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ZONING ORDINANCE

CITY OF HATTON, NORTH DAKOTA

A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF HATTON, NORTH DAKOTA, INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A ZONING DISTRICT MAP OF THE CITY OF HATTON, NORTH DAKOTA, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ADJUSTMENT; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED by the City Council of Hatton, North Dakota.

ARTICLE I

INTRODUCTION

- 1.0 Title - This Ordinance shall be known as "Zoning Ordinance" City of Hatton, North Dakota.
- 1.1 Authority - This Ordinance is adopted under the authority granted by Chapter 40.47 of the North Dakota Century Code.
- 1.2 Statement of Purpose - This Ordinance is enacted for the following purposes: To promote the health and general welfare; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of the land; to avoid undue concentration of population; and to facilitate the adequate provision of water, sewer, and other public facilities.
- 1.3 Severability - If any section, provision, or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 1.3 Repeal - All other ordinances or parts of ordinances of the City of Hatton, North Dakota inconsistent or in conflict with this Ordinance, to the extent of inconsistency or conflict only, are hereby repealed.
- 1.4 Effective Date - This Ordinance shall be effective after a public hearing, adoption by the Hatton City Council and publication.

ARTICLE II - DEFINITIONS

2.0 For the purpose of the regulations, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not directory.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

2.1 Agriculture - The use of land for agricultural purposes, including necessary buildings and structures which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

2.2 Airport - Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

2.3 Alley - A public or private way less than 20 feet in width affording secondary means of access to abutting property.

2.4 Automobile Wrecking Yard - Any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or parts thereof, not in running condition.

2.5 Basement - A story having part but not more than 50% of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for purpose of height measurement.

- 2.6 Boarding or Rooming House - Any dwelling in which 3 or more persons either individually or as families are housed for hire.
- 2.7 Building - Any structure for the shelter or enclosure of persons, animals or chattels.
- 2.71 Building Principal - The main structure on a lot which houses the principal use of the premises.
- 2.8 Cellar - A story having 50% or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- 2.9 Dwelling - A building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a mobile home, tent, travel or camping trailer, or a room in a hotel or motel.
- 2.91 Dwelling Unit - A room or group of rooms designed or used exclusively as the living quarters for one or more persons living, sleeping, cooking, and eating on the same premises as a housekeeping unit.
- 2.10 Essential Services - The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
- 2.11 Exception - For the purpose of this Ordinance an exception shall mean an allowance in the location of buildings and structures, in the height of buildings and structures, in the aeral yard requirements and intensity of land use or in parking requirements. Exceptions shall be limited to only those authorized to the Board of Adjustment in Sections 3.6, 3.7 and 3.8 of this Ordinance. An exception shall not pertain to any allowance or variation in the use of land, buildings or structures.

- 2.12 Family - One or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.
- 2.13 Grade, Established - The elevation of the center-line of the streets.
- 2.14 Height - In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.
- 2.15 Home Occupations - An occupation such as hand-craft, dressmaking, millinery and preserving, including beauty shops, barber shops, dancing or music schools with more than one pupil at one time, or similar activity carried on solely by resident occupants within their residence.
- 2.16 Junk Yard - An open area or fenced-in enclosure where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.
- 2.17 Lot - A parcel of land, abutting a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the regulations.
- 2.171 Lot, Corner - A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- 2.18 Lot Area - The horizontal area within the lot lines of the lot.
- 2.19 Lot Depth - The mean horizontal distance between the front and rear lot lines.

- 2.20 Lot Width - The mean horizontal distance across the lot between side lot lines at the building line, measured at right angles to the depth.
- 2.21 Mobile Home - A mobile home is a detached residential unit designed for transportation arriving complete and ready for occupancy at the site where it is to be occupied except for connections to utilities. A recreation travel trailer is not to be considered as a mobile home.
- 2.22 Mobile Home Park - Any site, or tract of land under single ownership, upon which are located two or more mobile homes used for residence purposes either free of charge or for a fee. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- 2.23 Modular Home - A dwelling structure consisting of prefabricated units or modules, and transported to and/or assembled on the site of its permanent foundation; in contrast to a dwelling structure which is custom-built on the site of its permanent location; and also in contrast to a mobile home, either single-wide, double-wide, or of multiple width, located on a permanent foundation and permanently connected to public utilities.
- 2.24 Motor Fuel Station - A place where minor automobile repair is conducted and where petroleum products for operating motor vehicles and the sale of automobile accessories are offered for sale.
- 2.25 Professional Home Offices - Residences of doctors, dentists, architects, engineers, teachers, lawyers, or other recognized professions used to conduct their professions. Professional home offices shall meet the requirements of home occupations as provided in Section 2.15.
- 2.26 Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency.
- 2.27 Street, Road - Any public way set aside as a permanent right-of-way for vehicular or pedestrian access.

