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CHAPTER SIX
ZONING - LAND USE PLANNING

ARTICLE 1 – Introduction

6.0101 Authority

This chapter is adopted under the authority granted by Chapter 40-47 of the North Dakota Century Code.

6.0102 Jurisdiction

The territorial jurisdiction is declared to include all land within the city limits and all territory located within ½ mile in every direction of the city limits. (North Dakota Century Code 40-47-01.1)

6.0103 Abrogation and Greater Restrictions

It is not the intent to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted. Whenever this chapter imposes greater restrictions, this chapter shall govern.

In interpretation and application, this chapter shall be construed in favor of the City of Minnewaukan, and shall not be construed to be a limitation or repeal of any other power granted by the North Dakota Century Code.

6.0104 Severability

If any part or provision of this chapter or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision, section, or application expressly involved in the controversy and shall not affect or impair the integrity of validity of the remainder of the chapter or its application to other persons, property, or circumstances.

If any application of this chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

6.0105 Supersedes

This chapter supersedes all previous zoning ordinances, parts of city regulations, existing ordinances or resolutions in conflict with this chapter or its provisions.

ARTICLE 2 - Planning and Zoning Commission

6.0201 Planning and Zoning Commission Members

According to the Attorney General's Opinion it is not mandatory for a city to have a zoning commission. Under this statute, it is only necessary to appoint a zoning commission if the governing body of a city desires to exercise the powers given to the municipality by chapter 40-47,N.D.C.C.

6.0204 Amendments

The City Council may amend this chapter by supplementing, changing, modifying or repealing any of the regulations, restrictions or other provisions thereof or of the district map or the districts or of the boundaries. A proposed amendment may be initiated by the City Council.

If a protest against a change, supplement, modification, amendment or repeal is filed and signed by owners of twenty percent (20%) or more:

1. Of the area of the lots included in such proposed change; or
2. Of those immediately adjacent in the rear thereof extending 150 feet there from; or
3. Of those directly opposite extending 150 feet from the street frontage of the opposite lots.

The amendment shall not become effective except by a favorable vote of three-fourths (3/4) of all the City Council members.

6.0205 Enforcement

The erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building or structure or the use of any building, structure or land in violation of this chapter or of any regulation, order, requirement, decision or determination made under authority conferred by this chapter, shall constitute the maintenance of a public nuisance and any appropriate action or proceeding may be instituted by the City, Building Inspector, or other designated official, or department:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or
2. To restrain, correct or abate such violation, or
3. To present the occupancy of the building, structure or land, or
4. To prevent any illegal act, conduct, business or use in or about such premises.

A violation of any provision of this article or a violation of or refusal or failure to comply with any regulation, order, requirement, decision of determination made under authority conferred by this article shall be punishable as an infraction. Each day the violation constitutes a separate violation. (see North Dakota Century Code section 12.1-32-01) Fines of up to \$100.00 per violation may be imposed.

ARTICLE 3 – Definitions

6.0301 Definitions

For the purpose of this chapter the following words and phrases shall have the meanings herein given:

1. “Accessory Use or Building” is a subordinate use or building customarily incident to and located on the same lot with the main use or building.
2. “Alteration” as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
3. “Building” is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, including tents, lunch wagons, dining cars, camp cars, trailers and other roofed structure on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purposes of this definition “roof” shall include an awning or other similar covering, whether or not permanent in nature.
4. “Building Line” is the line between which and the street line or lot line no building or other structure or portion thereof, except as provided in this Code, may be erected above the grade level. The building line is considered a vertical surface intersection the ground on such line.

5. "Commercial Animal Feedlot" is any livestock feeding, handling, or holding operation or feed yard doing business as an enterprise where on hundred (100) head or more of livestock are kept for the purpose of feeding and where the livestock kept are for resale or slaughter.
6. "Dwelling" is a building designed or used as the living quarters for one or more families and needs to be a minimum of 900 square feet.
7. "Dwelling House" is a detached house designed for an occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit with each unit being a minimum of 900 square feet.
8. "Dwelling Unit" is one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping and eating with each unit being a minimum of 900 square feet.
9. "Dwelling, Multi-Family" is a dwelling or group of dwellings on one plot containing separate living units for three or more families, but which have joint services or facilities for both with each dwelling being a minimum of 900 square feet.
10. "Family" is a single individual, doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a board house, lodging house, club, fraternity or hotel.
11. "Garage, Private" is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
12. "Lot" is a parcel of land occupied or capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.
13. "Non-conforming Use" is a building, structure or use of land existing at the time of the enactment of this chapter and which does not conform to the regulations of the district in which it is located.
14. "Setback Building Line" is a building line back of the street line.
15. "Structure" is anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.
16. "Use" is the purpose for which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.
17. "Variance" is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open space.
18. "Yard" is an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.
19. "Yard, Front" is an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

20. "Yard, Rear" is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
21. "Yard, Side" is an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a lot line.

