

CHAPTER 31
ZONING ORDINANCE

31.1 INTRODUCTION

- 31.11 Title
- 31.12 Authority
- 31.13 Purpose
- 31.14 Jurisdiction
- 31.15 Interpretation
- 31.16 Severability
- 31.17 Exceptions
- 31.18 Repeal
- 31.19 Effective Date

31.2 DEFINITIONS AND INTERPRETATIONS

- 31.21 Compliance
- 31.22 Word Use
- 31.23 Definitions

31.3 GENERAL PROVISIONS

- 31.31 Amendments
- 31.32 Comprehensive Plan
- 31.33 Land Suitability
- 31.34 Conditionally Permitted Uses

31.4 ZONING DISTRICT BOUNDARIES AND MAP

- 31.41 Zoning Districts
- 31.42 Zoning District Map

31.5 ZONING DISTRICT REGULATIONS

- 31.51 A-1 Agricultural District
- 31.52 R-1 Single Family Rural Residential District
- 31.53 R-2 Multi Family Residential District
- 31.54 C-1 General Commercial District
- 31.55 C-2 Highway Commercial District
- 31.56 I-1 Industrial District
- 31.57 PD-1 Planned Development District

31.6 SPECIAL PROVISIONS

- 31.61 Non-conforming Uses

- 31.62 Off-Street Parking
- 31.63 Signs
- 31.64 Accessory Buildings in Rear Yard
- 31.65 Front Yard Adjustments
- 31.66 Mining of Sand and Gravel
- 31.67 Sanitary Landfills and Solid Waste Sites
- 31.68 Junk or Salvage Yards

31.7 ADMINISTRATION AND ENFORCEMENT

- 31.71 Organization
- 31.72 The Code Administrator
- 31.73 The Planning Commission
- 31.74 Board of Adjustment
- 31.75 Violations and Penalties

31.8 PROCEDURES FOR AMENDMENTS, CONDITIONAL USES AND VARIANCES

- 31.81 Zoning District Amendments
- 31.82 Conditional Use Permits
- 31.83 Variances, Special Use Permits
- 31.84 Action of the City Council

31.1 INTRODUCTION

31.11 Title

This Ordinance shall be known, and may be cited and referred to as the Carrington Zoning Ordinance.

31.12 Authority

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

31.13 Purpose

- 31.13.1 To protect public health, safety, morals, comfort, convenience, prosperity and general welfare of the City of Carrington, North Dakota.
- 31.13.2 To Secure safety from fire, panic, noxious fumes, and other dangers.
- 31.13.3 To facilitate the adequate provisions for transportation, water, sewerage, and other customary municipal government services.
- 31.13.4 To promote orderly development of land and water resources and to prevent conflict among land uses and structures.
- 31.13.5 To carry out the goals, objectives and policies of the City Comprehensive Plan.
- 31.13.6 To regulate the following locational and spatial needs of Carrington:
 - 31.13.61 Community facilities;
 - 31.13.62 Economic development areas;
 - 31.13.63 Bulk, height and coverage of structures; and
 - 31.13.64 Residential, commercial and industrial areas.

31.14 Jurisdiction

This ordinance shall apply to the use and enjoyment of all lands within the City of Carrington, North Dakota and one-half mile outside of the corporate limits of the

city known as extraterritorial planning area, as provided by Chapter 40-47 of North Dakota Century Code. The extraterritorial planning area is defined by any quarter section of land in the unincorporated territory, the majority of which is located within one half (1/2) mile of the city limits in any direction.

31.15 Interpretation

This ordinance shall be held to be minimum requirements adopted for promotion of purposes cited in Section 31.13. Whenever, the requirement of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

31.16 Severability

If any part, provision or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

31.17 Exceptions

These regulations shall not apply to the use of land and buildings for agriculture as defined herein.

31.18 Repeal

The existing City Zoning Ordinance together with any amendments thereto are hereby repealed.

31.19 Effective Date

This ordinance shall be effective upon adoption by the City Council of Carrington as provided by the North Dakota Century Code.

31.2 DEFINITIONS AND INTERPRETATIONS

31.21 Compliance

No structure shall be hereafter used and no structure or part thereof shall be hereafter located, erected, moved, reconstructed, extended, enlarged or converted without a zoning permit and shall be in compliance with the provisions of the ordinance.

31.22 Word Use

In construction of this ordinance, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicated otherwise.

31.22.1 Words used in present tense shall include the future.

31.22.2 Words used in singular number shall include the plural number and the plural the singular.

31.22.3 Shall is a mandatory word and not discretionary.

31.22.4 May is a permissive word.

31.23 Definitions

31.23.1 “Accessory Building and Uses” means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience or necessity of occupants of the principal building or principal use.

31.23.2 “Agriculture” means the process of producing food and fiber including but not limited to the land, facilities, structures and buildings for operation and maintenance thereof.

31.23.3 “Airport” means any are designated for the landing and take off of aircraft and any appurtenant areas which are used or intended for use for airport buildings and structures including runways, taxi ways, aircraft storage and tie down areas, hangers and other related facilities and open spaces other than landing strips used for family purposes.

31.23.4 “Animal Hospital or Kennel” means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.

31.23.5 “Apartment” means a room or suite of rooms in a multiple dwelling used for human occupancy.

31.23.6 “Basement” means a story partly underground with more than one-half of its height below grade.

- 31.23.7 “Bed and Breakfast Inn” means a house or portion thereof, where short term lodging and means are provided. The operator of the inn shall live on the premises or in adjacent premises.
- 31.23.8 “Building” means any structure designed or intended for shelter, housing, business, office, and accommodation or persons, animals, chattels or property.
- 31.23.9 “Building Area” means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear, and side yards.
- 31.23.10 “Building Height” means vertical distance from the grade to the highest point of the roof.
- 31.23.11 “Building Line” means a line establishing the minimum distance that structures may be placed from the lot lines or street right-of-way. For the purpose of this ordinance the building line is the same as setback line.
- 31.23.12 “Building, Principal” means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores, and other buildings and uses.
- 31.23.13 “Channel” means a natural or man-made water course for conducting the flowing water.
- 31.23.14 “City, Carrington” means City of Carrington, North Dakota.
- 31.23.15 “City Council” means the City Council of Carrington, North Dakota, a legally constituted body under North Dakota laws.
- 31.23.16 “Club of Lodge” means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.
- 31.23.17 “Commission” means Planning Commission of the City of Carrington, North Dakota.
- 31.23.18 “Comprehensive Plan” means a guide for management of the physical resources and development of the City of Carrington as adopted by the City Council.

- 31.23.19 “Conditional Use” means use of a special nature not automatically permitted in a zoning district and which requires review and approval for the Planning Commission and City Council after a public hearing subject to the provisions of Section 31.82.
- 31.23.20 “Conforming Building or Structure” means a building or structure which complies with all requirements of this ordinance and other regulations adopted by the City Council.
- 31.23.21 “Development” means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alterations to building or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.
- 31.23.22 “Development Plan” means a document including maps and data for physical development of an area as provided by Sections 31.57.4 of this ordinance.
- 31.23.23 “District” means a section or sections of the City of Carrington for regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and use are uniform.
- 31.23.24 “Dwelling” means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels and motels.
- 31.23.25 “Dwelling, Detached” means a single family residence surrounded by open space on the same lot.
- 31.23.26 “Dwelling, Multiple Family” means a single building or portion thereof containing two (2) or more dwelling units.
- 31.23.27 “Dwelling, Single Family” means a building containing only one dwelling unit designed to be located on a permanent foundation and, if site built, constructed in accordance with the provisions of the applicable City codes governing construction’ or, if manufactured off site, constructed in accordance with either the City codes governing construction or the HUD manufactured home

construction and safety standards (24 CFR 3280). All single-family dwellings shall be considered and taxed as real property, as provided by law. Each single-family dwelling shall have a minimum overall front width of twenty-four (24) feet, minimum main floor living space square footage of nine hundred (900) square feet, and a minimum ceiling height of seven (7) feet, six (6) inches.

