

ORDINANCE NO. 1727

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 39 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO ZONING REGULATIONS REGARDING ADULT ENTERTAINMENT CENTERS OR ESTABLISHMENTS

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 39.03.007 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.03.007 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. *Automotive Rental and Sales:* Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
2. *Auto Services:* Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales, and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. *Body Repair:* Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. *Equipment Rental and Sales:* Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. *Equipment Repair Services:* Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
6. *Vehicle Storage:* Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-always or impound yards but exclude dismantling or salvage. Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an Industrial Use Type.

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed

and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

h. Commercial Recreation (Indoors)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur within enclosed structures. Typical uses include movie theaters, private dance halls, or private skating facilities.

i. Commercial Recreation (Outdoors)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. The preponderance of activities occur outside of enclosed structures. Typical uses include driving ranges, commercial race tracks, and drive-in theaters.

j. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

k. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

l. Consumer Services

Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

m. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

n. Crematorium

An establishment containing a furnace for the purpose of reducing human or animal bodies or remains to ashes by burning.

o. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. *Convenience Food Sales:* Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sale of fuel for motor vehicles.
2. *Limited Food Sales:* Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
3. *General Food Sales:* Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

p. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

q. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Dickinson or the State of North Dakota.

r. General and Limited Retail Services

Sale or rental with incidental service of commonly-used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wall paper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

1. *Limited Retail Services:* Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to Dickinson and a local market.
2. *General Retail Services:* Establishments providing retail services, occupying facilities of more than 5,000 square feet for any single establishment or more than 10,000 square feet for a multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Dickinson and its immediate vicinity.

s. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

t. Laundry Services

Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

u. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

v. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

w. Microbrewery pub and distillery

1. A microbrewery pub shall be defined as a brewer that brews 10,000 barrels or less per year and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for purposes of sampling the beer.

2. A distillery shall be defined as a use where the owner operator may produced distilled spirits in accordance with the applicable provisions of the North Dakota Century Code.

x. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

y. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

z. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

aa. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

bb. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 per cent of the establishment' s gross income.

1. *Restaurant (Drive-in or Fast Food)*: An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.

2. *Restaurant (General)*: An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

cc. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

dd. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

ee. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

ff. Vehicle Storage (Short-term)

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

gg. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals. (Ord. No. 1171 § 1; Ord. 1225 § 1, Ord. 1650 § 2)

Section 2: Section 39.03.009 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.03.009 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products as well as adult entertainment centers.

a. **Adult Entertainment Center.**

Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes, depicts or describes sexual conduct. This includes the sale of viewing of visual or print materials. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters.

b. **Construction Yards**

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

c. **Custom Manufacturing**

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools or light equipment. This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

d. **Grain Elevators**

Establishments or uses engaged in the large-scale storage or processing of agricultural products that cannot be otherwise categorized as light, general, or heavy industries.

e. **Light Industry**

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

f. **General Industry**

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

g. **Heavy Industry**

Enterprises involved in the basic processing, storage, and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

h. **Oil Wells**

A use involving on-site extraction of petroleum or petroleum products. The oil well site is the location at which such resources physically penetrate the plane of the ground, and includes any facilities needed for the storage or flaring of petroleum or petroleum products, but excludes underground pipes or conduits.

i. **Recycling Collection**

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

j. **Recycling Processing**

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

k. **Resource Extraction**

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding oil wells and the grading and removal of dirt. Typical uses include quarries, borrow pits, sand and gravel operations, and mining.

l. **Salvage Services**

Place of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

m. Vehicle Storage (Long-term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.

n. Warehousing (Enclosed)

Uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

o. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage. (Ord. No. 1171 § 1.)

Section 3: Section 39.04.005 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.04.005 Development Regulations

For each Zoning District: Purposes are set forth in Table 4-1, Permitted Uses are set forth in Table 4-2, and Site Development Regulations are presented in Table 4-3.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2. (Ord. No. 1171 § 1.)

Table 4-1 Purposes of Zoning District

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Dickinson extra-territorial jurisdiction.
RR	Rural Residential	This district provides for the rural residential use of land, accommodating very low and low density residential environments. The district's regulations assure that density is developed consistent with: land use policies of the Dickinson Comprehensive Plan regarding rural subdivision; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.
R-1	Low-Density Residential	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Medium-Density Residential	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots and low-density, multiple-family development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations

		are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	High-Density Residential	This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. It also permits some non-residential uses such as offices through a special permit procedure, to permit the development of mixed use neighborhoods.
MH	Mobile Home Residential	This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivision, along with the supporting services necessary to create quality residential neighborhoods.
LC	Limited Commercial	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
CC	Community Commercial	This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the LC District. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial sub-centers. Outdoor storage shall be limited and screened.
DC	Downtown Commercial District	This district is intended to provide appropriate development regulations for Downtown Dickinson. Mixed uses are permitted within the DC District and are encouraged in multi-story structures. The grouping of uses is designed to strengthen the town center's role as a center for trade, service, and civic life.
GC	General Commercial	This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.
LI	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects.