ARTICLE 4 – Establishment of Districts

6.0401 Use Districts Established

For the purposes of this chapter, the City is divided into use districts.

6.0402 Maps and Boundaries

The boundaries of these districts are hereby established as shown on a map entitled "The Zoning Map of the City of Minnewaukan" which is on file in the office of the city auditor. This map, with all explanatory matter thereon, is hereby made a part of this chapter.

6.0403 Annexed Property

Property not included within a district and becomes a part of the City by annexation shall automatically be classified as lying and being in the R-1 residential district until such classification has been changed by an amendment to the zoning ordinances.

ARTICLE 5 - Application of Regulations

6.0501 Application of Regulations

Except as provided in this chapter:

1. Conformity of Buildings and Land. No building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district, as shown on the official map, in which it is located.
2. Conformity of Buildings. No building, structure or premises shall be erected, altered or used so as to produce smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for such building, structure or premises for the district in which it is located.
3. Conformity of Open Spaces. No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling under this chapter.
4. A minimum lot purchase in New Minnewaukan (Bill & Rose Streifel 1st Addition is subject to three lots, from date of purchase the owner will have two years to add a minimum 900 square foot dwelling to the lots according to ordinance or the City will get the lots back and retain the money for them. **NO PARK MODELS ARE ALLOWED IN THE RESIDENTIAL AREA OF NEW MINNEWAUKAN(BILL & ROSE STREIFEL 1ST ADDITION)!!!**

ARTICLE 6 – General Provisions

6.0601 Introduction

The proper regulation of certain lands and structures cannot be accomplished by district regulations alone, therefore these general provisions shall be applied in addition to any district regulations.

6.0602 Compliance

No structure, land, water, or air shall be used and no structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarge, converted, or structurally altered without a building permit and full compliance with this Chapter.

6.0603 Permitted Uses

Permitted uses are specified for each district.

6.0604 Accessory Uses

Accessory uses are as stated below:

1. Shall be clearly incidental and customarily associated with the operation of a permitted use.
2. Shall be operated and maintained under the same ownership on the same lot.
3. Shall not contain structures or structural features inconsistent with the permitted use.
4. Shall include residential occupancy only with the approval of the City Council.
5. Shall be allowed after permitted use is present or under construction.
6. Shall not involve the conduct of any business, trade, or industry when accessory to residential district permitted uses, except for home and professional operations as defined herein.

6.0605 Conditional Uses

Along with their accessory uses, the City Council shall allow conditional uses in specified districts after review, public hearings, and recommendation. Applications for conditional use will utilize the building permit process.

6.0606 Uses not Specified

Uses not specified may be allowed in districts with approval by the City Council provided they are similar in character in the district.

Any lot in existence prior to the effective date of this chapter and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located with the approval of the Building Inspector, or other designated official, even though its dimensions are less than the minimum requirements of this ordinance.

6.0607 Non-Conforming Uses and structures

The nonconforming uses of any water, structure, or land existing at the time of the enactment of this chapter may be continued, although such use does not conform with the provisions of this chapter, provided the following conditions are met

1. A non-conforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding in aggregate cost twenty-five percent (25%) of the assessed value of the building or structure, unless the building or structure is changed to a conforming use.
2. A non-conforming use shall not be extended, enlarged, substituted, or moved.
3. No non-conforming building, structure or use shall be changed to another non-conforming use.
4. A non-conforming use of a building or premises that has been abandoned or altered shall not thereafter be returned to such non-conforming use.

Nothing in this chapter shall be interpreted as authorization for the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this chapter.

The Building Inspector, or other designated official shall issue a "Certificate of Non-Conforming Use" to all owners of property that does not conform to the provisions of the use zone in which the property is located.