- 31.23.28 “Dwelling, Two Family” means a building containing two (2) dwelling units only.
- 31.23.29 “Encroachment” means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.
- 31.23.30 “Establishment” means a place of business for processing, production, assembly, sales, service of goods and materials.
- 31.23.31 “Family” means two or more person related by blood, marriage or adoption occupying a dwelling unit. A family may include not more than two unrelated person by blood, marriage or adoption.
- 31.23.32 “Flood Plain” means an area which may be covered by flood water including but not limited to regional floods.
- 31.23.33 “Floor Area” means the total square footage of floor space within the exterior walls of a building.
- 31.23.34 “Frontage” means the front part of a lot abutting a public right-of-way, street or highway.
- 31.23.35 “Garage, Private” means an accessory building or portion of a principal building designed and used for storage of personal vehicles and crafts.
- 31.23.36 “Garage, Public” means a building or portion thereof, designed and used for repair, maintenance, sale service and storage of motor vehicles and crafts.
- 31.23.37 “Grade” means the land elevation at the horizontal intersection of the ground and the building.
- 31.23.38 “Home Occupation” means any occupation carried on in a dwelling unit by a member of members of the family and which meets these requirements:

- (a) That the occupation is conducted within the principal building and not in an accessory building.
- (b) That no stock-in-trade is kept or commodities sold other than those produced on the premises.
- (c) That no more than twenty five percent (25%) of the floor area of the dwelling is devoted to such home occupation.
- (d) That there is no outside storage of equipment and not more than additional persons outside the family engaged in such occupation.

- 31.23.39 “Hotel or Motel” means a building in which lodging accommodations, with or without meals are provided for compensation.
- 31.23.40 “Junk or Salvage Yard” means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.
- 31.23.41 “Kennel, Animal” means any premises where dogs, cats, and other household pets are boarded, bred and maintained for compensation.
- 31.23.42 “Lodging House” means a residential building or portion thereof which accommodates three or more unrelated persons with meal privileges.
- 31.23.43 “Lot” means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat, or deed.
- 31.23.44 “Lot Area” means the ground area within the lot lines.
- 31.23.45 “Lot, Corner” means a lot abutting two public streets at their intersection.
- 31.23.46 “Lot, Depth” means the average horizontal distance between the front lot line and the rear lot line.
- 31.23.47 “Lot, Double Frontage” means a lot having frontage on two separate public streets.
- 31.23.48 “Lot, Interior” means a lot located in the interior of a block and not a corner lot.

- 31.23.49 “Lot Lines” means the property lines bounding the lot.
- 31.23.50 “Lot Width” means the horizontal distance between the side lot lines of a lot measured at the front building setback line.
- 31.23.51 “Lot, Zoning” means a single lot, parcel, tract of land within a zoning district developed or to be developed.
- 31.23.52 “Manufactured Home” : A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to it body or frame any wheels or axels, and which bears a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15, 1976, promulgated by the United States Department of Housing and Urban Development.
- 31.23.53 “Mobile Home” : a transportable, factory built home, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Home Construction and Safety Act of 1974 (24 CFR 3280), which became effective June 15, 1976. A mobile or portable structure constructed to be towed on its own chassis, connected to utilities and used for year round living. It can consist of one or more units that can be telescoped when towed, or two or more units separately towable but designed to be joined into one integral unit.
- 31.23.54 “Mobile Home Lot” means a lot or parcel of land platted or planned to accommodate a mobile home. May only be located within a mobile home park.
- 31.23.55 “Mobile Home Park” means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exists subject to the requirement of Section 31.53.33.
- 31.23.56 “Non-conforming Building” means any building which does not comply with any or all parts of this ordinance.

- 31.23.57 “Non-conforming Use” means any principal use of land or building which does not comply with any or all parts of this ordinance.
- 31.23.58 “Nursing Home or Convalescent Home” means a home for the aged or infirm which unrelated persons are accommodated for compensation.
- 31.23.59 “Parking, Off-street” means one or more spaces set aside on private land, with direct access from street or alley not less than nine (9) feet wide and twenty (20) feet long, exclusive of passage ways.
- 31.23.60 “Permitted Uses” means those uses, building or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of those provisions are met after a public hearing and approval by the Planning Commission and the City Council.
- 31.23.61 “Person” means any individual, firm, corporation, partnership or legal entity.
- 31.23.62 “Planned Development” means a grouping of buildings and structures on a site of three (3) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded with the Foster County Register of Deeds upon approval by the Council and meets all the requirements of Section 31.57.
- 31.23.63 “Public Roadway or Public Way” means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads, or highways.
- 31.23.64 “Regional Flood” means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Foster County, North Dakota.
- 31.23.65 “Service Station” means any building or premises where automotive fuels, automotive related services, lubricants, parts and supplies are made available to the motorist.

- 31.23.66 “Sign” means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards, and poster boards, but excluding real estate for sale signs. Political campaign signs, public information and traffic signs.
- 31.23.67 “Site Plan” means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in this ordinance.
- 31.23.68 “Street” means a public or private right-of-way which affords the principal means of access to abutting property.
- 31.23.69 “Structural Alterations” means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.
- 31.23.70 “Structure” means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.
- 31.23.71 “Variance” means the relaxation of the terms of the ordinance in relationship to building height, size of the front, rear, and side yards, where the literal enforcement of this ordinance could create unreasonable hardship, but it is not contrary to the purposes of the Carrington Comprehensive Plan and this ordinance.
- 31.23.72 “Yard, Front” means an open space extending across the front of the lot between the side lot lines and extending from the front lot line to the front of the principal building or projection thereof. The front of a lot for purposes of locating the front yard shall be based on the street address of the lot.
- 31.23.73 “Yard, Front” means an open space extending across the front of the lot between the side lot lines and extending from the front lot line to the front of the principal building or any projection thereof.
- 31.23.74 “Yard, Rear” means an open space extending across the rear of the lot between the side lot lines and extending from

the rear lot line to the rear of the principal building or any projection thereof.

31.23.75 “Yard, Side” means an open space extending along a side lot line from the front lot line to the rear lot line extending from the side lot line to the side of the principal building or any projection thereof.

31.3 GENERAL PROVISIONS

31.31 Amendments

The City Council may, from time to time, amend, supplement or repeal any part of this ordinance after a public notice and hearing.

31.32 Comprehensive Plan

This ordinance is administered and enforced to implement the City Comprehensive Plan (development Guide), a document adopted by the City Council including the following objectives:

- (a) To conserve and enhance the taxable value of land and buildings
- (b) To encourage the most appropriate use of land
- (c) To preserve and increase amenities of Carrington and environ;
- (d) To protect residential, commercial and industrial areas from harmful encroachment by incompatible uses.
- (e) To protect the character and maintain the stability of residential, commercial and industrial areas and to promote orderly development of such areas.
- (f) To regulate and restrict the location and intensity of uses of buildings and land for residential, commercial, industrial and other uses;
- (g) To separate and control unavoidable nuisance producing uses to minimize their adverse impacts on the surrounding areas or uses.
- (h) To minimize the expenditures of public funds through selecting cost-effective alternatives for the expansion of city services;
- (i) To minimize damage to public facilities and utilities such as water mains, sewer mains and street; and
- (j) To facilitate traffic movement and promote development of compatible uses.

31.33 Land Suitability

No land shall be used for a purpose which is held unsuitable for the reasons of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety, or the welfare of the people in the area. The Planning Commission may require information and data to determine the land suitability. The commission may consult with country and state agencies to assist in its determination.

31.34 Conditionally Permitted Uses

Where a use is classified as a conditional use under this ordinance and exists at the date of adoption of this ordinance, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under this ordinance, and exists at the date of adoption of this ordinance, it shall be considered non-conforming and shall be subject to the non-conforming building and use provisions of this ordinance.

31.4 ZONING DISTRICT BOUNDARIES AND MAP

31.41 Zoning Districts

In order to carry out the purposes and provisions of this ordinance, the following zoning districts are hereby established.

- 31.41.1 A-1 Agricultural District
- 31.41.2 R-1 Single Family Residential District
- 31.41.3 R-2 Multi Family Residential District
- 31.41.4 C-1 General Commercial District
- 31.41.5 C-2 Highway Commercial District
- 31.41.6 I-1 Industrial District
- 31.41.7 PD-1 Planned Development District

31.42 Zoning District Map

31.32.1 Zoning Districts

The location and boundaries of the zoning districts are hereby established as shown on the “Zoning District Map” on file in the Office of the Code Administrator. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of this ordinance.

31.42.3 Lot Line as Boundary

Where zoning district boundary lines are indicated as following streets and public ways or extensions thereof, such boundary lines shall be construed to be the center line of said streets or public ways or extension thereof unless clearly shown to the contrary.

31.42.4 District Description for Unsubdivided Lands

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as deemed necessary.

31.42.5 Vacated Areas

Where a street or public way is vacated by the official action of the City Council, the zoning district boundaries shall be extended to the center of the vacated street or public way.

31.42.6 Zoning District Boundary Interpretation

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the City Council shall determine the location of such boundary lines.

31.42.7 Annexation of Land

Any newly annexed area shall be placed in A-1 agricultural district, unless the area is targeted and scheduled for development in which case the area shall be placed in the appropriate zoning district subject to the zoning district changes and zoning district amendments provided in this ordinance.

31.42.8 Certification

The official zoning map shall bear a certificate with the signature of the Carrington Mayor and certification of the City Auditor and date of adoption of the zoning maps as an integral part of this ordinance.