		The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.
P	Public	This district accommodates substantial public institutions or uses. It sets aside areas for conservation, public recreation, and full access public facilities.

ZONING DISTRICT REGULATIONS

Table 4-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Agricultural Uses														
Horticulture	P	P			S		P	P		P	P	P	P	39.06.002a
Crop Production	P	P											P	39.06.002a
Type I Animal Production	P	S												39.06.002c
Type II Animal Production	S													
Type III Animal Production	S													
Livestock Sales	S										S	S		
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S							
Single-Family Attached				P	P	P	S							39.06.003b
Duplex	P			P	P		S							
Townhouse	P			P	P		S		P					39.06.003c
Multiple Family				P	P		S		P					
Downtown Residential									P					39.06.003d
Mobile Home Park						S								39.06.003e
Mobile Home Subdivision						S								39.06.003f
Manufactured Housing Residential	P	P	P	P	P	P	S							
Retirement Residential	S		S	P	P		S		S					
Home Occupations	S	S	S	S	S	S			S					39.06.008a

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Secondary Education													P	
Sports Facilities, Field, and Arenas (Public)													P	
Utilities	S	S	S	S	S	S	S	P	P	P	P	P	S	
Office Uses														
General Offices	S				S		P	P	P	P	P	P		
Financial Services					S		P	P	P	P	P	P		
Medical Offices					S		P	P	P	P	P	S		
Commercial Uses														
Ag Sales/Services	S							S		P	P	P		
Auto Rental/Sales								S	S	P				39.06.005c
Auto Services							S	P	S	P	P	P		39.06.005a,b
Body Repair								S		P	P	P		39.06.005a
Equipment Rental/Sales										P	P	P		39.06.005c
Equipment Repair										P	P	P		39.06.005a
Veh. Storage (Short-Term)										P	P	P		
Bed and Breakfast	P	S		S	P		P	P	P	P				39.06.005d
Business Support Services							P	P	P	P	P	P		
Business/Trade School								P	P	P	P			
Campground	S					S				S				
Cocktail Lounge								P	P	P				
Commercial Recreation (Indoor)	S						S	P	P	P	P			
Commercial Recreation (Outdoor)	S								S	P	P	P	S	
Communication Service							P	P	P	P	P	P		
Construction Sale/Service								S		P	P	P		
Consumer Service							P	P	P	P	P			
Convenience Storage	S				S	S	S	S		S	P	P		39.06.005f
Crematorium										S	S	P		
Microbrewery pub and distillery								P	P	P				
Food Sales (Convenience)							S	P	P	P	P	P		
Food Sales (Limited)							P	P	P	P				

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Food Sales (General)							S	P	P	P				
Funeral Service					S		P	P		P				
Limited Retail Services							P	P	P	P				
Gaming Facility								S	S	P				
General Retail Services								P	P	P				
Kennels	P	S								S	P	P		
Laundry Services								S	S	P	P	P		
Liquor Sales		S					P	P	P	P				
Lodging								P	P	P	S			
Personal Improvement					S		P	P	P	P	P	P		
Personal Services					S		P	P	P	P	P	P		
Pet Day Care	P	S	S	S	S		P	P	P	P	P	P		39.03.0 19y
Pet Services	S						P	P	P	P				
Research Services							P	P	P	P	P	P		
Residential- Commercial							P	P	P	P				
Restaurants (Drive-In)							S	P	S	P	S	S		
Restaurants (General)	P						P	P	P	P	S	S		
Stables	P	S										S		
Surplus Sales	S								S	P	P			
Trade Services	S							P	S	P	P			
Vehicle Storage										S	P			
Veterinary Services	S	S					S	S	S	P	P			
Parking Uses														
Off-Street Parking			S	S	S		S	S	P	P	P	P		
Parking Structure								S	S	S	P			
Industrial Uses														
Adult Entertainment Center											S	S		Ch.3
Custom Manufacturing								S	S	P	P	P		
Light Industry											P	P		
General Industry												P		
Heavy Industry												S		
Oil Wells	S											S		
Resource Extraction	S											S		
Salvage Services and Yards, Junk Yards												P		39.06. 006a
Vehicle Storage (Long-term)											P	P		