- 2.28 Structural Alteration - Any change in the supporting members of a building including but not limited to bearing walls, load bearing partitions, columns, beams, or gliders, or any substantial change in the roof or in the exterior walls.
- 2.29 Structure - Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground, but not including fences.
- 2.30 Use - Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied.
- 2.301 Use, Accessory (Structure) - A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.
- 2.302 Use, Conditional - Any building, structure, and use which, would not generally be appropriate or without restriction throughout the zoning district but which, if controlled would promote the health, safety or general welfare.
- 2.303 Use, Nonconforming - A building, structure or premises lawfully occupied at the time of the enactment of the regulations that does not conform with the provisions of the regulations for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.
- 2.304 Use, Permitted - Any building, structure, or use which complies with the applicable regulations of this Ordinance governing Permitted Uses in the zoning district in which such building, structure or use is located.
- 2.305 Use, Principal - The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

- 2.31 Variance - A modification of the literal provisions of this Ordinance which the Board is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.
- 2.32 Yard, Front - An open space extending the full width of a lot between a building and the front lot line. The depth shall be the shortest distance, measured horizontally, between any part of a building and the front lot line.
- 2.33 Yard, Rear - An open space extending the full width of a lot between a building and the rear lot line. The depth shall be the shortest distance, measured horizontally, between any part of a building and the rear lot line.
- 2.34 Yard, Side - An open space extending from the front yard to the rear yard between a building and the side lot line. The depth shall be the shortest distance, measured horizontally, between any part of a building and the nearest side lot line.

ARTICLE III

GENERAL PROVISIONS

- 3.0 Jurisdiction - The jurisdiction of this Ordinance shall include all lands within the corporate limits of the City of Hatton, North Dakota.
- 3.1 Interpretation - In the interpretation and application of this Ordinance, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this Ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of the law, ordinance, contract or deed, or resolution, the provisions of this Ordinance shall govern.
- 3.2 Compliance - Except as hereinafter provided no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, altered or repaired, except in conformity with the regulations herein specified for the district in which it is located.
- 3.3 Continuing Existing Uses - Any building, structure, or use lawfully existing at the time of enactment of the regulations may be continued except certain nonconforming uses as provided in Section 3.4. Nothing in the regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator.
- 3.4 Nonconforming Uses
- 3.41 Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, if damaged less than 50% of its fair market value, as determined by the Board of Adjustment, at the time of such damage. If damaged more than 50% of its fair

market value as determined by the Board of Adjustment, such building shall only be reconstructed in accordance with the provisions of the regulations.

- 3.42 Normal maintenance of a building or other structure containing a nonconforming use if permitted, including floodproofing. Incidental alterations are permitted which do not extend or intensify the non-conforming use.
- 3.43 No building, structure or premises where a nonconforming use has been or may be discontinued for more than two years, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- 3.44 Any nonconforming use of land not involving and structure, and any nonconforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease or structure shall be removed.
- 3.5 Street Frontage - Minimum Requirement - No lot created after the adoption of the regulations shall contain any building used as a dwelling unless it abuts on a dedicated public street or road.
- 3.6 Lots of Record, Yard Exceptions and Modifications
- 3.61 Dwelling on Any Lot of Record - In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the regulations, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth hereinafter. However, no lot of any size may be built upon unless the County Board of Health approves the method of sewage disposal and source of water supply.
- 3.62 Front Yard Exceptions and Modifications - In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in questions and within the same block front is less or greater than the least front yard depth

perscribed, front yards may be varied. The depth of the front yard on such a lot shall not be less than the average of said existing front yards of the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any Residential District shall be at least 15 feet and need not exceed 100 feet.

3.621 Front Yard Requirements Do Not Apply - To bay windows or balconies, to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features.

3.63 Side Yard Exceptions and Modifications

3.631 District Boundary Lines - Along any district boundary line, any abutting side yard on a lot in the less restrictive district shall have a least width equal to that required in the more restrictive district. Where a lot in an Industrial or Business District abuts a lot in a Residential District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of the said Residential District.

3.632 Minimum Width of Side Yard - The minimum width of any side yard shall not be less than 10% of the width of lot of record or 5 feet; whichever is greater.

3.64 Rear Yard Exceptions and Modifications

3.641 Minimum Depth of Rear Yard - The minimum depth of any rear yard of a lot of record shall not be less than 10 feet.

3.642 Rear Yards May Be Measured to the Centerline of Adjoining Alleys - But in no case shall a building or structure be erected within 8 feet of such an alley.

3.65 Lots Unserved by Sewer and/or Water - In any district, where both water supply and public sanitary sewer are not accessible, the otherwise specified lot area and width requirements shall be increased where necessary to satisfy all applicable requirements of the County Board of Health and the State Health Department concerning water supply and the disposal of sanitary wastes.

3.7 Height Exceptions - Height limitations stated elsewhere in the regulations shall not apply:-

3.71 To barns, silos, or other farm buildings or structures on farms, church spires, belfries, cupolas and domes, monuments, water towers, masts, aerials, parapet walls extending not more than 4 feet above the limiting height of the building, places of public assembly such as churches, schools, and other permitted public and semi-public buildings, conveyors, elevator penthouses, water tanks, monitors and scenery lofts, grain elevators, gas holders or to manufacturing requires a greater height.