31.5 ZONING DISTRICT REGULATIONS

31.51 A-1 Agricultural District

31.51.1 Purpose

The purpose of this district is to provide for preservation and protection of agricultural uses while in existence in the city. The A-1 agricultural district is to serve as an interim zone for change to an appropriate zoning district as the land becomes feasible for development.

31.51.2 Permitted Uses

- 31.51.21 Accessory buildings and structures. (Buildings excluding mobile homes)
- 31.51.22 Agricultural uses.
- 31.51.23 Churches and Cemeteries
- 31.51.24 Golf Courses and parks and play fields
- 31.51.25 Home Occupations
- 31.51.26 Public and private schools, public buildings and facilities
- 31.51.27 Stock piling of sand and gravel for road construction and maintenance.
- 31.51.28 Construction and maintenance of drainage systems to manage the water run-off and water reservoirs.
- 31.51.29 Utility lines and pipe lines including the substations for transformers, pumping stations and lift stations.

31.51.3 Conditional Uses

- (a) Feed Lots
- (b) High Voltage transmission lines and accessory structures.
- (c) Manufacturing and processing of agricultural products produced in the area but not including rendering plants and fertilizer plants.
- (d) Radio, TV stations and towers.
- (e) Sale and services of agricultural equipment and machinery
- (f) Salvage and junk yards subject to provisions of Section 31.68
- (g) Sanitary landfill subject to the provisions of Section 31.67
- (h) Sewage lagoons and waste water treatment facilities.
- (i) Skeet, trap and rifle ranges if not nearer than one thousand (1000) feet from any residence.

- (j) Storage of farm related chemicals
- (k) Veterinary clinics, animal hospitals and domestic animal kennels not nearer than five hundred (500) feet from any residence except the residence of the owner or operator.
- (l) Mining of sand and gravel subject to provisions of Section 31.66

31.51.4 Lot Area and Lot Width

- 31.51.41 For Agricultural uses the area shall not be less than ten (10) acres.
- 31.51.42 For non-farm residential uses the lot area shall not be less than two (2) acres.
- 31.51.43 For non-residential use the lot area shall not be less than five (5) acres.
- 31.51.44 The lot width for any uses in agricultural district shall not be less than two hundred fifty (250) feet.

31.51.5 Yard requirements

- 31.51.51 The minimum front yard, measured from the front lot line, shall not be less than fifty (50) feet.
- 31.51.52 The minimum rear yard, measured from the rear lot line, shall not be less than thirty (30) feet.
- 31.51.53 The minimum side yard, measured from the side lot line, shall not be less than ten (10) feet.

31.51.6 Building Height

- 31.51.61 The building height shall not exceed two and one half stories or thirty five (35) feet except for church steeples, farm related and communication structures.
- 31.51.62 The building heights for agriculturally related uses shall be determined by the Planning Commission.

31.51.7 Parking Requirements

For non-farm uses, the provisions of Section 31.62 shall apply.

31.51.8 Sign Requirements

Sign requirements shall be subject to the provisions of Section 31.63.

31.52 R-1 Single Family Rural Residential District

31.52.1 Purpose

The R-1 single family residential district is primarily established to promote a suitable residential environment and to accommodate low density detached single family residential units uninterrupted by conflicting uses and incompatible activities.

31.52.2 Permitted Uses

31.52.21 Single family detached and two family dwelling units.

31.52.22 Churches, schools and public related facilities.

31.52.23 Parks, playgrounds and open spaces.

31.52.24 Accessory buildings and structures

31.52.25 Golf Courses

31.52.26 Home occupation

31.52.27 Daycare facilities subject to the requirement of the State of North Dakota.

31.52.3 Conditional Use

31.52.31 Hospitals and clinics excluding veterinary clinics

31.52.32 Convalescent and nursing homes

31.52.33 Condominiums and single family attached dwelling units.

31.52.34 Manufactured home units installed on a permanent foundation or basement.

31.52.4 Lot Area and Lot Width

31.52.41 The minimum lot area shall be no less than eight thousand (8,000) square feet for single family units and twelve thousand (12,000) square feet for two (2) family units.

31.52.42 The minimum interior lot width shall be no less than sixty (60) feet for single family and ninety (90) feet for two-family structures. The corner lots shall be no less than seventy (70) feet wide.

31.52.5 Yard Requirements

31.52.51 Front Yard

(a) For a street that is 66 feet, more or less, in width, the minimum front yard, measured from the front lot line shall be no less than twenty (20) feet.

(b) For a street that is 80 feet, more or less in width, the minimum front yard measured from the front lot line shall be no less than thirteen (13) feet.

(c) For lots abutting major thoroughfares, the Planning Commission may require larger setbacks not exceeding fifty (50) feet.

31.52.52 The minimum rear yard, measured from the rear lot line, shall be no less than twenty (20) feet.

31.52.53 The minimum side yard, measured from the side lot line, shall be no less than five (5) feet.

31.52.6 Building Height

No building shall be more than two and one half (2 ½) stories or thirty five (35) feet high except institutional buildings and church steeples approved by the Planning Commission.

31.52.7 Parking Requirements

31.52.71 There shall be a minimum of two (2) off street parking spaces provided for each residential dwelling unit.

31.52.72 For the conditional uses and non-residential uses the requirements of Section 31.62 shall apply.

31.52.8 Sign Requirements

- 31.52.81 There shall be no more than one identification sign per residential dwelling structure not exceeding five (5) square feet in area. The sign may be wall, pedestal, ground, or projecting type but it shall not project into the public right-of-way or public property.
- 31.52.82 Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting signs, and rally signs are permitted.
- 31.52.83 For non-residential uses, the provisions of Section 31.63 shall apply.

31.53 R-2 Multi-Family Residential District

31.53.1 Purpose

The R-2 multi-family residential district is primarily established to promote a suitable residential environment and to accommodate multi-family density residential uses largely consisting of multi-family dwelling units.

31.53.2 Permitted Uses

- 31.53.21 Single family detached and two family dwelling units
- 31.53.22 Multi-family dwelling units
- 31.53.23 Condominium and attached single family dwelling units.
- 31.53.24 Manufactured homes installed on permanent foundations or basements.
- 31.53.25 Churches, schools and day care facilities
- 31.53.26 Home occupation
- 31.53.27 Accessory buildings and structures.
- 31.53.28 Parks, playgrounds, golf courses and open spaces.
- 31.53.29 Hospitals, medical clinics, convalescent homes

31.53.3 Conditional Uses

- 31.53.31 Conditional Uses

- 31.53.31 Bed and breakfast establishments
- 31.53.32 Public and private utilities and structures including waste water treatment facilities, sewage lagoons, overhead and underground wires and pipelines.
- 31.53.33 Mobile home parks subject to the following requirements:
- (a) A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park are.
 - (b) The mobile home park shall contain a minimum of three (3) acres of land.
 - (c) Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of five thousand (5,000) square feet.
 - (d) Each unit shall be placed on a stand and anchored to provide a firm foundation and prevent accidental movement or overturning.
 - (e) Each unit shall have a minimum setback of twenty (20) feet within the parks and thirty (30) feet from the public streets.
 - (f) Each unit shall have a minimum side yard of ten (10) feet and a rear yard of twenty (20) feet.
 - (g) The design and construction of the private streets within the park shall conform to the design standards used by the City of Carrington.
 - (h) All units shall be served by the underground utilities unless waived by the Planning Commission.
 - (i) There shall be two (2) off-street parking spaces per unit.

31.53.4 Lot Area and Lot Width

- 31.53.41 The minimum lot area in R-2 residential district for residential uses shall be:

- (a) Six Thousand (6,000) square feet for single family units.
- (b) Eight Thousand (8,000) square feet for two family units; and
- (c) Two thousand five hundred (2,500) square feet for each multi-family unit excluding the yard requirements.

31.53.42 For non-residential uses, the minimum lot area shall be twenty thousand (20,000) square feet.

31.53.43 The minimum lot width in R-2 residential district shall be:

- (a) Fifty (50) feet for single family units;
- (b) Sixty (60) feet for two (2) family units;
- (c) Seventy-five (75) feet for multi-family units; and
- (d) One hundred (100) feet for non-residential uses.

31.53.5 Yard Requirements

31.53.51 Front Yard

- (a) For a street that is 66 feet, more or less in width, the minimum front yard, measured from the front line shall be no less than twenty (20) feet for single family, multi-family uses, and non-residential uses.
- (b) For a street that is 80 feet, more or less, the minimum front yard measured from the front lot line shall be no less than thirteen (13) feet for single family, multi-family uses, and non-residential uses.

