complexes.
4.      Quasi-institutional homes.
5.      Group child care homes and child care center.
6.      Watchman's dwelling as an accessory use for a permitted principal use or structure.
7.      Games of Chance, provided they are associated with other public or quasi-public uses as listed in the City's Land Use Classification System and allowed in the district.
8.      Bed and Breakfast Inns.
9.      Lodges, fraternities and sororities where no alcoholic beverages are sold or consumed.

F.     Temporary Uses. The following uses shall be considered as temporary uses, provided the provisions set forth in SECTION 25.O. are met:

1.      Contractor's office and construction equipment sheds.
2.      Real estate sales office.
3.      Temporary shelter.

G. Minimum Lot Requirements.

1. Minimum lot area - 8000 square feet.
2. Minimum lot width - 60 feet.

H. Minimum Yard Requirements.

1. Front yard - Measured from the front property line, there shall be a front yard of not less than 20 feet unless the property line fronts on a State Highway, whereupon the minimum shall be 50 feet.
2. Side yard - A minimum of five feet on 50 foot lots and six feet on lots greater than 50 feet in width. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:
  - a. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
3. Rear yard - 20 feet. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 20 feet. For attached garages with vehicular entry from other than the alley, all yard requirements shall be the same for the principal building. An attached garage is considered a part of the principal building for the purpose of determining setbacks.

I. Maximum Lot Coverage by Buildings. Not more than 32 percent of the lot shall be covered by the principal building and all accessory buildings. Any solar collector device or related apparatus, not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. The minimum floor area of any dwelling excluding attached garage shall be 800 square feet.

K. Maximum Height of Buildings. The maximum height of any building shall be 35 feet.

L. Sign Limitations. See Section 25.G., General Sign Regulations.

1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.

2. In connection with residential subdivisions, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a. No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b. In the case of new subdivision, one sign, not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3. No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M. Off-Street Parking Requirements. See Section 25.H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements. None.

Amended May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; June 24, 1986, Ord. No. 672; May 23, 1989, Ord. No. 716; October 14, 1997, Ord. No. 807 & 809; June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850; February 26, 2002, Ord. No.853; April 22, 2003,Ord. No. 866.

**SECTION 12. R-2: SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS**

**A. Intent.** This district is intended to include lands suited by topography and other natural conditions for urban development and which is provided with a full range of public services, including sewers and water. This district is intended primarily for single-family detached, single-family and two-family dwellings at moderate population densities, but structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed as permitted or special permitted uses subject to restrictions intended to preserve and protect the residential character of the district.

**B. Minimum Dimensional Requirements.** The minimum area for this district shall be two acres.

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

- 1a. Single-family detached and two-family dwellings, excluding mobile homes.
- 1b. Housing structures built off-site and Manufactured Homes which meet the definition of Single-family detached dwellings, fits the character of the neighborhood, and is placed in accordance with the following permitting procedure:
  - i) A Notice of Intent to grant a permit after ten working days shall be sent by certified mail to all property owners within 100 feet of the lot where the dwelling is to be placed.
  - ii) The Building Official shall grant or deny the permit after ten working days from the day that the notice was sent to the adjoining property owners.
  - iii) The Building Official shall send a notice of his decision to the applicant and to all owners who supported or objected to the permit notifying them of the decision and, if adverse, the right to appeal the decision. The permit, if granted, shall be stayed pending the appeal decision.
2. Parks, playgrounds, and noncommercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.
3. Structures and uses required for operation of a public utility or performance of a governmental function, except for those permitted only as special permitted uses.

**D. Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Solar energy systems.

E. Special Permitted Uses. The following shall be considered for special permitted uses:

1. Community centers, schools, churches, and cemeteries.
2. Nursing homes, hospitals, and medical complexes.
3. Quasi-institutional homes.
4. Group child care homes and child care centers.
5. Watchman's dwelling as an accessory use for a permitted principal use or structure.
6. Electrical substations and gas regulator stations, provided:
  - a. For each electric substation where transformers are exposed there should be an enclosing fence at least six feet high.
  - b. The height requirements may be exceeded, provided that for each additional one-foot height an additional one-foot of front, rear and side yard shall be required.
7. Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations provided:
  - a. For each instance the Planning and Zoning Commission shall be provided with plot plans showing the proposed installation and its relationship to any nearby property.
  - b. The Planning and Zoning Commission shall prescribe conditions as to setbacks, etc., for each installation.
8. Games of Chance, provided they are associated with other public or quasi-public uses as listed in the City's Land Use Classification System and allowed in the district.
9. Fraternities, sororities and group housing projects.
10. Bed and Breakfast Inn.
11. Condominium.
  - a. Structure shall be limited to a maximum of four units.
  - b. Should any property owner within 150 feet of the proposed structures property line (excluding streets and alley-ways) protest the use, use will be disallowed. Proper notice to such owners is required.
  - c. Land area shall be a minimum of 14,000 square feet.
  - d. Structure shall be limited to a maximum of two-stories.

12. Lodges, fraternities and sororities where no alcoholic beverages are sold or consumed.

F. Temporary Uses. The following uses shall be considered as temporary uses, provided the provisions set forth in SECTION 25.0. are met:

1. Contractor's office and construction equipment sheds.
2. Real estate sales office.
3. Temporary shelter.

G. Minimum Lot Requirements.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1. Single-family detached	6000 sq. ft.	50 ft.
2. Two-family	8000 sq. ft.	50 ft.

H. Minimum Yard Requirements.

1. Front yard - 20 feet
2. Side Yard - A minimum of five feet on 50 foot lots and six feet on lots greater than 50 feet in width.

The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:

- a. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
3. Rear yard - 20 feet. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 20 feet. For attached garages with vehicular entry from other than the alley, all yard requirements shall be the same for the principal building. An attached garage is considered a part of the principal building for the purpose of determining setbacks.

I. Maximum Lot Coverage by Buildings. Not more than 35 percent of the lot shall be covered by the principal building and all accessory buildings. Any solar collection device or related apparatus, not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. The minimum floor area of any dwelling, excluding attached garage, shall be 800 square feet.

K.     Maximum Height of Buildings. Maximum height of any building shall be 35 feet.

L.     Sign Limitations. See Section 25.G., General Sign Regulations.

1.     One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
2.     In connection with residential subdivisions, apartment complexes and condominiums, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a.     No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b.     In the case of new subdivisions, one sign not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3.     No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M.     Off-Street Parking Requirements. See Section 25. H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

Amended May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; June 24, 1986, Ord. No. 672; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 728; October 14, 1997, Ord. No. 809; June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850; February 26, 2002, Ord.No.853.

**SECTION 13. R-3: LOWRISE MULTI-FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICTS**

**A. Intent.** This district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public services, including sewer, water, fire protection, and surface transportation. This district is intended primarily for lowrise-multifamily and townhouse dwellings at moderately high population densities; but structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed as permitted or special permitted uses subject to restrictions intended to preserve and protect the residential character of the district.

**B. Minimum Dimensional Requirements.** The minimum area for this district shall be two acres.

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

- 1a. Single-family detached and two-family dwellings, excluding mobile homes.
- 1b. Housing structures built off-site and Manufactured Homes which meet the definition of Single-family detached dwellings, fits the character of the neighborhood, and is placed in accordance with the following permitting procedure:
  - i) A Notice of Intent to grant a permit after ten working days shall be sent by certified mail to all property owners within 100 feet of the lot where the dwelling is to be placed.
  - ii) The Building Official shall grant or deny the permit after ten working days from the day that the notice was sent to the adjoining property owners.
  - iii) The Building Official shall send a notice of his decision to the applicant and to all owners who supported or objected to the permit notifying them of the decision and, if adverse, the right to appeal the decision. The permit, if granted, shall be stayed pending the appeal decision.
2. Multi-family.
3. Townhouses.
4. Parks, playgrounds, and noncommercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.
5. Structures and uses required for operation of a public utility or performance of governmental function.

**D. Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Solar energy systems.

E.     Special Permitted Uses. The following shall be considered for special permitted uses:

1.     Community centers, schools, churches, and cemeteries.
2.     Nursing homes, hospitals, and medical complexes.
3.     Quasi-institutional homes.
4.     Group child care homes and child care centers.
5.     Watchman's dwelling as an accessory use for a permitted principal use or structure.
6.     Boarding, lodging houses, and Bed and Breakfast Inns.
7.     Fraternities and sororities.
8.     Residential parking lots.
9.     Group housing projects.
10.    Private clubs and lodges, except those whose primary activity is carried on as a business.
11.    Multifamily dwelling units with floor areas of less than 450 square feet per dwelling unit.
12.    Games of Chance, provided they are associated with other public or quasi-public uses as listed in the City's Land Use Classification System and allowed in the district.
13.    Lodges, fraternities and sororities where no alcoholic beverages are sold or consumed.
14.    Commercial businesses, such as those enumerated in Section 19(C)(1), located within a congregate/communal living unit containing 10 or more individual living facilities, where the intended purpose for such a business is to serve the tenants of the unit. Not more than one non-illuminated name plate shall be allowed. The name plate shall be attached flush against the building in which the business is located and shall not exceed four square feet in area.

F.     Temporary Uses. The following uses shall be considered as temporary uses, provided the provisions set forth in SECTION 25.0. are met:

1.     Contractor's office and construction equipment sheds.
2.     Real estate sales office.
3.     Temporary shelter.

<u>G.</u>	<u>Minimum Lot Requirements.</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1.	Single-family detached	6000 sq. ft.	50 ft.
2.	Two-family	6000 sq. ft.	50 ft.
3.	Townhouse		
	Single-story	2300 sq. ft.	24 ft.
	Two-story	2300 sq. ft.	18 ft.
4.	Multifamily		
	Per structure	6000 sq. ft.	60 ft.
	Per dwelling unit	2300 sq. ft.	N/A
5.	Boarding, lodging, and fraternity or sorority houses	7200 sq. ft.	70 ft.

H. Minimum Yard Requirements.

1. Front yard - 20 feet.
2. Side Yard - A minimum of five feet on lots up to 50 feet and six feet on lots greater than 50 feet in width. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:
  - a. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
3. Rear yard - 20 feet. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 20 feet. For attached garages with vehicular entry from other than the alley, all yard requirements shall be the same for the principal building. An attached garage is considered a part of the principal building for the purpose of determining setbacks.

I. Maximum Lot Coverage by Buildings and Impervious Surface Area Ratios. The portion of the lot occupied by buildings and impervious surfaces shall not be greater than the following:

	<u>Lot Coverage By Buildings</u>	<u>Impervious Surface Area Ratio</u>
1. Single-family detached	35%	N/A
2. Two-family	35%	N/A
3. Townhouse	40%	N/A
4. Multifamily	40%	.70
5. Boarding, lodging, and fraternity or sorority houses	40%	.70

Any solar collection device or related apparatus, not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area.

1. Single-family and two-family - The minimum floor area shall be 800 square feet, excluding garage.
2. Townhouse, multifamily, and boarding, lodging, and fraternity or sorority houses - The minimum floor area shall be 450 square feet per dwelling unit.

K. Maximum Height of Buildings. The maximum height of any building shall be 45 feet.

L. Sign Limitations. See Section 25.G., General Sign Regulations.

1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
2. In connection with residential subdivisions, apartment complexes and condominiums, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a. No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b. In the case of new subdivisions, one sign not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3. No more than one sign, not exceeding six square feet in area, advertising property for sale, lease, or rent, or indicating "Vacancy" or "No Vacancy", may be erected on any lot.

M. Off-Street Parking Requirements. See Section 25. H.

1. Single-family, two-family, townhouses and multifamily dwellings - Two spaces per dwelling.
2. Group dwellings, fraternity, sorority, boarding or lodging facilities - One space per bedroom or sleeping room, unless it can be demonstrated that occupants will not be driving. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements.

1. The maximum number of units in a townhouse structure shall be 12 units.
2. No multifamily dwelling shall be greater than 240 feet in length.

Amended May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; June 24, 1986, Ord. No. 672; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 728; October 14, 1997, Ord. No. 809; June 9, 1998; Ord. No. 811; October 23, 2001, Ord. No. 850; February 26, 2002, Ord.No.853, Ord.No.858; November 26, 2002.

**SECTION 14. R-4: HIGHRISE-MULTIFAMILY RESIDENTIAL DISTRICT**

- A. Intent.** This district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public services, including sewers, water, fire protection, and surface transportation. This district is intended primarily for highrise-multifamily dwellings, townhouses at high population densities, but structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed as permitted or special permitted uses subject to restrictions intended to preserve and protect the residential character of the district.
- B. Minimum Dimensional Requirements.** The minimum area for this district shall be two acres.
- C. Permitted Uses and Structures.** The following shall be permitted:
1. Multifamily dwelling units.
  2. Townhouses
  3. Parks, playgrounds, and noncommercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.
  4. Structures and uses required for operation of a public utility or performance of a governmental function.
- D. Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:
1. Home occupations, provided all requirements in SECTION 31 are met.
  2. Solar energy systems.
- E. Special Permitted Uses.** The following shall be considered for special permitted uses:
1. Community centers, schools, churches, and cemeteries.
  2. Nursing homes, hospitals, and medical complexes.
  3. Quasi-institutional homes.
  4. Group child care homes and child care centers.
  5. Watchman's dwelling as an accessory use for a permitted principal use or structure.
  6. Boarding, lodging houses and Bed and Breakfast Inns.
  7. Fraternities, sororities, and group homes.
  8. Residential parking lots.

9. Private clubs and lodges, except those whose primary activity is carried on as a business.
10. Multifamily dwelling units with floor areas of less than 450 square feet per dwelling unit.
11. Games of Chance, provided they are associated with other public or quasi-public uses as listed in the City's Land Use Classification System and allowed in the district.
12. Commercial businesses, such as those enumerated in Section 19(C)(1), located within a congregate/communal living unit containing 10 or more individual living facilities, where the intended purpose for such a business is to serve the tenants of the unit. Not more than one non-illuminated name plate shall be allowed. The name plate shall be attached flush against the building in which the business is located and shall not exceed four square feet in area.

F. Temporary Uses. The following uses shall be considered as temporary uses, provided the provisions set forth in SECTION 25.0. are met:

1. Contractor's office and construction equipment sheds.
2. Real estate sales office.

G. Minimum Lot Requirements.

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1. Multifamily		
Per structure	6000 sq. ft.	60 ft.
Per dwelling unit	1450 sq. ft.	N/A
2. Boarding, lodging, fraternity or sorority houses	7200 sq. ft.	70 ft.
3. Townhouse		
Single-Story	2300 sq. ft.	24 ft.
Two-Story	2300 sq. ft.	18 ft.

H. Minimum Yard Requirements.

1. Front yard - 20 feet.
2. Side yard - A minimum of five feet on 50 foot lots and six feet on lots greater than 50 feet in width. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:
  - a. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.

3. Rear yard - 20 feet. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 20 feet. For attached garages with vehicular entry from other than the alley, all yard requirements shall be the same for the principal building. An attached garage is considered a part of the principal building for the purpose of determining setbacks.

I. Maximum Lot Coverage by Buildings and Impervious Surface Area Ratios. The portion of a lot occupied by buildings and impervious surfaces shall not be greater than the following:

	<u>Lot Coverage</u> <u>By</u> <u>Buildings</u>	<u>Impervious</u> <u>Surface</u> <u>Area Ratio</u>
1. Multifamily dwellings	40%	.70
2. Boarding, lodging, and fraternity or sorority houses	40%	.70
3. Townhouses	40%	N/A

Any solar collection device or related apparatus not included as floor area of a building, by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. Multifamily dwellings and boarding, lodging, townhouses, fraternity, and sorority houses shall have a minimum of 450 square feet per dwelling unit.

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

L. Sign Limitations. See Section 25.G., General Sign Regulations.

1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
2. In connection with residential subdivisions, apartment complexes, and condominiums, no sign intended to be read from any public way adjoining the district shall be permitted, except:
  - a. No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b. In the case of new subdivisions, one sign not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3. No more than one sign, not exceeding six square feet in area, advertising property for sale, lease, or rent, or indicating "Vacancy" or "No Vacancy", may be erected on any lot.

M.    Off-Street Parking Requirements. See Section 25.H.

1.        Two-family, townhouses and multifamily dwellings - Two spaces per dwelling.
  
2.        Group dwelling, fraternity, sorority, boarding and or lodging facilities - One space per bedroom or sleeping room, unless it can be demonstrated that occupants will not be driving.
  
3.        Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N.    Other Requirements.

1.        No multifamily dwelling shall be greater than 240 feet in length.
  
2.        The maximum number of units in a townhouse structure shall be 12 units.

Amended May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; June 24, 1986, Ord. No. 672; May 23, 1989, Ord. No. 716; May 22, 1990, Ord, No. 728; October 14, 1997; Ord. No. 809, June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850. Ord. No. 858; November 26, 2002.

**SECTION 15. R-5: MOBILE HOME COURT DISTRICT**

**A. Intent.** This district is intended primarily for mobile homes and/or manufactured homes in mobile home courts at moderately high population densities except where sewer and water are provided on an individual basis. This district is intended to provide reduced housing costs while providing for a pleasant and healthy residential environment protected from potentially adverse neighboring influences.

It is intended that such mobile home courts shall be so located, designed, and improved as to provide protection for adjacent properties, access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods, and accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment, and facilities for meeting commercial and services needs not met within the mobile home court.

It is the intent of this ordinance to require all mobile home courts which have been constructed under the requirements in Subsection N. 4 & 5 herein to continue to meet these requirements. Established mobile home courts built prior to and in non-conformity to the requirements in Subsections A. through N. 3. shall meet these requirements as individual units are moved into the court even if the mobile home is zoned for a use other than a mobile home court. Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed in this district as permitted or special permitted uses subject to restrictions intended to preserve and protect the residential character of the district.

Permits for the construction of buildings within the mobile home court and for the moving of mobile homes and /or manufactured homes on lots within the mobile home court shall be required of the mobile home court owner/manager, however, the mobile home/manufactured home owner may obtain the permit with mobile home court owner/manager approval.

**B. Minimal Dimensional Requirements, Minimum Number of Lots or Spaces to be available at Time of Opening and Density.**

Where a district is to be established for the development of a mobile home court, the minimum area shall be five acres. The minimum width of a tract for portions used for general vehicular entrances and exits only (other than alleys or service entrances) under a private arrangement shall be not less than 40 feet curb to curb for portions containing lots for dwellings and buildings open generally to occupants, the minimum dimension shall be 200 feet. The minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted, shall be 35 lots or 50 percent of the total proposed lots, whichever is less.

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

1. One and two-family mobile homes and / or manufactured homes.
2. Parks, playgrounds, and noncommercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.

3. Structures and uses required for operation of a public utility, performance of a governmental function, or performance of any function necessary for the construction, operation, or maintenance of mobile home courts, except for those requiring special approval as provided in subsection E.

In mobile home courts, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted. Areas within mobile home courts may be designated for recreational vehicle use for individuals in transit provided such designated area is approved by the City and State (see Special Permitted Uses). Dwellings may be sold on lots they occupy in residential use.

D. Permitted Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Commercial and service facilities provided they obtain specific approval as required below.
3. Outdoor storage areas, provided they obtain specific approval as required below.
4. Solar energy systems.

E. Special Permitted Uses. The following shall be considered for special permitted uses:

1. Commercial and Service Facilities in Mobile Home Courts - In mobile home courts so located that such facilities are not conveniently available in the neighboring area and containing at least 100 dwelling units, commercial and service establishments intended to serve only persons within the community, designed, improved, and located to protect the character of the community and the surrounding neighborhood, and occupying in total, including related parking area, not more than five percent of the area of the community, may permitted.
2. Outdoor Storage Areas in Mobile Home Courts - In mobile home courts, outdoor storage areas, including those for recreational vehicles, may be permitted. Such areas shall be fenced with a minimum five foot fence and so designed, improved, and located as to protect adjoining uses from adverse visual or other effects and shall occupy, in total, not more than five percent of the area of the mobile home court if within the boundaries of the main portion of the court. If the property includes a separate parcel or parcels for utility, maintenance, or storage facilities, the limitation as to area shall not apply. Use of such area shall be limited to occupants of the court.
3. Group child care homes and child care centers.
4. Recreational Vehicular Parks, provided that in addition to City special permitted use approval, the park meets all State Laboratories standards.

