

C H A P T E R 2

DEFINITIONS

Sec. 2-1. Definitions.

For the purpose of this ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure", and the word "shall" is mandatory and not directory.

(1) Accessory Building: One building located in whole or in part on the same lot as a second building which first building is

(i) inferior in fair market value or in replacement cost to the second building;

(ii) designed to be used in connection with and incidental to the use of the second building; and

(iii) which, if the use of the first building were not available to the person using the second building, would tend to decrease the fair market value or the utility of the second building alone.

By way of illustration only and not by way of limitation, an accessory building includes a private detached garage or storage shed located on the same lot as a one-family dwelling. (Ord. 1149; Ord. 2130; Ord. 2437)

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

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

Definitions

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(1.3) Adult Entertainment Center: An adult book store or adult cinema, or both. (Ord. 2336)

(2) Alley: A street less than thirty (30) feet in width. (Ord. 1149; Ord. 2130; Ord. 2437)

(3) Apartment: A room or suite of rooms intended, designed, or used as a residence by a single family. (Ord. 1149; Ord. 2130)

(4) Basement: A story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor. (Ord. 1149; Ord. 2130)

(5) (Reserved).

(6) Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattles or property of any kind. (Ord. 1149; Ord. 2130)

(7) Building, Height of: The vertical distance from the grade of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. (Ord. 1149; Ord. 2130)

(8) Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than one-half (1/2) of its height below grade. (Ord. 1149; Ord. 2130)

(9) Clinic: An establishment where patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together. (Ord. 1149; Ord. 2130)

(10) Club: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. (Ord. 1149; Ord. 2130)

(11) Condominium: A single family dwelling located in a complex of more than two single family dwellings which are attached by common walls and which either can be side-by-side or over-and-under. The dwellings are individually owned, but the property upon which the structure sits is owned in common and administered by an association of the condominium owners. (Ord. 2130)

Definitions

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(12) Day Care Center: Any type of group day-care program, including a nursery for children of working mothers, nursery school for children under minimum age for education in public schools, play group for pre-school children, or program covering after-school care for school children. (Ord. 1798; Ord. 2130; Ord. 2544)

(13) Detached Single Family Dwellings: Completely independent single family dwelling not adjoining or physically attached to another dwelling. (Ord. 2130)

(14) District: Any section of the City of Minot for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform. (Ord. 1149; Ord. 2130)

(15) Duplex: A single structure situated on only one lot consisting of two single-family dwellings that may be either located side-by-side or on more than one level. (Ord. 2130)

(16) Dwelling: Any structure or portion thereof which is designed for or used as a permanent human residence, except a mobile home shall not be considered to be a "dwelling" unless the mobile home meets construction requirements of the City of Minot Building Code with respect to a single family residence which is built on the site where permanently placed. (Ord. 2130; Ord. 2445; Ord. 2485)

(17) Dwelling, Single-Family: A building designed for or occupied exclusively by one (1) family. (Ord. 1149; Ord. 2130)

(18) Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families. (Ord. 1149; Ord. 2130)

(19) Dwelling, Multiple: A building designed for or occupied exclusively by three (3) or more families. This includes apartment houses. (Ord. 1149; Ord. 2130)

(20) 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, and appurtenant buildings, 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. (Ord. 1149; Ord. 2130; Ord. 2222)

(21) Family: An individual who lives in a household unit to the exclusion of all other persons. Also (i) two or more individuals who are related to one another by blood, marriage or adoption and no more than one other individual not so related to the others, or (ii) not more than four individuals whether or not related to one another, who in either case (i) or case (ii) live together in household unit. For purposes of this definition a household unit means one or more rooms so arranged that one can pass between or among the sleeping quarters, the food preparation and food dining area, and the bathing facilities without being required to pass through an area open to the general public. Also for purposes of this definition a foster parent-foster child relationship established by a court order shall be considered to be the equivalent of a blood relationship between the foster parent and the foster child as long as the court order remains in effect. (Ord. 1149; Ord. 2130; Ord. 2876)

(22) Filling Station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting. (Ord. 1149; Ord. 2130)

(23) Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. (Ord. 1149; Ord. 2130)

(24) Garage, Private: An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory, and not storing more than one commercial vehicle or any vehicle which exceeds a two-ton capacity. (Ord. 1149; Ord. 2130)

(25) Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles. (Ord. 1149; Ord. 2130)

(26) Garage, Storage or Parking: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold. (Ord. 1149; Ord. 2130)

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(27) Grades:

(a) for buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

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(c) for buildings having no wall adjoining the street, the average level of the furnished surface of the ground adjacent to the exterior walls of the building, if approved by the city engineer.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the city engineer. (Ord. 1149; Ord. 2130)

(28) High Rise Apartments: Are those structures for human occupancy containing not less than six (6) vertical stories. (Ord. 2047; Ord. 2130)

(29) Home Occupations: Any occupation or activity which meets all of the following tests:

(a) The occupation is managed and owned by a person residing on the premises and not more than one other person is employed by the owner/manager on the premises except members of the immediate family of the owner/manager who also live on the premises.

(b) The exterior of the premises used for the home occupation is indistinguishable from any other residential dwelling of like design and character, in that no commercial displays, show window, exterior storage areas, parking area, or the conduct of the business itself may be viewed from outside the premises, except that an unilluminated name plate or unilluminated business sign not more than two feet square may be exhibited, which is attached flush to the side of the building.

(c) The home occupation does not generate pedestrian traffic nor vehicular parking substantially greater or substantially different in character than that ordinarily associated with a similar dwelling which is used solely for residential purposes. The home occupation combined with all other activities on the same premises does not generate more than (i) 30 vehicular trips per day or (ii) the number of vehicular trips per day equal to 3% of the average per day vehicular traffic past the premises, whichever is greater.

(d) The home occupation is no more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to premises used solely for residential purposes.

(e) No loud or unpleasant noises, bright or glaring lights, offensive or noxious fumes, or odors, or perceptible vibrations attributable to the home occupation are emitted from the premises.

(f) The home occupation does not require as an incident thereto that a permit for the storage of flammable liquids or flammable gases be issued pursuant to the Fire Code - Chapter 13 of the Code of Ordinances. (Ord. 1149; Ord. 2130; Ord. 2223; Ord. 2680)

(30) Hotel: A building which provides sleeping accomodations to the public for consideration, which sleeping accomodations are generally available on a leasehold or tenancy of less than thirty (30) days. By way of illustration and not by way of limitation a "hotel" includes a motel, boarding house, rooming house, loding house and hostel. (Ord. 1149; Ord. 2130; Ord. 2437)

(31) Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use (Ord. 1149; Ord. 2130)

(32) Laundromat: An establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises. (Ord. 1149; Ord. 2130)

(33) Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet. (Ord. 1149; Ord. 2130)

(34) Lot: Any tract of land, the boundaries of which are established or depicted by any one or a combination of the following methods:

(a) Metes and bounds description,

(b) A closed figure formed by a series of interconnecting lines drawn on a plat or by reference to a portion or fraction of a figure thus depicted; or,

(c) By reference to a U.S. Government section or U.S. Government lot or a fraction or a portion thereof. (Ord. 1149; Ord. 2130; Ord. 2437)

(35) Lot, Corner: A lot abutting upon two or more streets at their intersection. (Ord. 1149; Ord. 2130)

(36) Lot, Depth of: The mean horizontal distance between the front and rear lot lines. (Ord. 1149; Ord. 2130)

(37) Lot, Double Frontage: A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. (Ord. 1149; Ord. 2130)

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(38) Lot of Record: Any lot the boundaries of which are established, described or depicted in a conveyance or plat recorded in the office of the Register of Deeds. (Ord. 1149; Ord. 2130; Ord. 2437)

(38.1) Mobile Home: A building or structure which is:

(a) Designed to be occupied for human habitation on a year round basis; (Ord. #2485)

(b) Built on a metal chassis onto which wheels are affixed or can be affixed so that the unit can be towed upon the highway; and

(c) Designed to provide permanent and not easily detachable connection points for one or more of the following:

(i) electrical service lines,

(ii) natural gas service lines,

(iii) propane gas or fuel oil service lines from a fuel storage container which is not an integral part of the structure,

(iv) water mains,

(v) sanitary sewer mains, or

(vi) an independent sewage disposal system which is at least partially below ground. (Ord. 2445)

(39) Motor Court or Motel: A building or group of buildings used for the temporary residence of motorists or travelers. (Ord. 1149; Ord. 2130)

(40) Nonconforming Use: The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated. (Ord. 1149; Ord. 2130).

(41) Parking Area or Lot: An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged. (Ord. 1149; Ord. 2130)

(42) Parking Space: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. (Ord. 1149; Ord. 2130)

(43) Place: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property. (Ord. 1149; Ord. 2130)

(43.1) Place of Assembly: A room or space, other than a dwelling, designed to accommodate a gathering of six (6) or more individuals at one time for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink, including all connecting rooms or space with a common means of egress and entrance. (Ord. 2437)

(44) Rabbitry: Includes any establishment where rabbits are raised, bred, housed, sold or otherwise disposed of for hire or for profit, or where more than four (4) rabbits are harbored or kept. (Ord. 1911; Ord. 2130)

(44.1) Repair Business: The practice of mending or renewing items which have become damaged, broken, or inoperative by replacing damaged or non-functional portions or components thereof, or mending or restoring parts or components thereof without replacement thereof, as long as the substantial majority of the replacement parts or components which are held in stock (as opposed to being custom made to effect a repair), are prefabricated elsewhere than on the premises occupied by the repair business. (Ord. 2437)

(45) Semi-attached Single Family Dwelling: A single family dwelling attached on one side to one other single family dwelling, with attachment made along a common or "party" wall. Each dwelling is located on an independent lot. (Ord. 2130)

(45.1) Specified Anatomical Areas:

(a) Less than completely and opaquely covered:

(1) Human genitals, pubic region;

(2) Buttock;

(3) Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(45.2) Specified Sexual Activities:

(a) Human genitals in a state of sexual stimulations or arousal;

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(b) Acts of human masturbation, sexual intercourse, or sodomy;

(c) Fondling of human genitals, pubic region, buttock or female breast. (Ord. 2336)

(46) Story: That portion of a building, other than a cellar or basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. (Ord. 1149; Ord. 2130)

(47) Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story. (Ord. 1149; Ord. 2130)

(48) Street: A public or private thoroughfare or right-of-way. A private street is a street (i) the use of which as a matter of right is limited to abutting landowners and their permittees and (ii) which is not maintained with public funds. All other streets are public streets. (Ord. 1149; Ord. 2130; Ord. 2437)

(49) Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street. (Ord. 1149; Ord. 2130)

(50) Structure: Anything constructed or erected the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing; advertising signs, billboards, back stops for tennis courts, and pergolas. (Ord. 1149; Ord. 2130)

(51) Structural Alterations: Any change which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam or girder. (Ord. 1149; Ord. 2130)

(52) Tourist Home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty individuals and open to transient guests, with which there is used only one sign not more than two square feet in area, and the lighting of which is regulated by the building inspector. (Ord. 1149; Ord. 2130)

(53) Tourist or Trailer Camp: An area containing one or more tents, auto trailers or other portable or mobile shelters for use as temporary living facilities of one or more families and intended primarily for automobile transients. (Ord. 1149; Ord. 2130)

(54) Townhouse (Rowhouse): A single family dwelling, located on an independent lot, attached to other single family dwellings by common or "party" walls. No other dwelling is located either over or under the townhouse, and the owner of the structure owns the entire undivided interest in the lot upon which it is located. Three or more of these dwellings are required to be considered as townhouses. (Ord. 2130)

(54.1) Vehicular Trip: The act of a motorized vehicle either arriving at or departing from a particular location. (Ord. 2680)

(55) Yard: An open space at grade which is unoccupied and unobstructed by any portion of a structure from the ground upward. (Ord. 1149; Ord. 2130; Ord. 2437)

(56) Yard, Front: A yard extending across the front of a lot between the side lot lines, which yard extends from the street line to that point of any structure located on the lot nearest to the street line, except as otherwise provided in Chapter 21. (Ord. 1149; Ord. 2130; Ord. 2437)

(57) Yard, Rear: A yard extending across the rear of a lot between the side lot lines, which yard extends from the rear lot line to that point of any structure located on the lot nearest to the rear lot line, except as otherwise provided in Chapter 21. (Ord. 1149; Ord. 2130; Ord. 2437)

(58) Yard, Side: A yard between the side lot line of a lot and that point of any structure located on the lot nearest to the side lot line which yard extends from the front yard to the rear yard, except as otherwise provided in Chapter 21. (Ord. 1149; Ord. 2130; Ord. 2437)

C H A P T E R 5

"R-1" SINGLE-FAMILY RESIDENCE DISTRICT

Sec. 5-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R-1" Single-Family Residence District.