3.8 Group Developments - A group project (housing, commercial, industrial, educational, medical, religious, civic) of two or more buildings to be constructed on a parcel of at least 2 acres, which will not be subdivided into customary lots and streets may be constructed provided that:

- a. Uses shall be limited to those permitted within the district in which it is located;
- b. Density and height requirements of the district are met;
- c. The distance of every building from the nearest property line shall meet all setback and yard requirements of the district in which the project is located;
- d. There shall be a 10-foot wide planted buffer strip along the side and rear lines where such project abuts a residential district;
- e. The City Council shall approve the group development.

3.9 Accessory Buildings in Residence Districts

3.91 Accessory buildings shall be one story in height and shall be distant at least 8 feet from all lot lines of adjoining lots which are in any "R" District and at least 8 feet from alley lines.

3.92 An accessory building attached to the principal building on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable

to the principal building. Breezeway, for the purpose of this Ordinance, as an attachment between the garage and the main building, shall be considered as part of the main building, but breezeways shall not be considered as constituting dwelling space.

3.10 Required Yard Cannot Be Reduced or Used by Another Building

3.101 No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the regulations, and if already less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.

3.102 The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

3.11 Traffic Visibility Across Corner Lots - In any residential district on any corner lot, no fence, structure or planting shall be erected or maintained so as to interfere with traffic visibility across the corner.

3.12 Essential Services - Essential services shall be premitted as authorized and regulated by law and other regulations of local governmental bodies it being the intention hereof to exempt such essential services from the application of the regulations.

3.13 Off-street Parking and Loading - In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article XIII.

3.14 Amendments - The City Council may from time to time amend or change by ordinance or resolution the number, shape, or area of districts established on the Zoning Maps or the standards set forth in the regulations; but no such amendment or change shall become effective unless the regulations proposing such amendment or change shall first be submitted to the City Planning and Zoning Commission for a recommendation of approval, disapproval or for suggestions, and said Commission shall have been allowed a reasonable time, not

less than 30 days, for consideration and report to the City Council. Before submitting its recommendations and report to the City Council, the City Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. In case of a written protest against a proposed change in the boundaries of a municipal district signed and acknowledged by the owners of 20 percent or more of either the area of lots proposed to be altered or of the area adjacent, extending 150 feet from the area proposed to be altered, excluding the width of streets, is filed with the Zoning Administrator, such amendment shall not be passed or become effective except by the favorable vote of 4 members of the City Council.

3.141

Application for Change - Any person desiring a change in zoning of property may make application therefor, and in so doing shall accompany the petition for such change in zoning, or the ordinance or resolution introduced for the purpose of changing such zoning, with a fee in an amount to be determined by the City Council toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

3.142

Notice - During the time prior to the public hearing the text or copy of the text of such ordinance, resolution, or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the City Planning and Zoning Commission.

ARTICLE IV

DISTRICTS AND MAPS

4.0 For the purpose of the regulations, the following districts are established:

- "A-1" Agricultural Districts
- "R-1" Residential Districts
- "R-2" Residential Districts
- "R-3" Residential Districts
- "B-1" Retail Business Districts
- "B-2" General Business Districts
- "I-1" Industrial Districts

4.1 The boundaries of these districts are hereby established as shown on maps entitled "Zoning District Maps," which accompany and are hereby made a part of the regulations. The district boundary lines on said maps are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets and alleys projected, railroad rights-of-way or the corporate limit lines, all as they existed at the time of enactment of the regulations; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

4.2 Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the regulations, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot.

4.3 Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt and as hereinafter provided under Section 14:41.

4.4 All territory which may hereafter be annexed to a community shall remain under its existing classification until such classification shall have been changed by amendment of the regulations as provided hereinafter.

4.5

Zoning District Maps - The initial Zoning District Maps and all subsequent maps shall be identified by the signature of the Chairman if the City Council attested by the City Auditor. One or more Zoning District Maps shall be available for public reference in a convenient location.

4.51

Amendment of Zoning District Maps - If changes are made in district boundaries or other matter portrayed on the zoning maps, such changes shall be made promptly after the amendment has been approved by the City Council. No changes of any nature or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

4.52

Replacement of Zoning District Maps - In the event the existing maps become damaged, destroyed, or lost, the City Council may by resolution or ordinance adopt new zoning maps. No such correction shall have the effect of amending the zoning ordinance or any subsequent amendment thereof.

