

CHAPTER SIX

ZONING – LAND USE PLANNING

An ordinance amending and replacing Zoning Ordinance and Subdivision Regulations of the City of Alexander published June 1977. Establishing comprehensive zoning regulations for the City of Alexander and unincorporated territory located within the extraterritorial zoning jurisdiction of the City of Alexander, and providing for the administration, enforcement, and amendments thereof, in accordance with the provisions of Chapter 40-47 of the North Dakota Century Code, and for the repeal of all ordinances in conflict herewith. Be it ordained by the City Council of the City of Alexander, North Dakota, that:

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(resolution 16-03) (resolution 16-07) (resolution 18-03)

CHAPTER SIX

ZONING – LAND USE PLANNING

ARTICLE 1 – General

6.0101 Title

This ordinance shall be known and may be cited as the Zoning Ordinance for the City of Alexander, North Dakota

6.0102 Interpretation and Scope

In interpretation and application, the provisions of this ordinance shall be held to the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

6.0103 Purpose

These regulations have been made in accordance with the policies and recommendations set forth in a duly adopted Comprehensive Plan and have been enacted with the following purposes in mind:

1. Lessen congestion in the streets
2. Secure safety from fire, panic, and other dangers
3. Promote health and the general welfare
4. Provide adequate light and air
5. Prevent the overcrowding of land
6. Avoid undue concentration of population
7. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.

6.0104 Severability

If any article, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said ordinance.

6.0105 Repeal

All existing ordinances or parts of ordinances in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

6.0106 Effective Date

This ordinance shall be effective after a public hearing; adoption by the City Council of the City of Alexander, a certified copy is filed with the County Auditor, and notice of the same to be published in the official newspaper of the city.

ARTICLE 2 – General Building Code

6.0201 Adoption of Code

The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area and maintenance of buildings or structures in the City shall meet with the provisions of the rules and regulations of the North Dakota State Building Code and any future updates and amendments to that code, a copy of which is on file with the city auditor. That code is hereby adopted and made a part of this chapter by reference with the exception of the following sections affecting local conditions in the City. (Source: North Dakota Century Code chapter 54-21.3)

6.0202 Clarification of Code

For the purpose of clarifying the Building Code adopted above.

1. "Municipality" or "City" shall mean the City of Alexander.
2. Any reference to fire limits within the City shall mean the fire limits set out in Chapter Four.

6.0203 Fees

Fees under the Building Code shall be set by resolution by the City governing board.

ARTICLE 3 – Planning and Zoning Commission

6.0301 Zoning Commission

There is hereby created a zoning commission of five members to be appointed by the governing body of the City which shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. If the City exercises extraterritorial zoning authority pursuant to North Dakota Century Code section 40-47-01.1, the zoning commission must include one member residing outside the corporate limits of the city. Such commission shall make a preliminary report and hold public hearings before making its final report. Such commission shall also hold hearings and make reports and recommendations as to the supplements and changes in boundaries and regulations. (Source: North Dakota Century Code section 40-47-06)

ARTICLE 4 – Rules and Definitions

6.0401 Rules

For the purpose of this Ordinance the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in plural form shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory.
4. The words "use," "used," "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

6.0402 Definitions

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. Accessory Building – A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises.
2. Adult Bookstore – An enclosed building having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
3. Adult Cinema – An enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas, for observation by patrons therein in return for the payment of consideration, irrespective of the number of patrons who may be able to view the presentation at one time.
4. Adult Entertainment Center – An adult bookstore or adult cinema, or both.
5. Alley – Minor public ways which are used primarily for vehicular access to the back or the side of properties otherwise abutting on a street. Frontage on an alley shall not constitute legal frontage for the purpose of defining a lot or for the purpose of obtaining a building permit.
6. Alteration – As applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.
7. Animal Hospital or Clinic – An establishment where animals are admitted principally for examination, treatment, board or care, by a Doctor of Veterinary Medicine. This does not include open kennels or runs.
8. Apartment – A room or suite of rooms in a multiple dwelling used or designed for occupancy by a single family.
9. Basement – A story having part, but not less than one-half (1/2), of its height below ground.
10. Bed and Breakfast Inns – An Owner occupied house or a portion thereof, where short term lodging rooms with or without meals are provided for compensation. The operator of the inn shall live on the premises or on adjacent premises. The unit shall contain no more than 7 guest rooms for lodging.
11. Block – An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a physical land barrier such as a river.
12. Building – Any structure designed, or intended for the enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced wall from the ground up, each part is deemed a separate building.
13. Building Height – The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
14. Building Line – A line extending across the full width of a lot in front of which no building may be constructed other than steps not requiring handrails.
15. Building Permit – The permit to allow for structural construction as required under the Building Code of the City of Alexander.
16. Carport – A carport is a roof projecting from the wall of a building or free standing structure constructed to shelter a vehicle. A carport is not enclosed by walls, it must be structurally supported by columns. The setback rules apply to and must be abided by, just as in an accessory building.
17. Cellar – A story having more than one-half (1/2) of its height below ground.
18. City – [The] City of Alexander, North Dakota

19. City Auditor – [The] City Auditor of the City of Alexander, North Dakota.
20. City Engineer – The City Engineer of the City of Alexander, North Dakota.
21. Conditional Use – Such uses as are allowed by special permit only. Said permit shall be granted according to provisions of this ordinance.
22. Cul-De-Sac – A short street having one (1) end open to traffic and being terminated by a vehicular turn-around with a minimum paved radius of forty-five (45) feet. Maximum cul-de-sac length is one thousand (1,000) feet as measured from the centerline of the intersecting street to the center of the radius of the cul-de-sac.
23. Day Care Center – An establishment, other than a public or parochial school, which provides day care and education for four (4) or more unrelated children aged five (5) years and under.
24. Dead End Street – A street which has only one (1) outlet for vehicular traffic and terminates without a vehicular turn-around.
25. Depth of Lot – The depth of a lot shall be the average distance from the front lot line to the rear lot line. The front lot line is the lot boundary abutting the public right-of-way. (In the case of a corner lot abutting two (2) streets, the front lot line is the boundary aligned with or an extension of predominate front lines of lots in the remainder of the block.) The rear lot line shall be the boundary opposite (or most nearly opposite) the front lot line.
26. District – A section or sections of the City and/or County for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
27. Double Frontage Lots – Double frontage lots are those which extend continuously between two (2) parallel (or approximately parallel) streets bounding a block. A block containing double frontage lots is composed of one (1) rather than two (2) tiers of lots. Lots with alleys at the rear lot line shall not be considered double frontage lots.
28. Dwelling – Any building or portion thereof which is designed and used exclusively for residential purposes.
29. Dwelling Townhouse – A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Please see definition of family below.
30. Dwelling Unit – A single unit providing complete, independent living facilities for one (1) related by blood, marriage, or other legal means, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
31. Dwelling, Multiple-Family – A single building with multiple units designed for and occupied by one family per unit. Please see definition of family below.
32. Dwelling, Single-Family – A building having accommodations for and occupied exclusively by one family. Please see definition of family below.
33. Dwelling, Two-Family – A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units. Please see definition of family below.
34. Easement – A grant by a property owner of the use of a strip of land for such public or private use as constructing and maintaining utilities, including but not limited to, sanitary sewers, water mains, electric lines, telephone lines, T.V. or F.M. transmission lines, storm sewer or storm drainage ways, gas lines, and roadways.
35. Effective Date – The effective date of this ordinance as used for the exceptions and “grandfather clauses” shall be the effective date of the previous ordinance which was June 1977.