F. Temporary Uses. None, other than those allowed under SECTION 25. O.

G. Minimum Lot Requirements. None

H. Minimum Yard Requirements: See Figure 1, Minimum Requirements for Mobile Home and / or Manufactured Home Placement.

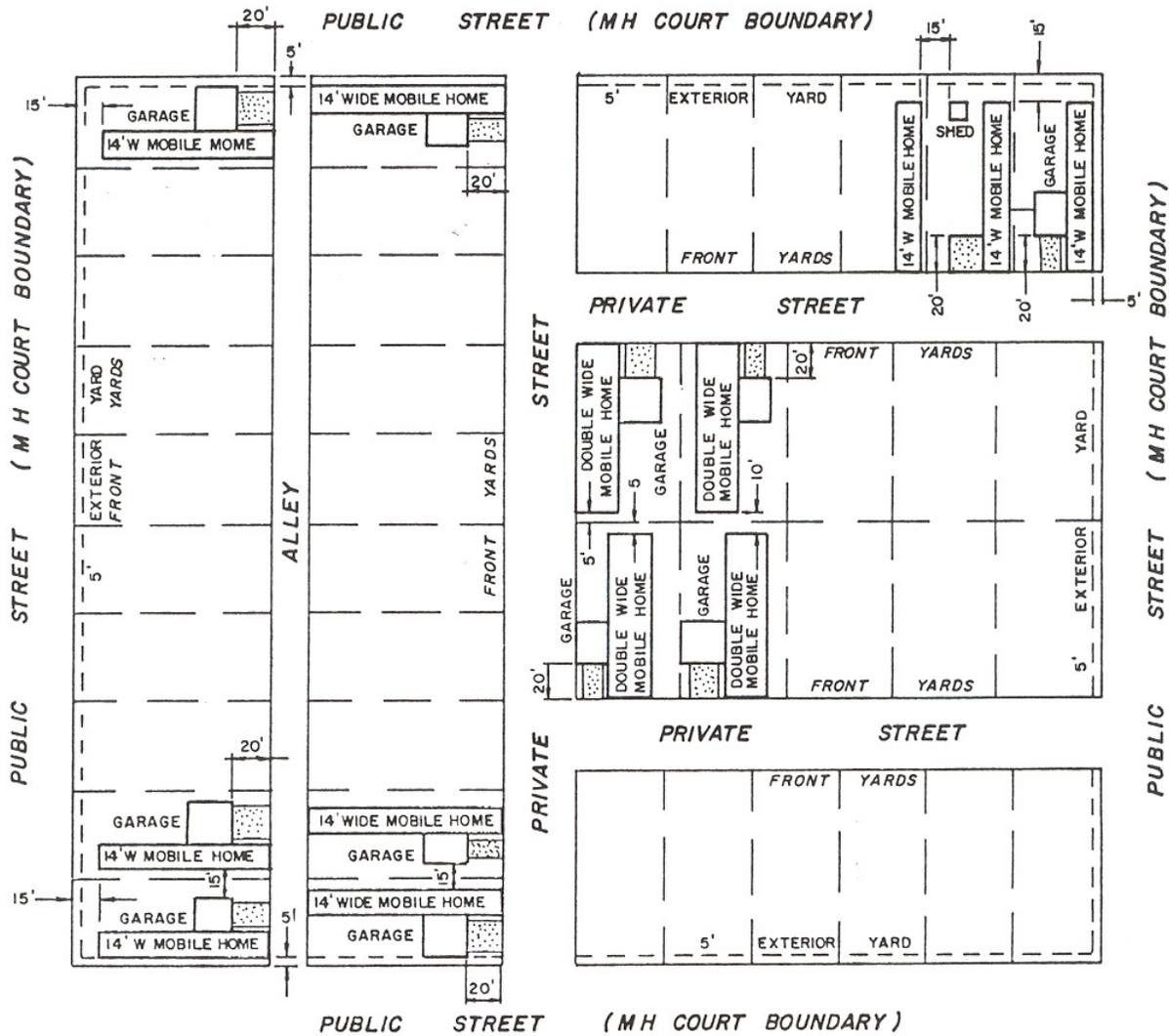
1. Interior yard requirements:

- a. Front yard - 15 feet along a public street; none along a private street.
- b. Side yard - No mobile home and/or manufactured home, attachment, or other structure may be located within 15 feet of any other mobile home, attachment, or structure on a bordering lot. The required side yard on the street side of a corner lot bordering a public street only shall be a minimum of five feet for the principal building and all accessory buildings. In addition, the following provisions shall be applicable.
  - i) A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
- c. Rear yard - None when bordering a private street; 15 feet when bordering a public street except that when a garage is entered from a street or alley at right angles, it shall not be located closer than 20 feet from the rear lot line. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than 15 feet from any structure on a neighboring lot. The rear yard setback for mobile homes and/or manufactured homes placed end to end without an intervening street or alley shall be five feet for each structure which maintains a distance of ten feet between structures.

2. Exterior yard requirements:

- a. Along public streets - Where mobile home courts adjoin public streets along exterior boundaries, a yard at least five feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy yard requirements for individual lots, but no direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.

**Figure 1-  
Minimum Requirements For Mobile Home Placement  
in existing Mobile Home Park**



I. Maximum Lot Coverage by Buildings. The occupied area of a mobile home and / or manufactured home lot may not exceed 75 percent of the lot area.

J. Minimum Floor Area. The minimum floor area for residences, excluding attached garage, shall be 600 square feet excluding the hitch.

K. Maximum Height of Buildings. The maximum height of any building shall be 35 feet.

L. Sign Limitations. See Section 25.G., General Sign Regulations.

1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area, said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
2. In connection with residential subdivisions, no sign intended to be read from any public way adjoining the district shall be permitted, except:
  - a. No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b. In the case of new subdivision sign, not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3. No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M. Off-Street Parking Requirements. See Section 25. H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements.

1. Mobile Home Court Without Water Supply System or Waste Water Treatment Plant - In any mobile home court not served by a water supply system and waste water treatment plant the minimum lot size shall be one-half acre per dwelling unit, excluding streets and alleys.
2. Mobile Home and/or Manufactured Home Placement, Tiedown, and Skirting Requirements. All mobile homes shall be placed on mobile home stands and anchored according to Part 4 of the Standard for the Installation of Mobile Homes including

Mobile Home Court Requirements, NFPA, 501A, 1977, or later years, prior to occupancy.

All manufactured homes shall meet the Guidelines for Manufactured Housing Installations which shall comply with applicable Set-up and Installation Procedures that meet the manufacturer's installation requirements prior to occupancy.

Skirting shall be constructed of brick, stone, finished exterior wood, finished metal, or other acceptable materials approved by the Building Official. The skirting shall be in place within 30 days of the placement of the mobile home and/or manufactured home on the lot. The tongue and axle of the mobile home and/or manufactured home shall be removed if not covered by the skirting.

3. Site Plan Approval Required for Mobile Home Courts - Before building permits may be issued for construction of mobile home courts, in addition to other required permits, reports, and reviews, the site plan must be approved by the Planning Commission and City Commission.
4. Guides and Standards for General Site Planning for New or Redesigned Mobile Home Courts - The following guides, and standards and requirements, shall apply in site planning for mobile home courts:
  - a. External Relationships - Site planning within the mobile home court shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the court.
    - i) Principal Vehicular Access Points - Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
    - ii) Access for Pedestrians and Cyclists - Access for pedestrians and cyclists entering or leaving the court shall be by safe and convenient routes. Such ways need not be adjacent to, or limited to, the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial vehicular traffic at edges of courts, safeguards may be required to prevent crossings except at designed points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
    - iii) Yards, Fences, Walls, or Vegetative Screening at Edges of Mobile Home

Courts - Along the edges of mobile home courts, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of adjoining Residential Districts from potentially adverse influences within the mobile home court. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.

- b. Internal Relationships - The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features, particularly the following:
  - i) Streets, Drives, and Parking and Service Areas - Streets, drives, and parking and service areas shall provide safe and convenient access to dwellings and mobile home court facilities and for service and emergency vehicles; but streets shall not be so laid out as to encourage outside traffic to traverse the court, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the court into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site, and the convenience and safety of the occupants.
  - ii) Street Standards - Streets that are to be dedicated to the jurisdiction, if any, shall be dimensioned and improved in accord with general subdivision regulations. For other streets, required paving widths shall have a moving lane width of 12 feet for collector streets and ten feet for minor streets, with parallel parking lanes of eight feet in locations where on-street parking is to be permitted.
  - iii) Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance, or Service Vehicles - Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwellings, project facilities, and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas, and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops, or other destinations shall be so located and safeguarded as to minimize contacts with normal auto- motive traffic. If substantial bicycle traffic is anticipated and an internal walkway system is provided away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designed to provide safety, and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed, and constructed, may be combined with other easements and used by emergency maintenance or service vehicles but shall not be used by other automotive traffic.

iv) Protection of Visibility - Visibility on public streets within a mobile home court shall be in accord with the provisions set forth in SECTION 25.A. On a corner lot on a private street, however, visibility triangles provided at an intersection shall be formed by the intersecting edges of the driving surface (projected where corners are rounded) and a line joining points 20 feet along both intersecting edges from such point of intersection. At street intersections of driveways serving parking bays with ten or more spaces, similar visibility triangles shall be maintained. At street intersections of other driveways, the required visibility triangle shall consist of the area within the intersecting edges of the driving surface (projected) and a line joining points ten feet along both intersecting edges from such point of intersection.

v) Lots and Location for Dwelling on Lots - The limits of each mobile home and/or manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

Lots shall be so located with respect to streets as to make practical the placement of the mobile home and/or manufactured home for occupancy. In determinations concerning satisfaction of this requirement, the proposed manner of placement shall be considered. Location on the lot shall be suitable for the type of mobile home and/or manufactured home proposed, considering size, required open spaces, and manner of support. Mobile home and/or manufactured home lots shall be designed so that the minimum lot width shall be 50 feet and the minimum area shall be 5,000 square feet. In addition, the court should be designed with the following yard requirements:

1. Interior Yard Requirements:
  - a. Front Yard - 20 feet along a public street; 15 feet along a private street.
  - b. Side Yard - No mobile home and/or manufactured home, attachment, or other structure may be located within 15 feet of any other mobile home and/or manufactured home attachment, or structure on a bordering lot. The required side yard on the street side of a corner lot shall be a minimum of 15 feet for the principal building and all accessory buildings provided as follows:
    - ~ A garage being entered from the street, whether it be attached to or detached, must maintain a 20-foot setback to prevent obstruction or public right-of-way.
  - c. Rear Yard - the rear yard setbacks shall be a minimum of 15 feet when bordering a street or ten feet when bordering an alley except that when a garage is entered from a street or alley at right angles, it shall not be located closer than 20 feet from the rear lot line.

Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than 15 feet from any structure on a neighboring lot. The rear yard setback for mobile homes and/or manufactured homes placed end to end without an intervening street or alley shall be 7.5 feet for each structure which maintains a distance of 15 feet between structures.

2. Exterior Yard Requirements:

- a. Along Public Streets - Where mobile home courts adjoin public streets along exterior boundaries, a yard of a least 15 feet in minimum dimensions shall be provided adjacent to such streets. Such yards may be used to satisfy yard requirements for individual lots, but no direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
- b. At Edges of R-5 Districts Other Than at Streets or Alleys. Where mobile home courts adjoin neighboring districts without an intervening street, alley or other permanent open space, at least 15 feet shall be maintained between the mobile home and/or manufactured home and boundary line. Where the adjoining district is Residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group parking, active recreation facilities, or storage structures.

5. Mobile Home Playgrounds - Each mobile home court containing 25 or more lots shall provide playground space equivalent to one lot for every 25 lots in the court. Seventy-five percent of the playground space, up to one acre, shall be contiguous. A plot plan is to be submitted to the Building Official and Planning Commission indicating type and placement of playground equipment in the playground. The playground shall be fully developed within one year after the first occupancy.

9, 1998, Ord. 811; October 23, 2001, Ord. 850.

**SECTION 16. R-6: MANUFACTURED HOME SUBDIVISION DISTRICT**

A. Intent. This district is intended primarily for manufactured home subdivisions allowing manufactured homes as single-family dwellings together with other types of single-family dwellings. Lots and manufactured homes would be in common ownership as in other Residential Districts. Within Manufactured Home Subdivision Districts, manufactured home subdivisions, manufactured home condominiums, or a combination thereof may be established.

It is intended that such manufactured home developments shall be so located, designed, and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods, and accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment, and facilities for meeting commercial and service needs.

Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed in this district as permitted or special uses subject to restrictions intended to preserve and protect the residential character of the district.

B. Minimum Dimensional Requirements for R-6 Districts; Minimum Number of Lots Available at Time of Opening.

The minimum area for this district shall be five acres. No lot in any manufactured home subdivision or condominium shall be occupied until at least 50 percent of the proposed lots have been fully improved and are ready for occupancy. To be fully improved, lots should be leveled to grade, streets should be brought to grade and graveled, and sewer, water, and other utilities should be extended to the lots.

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

1. Single-family detached and two-family dwellings including manufactured homes.
2. Parks, playgrounds, and noncommercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.
3. Structures and uses required for operation of a public utility or performance of a governmental function.

D. Permitted Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Solar energy systems.

E. Special Permitted Uses. The following shall be considered special permitted uses:

1. Community centers, schools, churches, and cemeteries.
2. Nursing homes, hospitals, and medical complexes.
3. Quasi-institutional homes.
4. Group child care homes and child care center.
5. Watchman's dwelling as an accessory use for a permitted principal use or structure.
6. Games of Chance, provided they are associated with other public or quasi-public uses as listed in the City's Land Use Classification System and allowed in the district.

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

<u>G. Minimum Lot Requirements.</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1. Single-family detached	6000 sq. ft.	50 ft
2. Two-family	8000 sq. ft.	60 ft.

H. Minimum Yard Requirements.

1. Front yard - 15 feet.
2. Side yard - A minimum of 7.5 feet. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:
  - a. A garage being entered from the street, whether it be attached or detached, must maintain a 20-foot setback to prevent obstruction of public right-of-way.
3. Rear yard - Five feet for manufactured homes placed with their longest dimension perpendicular to the principal street frontage and 20 feet for all manufactured homes placed with their longest dimension parallel to the principal street frontage. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 20 feet.

I. Maximum Lot Coverage by Buildings. Not more than 35 percent of the lot shall be covered by the principal building and all accessory buildings. Any solar collection device or related

apparatus, not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. The minimum floor area for residences, excluding attached garage, shall be 800 square feet.

K. Maximum Height of Buildings. The maximum height of any building shall be 35 feet.

L. Sign Limitations. See Section 25.G., General Sign Regulations.

1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding, or Projecting type, but not projecting over public property.
2. In connection with residential subdivisions, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a. No more than one identification sign, not exceeding 12 square feet in area, for each principal entrance.
  - b. In the case of new subdivisions, one sign not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3. No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M. Off-Street Parking Requirements. See Section 25.H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements.

1. Manufactured Home Installation Requirements - All manufactured homes shall meet Guidelines for Manufactured Housing Installations which shall comply with applicable Set-up and Installation Procedures that meet the manufacturer's installation requirements prior to occupancy.
2. Manufactured Home Skirting Requirements-Skirting shall be constructed of brick, stone, finished wood, finished metal, or other acceptable materials approved by the Building Official. The skirting shall be in place within 30 days of placement of the manufactured home on the lot. The tongue and axle of the manufactured home shall be removed if not covered by the skirting. Manufactured homes having perimeter foundations shall not be required to have the above types of skirting.

Amended May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; June 24, 1986, Ord. No. 672; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 728; December 10, 1996, Ord. No. 795; June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850.

**SECTION 16a. R-7: RESIDENTIAL MANUFACTURED HOME SUBDIVISION**

**A. Intent.** This district is intended primarily for manufactured home subdivisions allowing manufactured homes as single-family dwellings together with recreational vehicles (RV's). Lots and manufactured homes would both be owned by the same person(s) or entity as in other Residential Districts. Within Residential Manufactured Home Subdivision Districts, manufactured homes subdivisions, manufactured home condominiums, or a combination thereof may be established.

It is intended that such manufactured home developments shall be so located, designed, and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods, and accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment, and facilities for meeting commercial and service needs.

Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of residential areas are allowed in this district as permitted or special uses subject to restrictions intended to preserve and protect the residential character of the district.

**B. Minimum Dimensional Requirements for R-7 Districts; Minimum Number of Lots Available at Time of Opening.** The minimum area for this district shall be five acres. No lot in any manufactured home subdivision or condominium shall be occupied until at least 50 percent of the proposed lots have been fully improved and are ready for occupancy. To be fully improved, lots should be leveled to grade, streets should be brought to grade and hard surfaced, and sewer, water, and other utilities should be extended to the lots.

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

1. Single-family detached and two-family dwellings and manufactured homes.
2. Parks, playgrounds, non-commercial private clubhouses, and non-commercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, libraries, and the like.
3. Structures and uses required for operation of a public utility or performance of a governmental function.
4. RV-recreational vehicles shall be allowed within the district provided it meets all North Dakota State Department of Health standards and placement of the recreational vehicles are within a designated contiguous area approved by the Building Official. No recreational vehicles shall occupy any space for more than one-hundred eighty days continuously.

D. Permitted Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. Home occupations, provided all requirements in SECTION 31 are met.
2. Solar energy systems.

E. Special Permitted Uses. The following shall be considered special permitted uses:

1. Community centers, schools, churches and cemeteries.
2. Nursing homes, hospitals, and medical complexes.
3. Quasi-institutional homes.
4. Group child care homes and child care centers.
5. Watchman's dwelling as an accessory use for a permitted principal use of structure.
6. Games of chance, provided they are associated with other public or quasi-public uses as listed in the City's Land Use Classification System and allowed in the district.

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

<u>G. Minimum Lot Requirements.</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
1. Single-family detached	5000 sq. ft.	50 ft.
2. Two-family	8000 sq. ft.	60 ft.

H. Minimum Yard Requirements.

1. Front yard - 15 feet.

Side Yard - a minimum of 7.5 feet. The required side yard on the street side of a corner lot shall be one-half the required front yard on such street for the principal building and all accessory buildings, provided as follows:

- a. A garage being entered from the street, whether it be attached or detached, must maintain a 20 foot setback to prevent obstruction of public right-of-way.
2. Rear Yard - Five feet for manufactured homes placed with their longest dimension perpendicular to the principal street frontage and 20 feet for all manufactured homes placed with their longest dimension parallel to the principal street frontage. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley at right angles, it shall not be located closer than 20 feet from the rear lot line. The required rear setback for an attached garage with vehicular entry from an alley shall be 20 feet.

I. Maximum Lot Coverage by Buildings. Not more than 45 percent of the lot shall be covered by the principal building and all accessory buildings. Any solar collection device or related apparatus, not included as floor area of a building by definition, shall not be included in computing lot coverage.

J. Minimum Floor Area. The minimum floor area for residences, excluding attached garage, shall be 800 square feet.

K. Maximum Height of Buildings. The maximum height of any building shall be 35 feet.

L. Sign Limitations. See Section 25.G., General Sign Regulations.

1. One identification sign shall be permitted per residential use, provided such sign does not exceed two square feet in area; said sign may be Wall, Freestanding or Projecting type, but not projecting over public property.
2. In connection with residential subdivisions, no sign intended to be read from any public way adjoining the district shall be permitted except:
  - a. No more than two identification signs, not exceeding 24 square feet in area, for each principal entrance.
  - b. In the case of new subdivisions, one sign not exceeding 32 square feet in area, may be erected for a period of not more than two years at each principal entrance to advertise the sale of lots or dwellings.
3. No more than one sign, not exceeding six square feet in area, advertising property for sale or rent.

M. Off-Street Parking Requirements. See Section 25. H. Two spaces per dwelling. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements.

1. Manufactured Home Installation Requirements - All manufactured homes shall meet Guidelines for Manufactured Housing Installations which shall comply with applicable Set-up and Installation Procedures that meet the manufacturer's installation requirements, prior to occupancy.
3. Manufactured Home Skirting Requirements - Skirting shall be constructed of brick, stone, finished wood, finished metal, or other acceptable materials approved by the Building Official. The skirting shall be in place within 30 days of placement of the manufactured home on the lot. The tongue and axle of the manufactured home shall be removed if not covered by the skirting. Manufactured homes having perimeter foundations shall not be required to have the above types of skirting.

Adopted December 10, 1996, Ord. No. 795; Amended June 9, 1998, Ord. No. 811; October 23, 2001, Ord. No. 850.

**SECTION 17. P: PARKS AND OPEN SPACE DISTRICT**

- A. Intent.** This district is intended to contain major open lands and major public and quasi-public recreational uses, including privately-owned lands and uses that are essentially public in character. These lands and uses include existing land reserves for public and institutional use.
- B. Minimum Dimensional Requirements.** None.
- C. Permitted Uses and Structures.** The following shall be permitted:
1. Parks, playgrounds, cemeteries and noncommercial recreational facilities such as golf courses, swimming pools, tennis courts, game rooms, and the like.
  2. Structures and uses required for operation of a public utility or performance of a governmental function, except for those permitted only as special permitted uses.
- D. Permitted Accessory Uses and Structures.** Uses and structures that 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:
1. Libraries and recreation centers.
  2. Watchman's dwelling as an accessory use for a permitted use or structure.
  3. Electrical substation and gas regulator stations, provided:
    - a. For each electric substation where transformers are exposed there should be an enclosing fence at least six feet high.
    - b. The height requirements may be exceeded, provided that for each additional one-foot height an additional one-foot of front, rear, and side yard shall be required.
  4. Water reservoirs, water storage tanks, water pumping stations, and sewer lift stations provided:
    - a. For each instance the Planning and Zoning Commission shall be provided with plot plans showing the proposed installation and its relationships to any nearby property.
    - b. The Planning and Zoning Commission shall prescribe conditions as to setbacks, etc. for each installation.
  5. Storage of flammable or combustible liquids above-ground, and storage of liquefied petroleum gases and hazardous materials as an accessory use, provided all Federal, State and local requirements are met.

- F.    Temporary Uses.   None, other than those allowed under SECTION 25.0.
- G.    Minimum Lot Requirements. The minimum lot requirements shall be the same as those of the most restrictive neighboring district.
- H.    Minimum Yard Requirements. The minimum yard requirements shall be the same as those of the most restrictive neighboring district.
- I.    Maximum Lot Coverage by Buildings. The maximum lot coverage by buildings in this district shall be the same as the most restrictive neighboring district. Any solar collection device or related apparatus, not included as floor area of a building by definition, shall not be included in computing lot coverage.
- J.    Minimum Floor Area.   None.
- K.    Maximum Height of Building. The maximum height of any building shall be the same as that of the most restrictive neighboring district.
- L.    Sign Limitations. See Section 25.G., General Sign Regulations.
1.     One sign or bulletin board, not to exceed 24 square feet in area, shall be permitted on the same site as the principal building.
  2.     If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
  3.     Ground signs shall be permanently anchored to the ground and shall not exceed a height of six feet above normal grade.
  4.     On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.
- M.    Off-Street Parking Requirements. See SECTION 25.H. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.
- N.    Other Requirements. None.

Amended May 14, 1985, Ord. No. 645; May 23, 1989, Ord. No. 716.

**SECTION 18. P-1: PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

**A.** **Intent.** This district is intended to be an overlay district and to a more flexible approach to the development of large areas of land as a whole by allowing a mix of one or more residential types or commercial uses to occur in a development. This District is intended to encourage the preservation of useful natural features and open space by allowing the grouping of dwelling units and commercial uses in clusters that exceed normal population densities while maintaining fairly moderate population densities for the overall development areas. Common areas may include recreational and community facilities, such as a swimming pool or community center. This district is intended to encourage energy efficiency through the clustering of development reducing infrastructure costs and through the mixing of land uses reducing travel costs.

**B.** **Application for Planned Unit Development Permits.**

1. The Board of City Commissioners of the City of Williston shall have the power to grant permits for planned development projects wherein there is more than one principal building or land use per parcel.

Applications for planned unit development permits shall be submitted in writing in the same manner as applications for an amendment to the zoning map. Upon receipt of such application, a time and date shall be set for the hearing on such application before the Planning Commission and notice of such hearing shall be published in the official newspaper of the City at least 15 days prior to the date of hearing. After the hearing, the Planning Commission shall thereupon make its report to the Board of the City Commissioners. Such final report shall be submitted within 90 days after the time of referral of the application for a planned unit development permit to the Planning Commission, unless said board is agreeable to an extension of time.