31.53.52 The minimum rear yard, measured from the rear lot line, shall not be less than twenty (20) feet.

31.53.53 The minimum side yard, measured from the side lot line, shall not be less than five (5) feet on each side.

31.53.6 Building Height

31.53.61 No residential building shall be more than four (4) stories or forty (40) feet high.

31.53.62 Non-residential building height shall not exceed four (4) stories or forty five (45) feet excepting church steeples and communication antennas.

31.53.7 Parking Requirements

31.53.71 There shall be a minimum of two (2) off-street parking spaces provided for each residential dwelling unit.

31.53.72 For the non-residential uses the provisions of Section 31.62 shall apply.

31.53.8 Sign Requirements

31.53.81 There shall be no more than one identification sign per residential dwelling structure exceeding twelve (12) square feet in area. The sign may be wall, pedestal, ground or projecting type but it shall not project into the public right-of-way or public property.

31.53.82 Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting signs and rally signs are permitted.

31.53.83 For non-residential uses the provisions of Section 31.63 shall apply.

31.54 C-1 General Commercial District

31.54.1 Purpose

The C-1 general commercial district is primarily established to accommodate a cohesive and compact range of retail, office, and commercial uses traditionally found in the downtown area.

31.54.2 Permitted Uses

The uses permitted in C-1 general commercial district consist of retail uses and services which serve the city and its neighborhood, but not including highway commercial uses which because of the high traffic volume or other characteristics are more suited elsewhere.

31.54.21 Retail Uses:

- (a) Antique shops, art and craft stores
- (b) Automobile accessories and automobile dealerships
- (c) Clothing and department stores
- (d) Dry good stores
- (e) Flower Shops
- (f) Furniture stores
- (g) Grocery Stores
- (h) Hotels and motels
- (i) Household appliance stores
- (j) Jewelry stores
- (k) Musical instrument sales and service
- (l) Optical, orthopedic and medical supply stores
- (m) Paint and wallpaper stores
- (n) Restaurants
- (o) Rugs and floor covering stores
- (p) Service stations
- (q) Taverns

31.54.22 Retail and Professional Services

- (a) Advertising signs and billboards
- (b) Amusement places including bowling alleys, pool halls, theaters and similar facilities
- (c) Banks, insurance and real estate offices
- (d) Bed and breakfast facilities

- (e) Employment agencies
- (f) Fraternal and service organizations
- (g) Funeral homes
- (h) Hospitals and clinics
- (i) Meat market and lockers
- (j) Professional offices included but not limited law offices, utility companies and the like
- (k) Taxidermists
- (l) Travel agencies

31.54.23 Residential Uses

- (a) Single family attached and detached dwelling units
- (b) Two family dwelling units
- (c) Multi-family dwelling units
- (d) Boarding and lodging houses
- (e) Convalescent houses and nursing homes

31.54.24 Public and Semi Public Facilities

- (a) Churches
- (b) City and county facilities
- (c) Government offices and facilities
- (d) Parks, playgrounds and golf courses
- (e) Schools

31.54.3 Conditional Uses

- 31.54.31 Farm implement sales and service
 - 31.54.32 Garages for repair and service of passenger motor vehicles.
 - 31.54.33 Grain elevators operated commercially
 - 31.54.34 Processing and packing of materials with less than ten (10) employees
 - 31.54.35 Storage facilities for rent
 - 31.54.36 Storage and sale of chemicals, explosives and the like
- 31.54.4 Lot Area and Lot Width
- 31.54.51 The minimum lot area in C-1 district for residential uses shall be:
 - (a) Six Thousand (6,000) square feet for single family units;
 - (b) Eight Thousand (8,000) square feet for two (2) family units; and
 - (c) Two Thousand five hundred (2,500) square feet for each multi-family unit. This provision shall not apply to upper floor apartments in the downtown and existing buildings.
 - 31.54.42 For existing non-residential uses no minimum lot area is required. For new uses, the Planning Commission shall make a determination of needs provided that no structure shall occupy more than fifty (50%) of the lot area.
 - 31.54.43 The minimum lot width in C-1 district shall be:
 - (a) Fifty (50) feet for single family units;
 - (b) Sixty (60) feet for two family units; and
 - (c) Two thousand five hundred (2,500) square feet for each multi-family unit. This provision shall not apply to upper floor apartments in the downtown and existing buildings.

31.54.44 For existing non-residential uses no minimum lot area is required. For new uses, the Planning Commission shall make a determination of needs provided that no structure shall occupy more than fifty percent (50%) of the lot area.

31.54.45 The minimum lot width in C-1 district shall be:

(a) Fifty (50) feet for single family units;

(b) Sixty (60) feet for two family units; and

(c) Seventy five (75) feet for multi-family units

31.54.46 For existing commercial uses there is no minimum lot width. For new commercial uses the minimum lot width shall be one hundred (100) feet.

31.54.5 Yard Requirements

31.54.51 Front Yard

(a) For a street that is 66 feet, more or less in width, the minimum front yard requirements for all residential uses in C-1 district, measured from the front lot line shall be no less than twenty (20) feet.

(b) For a street that is 80 feet, more or less in width, the minimum front yard requirements for all residential uses in C-1 district measured from the front lot line shall be no less than thirteen (13) feet.

31.54.52 The minimum rear yard for all residential uses in C-1 district shall be twenty (20) feet.

31.54.53 The minimum side yard for all residential uses in C-1 district shall be five (5) feet.

31.54.54 No minimum front or side yard is required for existing commercial use. For new commercial uses the planning commission shall determine the minimum front and side yards based on the nature of the use and compatibility with the adjoining uses and the parking requirements.

31.54.6 Building Height

31.54.61 There shall be building requirements for commercial uses.

31.54.62 The building height requirements for residential uses shall be no more than four (4) stories or forty (40) feet.

31.54.7 Parking Requirements

31.54.71 There shall be a minimum of two off-street parking spaces for each residential unit in C-1 district. The Planning Commission may determine the parking requirements for the upper floor existing dwelling units in the downtown area.

31.54.72 For commercial uses in C-1 district the provisions of Section 31.62 shall apply.

31.54.73 The front yard and the rear yard spaces may be used for the parking if approved by the Planning Commission.

31.54.8 Sign Requirements

31.54.81 For signs in C-1 district the provisions of Section 31.63 shall apply.

31.55 C-2 Highway Commercial District

31.55.1 Purpose

The C-2 highway commercial district is primarily established to accommodate those highway oriented and heavy commercial uses which by nature and operational characteristics such as direct access, large number of parking spaces, require separation from other uses because of the intensity and frequency of consumer travel.

31.55.2 Permitted Uses

The uses permitted in C-2 highway commercial district consist of large traffic generators and commercial uses generally placed along major streets, highways, and railroads although certain retail and service uses are found in this district.

31.55.21 Uses and Services Include

- (a) Accessory uses
- (b) Advertising signs and billboards
- (c) Amusement places such as bowling alleys, miniature golf courses, theaters and similar facilities.

- (d) Automotive sale and service
- (e) Animal hospitals and kennels provided that the outdoor pens are not located closer than two hundred (200) feet from any residential district
- (f) Bakeries and confectioneries
- (g) Banks, financial institutions, insurance and real estate office
- (h) Building material and supplies
- (i) Bulk oil and gas storage
- (j) Carpet, floor furnishings
- (k) Catering businesses
- (l) Churches and places of assemble
- (m) Department stores
- (n) Dry cleaning and laundromats
- (o) Elevators and farm commodity storage
- (p) Feed and seed stores
- (q) Fertilizer storage and sale
- (r) Frozen food lockers but not slaughtering on the premises
- (s) Fuel sales
- (t) Funeral homes
- (u) Furniture and furnishings
- (v) Garages for repair and service of motor vehicles including towing and wrecker service but not salvage operations
- (w) Highway maintenance shop
- (x) Machinery and equipment sales and service including farm machinery and construction equipment

- (y) Marine vehicle sale and service
- (z) Mobile home sale and service
- (aa) Monument sale
- (bb) Motels
- (cc) Parking and crating operation
- (dd) Plumbing shops and yard
- (ee) Restaurant including all types of eating and drinking establishments
- (ff) Shopping mall
- (gg) Sporting goods stores
- (hh) Tavern and liquor stores

31.55.3 Conditional Uses

Conditional uses shall not be located less than two hundred (200) feet from a residential district

31.55.31 Contractor's yard

31.55.32 Manufacturing, processing and packing of natural or human made materials with more than ten (10) employees.

31.55.33 Open storage of equipment and material not covered under permitted uses.

31.55.4 Lot Area and Lot Width

31.55.41 The minimum lot area for C-2 district shall be fifteen thousand (15,000) square feet.

31.55.42 The minimum lot width for C-2 district shall be one hundred (100) feet.

31.55.5 Lot Coverage

The principal and accessory uses excluding parking shall not cover more than fifty percent (50%) of the lot.