ARTICLE V

"A-1" AGRICULTURAL DISTRICT

- 5.0 Intent and Purpose of District - The "A-1" Agricultural District is established for the purpose of protecting agricultural uses in the community by restricting and regulating density, land coverage and land use.
- 5.1 Permitted Uses
- 5.11 Agriculture and agricultural buildings, provided that confinement feeding of livestock shall not be permitted within 1,200 feet of any lot in an "R" district, dwelling or mobile home.
- 5.12 Any buildings, structures, and uses accessory to agricultural uses including roadside stands, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.
- 5.13 Essential services and municipal administrative or public service building or properties.
- 5.14 Public parks, playgrounds, and recreational areas.
- 5.15 Home occupations.
- 5.16 Professional home offices.
- 5.17 Churches, chapels, or parish houses.
- 5.18 Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries, and similar public cultural uses.
- 5.19 Living quarters of persons employed on the premises.
- 5.110 Cemeteries of 10 acres or more in size.
- 5.111 Sale of nursery and greenhouse products.
- 5.112 Railroad rights-of-way and trackage, not including switching, storage, terminal facilities of freight yards.

5.113 Single-family detached dwellings or mobile homes of lots of 10 acres or more.

5.114 Transformer stations and booster or pressure regulating stations, without service yard or storage.

5.115 Signs as regulated by Article XII.

5.2 Conditional Uses

5.21 Sanitary disposal facilities or landfills in accordance with county and state regulations except that no disposal facility shall be operated within 1,200 feet of any "R" District, dwelling or mobile home.

5.22 Privately operated county clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" District, dwelling or mobile home.

5.23 Airports and landing fields.

4.24 Mining, removal and loading of sand or gravel including equipment, buildings or structures for screening, crushing, mixing, washing, or storage located not less than 1,200 feet from any "R" District, dwelling or mobile home.

5.3 Height Regulations - No principal structure shall exceed 35 feet in height, and no accessory structure shall exceed one story in height, except as provided in Section 3.7.

5.4 Lot Area, Frontage and Yard Requirements - The following minimum requirements shall be observed subject to the additional requirements, exceptions, and modifications in Section 3.6 and 3.8. Each residential lot shall contain a minimum area of 10 acres.

<u>Minimum Lot Width</u>	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Width</u>	<u>Minimum Rear Yard Depth</u>
300'	60'	30'	100'

ARTICLE VI

"R-1" ONE-FAMILY RESIDENTIAL DISTRICT

- 6.0 Intent and Purpose of District - The "R-1" One-Family Residential District is established for the purpose of low density single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.
- 6.1 Permitted Uses
- 6.11 One-family detached dwellings.
- 6.12 Modular Homes.
- 6.13 Any accessory building or use including signs as regulated by Article XII.
- 6.14 Essential services.
- 6.15 Public parks, playgrounds, and recreational areas.
- 6.16 Home occupations.
- 6.17 Professional Home occupations.
- 6.18 Churches, chapels, or parish houses.
- 6.19 Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries, and similar public uses.
- 6.110 Living quarters of persons employed on the premises.
- 6.111 Swimming pools.

6.2 Conditional Uses

6.21 Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal building in connection therewith shall be located not less than 200 feet from any lot in an "R" District.

6.22 Group developments in accordance with Section 3.8.

6.3 Height Regulations - No principal structure shall exceed 35 feet in height, and no accessory structure shall exceed one story in height, except as provided in Section 3.7.

6.4 Lot Coverage - The ground area occupied by the principal and accessory buildings shall not exceed 30% of the lot.

6.5 Lot Area, Frontage and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in Sections 3.6 and 3.8. Each lot shall have a minimum lot area of 10,000 square feet.

<u>Minimum Lot Width</u>	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Widths</u> <u>Least Width</u>	<u>Minimum Side Yard Widths</u> <u>Sum Least Widths</u>	<u>Minimum Rear Yard Depth</u>
75'	30'	8'	20'	50'

ARTICLE VII

"R-2" ONE AND TWO-FAMILY RESIDENTIAL DISTRICT

- 7.0 Intent and Purpose of District - The "R-2" One and Two-Family Residential District is intended for the purpose of allowing moderate residential density land use with the commingling of compatible single-family and two-family dwellings, home occupations, certain community facilities, yet retaining the basic residential qualities.
- 7.1 Permitted Uses
- 7.11 Any use or structure permitted and as regulated in "R-1" Single Family Residence District.
- 7.12 Two-Family dwellings.
- 7.2 Conditional Uses
- 7.21 Any use as regulated in Section 6.2.
- 7.22 Hospitals and nursing homes provided that any such buildings shall be at least 50 feet from any lot in any "R" District.
- 7.3 Height Regulations - No principal structure shall exceed 35 feet in height, and no accessory structure shall exceed one story in height, except as provided in Section 3.7.
- 7.4 Lot Coverage - The ground area covered by the principal and accessory buildings shall not exceed 35% of the lot.
- 7.5 Lot Area, Frontage, and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 3.6 and 3.8. Each one-family residence shall be located on a lot containing at least 7,500 square feet. Each structure containing more than one family shall be located on a lot having an area of 5,000 square feet for each family.