36. Engineered Post-Framed Buildings – A structure primarily supported by wood columns embedded in the earth.
37. Family – One or more persons related by blood, marriage or adoption occupying a dwelling unit as members of a single housekeeping organization. A family may include not more than two persons not related by blood, marriage or adoption.
38. Farm – Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of furbearing animals, riding academies, livery or boarding stables, dog kennels and commercial feed lots.
39. Farm Residence – A dwelling whose occupant is a person who normally devotes a major portion of their time to the activities of producing products of the soil, poultry, livestock or dairy farming in such products' unmanufactured state.
40. Final Plat – A drawing or map of a subdivision, meeting all the requirements of the City of Alexander and in such form as required by the County of McKenzie for purposes of recording
41. Floor Area – Floor area shall mean the gross floor area of the building of the several floors in the building.
42. Frontage – All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
43. Funeral Home – A facility used for pre-burial preparation of human cadavers including but not limiting to a mortuary, chapel, viewing area, vehicular storage, parking, but not including a crematorium or burial facilities.
44. Garage, Private – An accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles, not more than two of which are owned by others than the occupants of the main building.
45. Garage, Public – A building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.
46. Garage, Storage – A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.
47. Group Dwelling – In general, a building in which several unrelated individuals or families permanently reside, but in which individual cooking facilities are not provided for the individual persons or families. Specifically, "group dwelling" shall include rooming house, dormitory, half-way house, group home, and private club in which one or more members have a permanent residence. "Group dwelling" shall not be deemed to include such as a hotel, motel, mobile home park, sanitarium, hospital or nursing home.
48. Home Occupation – An occupation conducted in a dwelling unit, provided that:
 - a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding six square-feet in area, non-illuminated, and mounted flat against the wall of the principal building.
 - c. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by

the conduct of such home occupation shall be met off the street and other than in a required front yard.

- d. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
49. Hospital – An establishment used primarily for in-patient care and provides health, medical, and surgical care for the sick and injured.
50. Hotel – A building used as a transient abiding place for persons who are being lodged for compensation with or without meals.
51. Improvements – Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, traffic control devices, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the Planning Commission.
52. Industrial, Heavy – Industrial uses which generate large volumes of vehicular traffic or create obnoxious sounds, glare, vibrations, dust, odor or smoke.
53. Industrial, Light – Industrial uses which do not generate large volumes of vehicular traffic and do not create obnoxious sounds, glare, dust, vibrations, odor or smoke.
54. In-Home Apartment – A self-contained dwelling unit with no more than two (2) bedrooms. Built within a residential structure, provided the apartment consists of less than fifty (50) percent of the total square footage of the structure, (including basement) and the apartment is located in the basement, and the apartment is incidental to the structure’s use as a single family residence.
55. Institution – A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
56. Intersection, Street – The point of crossing or meeting of two (2) or more streets. Intersections shall meet at angles of not less than seventy-five (75) degrees.
57. Junk Yard – An area of more than two hundred (200) square feet, or any area not more than fifty (50) feet from any street, used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, used for dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.
58. Lodging House – A building or place where lodging or boarding and lodging is provided (or equipped to provide lodging regularly) by prearrangement for definite periods of time, for compensation, for three (3) or more persons in contra-distinction to hotels open to transients.
59. Lot – One (1) unit of a recorded plat or subdivision or a portion or parcel of land considered as a unit and occupied or to be occupied by one (1) main building and its accessory buildings and including as a minimum such open spaces required by other City ordinances and having frontage on an improved (ref Improvements) public street.
60. Lot Of Record – A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.
61. Lot, Corner – A lot, as defined above, abutting upon two (2) or more streets at their intersection.
62. Lot, Depth of – The mean horizontal distance between the front and the rear lot lines.
63. Lot, Double Frontage – A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

64. Market Value – An estimate of the property worth, in terms of money, in the free and open market.
65. Medical, Dental or Health Clinic – Any building designed for use by one (1) or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists and podiatrists; and in which no patients are lodged overnight.
66. Mobile Home – A mobile home shall include any complete structure used for living, sleeping, business or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses, or skirting; and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “mobile home” shall include trailer home. Requires HUD number.
67. Mobile Home Park – Any park, court, camp, lot, area, piece, parcel, tract or plot of ground upon which mobile homes are used, whether for compensation or not, including all accessory use thereof.
68. Monument – An identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.
69. Nonconforming Building – The use of a building or portion thereof lawfully existing at the time of the passage of this zoning ordinance and amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.
70. Nonconforming Use – Any land lawfully occupied by a use, at the time of the passage of this ordinance or amendments hereto, which does not conform with the provisions of this ordinance or amendments hereto.
71. Nursing Home – An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
72. Owner – Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of these.
73. Parcel – A contiguous quantity of land.
74. Parking Space – An area nine and one-half (9.5) feet × twenty (20) feet, or greater which is sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. Required off street parking shall be provided in a manner that vehicles do not encroach on a public right-of-way.
75. Parks and Playgrounds – Areas of public land and open spaces in the City of Alexander, dedicated or reserved for recreation purposes.
76. Pedestrian Way – A public or private right-of-way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of public or private utilities.
77. Percentage of Grade – The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal distance. The center line of a street from the face of the nearest intersecting curb or nearest edge of pavement shall be used to determine the street grade.
78. Permanent Foundation – The Permanent Foundation Installation Standards of the North Dakota Manufactured Home Installation Standards are adopted by the City of Alexander and are required to be adhered to any place in this Ordinance where a permanent Foundation is required for manufactured homes. There shall be on file at the City Auditor’s Office a minimum of two (2) copies of the Permanent Foundation Installation Standards. The International Building Code and North Dakota State Building Code standards are adopted by the City of Alexander and are required to be adhered to any place in this Ordinance where a Permanent Foundation is required

for site-built or modular homes. There shall be on file at the City Auditor's Office a minimum of two (2) copies of the International Building Code and North Dakota State Building Code.

79. Permitted Use – Any use which complies with the requirements of a zoning district and is unconditionally allowed.
80. Planning Commission – The Planning and Zoning Commission of Alexander, North Dakota.
81. Plat – A map which defines the subdivision of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.
82. Preliminary Plat – A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
83. Property Pin – A monument established by certified land survey and set by a registered land surveyor to provide for accurate location of property lines set in accordance with North Dakota Century Code 47-20.1-10. Minimum corner requirements.
84. Protective Covenants – Contracts made between private parties as to the manner in which land may be used, with the objective of protecting and preserving the physical and economic integrity of any given area.
85. Recreational Area, Public – An area of land open to the public for recreational purposes with or without user fees charged.
86. Restaurant – A public eating establishment at which the primary function is the preparation and serving of food.
87. Reverse Frontage Lot – A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.
88. Right-Of-Way – Areas or portions of areas of land dedicated, used, or prescriptively used for a road and along the side of the roadway. A thoroughfare or path reserved or established for public use or reserved for or occupied and used by a railroad or a public utility.
89. Rooming House – Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.
90. Service Station – An establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs or major overhaul.
91. Set Back – The distance between the lot line and building line.
92. Shared Use Path or Pathway – That portion of a dedicated right-of-way or easement intended for pedestrian and/or non-motorized use only.
93. Sidewalk or Walkway – That portion of a dedicated right-of-way or easement intended for pedestrian use only.
94. Sign – A sign shall include any sign or other device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business, but shall not include any display of official notice or official flag.
 - a. Sign, Advertising – A sign which directs the attention of the public to any goods, merchandise, property, business service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed.
 - b. Sign, Sandwich – An advertising or business ground sign which is constructed in such a manner to form an “A” or a tentlike shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.

- c. Sign, Business – A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “For Sale” sign or “For Rent” sign relating to the property on which it is displayed shall be deemed a business sign.
 - d. Sign, Flashing – Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this ordinance, any revolving illuminated sign shall be considered a flashing sign.
 - e. Sign, Illuminated – A sign designed to give forth artificial light, or designed to reflect light derived from any source.
95. Specified Anatomical Areas –
- a. Buttocks;
 - b. Less than completely and opaquely covered;
 - c. Human genitals, pubic region;
 - d. Female breast below a point immediately above the top of the areola; and
 - e. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
96. Specified Sexual Activities –
- a. Acts of human masturbation, sexual intercourse, or sodomy;
 - b. Fondling of human genitals, pubic region, buttocks, or female breast.
 - c. Human genitals in a state of sexual stimulations or arousal;
97. Street – A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties, whether designated as street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
98. Street Line – A dividing line between a lot, tract of parcel of land and the contiguous street.
99. Street Width – The shortest distance between the curb faces on opposite sides of the street or the shortest distance between the edges of the improved surface of the traveled way.
100. Street, Collectors – Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts as shown on the Comprehensive Plan.
101. Street, Minor – Those which are used primarily to provide vehicular and pedestrian access to abutting properties.
102. Street, Private – A private roadway affording access by pedestrians and vehicles, which is under individual rather than municipal control and ownership.
103. Street, Service or Frontage Road – Minor streets which are parallel and adjacent to thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.
104. Street, Thoroughfares – Arterial streets which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community, as shown on the Comprehensive Plan.
105. Structural Alterations – Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girder, or any complete rebuilding of the roof or exterior walls.
106. Structure – Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This includes placing concrete and building fences.
107. Subdivider – A person, corporation, partnership, association or any other group who prepares or causes to be prepared a subdivision plat.
108. Subdivision – Any division or re-division of a lot, tract, or parcel of land within the city or its extra-territorial jurisdiction into two (2) or more lots, tracts, or parcels of land for the purpose of

transfer of ownership, building development, the creation of streets and/or rights-of-way, or any other purpose; except that:

- a. The sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots shall not be deemed a subdivision.
- b. The allocation of property by court decree in settling the estate of a decedent or in partitioning land among owners shall not be deemed a subdivision.
- c. The unwilling sale of land as the result of legal condemnation procedures, or the acquisition of street rights-of-way by a public agency in conformance with the comprehensive plan shall not be deemed a subdivision.