31.55.6 Yard Requirements

- 31.55.61 The minimum front yard, measured from the front lot line, shall be twenty (20) feet fronting on city streets. For properties fronting on U.S. Highway 281 and ND Highway 200 the minimum front yard shall be fifty (50) feet.
- 31.55.62 The minimum rear yard shall be twenty (20) feet
- 31.55.63 The minimum side yard, measured from the side lot line shall be five (5) feet for local streets. For properties abutting U.S. Highway 281 and ND Highway 200 the side yard shall be twenty-five (25) feet.

31.55.7 Building Height

There shall be no limits on building height in C-2 Commercial District.

31.55.8 Parking Requirements

- 31.55.81 In C-2 Commercial District the front and rear yards may be used for parking.
- 31.55.82 For permitted and conditional uses parking in C-2 district the provisions of Section 31.62 shall apply.

31.55.9 Sign Requirements

For signs in C-2 district the provisions of Section 31.63 shall apply.

31.56 I-1 Industrial District

31.56.1 Purpose

The I-1 Industrial District is primarily established to accommodate industrial uses and facilities appropriate to Carrington. It is planned to encourage grouping of related industrial uses for preventing intrusion on other uses and to maintain an orderly, functional, appealing and efficient industrial land use system.

31.56.2 Permitted Uses

- 31.56.21 Any production, processing and sale of agricultural products produced in the Carrington region and related uses such as agricultural chemicals and fuels.

- 31.56.22 Any industrial or manufacturing operation provided that: (1) dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined within the I-1 district, and: (2) outdoor storage, equipment and refuse areas shall be concealed from view abutting rights-of-way by materials prescribed by the Planning Commission.
- 31.56.23 Any production, processing and treatment of products such as battery and tire service, concrete and asphalt products, dairy processing bottling works, ice and cold storage plants, machine and sheet metal shops provided that all operations be conducted entirely in enclosed buildings.
- 31.56.24 Building material and supply establishments.
- 31.56.25 Contractors yards and construction shops.
- 31.56.26 Electric power production and substations.
- 31.56.27 Public utility buildings including water and waste water facilities and accessories.
- 31.56.28 Radar stations and towers.
- 31.56.29 Radio and TV stations and studios
- 31.56.30 Storage, warehousing and wholesaling establishments
- 31.56.3 Conditional Uses
 - 31.56.31 Local and regional sanitary landfills, compost sites, transfer stations and incinerators subject to provisions of Section 31.67.
 - 31.56.32 Sand and gravel operation subject to provisions of Section 31.68.
 - 31.56.33 Salvage or junk yards subject to provisions of Section 31.68.
 - 31.56.34 Conditional uses shall not be located nearer than five hundred (55) feet from any residential areas.
- 31.56.4 Lot Area and Lot Width

31.56.41 The minimum lot area for I-1 district shall be one (1) acre.

31.56.42 The minimum lot width for I-1 district shall be two hundred (200) feet.

31.56.5 Lot Coverage

31.56.51 The principal and accessory uses excluding parking shall not cover more than fifty percent (50%) of the lot.

31.56.6 Yard Requirements

31.56.61 The minimum front yard, measured from the front lot line, shall be thirty (30) feet.

31.56.62 The minimum rear yard, measured from the rear lot line, shall be thirty (30) feet.

31.56.63 The minimum side yard, measured from the side lot line, shall be twenty (20) feet.

31.56.64 No building or structure shall be located a minimum of five hundred (500) feet from the boundary of a residential area.

31.56.7 Building Height

The building height requirement in I-1 district shall not be more than forty five (45) feet excepting the television and radio towers.

31.56.8 Parking Requirements

31.56.81 For industrial uses there shall be one off street parking space for every two (2) employees.

31.56.82 Additional spaces shall be provided to accommodate trucks and other related motor vehicles.

31.56.83 For non-industrial uses the provisions of Section 31.62 shall apply.

31.56.9 Sign Requirements

For sign in I-1 district the provisions of Section 31.63 shall apply.

31.57 PD-1 Planned Development District

31.57.1 Purpose

The PD-1 planned development district is primarily established to encourage and promote environmental quality of the City of Carrington by allowing for greater freedom, imagination and flexibility in the development of land while complying with the intent and purpose of this ordinance, other municipal codes and the City Comprehensive Plan. It is the purpose of PD-1 district to encourage more rational, efficient, and cost effective development with relationship to public services while enhancing and improving the environmental quality of the area.

31.57.2 Permitted Uses

31.57.21 Any group of permitted uses in any zoning district in this ordinance, provided that there is distinct compatibility and harmony among the uses, with no adverse effects on the adjoining use.

31.57.22 No use shall be permitted in the PD-1 district except in conformity with the City Comprehensive Plan and the precise development plan prepared to meet the requirement of this district.

31.57.23 In a PD-1 district the uses and their intensity, appearance and arrangement shall be of such visual and operational character which: (a) are compatible with the physical nature of the site or area; (b) would not adversely affect the provisions for public services; and (c) would not create a traffic or parking demand incompatible with the existing or proposed facilities.

31.57.24 The PD-1 district shall include assurances that the proposed plan would be completed in a manner that would not adversely affect the city of the area as a result of termination. The terms of the assurances shall address financial and development considerations in sufficient detail as may be required by the Planning Commission.

31.57.3 Site Requirements

31.57.31 There shall be no predetermined requirements for lot area, lot width, building height and yards, but such requirements are made a part of an approved, recorded, and detailed development plan as determined by the Planning Commission.

- 31.57.32 The minimum land parcel of PD-1 district shall be three (3) acres.
- 31.57.33 In PD-1 district the location, number and configuration of parking spaces shall be a part of the detailed development plan.
- 31.57.34 In PD-1 district the location, type and size of signs shall be a part of the detailed development plan.

31.57.4 Development Plan

Where a Development plan is required for a tract of land, the following shall be included in the plan.

- 31.57.41 Location of existing property lines, buildings, drives, streams, wooded areas and other significant natural features.
- 31.57.42 General layout of proposed streets and location of blocks for designed uses.
- 31.57.43 Location of open spaces and facilities for public uses.
- 31.57.44 Existing drainage pattern based on the available topographical information from the U.S. Geological Survey Maps and other similar information.
- 31.57.45 The development plan shall be drawn at a scale of one inch equaling four hundred (400) feet.
- 31.57.46 The Planning Commission may require other information as a part of the development plan.

31.57.5 Data Submission Requirements

- 31.57.51 A general map of the area showing existing land use, zoning, street patter and traffic data.
- 31.57.52 Detailed development plan showing:
 - (a) Detailed lot layout and street pattern;
 - (b) Grading and storm water drainage plan;
 - (c) Location of open spaces and recreational area; and

(d) Location and description of any area to be dedicated to the public.

31.57.53 Proof of financial capability.

31.57.54 Analysis of economic impacts

31.57.55 Agreements, by-laws, provisions and covenants which insure the timely and satisfactory completion of the project without posing a burden on the city or adjoining properties.

31.57.6 Review and Approval Procedure

31.57.61 The Planning Commission shall review the proposed plan and it may require additional information and may require modification of the plan before it makes its recommendations to the City Council after a public hearing.

31.57.62 The City Council upon holding a public hearing may approve, deny, or further modify the development plan. A developer's agreement spelling out all financial responsibilities of the developer and the city to be approved subsequently.

31.57.63 Upon approval of the City Council, the detailed development plan shall be recorded with the Foster County Register of Deeds and the original plan to be kept on file in the office of the City Auditor.

31.6 SPECIAL PROVISIONS

31.61 Non-conforming Uses
31.61.1 Purpose

The purpose of this section is to provide for the regulations of non-conforming buildings and uses and to specify those circumstances and conditions which adversely affect the maintenance, development, use or taxable value of other property in the area and whether shall be permitted to continue or shall be discontinued.

31.61.2 Authority to Continue

Any non-conforming building or use which existed lawfully and conforming at the time of adoption of this ordinance and which has become non-conforming upon adoption of this ordinance may be continued. But if the non-conforming use or occupancy is discontinued for a period of more than twelve (12) consecutive calendar months any

subsequent use or occupancy of the premises shall be a conforming use or occupancy.

31.61.3 Change or Expansion of Use

Whenever the use of a building becomes a non-conforming use through a change in zoning ordinances or change in district boundaries, the use may be continued, if no structural alternations are made. A non-conforming building which is non-conforming as to bulk, shall not be added to enlarged in any manner unless such changes are made to conform to all of the regulations of the district in which it is located.

31.61.4 Repairs and Alterations

Ordinary repairs and alterations may be made to a non-conforming building, provided that no structural alterations be made except to make the building or use conforming to the provisions of the district in which it is located.