No use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-Conforming Use," unless said use shall be in conformity with the provisions of the use zone in which the property is located.

No permit or license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued until approved.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming uses existing therein.

The Building Inspector, or other designated official shall compile a file of all nonconforming uses and structures and maintain it in the City Auditor's office listing location, use, and assessed value of structures.

6.0608 Erosion and Sediment Control Plan

An erosion and sediment control plan may be requested by the City Council for those uses requiring substantial land modification or earth movement and the plan shall be submitted before a building permit is granted. These plans are to be developed with the appropriate Soil Conservation district and must have their written approval.

A performance bond may be required by the City Council with the amount based on the complexity of control measures. The performance bond will be filed with the City Auditor.

6.0609 New Additions

Unless the owners elect in the petition of annexation to it remain classified as Agricultural new additions, land, or territory, annexed to the city shall become classified as R-1 use district without additional procedure and shall become a matter of record by amending the zoning map. New areas annexed for purposes other than R-1 must follow the hearing procedure for ordinance amendments.

6.0610 Intent to demolish structure

**City of Minnewaukan
Intent to Demolish Structure \$25.00 Fee
Ordinance 6.0610**

Legal Owner _____ **Phone number** _____

Mailing Address _____

Location of structure _____

Estimated Start Date _____ **Estimated Completion Date** _____

Please choose below as to what your plans are for demolition.

_____ **All building material will be hauled away to a licensed landfill.**

_____ **Building will be inspected for asbestos before demolition and may be buried on site if no asbestos is found. This needs to be done by a licensed inspector & paperwork needs to be**

turned into City so the ND Dept. of Health can approve it.

_____ **This property has met requirements to be moved or demolished.**

_____ **Date** _____
Sherri Thompson, City Auditor

1st Reading: May 12, 2020

2nd Reading & Final Adoption: June 9, 2020

_____ **Matt Seufert, Mayor**

_____ **Sherri Thompson, City Auditor**

ARTICLE 7 - Use Districts

6.0701 Use Districts

The City is divided into the following Use Districts to be known as:

- R-1 Residential District, Single Family
- R-2 Residential District, Two Family
- R-3 Residential District, Multi Family
- C-1 Commercial Districts
- IND Industrial Districts
- M-H Mobile Home Park
- A Agricultural
- REC Recreational Vehicles and Camping Trailers
- SU-1 Special Use District

The boundaries of the districts appear on a map designated as the zoning map, and all notations, references, and other information shown are a part of this chapter and have the same force and effect as this chapter. The zoning map shall be maintained in the City Auditor’s office.

When uncertainty exists with respect to the boundaries of the various districts, the following rules apply:

1. In unsub-divided property, the district boundary line shall be determined by the use of the scale or dimensions appearing on the map.
2. Where the property line is divided into blocks and lots, the boundaries shall be construed to be lot lines.
3. Boundaries following streets, alleys, roads, or highways shall be the centerlines unless otherwise indicated.
4. Where uncertainties may exist the boundary line shall be determined by the City Council and indicated on the zoning map.

ARTICLE 8 - Residential Districts

6.0801 Accessory Uses in Residential Districts

The following accessory uses and buildings are permitted in residential districts:

1. Professional office for a physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building.
2. Home Occupation. Customary home occupation for gain carried on in the main building or a building accessory thereto requiring only home equipment and employing no non-resident help and no trading in merchandise is carried on.
3. Gardens, pet enclosures.
4. Private garages, utility or storage sheds not to exceed 200 square feet.
5. Shall not contain structures or structural features inconsistent with the permitted use.

6.0802 R-1 – Residential Districts

In a R-1 residential district, the following buildings and uses are permitted:

1. Dwelling houses occupied by not more than one family.
2. Publicly owned and operated buildings.
3. Churches and parish houses.
4. Playgrounds and Parks.
5. Modular sectional homes with a minimum width of 24 feet, a Minimum floor space of 1100 square feet on the main floor, and must be on permanent foundation, with a gabled roof with a minimum pitch of 3 to 12.
6. Stick built with a minimum 900' square foot dwelling. **NO PARK MODELS ALLOWED IN RESIDENTIAL AREAS OF NEW MINNEWAUKAN(BILL & ROSE STREIFEL 1ST ADDITION)!!!**

The minimum lot size shall be 75 feet wide with a minimum area of 9,000 square feet. This applies only to property annexed after 2010.