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Warehousing (Open)											P	P		
Warehousing (Closed)									S	P	P	P		
Construction Yards										S	P	P		
Recycling Collection								S		P	P	P		
Recycling Processing											P	P		
Grain Elevators												S		
Petroleum Storage/Sales	S											S		
Stockyards	S											S		
Toxic Gaseous Storage	S											S		Note 9
Dairy Plant										S	S	P		
Transportation Uses														
Aviation	P											P		
Railroad Facilities	S								S	S	P	P		
Truck Terminal										S	S	P		
Transportation Terminal	S							S	S	S	P	P		
Miscellaneous Uses														
Communications Tower	S	S	S	S	S	S		S	S		S	S		
Amateur Radio Tower	P	P	P	P	P	P	P	P	P	P	P	P		
Construction Batch Plant											S	P		
WECS	P	P	S	S	S	S	S	S	S	S	S	P		
Landfill (Inert)	S	S										S		
Landfill (Municipal, Industrial or Special Waste)	S												S	
Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P		
Motorized Sports	S										S	S		Note 10

*Note: Provisions of Sections 39.06.008 through 39.06.009 apply to all use types

P = Uses Permitted by Right S = Uses Permitted by Special Permit Blank = Use Not Permitted
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ZONING DISTRICT REGULATIONS

Table 4-3a Summary of Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3*
Minimum Lot Area (square feet)	5 acres	1 Acre	7,500	7,000	7,000

		(Note 1)*			
Minimum Lot Width (feet)	300	100			
Single-Family Detached			60	50	50
Single-Family Attached			45	45	45
Other Residential			60	75 (Note 3)	75 (Note 3)
Site Area per Housing Unit (square feet)					
Single-Family Detached	5 Acres	1 Acre	7,500	7,000	7,000
Single-Family Attached				4,000	4,000
Duplex				10,000	10,000
Townhouse or multi-family up to 4 units				7,000 for the first unit and 3,000 thereafter (Note 6)	7,000 for the first unit and 3,000 thereafter
Each additional multi-family unit over 4 units					7,000 for the first unit, 3,000 for the next three units and 1,000 thereafter
Retirement Residential Minimum Yards (feet)	(Note 10)		(Note 10)	(Note 10)	(Note 10)
Front Yard Arterial Streets	50	40	25	25	25
Other Streets	50	40	25	25	25
Street Side Yard	15	15	15	15	15
Interior Side Yard	15	15	6	6 (Note 2)	6 (Note 2)
Rear Yard	50	25	20	20 (Note 5)	20 (Note 5)
Maximum Height (feet)		40	40	SUP in excess of 65 feet	60
Maximum Building Coverage	NA	25%	40%	60%	70%
Maximum Impervious Coverage	NA	35%	50%	65%	75%
Floor Area Ratio	NA	NA	NA	NA	

- Notes Accompanying This Table Appear after Table 4-3c

ZONING DISTRICT REGULATIONS

Table 4-3b Summary of Site Development Regulations

Regulator	MH	LC*	CC*	DC	GC*
Minimum Lot Area (square feet)		5,000	12,000	None	12,000
Minimum Lot Width (feet)		50	100	NA	100
Site Area per Housing Unit (square feet)		Same as R-3	NA	500	NA
Minimum Yards (feet)					
Front Yard		20	20	0	20
Street Side Yard		20	10	0	10
Interior Side Yard		10	0	0	0
Rear Yard		20	0	0	0

Maximum Height (feet)		40	40	SUP in excess of 65 feet	60
Maximum Building Coverage		50%	60%	100%	70%
Maximum Impervious Coverage Retirement Residential		70% (Note 10)	80%	100% (Note 10)	90%

*Uses in the R-3, LC, CC, GC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 39.08

ZONING DISTRICT REGULATIONS

Table 4-3c Summary of Site Development Regulations

Regulator	LI*	GI*	P* (Note 15, Note 16)
Minimum Lot Area (square feet)	10,000	10,000	N/A
Minimum Lot Width (feet)	100	100	N/A
Site Area per Housing Unit (square feet)	N/A	N/A	N/A
Minimum Yards (feet)			
Front Yard	20	20	None except when abutting a residential zoning district; in which case the front yard setback to a building or parking area shall be the required setback of the abutting residential district
Street Side Yard	20	20	None except when abutting a residential zoning district; in which case the side yard setback to a building or parking area is 10 feet. The required side yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Interior Side Yard	10	10	None except when abutting a residential zoning district; in which case the side yard setback to a building or parking area is 10 feet. The required side yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Rear Yard	20	20	None except when abutting a residential zoning district; in which case the rear yard setback to a building or parking area is 10 feet. The required rear yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.