109. Subdivision Plat – A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.

110. Swales – A drainage system for storm runoff which approximates natural drainage patterns. For example, shallow drainage ways are provided beside streets and, if necessary, a ponding area is provided. Thus, use of a natural percolation is emphasized, and the need for conventional curb, gutter and storm drains is minimized or eliminated. The net result is lower initial cost to home buyers because of lower original costs and lower maintenance costs. This system may be used when internal pedestrian ways are provided in subdivisions.

111. Tangent – A straight line departing from a curve which is perpendicular to the radius of that curve.

112. Tavern – An establishment in which the primary function is the public sale and serving of malt beverages.

113. Tract – A parcel of land intended for division or development of a subdivision.

114. Transmission Facility – Includes any of the following:

- a. An electrical, telephone, or cable TV transmission line and associated facilities.
- b. A gas and liquid transmission line and associated facilities designed for or capable of transporting coal, gas or liquid hydrocarbon products for public commerce.
- c. A liquid transmission line and associated facilities designed for or capable of transporting water.

115. U.S.G.S. Datum – Refers to United States Geodetic Survey Datum.

116. Use – The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

117. Variance – The relaxation of the terms of the Zoning Regulations in relations to height, area, size and open spaces where specific physical conditions, unique to the site, would create an unreasonable hardship in the development of the site for permitted uses.

118. Vertical Curve – The surface curvature on a street center line located between lines of different percentage of grade.

119. Width of Lot – The width of a lot shall be the average distance between side lot lines. Side lot lines are those which are neither front nor rear lot lines.

120. Yard, Front – A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building line.

121. Yard, Rear – A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an alley is platted at the rear of the lots, one-half (½) the width of the alley may be included in the rear yard requirements.

122. Yard, Side – A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side

yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

123. Zone or District – A portion, area or section of the City for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open spaces surrounding buildings as herein established.

ARTICLE 5 – Minimum Requirements for Single-Family Dwellings in Zones R1, R2 and R3

6.0501 Siting Standards

1. All Single-Family Dwellings shall be placed on a Permanent Foundation.
2. All Single-Family Dwellings shall have a minimum width of twenty-four (24) feet at the narrowest point of the first story.
3. All Single-Family Dwellings shall have a minimum above-grade square footage of six hundred (600) feet.

6.0502 Design Standards

1. All Single-Family Dwellings shall have a minimum roof pitch of 3:12.
2. All Single-Family Dwellings shall be covered by roofing consisting of asphalt, composite shingles, fiberglass shingles, wood shingles, wood shakes, clay tiles or metal roofing. Corrugated metal or fiberglass roofing is prohibited.
3. All Single-Family Dwellings shall have a finished porch, patio or deck for each entrance door that is 8-inches or more above-grade.
4. All Single-Family Dwellings shall have a hard-surfaced driveway.
5. Metal siding (other than horizontal lap steel siding) is prohibited on Single-Family Dwellings.
6. All Single-Family Dwellings shall have a minimum of a one-foot overhang on all eaves and gables.

6.0503 Effect

These minimum requirements for Single Family Dwellings shall be effective for all building permits issued beginning one (1) day after the publication of this ordinance after final passage. Any Single-Family Dwellings constructed/placed on a lot within the City that were properly permitted prior to the publication of this ordinance after final passage that do not meet these minimum standards shall be legal nonconforming uses.

ARTICLE 6 – Districts and Boundaries

6.0601 Establishment of Districts

In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City of Alexander, North Dakota, and surrounding area, is hereby divided into districts designated as follows:

A-1	Agricultural District
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R-1	Single-Family Residential District
R-2	Two-Family Residential District
R-3	Medium Density Residential District
M-H	Mobile Home District
C-1	Central Business District
C-2	General Commercial District
I-P	Industrial Park District

6.0602 Expansion of Zoning Jurisdiction

All territory which hereafter may come under the zoning jurisdiction of the City of Alexander shall be in the “A-1” Agricultural District until or unless otherwise changed by ordinance.

6.0603 Zoning District Map

The boundaries of the districts are shown on the map and/or sections thereof attached hereto and made a part of this ordinance, which map is designated as the “Zoning District Map.” The Zoning District Map and all the notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if said map and all notations, references and other information shown thereon were all fully set forth or described herein. The Zoning District Map is properly attested and is on file with the Auditor of the City of Alexander.

6.0604 Rules Where Uncertainty May Arise

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line: boundaries indicated as approximately following the center lines of streams, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by 1 through 6 above, the Planning Commission shall interpret the distance boundaries.

6.0605 Application of District Regulations

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. to exceed the height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards or other open spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.
3. No part of a yard, or other open space, or off-street or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

ARTICLE 7 – A-1 Agricultural District

6.0701 Intent and Purpose of District

This district is established to protect the City of Alexander from uses which would have an adverse effect on the city and to preserve land until it is developed as part of the city.

6.0702 Permitted Uses

1. Farm Residence.
2. General Farm Operations.
3. Parks and Gardens.
4. Fair Grounds and associated activities.
5. Engineered Post-Framed Buildings.

6.0703 Conditional Uses

1. Airports
2. Cemetery
3. Churches

4. Funeral Homes
5. Oil, Gas, Mineral Extractions
6. Schools
7. Seismographic Exploration, subject to the Regulations in Article 17, Sect.6.1707
8. Municipal Lagoons
9. Transmission Facility
10. Single-Family Residence.
 - a. Every lot of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than seventy-five (75) feet, except that if a single lot of record as of the effective date of this ordinance, as defined in the definitions of this ordinance, has less area or width than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this ordinance and have not since been changed, such lot shall be permitted. In addition, no lot shall have buildings, including accessory structures, dwellings, private garages, the square footage (footprint) of which exceeds forty (40) percent of the total square footage of the lot, however, upon application, the Planning Commission may approve new construction that covers up to fifty (50) percent of the total square footage of the lot.

6.0704 Intensity of Use Regulations

Farm tracts in this district shall be ten (10) acres or larger.

6.0705 Height Regulations

1. When a building or structure is within one hundred fifty (150) feet of any residential district, said building or structure shall not exceed thirty-five (35) feet in height.
2. When an agricultural accessory building or structure is more than one hundred fifty (150) feet from any residential district, said building or structure shall not exceed seventy-five (75) feet in height.

6.0706 Yard Regulations

1. Front Yard:
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet
 - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; Provided, however, that the buildable width of a single lot of record as of the effective date of this ordinance shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yard:
 - a. Except as hereinafter provided in the following paragraph and in the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of the principal building.
 - b. Wherever a lot of record as of the effective date of this ordinance has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less

than ten (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard:

- a. Except as hereinafter provided in the additional height, area and use regulations of this ordinance, there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

6.0707 Parking Regulations

As required in ARTICLE 15, Parking and Loading Regulations.

6.0708 Sign Regulations

As permitted in ARTICLE 16, Sign Regulations.

6.0709 Maintenance and Improvements

Building permits in this district shall not be required for farm accessory buildings and structures necessary to the operation of farms or ranches to include the farm residence, feedlots and storage facilities, repair or replacement of sidewalks, driveways, fences, pole buildings, grain bins, and other non-permanent, traditionally agricultural buildings.

ARTICLE 8 – R-1 Single-Family Dwelling District

6.0801 Intent and Purpose of District

The “R-1” Single-Family Dwelling District is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

6.0802 Permitted Uses

1. Accessory Structures

- a. Accessory structure under 120 square feet shall be allowed without a building permit, but do require a land use permit.
- b. Accessory structures 120 square feet to 1000 square feet:
 - i. Will be allowed without a residence on the lot;
 - ii. Must be floating slab or footing foundation construction;
 - iii. Must be colored to match the neighborhood, no galvanized metal;
 - iv. Must have an overhang and covered eaves
 - v. Large doors must be overhead or roll-up.