<u>Minimum Lot Width</u>	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Least Width</u>	<u>Minimum Side Sum Least Widths</u>	<u>Minimum Rear Yard Depth</u>
6.0	30'	8'	20'	35'

ARTICLE VIII

"R-3" MULTI-FAMILY RESIDENTIAL DISTRICT

- 8.0 Intent and Purpose of District - The "R-3" Multiple-Family Residential District is intended for the purpose of allowing high residential density land use with the commingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities, yet re-training the basic residential qualities.
- 8.1 Permitted Uses
- 8.11 Any use or structure permitted and as regulated in R-2 One and Two-Family Residential District.
- 8.12 Dwellings for any number of units.
- 8.13 Boarding and rooming houses.
- 8.2 Conditional Uses
- 8.21 Any use as regulated in Section 7.2.
- 8.22 Mobile home parks provided:
- 8.221 Each mobile home shall be affixed to a permanent foundation or well drained concrete slab.
- 8.222 Each mobile home space shall be large enough to provide a distance of 10 feet between any mobile home or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet. Each space shall have a minimum of 6,000 square feet and shall not be less than 50 feet in width.
- 8.223 All mobile home spaces shall abut upon a driveway which shall have an unobstructed access to a public street.
- 8.224 An electrical outlet supplying at least 120 volts shall be provided for each trailer space.
- 8.225 Adequate sanitary facilities and supply of water shall be provided to each trailer space.

- 8.226 The mobile home park shall be located on a parcel of ground at least 3 acres in size and each boundary line of the park shall be separated from any residential structure by a natural or artificial barrier.
- 8.227 All driveways and walkways in the park shall have a durable surface.
- 8.228 Walkways shall be provided to service areas and shall be not less than 2 feet in width.
- 8.229 Each park shall comply with the regulations set forth in accordance with North Dakota State Statutes.

- 8.3 Height Regulations - No principal structure shall exceed 35 feet in height, and no accessory structure shall exceed one story in height, except as provided in Section 3.7.
- 8.4 Lot Coverage - The ground area covered by the principal and accessory buildings shall not exceed 40% of the lot.
- 8.5 Lot Area, Frontage, and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, and modifications in Sections 3.6 and 3.8. The requirements for each one and two-family residence shall be the same as in R-2 District. Each structure containing more than two families shall be located on a lot having an area of 5,000 square feet for each family to be housed in the structure.

	Min. Front Yard Depth	Min. Side Yard Width	Min. Side Yard Least Width	Min. Side Yard Sum Least Widths	Min. Rear Yard Depth
Multi-Family	75'	30'	8'	20'	30'

ARTICLE XIX

"B-1" RETAIL BUSINESS DISTRICT

- 9.0 Intent and Purpose of District - The "B-1" Retail Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the central business activity.
- 9.1 Permitted Uses
- 9.11 Any use of structure permitted and as regulated in R-3 Multi-Family Residential District except Single-Family detached dwellings and mobile homes.
- 9.12 Other accessory uses including signs as regulated in Article XII.
- 9.13 Any retail business establishment, such as appliance store, auto accessory store, bakery, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor-covering store, florist shop, furniture store, including incidental upholstering, gift shop, grocery store, haberdashery or women's ready-to-wear shop, hardware, or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.
- 9.14 Any service establishment, such as bank or other financial enterprise, barber or beauty shop, business office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.
- 9.15 Bus terminal.
- 9.16 Commercial parking lot.
- 9.17 Department store.
- 9.18 Hotels and motor hotels
- 9.19 Meeting hall, club and fraternal organization.

9.110 Music and dancing studios.

9.111 Physicians' and dentists' offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management and similar enterprises.

9.112 The following uses when occupying a completely enclosed building:

9.1121 Dance hall, bar or cocktail lounge, night club, and similar enterprise.

9.1122 Furniture upholstering shop only when operated in conjunction with a retail business on the premises.

9.1123 Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club and similar enterprises.

9.1124 Printing, publishing, engraving, lithographing shop or newspaper.

9.1125 Laundry and dry cleaning shop.

9.2 Conditional Uses

9.21 Group developments in accordance with Section 3.8

9.3 Height Regulations - No structure shall exceed 45 feet in height, except as provided in Section 3.7.

9.4 Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 3.6 and 3.8.

Dwellings - Same as R-3 Multi-Family Residential District.

	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Widths</u>	<u>Minimum Rear Yard Depths</u>
Commercial Uses	10'	None, except where adjoining an "R" District then same as the least width required in that "R" District.	10', except where adjoining an "R" District, then same as "R" District.

ARTICLE X

"B-2" GENERAL BUSINESS DISTRICT

- 10.0 Intent and Purpose of District - The "B-2" General Business District is intended for the purpose of allowing certain commercial uses which may:
1. Require intensive land coverage.
 2. Generate large volumes of vehicular traffic.
- 10.1 Permitted Uses
- 10.11 Any use of structure permitted and as regulated in B-1 Retail Business District except residential dwellings and mobile homes.
- 10.12 Building material sales yards, enclosed on all sides by an eight-foot high solid fence.
- 10.13 Wholesale businesses and warehouses.
- 10.14 Motels or motor hotels.
- 10.15 Drive-in eating establishments.
- 10.16 Motor fuel stations.
- 10.17 Animal hospitals and veterinary clinics provided that buildings or enclosures in which animals are kept shall not constitute a nuisance to residential property.
- 10.18 Commercial baseball field, bath house, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, as not to constitute a nuisance to residential property.
- 10.19 Automobile, truck, trailer, and garden and farm implement establishments for display, hire, sales, including sales lots.
- 10.110 Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, and similar establishments.