31.61.5 Restoration of Damaged Building

Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than sixty percent (60%) of its full market value, it shall not be restored unless said building and use shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than sixty percent (60%) of such full market value, repairs or construction may be made within one year from the date of destruction.

31.61.6 Elimination of Non-conforming Uses

Any building which becomes a non-conforming use at the time of adoption of this ordinance or which may become a non-conforming use or a future date upon determination of the City Council may not be continued more than ten (10) years.

31.62 Off Street Parking

31.62.1 Purpose

The purpose of this section is to provide for off-street parking regulations to:

- 31.62.11 Increase the safety and capacity of public streets by requiring off-street parking or loading facilities.

- 31.62.12 Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.
- 31.62.13 Lessen congestion and preventing the overtaking of public streets by regulating the location and capacity of off-street parking or off-street loading facilities.

31.62.2 General Requirements

- 31.62.21 An off-street parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives or ramps and have a vertical clearance of at least seven (7) feet.
- 31.62.22 All open off-street parking areas with four (4) or more spaces and all loading berths shall be:
 - (a) Improved with all weather surface to provide a durable and dust free surface;
 - (b) Graded to dispose of all surface water run-off but not be diverted to adjoining properties;
 - (c) Arranged and marked to provide for orderly and safe parking;
 - (d) Provided with access road of eight (8) feet for a residence of fifteen (15) feet for a nonresidential building;
 - (e) Screened by wall, fence or landscaping from the street or from any residential or institutional property.
- 31.62.23 Off-street parking or loading facilities requirements shall be met on the same lot as the building served unless the adjoining lot is exclusively used for meeting the parking requirements of a building or use.

31.62.3 Special Requirements

- 31.62.31 No building shall be erected or enlarged to the extent of increasing the floor area by as much as

fifty percent (50%) without meeting these requirements:

- (a) Bowling alley; two (2) parking spaces for each alley.
- (b) Business; professional or public office buildings, studio, bank, medical or dental clinics, one parking space for each one hundred fifty (150) square feet of floor area.
- (c) Church or a place of worship; one parking space for each five (5) seats in the main building.
- (d) Community center, library, or museums; ten (10) parking spaces, plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- (e) Funeral home; one parking space for each one hundred fifty (150) square feet of floor space in the parlor and service rooms.
- (f) Hospital and nursing home; one parking space for each bed.
- (g) Hotels; one parking space for each three (3) rooms plus one space for each two hundred (200) square feet of eating and drinking establishments or restaurants.
- (h) Industrial or manufacturing establishments, research or testing laboratories, dairies, bottling plants, warehouses or similar uses; one parking space for every two (2) employees on the maximum working shift, plus space to accommodate all truck and other vehicles used in connection thereof.
- (i) Motels; one parking space per room.
- (j) Private club or lodge; one parking space for every ten (10) members.
- (k) Residential uses:
 - a. Single family; two (2) spaces per unit.

- b. Duplexes; two (2) spaces per unit
- c. Multiple family; one space for efficiency unit and two (2) spaces for one bedroom or larger units.
- d. Mobile home park; two (2) spaces per unit.
- e. Manufactured or modular homes; two (2) spaces per unit.

31.62.32 Restaurant, eating and drinking establishment; one parking space for each one hundred (100) square feet of floor area.

31.62.33 Retail store and service establishment; one parking space for each two hundred (200) square feet of floor space.

31.62.34 Rooming houses, boarding houses, and lodging houses; one parking space for each bed.

31.62.35 Sport arena, stadium; one parking space for each five (5) seats.

31.62.36 Theater or auditorium; one parking space for each five (5) seats.

31.62.37 Downtown commercial district, one parking space for each six hundred (600) square feet of the floor area.

31.63 Signs

31.63.1 Purpose

The purpose of regulating signs in the City of Carrington is to provide a visually pleasant urban environment and minimize potentially unsafe street, highway and sidewalk conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

31.63.2 General Requirements

31.63.21 No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the Code Administrator. Non-conforming

signs shall be subject to the provisions of Section 31.61 of this ordinance.

- 31.63.22 All signs, canopies, awnings, and marquees shall be structurally safe and securely anchored, fastened, or supported in order to protect the safety of persons or property.
- 31.63.23 No revolving beacon or fountain signs are permitted in any district, except such signs connected with the operation of the airport or public facilities.
- 31.63.24 No sign, canopy, awning or marquee in any district shall conflict in any manner with public devices controlling public traffic.
- 31.63.25 Publicly owned and maintained ground signs shall not be erected on public right-of-way unless approved by the City Council.
- 31.63.26 Signs, canopied, awnings and marquees projecting over a street public way or other public space shall be approved by the Planning Commission. Clearance below such signs shall be a minimum of nine (9) feet.

31.63.3 Special Requirements

- 31.63.31 Signs in the residential districts shall be limited to:
 - (a) One sign per dwelling structure not exceeding five (5) square feet in area which may be wall, pedestal, ground or projecting type;
 - (b) One sign per lot or complex for identifying the apartment building, or condominiums not exceeding twelve (12) square feet;
 - (c) One temporary sign such as “For Sale” “For Rent” not exceeding six (6) square feet in area; and
 - (d) Other temporary signs such as political campaign signs, greeting signs or rally signs.
- 31.63.32 Signs in the C-1 commercial district and only for commercial uses shall be limited to:

- (a) One general identification sign per business not exceeding fifty (50) square feet in area in which may be wall, pedestal, ground or projecting type; and
- (b) Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting signs and rally signs not exceeding fifty (50) feet in area.

31.63.33 There shall be no restriction for signs in C-2 commercial and I-1 and industrial and industrial districts. The Planning Commission shall determine the distance from the public right-of-way.

31.63.34 Signs for conditional uses shall be consistent with the provisions for the district in which they are located and the provisions of this section.

31.64 Accessory Building in Rear Yard

Accessory buildings may be built in a required rear yard but shall not occupy more than thirty percent (30%) of a required rear yard and shall not be nearer than five (5) feet to any side lot line or rear lot line, except that when a garage is entered from an alley at right angle, it shall be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as part of the main building for the purposes of determining side yards and rear yards. Fences and hedges shall be no less than three (3) feet from the lot line.

31.65 Front Yard Adjustments

The front yards established in the ordinance shall be adjusted in the following cases. Fences and hedges shall be no less than three (3) feet from the lot line.

31.65.1 Where forty percent (40%) or more of the frontage on the same side of streets between two (2) intersecting streets is developed with two (2) or more buildings that have, with a variation of five (5) feet or less, a front yard greater in depth than required in this ordinance new buildings shall not erected closer to streets than the front yard so established by the existing building nearest the street line.

31.65.2 Where forty percent (40%) or more of the frontage on one side of street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than required in this ordinance, the following shall govern:

31.65.21 Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing building on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side.

31.65.22 Where a building to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, the building may be erected as close to the street as the existing adjacent building.

31.66 Mining of Sand and Gravel

31.66.1 Purpose

The purpose of these provisions is to provide for mining and extraction of sand and gravel for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the road network.

31.66.2 Site Approval Requirements

All sand gravel mining, excavation site require approval by the City Planning Commission and City Council.

31.66.3 Data Submission Requirements

31.66.31 A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and points of access to the site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site.

31.66.32 A guarantee that the reclamation of the site to be completed within one year of the closure of the operation of the site.

31.66.33 Proof of compatibility with the existing land form including the vegetation, surface and ground water resources.

31.66.4 Proximity to Existing Uses

The operation of sand and gravel sites shall not be nearer than five hundred (500) feet from any residential uses or three hundred (300) feet from non-residential uses.

31.66.5 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a permit from the Code Administrator before starting any mining or excavation of the sand and gravel sites.

31.67 Sanitary Landfills and Solid Waste Sites

31.67.1 Compliance with State Laws and Rules

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

31.67.2 City Ordinance and Procedures

The City of Carrington hereby adopts solid waste provisions, subject to the provisions of NDCC 11-33-20, to assure meeting the purposes of this ordinance and the City Comprehensive Plan.

31.67.3 Purpose

The purpose of these provisions is to protect public health, ground and surface water, conflict with present land uses and preservation and protection of natural resources in the City of Carrington.

31.67.4 Site Approval Requirements

All solid waste sites require a review by the Planning Commission and approval by the City Council.

31.67.5 Locational Standards

31.67.51 No landfill incinerator shall be located within one thousand (1,000) feet of residential uses, and five hundred (500) feet of commercial buildings and structures.

31.67.52 No landfill shall be located in area which due to high water table, flooding, or soil conditions may affect the quality of surface and ground water.

31.67.53 No landfill operation shall be located nearer than two hundred (200) feet of all road and highway rights-of way.