2. Dwelling, Single-Family

3. Parks or Gardens

4. Private Garage – 1000 square feet and up

- a. Must be accessory to residence;

- b. Must be floating slab or footing foundation construction;
 - c. Must be colored to match neighborhood, no galvanized metal;
 - d. Must have overhang and covered eaves;
 - e. Must have overhead doors, not sliding;
 - f. Total garage footprints cannot exceed 25% of the lot.
5. Engineered Post-Framed Buildings.
- a. Must be colored to match neighborhood, no galvanized metal.
 - b. Must have overhang and covered edges.
 - c. Must have overhead doors, not sliding.
 - d. Total foot prints of buildings cannot exceed 25% of the lot.
 - e. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.

6.0803 Conditional Uses

- 1. Churches
- 2. Day Care Center
- 3. Home Occupation
- 4. Hospital, Medical Clinic
- 5. In-Home Apartment
- 6. Private Garages Over 1000 Square Feet – Not accessory to existing residence – Conditions that must be met in addition to public hearing and approval process:
 - a. Must be floating slab or footing foundation construction.
 - b. Must be colored to match neighborhood, no galvanized metal.
 - c. Must have overhang and covered edges.
 - d. Must have overhead doors, not sliding.
 - e. Total foot prints of buildings cannot exceed 25% of the lot.
 - f. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.
- 7. Schools
- 8. Transmission Facility

6.0804 Intensity of Use Regulations

Every lot of land shall have an area of not less than ten thousand (10,000) square feet and an average width of not less than seventy-five (75) feet, except that if a single lot of record as of the effective date of this ordinance, as defined in the definitions of this ordinance, has less area or width than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this ordinance and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements in the district. In addition, no lot shall have buildings, including accessory structures, dwellings, private garages, the square footage (footprint) of which exceeds 40% of the total square footage of the lot, however, upon application, the Planning Commission may approve new construction that covers up to 50% of the total square footage of the lot.

6.0805 Height Regulations

No building shall exceed thirty-five (35) feet in height, except as otherwise provided in the additional height, area and use regulations in this ordinance. Accessory structures shall not exceed eighteen (18) feet in height.

6.0806 Yard Regulations

1. Front Yard:

- a. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this ordinance, as defined in the definitions of this ordinance, shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than six (6) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard:

- a. Except as hereinafter provided in the following paragraph and in the additional height, area and use regulations of this ordinance there shall be a side yard having a width of not less than six (6) feet on each side of the principal building.
- b. Wherever a lot of record as of the effective date of this ordinance, as defined in the definitions of this ordinance, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard:

- a. Except as hereinafter provided in the additional height, area and use regulations of this ordinance, there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

6.0807 Parking Regulations

As required in ARTICLE 15, Parking and Loading Regulations.

6.0808 Sign Regulations

As permitted in ARTICLE 16, Sign Regulations

ARTICLE 9 – R-2 Two-Family/Low Density Residential District

6.0901 Intent and Purpose of District

The “R-2” is intended for the purpose of allowing a slightly higher density than in District “R-1,” yet retaining the residential qualities. This district allows duplex uses, 4-plex uses, single-family homes and certain special uses.

6.0902 Permitted Uses

1. Accessory Structures

- a. Accessory structure under 120 square feet shall be allowed without a building permit, but do require a land use permit.
- b. Accessory structures 120 square feet to 1000 square feet:
 - i. Will be allowed without a residence on the lot;
 - ii. Must be floating slab or footing foundation construction;
 - iii. Must be colored to match the neighborhood, no galvanized metal;
 - iv. Must have an overhang and covered eaves;
 - v. Large doors must be overhead or roll-up;
- 2. Dwelling, Multi-Family, Up to 4 Dwelling Units per Structure
- 3. Dwelling, Townhouse
- 4. Dwelling, Two-Family
- 5. Dwelling, Single-Family
- 6. Park or Garden
- 7. Private Garage – 1000 square feet and up
 - a. Will be allowed without a residence on the lot;
 - b. Must be floating slab or footing foundation construction;
 - c. Must be colored to match neighborhood, no galvanized metal;
 - d. Must have overhang and covered eaves;
 - e. Large doors shall be overhead or roll-up;
 - f. Total building footprints cannot exceed 25% of the lot.
- 8. Engineered Post-Framed Buildings.
 - a. Must be colored to match neighborhood, no galvanized metal.
 - b. Must have overhang and covered edges.
 - c. Must have overhead doors, not sliding.
 - d. Total foot prints of buildings cannot exceed 25% of the lot.
 - e. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.

6.0903 Conditional Uses

- 1. Churches
- 2. Day Care Center
- 3. Home Occupation
- 4. Hospital
- 5. Medical Clinic
- 6. Nursing Home
- 7. Schools
- 8. Transmission Facility

6.0904 Intensity of Use Regulations

Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed, shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet per family.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand (3,000) square feet per family.
3. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than five thousand (5,000) square feet, or two thousand (2,000) square feet per family. The maximum amount of dwelling units is 4.
4. Nursing homes shall provide five hundred (500) square feet of lot area for each occupant.
5. Where a single lot of record as of the effective date of this ordinance, as defined in the definitions section of this ordinance, has less than five thousand (5,000) square feet and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this ordinance and have not since been changed, such lot may be used only for single-family dwelling purposes, or for any other nondwelling use permitted in this district, providing said structure does not occupy more than forty (40) percent of the lot area and providing the structure conforms with other yard and height requirements of this district.
6. No lot shall have buildings, including accessory structures, dwellings, private garages, the square footage (footprint) of which exceeds 40% of the total square footage of the lot, however, upon application, the Planning Commission may approve new construction that covers up to 50% of the total square footage of the lot.

6.0905 Height Regulations

No building or structure shall exceed thirty-five (35) feet in height, except as otherwise provided in the additional height, area and use regulations in this ordinance. Accessory structures shall not exceed eighteen (18) feet in height.

6.0906 Yard Regulations

1. Front Yard:
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot: provided, however, that the buildable width of a lot of record, as of the effective date of this ordinance, as defined in the definitions of this ordinance, shall not be reduced to less than twenty-eight (28) feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yard:
 - a. Except as hereinafter provided in the following paragraph and the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of a building thirty-five (35) feet or less in height.
 - b. Wherever a lot of record, as of the effective date of this ordinance, as defined in the definitions of this ordinance, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than three (3) feet providing the height of the building does not exceed thirty-five (35) feet.

3. Rear Yard:

- a. Except as hereinafter provided in the additional height, area and use regulations of this ordinance, there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

6.0907 Parking Regulations

As required in ARTICLE 15, Parking and Loading Regulations.

6.0908 Sign Regulations

As permitted in ARTICLE 16, Sign Regulations.

ARTICLE 10 – R-3 Medium Density Residential District

6.1001 Intent and Purpose of District

The “R-3” Medium Density Residential District is intended for the purpose of allowing low density multi-family dwellings along with compatible single-family and two-family dwellings.

6.1002 Permitted Uses

1. Accessory Structures

- a. Accessory structure under 120 square feet shall be allowed without a building permit, but do require a land use permit.
- b. Accessory structures 120 square feet to 1000 square feet:
 - i. Will be allowed without a residence on the lot;
 - ii. Must be floating slab or footing foundation construction;
 - iii. Must be colored to match the neighborhood, no galvanized metal;
 - iv. Must have an overhang and covered eaves
 - v. Large doors must be overhead or roll-up.

2. Dwelling, Multi-Family, Up to 4 Dwelling Units per Structure

3. Dwelling, Single-Family

4. Dwelling, Townhouse

5. Dwelling, Two-Family

6. Group Dwelling

7. Park or Garden

8. Private Garage – 1000 square feet and up

- a. Must be accessory to a residence on the lot;
- b. Must be floating slab or footing foundation construction;
- c. Must be colored to match neighborhood, no galvanized metal;
- d. Must have overhang and covered eaves;
- e. Large doors shall be overhead or roll-up;

f. Total building footprints cannot exceed 25% of the lot.