Section 5-2. Use Regulations:

A building or premises shall be used only for the following purposes:

- (a) single-family dwelling.
- (b) parks, playgrounds, museum, library, and community buildings owned and operated by public agencies.
- (c) public school, elementary or high or a private school having a curriculum the same as ordinarily given in a public school.
- (d) country club or golf course, except miniature course or practice driving tee operated for commercial purposes.
- (e) churches, or other places of worship or Sunday School.
- (f) home occupations.
- (g) accessory building or use customarily incidental to the above uses including a private garage. (Ord. 2680)
- (h) a church or public bulletin board or temporary sign appertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed 10 square feet in area.

(Ord. 1149; Ord. 1171; Ord. 2437)

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CHAPTER 6

"R-2" AND "R-2(B)" TWO-FAMILY RESIDENCE DISTRICT

Sec. 6-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R-2" or "R-2(B)" Two-Family Residence Districts.

Sec. 6-2. Use Regulations:

A building or premises shall be used only for the following purposes:

- (a) any use permitted in the "R-1" Single-Family Residence District.
- (b) two-family dwellings.

(Ord. 1149; Ord. 1171; Ord. 213@ Ord. 2437)

C H A P T E R 7

"R-3" AND "R-3(B)" MULTIPLE RESIDENCE DISTRICTS

Sec. 7-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R-3" or "R-3(B)" Multiple Residence Districts.

Sec. 7-2. Use Regulations:

A building or premises shall be used only for the following purposes:

- (a) any use permitted in the "R-1" Single-Family Residence District.
- (b) any use permitted in the "R-2" or "R-2(B)" Two-Family Residence Districts.
- (c) multiple dwellings.
- (d) clinic, hospital or sanitarium, except a criminal, mental or animal hospital.
- (e) nursing, convalescent, or rest home.
- (f) accessory building or use customarily incidental to any of the above uses, including a storage garage on a lot occupied by a multiple dwelling, hospital or institution.

(Ord. 1149; Ord. 1171; Ord. 2131; Ord. 2437)

C H A P T E R 8

"R-3C" TOWNHOUSE RESIDENCE DISTRICT

Sec. 8-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R-3C" Townhouse Residence District.

Sec. 8-2. Use Regulations:

A building or premises shall be used only for the following purposes:

- (a) townhouses.
- (b) parks, playgrounds, museum, library, and community buildings owned and operated by public agencies.
- (c) public school, elementary or high or a private school having a curriculum the same as ordinarily given in a public school.
- (d) country club or golf course, except miniature course or practice driving tee operated for commercial purposes.
- (e) churches, or other places of worship or Sunday School.
- (f) home occupations.
- (g) accessory building or use, including a private garage customarily incident to the above uses but not involving the conduct of a business.
- (h) a church or public bulletin board or temporary sign appertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed 10 square feet in area.

(Ord. 2131; Ord. 2437)

C H A P T E R 9

"R-4" PLANNED RESIDENCE DISTRICT

Sec. 9-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R-4" Planned Residence District.

Sec. 9-2. Use Regulations:

A building or premises shall be used only for the following purposes:

Planned multiple residence district, including but not limited to luxury apartments, townhouses and condominiums, provided such uses shall be laid out and developed as a unit according to an approved plan for the purpose of providing modern residential facilities of integrated design in appropriate locations, and further, when development and use of property is undertaken in accordance with the following procedure.

Sec. 9-3. Plan Required:

(a) Before a building permit may be issued with respect to premises zoned as R-4 Planned Residence District, the person desiring the issuance of the building permit shall first obtain approval of the Planning Commission of a building plan, which building plan shall:

(1) to be drawn to scale;

(2) show the boundaries or property to be developed;

(3) show existing topography with contour intervals of not less than 5 feet;

(4) show in detail the manner in which the land is to be used, including the size, location, character, appearance, use and arrangement of buildings, parking areas, with proposed arrangement of stalls and number of cars, service areas, walks, public areas, play areas, lighting, the provision for grass,

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trees, shrubs, and other landscaping adjustments to the property, and entrance and exit driveways and their relationship to existing and proposed streets;

(5) show the drainage plan with sufficient control grades to indicate the intent of the developer;

(6) indicate building location and use of properties adjacent to the proposed development;

(7) provide for the dedication of any right-of-way for the widening, extension or connection of major streets as shown on the official major street plan;

(8) indicate the stages, if any, which will be followed in construction of the complex;

(9) provide for a suitable fence, wall or greenbelt border compatible to the area to be developed as determined by the city planning commission.

(b) With the plan, proponents shall submit a construction schedule. Construction shall begin within three years after approval of the plan and such construction shall be completed within five years after commencement of construction, except that the City Council may extend such period upon a showing of good and sufficient cause. If construction is not begun within three years after approval of the plan then the plan shall no longer be deemed an approved plan. If construction is started within three years after approval of the plan but is not completed within five years after commencement of the construction, then the plan shall be deemed to be a disapproved plan with respect to any discrete portion thereof on which no substantial construction work has been commenced.

(c) The Planning Commission after public hearing with notice thereof is required in Chapter 30 hereof shall approve or reject the plan.

Section 9-4. Height and Area Requirements:

The height and area requirements of Chapter 21 with respect to the R-3 district shall be met unless the R-4 plan required under section 9-3 is more restrictive, in which case the approved plan shall govern.

(Ord. 1722; 2034; 2131; 2375; 2437; 2615).

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C H A P T E R 10

"C-1" LIMITED COMMERCIAL DISTRICT

Sec. 10-1. Regulations:

The regulations set forth in this Chapter or set forth elsewhere in this zoning ordinance when referred to in this Chapter are the regulations in the "C-1" Limited Commercial District.

Section 10-2. Use Regulations:

A building or premises shall be used only for the following purposes:

- (a) Any use permitted in the R-3 and R-3B Multiple Family Residence District;
- (b) Professional services such as, for example, those services offered by doctors, lawyers, investment brokers, insurance agents and the like;
- (c) Personal services such as, for example, those services offered by barbers, beauticians, dry cleaners and laundromats;
- (d) Repair services;
- (e) Places of assembly;
- (f) Mercantile establishments, dealing exclusively in consumer and household merchandise where the stocks of goods, wares, or merchandise are displayed in a manner in which the actual items being sold are accessible to the public for examination prior to purchase without assistance, including retail stores, shops, sales rooms and markets;
- (g) Storage;
- (h) The selling and delivery on the premises of food or drinks for human consumption, whether the consumption takes place on the premises or not; and
- (i) Uses incidental and subordinate to the above indicated uses.

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Sec. 10-3. Limitations On Permitted Uses:

The uses permitted in Section 10-2 hereof shall be limited in the following manner:

- (a) There shall be no storage of (i) wares offered for sale or (ii) items being repaired or to be used in the course of effecting repairs - unless the storage area forms part of a permitted structure, or, if such materials are stored out-of-doors, the storage area is enclosed by a permanent fence or screen which is totally opaque and at least six (6) feet high.
- (b) No use shall be permitted which requires as an incident thereto that a permit for the storage of flammable liquids or flammable gases be issued pursuant to the fire code - Chapter 13 of the Code of Ordinances.
- (c) No veterinary clinics, animal hospitals, or kennels are permitted.
- (d) No hotels are permitted.
- (e) No places of assembly are permitted which are designed to accommodate more than fifty (50) persons at any one time unless the place of assembly constitutes a part of or is associated with a use which is permitted in an R district such as a school or hospital.
- (f) Only parking spaces may be maintained which are incidental to one of the uses set forth in Section 10-2; that is, no parking garages or pay parking lots are permitted.
- (g) No storage for hire shall be permitted, nor shall materials be stored which are not intended for delivery to the ultimate consumer thereof on the same premises where stored.
- (h) No uses on premises abutting a local (non-arterial and non-collector) street are permitted which can reasonably be anticipated to generate an annual average daily traffic account in excess of 250 vehicles entering or exiting the premises.
- (i) No delivery of food or drink may be made by means of a drive-up window.
- (j) No loud or unpleasant noises, bright, or glaring lights, offensive or noxious fumes, or odors, or perceptible vibrations may be emitted from the premises.
- (k) No building shall exceed ten thousand (10,000) square feet in area.

(Ord. 1149; Ord. 1569.; Ord. 2437; Ord. 2567)

City of Minot

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C H A P T E R 1 1

"C-2" GENERAL COMMERCIAL DISTRICT

Sec. 11-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this zoning ordinance when referred to in this chapter are the regulations in the "C-2" General Commercial District.

Sec. 11-2. Use Regulations:

A building or premises shall be used only for:

(a) Purposes permitted within the C-1 Limited Commercial District, without respect, however, to the limitations imposed by Section 10-3 thereof (other than 10-3 (j));

(b) Manufacturing, assembling, processing and fabricating businesses (1) which do not ordinarily employ more than the equivalent of three full-time workers in the production of the goods fabricated or manufactured, exclusive of office, clerical and purely supervisory personnel, (2) which are not prohibited in the M-1 district by virtue of section 14(a)(2), and (3) which do not emit beyond the premises where located loud or unpleasant noises, bright or glaring lights, offensive or noxious odors or perceptible vibrations; and

(c) Any other lawful use except those allowed only (bearing all applicable limitations in mind) in one or more of the following districts, to-wit: mobile home, agricultural, light industrial and heavy industrial.

(Ord. 1149; Ord. 2437; Ord. 2487)

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C H A P T E R 1 2

"C-3" CENTRAL BUSINESS DISTRICT

Sec. 12-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter are the requirements of the "C-3" Central Business District.