31.67.6 Data Submission Requirements

- 31.67.61 Maps of the area showing existing features such as roads, highways, vegetation cover, water courses, drainage way, soils, topography, depth of water table, wet lands, sloughs, existing uses, buildings and structures including the existing utility lines.
- 31.67.62 A plan for operation of the site including a descriptive text explaining consistency or inconsistency with the natural or man made environment.
- 31.67.63 Records of data and information submitted to the state of North Dakota appropriate agencies and the county as a part of application for state and county permits.
- 31.67.64 The Planning Commission may require additional information if it deems necessary.

31.67.7 State of Findings

Upon the public notification and a public hearing, the Planning Commission shall determine whether the proposed site meets the requirements of this ordinance. The Planning Commission may recommend conditions for approval of the site to the City Council.

31.68 Junk or Salvage Yards

31.68.1 Purpose

The purpose of these requirements is to preserve and protect the visual and other environmental amenities of the rural area while allowing the salvage or junk yards as business places.

31.68.2 Site Approval Requirements

All sites for salvage and junk yards require approval by the Planning Commission and by the City Council.

31.68.3 Locational Standards

- 31.68.31 No salvage or junk yard shall be located within five hundred (500) feet of a residential district and two hundred (200) feet of commercial buildings and structures.

- 31.68.32 No salvage or junk yard shall be located in areas due to high water table, flooding and soil conditions may affect the quality of surface and ground water.
- 31.68.33 No salvage or junk yard shall be located nearer than one hundred (100) feet of all road and highway rights-of-way.
- 31.68.34 All salvage yards and operations shall be screened from the public view unless the salvage material is placed five hundred (500) feet away from any highway right-of-way and screened by natural vegetation, building and land form.

31.7 ADMINISTRATION AND ENFORCEMENT

31.71 Organization

Administration of this ordinance is hereby vested in three offices of the City of Carrington.

- (1) The City Code Administrator
- (2) The Planning Commission
- (3) The Board of Adjustment

31.72 The Code Administrator

The Code Administrator is a duly appointed city official authorized by the City Council and is responsible to administer the Zoning Ordinance, Subdivision Regulations, Building Code and Housing Code and to assist and make recommendations to the Planning Commission, to the Board of Adjustment and to the City Council on any matter related to planning for development of the city.

31.72.1 Duties and Responsibilities

The Code Administrator shall be specifically responsible for interpretation and enforcement of this ordinance including the issuance of zoning permits, building permits and occupancy permits.

- 31.72.11 Issue all zoning certificates and maintain records thereof.
- 31.72.12 Issue all building and repair permits.
- 31.72.13 Issue all certificates of occupancy for all buildings including mobile homes and manufactured homes.

- 31.72.14 Inspect all buildings, structures and use of land to determine compliance with these and other applicable regulations of the city.
- 31.72.15 Maintain zoning related records and zoning districts map including records of all amendments, conditional uses and variances.
- 31.72.16 Receive, file and forward to the Planning Commission all applicable for zoning amendments and conditional uses.
- 31.72.17 Receive, file and forward to the Board of Adjustment all appeals for variances and special use permits.
- 31.72.18 Forward all recommendations of the Planning Commission to the City Council for final action.
- 31.72.19 Notify, in writing, the property owner or user upon finding violation of this ordinance and cite the nature of violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within thirty (30) days, the Code Administrator shall make a report of the findings to the City Attorney and City Council.

31.72.2 Interpretation of Regulations

All questions of interpretation of this ordinance shall be first presented to the Code Administrator and that such question shall be presented to the Board of Adjustment only on appeal from the decision of the Code Administrator and that the recourse from the decision of the Board of Adjustment may be made by an appeal to the City Council.

31.73.3 Building Permit Application

Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall before proceeding with the work, or commencing any excavation in connection with it, shall obtain a permit from the Code Administrator. All mobile homes and manufactured homes are required to comply with the Manufactured Housing and Building Code and are required to obtain a permit from the Code Administrator for placement and relocation thereof.

- 31.72.31 Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of this ordinance.
- 31.72.32 The application shall specify the type of the building structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory building and the probable building cost, together with such additional plans and specifications as may be required by the Code Administrator.
- 31.72.33 The edition of the North Dakota State Building Code as adopted by the City Council, together with any amendments made hereafter are incorporated and made a part of this ordinance. In the even there is a conflict between the North Dakota State Building Code and the regulations, this ordinance shall supersede.
- 31.72.34 All manufactured homes must meet and show proof by bearing label certifying that the home was built in compliance with the manufactured home construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976, promulgated by the U.S. department of Housing and Urban Development. Such homes cannot be constructed or equipped with a permanent hitch, and must not have permanently attached wheels or axles.
- 31.72.35 Any manufactured homes must be placed on a foundation that is a minimum of four (4) feet below ground level, and placed under the outer edge of the building. The foundation must be of concrete, concrete block or wood. Footings under the foundation are required. Manufactured homes cannot be licensed or titled as a “mobile home”.

31.72.4 Building Permit

The Code Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provision of this ordinance. If the Code

Administrator denies a permit because of nonconformance with this ordinance, he shall inform the applicant of his/her right to appeal to the Board of Adjustment. Contractors must sign the building permit before a permit will be issued. Contractors will also be responsible for picking up and displaying the permit.

31.72.5 Building Permit Fees

The Code Administrator shall charge and collect a fee according to the Resolution of Fees and Schedules established by the City of Carrington.

31.72.6 Certificate of Occupancy

The Code Administrator shall issue a certificate of occupancy upon inspection of the completed building, including placement of mobile homes and manufactured homes and assurance that all provisions and conditions set forth by the authority of this ordinance are met. In the event the Code Administrator finds violations and deviations from the terms and condition of this ordinance, he shall make a report and recommendation for action to the City Council.

31.72.7 Conditional Use Permit

The Code Administrator shall issue a conditional use permit upon approval of the application by the City Council in which all conditions shall be stipulated subject to the provisions of Section 31.72.8 of this ordinance.

31.72.8 Variances, Special Use Permits

The Code Administrator shall issue the appropriate permit the Board of Adjustment or the City Council revers his/her decision in case of an appeal by a citizen. The terms of the variance or special use shall be stipulated subject to the provisions of Section 31.8 of this ordinance.

31.73 The Planning Commission

The Planning Commission, a citizen body, nominated by the Mayor and confirmed by the City Council, is hereby vested with authority and jurisdiction to review planning, annexation, zoning, subdivision and city development matters and make recommendation to the City Council.

31.73.1 Membership

The Planning Commission shall consist of no more than ten(10) members, with two (2) members who reside outside of the city corporate limits but within the extraterritorial planning area and to be nominated by the Mayor and appointed by the City Council. The other two (2) voting members shall consist of the Mayor and a City Council member.

The term of office for members representing the city shall be three (3) years and overlapping which may be reviewed by the City Council. No member shall serve more than three (3) consecutive terms.

31.73.2 Duties and Responsibilities

31.73.21 To hear and act on all applications for amendments to zoning districts and make recommendations to the City Council for approval, denial or approval with modification.

31.73.22 To hear and act on all applications for conditional uses in the manner prescribed in this ordinance and make recommendations to the City Council for approval or denial.

31.73.23 To hear and act on all other matters referred to by the City Council.

31.73.24 To study, examine and make recommendations to the City Council, regarding comprehensive planning for the future development of Carrington.

31.73.3 Officers

The Planning Commission shall elect its own officers according to its bylaws and may establish rules and procedures for all cases before it.

31.73.4 Notice of Hearings

The Planning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits and other matters before it, give public thereof in a newspaper of general circulation in the city at least one (1) week prior to the hearing. The notices shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits are available for public inspection in the office of the Code Administrator during the normal working hours.

31.73.5 Meetings

Meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Planning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.

31.74 Board of Adjustment

The Board of Adjustment, a citizen body, appointed by the Mayor and confirmed by the City Council, is hereby vested with authority and jurisdiction to review and act upon all applicants for appeal regarding the interpretation and restrictions of this ordinance.

31.74.1 Membership

The board of Adjustment shall consist of no more than five (5) members serving for three (3) years overlapping terms.

31.74.2 Duties and Responsibilities

31.74.21 To hear and decide all appeals forwarded by the Code Administrator.

31.74.22 To hear and decide all matters referred by the City Council.

31.74.23 To hear other matter related to the interpretation and administration of this ordinance.

31.74.3 Appeals

Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person. The appeal shall be taken within sixty (60) days by filing with Code Administrator a notice of appeal specifying the grounds thereof. The Code Administrator shall forward to the Board of Adjustment all papers constituting the record and his comments on this matter.

31.74.4 Notice of Hearings

The Board of Adjustment shall fix a reasonable time for hearing of appeals, give public notice thereof in a newspaper of general circulation in the city, at least one week prior to the hearing. The notice shall state the purpose of the hearing and that the application and supporting documents for appeals are available for public inspection in the office of the Code Administrator during normal working hours.