9. Engineered Post-Framed Buildings

- a. Must be colored to match neighborhood, no galvanized metal.
- b. Must have overhang and covered edges.
- c. Must have overhead doors, not sliding.
- d. Total foot prints of buildings cannot exceed 25% of the lot.
- e. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.

6.1003 Conditional Uses

1. Churches
2. Day Care Center
3. Home Occupation
4. Hospital
5. Medical Clinic
6. Nursing Home
7. Schools
8. Transmission Facility

6.1004 Intensity of Use Regulations

Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand (3,000) square feet per family.
3. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than five thousand (5,000) square feet, or two thousand (2,000) square feet per family.
4. Nursing homes and boarding houses shall provide five hundred (500) square feet of lot area for each occupant.
5. Where a single lot of record as of the effective date of this ordinance, as defined in the definitions section of this chapter, has less than five thousand (5,000) square feet and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this ordinance and have not since been changed, such lot may be used only for single-family dwelling purposes, or for any other nondwelling use permitted in this district, providing said structure does not occupy more than forty (40) percent of the lot area and providing the structure conforms with other yard and height requirements of this district.
6. No lot shall have buildings, including accessory structures, dwellings, private garages, the square footage (footprint) of which exceeds 40% of the total square footage of the lot, however, upon application, the Planning Commission may approve new construction that covers up to 50% of the total square footage of the lot.

6.1005 Height Regulations

No building shall exceed thirty-five (35) feet in height, except as provided in the additional height, area and use regulations of this ordinance. Accessory structures shall not exceed eighteen (18) feet in height.

6.1006 Yard Regulations

1. Front Yard:

- a. There shall be a front yard having a depth of not less than twenty-five (25) feet.
- b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot: provided, however, that the buildable width of a lot of record, as of the effective date of this ordinance, as defined in the definitions of this ordinance, shall not be reduced to less than twenty-eight (28) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard:

- a. Except as hereinafter provided in the following paragraph and the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of a building thirty-five (35) feet or less in height.
- b. Wherever a lot of record, as of the effective date of this ordinance, as defined in the definitions of this ordinance, has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than three (3) feet providing the height of the building does not exceed thirty-five (35) feet.

3. Rear Yard:

- a. Except as otherwise provided in the additional height, area and use regulations, there shall be a rear yard for buildings in this district which shall have a depth of not less than twenty-five (25) feet.

6.1007 Parking Regulations

As required in ARTICLE 15, Parking and Loading Regulations.

6.1008 Sign Regulations

As permitted in ARTICLE 16, Sign Regulations.

ARTICLE 11 – M-H Mobile Home Park District

6.1101 Intent and Purpose of District

It is the intent of the “M-H” Mobile Home Park District to permit low density mobile home uses in a park-like atmosphere. The mobile home park district is intended for those areas where the owner proposes to develop and rent or lease individual sites.

6.1102 Permitted Uses

1. Mobile Home Parks – Subject to the Regulations in this Article.

6.1103 Definitions

1. Independent Mobile Home: A mobile home which has a flush toilet and a bath or shower. Requires HUD number. (See also definitions of mobile home in Article 4).
2. Licensee: Any person licensed to operate and maintain a mobile home park under the provisions of this ordinance.
3. Mobile Home Space: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
4. Natural or Artificial Barrier: Any river, pond, canal, railroad, levee, embankment, or major street.
5. Permittee: Any person to whom a permit is issued to maintain or operate a mobile home park under the provisions of this ordinance.
6. Person: Any individual, firm, trust, partnership, association or corporation.
7. Street: Any recognized thoroughfare in the City.

6.1104 General Requirements

1. The tract to be used for a mobile home park shall be not less than five (5) acres.
2. The applicant for a zoning change to permit a mobile home park must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one (1) year following approval by the Planning Commission and shall be completed within a period of one (1) year.
3. The applicant for a mobile home park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present three (3) copies of the plan for review and approval by the Planning Commission. The plot plan shall show topography and the location and size of:
 - a. Electrical Outlets
 - b. Landscaped Areas and Walls of Fences
 - c. Mobile Home Sites
 - d. Off-Street Parking Areas
 - e. Recreational Areas
 - f. Roadways
 - g. Service Buildings
 - h. Sewer Lines
 - i. Sewer Outlets
 - j. Sidewalks
 - k. Water Lines
 - l. Water Outlets
4. The mobile home park shall conform with the following requirements:
 - a. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. Mobile home parks shall have a maximum density of eight (8) trailers per gross acre and a minimum space of two thousand eight hundred (2,800) square feet for each trailer.
 - c. Each mobile home space shall be a least thirty-five (35) feet wide and clearly defined.

- d. Mobile homes shall be so located on each space that there shall be at least twenty (20) feet of clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than twenty (20) feet but shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty-five (25) feet from any building within the park or from any property line bounding the park.
- e. All mobile home spaces shall front upon a private roadway of not less than forty (40) feet in width, which shall have unobstructed access to a public street, alley or highway.
- f. Walkways, not less than thirty (30) inches wide, shall be provided from the mobile home spaces to service buildings.
- g. All roadways and walkways within the mobile home park shall be hard surfaced and adequately lighted at night with electric lamps.
- h. Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.
- i. At least one (1) electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space.
- j. A recreational area shall be provided at a central location in the mobile park at the rate of two hundred (200) square feet for each trailer space.
- k. A solid frame or wall and a ten (10) foot landscaped buffer area shall be provided between the Mobile Home Park District and any adjoining property zoned for residential purposes. The solid fence or wall shall not be less than four (4) feet high nor more than six (6) feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.

6.1105 Parking Regulations

As required in ARTICLE 15, Parking and Loading Regulations.

6.1106 Sign Regulations

As permitted in ARTICLE 16, Sign Regulations.

6.1107 Water Supply

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.

6.1108 Service Buildings

Service buildings, housing sanitation and laundry facilities or any of such facilities, shall be permanent structures complying with all applicable codes, ordinances, and statues regulating buildings, electrical installations and plumbing and sanitation systems.

All service buildings and the grounds of the park shall be maintained in a clean, 29irgate29 condition and kept free of any debris that will be a menace to the health of any occupant or the public or constitute a nuisance.

6.1109 Sewage and Refuse Disposal

Each mobile home space shall be provided with a trapped sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the

mobile home located in such space and having any or all of such facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system.

6.1110 Garbage Receptacles

Each mobile home unit shall be provided with at least one (1) metal trash and garbage can with a tight-fitting cover to permit disposal of all garbage, trash and rubbish.

6.1111 Trash Burning Prohibited

The burning of trash and rubbish is prohibited in "M-P" Mobile Home Park Districts.

6.1112 Animals and Pets

No owner or person in charge of any dog, cat or other pet or animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

6.1113 Register of Occupants

1. It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 - a. The name and address of each mobile home owner or tenant occupying a mobile home.
 - b. The name and address of the owner of each mobile home and motor vehicle.
 - c. The make, model, year and license number of each mobile home and motor vehicle.
 - d. The state, territory or country issuing such licenses.
 - e. The date of arrival and of departure of each mobile home.
2. The mobile home park owners, manager or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
3. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

6.1114 Supervision

The owner, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, and its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, for the violation of any provision of the regulations in the Mobile Home Park District.

6.1115 Inspection Required

The City shall have the authority to have said mobile home park inspected by the proper inspecting officer of the City, and if it shall be found that the owner of said mobile home park has made any false or misleading statements or has placed or caused to be placed more mobile homes in said mobile home park or court than provided for, or that said owner of said mobile home park has violated or caused to be violated any provision of this Article, the City Governing Body shall have the power to rezone said property back to its former zoning district classification.

6.1116 Revocation or Suspension

If the City shall determine, upon proper inspection by the inspecting officer of the City, that the sanitary condition of the mobile home park shall have become so unsanitary as to endanger health or welfare of occupants of

said mobile home park or the surrounding community, or that said sanitary facilities have become inadequate to properly protect the occupants of said mobile home park, the City Governing Body shall have the power to require the owner of said mobile home park, within ten (10) days, to set said mobile home park in proper sanitary condition. If, upon notice from the City to the owner or manager of said mobile home park shall fail or refuse to place said park or court in sanitary condition, the City Governing Body shall have the right to rezone said property back to its former zoning district classification.

6.1117 Unused Mobile Home Park

Whenever a property zoned “M-P” ceases to be used for such purposes, for a period of one (1) year, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former zoning district classification.