Sec. 12-2. Use Regulations:

A building or premise shall be used only for the following purposes:

- (a) any use permitted in the "C-2" Highway Commercial District and without restriction as to the number of employees on the premises.
- (b) apartment hotel, apartment house, or hotel.
- (c) laboratory, experimental, film or testing.
- (d) truck or bus garage and repair shop.
- (e) wholesale or distributing establishment or warehouse or wholesale market.
- (f) printing, publishing or engraving.
- (g) service industry such as a laundry, cleaning or dyeing establishment or similar use.
- (h) the manufacture, compounding, processing, packaging or treatment of such goods, materials and products as the following:
 - (i) bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products excepting fish and meat products, sauerkraut, vinegar, yeast, and the rendering of fats and oils.
 - (ii) articles made from previously prepared materials such as: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, wax, wire, yarns, and the like.

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(iii) musical instruments, toys, novelties, rubber or metal stamps, and other small molded rubber products.

(i) the fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products, and the like.

(j) any other use of similar character which is not objectionable by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration of which is not specifically prohibited or regulated in Chapter 15.

(Ord. 1149 ; Ord. 2437)

C H A P T E R 1 3

"C-4" PLANNED COMMERCIAL DISTRICT

Sec. 13-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "C-4" Planned Commercial District.

Sec. 13-2. Use Regulations:

A building or premise shall be used only for the following purposes:

Any use permitted in the "C-2" General Business District, except dwellings, provided such uses shall be laid out and developed as a unit according to an approved plan for the purpose of providing modern shopping and commercial facilities of integrated design in appropriate locations when development and use of property is undertaken in accordance with the following procedure. (Ord. 2437)

Sec. 13-3. Plan Required:

(a) Before a building permit may be issued with respect to premises zoned as "C-4" Planned Commercial District the person desiring the issuance of the building permit shall first obtain approval of the planning commission of a building plan, which plan shall:

(1) be drawn to scale;

(2) show boundaries or property to be developed;

(3) show existing topography with contour intervals of not less than five feet, and preferably two feet;

(4) show in detail the manner in which the land is to be used, including the size, location, character, appearance, use and arrangement of buildings, parking areas with proposed arrangement of stalls and number of cars, service areas, walks, lighting and appurtenant facilities with sufficient detail to indicate that lighting will not interfere with the vision of

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motor vehicle operators or shine directly on property located in any "R" district; the provision of grass, trees, shrubs, and other landscaping adjustments to the property, and entrance and exit driveways and their relationship to existing and proposed streets;

(5) show drainage plan with sufficient control grades to indicate the intent of the developer;

(6) indicate building location and use of properties adjacent to the proposed development;

(7) provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the official comprehensive plan;

(8) indicate the stages, if any, which will be followed in construction of the center;

(9) provide for a suitable fence, wall or evergreen border at least five feet high measured from the adjacent surface of the property to be developed wherever a "C-4" district adjoins an "R" district.

(b) With the plan, proponents shall submit a construction schedule. Construction shall begin within three years after approval of the plan and shall be completed within five years of commencement of construction, except that the City Council may extend such period upon a showing of good and sufficient cause. If construction is not begun within three years after approval of the plan then the plan shall no longer be deemed an approved plan. If construction is started within three years after approval of the plan but is not completed within five years after commencement of the construction, then the plan shall be deemed to be a disapproved plan with respect to any discrete portion thereof on which no substantial construction work has been commenced.

(c) The Planning Commission after public hearing with notice thereof made as required in Chapter 30 hereof shall approve or reject the plan.

(Ord. 1669; Ord. 2034; Ord. 2228; Ord. 2437; Ord. 2615)

C H A P T E R 1 4

"M-1" LIGHT INDUSTRIAL DISTRICT

Sec. 14-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this zoning ordinance when referred to in this chapter are the regulations in the "M-1" Light Industrial District.

Sec. 14-2. Use Regulations:

(a) A building or premises may be used for any use permitted in the C-2 district if that use is not also permitted in the R-3 or R-3B district. However, living quarters for nightwatch persons or caretakers employed on the same premises may be provided.

(b) (1) A building or premises may be used for the manufacturing, fabricating, assembling, or processing of products or materials including, among others, factories, assembling plants, food processing plants, industrial laboratories and all other industrial and manufacturing uses.

(2) There shall be prohibited, however (i) those uses involving highly combustible, flammable, or explosive products and materials of the high hazard use group, and (ii) those uses which produce explosive mixtures of dust or which result in the division of material into fine particles subject to spontaneous ignition.

(c) The type of uses contemplated by subsection (b) (1) include, by way of illustration only and not by way of limitation, bakeries, boiler works, breweries, canneries, electric light plants and power houses, glass plants, ice plants, leather tanneries; mill work and wood working; textile mills, upholstery and manufacturing shops and water pumping plants.

(d) The high hazard use group materials contemplated in subsection (b) (2) include highly combustible or explosive products or materials which are likely to burn with extreme rapidity, or which may produce poisonous fumes or explosions, and highly corrosive, toxic flame, fumes, or poisonous, irritant or corrosive gases.

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(e) Included among high hazard uses, for purposes of illustration only and not by way of limitation, are ammunition, explosives and fireworks manufacturing, celluloid and celluloid products manufacturing, cereal, feed, flour and grist mills, cotton dress making, grain elevators, industries employing solids or substances which ignite or produce flammable gases on contact with water, match manufacturing or storage, paint and varnish manufacturing, paint spraying or dipping; petroleum manufacturing, and tar, pitch or resin processing.

(Ord. 1149; Ord. 2052; Ord. 2128; Ord. 2437)

C H A P T E R 1 5

"M-2" HEAVY INDUSTRIAL DISTRICT

Sec. 15-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this zoning ordinance when referred to in this chapter are the regulations in the "M-2" Heavy Industrial District.

Sec. 15-2. Use Regulations:

A building or premises shall be used only for any use permitted in 14-2(b) (1) without respect, however, to restrictions imposed in subsection 14-2(b)(2). However, living quarters for night-watch persons or caretakers employed on the same premises may be provided and incidental offices associated with a permitted use are allowed.

Sec. 15-3. Adult Entertainment:

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

- (1) The center is located no closer than one thousand two hundred fifty (1,250) feet from any pre-existing church, school, or property zoned R-1, R-2, R-3 or R-4.
- (2) The center excludes from its premises those persons less than eighteen (18) years of age.
- (3) The center displays no signs visible from the exterior of the center, except for signs identifying the center as an adult bookstore or adult cinema or both.
- (4) No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the center.

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(5) The manager and the owners of the center are registered with the Chief of Police and have provided him with such information as he reasonably may require with respect to their identities, including finger prints, and prior criminal records, if any.

(6) The business premises of the center which are generally open to its patrons are open equally at the same time without charge to members of the city police force who may wish to enter thereon provided the entry is in the course of the discharge of the policemen's duties.

(Ord. 1149; Ord. 2437)

C H A P T E R 1 6

"P" PUBLIC ZONE

Sec. 16-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter are the regulations in the "P" Public Zone.

Sec. 16-2. Purpose:

The "P" public zone district is designed to retain and provide land areas owned by the local, state, or federal government for public use and to place the public, all officials and public agencies on notice of proposed changes in the use of such public lands.

Sec. 16-3. Review Required:

Any proposed use or change of use of land or buildings by any public agency, or others on public land, shall be submitted to the planning commission for review and approval. The planning commission review shall concern itself with the proposed uses relative to the comprehensive plan, lot area, lot dimensions, lot coverage, floor area ratio, building height, building setbacks, parking and loading spaces, traffic flow and other similar requirements governing the use of private property.

Sec. 16-4. Application:

This district shall apply to property under the ownership of local, state and federal governmental bodies or agencies, except those properties held by public agencies for private redevelopment purposes.

Sec. 16-5. Parking Regulations:

Each facility located in this district shall be provided with sufficient off-street parking space to satisfy the entire parking demand created by such facility.

(Ord. 1885)

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C H A P T E R 17

"MH" MOBILE HOME DISTRICT

Sec. 17-1. Regulations:

The regulations set forth in this section or set forth elsewhere in this ordinance when referred to in this section are the regulations in the "MH" Mobile Home District.

Sec. 17-2. Use Regulations:

(a) Premises shall be used only for the following purposes:

(1) One family detached or attached mobile homes;

(2) One family detached or attached single family dwellings;

(3) Parks, playgrounds, community centers, and non-commercial recreational facilities such as golf courses, shuffleboard courts, swimming pools, tennis courts, marinas, game rooms, libraries, and the like;

(4) Structures and uses required for operation of a public utility, performance of a government function, or performance of any function necessary for the construction, operation or maintenance of permitted uses within the district;

(5) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, including approved storage facilities;

(6) Commercial and office uses intended solely to serve the needs of persons in the MH district or uses of a nature permitted in an R-1 district which conform to the requirements of that district for such uses.

(b) The maximum height for buildings shall be thirty-five (35) feet.

(c) (1) A mobile home may not (A) be moved into or within the City of Minot or the extraterritorial zoning jurisdiction of the City of Minot and (B) be placed at a site or location therein for more than five (5) days, unless it is placed (i) within an MH district, (ii) on a site where the placement is permitted under

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the doctrine of prior valid non-conforming uses, (iii) at a site where the placement is permitted under a special non-conforming use permit, (iv) within the business premises of an establishment which sells, manufactures or repairs or otherwise deals in mobile homes, provided that, however, the business premises are properly zoned for such activity, or (v) on a site where it serves as a farm dwelling under section 19-2(b).

(2) A mobile home placed within the MH district, or placed elsewhere when the placement is not prohibited by paragraph (1) of this subsection, need not comply with the provisions of the City of Minot Building Code (except portions thereof pertaining to dangerous buildings) as long as the mobile home complies with federal construction standards pertaining to mobile homes and to the City of Minot Housing Code. Nothing herein shall be construed to prohibit the application of other codes to the mobile home if by their terms they are so applicable, such as, for example, the plumbing code, the electrical code, the fire code, etc.

(3) If a mobile home is so constructed as to meet the definitional requirements imposed by item (16) of section 2-1 as to when a mobile home constitutes a "dwelling," then it shall not be considered a mobile home for purposes of this subsection (c), but rather it shall be considered as a "dwelling" for purposes of this zoning ordinance. (Ord. #2485)

(d) Land within a MH district may be divided into individual mobile home lots, which lots are collectively owned by one person or entity which person typically does not own the mobile homes resting upon the lots, as in a mobile home park. Or the lots may be individually owned by the persons who own the mobile homes resting thereon, as in a mobile home subdivision. Alternatively the land, whether or not subdivided into individual mobile home lots, may be collectively owned by the persons who own the mobile homes resting thereon as in a mobile home condominium or cooperative. For purposes of this chapter, the sense in which the word "condominium" is used in the prior sentence governs over the contrary definition of the word in section 2-1.

(e) No MH district shall be less than two (2) acres in area.

Sec. 17-3. Plan Required With MH Zone Application:

An application that a specific parcel of land to be zoned "MH" shall be accompanied by a detailed plan which:

(1) is drawn to scale;

(2) shows the location and boundaries of the land requested to be zoned MH;

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(3) shows existing topography with contour intervals of not less than five (5) feet;

(4) shows in detail the manner in which the land is to be used, including the size, location, character, appearance, use and arrangement of buildings, parking areas, proposed arrangement of stalls and number of cars, service areas, walks, public areas, play areas, lighting, provision for grass, trees, shrubs, and other landscaping, and entrance and exit driveways and their relationship to existing and proposed streets;

(5) shows the drainage plan with sufficient control grades to indicate the intent of the developer;

(6) indicates building location and use of properties adjacent to the proposed development; and

(7) provides for the dedication of any right-of-way for the widening, extension or connection of major streets as shown on the official major street plan.