The principal building and all accessory buildings shall not cover more than 35 percent of the lot.

Each lot shall have a front yard not less than 20 feet measured from the foundation, and conform to the front yard of adjoining properties. When a lot abuts section lines the minimum building setbacks measured from the section line, shall be frontage road plus 20 feet. Corner lots may have the choice of two fronts depending on how the homeowner puts their home on the corner lot.

Each lot shall have two side yards, one on each side of the principal building and shall not be less than 5 feet measured from the outermost projection of the building.

Each lot shall have a rear yard with a depth of not less than 25 feet from the principal building. For each accessory use, there shall be a minimum setback of 3 feet from the rear lot line.

A garage must have a ramp of 20 feet in length from the foundation of the garage to the property line.

No building shall exceed 2 ½ stories, nor exceed 35 feet in height.

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be located within the property line.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

Basement apartments must have fire exits other than the normal entrance.

Accessory uses customarily incidental to the permitted uses in section 6.0801 and 6.0604.

When a lot abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600 foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a lot abuts State or Federal Highways outside the city limits access shall be limited to 1 per quarter mile. The landowner shall provide for a frontage road or deed to the nearest quarter mile access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

6.0803 R-2 - Residential Districts

In a R-2 residential district, the following buildings and uses are permitted:

1. Dwelling houses occupied by not more than two families.
2. Publicly owned and operated buildings.
3. Churches and parish houses.
4. Playgrounds and Parks.
5. Cemeteries
6. Modular sectional homes with a minimum width of 24 feet, a Minimum floor space of 1100 square feet on the main floor, and must be on permanent foundation, with a gabled roof with a minimum pitch of 3 to 12.
7. Stick built with minimum 900' square foot dwelling. **NO PARK MODELS ALLOWED IN RESIDENTIAL AREAS IN NEW MINNEWAUKAN(BILL & ROSE STREIFEL 1ST ADD)**

The minimum lot size shall be 75 feet wide with a minimum area of 9,000 square feet. This applies only to property annexed after 2010.

The principal building and all accessory buildings shall not cover more than 35 percent of the lot.

Each lot shall have a front yard not less than 20 feet measured from the foundation, and conform to the front yard of adjoining properties. When a lot abuts section lines the minimum building setbacks measured from the section line, shall be frontage road plus 20 feet. Corner lots may have the choice of two fronts, depending on how the homeowner put their home on the corner lot.

Each lot shall have two side yards, one on each side of the principal building and shall not be less than 5 feet measured from the outermost projection of the building.

Each lot shall have a rear yard with a depth of not less than 25 feet from the principal building, exclusive of a 10 foot easement for an alley. For each accessory use, there shall be a minimum setback of 3 feet from the rear lot line.

A garage must have a ramp of 20 feet in length from the foundation of the garage to the property line..

No building shall exceed 2 ½ stories, nor exceed 35 feet in height.

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be located within the property line.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

Basement apartments must have fire exits other than the normal entrance.

Accessory uses customarily incidental to the permitted uses in section 6.0801 and 6.0604.

When a lot abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600 foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a lot abuts State or Federal Highways outside the city limits access shall be limited to 1 per quarter mile. The landowner shall provide for a frontage road or deed to the nearest quarter mile access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

6.0804 R-3 - Residential Districts

In a R-3 residential district the following buildings and uses are permitted:

1. Multi-family dwellings.
2. Nursing and Rest Homes
3. Homes for the Aged.
4. Publicly owned and operated buildings.
5. Churches and parish houses.
6. Cemeteries
7. Playgrounds and Parks.
8. Private clubs.
9. Stick built with minimum 900' square foot dwelling. **NO PARK MODELS ALLOWED IN RESIDENTIAL AREA S IN NEW MINNEWAUKAN(BILL & ROSE STEIFEL 1ST ADD)**
10. Lodges or social buildings.
11. Hotels and motels.

The minimum lot size shall be 75 feet wide with a minimum area of 9,000 square feet. This applies only to property annexed after 2010.

The principal building and all accessory buildings shall not cover more than 35 percent of the lot.

The minimum lot size shall be 75 feet wide with a minimum area of 9,000 square feet, plus 1,000 feet for each additional living unit over 1 in number.