ARTICLE 12 – C-1 Central Business District

6.1201 Intent and Purpose of District

The C-1 Central Business District is intended for the purpose of grouping retail merchandising, service businesses, and appurtenant activities into a concentrated area serving the general shopping and service needs of the trade area. It is also important to keep people living within and in close proximity to this district as well as encouraging persons to visit this area. Though residential users are permitted to cohabitate in the District, principal permitted uses include department stores, apparel stores, general retail sales, and similar uses appropriate for comparison-shopping. The area also encourages service-oriented business. The District is not intended for heavy commercial uses or those uses, those that consume large areas for storage or display of merchandise (indoors or out of doors), or those businesses that may not be considered compatible with adjacent traditional residential uses.

The grouping is intended to strengthen the business level of the central business district, accommodate existing uses, and provide for a transition from commercial to residential zoning.

6.1202. Permitted Uses

1. Adding Machine and Other Small Business Machine Repair, Sales and Service.
2. Antique Shops and Stores, providing all merchandise is displayed and sold inside a building.
3. Apparel and Accessory Stores.
4. Appliance Stores.
5. Art and Art Supply Stores.
6. Artist Studios.
7. Auditoriums and Similar Places of Public Assembly.
8. Automobile Accessory and Supply Stores.
9. Bakery and Pastry Shops (Retail Only).
10. Banks and Other Saving and Lending Institutions.
11. Barber shops, Beauty Shops and Chiropody, Massage or Similar Personal Services.
12. Bicycle Shops.
13. Books and Stationery Shops.
14. Bowling Alleys and Recreational Buildings.
15. Business and Technical Schools, including Schools for Photography, Dancing and Music.

16. Cigar and Tobacco Shops.
17. Clothing Stores.
18. Clothing and Costume Rental.
19. Custom Dressmaking, Millinery, Tailoring and Similar Trades.
20. Daycare centers.
21. Delicatessens and Catering Establishments.
22. Department Stores.
23. Drug Stores and Prescription Shops.
24. Dry Goods and Notion Shops (including Coin and Fabric Shops).
25. Electric Appliance Sales and Repair Shops.
26. Engineered Post-Framed Buildings.
 - a. Must be colored to match neighborhood, no galvanized metal.
 - b. Must have overhang and covered edges.
 - c. Must have overhead doors, not sliding.
 - d. Total foot prints of buildings cannot exceed 25% of the lot.
 - e. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.
27. Fire Stations, Police Stations and Jails.
28. Fix-It Shops (Radio, Television and Small Household Appliances).
29. Florists and Gift Shops.
30. Furniture and Home Furnishing Shops.
31. Garage and Automobile Repair Shops, but not including Automobile Body and Fender Work and Automobile Painting.
32. Government Buildings.
33. Grocery, Fruit and Vegetable Stores (Retail Only).
34. Hardware Stores.
35. Heating and Air Conditioning Shops, providing all merchandise is located in a building.
36. Hobby, Stamp and Coin Shops.
37. Household Appliance Stores.
38. Interior Decorator's Shops.
39. Jewelry and Metal Craft Stores and Shops.
40. Leather Goods and Luggage Stores.
41. Libraries and Museums (Public).
42. Lock and Key Shops.
43. Mail Order Catalog Stores.
44. Medical, Dental and Health Clinics.
45. Medical and Orthopedic Appliance Stores.

46. Meeting Halls and Auditoriums.
47. Messenger and Telegraph Service Stations.
48. Music Instrument Sales and Repair Shops.
49. Music Stores and Studios.
50. Newspaper Offices.
51. Printing Shops and Printing Supply Stores.
52. Newsstands.
53. Offices and Office Buildings.
54. Office Supply and Office Equipment Sales and Service Stores.
55. Optician and Optometrist Shops.
56. Liquor Stores.
57. Paint and Glass Stores.
58. Parks and Open Spaces.
59. Pawn Shops.
60. Pet Shops.
61. Photographic Equipment Sales and Supply Stores.
62. Photographic Studios.
63. Pharmacies.
64. Public Buildings.
65. Radio and Television Studios.
66. Picture Framing Shops.
67. Quilt Store
68. Restaurants and Tea Rooms.
69. Service Stations.
70. Self-Service Laundries.
71. Sewing Machine Shops and Stores.
72. Shoe Stores.
73. Shoe Repair and Shoeshine Shops.
74. Sporting and Athletic Goods Shops.
75. Stores and Shops for the conduct of Retail Businesses similar to the uses listed in this section.
76. Tailor Shops.
77. Taverns.
78. Television and Radio Sales and Service Establishments.
79. Theaters.
80. Toy Stores.
81. Travel Bureaus.
82. Utility Company Offices.

83. Variety Stores.

6.1203 Conditional Uses

1. Churches

6.1204 Intensity of Use Regulations

No requirement except those to meet fire regulations.

6.1205 Height Regulations

No building shall exceed thirty-five (35) feet in height.

6.1206 Yard Regulations

1. Front Yard:

- a. No front yard is required for any building in District “C-1”, except for a single family home which shall have the same front yard regulations as set out in Section 6.0806 of Article 8, R-1 Single Family Dwelling District, as provided in this ordinance.
- b. Where lots have double frontage, the required front yard shall be provided on both streets.

2. Side Yard:

- a. No side yard is required for any building in District C-1 except as follows:
 - i. corner lots, the required side yard shall be the same as the required front yard.
 - ii. where such side yard is adjacent to a dwelling in which case there shall be required ten (10) feet of side yard on the side of the lot which abuts the residence.
 - iii. where a side yard is required for fire and/or building code regulations; or,
 - iv. a single family home shall have the same side yard regulations as set out in Section 6.0806 of Article 8, R-1 Single Family Dwelling District as stated in this ordinance.

3. Rear Yard:

- a. No rear yard is required for any building in District “C-1” with the exceptions that where such rear yard is adjacent to an area zoned for residential use, there shall be required fifteen (15) feet of rear yard and a single family home shall have the same rear yard regulations as set out in Section 6.0806 of Article 8, R-1 Single Family Dwelling District as stated in this ordinance.

4. Alleys:

- a. Buildings and parking areas shall be set back five feet (5 ft) from alleys.

5. Landscaping:

- a. Landscaping and/or a sight-obscuring fence shall be provided on all yards adjacent to residential uses. Landscaping and fences shall be a minimum of six feet (6 ft) tall.

6.1207 Parking and Traffic Regulations

When any building or structure intended for uses other than residential is hereinafter erected or structurally altered to the extent of increasing the floor area by fifty percent (50%) or more, accessory off-street parking spaces

shall be provided. There shall be one space for every 9.5 feet of building frontage. For corner lots, the side with the greatest frontage shall be considered the front.

As required in ARTICLE 15, Parking and Loading Regulations.

6.1208 Sign Regulations

1. As permitted in ARTICLE 16, Sign Regulations
2. Exceptions:
 - a. Flashing and reader-board type signs are not permitted in the C-1 District.

ARTICLE 13 – C-2 General Commercial District

6.1301 Intent and Purpose of District

The “C-2” General Commercial District is intended for the purpose of allowing basic retail, service and office uses. This district is also intended to provide locations for commercial activity that do not require a central location downtown. Also included are business uses needing large floor areas, particularly those of a service nature and certain industrial uses that do not create obnoxious sounds, glare, dust, or odor. The District is not intended for heavy commercial uses, uses that would be considered industrial in nature, or those businesses that may not be considered compatible with adjacent traditional General Commercial uses.