Sec. 17-4. Design and Construction Standards For Mobile Home Districts:

Mobile home development in a MH district must be in accordance with the following design and construction standards:

(1) Minimum lot widths and areas shall be as required to meet the lot coverage, yard maintenance, building space and other requirements set forth hereafter. So long as these requirements are met, and the resulting lot pattern is functional and provides for the efficient provision of utilities, and for convenient pedestrian and vehicular access, lot lines shall not be required to be perpendicular to streets or radial to curves, and lot shapes may take any form, provided, however, that in no case shall any area of the lot more than fifty (50) feet from the mobile home site, nor any portion of the lot less than fifteen (15) feet in minimum dimension between opposing lot lines, be included in required lot area or open space area.

(2) (a) Density shall be as prescribed in the plan required in Section 17-3 but not to exceed the number of mobile home sites per acres, exclusive of land devoted to streets, public places and non-mobile home uses, which is set forth in the table below:

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Size of District (per acre)	Equal to or more than	But less than	Units per Acre
2	3		1
3	4		2
4	5		3
5	6		4
6	7		5
7	8		6
8	9		7
9	10		8
10	11		9
11	12		10
12	13		11
13	(No Limit)		12

(b) No lot which contained a mobile home site shall be less than three thousand (3,000) square feet.

(3) Detached mobile homes and their accessory buildings shall occupy not more than thirty-five percent (35%) of lot area, and attached mobile homes and their accessory buildings not more than forty-five percent (45%) of lot area, provided that a structure such as a carport or outdoor recreation shelter which is open for fifty percent (50%) or more of its perimeter shall be computed as one-half (1/2) the area covered by the roof.

(4) Detached mobile homes must be placed at least fifteen (15) feet from one another. Attached mobile home arrangements may be specifically provided as part of the plan required under section 17-3.

(5) Streets, drives, parking and service areas shall provide space and convenient access to dwelling units and project facilities, and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets.

(6) All-weather walkways for pedestrians shall be included to provide access from the street to all dwelling units. A parking slab or improved driveway may serve as part or all of a walkway.

(7) At least eight percent (8%) of the total area of any mobile home district established under these regulations must be devoted to common recreational areas and facilities such as playgrounds, swimming pools and community buildings. Where only one recreational area is provided, it shall be in a central location conveniently accessible to all dwellings. Recreational areas and facilities shall be located, designed and improved so as to minimize traffic hazards to users and adverse effects in surrounding residential uses.

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(8) There shall be provided two (2) parking spaces with respect to each site within the district which is designed or used for the placement of a mobile home. The parking spaces shall be within one hundred (100) feet of the site. Parking for other uses within the district shall be governed by chapter 23.

(9) If land within a MH district is so platted as to meet the requirements of chapter 21 with respect to an R-1 district, then such land can be improved in accordance with R-1 standards established in chapter 21 rather than as required by this section.

(10) Streets which are to be dedicated to the City, if any, shall be dimensioned and improved in accordance with general subdivision regulations. All non-public streets shall be hard surfaced for all-weather travel with designs approved by the City Engineer and shall not be less than thirty-six (36) feet in width, unless the street is a one-way street serving less than twenty (20) mobile home sites, in which case the street need only be twenty (20) feet wide.

Sec. 17-5. Development To Be Substantially In Accordance With Approved Plan:

An application for MH zoning shall be construed as an express representation by the applicant that if the zoning is granted the premises so zoned will be developed in substantial conformance with the plan submitted as part of the application. If there is material deviation from such plan the City, after providing the landowner with appropriate notice and an opportunity to be heard, may revoke or suspend the grant of MH zoning and any building permit issued pursuant thereto. Nothing in this paragraph shall be construed so as to prevent the landowner from requesting an amendment to an approved mobile home development plan, which request shall be subject to the same procedures for approval as though it were an original application for MH zoning.

Sec. 17-6. Exclusions:

Those prior valid non-conforming mobile home parks in existence as of July 6, 1981 shall not be required to comply with MH requirements, except when modifications, alterations, or additions which require building permits are made to an existing park. In those cases the modifications alterations, or additions must conform to the MH guidelines.

(Ord. 2445)

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C H A P T E R 1 8

"O" OFFICE DISTRICT

Sec. 18-1. Regulations:

The regulations set forth in this Chapter or set forth elsewhere in this Ordinance when referred to in this Chapter, are the regulations in the "O" Office District.

Sec. 18-2. Purpose and Definitions:

(a) The purpose of this District is to create a limited commercial district in which business activities are ordinarily limited to day time hours and which businesses do not ordinarily attract large numbers of customers or clients at one time. The District thus created is intended to be harmonious with surrounding residential development, or to constitute a suitable transition zone between residential uses and a more intensive commercial district.

(b) Offices are defined as those offices designated and used for the sale of or the rendering of professional business or commercial personal services, as opposed to the sale or rendering of services of a retail or repair nature. Professional businesses or commercial personal services allowed, under this ordinance, are as follows: The practice of law or medicine, accountant, tax consulting, engineering, architecture, planning and consulting, real estate appraisal and sales, insurance, abstractors, travel agencies, Regional Child Support Enforcement Agency, and no other.

(c) Specifically excluded from this District are offices pertaining to the practice of veterinary medicine.

Sec. 18-3. Use Regulations:

A building or premises can be used for the following purposes:

- (a) any use permitted in the "R-1" Single Family District.
- (b) Offices.

C H A P T E R 1 9

"A" AGRICULTURAL DISTRICT

Sec. 19-1. Regulations:

The regulations set forth in this chapter or set forth elsewhere in the zoning ordinances when referred to in this chapter are the regulations in the "A" Agricultural District.

Sec. 19-2. Use Regulations:

A building or premise shall be used only for the following purposes:

- (a) agricultural and ranching excluding therefrom commercial food processing and commercial livestock feeding operations.
- (b) agricultural buildings including farm dwellings and such other buildings as may be accessory to normal agricultural and ranching activities; provided that, however, only one farm dwelling will be permitted upon a tract or parcel of land, or a combination of contiguous tracts and parcels of land jointly owned and such tracts or parcels of land or combination of contiguous parcels of land jointly owned must individually or in the aggregate exceed 20 acres in area.
- (c) parks, playgrounds, recreation areas and facilities, community centers.
- (d) public school, elementary or high or a private school having a curriculum the same as ordinarily given in a public school.
- (e) country club or golf course, except miniature course or practice driving tee operated for commercial purposes.
- (f) churches, or other places of worship or Sunday school.
- (g) sale of nursery and greenhouse products, the majority of which are raised on the premises.

A Agricultural District

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(h) essential services (as defined in Chapter 2).

(i) railroad rights-of-way and trackage, not including switching, storage, terminal facilities or freight yards.

(Ord. 2120)

Flood Protection Requirements

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ARTICLE IV

Miscellaneous

Sec. 20-110. Effect of this Chapter on Other Land Use Rules; Whether Private or Public:

The provisions of this chapter of the Zoning Ordinance govern over and supersede any conflicting or inconsistent provisions in other municipal ordinances and in private restrictive covenants, agreements, easements and the like. However, when the provisions of this chapter are consistent with the provisions of other municipal ordinances or private agreements relating to land use, all the provisions shall be considered supplementary to one another.

Sec. 20-111. Flood Insurance Study:

The areas of special flood hazard identified by FEMA in a scientific and engineering report entitled "The Flood Insurance Study For The City Of Minot, Ward County, North Dakota" dated September 2, 1982, with accompanying flood insurance rate maps and flood boundary-floodway map is hereby adopted by reference and declared to be part of this ordinance. The flood insurance study is on file at the office of the City Clerk.

(Ord. 2145; 2548; 2793; 2903)

C H A P T E R 2 1

HEIGHT AND AREA REQUIREMENTS

Sec. 21-1. General Principles:

(a) (1) No structure shall be erected upon a lot in such a manner that -

(A) The structure alone, or

(B) The structure along with all previously existing structures located on the lot which remain in place following the erection of the structure fails to meet the height and area requirements set forth in the Table in Section 21-2 hereof, with respect to the district within which the lot lies.

(2) No lot in an R-1 district may have more than one building (other than an accessory building) wholly or partially located thereon. (Ord. 2685)

(3) No boundaries of a lot, upon which lot there rests a structure or structures, shall be altered in such a manner that a violation of paragraph (1) above would have occurred if the boundaries as altered had first been established and then the structure or structures built, instead of the other way around.

(4) No change in ownership or control of two or more lots or sublots, upon one or more of which lots or sublots rests a structure or structures, shall be made in such a manner that a violation of paragraph (1) above would have occurred if the change in ownership or control had occurred before the building of the structure or structures, instead of the other way around.

(b) For purposes of this Chapter, the erection of a structure shall include (1) moving a structure upon a lot, whether or not it is placed upon a permanent foundation, or (2) any alteration to an existing structure which changes any of its exterior dimensions.

(c) A lot for purposes of this chapter may consist of two or more contiguous lots under common ownership or control, as long as the contiguous lots remain under common ownership or control.

(d) (1) In measuring distances for purposes of determining whether a structure is located within a required yard there shall be used the shortest horizontal distance between any point on the

City of Minot

Height and Area Requirements

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structure to which the measurement relates and the appropriate lot line to which the measurement is made.

(2) For purposes of this subsection (d) the following items wherever located on a lot shall not be considered to be structures: flag poles, ornamental lights, chimneys and fences.

(3) For purposes of this subsection (d) the following items if located in a required sideyard or backyard shall not be considered to be structures: clotheslines, utility poles, barbecues detached fire places, propane or fuel oil storage tanks, aerials or antennas including specifically satellite television dishes. (Ord. 2952)

(4) If a structure has a wall or a portion thereof which corresponds to a wall (as, for example, the posts supporting a carport) then for purposes of this subsection (d) the measurement shall be to an appropriate point in the wall or its equivalent.

(5) The following projections from buildings are allowed: Eaves may extend into a minimum required side yard to the extent of one-fourth thereof and into the minimum required front or minimum required rear yard to the extent of five feet. These limitations are applicable notwithstanding anything to the contrary in the Building Code of the Code of Ordinances. Other projections such as oriel windows, sills, cornices, and other decorative works may not project beyond the point to which eaves could be projected. An attached unroofed porch, landing or stairs and associated railings may project beyond the eaves as long as the projection into a minimum required side yard does not exceed five feet or up to two and one-half feet from the nearest side lot line, whichever is less, and as long as the projection into the minimum required front yard or minimum required back yard does not exceed 10 feet. An awning may project into a minimum required yard two-thirds of the height of the window it protects or up to two and one-half feet from the nearest lot line, whichever is less (Ord. #2544)

(e) If more than one lot line abuts a street (other than an alley) then the owner of the lot may designate which of these lot lines shall be considered the front lot line as long as he can do so in conformity with the requirements of this zoning ordinance. Otherwise, if only one lot line abuts on a street, (other than an alley) that lot line shall be considered the front lot line.