10.2 Conditional Uses

10.21 Any use as regulated in Section 9.2.

10.3 Height Regulations - No structure shall exceed 45 feet in height, except as provided in Section 3.7.

10.4 Lot Area, Frontage and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in Sections 3.6 and 3.8.

<u>Use</u>	Minimum Lot Area	Minimum Lot Area Width	Minimum Front Yard Depth	Minimum Side Yard Widths
Commercial Uses	None	50'	25'	None, except where adjoining an "R" District then same as the least required in that "R" District.

Minimum Rear Yard Depth - 10', except where adjoining an "R" District, then same as "R" District.

ARTICLE XI

"I-1" INDUSTRIAL DISTRICT

11.0 Intent and Purpose of District - The "I-1" Industrial District is intended for the purpose of allowing light industrial uses, in order to provide a location for industrial development, with good transportation facilities and without conflicting with residential or commercial uses.

Heavy basic or primary industries not considered to be of the same general character shall be required to meet prescribed standards and receive permission to locate in the District.

11.1 Permitted Uses

11.11 Any use or structure permitted and as regulated in B-2 General Retail District.

11.12 Any accessory buildings and uses including signs as regulated by Article XII.

11.13 Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.

11.14 The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, milk, and food products.

11.15 The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: Canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber, textiles, wood, and yarn.

11.16 Bottling of soft drinks or milk, or distribution stations.

11.17 Railroad freight stations, trucking or motor freight terminals.

11.18 The following uses provided operations are enclosed by a solid wall or fence not less than 6 feet in height:

- 11.181 Builder's or contractor's plant or storage yard.
- 11.182 Building material sales and storage yard, including concrete mixing.
- 11.183 Lumber yard, including millwork.
- 11.184 Open yard for storage and sale of feed, fertilizer, or fuel.

11.2 | Conditional Uses

- 11.21) Any use as regulated in Section 10.2.
- 11.22 Automobile salvage and wrecking operations, industrial and waste salvage operations and junk yards provided all operations are conducted within area enclosed on all sides with a solid wall or fence not less than 8 feet in height and, no pile of salvage, scrap, or other material shall be higher than 8 feet.
- 11.23 Any use of land or of structures engaged in the production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products not previously allowed with such restrictions as the City Council shall require.

11.3 Prohibited Uses

- 11.31 Dwellings, except for watchman or caretaker on the premises.
- 11.32 Schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use.
- 11.4 Height Regulations - No building or structure shall exceed 75 feet in height except as provided in Section 3.7.
- 11.5 Lot Coverage - Ground area occupied by buildings shall not exceed 40% of the lot area.
- 11.6 Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Sections 3.6 and 3.8. Where ever an I-1 District abuts any other use district every building in the I-1 District shall be set back from the other district property a minimum of 100 feet.

Minimum Front Yard Depth - 60'

ARTICLE XII

SIGNS

12.0 Permit Requirement - No signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning certificate and without being in conformance with the provisions of this Ordinance.

12.1 Standard of Measurement.

12.11 The total area of all signs permitted on a lot shall include:

12.111 The total area of the faces of all permanent exterior signs visible from a public way.

12.112 The area of permanent signs placed upon the surface of windows and doors,

12.113 The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

12.2 Signs Permitted in the Agricultural and Residential Districts

12.21 Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back at least 10 feet from the right-of-way of a street, highway or road.

12.22 One nameplate not exceeding 2 square feet for each dwelling.

12.23 Real estate signs of a temporary nature, not exceeding two in number per lot not larger than 8 square feet, set back 20 feet from any highway street or road.

12.24 Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of a non-residential nature.

12.25 Signs flat against the building, appertaining to any of the permitted principal uses of a non-residential character.

12.26 A sign or signs flat against a building appertaining to a nonconforming use on the permises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.

12.3 Signs Permitted in Business and Industrial Districts

12.31 Signs as permitted in Section 12.2.

12.32 Billboards and signboards subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions:

12.321 No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, or interfere with pedestrian or vehicular safety.

12.322 No billboard, signboard or similar advertising signs shall be located within 50 feet of any lot in an "R-1" District or within 40 feet of any lot in an "R-2" District.

12.323 No billboard or signboard facing shall exceed 100 square feet in area for any one premise.

12.324 No billboard, signboard or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

12.325 Elevated signs at least five feet from any lot line.

ARTICLE XIII

SPECIAL PROVISIONS

13.0 Off-Street Parking Areas and Loading Spaces

13.01 In all districts, in connection with every building or part thereof hereafter erected, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials, there shall be provided on the same premises with such building at least one off-street loading space accessible from an alley, , or street. Such space may occupy all, or any part of a required rear yard or part of any other yard or court space on the same premises.