6.1302 Permitted Uses

1. Agricultural Equipment and automobile service/sales business
2. Animal Hospitals, Clinics and Kennels, providing the establishment and runs are completely enclosed in a building
3. Automobile Sales and Services
4. Automobile Parking Lots and Garages (Public and Private)
5. Banks and Other Savings and Lending Institutions
6. Bar, Poolroom, Tavern, Taproom, etc.
7. Convenience Stores with or without alcohol sales
8. Engineered Post-Framed Buildings
 - a. Must be colored to match neighborhood, no galvanized metal.
 - b. Must have overhang and covered edges.
 - c. Must have overhead doors, not sliding.
 - d. Total foot prints of buildings cannot exceed 25% of the lot.
 - e. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.
9. Fire Stations, Police Stations, and Jail
10. General Retail and Service Shops and Stores, i.e. food stores, convenience stores, mechanic shops, etc.
11. Grocery Stores
12. Hotels and Motels

13. Laundromat/Dry Cleaner
14. Libraries and Museums
15. Meeting Halls and Auditoriums
16. Medical, Dental, and Office Buildings
17. Recreational Buildings
18. Restaurants with or without Drive-through and with or without on-premises alcohol sales
19. Retail, Service and Sales Shops and Stores
20. Schools
21. Trucking and Freight Handling Centers
22. Used Car Lots
23. Warehouses
24. Accessory Uses Customarily Incident to the Above Uses

6.1303 Conditional Uses

1. Automobile Service Stations, Retail Fuel Sales
2. Billboards subject to the requirements outlined in Section 6.1604 ARTICLE 16
3. Carpenter and Cabinet Shops
4. Contractors Office and Equipment Storage Yards
5. Grain Elevators
6. Hot Mix Asphalt Plant/Concrete Batch Plant
7. Liquid, Gas Bulk, Explosives, and Other Hazardous Material Storage
8. Manufacturing and/or Processing Operations
9. Mobile Home for Security Purposes
10. Salvage Yards/Recycling Operations
11. Single-Family Dwelling Unit, for owner of an adjacent business
12. Transmission Facility/Substation/Public Uses

6.1304 Intensity of Use Regulations

Commercial uses in this district shall be subject to fire regulations and building coverage shall be subject to yard regulations.

6.1305 Height Regulations

No building shall exceed thirty-five (35) feet in height.

6.1306 Yard Regulations

1. Front Yard:
 - a. There shall be a front yard of not less than 25 feet.
2. Side Yard:

- a. No side yard shall be required, except where such side yard is adjacent to a dwelling district zone, in which case there shall be required ten (10) feet of side yard on the side of the lot which abuts the residential district zone or except where a side yard is required for fire regulations.

3. Rear Yard:

- a. There are no rear yard requirements other than loading and parking requirements; except in any case where such rear yard is adjacent to an area zoned for dwelling purposes there shall be required fifteen (15) feet of rear yard.

6.1307 Parking and Loading

As permitted in ARTICLE 15, Parking and Loading Regulations.

6.1308 Sign Regulations

As required in ARTICLE 16, Sign Regulations

ARTICLE 14 – I-P Industrial Park District

6.1401 Intent and Purpose of District

It is the intent of the “I-P” Industrial Park District to allow certain industrial land uses in a park-like atmosphere and to control the type of use, setback, parking, loading and unloading. It is also intended that this zone be compatible with adjoining dwelling and commercial land uses.

6.1402 Permitted Uses

1. Animal Hospitals or Clinics.
2. Blacksmith Shops.
3. Bottling Works.
4. Building Materials, Storage and Sales.
5. Carpenter, Cabinet, plumbing and Sheet Metal Shops.
6. Compounding of Cosmetics, Toiletries, Drugs and Pharmaceutical Products.
7. Contractor’s Office and Equipment Storage Yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
8. Dry Cleaning and Laundry Plants.
9. Feed and Seed Stores.
10. Frozen Food Lockers.
11. Grain Elevators.
12. Greenhouses and Nurseries, Retail and Wholesale.
13. Lumber Yards.
14. Laboratories, Research, Experimental, or Testing.
15. Machinery Sales and Storage Lots (including farm machinery).
16. Manufacturing or Fabricating Establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.

17. Motor Vehicle and Farm Implement Sales and Storage.
18. Poultry Storage or Slaughtering.
19. Printing and Publishing.
20. Public Utility and Public Service Uses.
21. Radiator Repair Shops.
22. Truck and Rail Terminals.
23. Upholstery Shops.
24. Warehouses and Storage Houses.
25. Wholesale Houses.
26. Engineered Post-Framed Buildings.
 - a. Must be colored to match neighborhood, no galvanized metal.
 - b. Must have overhang and covered edges.
 - c. Must have overhead doors, not sliding.
 - d. Total foot prints of buildings cannot exceed 25% of the lot.
 - e. Must be located such that a 2000 square foot residence could be located on the property and still comply with the intensity of use regulations for the property.

6.1403 Conditional Uses

1. Truck washes.

6.1404 General Requirements

1. The tract for use as an Industrial Park District shall not be less than one (1) acre in area.
2. An applicant for a change in zone to "I-P" Industrial Park District must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.
3. Such applicant also shall prepare and submit a rezoning application and a preliminary development plan for review and approval by the Planning Commission, which shall include:
 - a. A topographic map showing contours at intervals of two (2) feet.
 - b. A plot plan showing:
 - i. Building locations on the tract.
 - ii. Access from streets.
 - iii. Parking arrangement and number of spaces.
 - iv. Interior drives and service areas.
 - v. Landscaped buffer strips.
 - c. Location map showing the development and zoning of the adjacent property within two hundred (200) feet, including the location and type of buildings and structures thereon.
 - d. The full legal description of the boundaries of the properties to be included in the area to be zoned "I-P" Industrial Park District.
 - e. A map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the area to be zoned "I-P" Industrial Park District.

- f. A map showing location of proposed sewer, water and other utility lines.
 - g. A description of general character of the proposed buildings.
4. Upon approval of the preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. The final development plan and the Planning Commission recommendation shall be forwarded to the City Council for review and final action.

6.1405 Intensity of Use Regulations

- 1. A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and as otherwise required in Sections 6.1307 and 6.1308 below.
- 2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as otherwise required in Section 6.1307 below.

6.1406 Height Regulations

- 1. Building or structure shall not exceed thirty-five (35) feet in height.

6.1407 Yard Regulations

- 1. Front Yard:
 - a. A front yard of thirty (30) feet shall be required for uses permitted in this district except as provided in the additional height, area and use regulations of this ordinance.
- 2. Side Yard and Rear Yard:
 - a. No side yard or rear yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required fifteen (15) feet of side and/or rear yard on the side of the lot and/or rear of the lot which abuts the residential district; said fifteen (15) feet shall contain a fence or wall and a shrub border to screen residential zoned property from the proposed use. The wall or shrub border shall be adequately maintained by the property owner.

6.1408 Parking Regulations

- 1. Industrial uses allowed in this district shall provide one (1) off-street parking space for each one thousand (1,000) square feet of gross floor area. Said parking spaces shall be provided within two hundred (200) feet of the proposed structure.
- 2. Plans and Approval Required: Plans showing the layout and design of all required off-street parking areas shall be submitted and approved by a City official or representative, prior to issuing a building permit. Before approving the parking layout, the City official or representative shall satisfy that the spaces provided are usable and meet standard design criteria. All required off-street parking area, including access drives, shall be improved with asphalt, concrete or similar dust-free surface and all parking spaces shall be clearly marked.
- 3. Performance: In lieu of construction of the required parking lot, the City Council of the City may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the City Council and conditioned upon the actual completion of such work or improvements within a specified time, and the City Council may enforce such bond by all equitable means.
- 4. Exceptions: Off-street parking requirements in this district may be waived by the City Council when it can be established that off-street parking, to satisfy the above requirements, is provided or

is available, either private or public, on adjoining property or within one hundred fifty (150) feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.

6.1409 Traffic Regulations

No loading or unloading operation shall be permitted in the right-of-way of any street or alley.

Curb cuts for access to parking and loading and unloading areas shall be first approved by the City. In making application for such curb cuts, the applicant shall present his proposal in writing and provide the City with sufficient plans showing location, width and type of surface proposed across the public right-of-way.

6.1410 Sign Regulations

As permitted in ARTICLE 16, Sign Regulations.

6.1411 Loading and Unloading Regulations

As required in ARTICLE 15, Parking and Loading Regulations.

ARTICLE 15 – Parking and Loading Regulations

6.1501 Parking and Loading Regulations

Except as otherwise provided in this ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, accessory off-street parking spaces shall be provided as required in this Article.