(f) No residential building with its accessories and all other structures shall occupy in excess of forty percent (40%) of a lot. Where there is an alley to the rear of the lot, one-half (1/2) of said alley area shall be added to the lot area for the purpose of determining the above percentage.

Height and Area Requirements

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Sec. 21-2. Regulations:

(a)

TABLE OF HEIGHT AND AREA REQUIREMENTS.

(See Exhibit 1)

(b) The rules set forth in the Table of Height and Area Requirements are modified as follows:

(1) If a building (other than an accessory building) is erected upon a non-rectangular lot (A) the building may be erected no closer to any lot line than the minimum side yard width; (B) the building may be erected no closer to the front lot than the minimum front yard depth; and (C) at least one point on a lot line, other than the front lot line, must be no closer to the building than the minimum rear yard depth.

(2) In the R-2B, R-2 and R-3B and R-3 districts two attached single family dwelling units may be constructed, one unit on each of two adjoining lots with a common or party wall running along the common lot line, if the two abutting lots taken together, along with the structures erected thereon, meet the height and area requirements imposed by this chapter with respect to a duplex located in the same district and each dwelling unit is served by its own independent water, sewer, heat and utility service.

(3) The R-2B and R-3B districts are available only for those lots platted prior to July 1, 1980. No new plans for residential construction shall be allowed on or after July 1, 1980, with areas less than the requirements for the R-2 district (with the exception of an R-3C Townhouse District).

(4) Every building constructed exclusively as a dwelling in a "C" district other than C-3 shall comply with the side and rear yard requirements of the R-3 Multiple Family Residence district; when dwelling units are erected above a ground floor commercial use, no side yard is required except as provided in 12-5 (d); if dwellings are constructed in a "D" district other than C-3 then the lot area requirements of the R-3 district must be met. The like rule as the one just stated will apply in the C-3 district except that the standards of the R-3B district will be observed.

(5) Buildings in excess of three (3) stories require a special use permit.

Sec. 21-3. Height Exceptions and Modifications:

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator

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bulkheads, smokestacks, conveyors, flag poles, and grain storage elevators.

Sec. 21-4. Special Rules Concerning Front Yards:

(a) When forty percent (40%) or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty percent (50%) in excess of the front yard otherwise required in the district in which the lot is located. The frontage percentage shall be determined by the summation of the length of the front walls of all existing buildings in the block divided by the total lot frontage in the block. This paragraph shall not pertain to property located in the C-2 General Commercial District except where the average front yard is determined to be less than 25 feet. (Ord. 3009)

(b) On lots having double street frontage the required front yard shall be provided on both streets.

(c) On a corner lot the width of the yard along any street shall not be less than any required front yard on such street, provided, however, that the buildable width of a lot of record, as of November 3, 1958, shall not be reduced to less than thirty-two (32) feet.

(d) Filling station pumps and pump islands may be located within a required front yard provided they are not less than fifteen (15) feet from any street line and not less than one hundred (100) feet from the boundary of any residential district.

(e) Off-street parking facilities may be located within the required front yard of any "C" or "M" district but shall be no nearer than fifty (50) feet to any "R" district; no required off-street parking spaces may be located in the required front yard of any "R" district.

(f) Filling station pump canopies may be located within a required front yard provided they are not less than five (5) feet from the front lot line.

Sec. 21-5. Special Rules Concerning Side Yards:

(a) Where a lot of record as of November 3, 1958, is fifty (50) feet or less in width the required side yard may be reduced to ten percent (10%) of the width of the lot, provided, however, that no side yard shall be less than three (3) feet.

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(Supplement #10 - Jan. 1991)

(b) In the R-3C district single family dwellings on individual lots may abut one another and no side yards are required where two single family houses are joined by a common wall. However, on each end of the townhouse complex site there shall be required a minimum of ten percent (10%) of the entire site width of fifteen (15) feet, whichever is greater, as the minimum side yard, unless an end lot of a townhouse complex is a corner lot, in which case the provisions pertaining to corner lots if more restrictive shall govern.

(c) In the case of a corner lot the side yards on the interior lot lines shall be at least ten percent (10%) of the required minimum lot width but no rear yard is required.

(d) In the "C" and "M" districts no side yard is required except on the side of a lot adjoining an "R" district, in which case a side yard of not less than five (5) feet shall be provided in any "C" district and of not less than ten (10) feet in any "M" district, except when a C-4 approved plan specifically provides otherwise.

Sec. 21-6. Special Rules Concerning Rear Yards:

(a) Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.

(b) In the "C" and "M" districts no rear yard is required except on the rear of a lot adjoining an "R" district, in which case a rear yard of not less than twenty-five (25) feet shall be provided, except when a C-4 approved plan specifically provides otherwise.

Sec. 21-7. Other Exceptions:

(a) Where a lot of record as of November 3, 1958, has less area or width than herein required in the district in which it is located, and it is not now possible to treat the lot as one of two or more contiguous lots for purposes of Section 21-1, and it was never so possible at any time subsequent to November 3, 1958, the lot may nonetheless be used for a one family dwelling or for any non-dwelling use permitted in the district in which it is located.

(b) Notwithstanding anything in this chapter to the contrary, an accessory building may be erected in a minimum required side yard or minimum required rear yard subject to the following limitations, which limitations are applicable notwithstanding anything to the contrary in the Building Code of the Code of Ordinances:

(1) The walls or equivalent part thereof (e.g. posts or pillars supporting a carport roof) may not be located less than two and one-half feet from any lot line, nor closer than six feet from

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the wall or equivalent of any other building on the same lot, nor closer to the front lot line of the lot upon which the accessory building is located than the minimum front yard depth applicable to the lot. However, a detached garage facing a front yard may have a front yard depth equal to the front yard depth of the primary building on the lot, except the front yard for the detached garage shall not be less than 18 feet. (Ord. 3009)

(2) The eaves and other parts of the accessory building which project beyond the walls or the equivalent of the accessory building may not extend more than four feet beyond such walls, nor within two feet of any property line, nor within two and one-half feet (measured horizontally) of any part of any other building on the same lot.

(3) The walls or equivalent of a garage which motor vehicles may enter from an alley must be at least 18 feet from the alley lot line.

(Ord. 1149; Ord. 1171; Ord. 2131; Ord. 2203; Ord. 2375; Ord. 2437; Ord. 2544; Ord. 2840)

(c) The walls or equivalent of an addition to an existing building may be constructed so that the walls or equivalent of the addition have the same front yard depth as the existing building. Where the addition is a garage facing the front yard, the front yard for the garage shall not be less than 18 feet. (Ord. 3009)

Exhibit 1
Sec. 21-2(a)

DISTRICT	21-2(b)(5)	MINIMUM DEPTH OF FRONT YARD (in feet)	21-5(a) 21-5(c)	MINIMUM WIDTH OF SIDE YARDS (in feet)	MINIMUM DEPTH OF REAR YARD (in feet)	21-7(a)	MINIMUM LOT WIDTH (in feet)
	MAXIMUM HEIGHT OF STRUCTURE stories feet					MINIMUM LOT AREA (in square feet)	
R-1	2.5	35	25	6.5	20	7,500	21-5(a) 65
R-2	2.5	35	25	21-2(b)(2) 6	25	7,000	60
21-2(b)(3) R-2B	2.5	35	25	21-2(b)(2) 5	25	5,000	50
R-3	3	45	25	21-2(b)(2) 6	25	5,000-one family dwelling 7,000-two family dwelling 10,000-three family dwelling 3,000-additional for each family dwelling over three	60
21-2(b)(3) R-3B	3	45	25	21-2(b)(2) 5	25	5,000-one or two family dwellings 6,000-three family dwelling 2,000-additional for each family dwelling over three	50
R-3C	2.5	35	25	21-5(b) 15	20	2,500	16
R-4	refer to Chapter 9				(City Council must approve construction plans prior to building permit issuance.)		
MH							
C-1	2	35	25	21-5(d) none	21-6(b) none	21-2(b)(4) none	
C-2	3	45	25	21-5(d) none	21-6(b) none	21-2(b)(4) none	
C-3	12	150	none	21-5(d) none	21-6(b) none	21-2(b)(4) none	
C-4	refer to Chapter 13				(Planning Commission must approve construction plans prior to building permit issuance.)		
O	2.5	35	25	10% of lot width on each side	20	7,500	65
					(Planning Commission must approve construction plans prior to building permit issuance.)		
M-1	6	90	25	21-5(d) none	21-6(b) none	No residences - only site size 10,000	50
M-2			25	21-5(d)	21-6(b)	10,000	50

C H A P T E R 2 2

(Reserved for future use.)

C H A P T E R 2 3

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 23-1. Off-Street Parking Requirements:

In all districts off-street parking shall be provided and thereafter maintained at any time any building or structure is erected or structurally altered, except as provided in Section 23-2, in accordance with the following formula, provided, however, this chapter does not apply to the C-3 district. (Ord. 2437)

(a) Dwellings, including single, two-family multiple, or townhouses: two parking spaces per each dwelling unit.

(b) Rooming or boarding houses: one parking space for each two sleeping rooms.

(c) Fraternity or sorority: one off-street motor vehicle parking space for every 200 square feet of floor area of the fraternity or sorority house, including developed and livable areas in the basement.

(d) Private club or lodge: two parking spaces for the first one thousand (1,000) square feet of floor area and one parking space for every one hundred (100) square feet of floor area thereafter.

(e) Church or temple: one parking space for each eight seats in the main auditorium.

(f) School (except high school or college): one parking space for each ten seats in the auditorium or main assembly room, or one space for each classroom, whichever is greater.

(g) College or high school: one parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.

(h) Country club or golf club: A minimum of fifty spaces. In addition, with respect to buildings suitable for assembly, two parking spaces for the first one thousand (1,000) square feet of floor area and one parking space for every one hundred (100) feet thereafter.

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- (i) Community center, library, museum or art gallery: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
- (j) Hospital: one parking space for each four beds.
- (k) Sanitarium, convalescent home, home for the aged or similar institutions: one parking space for each six beds.
- (l) Theatre or auditorium (except school): one parking space for each five seats or bench seating spaces.
- (m) Sports arena, stadium, or gymnasium: one parking space for each five seats or seating spaces.
- (n) Hotel: one parking space for each three sleeping rooms or suites plus one space for each 200 square feet of commercial floor area contained therein.
- (o) Tourist home, cabin or motel: one parking space for each sleeping room or suite.
- (p) Dance hall, assembly or exhibition hall without fixed seats: one parking space for each 100 square feet of floor area used therefor.
- (q) Business or professional office, studio, bank, medical or dental clinic: three parking spaces plus additional space for each two hundred square feet of floor area over 1,000 square feet.
- (r) Bowling alley: five parking spaces for each alley.
- (s) Mortuary or funeral home: one parking space for each 50 feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- (t) Restaurant, night club, cafe or similar recreation or amusement establishment: one parking space for each 100 square feet of floor area.
- (u) Retail store or personal service establishment, except as otherwise specified herein: one parking space for each 200 square feet of floor area.
- (v) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop: two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000.

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(w) Printing or plumbing shop or similar service establishment: one parking space for each three persons employed therein.