Maximum Height (feet)	SUP in excess of 60 feet	SUP in excess of 60 feet	45 feet if abutting a zoning district with a maximum height of 45 feet or less. If the abutting zoning district allows buildings taller than 45 feet, the height of the abutting zone may be applied in the Public zoning district. If a setback of 100 feet can be provided the building height may be a maximum of 65 feet. Building heights greater than 65 feet require approval of a Special Use Permit.
Maximum Building Coverage	70%	85%	70%
Maximum Impervious Coverage	90%	100%	90%
Floor Area Ratio	1.0	2.0	

*Uses in the R-3, LC, CC, GC, LI, GI and P Districts are subject to landscape and screening provisions contained in Article 39.08

ZONING DISTRICT REGULATIONS

Notes to Preceding Pages: Tables 4-2 and 4-3

Note 1:

Rural Residential development situated within one of the designated rural development areas of the Comprehensive Plan may occur on minimum lot sizes below 1.0 acres, if such development is approved by the City as a Conservation Subdivision, designed in conformance with the Comprehensive Plan, to ensure compatible installation of infrastructure and sanitary waste collection systems in the future.

Note 2:

Six feet for single-story construction, one foot for each 4 feet for any building over 24 feet in height. See Section 39.06.003 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 3:

See Section 39.06.003 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 4:

Height limit for residential structures. 65 feet for other permitted uses.

Note 5:

Setback ten feet for single-story construction, five feet for each additional story.

Note 6:

The 3,000 square feet per townhouse unit applies for up to 10 units in townhouse developments in the R-2 district.

Note 7:

All allowable accessory buildings to a residence shall be limited to a maximum of one thousand two hundred feet (1,200) and for a maximum of three (3) detached structures for the first one acre or less. The total area of all accessory buildings may be increased by 250 square feet for each additional half (.5) acre of land area above one acre, but in no case shall the total exceed 30 percent lot coverage. Accessory buildings shall include the following: barns, stable, storage buildings, and detached personal vehicle garages.

Note 8:

Toxic Gaseous Storage: Storage facilities of toxic gaseous, materials, tanks/or bulk facilities shall not be built within (2) two miles of any residential subdivision or within (1) mile of any building for human occupancy generally, unless approved by a special use permit after a finding that storage will not pose a potential public health hazard.

Note 9:

- (1) Adequate direct road access to the site is provided with such access designed to minimize traffic congestion; and
- (2) Sufficient off-street parking areas are provided in conformance with Article 39.09, Table 9-1; and
- (3) The site is located at least one (1) mile from any residentially zoned area.

Note 10:

Density for Retirement Residential is 7,000 square feet for 4 units and 1,000 square feet for each additional unit.

Note 11:

Attached garages shall not exceed the total square footage and height of the residence.

Note 12:

Detached structures shall not exceed the height of fifteen (15) feet or the height of the primary residence, whichever is less, unless the detached structure is setback from the side and rear property line a minimum of two (2) horizontal feet for every one (1) foot in height exceeding the maximum height of the structure in residential districts.

Note 13:

Accessory structures larger than two hundred and fifty (250) square feet shall be constructed with similar materials of the primary residence or building in residential and commercial zoning districts.

Note 14:

Residential Use in multi-story structures in the DC zoning district, as well as family and group cares, emergency residential, group care, group home, religious assembly, and bed and breakfast uses will be located in the floor or floors above commercial uses.

Note 15:

In addition to the off street parking requirements in Article 39.09, parking and loading areas in the P zoning district abutting or directly across the street from a residential zoning district shall be set back the minimum front yard setback of the adjacent residential district.

Note 16:

All service, repair, processing or storage on property abutting or across the street from a residential zoning district shall be contained wholly within an enclosed building unless screened from residential zoning by a site-obstructing fence or wall. (Ord. No. 1171 § 1; Ord. No. 1205, § 1; Ord. 1225 § 2; Ord. 1235 § 1 & 2; Ord. 1244 § 3, Ord. 1423 § 4; Ord. 1437 § 4; Ord. 1475 § 1. Ord. 1604 § 3. Ord. No. 1610 § 3, Ord. No. 1643 § 1, Ord. No. 1650 § 3; Ord. No. 1706 § 3; Ord. No. 1707 § 3)

Section 4: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 6: Effective Date: This Ordinance shall be in full force and effect from and after the final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Brian Winningham, City Administrator

First Reading: September 21, 2021

Second Reading: October 5, 2021

Final Passage: October 5, 2021