13.02 In all districts, parking space shall be provided in connection with the uses set forth hereinafter and to the extent indicated, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of "B" Disricts and "I" Districts, and in conjunction with uses other than dwellings, such areas shall be on the premises served or on adjoining or nearby property in the same or less restricted district.

13.03 Parking Spaces Required

<u>Use</u>	<u>Parking Space Required</u>
Automobile or Machinery Sales and Service Garages	1 for each 1,000 square feet of floor area
Banks, Business and Professional Offices	1 for each 400 square feet of floor area
Bowling Alleys	5 for each alley
Churches and Schools	1 for each 8 seats in principal auditorium
Dance Halls and Assembly Halls without fixed seats	1 for each 100 square feet of floor area used for assembly

<u>Use</u>	<u>Parking Space Required</u>
<u>Dwellings-</u>	
Single-Family and Mobile Homes	2 for each unit
All other	1½ for each unit
<hr/>	
Funeral Homes, Mortuaries	6 per chapel reoom or parlor or 1 per 50 square feet of rooms used for services, whichever is greater
Hospitals, Nursing Homes and care centers	1 for each 6 beds
Manufacturing Plants	2 for each 3 employees on maximum working shift
Medical and Dental Clinics	1 for each 200 square feet of floor area.
Motels or Motor Motels	1 for each unit
Shoppers Goods - Appliance, Household Equipment, Furniture and similar stores	1 for each 500 square feet of floor area
Taverns, Bars, Resturants, Retail and Service Stores	1 for each 200 square feet of floor space
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum work shift

In the case of any use which is not specifically mentioned, the provisions for a similar use which is mentioned shall apply.

13.1 Units of Measurement

13.11 Parking Space - Each parking space shall be rectangular in shape, shall not be less than 200 square feet in area exclusive of access drives or aisles.

13.12 Loading Space - Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

- 13.13 Floor Area - In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.
- 13.14 Development Standards - Off-street accessory parking areas shall be of useable shape, and shall be improved with a durable surface. Parking areas abutting a Residential District shall be effectively screened by a fence, wall, or hedge. Such screen shall be at least six feet in height and shall be maintained in good condition. The space between such screen shall be landscaped with grass, hardy scrubs or evergreen ground cover and maintained in good condition.

ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

- 14.0 Zoning Administrator - For the purpose of this Ordinance the Planning and Zoning Commission, City of Hatton, North Dakota, is hereby designated as the Zoning Administrator. The Zoning Administrator shall enforce the regulations, and in addition thereto and in furtherance of said authority shall:
- 14.01 Issue all zoning certificates and make and maintain records thereof.
- 14.02 Issue all occupancy permits and make and maintain records thereof.
- 14.03 Conduct Inspection of buildings, structures, and use of land to determine compliance with the terms of the regulations.
- 14.04 Maintain permanent and current records of the regulations, including, but not limited to, all maps, non-conforming uses, amendments, variances, appeals, and applications thereof.
- 14.05 Transmit to the Board of Adjustment applications for appeals, variances, or other matters on which the Board of Adjustment is required to pass.
- 14.06 Issue occupancy permits for regulating the erection of buildings or structures and use of land for periods not to exceed ten days for specific purposes such as temporary carnivals, churches, charities, and meetings.
- 14.1 Planning and Zoning Commission - The Planning and Zoning Commission shall serve as Zoning Administrator, and in addition thereto and in furtherance of said authority, shall:
- 14.11 Hold public hearings on all applications for amendemnt of zoning district maps and the text of this Ordinance and make recommendations to the City Council for approval, disapproval, or for modification.
- 14.12 Hold public hearings on applications for consideration of conditional uses and make recommendations to the City Council for approval or disapproval.

- 14.13 Initiate, direct, and review from time to time a study of the provisions of the regulations and make recommendations to the City Council.
- 14.2 Board of Adjustment - A Board of Adjustment consisting of five members shall be appointed in accordance with the provisions of Chapter 40-47, Section 40-47-04 of the North Dakota Century Code.
- 14.21 Membership and Procedure - There shall be a Chairman, Vice Chairman, and Secretary. The Board shall elect its own Chairman and shall have the power to adopt its own rules and procedures. 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 Vice Chairman, may administer oaths and compel attendance of witnesses.
- 14.22 Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board.
- 14.23 Four members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator.
- 14.24 The Board may call on the county and municipal departments for assistance in the performance of its duties.
- 14.3 Appeals
- 14.31 An application to the Board, may be taken by any property owner, including a tenant, or by any governmental officer, department, board, or bureau. Such application shall be filed with the Zoning Administrator, together with a fee as established in this Ordinance, all the plans, specifications and other papers pertaining to the application to the Board. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
- 14.32 The Board shall fix a reasonable time for the hearing of an application or of an appeal.
- 14.4 Powers of the Board - The Board shall have jurisdiction in matters and shall have the specific and general powers provided in the regulations.