(x) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment: one parking space for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

Sec. 23-2. Computations:

In computing the number of such parking spaces required, the following rules shall govern:

(a) "Floor area" shall mean the gross floor area of a specific use.

(b) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(d) Whenever a building or use constructed or established after November 3, 1958, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to November 3, 1958, is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(e) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(f) Parking spaces required by this Chapter may be shared by two or more buildings or uses if it reasonably appears that ordinarily the patrons of one building or use will not use the spaces at the same time as the patrons of the other buildings or uses involved in the sharing agreement, as for example, by way of illustration and not by limitation, a retail store sharing parking spaces with a church or a theater or dance hall sharing parking spaces with a bank. In order to avail themselves of this exception the parties must enter into a written agreement providing for the sharing of parking spaces as herein provided for a period of time co-extensive with the projected lifetime of the building or uses sharing the parking, which written agreement shall be recorded in the office of the Register of Deeds.

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Sec. 23-3. Off-Street Parking Locations; Exceptions:

All parking spaces required herein shall be located on the same lot as the building or use which by its existence requires the spaces to be established and maintained, provided, however, that the spaces may be provided in whole or in part upon another lot if -

(1) The use of the lot or an appropriate portion thereof is assured for a period of time co-extensive with the projected life of the building or use served by the parking, by means of a written agreement recorded in the office of the Register of Deeds or by common ownership of the parking lot and the building or use served thereby; and

(2) The distance between (i) the entrance to the building or use served by the parking lot which is nearest to the parking lot and (ii) the parking space in the parking lot farthest from the entrance does not exceed -

(A) In the case of residential buildings, one hundred fifty (150) feet, or

(B) In the case of non-residential buildings, three hundred (300) feet.

Sec. 23-4. Loading Space Requirements:

Every building or part thereof erected or occupied for retail business, service, manufacturing storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading spaces in accordance with the following requirements:

(a) In the "C-1" and "C-2" Commercial Districts and in the "M-1" and "M-2" Industrial Districts one loading space for each 10,000 square feet or fraction thereof of floor area in the building.

(b) In the "C-3" Central Business District, one loading space for the first 15,000 square feet or fraction thereof of floor area in the building and one additional loading space for each 15,000 square feet or fraction thereof of floor area in excess of 15,000 square feet.

(Ord. 1149; Ord. 1692; Ord. 2131; Ord. 2437)

C H A P T E R 2 4

SPECIAL USE REGULATIONS

Sec. 24-1. Special Uses:

(10 VOTES)

a. The City Council by an affirmative two-thirds vote of all its members may, by resolution, grant a special use permit for the following special uses in any district, except as herein qualified, which uses are otherwise prohibited by this ordinance, and may impose appropriate conditions and safeguards including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.

- (1) airport, landing field or landing strip for aircraft.
- (2) amusement park, but not within 300 feet of any "R" district.
- (3) cemetery or mausoleum.
- (4) circus or carnival grounds but not within 300 feet of any "R" district.
- (5) commercial recreational or amusement development for temporary or seasonal periods.
- (6) hospital, clinic, or institution, provided that any hospital, clinic or institution placed on property within any "R" district shall maintain and observe such set back requirements, open space requirements, and height restrictions as are imposed upon a structure built solely for residential purposes within the same district, or such greater restrictions as may be imposed in the special use permit.
- (7) private club or lodge excepting one, the chief activity of which is a service customarily carried on as a business.
- (8) privately operated community building or recreation field.
- (9) any public or government building.
- (10) radio or television broadcasting tower or station.

Special Use Regulations

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(11) drive-in theatre in the "C-2" District.

(12) tourist shelter camp subject to the requirements of Chapter 19 of the City of Minot Code of Ordinances.

(13) off-street motor vehicle parking in any "R" zone for adjoining commercial premises.

(14) a day care center located in an R District or MH District which is not a home occupation. (Ord. #3093)

(15) rabbitries.

(16) high rise apartment buildings.

(17) storage or handling of hazardous materials, hazardous substances, or hazardous waste as those terms are defined in Title 49 of the Code of Federal Regulations at Section 171.8, if the amount of the hazardous material, hazardous substance, or hazardous waste on particular premises at any one time exceeds the "reportable" quantity. The reportable quantity shall be as specified in Title 49 Code of Federal Regulations Section 172.101, unless the reportable quantity is specified by the fire chief, in which case his specifications shall govern.

(18) auto wreckers, junk yards, and scrap processors.

(19) extraction of minerals from the ground, to include sand and gravel, oil and gas, lignite, potash, rock and other minerals.

(20) A special non-conforming use, which is defined as an existing use occurring upon particular premises which would be unlawful by virtue of Chapter 4 of the Zoning Ordinance were it not for the provisions of Chapter 25 of the Zoning Ordinance, or which is unlawful notwithstanding Chapter 25, but which use should be exempted from the application of Chapter 4 because it would be extremely unfair to the owner of the premises to require him to change his use of the premises to that required by the Zoning Ordinance either (1) immediately or (2) when required by Chapter 25. (Ord. 2634)

(21) fraternity house or sorority house.

(22) any building in excess of three (3) stories.

b. Before authorization of any of the above special uses, the request therefor shall be referred to the city planning commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood and a public hearing shall be held in relation thereto before the planning commission, notice and publication of the time and place for which shall conform to the

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procedure prescribed in Chapter 30 for hearing on amendments. If no report is transmitted by the planning commission within 30 days of notification, the city council may take action without further awaiting such report.

c. Any proposed special use shall otherwise comply with all the regulations set forth in this ordinance for the district in which such use is located, except that the city council may permit hospitals, high rise apartments and institutions to exceed the height and lot area limitations of such district.

Sec. 24-2. Temporary Buildings:

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Sec. 24-3. Railroads and Utilities:

Existing railroads and utilities may continue to be operated and maintained in dwellings and commercial districts, but no new railroad or utility structure other than the usual poles, wires and underground utilities shall be established in such districts except when so authorized by the Board of Adjustment.

Sec. 24-4. Residence Development Plan:

a. An authorized agency of the municipal, county, state or federal government or the owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the city council of the City of Minot, a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the city Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures described in Chapter 30 for hearings on changes and amendments. If the commission approves the plans, these shall then be submitted to the city council for consideration and action. The approval and recommendations of the commission shall be accomplished by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(1) The property adjacent to the area included in the plan will not be adversely affected, and to this end the commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

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(2) The plan is consistent with the intent and purposes of this ordinance to promote public health, safety, and morals and general welfare.

(3) The buildings shall be used only for singlefamily dwellings, two-family dwellings, or multiple dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including churches.

(4) The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

b. If the city council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

(Ord. 1149; Ord. 1686; Ord. 1854; Ord. 1911; Ord. 2047; Ord. 2052; Ord. 2128; Ord. 2437; Ord. 2810)

C H A P T E R 2 5

NONCONFORMING USES

Sec. 25-1. Nonconforming Buildings:

- a) Any lawful use of a building as of the date when the existing use of the building became nonconforming because of the application of this ordinance or its predecessors to such building may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of application of this ordinance or its predecessor to such building.
- b) Whenever the use of a building shall become nonconforming through a change in the zoning ordinance or in the district boundaries such use may be continued, and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification.
- c) Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of two years, any future use of such building or portion thereof shall be in conformity with the regulations of the district in which such building is located.
- d) A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 60 percent of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located.

When damaged by less than 60 percent of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction are commenced within one year of the date of such damage and completed within two years of the date of such damage.

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e) A nonconforming use in violation of the provisions of any prior version of this zoning ordinance shall not be validated by the adoption of this ordinance, except as otherwise specifically provided by change of district or change of regulations within a district.

Sec. 25-2. Nonconforming Uses of Land:

A lawful nonconforming use of land existing as of the date when the existing use of the land became nonconforming because of the application of this ordinance or its predecessors to such land may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of one year or changed, any future use of such land shall be in conformity with the provisions of this ordinance.

(Ord. 1149)

Board of Adjustment

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C H A P T E R 2 6

BOARD OF ADJUSTMENT

Sec. 26-1. Membership:

A Board of Adjustment is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of five members appointed by the mayor and confirmed by the city council. All proposed appointments shall be referred to both of the standing committees of the City Council before final action by the council. The terms of office of the members of the Board shall be for three years. Appointments shall be made in such a manner so that one term expires each year. Vacancies shall be filled for the unexpired term of the member whose place has become vacant by the appointing authority which shall have the power to remove any member of the Board for cause after notice and hearing. A chairman and any other officers that may be necessary shall be elected by the members of the Board.

Sec. 26-2. Meetings:

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Any three members of the Board shall constitute a quorum for an official meeting. Any exception or variance to any provisions of the Zoning Ordinance shall require a majority of all the members of the Board. (Ord. 2529; Ord. 2566)

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Sec. 28-52. Validity:

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

(Ord. 2234; Ord. 2437; Ord. 2623; Ord. 2772)

City of Minot

(Supplement #2 - Nov. 1986)

C H A P T E R 2 9

MISCELLANEOUS

Sec. 29-1. Interpretation, Purpose and Conflict:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements the provisions of this ordinance shall govern.

Sec. 29-2. Enforcement; Procedure:

It shall be the duty of the building inspector to enforce this ordinance.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

Sec. 29-3. Extraterritorial Effect of this Ordinance:

All of the ordinances pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of buildings or structures within the City of Minot shall apply to that area as amended from time to time which shall remain outside the corporate limits of the City of Minot and yet which shall be zoned pursuant to the extraterritorial zoning authority of the City of Minot. No building permit shall be

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issued without a signed, written approval by the First District Health Unit for both the sanitary water and sewer plants for the parcel or parcels of land in question.

Sec. 29-4. No Permits Required for Agricultural Buildings:

Building permits and building inspections for agricultural property shall apply only to the structures built as family dwelling units, and shall not apply to those other structures used in the normal course of agricultural operations.

Sec. 29-5. Penalty:

The penalty for violating any of the provisions of this ordinance shall be as prescribed in Section 1-8 of the City of Minot Code of Ordinances.

Sec. 29-6. City Council Action Required:

The city council can enact, disallow or change Planning Commission decisions by a simple majority of the entire city council, except when this ordinance otherwise requires a super majority, at which time a super majority will prevail.

(Ord 1149; Ord. 2129)

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30-3

CHAPTER 30

AMENDMENTS AND CHANGES

Sec. 30-1. Requirements:

The city council may on its own motion or on petition, amend, supplement, or change by ordinance the regulations or districts established herein or subsequently established but no such amendment shall be made without a public hearing before the Planning Commission. The public hearing shall be recessed and continued to a time and date certain, to be not less than 10 days after the initial hearing; provided that, however, if by the end of the initial public hearing it shall appear that no appearances have been made at any time either in writing or in person opposing the action proposed to be taken, then the Planning Commission at its own discretion may either continue the hearing as to such item as provided earlier herein or alternatively may close the hearing and forward its recommendations to the city council.

Sec. 30-2. Notice Required:

Notice of the time, place, and purpose of the initial hearing shall be given by publication once in a newspaper generally circulated in the City of Minot, with such notice to be published at least 7 days prior to the initial hearing, exclusive of the day of publication and the day of the hearing. The same notice shall be sent by certified mail, return receipt requested, not later than the date of publication of such notice to the owners of the premises to which the proposed zone change or other amendment of these regulations applies (the "affected area") and to the owner of the premises lying within one hundred and fifty feet (exclusive of streets and alleys) of the affected area. The expense of providing such notices shall be paid by the proponent of the zone change or other amendment pursuant to Section 30-6 hereof.