Each lot shall have a front yard not less than 20 feet measured from the foundation, and conform to the front yard of adjoining properties. When a lot abuts section lines the minimum building setbacks measured from the section line, shall be frontage road plus 20 feet. Corner lots may have the choice of two fronts, depending on how the homeowner puts their home on the corner lot.

Each lot shall have two side yards, one on each side of the principal building and shall not be less than 5 feet measured from the outermost projection of the building.

Each lot shall have a rear yard with a depth of not less than 25 feet from the principal building. For each accessory use, there shall be a minimum setback of 3 feet from the rear lot line.

A garage must have a ramp of 20 feet in length from the foundation of the garage to the property line.

No building shall exceed 35 feet in height. Accessory structures shall not exceed 25 feet

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be 10 feet back from the street. This will be included in with the owner's building permit when they bring in their plans for the building permit.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

Basement apartments must have fire exits other than the normal entrance.

Accessory uses customarily incidental to the permitted uses in section 6.0801 and 6.0604.

When a lot abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600 foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a lot abuts State or Federal Highways outside the city limits access shall be limited to 1 per quarter mile. The landowner shall provide for a frontage road or deed to the nearest quarter mile access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

ARTICLE 9 – Commercial Districts

6.0901 Accessory Uses in Commercial Districts

The following accessory uses and buildings are permitted:

1. Professional office for a physician, clergyman, architect, engineer, attorney or similar professional person residing in such main building.
2. Home Occupation. Customary home occupation for gain carried on in the main building or a building accessory thereto requiring only home equipment and employing no non-resident help and no trading in merchandise is carried on.
3. Agricultural uses and gardens.
4. Private garages and/or utility sheds.
5. Shall not contain structures or structural features inconsistent with the permitted use.

6. Retail stores and shops.
7. Service establishments.
8. Business and professional offices.
9. Eating establishments.
10. Funeral homes and mortuaries.
11. Transportation services.
12. Amusements and recreation.
13. Wholesale businesses.
14. Storage buildings and warehouses.
15. Any other building or use similar to the uses herein listed in the type of services or goods sold.
16. Any accessory use customarily incident to a use herein listed.

6.0902 C-1 Commercial District New Town Development

Lots shall be a minimum width of 50 feet, with a minimum area of 6,000 square feet.

Each lot shall have a front yard not less than 30 feet measured from the foundation, and conform to the front yard of adjoining properties.

Each lot shall have two side yards, one on each side of the principal building and shall not be less than 10 feet measured from the outermost projection of the building.

Each lot shall have a rear yard with a depth of not less than 25 feet.

No structures shall exceed 35 feet in height except for signs which may be higher.

A buffer strip of trees or other natural growth, approved by the City Council shall provide a sight and sound barrier when a commercial use is adjacent to a residential district.

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be located within the property line.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

Accessory uses customarily incidental to the permitted uses in section 6.0901.

When a lot abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600-foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a lot abuts section lines outside the city limits the minimum building setbacks measures from the centerline or from the section line shall be frontage road plus 30 feet and access shall be limited to 1 per

quarter mile. The landowner shall provide for a frontage road or deed to the nearest access point to a public highway. Lots having double frontage must provide the required front yards or setbacks on both frontages. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

6.0903 C-2 Commercial District Old Town

Zero setbacks.

No structures shall exceed 35 feet in height except for signs which may be higher.

A buffer strip of trees or other natural growth, approved by the City Council shall provide a sight and sound barrier when a commercial use is adjacent to a residential district.

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be located within the property line.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

Accessory uses customarily incidental to the permitted uses in section 6.0901.

When a lot abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600-foot access point to a public

ARTICLE 10 – Industrial Districts

6.1001 General Requirements

Lots shall be a minimum width of 50 feet, with a minimum area of 6,000 square feet.

No structures shall exceed 35 feet in height.

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be located within the property line.

A buffer strip of trees or other natural growth, approved by the City Council shall provide a sight and sound barrier on enlarged side and rear yards when an industrial use is adjacent to a residential district.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

All buildings erected on any lot and any additions or alterations shall be of permanent construction.

Except for sidewalks, driveways, and parking areas all front and side yards on the street side of a building shall be planted in grass or other ground cover and shrubs, trees, and plant material.