2. After submission of the final report on the application by the Planning Commission to the Board of City Commissioners, or, in the event of the failure of the Planning Commission to so report, 90 days after the time of referral of the proposed amendment to the Planning Commission, the Board of City Commissioners shall hold a public hearing, after which the planned unit development permit may be granted. At least 15 days notice of the time and place of such hearing shall be published in the official newspaper of the City.
3. If a protest against such planned unit development Permit is filed, duly signed by owners of 20 percent or more, of the area adjacent, extending 150 feet from the area which is the subject of the proposed planned unit development permit, excluding the width of streets, the planned unit development permit shall not become effective except by the favorable vote of three-fourths of all members of the Board of City Commissioners. Protests must be in writing and must be filed with the City Auditor prior to the time set for hearing.

C. Contents of Applications.

1. The application for a planned unit development permit shall be in writing and shall be made by the owner of the property for which the planned unit development permit is sought. The application shall be signed by the owner of the property and shall be accompanied by a sum sufficient to cover the cost of processing the application and publication of the notices of hearing; said sum to be established by the Board of City Commissioners.
2. The application shall be in a form to be supplied by the Williston Planning Department and shall contain an accurate legal description of the property. In addition thereto, the application shall be accompanied by the following documents:
  - a. An area plan showing the eventual scope of development, including proposed land uses and street locations for the proposed development area and adjacent areas as required by the Williston Subdivision Regulations.
  - b. A subdivision plat of the area under consideration for final approval as a planned unit development which plat shall show the date, a 'north' arrow, and the graphic scale which shall be not less than one inch equals 200 feet; the location of all property lines, existing streets, easements, utilities, and any significant physical feature; zoning information, including present zoning of the subject tract and surrounding property and any proposed changes in zoning.
  - c. A site plan of the proposed development indicating the location of the following:
    - i) All buildings, structures, and other improvements, including streets, driveways, and access or loading points.
    - ii) Common, open spaces.
    - iii) Off-street parking facilities and the number of parking spaces to be provided.
    - iv) Sidewalks.
    - v) Illuminated areas.
    - vi) Use of open space being provided.
    - vii) Screening or buffering of the tract boundaries.
    - viii) Designation of private streets.
    - ix) All utilities, including storm drainage, sanitary sewer, and water.
    - x) Elevation or perspective drawings of all buildings and improvements.

- xii) Plans for signs to be erected, including the location, design, size, color, and lighting.
  - xiii) Landscaping and grading plans, together with other pertinent features of development.
3. No application for a planned unit development permit shall be considered within one year of the final action of the Board of City Commissioners upon a prior application of the same owner concerning the same property or any portion thereof.

D. Issuance of Permits.

1. The Board of City Commissioners, in granting or denying the planned unit development permit, shall consider the following:
  - a. The effect of such development on the health, safety, and welfare of the persons residing or working in the neighborhood.
  - b. Whether such development will be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
  - c. Whether such development will be in accordance with the purposes of this ordinance and the Williston Development Guide.
  - d. Whether the proposed development is of such a unique nature as to require consideration under conditions of a planned unit development.
  - e. Whether the variances proposed in the planned unit development are required for reasonable and practicable physical development according to a plan and are not required solely on the basis of financial consideration.
  - f. Whether the planned unit development would produce urban development and an urban environment of equal or superior quality to that which would result from strict adherence to the provision of this ordinance.
  - g. Whether the proposed development is sufficiently unique so as to preclude realistic and practical enforcement of this ordinance with respect to the proposed development.
2. The issuance of a planned unit development permit shall not be deemed to be a change in zoning, and the zoning of the property prior to the planned unit development permit will remain unchanged. In the event the use of any property, as permitted by planned unit development permit, is terminated for any reason, such permit shall expire; provided, however; that reconstruction of all, or a portion, of a planned unit development which has been destroyed by wind, fire, or flood shall be permitted so long as such reconstruction or replacement conforms substantially to the provisions of the original permit.
3. The Board of City Commissioners may issue a planned unit development permit

allowing substantial variances from the provisions of this ordinance relating to uses, setbacks, height, and similar regulations, but not including density requirements, parking requirements, off-street loading, necessary screening, and similar requirements, for the protection of adjoining properties. All other development regulations not specified in this section or specified as a condition to the planned unit development permit, shall apply as regulated in the zoning district in which the structure or use would be placed if the land were to be placed in a zoning district classification to permit said use or structure. Where proposed private streets are determined by the governing body to better serve the traffic flow and the general welfare as a public street, the Board of City Commissioners may require such dedication and construction in conformance with city standards.

4. The tract of land for which a planned unit development is proposed and a permit requested shall be not less than 30 acres in area.
5. Any planned unit development permit granted in accordance with this section shall expire in one year unless the construction or use authorized by said permit shall have commenced. Any planned unit development permit granted under the provision of this section shall expire two years after the construction of said development has commenced, unless extended by the Planning Commission upon request of the applicant.
6. The Building Official shall issue the building permits based on the approved planned unit development documents. Minor changes in location, siting and heights of buildings or structures may be authorized by the Planning Commission; however, no change authorized by this subsection shall cause any of the following:
  - a. A change in the use or character of the development.
  - b. An increase in overall coverage of buildings and structures.
  - c. An increase in intensity of use.
  - d. An increase in traffic circulation problems.
  - e. A reduction in approved open space.
  - f. A reduction in off-street parking and loading spaces.
  - g. A reduction in required pavement widths.

Substantial changes in the planned unit development shall be permitted only after publication of the notice, hearing and approval as required for the issuance of the original permit.

**SECTION 19.            C-1: NEIGHBORHOOD COMMERCIAL DISTRICT**

A.     Intent. This district is intended to encourage the development of small and compact areas for service establishments to serve frequent commercial and personal service needs of residents within convenient traveling distance. It is not intended to permit major commercial or service establishments in such districts nor any automobile service stations. Extension of this district along major streets in a "strip" fashion is not intended and shall be discouraged.

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.     Minimum Dimensional Requirements. The minimum area for this district shall be one acre.

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

1.     Retail stores and shops and small service businesses providing they do not employ more than five persons per shift, or serve alcoholic beverages on the premises, including:
  - a.     Bakery, confectionery, delicatessen, and the like, provided that products prepared or processed on the premises shall be sold on the premises.
  - b.     Barber shop and beauty shop.
  - c.     Drug store, newsstand, and tobacco shop.
  - d.     Eating and drinking establishments, except drive-in and those serving alcoholic beverages on the premises.
  - e.     Florist, gift shop, stationery store, and the like.
  - f.     Laundry and dry cleaning establishments including self-service.
  - g.     Convenience grocery stores, provided no gas pumps, are included.
2.     Churches
3.     Public buildings and uses appropriate to the character of the district or requiring location within the district.
4.     Public utilities installations and substations provided that offices or storage or maintenance installations shall not be permitted. Utilities substations other than individual transformers shall be screened from Residential or Agricultural Districts by a masonry wall or a fence with a properly maintained screening hedge.
5.     Group child care homes and child care centers.

D. Permitted Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly incidental to permitted uses and structures shall be permitted, including:

1. One dwelling unit as an accessory use for occupancy by owners or employees of permitted uses only, provided that such dwelling or lodging unit shall be located above or behind permitted uses in such a way they do not interrupt commercial frontage.
2. Solar energy systems.

E. Special Permitted Uses. The following shall be considered for special permitted uses:

1. Private clubs, lodges, social centers, athletic clubs, and the like.
2. Business and professional offices.
3. Medical offices and clinics.
4. Multi-family dwelling units located with permitted principle uses.
5. Convenience grocery store with gas pumps.
6. Games of Chance.
7. Bed and Breakfast Inns.

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

G. Minimum Lot Requirements.

1. Minimum lot area - 8000 square feet.
2. Minimum lot width - 80 feet.

H. Minimum Yard Requirements.

1. Front yards adjacent to Residential or Agricultural Districts - Where a C-1 District adjoins a Residential or Agricultural District without an intervening street or alley, and where lots separated by the boundary have adjacent front yards, the first lot within the C-1 District, or 100 feet of such lot (whichever is less) shall provide a front yard of the minimum depth required in the adjoining district. Such yard shall be landscaped, except for necessary access drives and walkways, and shall not be used for parking.
2. Side and rear yards adjacent to Residential or Agricultural Districts - Where a C-1 District adjoins a Residential or Agricultural District without an intervening street or alley, a side and rear yard of the same minimum dimension as required for the adjoining yard in the Residential or Agricultural District shall be provided. The area within 15 feet of the property line shall be landscaped with a properly maintained screening hedge, except for walkways necessary for access. No such yard shall be used for parking.

3. Other than indicated above, all yards adjacent to streets shall have a minimum depth of ten feet which shall be landscaped except for drives and walkways necessary for access. No such yard shall be used for parking.

I. Maximum Lot Coverage by Buildings. None.

J. Minimum Floor Area. The minimum floor area for individual dwelling units which are located with permitted principal uses shall be 450 square feet.

K. Maximum Height. Except as allowed below, no structure shall exceed two stories, or 25 feet, or shall exceed the prevailing height of existing residential structures on adjacent premises (including premises across streets, easements, and right-of-ways).

Public, semi-public, or public service buildings, hospitals, institutions, schools, or churches may be erected to a height not exceeding 60 feet, provided that the front yard depth shall be 30 percent in excess of those specified in this district, and further provided that the side yards of an interior lot shall be 20 feet and the front yard requirements as stated herein above.

L. Sign Limitations. See Section 25.G., for General Sign Regulations. Business signs are defined under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One Freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional Freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this it is strongly recommended that a common sign be shared by all business establishments. In addition to one Freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:

1. Freestanding signs may be erected not exceeding 45 feet in height. Additional height may be permitted as a Special Permitted Use. The sign face shall not exceed three square feet per one-foot of store frontage where the sign is to be placed, up to a maximum of 75 square feet; but in any event, 32 square feet is permitted.
2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
3. Roof signs may be erected provided they do not exceed the district height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed three square feet per one-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
4. Marquee signs may be erected with sign faces up to 50 square feet.
5. Wall signs may be erected with a sign face not exceeding the larger of 20 % of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.

6. Illuminated signs shall be directed in such a manner as to minimize impact on residential neighborhoods. Low-glare, low-intensity lighting shall be required.

M. Off - Street Parking Requirements. See SECTION 25.H. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements. None.

Amended July 10, 1984, Ord. No. 635; May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 728; October 14, 1997, Ord. No. 809.

**SECTION 20.**

**C-2: GENERAL COMMERCIAL DISTRICT**

A. Intent. This district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public services, including sewer, water, fire protection, and arterial streets, or are intended to be provided with such services in the near future. This district is intended to encourage those types of development which require large quantities of retail space which are not available in the downtown business area.

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. Minimum Dimensional Requirements. The minimum area for this district shall be two acres.

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

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 and games of chance.
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, auditorium and similar places of public assembly, libraries and museums.
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. Churches.
10. Delicatessen and catering establishments, grocery stores, and restaurants.

11. Furniture and home furnishing stores, hardware stores, household appliance stores, interior decorating shops, and lumber yards.
12. Hotels, motels, private clubs, fraternities, sororities, and lodges.
13. Medical, dental, and health clinics; medical and orthopedic appliance stores; optician and optometrist shops.
14. Nursing homes, hospitals and medical complexes.
15. Mortuaries.
16. Dwellings provided the ground floor is used as retail space.
17. Group child care homes and child care centers.
18. Quasi-institutional homes.
19. Railroads and railroad right-of-ways.
20. Automobile and mobile home sales, auto service and repair shops, gasoline or service stations, car washes, and tire repair shops.
21. Wholesale establishments.
22. Plumbing and sheet metal shops.
23. Animal hospitals or veterinary clinics, provided they are in a completely enclosed building, and pet shops.
24. Mini-storage buildings.

D. Permitted Accessory Uses and Structures. Uses and structures that 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:

1. Parking lots and parking ramps.
2. Shopping Centers.
3. Bed and Breakfast Inns.
4. Schools.

F. Special Permit Temporary Uses. None, other than those allowed under SECTION 25.0.

G. Minimum Lot Requirements. None.

H. Minimum Yard Requirements. None.

- I. Maximum Lot Coverage by Buildings. None.
- J. Minimum Floor Area. The minimum floor area for individual dwelling units which are located with permitted principal uses, shall be 450 square feet.
- K. Maximum Height of Buildings. Except as provided in SECTION 25.D., no structure shall exceed ten stories, or 100 feet in height, provided that no structure or portion of a structure shall be erected to a height exceeding 45 feet on any portion of a lot less than 20 feet in distance from any portion of a lot in any C-1 or Residential District.
- L. Sign Limitations. See Section 25.G, for General Sign Regulations. Business signs are defined under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional Freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this it is strongly recommended that a common sign be shared by all business establishments. In addition to one Freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:
1. Freestanding signs may be erected not exceeding 45 feet in height as a permitted use and 100 feet in height as a Special Permitted Use. The sign face shall not exceed three square feet per one-foot of store frontage where the sign is to be placed, up to a maximum of 125 square feet; but in any event, 32 square feet is permitted.
  2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
  3. Roof signs may be erected provided they do not exceed the district height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed three square feet per one-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
  4. Marquee signs may be erected with sign faces up to 50 square feet.
  5. Wall signs may be erected with a sign face not exceeding the larger of 20 % of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
- M. Off-Street Parking Requirements. See SECTION 25.H. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.
- N. Other Requirements. None.

Amended May 14, 1985, Ord. No. 645; February 25, 1986, Ord. No. 662; August 25, 1987, Ord. No. 703; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 728; October 14, 1997, Ord. No. 809; April 11, 2000, Ord. No. 819; April 22, 2003, Ord. No. 865.

**SECTION 21. C-3: RESTRICTED COMMERCIAL DISTRICT**

**A. Intent.** This district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public services, including sewer, water, fire protection, and arterial streets, or are intended to be provided with such services in the near future. This district is intended to protect and encourage the development of community core areas that function efficiently as centers of community business activity.

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. Minimum Dimensional Requirements.** The minimum area for this district shall be two acres.

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

1. Small business machine sales, repair and service shops, auto supply stores, bicycle shops, and household appliance repair shops.
2. Amusement places, taverns or lounges, package liquor stores, theaters, bowling alleys, and commercial recreation uses, and games of chance.
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, metal and handicraft stores, specialty shops, watch repair shops, leather goods and luggage stores, shoe and shoe repair stores, sporting and athletic goods stores, toy stores, variety stores and other specialty shops.
5. Governmental services, auditorium and similar places of public assembly, libraries, and museums.
6. Banks and other savings and lending institutions, offices and office buildings, office supply and office equipment stores, newspaper offices, printing and publishing offices.
7. Barber and beauty shops, dry cleaners and laundry establishments, book and stationery 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. Churches.
10. Delicatessen and catering establishments, grocery stores, and restaurants.

11. Furniture and home furnishings stores, hardware stores, household appliance stores, and interior decorating shops.
12. Hotels, motels, private clubs, fraternities, sororities, and lodges.
13. Medical, dental and health clinics, medical and orthopedic appliance stores, opticians, and optometrist shops.
14. Nursing homes, hospitals and medical complexes.
15. Mortuaries.
16. Dwellings, provided the ground floor is used as retail space.
17. Group child care homes and child care centers.
18. Quasi-institutional homes.
19. Railroad and railroad right-of-ways, taxi, or bus stations.
20. Pet shops.

D. Permitted Accessory Uses and Structures. Uses and structures that 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:

1. Parking lots and parking ramps.
2. Gasoline and service stations, and car washes.
3. Shopping centers.
4. Auto dealerships.
5. Bed and Breakfast Inns.
6. Pet Shops

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

G. Minimum Lot Requirements. None.

H. Minimum Yard Requirements. None.

I. Maximum Lot Coverage by Building. None.

- J. Minimum Floor Area. The minimum floor area for individual dwelling units which are located with permitted principal uses, shall be 450 square feet.
- K. Maximum Height of Buildings. Except as provided in SECTION 25.D., no structure shall exceed ten stories, or 100 feet in height, provided that no structure or portion of a structure shall be erected to a height exceeding 45 feet on any portion of a lot less than 20 feet in distance from any portion of a lot in any C-1 or Residential District.
- L. Sign Limitations. See Section 25. G. for General Sign Regulations. Business signs are defined under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One Freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional Freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this it is strongly recommended that a common sign be shared by all business establishments. In addition to one Freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:
1. Freestanding signs may be erected not exceeding 45 feet in height as a permitted use and 100 feet in height as a Special Permitted Use. The sign face shall not exceed three square feet per one-foot of store frontage where the sign is to be placed, up to a maximum of 125 square feet; but in any event, 32 square feet is permitted.
  2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
  3. Roof signs may be erected provided they do not exceed the district height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed three square feet per one-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
  4. Marquee signs may be erected with sign faces up to 50 square feet.
  5. Wall signs may be erected with a sign face not exceeding the larger of 20 percent of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
- M. Off-Street Parking Requirements. See SECTION 25.H. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.
- N. Other Requirements. None.

Amended May 8, 1984, Ord. No. 633, May 14, 1985, Ord. No. 645, February 25, 1986, Ord. No. 662, August 25, 1987, Ord. No. 703, May 23, 1989, Ord. No. 716, May 22, 1990, Ord. No. 728; October 14, 1997, Ord. No. 809; October 23, 2001, Ord. No. 850; April 22, 2003, Ord. No. 865

**Section 22.**

**M-1: LIGHT INDUSTRIAL DISTRICT**

**A.** **Intent.** This district is intended to include lands suited by topography and other natural conditions for light industrial development, including light manufacturing, processing, storage, wholesaling, and distribution operations, and other operations which do not require large numbers of workers; do not generate heavy truck traffic, do not emit significant amounts of noise, smoke, dust or glare; and do not require large volumes of public water or sewer. Limited commercial use is allowed in this district to serve the uses for which the district is primarily intended. Sewer, water, fire protection, and other essential services shall be provided either by public utilities or approved private means.

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.** **Minimum Dimensional Requirements.** The minimum area for Industrial Districts shall be 20 acres. Industrial Districts of less than 20 acres are allowed provided they abut another Industrial District and the combined acreage of the districts is 20 acres or more. Different Industrial Districts such as Light Industrial, Heavy Industrial, and Industrial Park Districts may abut each other; however, the districts and uses therein must remain separate.

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

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. Furniture and home furnishings stores, hardware stores, household appliance stores, interior decorating shops.
3. Plumbing shops, sheet metal shops, roofing shops, mini-storage buildings.
4. Contractor or commercial service businesses, offices, and associated storage repair yards.
5. Trucking, moving and storage, and freight terminals.
6. Airports, railroads, essential public utilities, and public service installations.
7. Grain and feed mills, grain elevators.
8. Underground oil and gas storage facilities, as approved by the City Building Official and Fire Chief.
9. Storage of flammable liquids above-grade, and wholesale, subject to locally adopted Fire Code regulations.

10. Storage of Liquefied Petroleum Gases, up to 50,000 gallons, subject to locally adopted Fire Code regulations.
11. Light manufacturing industries consisting of the processing and treatment of goods and foodstuffs, except alcohol or alcoholic beverages, fish, meat products, vinegar and yeast.
12. Other light manufacturing and assembly plants.
13. Bottling plants.
14. Automobile, mobile home, recreational vehicle, or equipment sales.
15. Building material yards and lumber yards.
16. Concrete mixing and concrete products manufacturing plants.
17. Gasoline or service stations, car washes, and truck-stop service and eating facilities.
18. Animal hospitals or veterinary clinic.
19. Radio and television transmitting stations.
20. Pet Shops.

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:

1. Storage of hazardous materials, subject to locally adopted Fire Code and State Building Code regulations.
2. Storage of Liquefied Petroleum Gases, over 50,000, subject to locally adopted Fire Code regulations.
3. Storage of Special Industrial Explosive Device(s) under 50 pounds, subject to the locally adopted Fire Code and State Building Code regulations.
4. Junkyard, auto wrecking yard or salvage yard subject to the following conditions:
  - i) Located on a tract of land at least 300 feet from a Residential District zone.
  - ii) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid fence or wall at least six feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.

iii) No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public right-of-way.

5. Commercial recreation uses.

6. Games of Chance.

7. Taverns, lounges, restaurants, package liquor stores and bait shops.

8. Office and office buildings.

9. Vocational or training schools.

F. Temporary Uses. None, other than those allowed under SECTION 25.0

G. Minimum Lot Requirements.

1. Front yard - None, except for along major arterial streets there shall be a front yard of not less than 15 feet.

2. Side yard - None.

3. Rear yard - None.

H. Minimum yard requirements. None

I. Maximum Lot Coverage by Buildings. None

J. Minimum Floor Area. None.

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

L. Sign Limitations. See Section 25.G. General Sign Regulations. Business signs are defined Under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One Freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this, it is strongly recommended that a common sign be shared by all business establishments. In addition to one freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:

1. Freestanding signs may be erected not exceeding 45 feet in height as a permitted use and 100 feet in height as a Special Permitted Use. The sign face shall not exceed three square feet per one-foot of store frontage where the sign is to be placed, up to a maximum of 125 square feet; but in any event, 32 square feet is permitted.

2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
3. Roof signs may be erected provided they do not exceed the height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed three square feet per one-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
4. Marquee signs may be erected with sign faces up to 50 square feet.
5. Wall signs may be erected with a sign face not exceeding the larger of 20 percent of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.

M. Off-Street Parking Requirements. See SECTION 25.I.H. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements. A buffer zone is required where any Light Industrial District abuts a Residential District. Buffer zones shall be determined by the Planning and Zoning Commission and shall be a maximum of 30 feet in depth from the property line of a lot zoned Residential or from a street right-of-way which separates the Light Industrial District from a Residential District. The buffer zone shall be used for tree plantings, hedges, walls, fences, or similar devices as required by the Planning and Zoning Commission, and grass shall be planted and maintained in all buffer zones.

Amended May 14, 1985, Ord., No. 645; February 25, 1986, Ord. No. 662; May 23, 1989, Ord., No. 716; February 26, 1991, Ord. No. 732; December 10, 1991, Ord., No. 749; October 14, 1997, Ord. No. 809; October 23, 2001, Ord. No. 850; April 22, 2003, Ord. No. 864; April 22, 2003, Ord. No. 865.

**SECTION 23. M-2: HEAVY INDUSTRIAL DISTRICT**

**A. Intent.** This district is intended to include lands suited by topography and other natural conditions, including the presence of natural resources, for industrial development, including heavy manufacturing, shipping terminals, natural resources extraction, and other processes or operations which involve one or more of the following: large number of workers, heavy truck traffic, significant environmental effects, or large-volume public water or sewer service. Sewer, water, fire protection, surface transportation (including direct access to arterial streets or principal highways), and other essential services shall be provided either by public utilities or approved private means. Commercial and retail uses are generally not allowed in this district.