- 14.41 Interpretation of Map - The Board shall have the power to hear and decide, requests of applications for interpretation of the zoning maps. The Board, after public hearing shall correct the map in such a way as to carry out the intent and purpose of the regulations for the particular section or district in question.
- 14.42 Administrative Review and Variances - To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of the provisions of the regulations.
- 14.421 Variances - To authorize, on appeal and after public hearing, in specific cases such variance from the terms of the regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited, shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district.
- 14.4211 No such variance in the provisions or requirements of the regulations shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:
- (a) That there are exceptional or extraordinary circumstances or conditions applying to the particular physical surroundings, shape or topography of the property in question that does not apply generally to other properties in the same zoning district.
 - (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the district and provided the purpose of the variance is not based on a desire for economic or other material gain by the applicant or owner and the alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
 - (c) That the authorizing of such variance will not of substantial detriment to adjacent property and will not materially impair the purposes of the regulations or the public interest.
- 14.4212 In authorizing a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building or structure as it may deem advisable in the interest of the purposes of the regulations.

14.4213 In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the compatibility of the variance with the general intent of the zoning regulations in order to encourage development without detracting from the use and enjoyment of surrounding property.

14.5 City Council - It is the intent of this Ordinance that the City Council, shall have the duties, powers, and authority to:

14.51 Consider, adopt or reject proposed amendments or repeal of this Ordinance in accordance with Section 3.14.

14.52 Hear and decide on applications for conditional uses as hereinafter provided:

14.521 Decide such questions as are involved in determining whether a conditional use should be authorized, to grant conditional use permits with such conditions and safe guards as are appropriate under these regulations, and to deny a conditional use when not in harmony with the purpose and intent of this Ordinance.

14.6 Zoning Certificates, Occupancy Permits, and Conditional Use Permits - Except as hereinafter provided no permit pertaining to the permitted use of land or buildings, or addition to an existing building shall be issued unless the application for such permit has been examined by the Zoning Administrator, indicating that the proposed building or structure complies with all the provisions of this Ordinance.

14.61 Application for Zoning Certificate - Every application for a zoning certificate shall be deemed to be an application for an occupancy permit. Every application for a permit shall be accompanied by the plot plan showing:

14.611 The shape and dimensions of the lot to be built upon, the location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the regulations.

14.62 Issuance of Occupancy Permit - No occupancy permit for a building, or portion thereof, constructed after the effective date of the regulations, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than 14 days after the request for an occupancy permit.

14.63 Conditional Use Permits - Except as hereinafter provided no permit pertaining to the conditional use of land or buildings shall be issued unless:

14.631 An application for a Conditional Use, in accordance with the provisions of Section 14.634, has been submitted to the Planning and Zoning Commission for review and comment.

14.632 The City Planning and Zoning Commission has held a public hearing on the application.

14.633 The City Council has made written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- a) 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.
- b) Off-street parking and loading areas where required with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
- c) Utilities, with reference to locations, availability, and compatibility.
- d) Required yards and other open space.
- e) General compatibility with adjacent properties and other property in the district.

14.634 Application for a Conditional Use Permit - Every application for a permit shall include:

14.6341 An indication of the section of this Ordinance under which the Conditional Use is sought and stating the reasons for which it is requested.

14.6342 A plot plan showing: a) Legal dimension of the tract to be used. b) Location of all structures and all existing and proposed improvements including curbcut access, off-street parking and other such facilities. c) Building setback from all property lines. d) Location and type of planting, screening or walls.

14.6343 A timing schedule indicating the anticipated starting and completion dates of the development.

14.6344 Names and addresses of adjacent property owners.

14.6345 Any additional information the Planning and Zoning Commission and City Council deems necessary.

14.7 Judicial Review - All final administrative decisions of the Board of Adjustment and City Council shall be subject to judicial review.

14.8 Penalties for Violations - Any person, firm or corporation who violates or refuses to comply with any provision of this Ordinance shall, upon conviction be fined not less than (10) nor more than (100) for such offense. Each day that a violation continues shall constitute a separate offense.

14.9 Remedies - In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the regulations, the City Attorney, in addition to other remedies under the North Dakota Century Code is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

14.10 Hearing - It shall give not less than 15 nor more than 30 days notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to or directly across a street or alley from the area proposed to be altered.

14.11

Notification - The failure to notify, as provided by this article, shall not invalidate an ordinance or a resolution, provided such failure was not intentional and the omission of the name of the owner or occupant of the property who may, in the opinion of the City Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance or resolution passed hereunder, it being the intention of this article to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance or resolution is pending before the City Council, proposing to make a change in zoning.

1st Reading April 7, 1975
Publication April 15, 1975
2nd Reading &
Final Passage May 5, 1975

C. A. Thompson

MAYOR

ATTEST:

D. G. Murray

Auditor