When a lot abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600 foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a lot abuts section lines outside the city limits the minimum building setbacks measures from the center line or from the section line shall be frontage road plus 30 feet and access shall be limited to 1 per quarter mile. The landowner shall provide for a frontage road or deed to the nearest access point to a public highway. Lots having double frontage must provide the required front yards or setbacks on both frontages. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

6.1002 Uses Permitted

The compounding, assembly, treatment, manufacture, processing and packing of articles or materials shall be permitted in the industrial district.

The following buildings and uses are permitted in the industrial district:

1. All uses permitted in a C - Commercial District, except dwelling or dwelling units.
2. Other uses as approved by the City Council.

6.1003 Uses Prohibited

1. Acetylene or gas manufacture.
2. Ammonia, bleaching powder or chlorine manufacture or storage.
3. Chemical manufacture or storage.
4. Concrete or cement products manufacture.
5. Iron or steel foundry or fabrication plant and heavy weight casting.
6. Sodium compounds manufacture.
7. Petroleum products manufacture or wholesale storage.
8. Salvage and Junk Yards.
9. Any other trade, industry, or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than those enumerated.

ARTICLE 11 – Mobile Home Park District

6.1101 Permitted Uses

The permitted uses are:

1. Mobile Homes. Single Wide Trailers Only. **NO PARK MODELS ALLOWED !!**
2. Community recreation facilities.
3. Parks and Playgrounds.

6.1102 General Requirements

The minimum park size shall be 1 acre.

The minimum lot size width shall be 75 feet with a minimum area of 6,000 feet.

The ground area occupied by a mobile home, attached storm shed, patio, storage building, and off-street parking shall not exceed 50 percent of the lot. In compiling the ground coverage, 360 square feet shall be added to the actual area of the mobile home dwelling and the accessory building for the 2 required off-street parking spaces. This provision limits a lot to 1 storage shed not over 200 square feet in area, and shall be placed on a proper foundation which includes at least a 6 inch elevation off of ground.

Each lot shall have a front yard not less than 10 feet, and conform to the front yard of adjoining units.

Each lot shall have a side yard not less than 10 feet, with the following permitted encroachments:

1. Patios without roofs or walls may project 5 feet.
2. Outdoor steps may project 3 feet.
3. Window canopies.

Each lot shall have a rear yard not less than 10 feet.

Recreation areas shall be provided in a park of 10 units or more for the exclusive use of the occupants, with a minimum area of 10 percent of the total area of the park, and shall be of appropriate design and provided with adequate and permanent equipment.

All lawns shall be seeded or sodden within 1 year of issuance of the occupancy permit unless the City Council grants an extension.

All mobile homes shall be equipped with compatible skirts to completely enclose the underside. An adequate size access door shall be provided at the closest point to the water hookup and shall not have any porch or steps hindering access. City employees are not required to crawl into the access area, which remains the responsibility of the owner to do, or have done.

Fences must have a building permit and be located within the property line.

Hedges shall require a permit and be located within the property line.

Parking regulations are stated in Article 16.

Sign regulations are stated in Article 17.

When a Park abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600-foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a park abuts section lines, or State or Federal Highways, outside the city limits the minimum building setbacks measures from the centerline or from the section line shall be frontage road plus 30 feet and access shall be limited to 1 per quarter mile. The landowner shall provide for a frontage road or deed to the nearest access point to a public highway. Parks having double frontage must provide the required front yards or setbacks on both frontages. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

ARTICLE 12 – Special Use Districts

6.1201 Permitted Use

These districts include any area that does not fit into the other established use districts.

6.1202 SU-1 Recreational Vehicles in Residential Districts

Minnewaukan City Ordinance as of 2018

In older residential districts that have viable vacant lots, due to the removal or destruction of former buildings caused by flooding, may be utilized for Recreational Vehicles and camping trailers.

1. Lot must have available utilities to include Sanitary Sewer, Water, and Electricity.
2. Only one Recreational Vehicles or Camping Trailers are allowed on any two lots.
3. Each lot shall have a front yard not less than 10 feet, and conform to the front yard of adjoining units.
4. Each lot shall have a side yard not less than 10 feet, with the following permitted encroachments:
 - a. Patios without roofs or walls may project 5 feet.
 - b. Outdoor steps may project 3 feet.
 - c. Window canopies.
5. Each lot shall have a rear yard not less than 10 feet.