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. Minimum Dimensional Requirements.** The minimum area for Industrial Districts shall be 20 acres. Industrial Districts of less than 20 acres are allowed provided they abut another Industrial District and the combined acreage of the districts is 20 acres or more. Different Industrial Districts such as Light Industrial, Heavy Industrial, and Industrial Park Districts may abut each other; however, the districts and uses therein must remain separate.

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

1. Uses permitted in M-1 Districts provided no dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when with them.
2. Any other use, not otherwise prohibited by law; provided, however, that none of the following uses shall be established or reconstructed, structurally altered, enlarged, or moved unless the Planning and Zoning Commission approves the issuance of a permit therefore under the same procedure as set forth for Special Permitted Uses in SECTION 27:
  - a. Pipe yards.
  - b. Acid manufactures.
  - c. Cement, lime, gypsum, or plaster of paris manufacture.
  - d. Distillation of bones, coal, tar, petroleum, refuse, grain, or wood.
  - e. Storage of Special Industrial Explosive Device(s) under fifty (50) pounds, subject to the locally adopted Fire Code and State Building Code regulations.
  - f. Glue manufacture.

- g. Dump.
- h. Drilling for or removal of oil, gas, or other hydrocarbon substance provided it meets the requirements set forth in SECTION 25.M.
- i. Fat rendering and fertilization manufacture.
- j. Gas manufacture.
- k. Smelting of tin, copper, zinc, or iron ores.
- l. Petroleum or petroleum products refining.
- m. Storage of hazardous materials, subject to locally adopted Fire Code and State Building Code regulations.
- n. Tannery.
- o. Junk yard, auto wrecking yard or salvage yard subject to the following conditions:
  - i) Located on a tract of land at least 300 feet from a Residential District zone.
  - ii) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid fence or wall at least six feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
  - iii) No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence or wall, or within the public right-of-way.
- p. Adult entertainment center.
- q. Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise, or which may impose a hazard to health or property.

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

E. Special Permitted Uses and Structures. Uses included in SECTION 23.C.2. come under the general guidelines of Special Permitted Uses and Structures.

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

G. Minimum Lot Requirements. None.

- H. Minimum Yard Requirements. None.
- I. Maximum Lot Coverage by Buildings. None.
- J. Minimum Floor Area. None.
- K. Maximum Height of Buildings. The maximum height of any building shall be 100 feet.
- L. Sign Limitations. See Section 25.G, General Sign Regulations. Business signs are defined under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One Freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional Freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this, it is strongly recommended that a common sign be shared by all business establishments. In addition to one Freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:
1. Freestanding signs may be erected not exceeding 45 feet in height as a permitted use and 100 feet in height as a Special Permitted Use. The sign face shall not exceed three square feet per one-foot of store frontage where the sign is to be placed, up to a maximum of 125 square feet; but in any event, 32 square feet is permitted.
  2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
  3. Roof signs may be erected provided they do not exceed the height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed three square feet per one-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
  4. Marquee signs may be erected with sign faces up to 50 square feet.
  5. Wall signs may be erected with a sign face not exceeding the larger of 20 percent of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
- M. Off-Street Parking Requirements. See SECTION 25.H. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.
- N. Other Requirements. A buffer zone is required where any Heavy Industrial District abuts a Residential District. Buffer zones shall be determined by the Planning and Zoning Commission and shall be a maximum of 50 feet in depth from the property line of a lot zoned Residential or from a street right-of-way which separates the Heavy Industrial District from a Residential District. The buffer zone shall be used for tree plantings, hedges, walls, fences or similar devices as required by the Planning and Zoning Commission and grass shall be planted and maintained in all buffer zones.

Amended May 14, 1985; Ord. No. 645; May 23, 1989, Ord. No. 716; February 26, 1991, Ord. No. 732; December 10, 1991, Ord., No. 749; October 23, 2001, Ord. No. 850; April 22, 2003, Ord. No. 864; April 22, 2003, Ord. No. 865.

**SECTION 24. M-3: INDUSTRIAL PARK DISTRICT**

**A. Intent.** This district is intended to provide opportunities for development of large tracts of land for Light Industrial uses with special considerations given to circulation, parking, utility needs, aesthetics, and compatibility with other land uses. This district is intended to include light manufacturing, processing, storage, wholesaling, and distribution operations, and other processes and operations which do not generate heavy truck traffic, do not emit significant amounts of noise, smoke, dust, or glare; and do not require large volumes of public water and sewer. Limited commercial use is allowed in this district to serve the uses for which the district is primarily intended. Sewer, water, fire protection, and other essential services shall be provided either by public utilities or approved private means.

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. Minimum Dimensional Requirements.** The minimum area for Industrial Districts shall be 20 acres. Industrial Districts of less than 20 acres are allowed provided they abut another Industrial District and the combined acreage of the districts is 20 acres or more. Different Industrial Districts such as Light Industrial, Heavy Industrial, and Industrial Park Districts may abut each other; however, the districts and uses therein must remain separate.

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

1. Wholesale, distributive businesses, and related storage yards.
2. Small business machine sales, tire sales, and service, repair and service shops, auto supply stores, carpenter and cabinet shops, household appliance repair shops.
3. Taverns, lounges, package liquor stores, and bait shops.
4. Furniture and home furnishings stores, hardware stores, household appliance stores, and interior decorating shops.
5. Plumbing shops, sheet metal shops, roofing shops, and mini-storage buildings.
6. Manufacturing or assembly plants.
7. Contractor or commercial service businesses, offices and associated repair yards.
8. Warehouses, trucking, moving and storage, and freight terminals.
9. Airports, railroads, essential public utilities, and public service installations.
10. Animal hospitals or veterinary clinics.

11. Offices and office buildings.
12. Radio or television transmitting stations, vocational or training schools.
13. Bottling plants.
14. Commercial recreation uses.
15. Parking lots.
16. Games of chance.
17. Automobile, mobile home, recreational vehicle or equipment sales.
18. Building material yard and lumberyards.
19. Dairy processing plants.

No industry or other business shall be established, maintained or operated upon this property which constitutes an annoyance or nuisance by reason of unsightliness or the emission of vibrations, smoke, dust, noise, glare, odor, fumes, or offensive effluents of any kind or character whatsoever; and no portion of said property shall be used for the manufacture, storage, distribution, or sale of materials or products which might depreciate the value of any adjoining property.

D. Permitted Accessory Uses and Structures. Uses and structures that 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:

1. Governmental services, public facilities, such as schools and child care facilities.
2. Mortuaries.
3. Grain and feed mills grain elevators.
4. Light manufacturing consisting of the processing and treatment of goods and foodstuffs, except alcohol or alcoholic beverages, fish, meat products, vinegar and yeast.
5. Concrete mixing and concrete products manufacturing plants.
6. Gasoline or service stations, car washes, and truck stop service and eating facilities.
7. Storage of Special Industrial Explosive Device(s) under 50 pounds, subject to the locally adopted Fire Code and State Building Code regulations.

F. Temporary Uses. None, other than those allowed under SECTION 25.0.

G. Minimum Lot Requirements. None.

H. Minimum Yard Requirements.

1. Front Yard - None, except for along major arterial streets there shall be a front yard of not less than 15 feet.
2. Side Yard - None.
3. Rear Yard - None.

I. Maximum Lot Coverage by Buildings. None.

J. Minimum Floor Area. None.

K. Maximum Height of Buildings. None, except as may be set forth by airport zoning.

L. Sign Limitations. See Section 25.G., General Sign Regulations.

Business signs are defined under the following types: Freestanding, Projecting, Roof, Marquee and Wall Signs. One Freestanding sign is allowed per business establishment, provided that no more than two business establishments are located on the same lot. Where more than two business establishments are located on the same lot, and an additional Freestanding sign is sought, a site plan must be submitted to the Planning and Zoning Commission for review as a Special Permitted Use. However, in multi-use establishments such as this, it is strongly recommended that a common sign be shared by all business establishments. In addition to one Freestanding sign, a business establishment may have one Projecting, Roof, or Marquee sign. Business establishments are also allowed to have a Wall sign. Limitations to business signs are as follows:

1. Freestanding signs may be erected not exceeding 45 feet in height as a permitted use and 100 feet in height as a Special Permitted Use. The sign face shall not exceed three square feet per one-foot of store frontage where the sign is to be placed, up to a maximum of 125 square feet; but in any event, 32 square feet is permitted.
2. Projecting signs may be erected with a sign face of not more than 50 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.
3. Roof signs may be erected provided they do not exceed the height restrictions or 20 feet above the top of the roof, whichever is less. The sign face shall not exceed three square feet per one-foot of store frontage up to a maximum of 50 square feet; but in any event, 32 square feet is permitted.
4. Marquee signs may be erected with sign faces up to 50 square feet.
5. Wall signs may be erected with a sign face not exceeding the larger of 20 percent of the facade to which it is attached or 60 square feet up to a maximum of 200 square feet. The sign shall not extend above the top of the wall or facade to which it is attached.

M. Off-Street Parking Requirements. See SECTION 25.H. All parking spaces must be off-street parking and located to the rear or side of any building or structure. Only customer parking will be allowed in the front of buildings or structures between street right-of-ways and the building setback line. Common or combined parking areas may be shared with loading areas or between separate firms when it can be demonstrated that this arrangement will be advantageous for efficient utilization of space. All customer parking lots must be paved upon the installation of street improvements (paving, curb and gutter) adjoining the affected property. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way.

N. Other Requirements.

1. Loading - Truck loading docks shall be constructed only on the sides or rear of any building or structure, and the traffic area around the loading docks shall be adequately surfaced. Truck loading docks shall be located so as to accommodate all trucks and trailers without requiring maneuvering or protrusion into any street during the time of loading or unloading.
2. Storage - All open storage yards shall be surfaced with gravel, crushed rock, or pavement where traffic will occur to eliminate the carrying of mud, clay, debris, etc., onto streets. These open storage areas will be for temporary placing of goods, equipment, supplies, and other materials. All open storage yards shall be enclosed with a fence at least 6 feet in height.
3. Fences - All fencing for screening, security, or other purposes shall be attractive in appearance and shall be of an industrial type of galvanized or nonferrous material. The Planning and Zoning Commission shall determine the construction of any fences required in buffer zones. No fence, masonry wall, hedge, or mass planting shall be permitted to extend into the required front yard of any lot fronting on an FAP or FAS road unless approved by the Planning and Zoning Commission.
4. Buffer Zone - A buffer zone is required where the Industrial Park District abuts a Residential District. Buffer zones shall be determined by the Planning and Zoning Commission and shall be a maximum of 30 feet in depth from the property line of a lot zoned Residential or from a street right-of-way which separates the Industrial Park District from a Residential District. The buffer zone shall be used for tree plantings, hedges, walls, fences, or similar devices as required by the Planning and Zoning Commission, and grass shall be planted and maintained in all buffer zones.
5. Landscaping - All unpaved land between the front of a building and the front property line of the property upon which said building is located shall be landscaped and grassed areas, as well as all unused or undeveloped land, all building and structures and all parking and other unpaved areas, shall be maintained at all times by the property owner in a clean, presentable, and safe condition.

Amended May 14, 1985, Ord. No. 645; February 25, 1989, Ord. No. 662; May 23, 1989, Ord No. 716; December 10, 1991, Ord. No. 749; April 22,2003,Ord. No.864; April 22, 2003, Ord. No. 865.

**SECTION 25. SUPPLEMENTARY DISTRICT REGULATIONS**

**A. Fences, Hedges, and Visibility at the Intersection of Streets.**

1. In Residential Districts no fence shall be more than seven feet in height in any rear or side yard or four feet in height in any front yard; provided further that on a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2.5 feet and ten feet above the center line grades of the intersecting streets with the triangle formed by the adjacent side lines of the two intersecting streets and the line joining points a distance of 30 feet on each side line from their point of intersection (Figure 2).
2. In Commercial and Industrial Districts, no fence shall be more than nine feet in height in any yard.

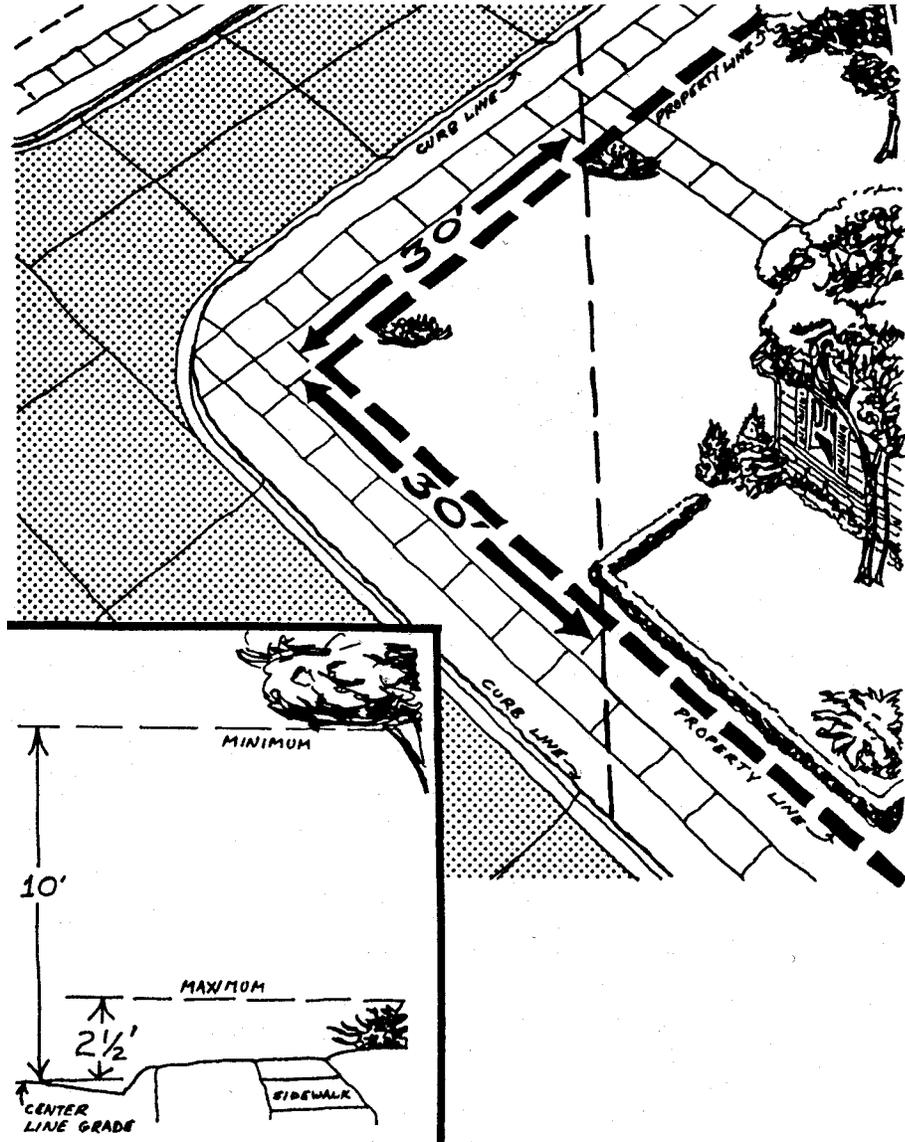
**B. Accessory Buildings.** No accessory buildings shall be erected in any required front yard. Accessory buildings may be built in a required rear yard, but such accessory buildings shall not occupy more than 30 percent of a required rear yard and shall not be nearer than three feet to any side or rear lot line, except when a garage is entered from any alley at right angles, it shall not be nearer than 20 feet to the rear lot line. No accessory building, other than a residential garage with regard to the principal building, shall be erected closer than six feet to any other building. A residential garage located closer than six feet to the principal building shall be regarded as a part of the principal building for the purposes of determining side and rear yards (Figures 3-6 show examples of setbacks for attached and detached residential garages). No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

**C. Erection of More than One Principal Structure on a Lot.** In any district, no more than one structure housing a permitted or permissible use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

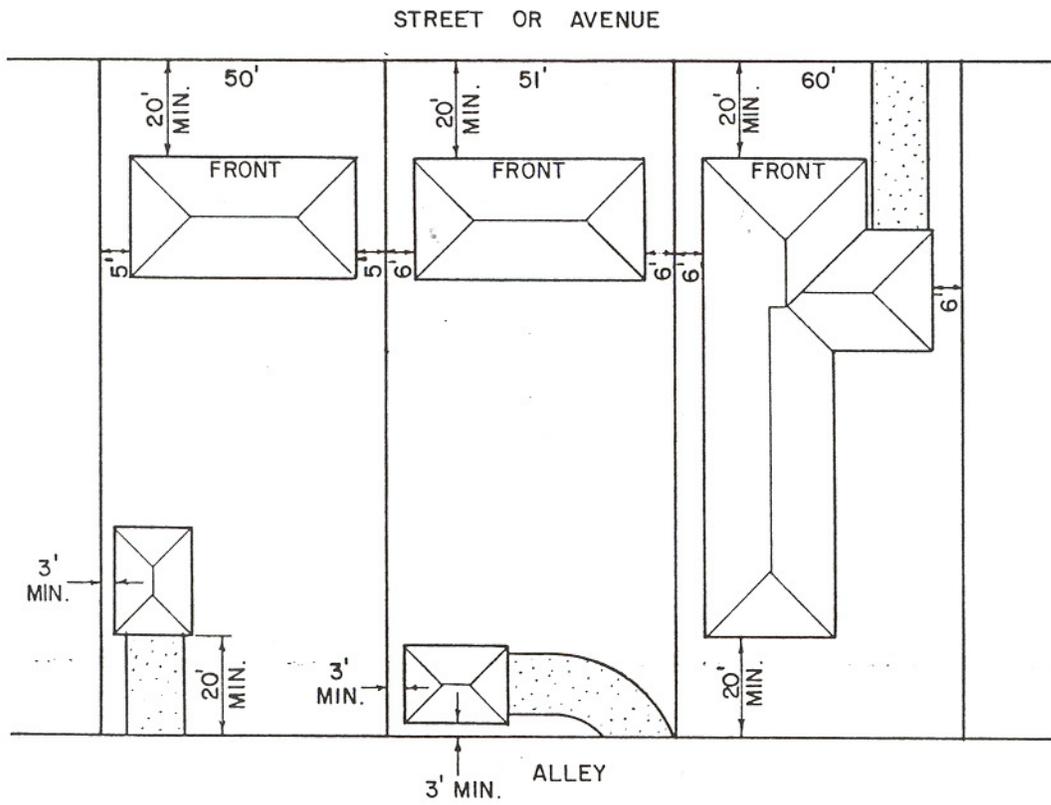
**D. Exceptions of Height Regulations.** The height limitations contained in the Schedule of District Regulations do not apply to spires, grain elevators, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Although exempted from structural height limitations, these structures should not significantly impair solar access of buildings or solar collector locations. Not an exception to height regulations are dishes for receiving of telecommunications. When placed on buildings, telecommunications dishes shall be limited to the height restrictions as placed on buildings in the district.

**E. Access to Structures.** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

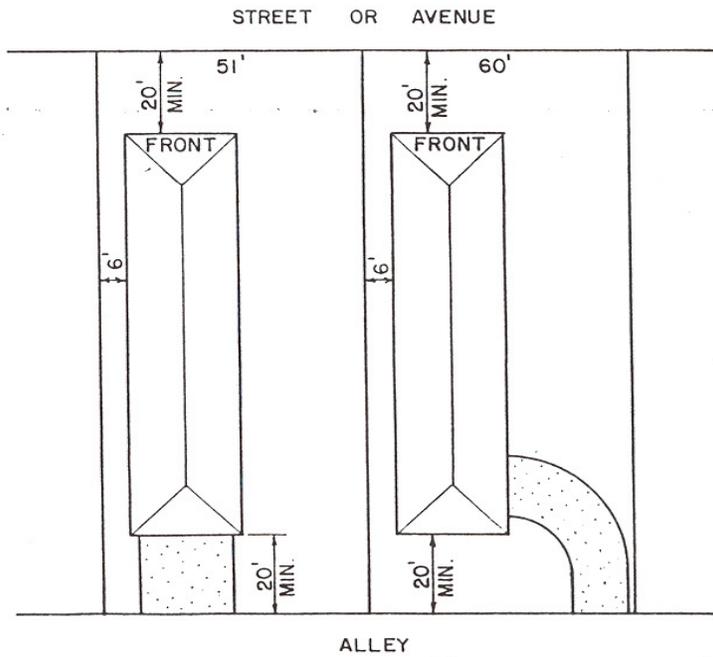
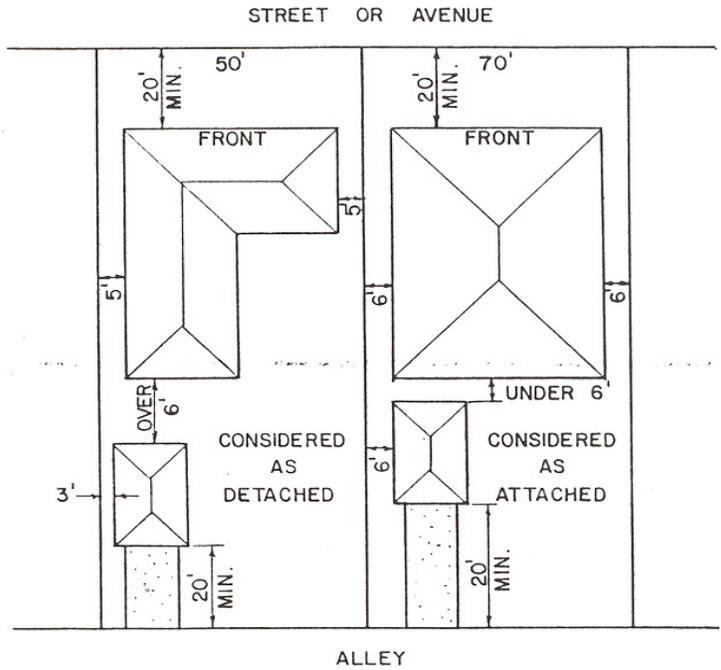
FIGURE 2.  
VISIBILITY TRIANGLE