Sec. 30-3. Waiver of Notice:

The requirement that notice be mailed to landowners may be waived in whole, or in part (by such devices as selective or random mailing) in respect to proposals for zone changes or proposed

— City of Minot —

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for "Corrected" Supplement #13

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PROPOSED REVISED
CHAPTER 5

"R-1" SINGLE-FAMILY RESIDENCE DISTRICT

SECTION 5-1. REGULATIONS:

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R-1" Single-Family Residence District.

SECTION 5-2. GENERAL DESCRIPTION:

The R-1 residential district is established as a district in which the principal use of land is for single-family dwellings and related residential neighborhood uses.

SECTION 5-3. USES PERMITTED:

The following uses are permitted:

- a) Single-family dwellings.
- b) Elementary school.
- c) High school or junior high school.
- d) Kindergarten.
- e) Private or parochial school offering a curriculum substantially equivalent to that offered by public schools.
- f) Golf course (public or private).
- g) Park (public or private).
- h) Playground or athletic field (public or private).
- i) Swimming pool (public or private).
- j) Ice skating rink (outdoor).
- k) Churches, or other places of worship or Sunday School.
- l) Accessory building or use customarily incidental to all permitted uses including a private garage.
- m) A church or public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- n) A group home for housing of no more than six (6) persons plus staff.
- o) Home occupations.

SECTION 5-4. LOT, HEIGHT, AREA AND YARD REQUIREMENTS:

- a) Maximum height of any building shall not exceed thirty five (35) feet.
- b) Maximum lot coverage shall be 40%, subject to Section 21-1(f).

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- c) Minimum yards are as follows:
 - 1) Front - twenty-five (25) feet.
 - 2) Side - six and one-half (6.5) feet.
 - 3) Rear - twenty (20) feet.
 - 4) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- d) Minimum lot dimensions shall be as follows:
 - 1) Area - 7500 square feet
 - 2) Width - 65 feet
 - 3) Depth - 85 feet

SECTION 5-5. MISCELLANEOUS PROVISIONS:

All accessory buildings to a residence shall be limited to a total coverage of twelve hundred (1200) square feet. For an attached garage, any coverage in excess of seven hundred twenty (720) square feet shall be considered part of the maximum allowable accessory building coverage.

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"R-A" AGRICULTURAL RESIDENCE DISTRICT**SECTION 5.1-1. REGULATIONS:**

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R-A" Agricultural Residence District.

SECTION 5.1-2. GENERAL DESCRIPTION:

The R-A residential district is established as a district in which the principal use of the land shall be for low density, large lot single-family dwellings, limited agriculture, and limited equine husbandry.

SECTION 5.1-3. USES PERMITTED:

The following uses are permitted:

- a) Single family dwellings.
- b) Elementary school.
- c) High school or junior high school.
- d) Kindergarten.
- e) Private or parochial school offering a curriculum substantially equivalent to that offered by public schools.
- f) Golf course (public or private).
- g) Park (public or private).
- h) Playground or athletic field (public or private).
- i) Swimming pool (public or private).
- j) Ice skating rink (outdoor).
- k) Churches, or other places of worship or Sunday School.
- l) Accessory building or use customarily incidental to all permitted uses including a private garage.
- m) A church or public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed ten (10) square feet in area.
- n) A group home for housing of no more than six (6) persons plus staff.
- o) Home occupations
- p) Private HORSE stables provided that animals shall be for private use only; that no animal, animal stable, barn or shelter shall be located within one hundred (100) feet of any neighboring residence; that two (2) horses shall be permitted on any premises which contains at least two (2) acres and additional horses shall be allowed at the rate of one horse for every additional three (3) acres of contiguous property

under the same ownership. For the purposes of this ordinance the definition of a horse will be only those horses that are one year of age or older. Also, this permitted use will be allowed only for properties outside the Minot City limits.

- q Railroad right-of-way, not including railroad yards.
- r Essential services (as defined in Chapter 2).
- s Farming.

SECTION 5.1-4. LOT, HEIGHT, AREA AND YARD REQUIREMENTS:

- a) Maximum height of any building shall not exceed thirty five (35) feet.
- b) Maximum lot coverage shall be 10%, subject to Section 21-1(f).
- c) Minimum yards are as follows:
 - 1) Front - thirty-five (35) feet.
 - 2) Side - twenty (20) feet.
 - 3) Rear - thirty-five (35) feet.
 - 4) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- d) Minimum lot dimensions shall be as follows:
 - (1) Area - 2 acres
 - (2) Width - 150 feet
 - (3) Depth - 150 feet

SECTION 5.1-5 MISCELLANEOUS PROVISIONS:

Accessory Buildings. All allowable accessory buildings to a residence shall be limited to a maximum of eighteen hundred (1800) square feet for each lot of two (2) acres. For each additional half (.5) acre or fraction thereof, the total area of the accessory buildings may be increased by one hundred (100) square feet in size, but in no case shall the total size of the accessory buildings exceed twenty four hundred (2400) square feet. Accessory buildings for the above computation shall include the following buildings: Barns, stables and storage buildings, attached and detached garages provided that seven hundred twenty (720) square feet of attached garages may be exempted from the maximum allowable accessory building coverage computations delineated above.

PROPOSED REVISED
CHAPTER 6

"R-2" AND "R-2(B)" TWO-FAMILY RESIDENCE DISTRICT

SECTION 6-1. REGULATIONS:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R-2" or "R-2(B)" Two-Family Residence Districts.

SECTION 6-2. GENERAL DESCRIPTION:

The R-2 and R-2(B) residential districts are established as districts in which the principal use of the land shall be for two-family dwellings.

SECTION 6-3. USES PERMITTED:

The following uses are permitted:

- a) Any use in the "R-1" Single Family Residence District, except child care facilities and private nursing homes in a two-family dwelling.
- b) Two-family dwellings (attached) on the same lot.
- c) Two-family townhouses.
- d) A group home for housing no more than eight (8) persons plus staff in a detached structure only.

SECTION 6-4. LOT, HEIGHT, AREA, AND YARD REQUIREMENTS:

- a) Maximum height of any building shall exceed thirty five (35) feet.
- b) Maximum coverage shall be 40% of the lot area, subject to Section 21-1(f).
- c) Minimum yards are as follows:
 - 1) Front - twenty-five (25) feet.
 - 2) Side - (R-2) - six (6) feet, (R-2B) - five (5) feet.
 - 3) Rear - twenty-five (25) feet.
 - 4) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- d) Minimum lot dimensions shall be as follows:
 - 1) Area (R-2) - seven thousand (7000) square feet.
 - 2) Area (R2-B) - five thousand (5000) square feet.
 - 3) Lot width (R-2) - sixty (60) feet.
 - 4) Lot width (R2-B) - fifty (50) feet.
 - 5) Depth - eighty five (85) feet.
- e) For a two-family townhouse in the R-2 district, the following shall be required per townhouse as minimums:
 - 1) Lot area - three thousand and five hundred (3500) square feet.
 - 2) Lot width - thirty (30) feet.

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f) For a two-family townhouse in the R-2B district, the following shall be required per townhouse, as minimums:

- 1) Lot area - two thousand and five hundred (2500) square feet.
- 2) Lot width - twenty five (25) feet.

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PROPOSED REVISED
CHAPTER 7

"R-3" AND "R-3(B)" MULTIPLE RESIDENCE DISTRICTS

SECTION 7-1. REGULATIONS:

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R-3" or "R-3(B)" Multiple Residence Districts.

SECTION 7-2. GENERAL DESCRIPTION:

The R-3 and R-3(B) districts are established as districts in which the principal use of land is for multi-family dwellings and similar high density residential development.

SECTION 7-3. USES PERMITTED:

- a) Any use permitted in the "R-1" Single Family Residence District, and
- b) In the "R-2" or "R-2(B)" Two Family Residence Districts, except that child care facilities and private nursing homes as home occupations shall be allowed only in single-family detached homes.
- c) Multi-family dwellings.
- d) Nursing, convalescent, or rest home.
- e) Sorority or fraternity house.

SECTION 7-4. LOT, HEIGHT, AREA, AND YARD REQUIREMENTS:

- a) Maximum height of any building shall be three (3) stories not to exceed forty five (45) feet.
- b) Maximum coverage shall be 40% of the lot area, subject to Section 21-1(f).
- c) Minimum yards are as follows:
 - 1) Front - twenty-five (25) feet.
 - 2) Side - (R-3) - six (6 feet), (R-3(B) - five (5) feet.
 - 3) Rear - twenty-five (25) feet.
 - 4) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.
- d) Minimum lot area shall be as follows:
 - 1) Area for single-family dwelling in R-3 or R-3(B) districts shall be five thousand (5,000) square feet.
 - 2) Area for a two-family dwelling in R-3 district shall be seven thousand (7,000) square feet, and in R-3(B) district shall be five thousand (5000) square feet.

3) Area for a three-family dwelling in R-3 district shall be ten thousand (10,000) square feet, in a R-3(B) district shall be six thousand (6000) square feet. For each additional dwelling unit in the R-3 district in excess of a three-family dwelling, the lot shall have an additional area of three thousand (3000) square feet. For each additional dwelling unit in the R-3(B) district in excess of a three-family dwelling, the lot shall have an additional area of two thousand (2000) square feet.

e) Minimum lot dimensions shall be as follows:

- 1) Lot width (R-3) - sixty (60) feet.
- 2) Lot width (R-3B) - fifty (50) feet.
- 3) Lot depth - eighty five (85) feet.

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"R-3C" TOWNHOUSE RESIDENCE DISTRICT**SECTION 8-1. REGULATIONS:**

The regulations set forth in this chapter or set forth elsewhere in this ordinance when referred to in this chapter, are the regulations in the "R-3C" Townhouse Residence District.

SECTION 8-2. GENERAL DESCRIPTION:

The R-3C residential district is established as a district in which the principal use of the land shall be townhouse dwellings.

SECTION 8-3. USES PERMITTED:

The following uses are permitted:

- a) Townhouses.
- b) Golf course (private).
- c) Park (private).
- d) Playground or athletic field (private).
- e) Swimming pool (private).
- f) Accessory building or use customarily incidental to all permitted uses including a private garage.
- g) A public bulletin board or temporary sign pertaining to the lease, hire, or sale of a building or premise, which sign or bulletin board shall not exceed 10 square feet in area.
- h) Child care facilities or private nursing homes are not permitted.
- i) Home occupations.

SECTION 8-4. LOT, HEIGHT, AREA AND YARD REQUIREMENTS:

- a) Maximum height of any building shall not exceed thirty five (35) feet.
- b) Maximum coverage shall be 50% of the lot area, subject to Section 21-1(f).
- c) Minimum yards are as follows:
 - 1) Front - twenty-five (25) feet.
 - 2) Rear - twenty (20) feet.
 - 3) Side - zero feet where two or more single family houses are joined by a common wall.
 - 4) On each end of the townhouse complex site there shall be required a minimum of ten percent (10%) of the entire site width or fifteen (15) feet, whichever is greater, unless an end lot of a townhouse complex is a corner lot, in which case the provisions pertaining to corner lots if more restrictive shall govern. In any instance, however, the end yard need not exceed thirty (30) feet. (See Chapter 21)

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- d) Minimum lot area - twenty five hundred (2500) square feet.
- e) Minimum lot width - sixteen (16) feet.
- f) Minimum lot depth - one hundred (100) feet.