ARTICLE 13 – Agricultural District

6.1301 Permitted Use

Existing usual buildings, structures, and operations incidental to the operation of a farm or ranch are permitted to include poultry enclosures.

6.1302 Prohibited Uses

1. Commercial animal feedlots are prohibited.
2. Construction of new structures.

6.1303 Conditional Use

The following conditional uses are allowed upon application with the written evidence of approval by the landowner, and providing any information the City Council may desire:

1. Electrical transmission lines shall have minimal interference with farming operations.
2. City, Commercial, and Industrial pipelines
3. Commercial radio, television, or microwave transmitting stations
4. Water or Sewer storage, pumping, lift stations, disposal plants, and solid waste landfills
5. Mineral exploration operations, including governmental agencies, shall post a reclamation bond in the amount of \$10,000.00, which shall cover a total of 10 excavations. The applicant shall furnish a map of all operations to the City Council.
6. Excavation and mining operations shall require a public hearing held within the city concerning the site location, needs of operation, company employees, roads, housing, city facilities and services. The applicant shall provide a copy of all information submitted to the Public Service Commission and evidence of their approval. No operation shall take place within 250 feet of an adjacent property line plus 1 foot for each vertical foot of excavation unless a written agreement is made with the property owner and submitted to the City Council.

7. Commercial sand and gravel operations shall not take place within 30 feet of an adjacent property line or 400 feet of a residence unless a written agreement is made with the property owner and submitted to the City Council. The operation shall conform to all requirements regarding preservation, removal, or relocation of historical or archeological artifacts, and shall post a performance bond in an amount determined by the City Council for each application.
8. Railroad operations shall not be placed within 125 feet of a residence unless a written agreement is made with the property owner and submitted to the City Council. The operation shall conform to all requirements regarding preservation, removal, or relocation of historical or archeological artifacts.

When a property abuts State or Federal Highways within the city limits access shall be limited to 1 per 600 feet. The landowner shall provide for frontage road or deed to the nearest 600-foot access point to a public highway. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

When a property abuts section lines, or State or Federal Highways, outside the city limits the minimum building setbacks measures from the centerline or from the section line shall be frontage road plus 30 feet and access shall be limited to 1 per quarter mile. The landowner shall provide for a frontage road or deed to the nearest access point to a public highway. Property having double frontage must provide the required front yards or setbacks on both frontages. Written evidence of approval by appropriate highway authorities shall be provided to the City Council.

ARTICLE 14 REC-1 Recreational Vehicle and Camping Trailers

In a REC district, the following uses are permitted:

1. Establishing Recreational Vehicle and Camping Trailer Parks.
2. Temporary parking of Recreational Vehicles.
3. Temporary parking of Camping Trailers.

ARTICLE 15 - Enforcement

6.1501 Administrative Official

Except as otherwise provided herein the City Council shall administer and enforce the provisions of this chapter, including the receiving of applications, the inspection of premises and the issuing of building permits. No building permit or certificate of occupancy shall be issued except where the provisions of this chapter have been complied.

6.1502 Building Permits

No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the City Council. All applications for such permits shall be in accordance with the requirements herein and, unless upon written order of the City Council, no such building permit or certificate of occupancy, shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of this chapter.

There shall be submitted with all applications a layout drawn on the reverse side, or separate sheets as necessary, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this ordinance.

The City Council, or other designated official shall not inspect the property until the application has been completed and the fee of \$25.00 has been paid. If the application meets the requirements of this chapter the City Council may issue the permit and turn it into the City Auditor. If the City Council, or other designated official cannot approve the application it will be denied. The City Council shall have final approval or disapproval.

In the event the project has not been started within the calendar year the permit is issued it shall be cancelled, unless the zoning administrator, or other designated official grants an extension.

6.1503 Certificates of Occupancy

No land shall be occupied or used and no building erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the City Council, or other designated official, stating that the building or proposed use thereof complies with the provisions of this chapter. No permit for excavation for, or the erection or alteration of or repairs to any building shall be issued until an application has been made for the certificate of occupancy.

All lawful non-conforming uses must obtain the Occupancy permit within 3 months after adoption of this chapter. Failure to do so may be considered evidence the non-conforming use did not lawfully exist at the effective date of this chapter.

No non-conforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the City Council or other designated official.

All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within 10 days after the erection or alteration shall have been approved.