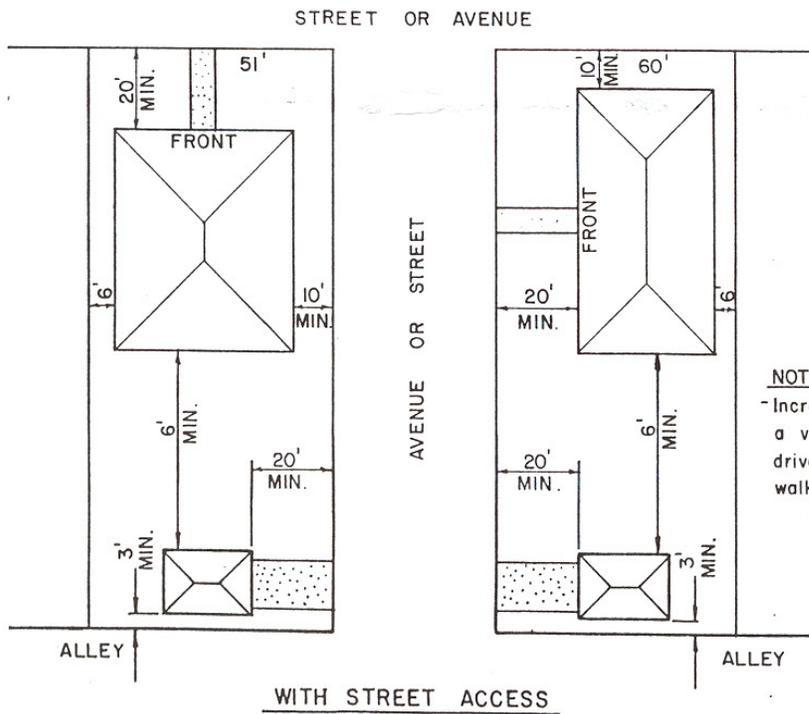
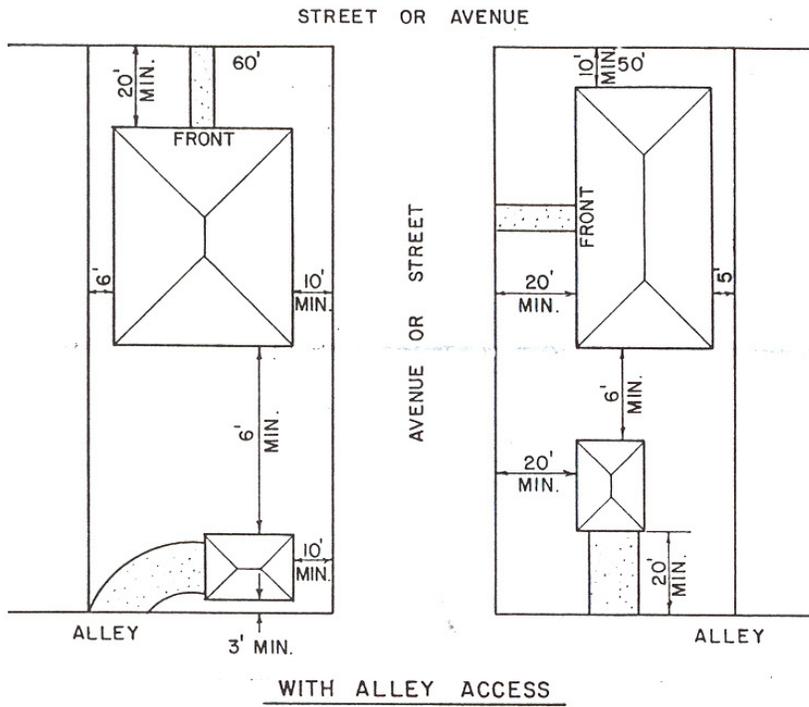
**FIGURE 3**  
**MINIMUM SETBACK REQUIREMENTS**  
**FOR INTERIOR LOTS**



**FIGURE 4.  
MINIMUM SETBACK REQUIREMENTS  
FOR INTERIOR LOTS**

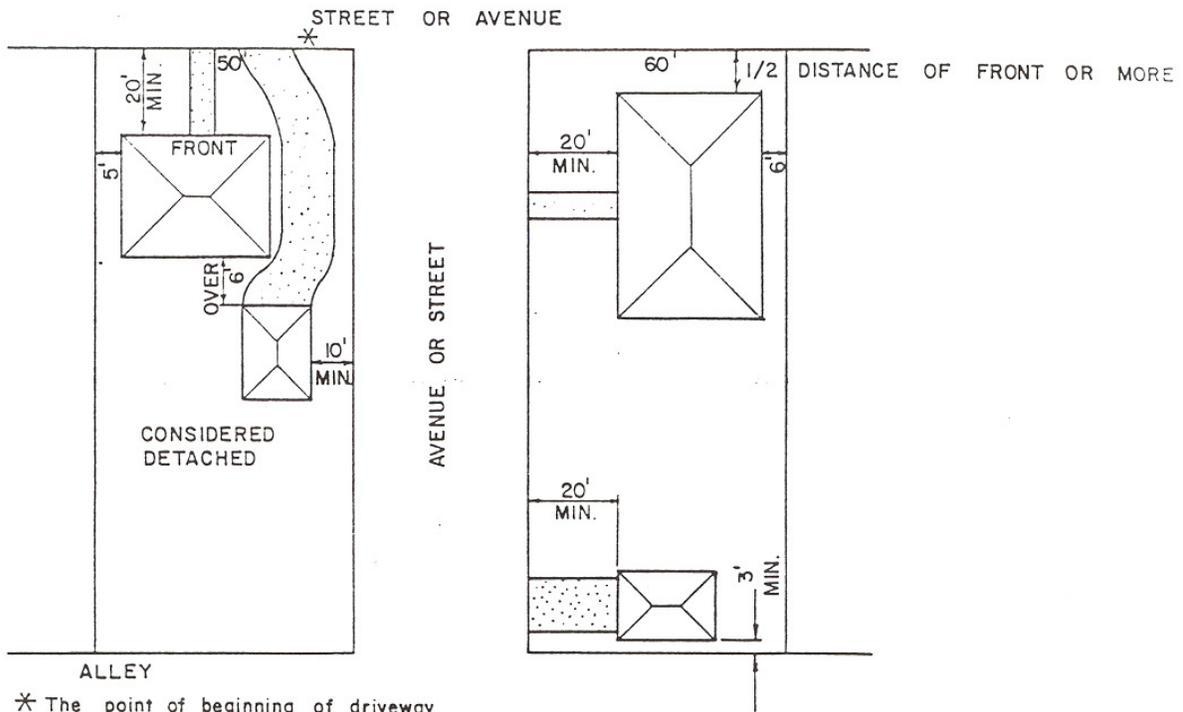


**FIGURE 5. - MINIMUM SETBACK REQUIREMENTS FOR CORNER LOTS.**



NOTE.  
 - Increase setback from street so that a vehicle could be parked in the driveway without blocking the sidewalk.

**FIGURE 6. -MINIMUM SETBACK REQUIREMENTS FOR CORNER LOTS**



\* The point of beginning of driveway must be a minimum of 20' from the point of curvature of curb.

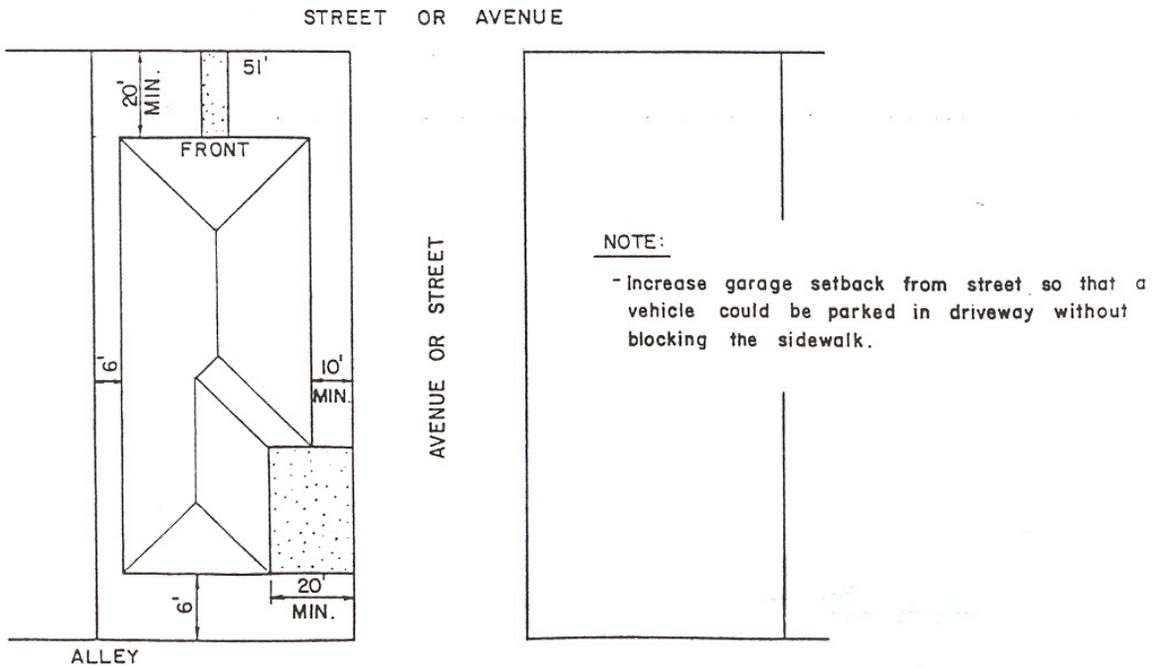
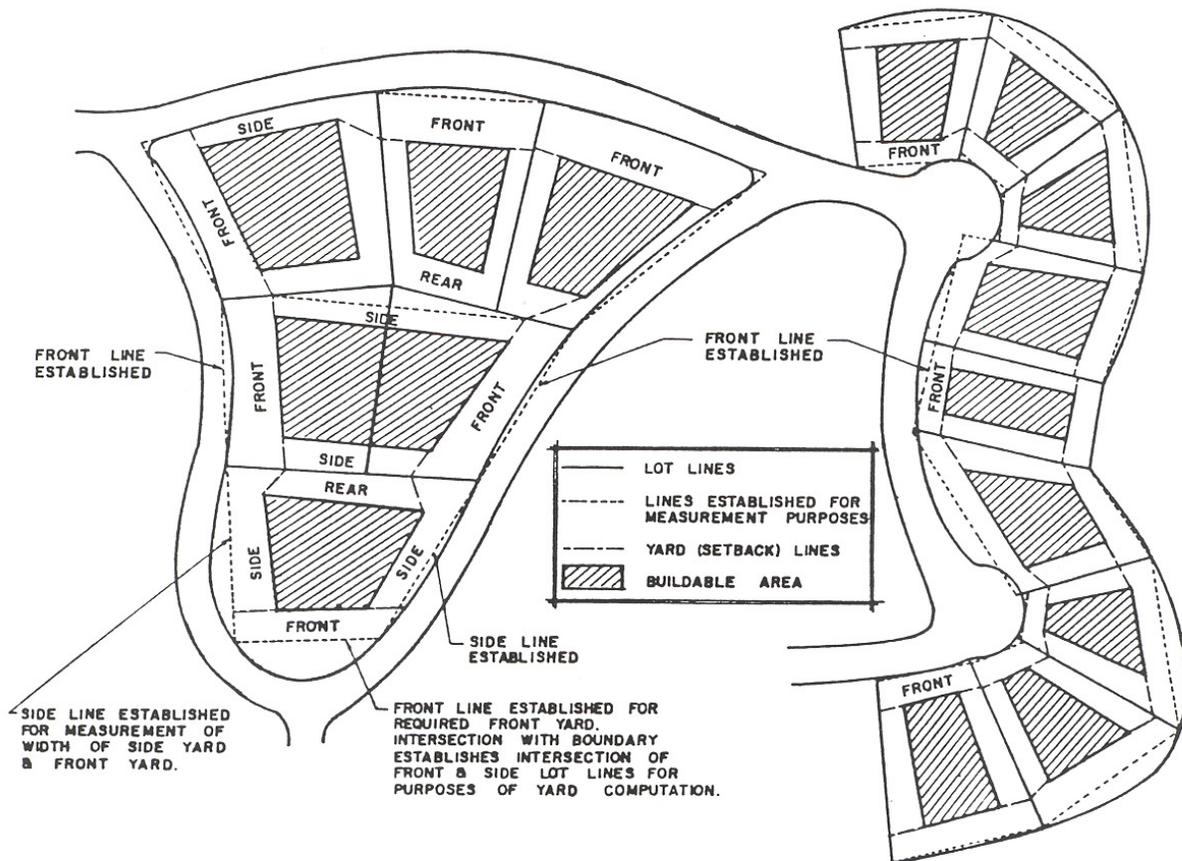


FIGURE 7. - NON-RECTANGULAR LOTS



F. Additional Yard Regulations.

1. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt course, cornices and ornamental features which are not to exceed two feet.
2. Planters not more than three feet in height may extend not more than three feet into any required yard.
3. Open-lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers and the ordinary projections of chimneys and flues may be permitted by the Building Official for a distance of not more than 3.5 feet into any side or rear yard and where the same are so placed as not to obstruct light and ventilation.

Any uncovered, open deck shall have the same rear setback requirements as provided for accessory buildings under Section 25.B. of this ordinance whether or not such deck is attached to the main building; all other setbacks shall be as follows:

Open decks may only project up to four feet into any required side or rear yard (setback), however, must not be closer than four feet to the lot line and up to six feet into a required front yard. Front yard decks shall not be higher than the first floor entrance to the building. Enclosed decks are considered part of the principal structure for determining setback requirements, including setbacks required for accessory buildings.

An apparatus needed for the operation of active and passive solar energy systems may also project into required yards, including but not limited to, overhangs, movable insulating walls and roof, detached solar collectors, reflectors, and piping.

4. Telecommunication dishes, when not placed on top of a building, shall be considered as an accessory building; and therefore, must meet setbacks required thereof.
5. A covered or uncovered porch which is placed in front of the main entrance of the principal building and which is not more than four feet wider than the entrance, may project into a required front yard for a distance of not more than six feet.
6. Where lots have double frontage, the required front yards shall be provided on both streets except in the M-3: Industrial Park District where minimum rear yard setback for double frontage lots shall be 12 feet from the property line.
7. The front yards heretofore established shall be adjusted in the following cases:
  - a) Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

- b) Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required then: Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on each side; or, where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
8. Front, side, and rear yards on interior, corner, reversed frontage, and through lots of nonrectangular shape shall be identified and measured in accordance of Figure 7.
9. Required setbacks for additions to existing principal structures shall be in accordance with established setback lines; however, a minimum of three feet must be maintained.
10. Parking and construction for townhouses and condominiums shall be in accordance to the development proposal as submitted to and approved by the City and shall meet covenants which are on the property. Parking and driveways shall not be located in required front yards except where garages have been provided for in the development proposal.

G. General Sign Regulations: The purpose of this subsection is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and general welfare; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this ordinance.

1. A sign shall mean any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product designed to convey information visually and which is exposed to public view. For purposes of this ordinance, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The types of signs included in the definition of a sign are described in SECTION 31. DEFINITIONS.

The following shall not be included in the application of the regulations herein:

- a. Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- b. Flags and insignia of any government, except when displayed in connection with commercial promotion.

- c. Legal notices, identification information, or directional signs erected by governmental bodies.
  - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
  - e. Signs directing and guiding traffic, and parking on private property, but bearing no advertising matter.
2. Unless specified herein no person shall erect, alter, reconstruct, or relocate any sign without first obtaining a sign permit for such work from the Building Official. No permit shall be issued until the Building Official determines that such work is in accordance with the requirements contained in this ordinance and the Uniform Sign Code, 1997 or later editions except where amended by this ordinance. When a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Building Official.
3. Except as otherwise provided, signs permitted shall be as enumerated in the district regulations, SECTION 7-24.
4. When any sign becomes unsafe or is unlawfully installed or maintained in violation of this ordinance, the owner shall be notified to bring the sign back into compliance with this ordinance.
5. Any sign display surface that no longer advertises a bona fide business being operated; or product, activity or campaign that has been discontinued for a period of 12 months or becomes irrelevant because of the movement of a business shall be removed by the owner, agent, or person having beneficial use of the building structure or lot upon which the display surface may be found upon notification by the Building Official.
6. It shall be unlawful to erect or maintain:
  - a. Any sign which is not included under the types of signs permitted in district regulations or in this subsection.
  - b. Any sign, outdoor commercial advertising or lighting device such as a beacon light, constituting a nuisance because of lighting glare, focus, animation, or flashing.
  - c. Any sign which conflicts in any manner with the clear and obvious appearance of public signs and devices controlling traffic.
  - d. Any sign projecting more than ten feet over a street, alley, or other public space, or closer than two feet to the curb line of any public street or alley, or less than nine feet above any street, alley, or public space.

- e. Any notice, political poster or handbill, advertisement or any other sign upon any power or telephone pole, bridge, fire hydrant, official public sign, or in any portion of a public right-of-way.
  - f. Any ground sign on public property except by approval of the City Commission.
7. The following temporary signs are allowed without a permit:
- a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, such sign shall not exceed six square feet in area in Residential Districts and ten square feet in area in other districts.
  - b. Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress, such signs shall not exceed 16 square feet in area in Residential Districts and 32 square feet in other districts.
  - c. Roadside market signs advertising produce grown and sold on the premises on which they are located, such signs shall not exceed 32 square feet in area or be displayed for a period exceeding six months of any calendar year.
  - d. Political advertising signs in a Residential District; such signs shall not exceed 32 square feet in area.
  - e. Garage or rummage sale signs; such signs shall be placed on private property and shall not exceed two square feet.
8. Billboard shall be allowed only in M-1: Light Industrial and M-2: Heavy Industrial Districts as permitted uses and in the C-2: General Commercial District as special permitted uses and only if they conform to the following provisions:
- a. The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of, or in control of, said billboard.
  - b. No billboard shall be erected, altered, constructed, reconstructed, or moved until an application and plans shall have been filed with and approved by the Building Official as to size, location, and construction.
  - c. Billboards shall not exceed 45 feet in height above ground.
  - d. The owner, lessee or manager of such billboard, and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.
  - e. No billboard shall exceed 700 square feet in area (on a single face).

- f. It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
    - i) Obstruct the view of street or railroad crossings.
    - ii) Be unable to stand a pressure of at least 30 pounds per square foot of advertising surface.
    - iii) Be dangerous to the public by falling or blowing down.
    - iv) Increase the danger or loss by fire or to increase fire insurance rates.
  - g. Billboards hereafter erected, constructed, reconstructed, altered, or moved in the City shall be constructed in accordance with the requirements of the Uniform Sign Code, 1997 or later editions, except as amended by this ordinance.
9. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs, or societies may be erected not exceeding 30 feet in height. The sign face shall not exceed 32 square feet and the maximum total area of all sign faces shall be two times the maximum permitted size per sign face. The signs or bulletin boards shall be located on the premises of such institutions.
10. Specific sign regulations are included in each of the districts created under this ordinance (Sections 8-17 & 19-24). Where proposed signs in these districts exceed the established size limitations or do not meet other requirements, they may be reviewed as a special permitted use and may be approved if they conform to the following:
- a. No such sign shall be erected, altered, constructed, reconstructed, or moved until an application and plans shall have been filed with the Building Official as to size, location, and construction.
  - b. Neighboring property owners which may be impacted by signs shall have given a simple majority concurrence to the size and placement of such signs indicating that the sign will not obstruct their business or signs, or in the case of neighboring residential areas, will not create a nuisance. At minimum, those properties within 150 feet of the sign shall have given the simple majority concurrence.
  - c. No sign shall obstruct the view of street or railroad crossings.
  - d. Other considerations shall be taken such as the size of the lot, number of existing signs, the size of existing signs, and other pertinent factors.
  - e. Such sign shall be compatible with other signs in the district.

- f. The Planning and Zoning Commission shall review the sign application with regards to the above criteria and shall either approve or disapprove the application.
11. No portable sign shall be placed on the premises of an establishment without the owner of the sign first obtaining a Sign Permit from the Building Official. The Sign Permit shall be valid for a period of one year, and shall be renewable for consecutive annual periods upon inspection by the Building Official. The City Commission shall, by Resolution, establish a fee to be paid prior to the issuance of a permit and at each consecutive renewal period.

No person shall place a portable sign on an establishment or allow upon their establishment a portable sign which does not meet the following provisions:

- a. One portable sign per business establishment is allowed and shall be placed on the premises of that establishment or on leased or rented space off the premises.
- b. The face of the portable signs shall not exceed 32 square feet, except the face of any portable sign located on a lot or lots of not less than 100 feet of frontage per business establishment, shall not exceed 60 square feet and the overall height shall not exceed nine feet. For purposes of this section "business establishments" shall mean each individual business and "frontage" is the footage of property abutting the street or streets.
- c. Signs shall not be placed on right-of-way, nor shall they obstruct view at an intersection.
- d. Portable signs must be securely anchored but not permanently affixed to the ground. No portable signs may be fastened to a building, elevated above ground level, placed on or affixed to poles, or placed on top of a building. Portable signs are not considered permanent, and therefore, are not a part of the permanent allowable signage of a business establishment.
- e. If signs are to be lighted, the electrical hookup shall be provided in such a manner as to not be a life or safety threat.
- f. Signs shall maintain an identification sticker on the lower right corner. The sticker shall be supplied by the Building Official.
- g. Signs must be properly maintained as to be clean and in good working order and repair.
- h. Signs may be allowable in Residential Districts for a period not to exceed 48 hours, for special announcements or recognition purposes, and not for business advertising.

Any owner of portable signs renting such signs on a regular basis may permit their signs for use at various business establishments. The application for the permit shall be made to the City Building Official and the permit fee, as established by Resolution by the Board of City Commissioners, shall be paid prior to the issuance of the permit and at each renewal period.

A monthly report shall be provided to the Building Official for each sign licensed in this manner. The report shall include the following:

- a. The name and address of the owner of the sign.
- b. The present location of the business establishment renting each sign permitted.
- c. The dates for which the sign has been rented.

H. Off-Street Parking Requirements.

Except in Parking Lot District No. 5 (Figure No. 9) of the City of Williston, no building shall be erected, enlarged to the extent of increasing the floor area, or changed in use unless there is provided on the lot, space for parking of automobiles as specified below. When sufficient off-street parking cannot be provided on the same lot or a lot contiguous to the principal use because of unique circumstances, an arrangement can be made to provide off-street parking on a noncontiguous lot. Such parking arrangements shall be considered by the Planning and Zoning Commission on a case-by-case basis. The Planning and Zoning Commission may grant permission to provide parking on a noncontiguous lot provided traffic or land use problems are not created, and a long-term agreement can be negotiated so the required off-street parking is maintained as long as the principal use exists.