31.74.5 Meetings

All meetings of the Board of Adjustment are open to the public and any one may testify for or against the application for appeal.

31.74.6 Authority to Reverse, Affirm Decisions

The Board of Adjustment may reverse or affirm in whole or in part, or may modify the order, requirements, decisions or determination appeal from the decision of the Code Administrator. The decision of the Board of Adjustment on variance and special use permits shall be final, but an appeal may be made to the City Council for further review and action.

31.74.7 Action for Reversal of Decisions

The concurring vote of three-fourths (3/4) of members of the Board of Adjustment present is necessary to reverse any order, requirement, decision or determination of the Code Administrator, or to decide in favor of the applicant on any matter upon which it is required to decide under this ordinance or to affect any variation in the application of this ordinance.

31.74.8 Violations and Penalties

The Board of Adjustment shall elect its officers and may establish rules and procedures for review of all cases before it. Members may be removed from office by the City Council for cause after a public meeting.

31.75 Violations and Penalties

Any person who violates any provision of this ordinance or fails to comply with any of its requirements including the condition for modification of use, building or structure shall upon conviction thereof forfeit not more than \$500.00 and in addition pay all costs and expenses involved in the case. Each day such violation continues shall constitute a separate offense.

31.8 PROCEDURES FOR AMENDMENTS, CONDITIONAL USES AND VARIANCES

31.81 Zoning District Amendments

31.81.1 Public Hearing Notice

The Planning Commission shall hold a public hearing, a notice of which shall be published once a week for two successive weeks before the hearing in the official newspaper of the city. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; and (4) time and place for public inspection of the documents in the city offices before the hearing.

31.81.2 Public Hearing

The Planning Commission, at the hearing shall listen to all persons who speak in the support of or in opposition to the proposal. Upon the completion of its review, the Planning Commission shall make recommendations to the City Council for approval, denial or modification of the petition. The Planning Commission may require additional information before it completes its findings and recommendations.

31.81.3 Data Submission Requirements

Petitions for zoning district change and conditional uses shall be submitted with the following information:

- 31.81.31 Legal description of the area proposed to be rezoned, the name and addresses of all owners of property lying within such area.
- 31.81.32 A list of the names and addresses of the owners of all properties within one hundred and fifty (150) feet of all the proposed property, excluding the width of the streets right-of-way.
- 31.81.33 A map showing the existing land uses and zoning district classification of the area.
- 31.81.34 A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.
- 31.81.35 A fee shall be paid in accordance with the schedule established by the City Council.

31.81.4 Deliberation and Decision

Following the hearing, the Planning Commission, upon due deliberation, shall make a report of its findings and recommendations on the proposed amendments to the City Council within thirty (30) days after the hearing. If no recommendations are transmitted by the Planning Commission within thirty (30) days after the hearing, the City Council may take action without awaiting such recommendations.

In making its finding, the Planning Commission shall ascertain that the proposal for zoning district amendment is consistent with the City Comprehensive Plan and meets all requirements of this ordinance and other regulations of the city.

31.81.5 Effect of Protest

If a protest against zoning district change is signed by twenty percent (20%) of: (1) owners of the property within the proposed site; or (2) twenty percent (20%) of the owners of the adjoining properties within one hundred fifty (150) feet of the site excluding street rights-of-way, the Planning Commission shall, make a notice of statutory protest in transmitting its recommendation to the City Council,

where a vote of three-fourths (3/4) of all Council members is necessary to approve the zoning district change.

31.82 Conditional Use Permits

31.82.1 Purpose

The development of this ordinance is based upon division of the city into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of impact of those uses upon neighborhood premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

31.82.2 Public Hearing Notice

Shall be the same as the provisions set forth for public notice for zoning district amendment in Section 31.81.1.

31.82.3 Public Hearing

Shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 31.81.2.

31.82.4 Data Submission Requirements

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 31.81.3.

31.82.5 Deliberation and Decision

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 31.81.4.

31.82.6 Standards

No application for conditional use shall be recommended for approval unless the Planning Commission finds that all of the following conditions are present:

- 31.82.61 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

- 31.82.62 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional uses.
- 31.82.63 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 31.82.64 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 31.82.65 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 31.82.66 That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.
- 31.82.7 Conditions and Guarantees
- 31.82.71 Prior to the decision on any conditional use, the Planning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 31.82.6. In all cases in which conditional uses are granted, the Planning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- 31.82.72 No alteration of a conditional use shall be permitted unless approved by the City Council. Where the City Council has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the City Council's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit.

31.83 Variance, Special Use Permits

Variance from the terms of this ordinance shall be granted provided that the applicant established proof of practical difficulty or undue hardship.

31.83.1 Public Hearing Notice

The Board of Adjustment shall hold a public hearing, a notice of which shall be published at least one week prior to the hearing (NDCC 40-47-04) in the official newspaper of the city. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; and (4) time and place for public inspection of the documents in the City Hall before the hearing.

31.83.2 Public Hearing

The Board of Adjustment at the hearing shall listen to all persons who speak in support of or in opposition to the proposal. Upon the completion of its review, the Board of Adjustment shall approve, deny, or modify the proposal. The Board of Adjustment may require additional information before it completes its findings and decision.

31.83.3 Data Submission Requirements

Petitions for variances or special use permits shall be submitted with the following information.

31.83.31 Legal description of the area to be rezoned, the name and addresses of all owners of property lying within such area.

31.83.32 A list of the names and addresses of the owners of all properties within one hundred and fifty (150) feet, excluding the street right-of-way.

31.83.33 A map showing the existing land uses and zoning district classification of the area.

31.83.34 A site plan showing the existing building and uses and the requested changed.

31.83.35 A fee shall be paid in accordance with the schedule established by the City Council.

31.83.4 Deliberation and Decision

In making its finding, the Board of Adjustment shall ascertain that the request for variance is consistent within the City Comprehensive Plan and meets all requirements of this ordinance and other regulations of the city.

31.83.5 Standards

No application for variance or special use permit shall be approved unless the Board of Adjustment finds that all of the following are present:

- 31.83.51 That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.
- 31.83.52 That literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- 31.83.53 That the special conditions and circumstances have not resulted from actions of the applicant.
- 31.83.54 That granting the variance requested will not confer upon the applicant any special privileges that are denied by this ordinance to other premises.

31.83.6 Justification

- 31.83.61 That the reasons set forth in the application justify the granting of the variance.
- 31.83.62 The variance is the minimum which would make possible a reasonable use of the premises.
- 31.83.63 That the granting of variance will be in harmony with the general purpose of this ordinance and will not be injurious to the surrounding premises, neighborhood or the city and will not be contrary to the comprehensive plan and that purposes of this ordinance.
- 31.83.64 That there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

31.83.7 Authorized Variances

A variance shall not be granted for any yard or setback less than the yard or setback as required by this ordinance.

- 31.83.71 To reduce by more than twenty percent (20%) the applicable requirements for lot area and lot width.
- 31.83.72 To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.
- 31.83.73 To permit the use of lot of record if it is smaller than the minimum size required by this ordinance.
- 31.83.74 To permit roof alterations to provide additional windows, headroom or area for occupancy of third level.
- 31.83.75 To permit conversion of an existing building to a permitted residential use provided that it shall not conflict with the above standards cited in Section 31.83.5 and 31.83.6.

31.84 Action of the City Council

31.84.1 Initiation of Amendment

Amendments may be proposed by the City Council, the Planning Commission, the Board of Adjustment or any person, firm, corporation or organization which has a freehold interest or contractual interest in a building, structure, lot or parcel of land.

31.84.2 Application for Amendment

Application for an amendment shall be filed with the Code Administrator who shall forward all such applications to the Planning Commission, or the City Council.

31.84.3 Notice of Public Hearing

Notice of hearing shall include time, place and purpose of such hearing and shall be published at least one week before the hearing in the official newspaper of the city. This hearing is independent of the hearing held by the Planning Commission.

31.84.4 Public Hearing

At the public hearing before the City Council, the proposed amendments is discussed together with the recommendations of the Planning Commission. Any person may express opposition to or support for the amendment at such hearing.

31.84.5 Decision of City Council

In the event that a written protest against a proposed amendment or conditional use application is filed by owners of twenty percent (20%) or more of the area within the proposed amendment or owners of twenty percent (20%) or more of the adjoining land within one hundred fifty (150) feet of the proposed site excluding street rights-of-way such amendment or conditional use application shall not become effective except by the favorable vote of the three fourths (3/4) of the City Council.

31.84.6 Effect of Denial of Application

An application for an amendment to the zoning district map or conditional use permit which has been denied by the City Council shall not be made for a period of one year from the date of such denials, unless the new application is substantially different from the denied application.

Adopted this _____ day of _____ 1995

Mayor

City Auditor