"R-4" PLANNED RESIDENCE DISTRICT**SECTION 9-1. REGULATIONS:**

The regulations set forth in this chapter or set forth elsewhere in this ordinance, when referred to in this chapter, are the regulations in the "R-4" Planned Residence District.

SECTION 9-2. GENERAL DESCRIPTION:

The R-4 residential district is established as a district in which the principal use of the land shall be planned attached or detached multiple residential housing developed as a unit according to a plan approved by the Planning Commission.

SECTION 9-3. USES PERMITTED:

The following uses are permitted:

- a) Single family detached dwellings.
- b) Apartments.
- c) Townhouses.
- d) Condominiums.
- e) Accessory building or use customarily incidental to all permitted uses including a private garage.
- f) Child care facilities or private nursing homes are not permitted in attached dwellings.

SECTION 9-4. LOT, HEIGHT, AREA AND YARD REQUIREMENTS:

- a) Maximum height of any building shall not exceed sixty (60) feet.
- b) Maximum coverage shall be based on R-3 density requirements.

SECTION 9-5. PLAN REQUIRED:

- a) Before a building permit may be issued with respect to premises zoned as R-4 Planned Residence District, the person desiring the issuance of the building permits shall first obtain approval of the Planning Commission of a building plan, which building plan shall:
 - 1) be drawn to scale;
 - 2) show the boundaries or property to be developed;
 - 3) show existing topography with contour intervals of not more than 5 feet;
 - 4) show in detail the manner in which the land is to be used, including the size, location, character, appearance, use and arrangement of buildings, parking areas, with proposed arrangement of stalls and number of cars, service areas, walks, public areas, play areas, lighting, signs, the provision for grass, trees, shrubs, and other landscaping adjustments to the property, and entrance and exit driveways and their relationship to existing and

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proposed streets;

- 5) show the drainage plan with sufficient control grades to indicate the intent of the developer;
- 6) indicate building location and use of properties adjacent to the proposed development.
- 7) provide for the dedication of any right-of-way for the widening, extension or connection of major streets as shown on the official major street plan.
- 8) indicate the stages, if any, which will be followed in construction of the complex;
- 9) provide for a suitable fence, wall or greenbelt border compatible to the area to be developed as determined by the Planning Commission.

b) The Planning Commission after public hearing with notice thereof as required in Chapter 30 hereof shall approve, approve with changes, or reject the plan.

c) Planning Commission approval is not required for the following:

- 1) Additions to existing structures which do not exceed 20% of the gross floor area.
- 2) Addition of an accessory building as defined in Section 2-1(1).

"M-2" HEAVY INDUSTRIAL DISTRICT**SECTION 15-1. REGULATIONS:**

The regulations set forth in this chapter or set forth elsewhere in this zoning ordinance when referred to in this chapter are the regulations in the "M-2" Heavy Industrial District.

SECTION 15-2. GENERAL DESCRIPTION:

The "M-2" industrial district is established as a district in which the principal use of land is for heavy commercial and industrial establishments, which may create some nuisance, and which are not properly associated with nor compatible with residential, institutional and neighborhood commercial and service establishments.

SECTION 15-3. USES PERMITTED:

- a) All uses permitted within the "M-1" Light Industrial District.
- b) Rail freight yards, including switching and classifications yards, repair shops and round houses.
- c) Sewage treatment plants and lagoons.
- d) Weighing stations.
- e) Adult entertainment center.
- f) Grain storage elevator
- g) Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods, or products which conforms with Sec. 15-4: Special Conditions.
- h) Accessory uses customarily incidental to the uses permitted in this section.

SECTION 15-4. SPECIAL CONDITIONS:

- a) It is the intent of this section to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:
- b) Standards:
 - 1) Glare, whether direct or reflected, such as from flood-lights of high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
 - 2) Exterior lighting used for exterior illumination shall be directed away from adjoining properties.
 - 3) Vibration shall not be discernible at any property line to the human sense of feeling at any time.
 - 4) Smoke, Dust, Fumes, Gases, and Odors. The design, construction, and performance of all industrial uses shall be in conformance with city, county and state standards and regulations. The storage of trash shall be

within principal buildings or otherwise shall be within an accessory enclosure complete with roof and walls of the same exterior finish as the main structure or screened from all residence districts with an adequate buffer.

5) Storage of material. Open storage of materials in any required front yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible.

SECTION 15-5. ADULT ENTERTAINMENT CENTER.

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

- a) The center is located no closer than one thousand two hundred fifty (1250) feet from any pre-existing church, school, or property zoned or used as residential.
- b) The center excludes from its premises those persons less than eighteen (18) years of age.
- c) The center displays no signs visible from the exterior of the center, except for signs identifying the center as an adult bookstore or adult cinema or both.
- d) No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the center.
- e) The manager and the owners of the center are registered with the Chief of Police and have provided him with such information as he reasonably may require with respect to their identities, including finger prints, and prior criminal records, if any.
- f) The business premises of the center which is generally open to its patrons is open equally at the same time without charge to members of the city police force who may wish to enter thereon provided the entry is in the course of the discharge of the policemen's duties.

SECTION 15-6. LOT, HEIGHT, AREA AND YARD REQUIREMENTS:

- a) Maximum height - no limit.
- b) Maximum coverage - no limit except as may be affected by yard and off-street parking requirements.
- c) Minimum yard are as follows:
 - 1) Front - twenty five (25) feet.
 - 2) Rear - zero except where the rear of the lot adjoins the "Ag" district or any "R" district in which case the minimum rear yard shall be twenty five (25) feet.
 - 3) Side - zero except where the side of the lot adjoins the "Ag" district or any "R" district in which case the minimum side yard shall be five (5) feet.
 - 4) All yards are subject to the limitations, exceptions and other modifications set forth in Chapter 21.

such activity, v) on a site where it serves as a farm dwelling under Section 19-3(b) or Section 19-3(j), or vi) as a temporary office or storage building in a non-residential district for a period not to exceed 2 years.

2) A manufactured home placed within the MH district, or placed elsewhere when the placement is not prohibited by paragraph 1) of this subsection, need not comply with the provisions of the City of Minot Building Code (except portions thereof pertaining to dangerous buildings) as long as the manufactured home complies with federal construction standards pertaining to manufactured homes and to the City of Minot Housing Code. Nothing herein shall be construed to prohibit the application of other codes to the manufactured home if by their terms they are so applicable, such as, for example, the plumbing code, the electrical code, the fire code, etc.

3) If a manufactured home is so constructed as to meet the definitional requirements imposed by item 30) of Section 2-1 as to when a manufactured home constitutes a "dwelling" then it shall not be considered a manufactured home for purposes of this subsection c), but rather it shall be considered a "dwelling" for purposes of this zoning ordinance.

- d) Land within a MH district may be divided into individual manufactured home lots, which lots are collectively owned by one person or entity which person typically does not own the manufactured homes resting upon the lots, as in a manufactured home park. Or the lots may be individually owned by the persons who own the manufactured homes resting thereon, as in a manufactured home subdivision. Alternatively, the land, whether or not subdivided into individual manufactured home lots, may be collectively owned by the persons who own the manufactured homes resting thereon as in a manufactured home condominium or cooperative. For purposes of this chapter, the sense in which the word "condominium" is used in the prior sentence governs over the contrary definition of the word in Section 2-1.
- e) No MH district shall be less than two (2) acres in area.

SECTION 17-4. PLAN REQUIRED WITH MH ZONE APPLICATION:

An application that a specific parcel of land to be zoned "MH" shall be accompanied by a detailed plan which:

- a) is drawn to scale;
- b) shows the location and boundaries of the land requested to be zoned MH;
- c) shows existing topography with contour intervals of not less than five (5) feet.
- d) shows in detail the manner in which the land is to be used, including the size, location, character, appearance, use and arrangement of buildings, parking areas, proposed arrangement of stalls and number of cars, service areas, walks, public

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areas, play areas, lighting, provision for grass, trees, shrubs, and other landscaping, and entrance and exit driveways and their relationship to existing and proposed streets;

e) shows the drainage plan with sufficient control grades to indicate the intent of the developer;

f) indicates building locations and use of properties adjacent to the proposed development; and

g) provides for the dedication of any right-of-way for the widening, extension or connection of major streets as shown on the official major street plan.

SECTION 17-5. DESIGN AND CONSTRUCTION STANDARDS FOR MANUFACTURED HOME DISTRICTS.

Manufactured home development in a MH district must be in accordance with the following design and construction standards:

a) Minimum lot widths and areas shall be as required to meet the lot coverage, yard maintenance, building space and other requirements set forth hereafter. So long as these requirements are met, and the resulting lot pattern is functional and provides for the efficient provision of utilities, and for convenient pedestrian and vehicular access, lot lines shall not be required to be perpendicular to streets or radial to curves, and lot shapes may take any form, provided, however, that in no case shall any area of the lot more than fifty (50) feet from the manufactured home site, nor any portion of the lot less than fifteen (15) feet in minimum dimension between opposing lot lines, be included in required lot area or open space area.

b) 1) Density shall be prescribed in the plan required in Section 17-4 but not to exceed the number of manufactured home sites per acre, exclusive of land devoted to streets, public places and non-manufactured home uses, which is set forth in the following table:

SIZE OF DISTRICT (ACRES)		UNITS PER ACRE
Equal to or more than	But less than	
2	3	1
3	4	2
4	5	3
5	6	4
6	7	5
7	8	6
8	9	7
9	10	8
10	11	9
11	12	10
12	13	11
13	No Limit	12

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prescribed in Chapter 30 for hearing on amendments. If no report is transmitted by the Planning Commission within 30 days of notification, the City Council may take action without further awaiting such report.

c) Any proposed special use shall otherwise comply with all the regulations set forth in this ordinance for the district in which such use is located.

Sec. 24-2. Temporary Buildings:

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Sec. 24-3. Railroads and Utilities:

Existing railroads and utilities may continue to be operated and maintained in dwellings and commercial districts, but no new railroad or utility structure other than the usual poles, wires and underground utilities shall be established in such districts except when so authorized by the Board of Adjustment.

Sec. 24-4. Residence Development Plan:

a. An authorized agency of the municipal, county, state or federal government or the owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the city council of the City of Minot, a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the city Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures described in Chapter 30 for hearings on changes and amendments. If the commission approves the plans, these shall then be submitted to the city council for consideration and action. The approval and recommendations of the commission shall be accomplished by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

(1) The property adjacent to the area included in the plan will not be adversely affected, and to this end the commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

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Special Use Regulations

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24-4

(2) The plan is consistent with the intent and purposes of this ordinance to promote public health, safety, and morals and general welfare.

(3) The buildings shall be used only for singlefamily dwellings, two-family dwellings, or multiple dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including churches.

(4) The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

b. If the city council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

(Ord. 1149; Ord. 1686; Ord. 1854; Ord. 1911; Ord. 2047; Ord. 2052; Ord. 2128; Ord. 2437; Ord. 2810)