The Planning and Zoning Commission may allow sharing of required off-street parking by two separate uses provided the normal peak parking times of the two uses do not coincide. Only the off-street parking spaces not normally used by the off-peak use shall be counted as off-street parking for the peak use. Each use shall have the total required off street parking available during their respective periods of peak parking use. A long-term agreement shall be negotiated whereby uses are bound to the establishment and maintenance of the shared off-street parking.

If it can be demonstrated by the property owner through market studies or other means that the required off-street parking is excessive and a lesser requirement justifiable, the Planning and Zoning Commission may consider reducing the number of required spaces. When off-street parking requirements cannot be met by a diminutive amount, the Planning and Zoning Commission may consider a waiver of the diminutive number of spaces, provided the waiver would not cause a recognizable impact on traffic or adjacent land uses.

Parking area shall be so designed that vehicles may enter, circulate, park, and exit in a convenient and orderly fashion. Required off-street parking shall be provided in such a manner that vehicles do not encroach on a public right-of-way. The minimum size of each parking stall shall be, 9.5 feet by 18.5 feet, exclusive of aisle width. For any parking area of six or more cars, a suitable means of turnaround must be provided at maximum design capacity so no vehicle shall back onto public streets or alleys. Minimal dimensional requirements for the design of parking area are shown in Table 1 and on Figure 8.

In Parking Lot District No. 5 of the City of Williston, any use which is expanded or converted to another use requiring additional parking shall meet the following requirements:

1. Provide the number of parking spaces which is required of the particular use as stated herein, or;
2. Contribute a set fee to the Parking Authority (the amount to be determined by the Parking Authority) but not to exceed 5 percent of the construction costs of the new or expanded use. The Parking Authority will use this fee to provide additional parking in the district to meet the needs of the public.

Reference herein to "employee(s) on the largest shift" means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

The term "capacity", as used herein, means the maximum number of persons which may be accommodated by the use as determined by its design or by building or fire code regulations, whichever is greater.

**TABLE 1 - PARKING LOT REQUIREMENTS FOR 9.5 FOOT STALLS AT VARIOUS ANGLES**

<u>DIMENSION</u>	<u>ON DIAGRAM</u>	<u>MINIMUM DIMENSIONS (feet)</u>			
		<u>45°</u>	<u>60°</u>	<u>75°</u>	<u>90°</u>
Stall Width, parallel to aisle	A	13.4	11.0	9.8	9.5
Stall Length of Line	B	25.0	22.0	20.0	18.5
Stall depth	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	11.0	15.0	22.0	25.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, edge of pavement to interlock	F	44.8	51.5	60.3	62.0
Module, interlocking	G	42.0	50.0	60.0	62.0
Module, interlock to curb face	H	42.8	49.2	57.8	59.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J.	6.3	2.7	0.5	0.0
Side and rear yard setback	K	Residential & C-1 Districts: 5 feet Other Districts: None			
Cross aisle, one-way	L.	14.0	14.0	14.0	14.0
Cross aisle, two-way	-	24.0	24.0	24.0	24.0
Front yard setback	M	As required for building in all districts except C-3. C-3 Districts: None			
Setback from principal building	N	Residential Districts:		10 ft.	
		Other Districts:		5 ft.	
Front lot line to drive (landscape area)	O	Residential & C-1 Districts: 10 ft Other Districts: None			
Side and rear lot line to drive (landscape area)	P	Residential & C-1 Districts: 5 ft. Other Districts: None			

FIGURE 8.  
PARKING LAYOUT DIAGRAM

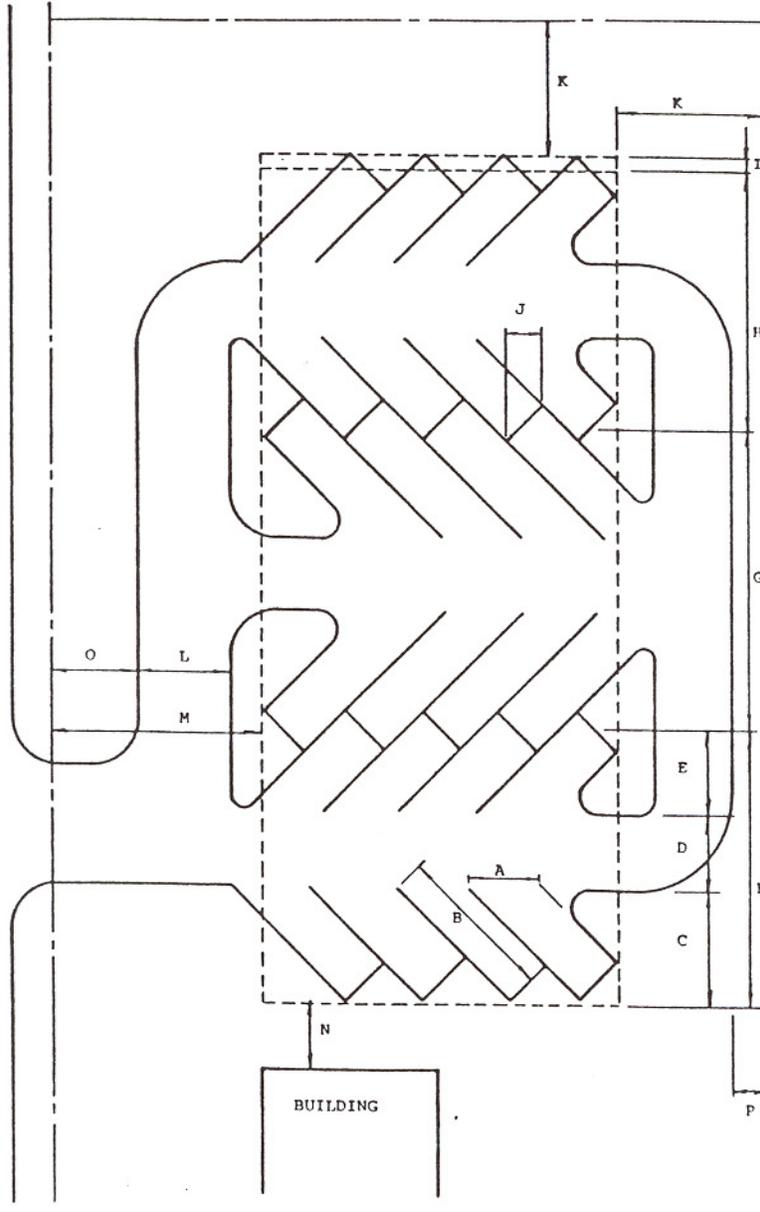
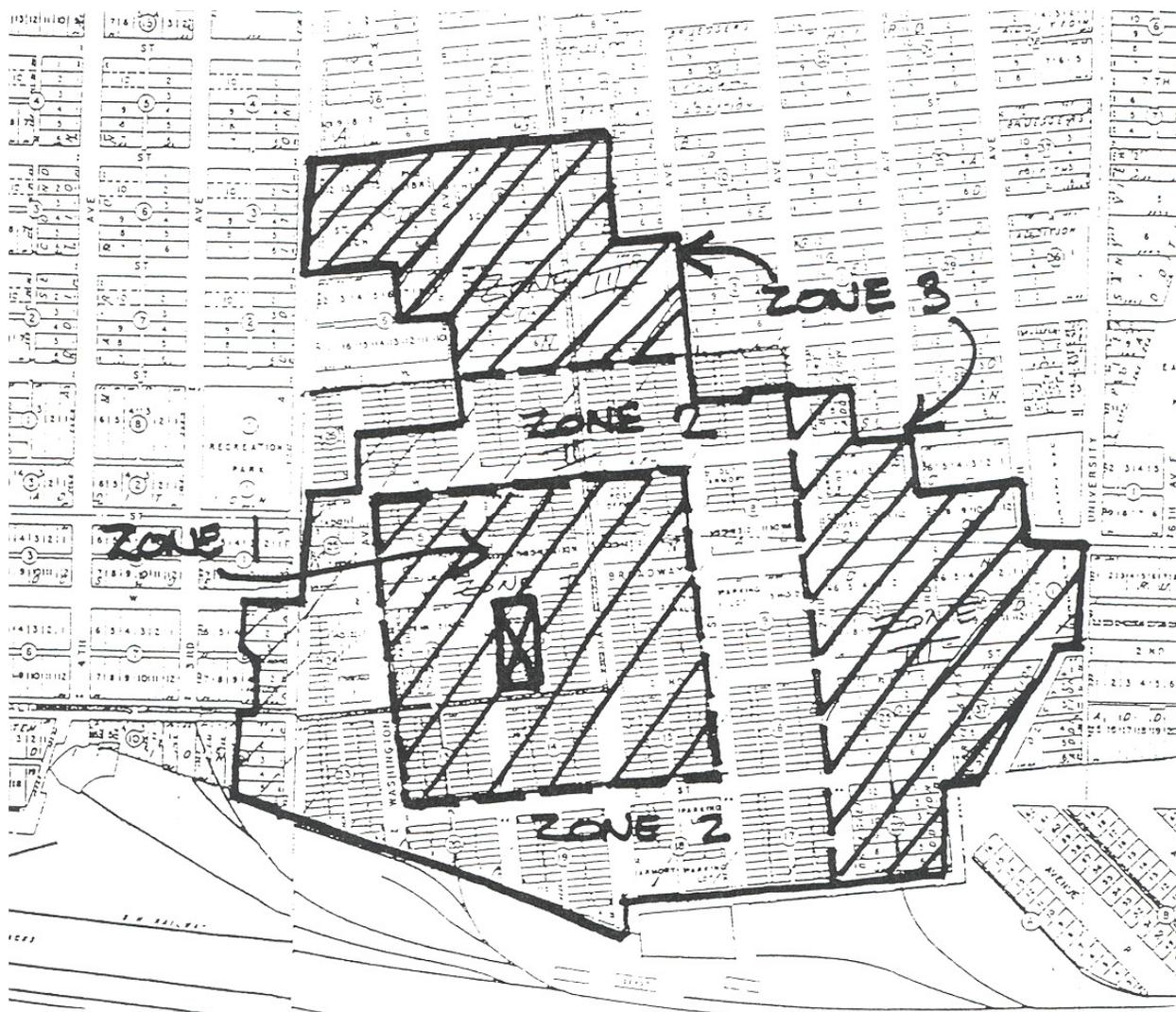


FIGURE 9 - PARKING DISTRICT NO. 5



Any use not specifically mentioned below shall meet the requirements for uses most clearly related as determined by the Building Official.

The number of off-street parking spaces which shall be required are as follows:

1. Agricultural Support Uses - One space per employee on the largest shift, plus one space per 200 square feet of gross floor area provided for customer sales and service operations.
2. Residential Uses:
  - a. Single-Family and Multi-Family Dwellings - Two spaces per dwelling.
  - b. Efficiency Apartment Units - One space per dwelling unit.
3. Institutional, Recreational, and Special Residential Uses:
  - a. Camps (Day or Youth): One space per employee on the largest shift, plus one space per camp vehicle normally stored on the premises.
  - b. Church: One space per four seats of maximum capacity.
  - c. Community and Recreation Center: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, plus one space per employee on the largest shift.
  - d. Day or Nursery School, Child care Facility: One space per teacher/employee on the largest shift, plus one space per ten students for loading and unloading.
  - e. Group Dwellings, Fraternity or Sorority, Boarding or Lodging Houses: One space per bedroom or sleeping room, unless it can be demonstrated that occupants will not be driving.
  - f. Libraries and Museums: One space per 350 square feet of floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest shift.
  - g. Monasteries, Convents: One space per six residents, plus one space per employee on the largest shift, plus one space per five chapel seats if the public may attend.
  - h. Nursing Homes: One space per six patient beds, plus one space per employee on largest shift.
  - i. Schools:
    - i) Elementary and Junior High: One space per teacher and staff member.

- ii) Senior High: One space per teacher and staff member on largest shift, plus one space per five non-bused students.
    - iii) College, Trade and Vocational: One space per staff member of the largest shift, plus one space per four students of the largest class attendance period.
  - j. Swimming Facility: One space per 100 square feet of gross water area, plus one space per employee on the largest shift.
  - k. Tennis, Racquetball, Handball Courts - Two spaces per court, plus one space per employee on the largest shift.
  - l. Bowling Alley: Three spaces per lane, plus one space per employee on the largest work shift.
  - m. Marina: One and one-half spaces per berth. At least 10 percent of the space must be large enough to accommodate cars with trailers.
  - n. Miniature Golf: One space per hole, plus one space per employee on the largest work shift.
  - o. Outdoor Theater: One space per four patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capacity.
  - p. Skating Rink, Ice or Roller: One space per 300 square feet of gross floor area.
  - q. Health Club: One space per 100 square feet of gross floor area, plus one space per employee on the largest shift.
  - r. Golf Courses: Five spaces per hole.
  - s. Other Commercial Recreational Uses: One space per four patrons to the maximum capacity of the facility, or one space per 250 square feet of gross floor area, whichever is more appropriate.
4. Commercial and Entertainment Uses, Except as Specifically Designated Below: One space per 250 square feet of gross floor area of customer sales and services, plus one space per 250 square feet of storage and/or office gross floor area.
- a. Banks: One space per 400 square feet gross floor area, plus five spaces off-street waiting (loading) spaces per drive-in lane, plus one space per employee on the largest shift.
  - b. Eating and Drinking Establishments: One space per four patron seats or one

space per 100 square feet of gross floor area, whichever is greater, plus one space per employee on the largest shift.

- c. Fast Food Establishments:
  - i) With Seating: One space per three patron seats, plus one space per employee on the largest shift.
  - ii) Without Seating: One space per 200 square feet of gross floor area, plus one space per employee on the largest shift.
- d. Funeral Home: One space per four patron seats or 25 spaces per chapel unit, whichever is greater.
- e. Grocery or Supermarket: One space per 200 square feet of gross floor area or customer sales and service, plus one space per 200 square feet gross floor area of storage.
- f. Hospital: One space per three patient beds, plus one space per staff doctor and per employee on the largest shift.
- g. Hotel or Motel: One space per room or suite, plus 50 percent of the spaces otherwise required for accessory uses, e.g. restaurants and bars.
- h. Private Clubs and Lodges: Required parking spaces are to be determined by the specific uses associated with the facility.
- i. Repair Services: A minimum of three spaces shall be provided for the first 2,000 square feet of gross floor area, plus one additional space for each 1,000 square feet of gross floor area thereafter, plus one space per employee on the largest shift.
- j. Furniture and Home Furnishings Stores: One space per 1,000 square feet of gross floor area.
- k. Self-Service Laundry: One space per four machines.
- l. Assembly or Exhibition Hall, Sports Arenas, Theaters, and Auditoriums: One space per five patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by a facility's providing written proof that it has the use of a nearby parking lot available to its patrons, e.g. by contractual agreement.
- m. Taverns, Dance Halls, Night Clubs, and Lounges: One space per 50 square feet of gross floor area, plus one space per employee on the largest shift.
- n. Vehicle Sales: One space per 1500 square feet of gross floor area.

- o. Vehicle Repair and Maintenance Services: One space per 400 square feet of gross floor area, plus one space per employee on the largest shift.
  - p. Games of Chance Operations: One space per three patron seats.
5. Office Uses, Except as Specifically Designated Below: One space per 250 square feet of gross floor area, plus one space per employee on the largest shift.
- a. Beauty and Barbershops: Two spaces per operator, plus one space per employee on the largest shift.
  - b. Medical Offices and Clinics: Five spaces per doctor, plus one additional space per employee on the largest shift.
6. Industrial Uses, Except as Specifically Designated Below.  
One space per employee on the largest shift, plus one space per company vehicle regularly stored on premises.
- a. Veterinary Office: Three spaces per doctor, plus one space per employee on the largest shift.
  - b. Adult Entertainment Center: One space per employee on the largest shift, plus one space per 150 square feet of gross floor area.
7. Nursery Uses: One space per employee on the largest shift, plus one space per 500 square feet gross floor area of inside sales or display.
8. Handicapped Parking: All parking lots must have a minimum of one designated handicapped space for each 50 required parking spaces. Each handicapped parking space shall be a minimum of 12 feet by 18.6 feet and shall be properly striped, signed, and posted.

Property within R-1,R-2,R-3,R-4,R-5,R-6,R-7,C-1,C-2 and C-3 zoned areas of the city limits accessing a paved street or alley must pave with a hard surface all parking areas, whether used for temporary or long-term vehicle storage, driveways and driving aisles for all new construction or any property change in use or expansion which results in increased parking demand or when required as a special permitted use or as required by state or federal law. Property located in M-1, M-2 and M-3 zoned areas of the city limits accessing a paved street or alley must pave, with a hard surface, all driveways accessing the building and/or employee parking lots. Other driveways accessing the property from paved streets or alleys must be paved with a hard surface from the street surfacing to the property line and all traffic aisle width into the property a minimum of 20 feet in length. All long-term vehicle storage which directly access a public street or hard surface alley by a driveway or driving aisle shall have an approved surface. All required lot surfacing shall be done at the time the occupancy permit is issued unless a letter of credit, certified check, or other sufficient surety is placed with the city guaranteeing performance of the paving. All parking spaces and required parking lots must be individually designated through painting or signing.

In order to prevent the establishment of a greater number of parking spaces than actually needed to meet the particular needs of those large uses over 250,000 square feet of gross floor

area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

1. A maximum reduction of one parking space per every 1000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The land development plan shall indicate the location and dimensions of the parking area provided.
2. Sufficient area must be reserved to provide for the total number of off-street parking spaces required by SECTION 25.H. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. This reservation shall be provided for by deed-restricting that portion of the site required to provide for the total number of parking spaces on the same property as is being proposed for development. The reserved parking area shall not include areas for required bufferyards, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this ordinance. The developer shall provide a landscaping plan for the reserved area.
3. The developer shall enter into written agreement with the City of Williston that the additional parking spaces, up to the total spaces required, shall be provided at the owner's expense should the Building Official determine that the required parking spaces are necessary to satisfy the needs of the particular use pursuant to the standards imposed by this ordinance.

I. Off-Street Loading Requirements. No building or structure other than residences shall be erected, nor shall any existing building or structure be altered in any use district without prior provision for off-street loading space in conformance with the following minimum requirements:

1. Required off-street loading space shall be provided in berths which conform to the following minimum specifications:
  - a. Type "A" loading spaces shall be at least 160 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions.
  - b. Type "B" loading spaces shall be at least 30 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions.
  - c. Type "C" loading spaces shall be located in the rear of a lot and utilize part of any adjacent alley. The building setback shall be a minimum of five feet from the property line along the alley for the entire width of the lot.
2. The following types of berths shall be provided for the specified uses; these uses shall include all structures designed, intended, or arranged for such use:
  - a. Type "A" loading spaces: Manufacturing or wholesale establishments, warehouses, freight terminals, department stores, and food markets.
  - b. Type "B" loading spaces: Auditoriums, assembly halls, schools, hospitals,

nursing homes, office buildings, hotels, and motels.

- c. Type "C" loading spaces: Retail establishments, restaurants, funeral homes, and commercial establishments not otherwise specified.
  3. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above-mentioned use which, in the opinion of the Building Official, is most similar.
  4. When any proposed structure will be used concurrently for different purposes, the larger berth size shall be required.
  5. The off-street loading facilities required for the uses mentioned in this section shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.
  6. No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street, except in the case of Type "C" berths. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front, side, or rear yard may be used for loading unless otherwise prohibited by this ordinance. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the Building Official.
  7. The Building Official may modify the off-street loading requirements as they apply to any individual case only for good cause, and he shall set reasonable safeguards and conditions to insure that any such modification conforms to the intent of this title. Modification may be granted if it is demonstrated to the satisfaction of the Building Official that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.
  8. The owners of the property shall provide, locate, and maintain loading signs as specified by the Building Official. Such signs shall not be counted against otherwise allow sign area.
- J. Lots not Served by a Water Supply System and a Waste Water Treatment Plant: A lot not served by a water supply system and a waste water treatment plant as defined in this ordinance, shall have a minimum lot area of one-half acre, except where a more restrictive minimum lot area is set forth in the district regulations.
- K. Pools. Any body of water in an artificial or semi-artificial receptacle or other container located outdoors which is constructed below grade shall be required to obtain a building permit and shall be enclosed with a tight fence of wood or other smooth material, or a chain link fence, not less than eleven gauge. Such fence shall be a minimum of six feet in height. Fences shall be placed within one-half inch of the ground. Openings into the pool areas shall be only through a self-closing and self-locking gate. Residential district swimming pools shall be allowed in side and rear yards only. Side and rear yard setbacks shall be a minimum of six feet and a minimum setback of ten feet shall be maintained between the swimming pool and the principal structure.

Any body of water in an artificial or semi-artificial receptacle or other container located

outdoors which is constructed in such a manner as to permit a water depth of more than eighteen inches above grade shall be either enclosed with a fence as required above, or shall be covered with a tight fitting cover, securely fastened as to prevent entry into the water when not in use.

L. Rock Crushers, Concrete and Asphalt Mixing Plants, Sand and Gravel Pits, or any other such Excavating or Surface Mining. The uses as set forth in this section shall be permitted in an Agricultural District, providing the following requirements are met:

1. When the application is filed, the applicant shall provide a plan showing the land proposed for excavation. This plan shall show the contours of the land on at least five-foot contour intervals, any improvements thereon and to a distance of 300 feet in all directions from the subject.
2. Concurrent with the above, the applicant shall also provide a plan showing the contemplated changed condition of the land due to the excavation. This plan must include the contemplated reuse of the land, what recovery of the land is planned and the contours on at least five-foot intervals.
3. No excavation or processing of excavated materials shall be permitted nearer than 30 feet to the boundary of adjacent property nor nearer than 125 feet to any existing residence, unless by written agreement that the owner or owners of such adjacent property consent to a lesser distance. The Planning and Zoning Commission may set a greater distance than above mentioned when, in their opinion, it is justified.
4. The Planning and Zoning Commission shall specify the degree of slopes of banks for all excavation, the depth of and the distance from any public structure when excavations are made in or near streambeds. When excavations are near or adjacent to irrigation canals or ditches, the applicant shall secure a written agreement from the ditch company or from officials responsible for the canals or ditches indicating their determination as to setbacks from public right-of-way.
5. Sand gravel shall be excavated in such a manner so as to assure the convenient restoration of the land and to hold to a minimum any adverse effects to adjacent land as a result of piling or storing the overburden materials.
6. The sand and gravel shall be excavated in such a manner so as to leave an average of two feet of undisturbed sand and gravel, as evenly as possible, over the entire excavation tract; to provide a water bearing strata for any existing ground water; and more, if the Planning and Zoning Commission deems necessary.
7. After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He then shall spread evenly the topsoil to a minimum depth of 18 inches. The topsoil shall be spread last so as to produce a new surface for the purpose of growing crops, trees, shrubs, etc. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
8. An excavation operation shall maintain haulage roads within the premises covered by

the permit and such roads shall be kept in a reasonably dust-free condition when said dust would be injurious to bordering premises. The Planning and Zoning Commission shall specify the conditions in each instance to insure this requirement. The hours of operation, unless otherwise specified by the Planning and Zoning Commission, shall be from 6 a.m. to 10 p.m., unless a national emergency arises or special permission is granted.