It shall be unlawful for any association, company, person, firm, cooperative, or corporation to supply electrical current or power to any building or structure, unless the zoning administrator, or other designated official, certifying the building or structure, has issued an Occupancy Permit is in conformance with this chapter.

The City Council or other designated official may issue a 30-day temporary certificate of occupancy for a part of a building. The City Council shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

ARTICLE 16 – Off-Street Parking Regulations

6.1601 Parking Regulations

No application for a building permit or certificate of occupancy shall be approved unless there is included in the plan an open space designated as reserved for off-street parking. Off-street parking shall be provided on the minimum requirements set forth in this chapter.

6.1602 Use Requirements

In case of structures or uses not mentioned, the requirements for a similar use shall apply.

1. Single family dwellings shall have 1 space.
2. Multiple family dwellings shall have 1.5 spaces for each dwelling unit.
3. Schools shall have 1 space for each 2 employees plus one space for each classroom.
4. Hospitals shall have 1 space for each 2 patient beds, plus 1 space for each doctor, and 1 space for each 2 employees.
5. Places of public assembly shall have 1 space for every five seats, based on maximum seating.
6. Commercial dining and drinking establishments shall have 1 space for each 4 seats.

7. Hotels and rooming houses shall have 1 space for each 2 guest rooms.
8. Motels shall have 1 space for each guest room.
9. Theaters shall have 1 space for each 5 seats.
10. Retail establishments shall have 1 space for each 500 square feet of floor area.
11. Office buildings shall have 1 space for each 500 square feet of floor area.
12. Manufacturing, wholesale, and industrial establishments shall have 1 space for each 2 employees, 1 space for each piece of company owned or leased rolling stock, and 1 visitor parking space for each 10 employees.

6.1603 General Requirements

Off-street parking shall be located on the same zone lot; but, because of practical difficulties, may be located on another parcel of land under the same ownership within 400 feet and shall be 180 square feet or more exclusive of the space required for ingress and egress.

All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained.

Off-street parking shall be a continuing obligation so long as the structure is in existence and its use requiring vehicle parking continues. Buildings, storage, or any other use shall not encroach upon the off-street parking area. A reduction in the number of spaces, by reason of diminution of floor space, seating capacity, number of employees, or change in other factor controlling the number of required spaces, by the City Council must be both reasonable and consistent with the intent of this chapter.

These requirements are not intended to prohibit joint off-street parking facilities but the minimum number of spaces required for each use shall be measured separately.

Plans with mixed uses shall provide spaces equal to the sum of the requirements of the various uses computed separately.

ARTICLE 17 – Sign Regulations

All signs outside the jurisdiction of Chapter 24-17 of the North Dakota Century Code shall comply with this chapter. Additionally, the following sign types are deemed outside the jurisdiction of this chapter.

1. Signs required by law or authorized for a public purpose.
2. Official traffic control, parking restriction, or informational traffic signs.
3. Danger or warning signs of a cautionary nature.
4. Building name signs.
5. Cornerstones and historical markers.
6. Real estate for sale, rental, or lease signs.
7. Name plates and addresses.
8. Window displays of actual merchandise.

6.1801 General Requirements

Signs shall be incidental to the permitted use and shall be located on the same zone lot.

Signs shall be maintained in good repair. Broken signs, deteriorated signs, or signs on vacant buildings may be ordered repaired or removed.

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices, nor shall they obstruct or interfere with effectiveness of railroad or traffic signs, signals or devices.

No sign shall be permitted to face a residential district, unless the sign is located on the lot on which the use the sign relates to is located, and its location has been approved by the City Council.

Signs unlawfully existing at the time of adoption of this chapter may be continued although the use, size, or location does not conform. However, they shall be deemed non-conforming uses or structures and the provisions of 6.0607 shall apply.

6.1802 District Requirements

Residential districts having home and professional occupations shall be permitted 1 non-illuminated and non-animated sign of 3 square feet and placed on the building.

Commercial and Industrial districts shall be permitted signs totaling 200 square feet, and

1. If on the wall of any structure, the maximum height shall be 40 feet, and
2. If a free standing sign, the maximum height shall be 25 feet.

First Reading of Ordinance 6: December 5, 2017

Second Reading & Final Adoption of Ordinance 6: January 9, 2018

Matt Seufert, Mayor

Sherri Thompson, Auditor