9. Rock crushers, and concrete and asphalt mixing plants may be permitted, providing the Planning and Zoning Commission finds that the following facts prevail:
  - a. The use is accessory to the sand and gravel operation.
  - b. In the finished product the operator uses the product of the sand and gravel pit on which the operation is proposed. The Planning and Zoning Commission may set out additional conditions under which these operations may be permitted and the said conditions may vary by location due to abutting land uses.
10. The operator of any excavation shall post a bond in the form prescribed by the Williston City Commission in a sum equal to the number of acres covered by the permit, multiplied by \$500 to insure full compliance with all of the terms and conditions of the permit and the rules and regulations set forth by the Planning and Zoning Commission pertaining to extraction and processing. The minimum amount of such bond shall be \$1000 and the maximum amount \$25,000. The Williston City Commission shall have the power and authority to provide for an alternative method of indemnifying the City in lieu of the posting of the bond herein mentioned.
11. The operator shall furnish evidence that he is insured to the extent of not less than \$50,000 against liability for any negligent act or omission arising from the operation or maintenance of an excavation and all activities connected with or incident thereto.
12. Prior to the granting of a permit, the property shall be posted for a period of 30 days. This posting shall consist of a sign or signs, the number of which shall be determined by the Building Official, of a size three feet by four feet, posted four feet above grade, with lettering not less than two inches in size, placed in conspicuous locations visible from the public right-of-way.
13. At least 15 days prior to the hearing, the Building Official shall, by registered mail, send notice of the hearing to all property owners within one-half mile of the proposed excavation.
14. To defray the cost of posting the property and determining property owners to whom notice must be sent, there shall be collected a fee of \$25.
15. Upon the granting of a permit by the Board, the following fee schedule shall apply:

One acre or less	\$200
More than one acre to and including two acres	\$300
More than two acres to and including three acres	\$400
More than three acres to and including four acres	\$500
More than four acres to and including five acres	\$600
More than five acres to and included ten acres	\$1000
In addition, land in excess of ten acres (per acre)	\$25

16. The above fee schedule shall apply to each individual ownership of land which is included in the operation.
17. All permits shall be in full force for a period of five years from the date of issuance thereof unless a shorter time is set by the Planning and Zoning Commission. Such temporary permits may be renewable by the Planning and Zoning Commission for the same period of time or less, without further notice, hearing, or posting of the property involved; provided, however, that the operator has complied with all the terms and conditions of the original permit. A renewal of a permit shall be considered as a new permit with respect to fees.
18. The Planning and Zoning Commission shall have the power to cancel permits upon proof of violation of any of these regulations.
19. Rock crushers, concrete and asphalt mixing plants, sand and gravel operations or any other such excavations which are temporary operations (six months or less) shall not be subject to any of the regulations of this section, except they shall be required to obtain a permit from the Planning and Zoning Commission.

M. Oil and Natural Gas Drilling. Oil and natural gas drilling shall be permitted in a M-2: Heavy Industrial or A: Agricultural District, providing the following requirements are met:

1. The regulations and statutes provided for in Chapter 38-08, North Dakota Century Code, shall be followed by any person desiring to drill a well for oil and natural gas within the City of Williston or the one-mile extraterritorial jurisdiction.
2. An application must be filed with the City Building Official. The application shall consist of two drill site development plans. The first plan shall be a drill site development plan covering and including that phase of the oil well operation including drilling operations, and shall include the following information:
  - a. Written legal description.
  - b. Scale drawing of the property and appropriate dimensions.
  - c. Scale, north arrow, date, and legend.
  - d. Name, address, and telephone number of property owner and applicant.
  - e. Location and size of existing easements, utilities, and right-of-ways.

- f. Location and dimension of all vehicular entrances, exits, and drives.
- g. General drainage system
- h. Size of site.
- i. Location of all physical facilities to include proposed wells, structures, portable toilets, and relationship to all buildings within a 660-foot radius.
- j. The site plan shall contain a statement describing all pollution prevention equipment to be utilized; it shall be the policy of the City of Williston to require blowout prevention devices on every drilling operation covered hereunder.
- k. Location of all mud pits.

The second plan shall cover the completed or production well phase and shall contain the following information:

- a. General location of tank batteries and size of tank battery site.
  - b. Any oil, gas, or water lines to be utilized.
  - c. Location of ingress and egress to be utilized by applicant and to include all vehicular entrances, exits and drives.
  - d. Type of screening devices, or construction to be utilized around the pumping site, which screening shall be required to be of such type so as to discourage access, entry, or climbing so as to endanger life and security; all screening shall be required to meet the minimum screening standards as specified in SECTION 23.N. and SECTION 25.A; the security at gates to any oil operation at all times during which the oil operation site is unattended.
  - e. The sign shall be no more than 24 inches by 30 inches; shall contain the name, address, and emergency phone number of the oil producing company; and shall be posted at the drilling site for use in any emergency notice which might arise.
3. An oil well or natural gas operation shall maintain roads within the premises covered by the permit and such roads shall be kept in reasonable dust-free condition.
  4. No well or drilling operation shall be located, drilled, or operated within 300 feet of any Residential, Commercial, or Parks and Open Space District. In any other Districts, no well or drilling operation shall be located, drilled or operated within 200 feet of any existing structure. Traffic to and from a well or drilling operation shall not be disruptive to any residential development.
  5. Any drilling rig within 300 feet of a residence, business, or public building shall be

enclosed on all sides. All storage tanks, wells, and equipment operated or maintained in connection with such a well shall be enclosed with a fence. All rigs shall be equipped with adequate fire extinguishing equipment.

6. Permits for the drilling of all oil and gas wells shall be required. Permits may be obtained from the City Building Official and will be valid for a period of one year. A fee schedule shall be established by the City Commission and shall be posted in the office of the Building Official. Until all applicable fees have been paid in full, no action shall be taken on any application.

N. Adult Entertainment Center. Notwithstanding anything in this zoning ordinance to the contrary, an adult entertainment center shall be permitted only in the M-2 District and in no other district, and then only if the center meets the following conditions:

1. The center is located no closer than 1,250 feet from any pre-existing church, dwelling, or property zoned residential.
2. The center excludes from its premises those persons less than 18 years of age.
3. The center displays no signs visible from the exterior of the center, except for signs identifying the center as an adult bookstore, adult cinema, or both.
4. No materials depicting specified sexual activities or specified anatomical area shall be visible from the exterior of the center.
5. The manager and the owners of the center are registered with the Chief of Police and have provided him with such information as he reasonably may require with respect to their identities, including fingerprints & prior criminal records, if any.
6. The business premises of the center which are generally open to its patrons are open equally at the same time without charge to members of the City Police force who may wish to enter thereon provided the entry is in the course of the discharge of the policeman's duties.

O. Temporary Uses and Structures. Temporary uses and structures are permitted only as expressly provided in this section. No temporary use or structure shall be established unless a zoning certificate permit evidencing the compliance of such use with the provisions of this section and other applicable provisions of this ordinance and any other applicable ordinance or code shall have first been issued. In the event that the Building Official determines that the proposed use will have a significant impact on any residential district or on the area, further review shall be made by the Planning and Zoning Commission, notwithstanding any provision of this zoning ordinance to the contrary.

A temporary agricultural use permit to allow for grazing of livestock or growing of crops may be issued for an area within any zoning district or combination of districts governed by this ordinance. Said temporary agricultural use permits shall be limited as follows:

1. The area for such use shall contain at least eighty (80) contiguous acres.
2. All owners within the boundaries of the area of the permit must join in the application.
3. The area must be undeveloped or contain no inhabited structures.
4. The use shall be deemed to have no significant impact upon occupied residential or commercial properties in the area immediately adjacent to the permitted area.
5. The use shall not significantly interfere with established and currently utilized public traffic patterns or be likely to damage existing public service installations such as roads, water and sewer lines, utility installations, or similar public property.
6. Said temporary agricultural use permits shall be issued by the Building Official after approval by the Planning and Zoning Commission.
7. Adjacent residential and commercial property owners and affected utility companies shall be notified prior to Planning and Zoning Commission approval.
8. Recipient of any temporary agricultural use permit, as defined in this ordinance, shall be responsible for and assure that grazing animals will be contained within the boundaries of such property.

Amended December 11, 1984, Ord. No. 639; May 14, 1985, Ord. No. 645; July 9, 1985, Ord. No. 650; October 22, 1985, Ord. No. 657; February 25, 1986, Ord. No. 662; June 24, 1986, Ord. No. 672; April 28, 1987, Ord. No. 690; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 729; November 27, 1990, Ord. No. 731; February 13, 1996, Ord. No. 789; October 14, 1997, Ord. No. 808; October 23, 2001, Ord. No. 850; April 22, 2003, Ord. No. 864; April 22, 2003, Ord. No. 867.

## **SECTION 26. ADMINISTRATION AND ENFORCEMENT**

**A. Administrative Official.** The Building Official is designated by the City Commission to enforce this ordinance. The City Planner is designated by the City Commission to administer this ordinance. They may be provided with the assistance of such other persons as the City Commission may direct.

If the Building Official shall find that any of the provisions of this ordinance are being violated, the Building Official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provision.

**B. Building Permits Required.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. Except as exempted below, no building or structure regulated by this ordinance or the State Building Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance unless the Building Official has received a written order from the Board of Adjustments in the form of an administrative review, special permitted use, or variance as provided by this ordinance. (See generally Section 27 and 28). In accordance to the State Building Code, a building permit shall not required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet.
2. Fences not over seven feet high.
3. Movable cases, counters, and partitions not over 5 feet 9 inches high.
4. Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, and III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
6. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
7. Painting, papering, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than 54 inches.
10. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be a violation of this ordinance, and punishable as provided by SECTION 26. D. hereof.

- C. Certificate of Occupancy. It shall be unlawful to use, occupy, or permit the use or occupancy of any building, land, water, or combination, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure, until a Certificate of Occupancy shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

It shall be required that landscaping and/or seeding of grass be completed within a period of twelve months from the date of issuance of a Certificate of Occupancy for any use located in Residential and Neighborhood Commercial Districts.

The Building Official shall maintain a record of all Certificates of Occupancy, and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Occupancy shall be a violation of this ordinance and punishable under SECTION 26.D. of this ordinance.

- D. Penalties for Violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a verbal or written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Building Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

If any building or structure is erected, reconstructed, repaired, altered, enlarged, converted, maintained, or moved; or if any building, structure, or land is used in violation of this ordinance, the Building Official shall order in writing, the correction of such violation.

If, within three working days or such longer time as the Building Official may in writing authorize, any such conditions have not been corrected, he shall cause appropriate criminal action to be instituted.

The Building Official, City Attorney, or other official designated by the City Commission may institute appropriate action or proceedings for the purpose of:

1. Prosecuting any violation.
2. Restraining, correcting, or abating such violation.
3. Preventing the occupancy of any building, structure, or land in violation of this ordinance.
4. Preventing any illegal act, conduct, business, or use in or about any buildings, structure or land in violation of this ordinance.

Any person, firm, or corporation violating the provisions of this ordinance shall be 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. The court shall have the power to suspend said sentence and to revoke suspension thereof. Each day any violation shall exist shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Schedule of Fees. The City Commission shall establish a schedule of fees, pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Commission.

Until all applicable fees have been paid in full, no action shall be taken on any application.

Amended March 27, 1984, Ord. No. 629; May 23, 1989, Ord. No. 716; Sept. 26, 2000, Ord. No. 839; October 23, 2001, Ord. No. 850; April 22, 2003, Ord. No. 864.

## **SECTION 27. SPECIAL PERMITTED USES**

Certain uses, while generally not suitable in a particular zoning district, may under certain circumstances, be acceptable. When such circumstances exist, a Special Use Permit may be granted. Special permitted uses shall be reviewed by the Planning and Zoning Commission for its suitability in the area in which it is proposed. Once granted, and any conditions met, special permitted uses shall be considered as permitted use and shall not be subject to periodic review or cancellation, unless otherwise specified in the order. The permit shall be granted for a particular use and not for a particular person or firm. Special permitted uses shall expire on their own if the property ceases to be used for the special permitted use for a continuous three-year period.

The Planning and Zoning Commission shall hear and decide all special permitted uses specifically authorized by the terms of this ordinance, decide such questions as are involved in determining whether special permitted uses should be granted, and grant special permitted uses with such conditions and safeguards as are appropriate under this ordinance, or deny special permitted uses when not in harmony with the purpose and intent of this ordinance. A special permitted use shall not be granted by the Planning and Zoning Commission unless and until:

- A. A written application for a special permitted use is submitted indicating the section of this ordinance under which the special permitted use is sought and stating the grounds on which it is requested.
- B. A recommendation regarding the special permitted use is received prior to the Planning and Zoning Commission meeting from the appropriate township board if the special permitted use is located in the extraterritorial area.
- C. Any party may appear before the Planning and Zoning Commission in person, by agent, or attorney to provide testimony regarding the special permitted use application.
- D. The Planning and Zoning Commission, following the meeting at which the special permitted use was considered, shall make written findings certifying compliance with the specific rules governing individual special permitted uses, that the special permitted use will not adversely affect the public interest, and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  - 1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - 2. Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district.
  - 3. Refuse and service areas, with particular reference to the items in "1" and "2" above.
  - 4. Utilities, with reference to locations, availability, and compatibility.

5. Screening and buffering with reference to type, dimensions, and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. Use shall not impose a hazard to health or property.

In the event of the failure of the Planning and Zoning Commission to grant or deny the special permitted use within 90 days after receipt of the written application for the special permitted use or upon appeal of the decision of the Planning and Zoning Commission by any party, the Board of Adjustments shall decide the special permitted use. If the decision of the Board of Adjustments should differ from the findings of the Planning and Zoning Commission, the Board shall prepare a written report stating the findings on which their decisions were made.

## **SECTION 28. BOARD OF ADJUSTMENTS/APPEALS**

- A. Establishment.** The City Commission may establish a Board of Adjustments which shall consist of five members to be appointed by the City Commission, each for a term of three years. Members of the Board of Adjustment may be removed from office by the City Commission for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Commission for the unexpired term of the member affected. The City Commission shall sit as the Board of Adjustments if the City Commission does not establish a Board of Adjustments.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Building Official concerning enforcement issues and to the City Planner for administration issues, and that such questions shall be presented to the Planning & Zoning Board only on appeal from the decision of the Building Official or City Planner and after review and written findings are first made by the Planning and Zoning Commission, and that recourse from the decisions of the Board of Adjustments shall be to the courts as provided by law and particularly by Chapter 40-47, North Dakota Century Code.

It is further the intent of this ordinance, that if the City Commission appoints a separate Board of Adjustments, the duties of the City Commission in connection with this ordinance shall not include hearings and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. If a separate Board of Adjustments is appointed, the City Commission shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law.
2. Establishing a schedule of fees and charges as stated in SECTION 26.E.

- B. Powers and Duties.** The Board of Adjustments shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustments shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

The Board of Adjustments shall have the following powers and duties:

1. Administrative Review - To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Building Official or City Planner or the Planning and Zoning Commission in the administration or enforcement of this ordinance.

2. Variances - To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
  - a. A variance from the terms of this ordinance shall not be granted by the Board of Adjustments unless and until a written application for a variance is submitted demonstrating:
    - i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
    - ii. That literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
    - iii. That the special conditions and circumstances do not result from the actions of the applicant.
    - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
  - b. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance. The procedure by which a variance shall be considered is as follows:
    - i. Notice of Public Hearing shall be given by the Planning and Zoning Commission. Notice of said Public Hearing shall be published once a week for two successive weeks prior to the time set for said hearing in the official paper of the City of Williston.
    - ii. The Public Hearing shall be held by the Planning and Zoning Commission. Any part may appear in person, or by agent, or by attorney.
    - iii. The Planning and Zoning Commission shall make written findings that the requirements of SECTION 28.B.2. have been met by the applicant for a variance.
    - iv. The Planning and Zoning Commission shall further make a written finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- v. The Planning and Zoning Commission shall further make written findings that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - vi. Upon receipt of the written findings of the Planning and Zoning Commission, or in the event of the failure of the Planning and Zoning Commission to so report within 90 days after receipt of the written application for the variance, the Board of Adjustments shall hold a hearing to decide the variance. Any party may appear at the hearing in person, by agent, or by attorney. If the decision of the Board should differ from the findings of the Planning and Zoning Commission, the Board of Adjustments shall prepare a written report stating the findings on which their decision was made.
- c. In granting any variance, the Board of Adjustments may prescribe the appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under SECTION 26.D. of this ordinance. Under no circumstances shall the Board of Adjustments grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implications prohibited by the terms of this ordinance in said district.
3. Board of Adjustments having powers of the Planning and Zoning Commission on appeals -- In exercising the above-mentioned powers, the Board of Adjustments may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the Planning and Zoning Commission from whom the appeal is taken.

The concurring vote of four members of the Board of Adjustments shall be necessary to reverse any order, requirements, decision, or determination of the Planning and Zoning Commission, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.

### C. Remedies.

1. Hearings, Appeal, and Notices -- Appeals to the Board of Adjustments concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Building Official or City Planner or Planning and Zoning Commission. Such appeals shall first be reviewed by the City of Williston Planning and Zoning Commission unless they made the decision being appealed. The City Planner shall present to the Planning and Zoning Commission all papers constituting the record upon which the appealed action was taken. Written findings on the appeal shall be forwarded to the Board of Adjustments within a reasonable time, not to exceed 30 days after the receipt of the appeal. The City Planner shall forthwith transmit to the Board

of Adjustments the final report of the Planning and Zoning Commission and all other papers constituting the record upon which the appealed action was taken. The Board shall fix a reasonable time for the hearing of appeals, give public notice thereof, as well as due notice to the parties in interest and decide the same in reasonable time. At the hearing, any party may appear in person, or by agent or attorney.

2. Stay of Proceedings - An appeal stays all proceedings in furtherance of the action appealed from, unless the City Planner certifies to the Board of Adjustments, within ten days after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the Planner's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustments or by a court of record on application, on notice to the City Planner or Planning and Zoning Commission from whom the appeal is taken and on due cause shown. Upon satisfactory proof that delay caused by the appeal will result in financial loss to any person, the Board of Adjustments shall fix a bond or cash deposit in an amount to be determined by the Board of Adjustments but no less than the amount shown by the party harmed by the delay. This provision shall not apply to the City, its department heads, employees, or representatives. Should appellant not prevail, the bond or cash deposit may be used to offset financial losses caused by the appeal as directed by the Board of Adjustments.
3. Appeals from the Board of Adjustments - Any person or persons, or any board, taxpayer, department, board or bureau of the City who has a legal interest which is immediately, directly and adversely affected by any decision of the Board of Adjustment may seek review by the court of record of such decision, in the manner provided by the laws of the State of North Dakota and particularly by Chapter 40-47, North Dakota Century Code.
4. An appeal must be filed with the City Auditor within 15 days of the date the order or decision being appealed is served upon an aggrieved party. If no service is made, the aggrieved party shall have 30 days from the date such order or decision is signed to file a written notice of appeal. The Auditor shall deliver the appeal notice to the chairman of the Planning and Zoning Commission and a copy of such appeal to the City Planner.
5. Notice of appeal shall describe the order being appealed; the basis of such appeal; the name, address and telephone number of the appealing party; and the right or interest which has been adversely affected.

Amended Sept. 26, 2000, Ord. No. 840; October 23, 2001, Ord. No. 850

## **SECTION 29. AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. A proposed amendment may be initiated by the City Commission upon its own motion, or upon receipt of a request therefore from the Planning and Zoning Commission, or upon receipt of a petition therefore from any interested person or persons or their agent.

**A. Public Hearings.** The City Commission shall require a report from the Planning and Zoning Commission on any proposed amendment before taking final action thereon. The Planning and Zoning Commission shall thereupon make a preliminary report and hold a Public Hearing thereon. Notice of said Public Hearing shall be published once a week for two successive weeks prior to the time set for said hearing in the official paper of the City of Williston. Such notice shall contain the following items:

1. The time and place of the hearing.
2. A description of any property involved in any zoning change, by address if streets have been platted or designated in the area affected.
3. A description of the nature, scope, and purpose of the proposed change, restriction, or boundary.
4. A statement of the times at which it will be available to the public for inspection and copying at the office of the City Auditor. Any party may appear at the public hearing in person, or by agent or attorney.

The Planning and Zoning Commission shall prepare final written findings which shall be submitted to the City Commission within 90 days after the time of referral of the proposed amendment to the Planning and Zoning Commission. If the zoning amendment is for an area located in the extraterritorial area of the City, the final written findings shall include a recommendation from the appropriate township board.

**B. Governing Body.** Upon receipt of the required final written findings from the Planning and Zoning Commission on any amendment, or in the event of the failure of the Planning and Zoning Commission to so report after 90 days after the time of referral of the proposed amendment to the Planning and Zoning Commission, the City Commission shall hold a public hearing with same public notice as required above by the Planning and Zoning Commission.

**C. Protests.** Any party may appear at the Planning and Zoning Commission Public Hearing or the City Commission Public Hearing in person or by agent or attorney. If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of 20 percent or more:

1. Of the area of the lots included in such proposed change; or
2. Of the area adjacent, extending 150 feet from the area to be changed, excluding the width of streets.

The amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Commission.

**SECTION 30. LEGAL STATUS PROVISIONS**

- A. Conflict with Other Laws. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.
- B. Separability. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. Repeal of Conflicting Ordinances. This ordinance, upon its effective date, shall supercede Ordinance No. 352, entitled "Zoning Ordinance of the City of Williston" and all amendments thereto, which shall thereupon be repealed.
- D. Effective Date. This ordinance shall be in full force and effective from and after its passage and approval.

## **SECTION 31.            DEFINITIONS**

The following words, terms, and phrases are hereby defined and shall be interpreted in the same fashion throughout this ordinance. The word "including" shall mean including but not limited to. The word "shall" is always mandatory. The word "may" is permissive. Words used in the present tense shall include the future tense and words used in the singular shall include the plural. Terms not herein defined shall have the meaning customarily assigned to them, first by the definition found in the State Building Code and thereafter as found in Webster's Dictionary.

**ABUT:** To physically touch or border upon; to share a common property line.

**ACCESS:** A way or means of approach to provide physical entrance to property.

**ACCESSORY BUILDINGS AND USES:** A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.

**ADULT BOOKSTORE:** An enclosed building having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

**ADULT CINEMA:** An enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas, for observation by patrons therein in return for the payment of a consideration, irrespective of the number of patrons who may be able to view the presentation at one time.

**ADULT ENTERTAINMENT CENTER:** An adult bookstore or adult cinema, or both.

**AGRICULTURE:** The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man.

**AIRPORT:** A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

**ALLEY:** A way which affords only a secondary means of access to abutting property.

**ALTERATION:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions; any change in doors, windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

**AMUSEMENT PARK:** An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

**AMUSEMENT PLACES:** Establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as dance halls, studios, theatrical producers; bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, and coin-operated devices; membership sports and recreation clubs; swimming pools; expositions and game parlors.

**ANIMAL HOSPITAL:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**ANIMAL UNIT:** Each animal unit shall consist of the number of animals of each kind as listed below, plus its young:

- One mature beef or dairy animal
- One horse
- One and one-half feeder cattle
- Two swine

**ANNEXATION:** The incorporation of land area into the City with a resulting change in the boundaries of the City.

**APARTMENT:** A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.

**APPROVED SURFACE:** Durable, dust-free, non-tracking surface approved by the Building Official.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**AUTOMOBILE SALES:** The use of any building, land area, or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreation vehicles, and including any warranty repair work and other repair service conducted as an accessory use.

**AUTOMOBILE SERVICE STATIONS:** Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

**BASE FLOOD:** The flood having a 1 percent chance of being equaled or exceeded in any given year.

**BASEMENT:** Any floor level below the first story in a building.

**BED AND BREAKFAST INN:** An owner-occupied house, or portion thereof, where short-term lodging rooms with or without meals, are provided for compensation. The operator of the inn shall live on the premises or in adjacent premises. The unit shall contain no more than seven guest rooms for lodging.

**BLOCK:** That property abutting one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right of way, waterway or other barrier to or gap in the continuity of development along such street.

**BOARDING HOUSE:** See Lodging House.

**BUFFER ZONE:** Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

**BUILDING:** A structure having a roof supported by columns or walls.

**BUILDING ACCESSORY:** A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

**BUILDING AREA:** That portion of the lot that can be occupied by the principal use, excluding the front and side yards.

**BUILDING, HEIGHT OF:** The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING LINE:** That edge of a building nearest a lot line.

**BUILDING OFFICIAL(Inspector):** The Building Official of Williston, North Dakota.

**BUILDING PERMIT:** Written permission issued by the Building Official for the construction, repair, alteration, or addition to a structure.

**CARWASH:** Any building or premises or portions thereof used for washing automobiles.

**CERTIFICATE OF OCCUPANCY:** A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**CHILD CARE CENTER:** A child care facility where supplemental care is regularly provided to 19 or more children which is subject to requirements as set forth in Chapter 50-11.1 of the North Dakota Century Code.

**CHILD CARE FACILITY (Public or Private):** Any facility where supplemental parental care is regularly provided, whether the facility is known as a day care home, day care center, day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool, or known by any other name.

**CLINIC:** An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight.

**COMMERCIAL FEED LOT:** Any building, structure, enclosure, or premises used, designed, or intended for the commercial feeding of two or more animals which is operated as a separate pursuit and not incidental to farming.

**COMMERCIAL RECREATION USE:** A Commercialized Recreational or Entertainment Use including but not limited to the following: bowling alley, miniature golf, skating rink, tennis club, handball or racquetball club, health club, pool hall, and arcade.

**CONDOMINIUM:** An estate in real property consisting of an undivided interest or interests in common in a portion of a parcel of real property together with a separate interest or interests in space in a structure on such real property.

**COURT:** An open unoccupied space on the same lot with a building and bound on two or more sides by such building, or the open space provided for access to a dwelling group.

**DECK, ENCLOSED:** A patio or platform with a watertight cover. Enclosed decks may have the capability of being screened at a later date. Enclosed decks shall be considered in maximum lot coverage. Enclosed decks shall not be habitable for year around use.

**DECK, OPEN:** A patio or platform with or without railings, more than 12 inches above grade and not over any basement or story below which is not being obstructed from the platform upward, therefore, being open to the sky. Open decks shall not be considered as part of the maximum lot coverage, if the floor is so constructed as to allow the percolation of water.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

**DISPLAY SURFACE:** The area made available by the sign structure for the purpose of displaying the advertising message.

**DISTRICT:** A section or sections of the City of Williston for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

**DORMITORY:** A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institutional use.

**DOUBLE FRONTAGE LOTS:** These lots which extend continuously between two parallel (or approximately parallel) streets bounding a block. A block containing double frontage lots is composed of one rather than two tiers of lots.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**DRIVING AISLE:** In a parking lot that portion of a lot which allows ingress and egress of vehicles from a public or private right-of-way to the parking stall.

**DWELLING:** Any building or portion thereof which is designed and used exclusively for residential purposes.

**DWELLING, GROUP QUARTERS:** A dwelling such as dormitories, fraternities, sororities, and the like which house unrelated individuals.

**DWELLING, MULTIPLE-FAMILY:** A single building designed for and occupied by more than two families.

**DWELLING, SINGLE-FAMILY DETACHED:** A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means and meets the following requirements:

1. Is designed to be located on a permanent continuous frost-protected perimeter foundation that meets applicable local city building code requirements, such that the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units;
2. If dwelling is site-built or built off-site and moved to the building site it shall be constructed in accordance with the provisions of all state and local building codes;
3. If dwelling is factory built off-site and moved to the building site and defined as a Modular or Prefabricated Living Unit, it shall be constructed in accordance with all state and local building codes governing construction.
4. If dwelling unit is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the HUD Federal Manufactured Housing Construction and Safety Standards Act of 1974 (24 CFR 3280), the HUD approved housing unit must have the hitch, axles and wheels removed; the roof shall be double-pitched and covered with material that is residential in appearance, including, but not limited to: wood, asphalt shingles or fiberglass; the exterior siding cannot have a high-gloss finish and must be covered with an exterior material customarily used on conventional dwellings, including but not limited to: vinyl or metal siding, wood or similar material; units located within the R-1 and R-2 Districts shall have no less than a 20 foot width; units located within the R-3 District shall have no less than an 18 foot width; units shall be no less than ten years old at the time of placement.
5. All single-family dwellings shall be considered and taxed as real property pursuant to 57-02-04 NDCC.

**DWELLING, TOWNHOUSE:** A one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, each dwelling is located on a separate lot, and each unit is separated from any other unit by one or more common fire resistant walls.

**DWELLING, TWO-FAMILY:** A structure on a single lot containing two dwelling units that meets the following requirements:

1. Is designed to be located on a permanent continuous frost-protected perimeter foundation that meets applicable local city building code requirements, such that the floor elevation of the proposed dwelling is reasonably compatible with the floor elevations of surrounding dwelling units;

2. If dwelling is site-built or built off-site and moved to the building site it shall be constructed in accordance with the provisions of all state and local building codes;
3. If dwelling is factory built off-site and moved to the building site and defined as a Modular or Prefabricated Living Unit, it shall be constructed in accordance with all state and local building codes governing construction.
4. If dwelling unit is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the HUD Federal Manufactured Housing Construction and Safety Standards Act of 1974 (24 CFR 3280), the HUD approved housing unit must have the hitch, axles and wheels removed; the roof shall be double-pitched and covered with material that is residential in appearance, including, but not limited to: wood, asphalt shingles or fiberglass; the exterior siding cannot have a high-gloss finish and must be covered with an exterior material customarily used on conventional dwellings, including but not limited to: vinyl or metal siding, wood or similar material; units located within the R-1 and R-2 Districts shall have no less than a 20 foot width; units located within the R-3 District shall have no less than an 18 foot width; units shall be no less than ten years old at the time of placement.
5. All two-family dwellings shall be considered and taxed as real property pursuant to 57-02-04 NDCC.

**DWELLING UNIT:** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

**EATING AND DRINKING ESTABLISHMENTS:** Establishments selling food and drink prepared on the premises for take out or consumption on the premises.

**EGRESS:** An exit.

**ENLARGEMENT:** An increase in the size of an existing structure.

**EXISTING USE:** The use of a lot or structure at the time of enactment of this ordinance.

**FACADE:** The exterior wall of a building exposed to public view or the wall viewed by persons not within the building.

**FAMILY:** One or more persons occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than four persons not related by blood, marriage, or adoption.

**FAMILY CHILD CARE HOME:** An occupied private residence in which supplemental parental care is regularly provided for no more than seven children from more than one family or no more than four children ages two and under.

**FARM:** A parcel of land used for agricultural purposes.

**FARM RESIDENCE:** A residential dwelling located on and directly associated with a farm.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of waters, and/or
2. The unusual and rapid accumulation or runoff of surface water from any source.

**FLOOD HAZARD BOUNDARY MAP:** Deleted.

**FLOOD INSURANCE RATE MAP(FIRM):** The official map issued by the Federal Emergency Management Agency (FEMA) where areas of special flood hazard are designated as Zone A.

**FLOOR AREA:** The total number of square feet of floor space within the exterior walls of a building, not including space in basements, carports, or garages.

**FRONTAGE:** All property on one side of a street between the intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**GAMES OF CHANCE:** Those gaming operations as defined under 53-06.1-07 of the North Dakota Century Code which include bingo, raffles, pull tabs, jars, punchboards, twenty-one, and sports pools for professional sports only.

**GARAGE, PRIVATE:** An accessory building or portion of main building on the same lot and used for the storage only of private passenger motor vehicles, not more than two of which are owned by others than the occupants of the main building.

**GARAGE, PUBLIC:** A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles.

**GARAGE, REPAIR:** A building for space for the repair or maintenance of motor vehicles. Garage repair does not include factory assembly of motor vehicles, auto wrecking establishments, or junkyards.

**GROUP CHILD CARE HOME (Facility):** A child care facility where supplemental care is regularly provided for 8 to 18 children, which is subject to requirements as set forth in Chapter 50-11.1 of the North Dakota Century Code.

**GUEST ROOM:** A room occupied by one or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

**HARD SURFACE:** To consist of concrete or asphalt.

**HOME OCCUPATIONS:** An occupation or activity carried on in the principal building and accessory building which meets all the following conditions:

1. The occupation is carried on by a member or members of the immediate family residing on the premises, and possibly one person who is not a member of the immediate family.

2. The occupation is customarily incidental to the use of the premises as a dwelling place.
3. Not more than one non-illuminated nameplate is used. The nameplate shall be attached flush against the building and shall not exceed four square feet in area.
4. The occupation does not occupy more than 25 percent of the floor area of the principal building.
5. No display will indicate from the exterior of the building that the premises are being used in part for any purpose other than a dwelling.
6. No mechanical equipment is used except of a type that is normally used for purely domestic or household purposes.
7. No alteration of the principal building changes the character thereof as a dwelling.
8. The following are hereby declared to be customary home occupations as intended by this section:
  - a. Office for the emergency consultation and treatment including the general practice of a doctor, chiropractor, dentist, lawyer, clergyman, and other recognized professions.
  - b. Other state licensed personal services.
  - c. Dressmaking, sewing, millinery, and similar occupations; artist, sculptor, and similar occupations.
  - d. The giving of voice, piano, or other musical instrument lessons.
  - e. Hobbies such as growing of tropical fishes, collection of articles, and loading of shot shells, provided that all safety requirements have been met.
  - f. Family child care homes.
9. The determination as to whether or not a particular profession or occupation is similar to those enumerated herein and is permissible as a home occupation shall be made by the Planning and Zoning Commission, after notification by the individual requesting such determination to all property owners located within 300 feet of the property where the home occupation will be conducted. Evidence of such notification shall be presented to the Planning and Zoning Commission prior to consideration of the request for determination of home occupation.

10. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Parking spaces required shall be in accordance to SECTION 25.H.

**HOTEL OR MOTEL:** A building used as a transient abiding place for persons who are lodged for compensation.

**IMPERVIOUS SURFACE:** A material which reduces and prevents absorption of storm water into the ground.

**IMPROVEMENT:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

**INGRESS:** Access or entry.

**INSTITUTIONS:** A building occupied by a nonprofit corporation or nonprofit establishment for public use.

**JUNK YARD:** An area of more than 200 square feet, or any area not more than 50 feet from any street, used for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials or goods, used for dismantling, demolition, or abandonment of automobiles or other vehicles or machinery, or parts thereof.

**KENNEL:** An establishment in which more than two dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold. The keeping and selling of one litter or offspring per year of a family pet shall not be deemed to be a kennel.

**LAND USE:** A description of how land is occupied or utilized.

**LOADING SPACE:** An off-street space or berth used for the loading or unloading of commercial vehicles.

**LODGING HOUSE:** A building or place where lodging or lodging and boarding is provided (or equipped to provide lodging regularly) by prearrangement for definite periods of time, for compensation, for three or more persons in contradistinction to hotels open to transients.

**LOT AREA:** The legal area within the lot lines.

**LOT, CORNER:** A lot abutting upon two or more streets at their intersection.

**LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE FRONTAGE:** A lot having a frontage of two nonintersecting streets, as distinguished from a corner lot.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT OR PARCEL:** A piece, plot, or area of land, of contiguous assemblage as established by

survey, plat or deed, occupied or to be occupied by a building, or a unit group of buildings, and/or accessory buildings thereto or for other use, together with such open spaces as may be required under these regulations and having its frontage on a street or officially approved place.

**LOT, OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Williams County, North Dakota, or a parcel of land, the deed to which was recorded in the Office of the Register of Deeds of Williams County, North Dakota prior to the adoption of these regulations.

**LOT WIDTH:** The distance as measured by a straight line, between side lot lines, at the points of intersection with the building line.

**LOWEST FLOOR:** The lowest floor of a structure including the basement.

**MANUFACTURED HOME:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and to be used with or without a permanent foundation and is bearing a label certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standard Act of 1974 (24 CFR 3280) which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development.

**MANUFACTURED HOME CONDOMINIUM:** A manufactured home designed and/or intended to be for residential condominium occupancy.

**MANUFACTURED HOME DEVELOPMENT:** Intended to be generic, it includes mobile home courts, manufactured home subdivisions, and manufactured home condominiums.

**MANUFACTURED HOME SUBDIVISION:** A subdivision designed and/or intended for the sale of lots for residential occupancy by manufactured homes.

**MEDICAL COMPLEX:** A general hospital including related health services such as clinics and residential facilities, dormitories, group quarters or apartments, for medical personnel and trainees employed at the medical complex.

**MINI-STORAGE:** A building containing small compartments to be used for the storage of personal property.

**MOBILE HOME:** A factory built home that is transportable in one or more sections, and designed to be used with or without a permanent foundation when connected to the required utilities, and built prior to enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 (24CFR 3280) which became effective June 15, 1976.

**MOBILE HOME COURT:** A mobile home development with two or more mobile homes and/or manufactured homes located on rental pads with continuing local general management, and with special facilities for common use by the occupants, including such items as common recreational building and areas, common open space, laundries, and the like.

**MOBILE HOME OR MANUFACTURED HOME LOT:** A parcel of land rented or sold for exclusive use of occupants of a single mobile home or manufactured home.

**MODULAR OR PREFABRICATED LIVING UNIT:** Factory-built housing certified as

meeting the State and Local Building Code as applicable to modular housing or prefabricated housing. All must conform to local and state codes and are subject to the same standards as site-built homes.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**NONCONFORMING USES:** Use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

**NURSING HOME:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OUTDOOR STORAGE:** The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**OVERLAY DISTRICT:** A district superimposed upon an underlying district and which establishes special requirements in addition to those of the underlying district. Development or use of land or structures must conform to the requirements of both districts, or the most restrictive of the two if in conflict.

**PARCEL:** A lot or tract of land.

**PARK:** A tract of land, designated and used by the public for active and passive recreation.

**PARKING LOT:** An area not within a building where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-street parking.

**PARKING SPACE:** An area 9.5 feet by 18.5 feet, or greater which is sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. Required off-street parking shall be provided in a manner that vehicles do not encroach on a public right-of-way.

**PERMITTED USE:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PET SHOP:** An establishment for the selling of dogs, cats, birds, mice, rats, aquarium fish or other similar small animals or reptiles.

**PLANNED UNIT DEVELOPMENT:** An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

**PLANNING COMMISSION:** The Planning and Zoning Commission of Williston, ND.

**PORCH:** A covered entrance to the principle structure which is considered part of the principle structure and must meet all structural requirements. Porches, however, may project into a required front yard as described in SECTION 25.F.5.

**PREMISES:** A lot, together with all buildings and structures thereon.

**PRINCIPAL USE:** The primary or predominant use of any lot.

**PROHIBITED USE:** A use that is not permitted in a zone district.

**PUBLIC HEARING:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under public regulations, to the public: electricity, gas, heat, power, steam, telephone, telegraph, transportation, or water.

**QUASI-INSTITUTIONAL:** A profit or nonprofit boarding home, rest home, or other home for the sheltered care of juvenile or adult persons, which in addition to providing food and shelter to four or more persons unrelated to the proprietor also provides any personal care or service beyond food, shelter, and laundry.

**RECREATIONAL VEHICLE:** A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designated as temporary living accommodation for recreational, camping, and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**RESIDENTIAL MANUFACTURED HOME SUBDIVISION:** A subdivision designed and/or intended to allow for manufactured homes as single-family dwellings, and to allow use of recreational vehicles (RV's), subject to meeting health department standards and approved by the Building Official. Lots and manufactured homes would be owned as in other residential districts.

**SCHOOL:** Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

**SIGN:** Any surface, fabric, device, or display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. For purposes of this ordinance, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.

**SIGN, BILLBOARD:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**SIGN, BULLETIN BOARD:** A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization,

the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

**SIGN FACE:** That area of a sign which:

1. In the case of freestanding, projecting, and marquee signs consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas which can be viewed simultaneously shall be considered the sign face area.
2. In the case of a sign (other than freestanding, projecting, or marquee) whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
3. In the case of a sign (other than freestanding, projecting, or marquee) whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.

**SIGN, FREESTANDING:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

**SIGN, ILLUMINATED:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign (directly illuminated) or directed towards the sign (indirectly illuminated).

**SIGN, MARQUEE:** Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**SIGN, NONCONFORMING:** Any sign which does not conform to the regulations of the ordinance.

**SIGN, PORTABLE:** A sign that is not permanent, affixed to a building, structure or the ground, and excluding such temporary signs as real estate, political and garage sale signs.

**SIGN, PROJECTING:** A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

**SIGN, ROOF:** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

**SIGN, TEMPORARY:** A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material designed or intended to be displayed for a short period of time.

**SIGN, WALL:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

**SPECIAL INDUSTRIAL EXPLOSIVE DEVICE(S):** Any explosive powerpack containing an explosive charge in the form of a cartridge or construction device. The term includes but is not limited to explosive rivets, explosive bolts, explosive charges for driving pins or studs, cartridges for explosive-actuated power tools and charges of explosives used in jet tapping of open-hearth furnaces and jet perforation of oil well casings.

**SPECIAL PERMITTED USE:** A use which generally would not be suitable in a particular zoning district, which would be acceptable under certain circumstances. The permit shall be granted for a particular use and not for a particular person or firm.

**SPECIFIED ANATOMICAL AREAS:**

1. Less than completely and opaquely covered:
  - a. Human genitals, pubic region.
  - b. Buttocks.
  - c. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:**

1. Human genitals in a state of sexual stimulations or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling of human genitals, pubic region, buttocks, or female breast.

**STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is or may be finished off for use.

**STREET:** Any thoroughfare or public space which has been dedicated to, and accepted by, the public for public use and includes all the right-of-way sidelines.

**STREET LINE:** A dividing line, such as the right-of-way line, between a lot, tract, or parcel of land and a contiguous street.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards,

backstops for tennis courts, arbors or breeze-ways, mobile homes (manufactured homes), and gas or liquid storage tanks above ground, but excepting utility poles, fences, retaining walls, and ornamental light fixtures.

**STRUCTURE ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the roof or exterior walls.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started.
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alternation of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SUPPLEMENTAL PARENTAL CARE:** The care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is, or is anticipated to be, ongoing for periods of four or more hours per day for three or more days per week.

**TELECOMMUNICATIONS DISH:** A large dish antenna such as is used for receiving television signals.

**TEMPORARY USE OR STRUCTURE:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**USE:** The purpose for which land or a building or structure thereon is designed, arranged, intended, or maintained or for which it is or may be used or occupied.

**VARIANCE:** The relaxation of the terms of the Zoning Regulations in relation to height, area, size, and open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses.

**VEHICLE STORAGE (Long Term):** Outdoor Storage or anything other than temporary storage.

**VEHICLE STORAGE(Temporary):** Customer and employee parking less than a 24 hour period.

**WALL:** The vertical exterior surface of a building or the vertical interior surfaces which divide a building's space into rooms.

**WASTEWATER TREATMENT PLANT:** The facility or group of units used for the treatment of wastewater from public sewer systems and for the reduction in handling of solids removed from such wastes and which serves ten or more families or an industry employing ten or more persons.

**WATER SUPPLY SYSTEM:** The system of pipes, structures, and facilities through which a public water supply is obtained, treated, and sold or distributed for human consumption or household use. Such system shall serve at least ten or more families or shall serve an industry employing ten or more persons.

**YARD:** An open space on the same lot with a building, unoccupied and obstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**YARD, FRONT:** A yard extending across the front of a lot between the side lot lines and extending from the front lot line to the front of the main building or any projections thereof. The front yard shall be on the side of the lot which has been established as frontage by the house numbering system.

**YARD, REAR:** A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building including any projections. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

**YARD, SIDE:** A yard extending from the front yard to the rear yard and being the space between the side lot line and the side of the main building including any projections.

**ZONING MAP:** The map or maps, which are a part of the zoning ordinance, and delineate the boundaries of the zoning districts.

Amended December 11, 1984, Ord. No. 639; February 25, 1986, Ord. No. 662; August 25, 1987, Ord. No. 703; May 23, 1989, Ord. No. 716; May 22, 1990, Ord. No. 728; December 10, 1991, Ord., No. 749; October 14, 1997, Ord. No.809, June 9, 1998, Ord. No. 811;April 22, 2003,Ord. No.864;April 22,2003, Ord. No. 867.