Use	Off Street Parking Spaces Required
1. Single-Family Dwellings	Two (2) spaces for each dwelling unit
2. Two-Family Dwellings	Two (2) spaces for each dwelling unit in a two family dwelling
3. Multiple-Family Dwellings	Two (2) spaces for each dwelling unit
4. Mobile Home	Two (2) spaces for each dwelling unit
5. Churches, Auditoriums and other places of public assembly	One (1) space for each five and other places of (5) seats or bench spaces in the main auditorium or assembly hall
6. Schools: Elementary Schools	Two (2) spaces for each classroom
Junior High Schools	Four (4) spaces for each classroom
High Schools	Eight (8) spaces for each classroom
7. College Auditorium, Stadium or Gymnasium	One (1) space for each five (5) seats or bench spaces
8. Dormitory	One (1) space for each three (3) sleeping accommodations provided
9. Private Clubs, Fraternities, Sororities and lodges with sleeping accommodations	One (1) space for each five (5) active members

10.	Hospitals and Nursing Convalescent Homes	One (1) space for each five (5) beds
11.	Automobile Sales and Service Garages	One (1) space for each four hundred (400) square feet of floor area
12.	Banks, Post Offices, Business and Professional Offices	One (1) space for each two hundred (200) square feet of floor area
13.	Bowling Alleys	Five (5) spaces for each alley
14.	Dance Halls and Assembly Halls without fixed seats, Exhibition Halls, except Church Assembly Rooms in conjunction with an Auditorium	One (1) space for each two hundred (200) square feet of floor area
15.	Funeral Homes, Mortuaries	One (1) space for each fifty (50) square feet of floor
16.	Furniture and Appliance Stores, Household Equipment, Furniture, Repair Shops	One (1) space for each two hundred (200) square feet of floor area
17.	Medical, Dental and Health Clinics	One (1) space for each fifty (50) square feet of floor area
18.	Hotels and Motels	One (1) space for each living or sleeping unit
19	Personal Service Establishments including Barber Shops, Beauty Shops, Shoeshine and Shoe Repair Shops, Cleaning and Laundry Establishments, Self-Service Laundries, and Custom Dressmaking, Furrier, Millinery and Tailor Shops	One (1) space for each fifty (50) square feet of floor area
20	Restaurants and Taverns	One (1) space for each two and one-half (2.5) seats
21	Retail Stores and Shops	One (1) space for each two hundred (200) square feet of floor area
22	Wholesale Establishments	One (1) space for each two (2) employees on maximum shift
23	Industrial Establishments	One (1) space for each two (2) employees on maximum shift

6.1502 Plans and Approval Required

In Districts “C-1” and “C-2” plans showing the layout and design of all required off-street parking areas shall be submitted to and approved by the City prior to issuing a permit. Before approving the parking layout, the City shall satisfy that spaces provided are usable and meet standard design criteria. All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dust-free surface and all parking spaces shall be clearly marked.

6.1503 Performance

In lieu of construction of any required parking lot in any zoning district, the City Council of the City may accept a corporate surety bond, cashier’s check, escrow account or other like security in an amount to be fixed by the City Council and conditioned upon actual construction of such work or improvements within a specified time, and the City Council may enforce such bond by all equitable means.

6.1504 Traffic Regulations

Plans for the erection or structural alteration of any business use dependent on vehicles entering onto the business site or parking lot shall be approved by the City Council. The City Council may require such changes therein in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

6.1505 Curb Cuts

Curb cuts for access to any parking and loading and unloading areas in any zoning district shall be first approved by the City. In making application for such curb cuts, the applicant shall present his proposal in writing and shall provide the City with sufficient plans showing location, width and the type of surface proposed across the public right-of-way.

6.1506 Loading and Unloading Regulations

Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, or other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located as to avoid undue interference with public use of streets, alleys, and walkways. Such space shall be scaled to delivery vehicles expected to be used and shall be accessible to such vehicles when required off-street parking spaces are filled. Number of spaces shall be provided as follows:

Number of Spaces	Gross Floor Area in Square Feet
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One (1) additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

ARTICLE 16 – Sign Regulations

6.1601 Intent

It is the intent of this ordinance to prohibit signs of a commercial nature from districts in which commercial activities are not permitted; to limit signs in the more restricted commercial districts, except as otherwise permitted in this ordinance, to those of an on-site variety and to control the number and area of such signs; and to control the number and area of signs in certain other districts.

6.1602 Permitted Uses R-1, R-2, R-3, M-H, and A-1

The following listed signs will be permitted in Districts “R-1”, “R-2”, “R-3”, “M-H”, and “A-1” except as otherwise provided in this ordinance.

1. Unilluminated “For Sale” and “For Rent” single or double-faced business signs subject to the following regulations:
 - a. Only one (1) sign shall be permitted per lot.
 - b. No sign shall exceed four (4) square feet in area.
 - c. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct traffic.
 - d. When said sign is affixed to a building, it shall not project higher than ten (10) feet above ground level.
 - e. Ground signs shall not project higher than three (3) feet above ground grade.
2. Bulletin boards and signs for churches and other public institutions subject to the following regulations:
 - a. One (1) sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - c. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
 - d. No sign shall be located closer than eight (8) feet from any side or rear property line.
 - e. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half (1/2) the front yard.
 - f. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
 - g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
 - h. Buildings constructed on the property line prior to the effective date of this ordinance, as defined in the definitions of this ordinance, shall be allowed one (1) identification sign providing said sign is a flat wall sign and permanently attached to the building.
 - i. On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.

6.1603 Permitted Uses C-1, C-2, and I-P

In Districts “C-1”, “C-2”, and “I-P”, single or double-faced business signs shall be permitted subject to regulations set forth in the Building Code and in this ordinance.

1. Flashing signs shall be permitted after it is first determined by the City that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that the direct rays of the sign will not be directed into any residential district.
2. Nonflashing signs shall be permitted providing said sign is illuminated only during business hours or until 11:00 p.m., whichever is later, when said sign is located adjacent a residential district; providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any street. Clocks and/or thermometers installed for public convenience and information are exempt from the time limitation.
3. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination.

4. The gross surface area, in square feet, on one side of any business sign on a lot shall not exceed three (3) times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letters or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
5. No sign shall project over any alley right-of-way line.
6. Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level.
7. In a unified shopping center in single ownership or control, one (1) additional sign may be erected to identify the center. The sign may be free standing or attached to the building wall. Said sign shall display no more than the name of the shopping center. The sign shall not exceed thirty (30) feet in height and fifteen (15) feet in width and its bottom edge shall be at least eight (8) feet above ground level.
8. Signs within fifty (50) feet of a residential district shall be affixed to or be part of the building.
9. A maximum of two (2) signs (only one (1) on a I) shall be allowed for a business or profession conducted on the premises.
10. No sign shall be permitted in the road or highway right-of-way and no sign shall be located in a manner to constitute a traffic hazard, EXCEPT AS SPECIFIED IN PARAGRAPH 12 BELOW.
11. Sandwich board signs may be allowed providing said sign is permanently affixed to the surface on which it sits.
12. Where buildings or structures are established or are hereafter established on the property line, advertising and business signs shall conform with the following requirements, providing they are constructed and maintained in accordance with the Building Code of the City.
 - a. In Districts C-1, C-2 and I-P, the advertising or business sign shall be affixed flat against the face of the building or the front edge of a marquee. The front edge of the marquee shall be considered that portion of the marquee which is parallel to the street.
 - b. The sign can be mounted perpendicular to the building and overhang the sidewalk provided the following conditions are met:
 - i. The gross surface area in square feet does not exceed the linear feet of frontage of the lot occupied by the building.
 - ii. The sign does not project any closer than 3 feet from the front of the curb. The sign shall have a minimum set back of 3 feet from the front face of the curb to the outside edge of the sign.
 - iii. The sign provides a minimum height clearance of 7.5 feet above the walking surface.
 - iv. The sign complies with all other provisions of this ordinance.
 - c. Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any existing residential district.
 - d. Lighted signs in the direct vision of traffic shall not be in red, green or amber illumination.
 - e. Flashing signs shall be allowed only upon approval of the City, providing it is first determined that the sign will in no way create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.

- f. The gross surface area, in square feet, on one side of any sign of an advertising or business sign shall not exceed three (3) times the lineal feet of separate frontage of the lot occupied by the building; each side of the lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letters or by a combination of rectangles as are necessary to encompass letters of irregular dimension.
 - g. Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have the lowest elevation at least ten (10) feet above the curb level.
 - h. Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.
13. Where buildings have observed a setback of twenty-five (25) feet or more from the property line, signs may be erected in a required front yard but no sign shall overhang the public sidewalk, street or street right-of-way line and said sign shall conform with the following requirements:
- a. All signs shall be permanently affixed to the ground, pole or building or other permanent structure.
 - b. Only one (1) sign shall be allowed for each street frontage.
14. Signs hereafter erected, constructed or reconstructed, which are supported by the ground, shall have all posts or supporting structure embedded in concrete.
15. Free standing signs shall be constructed to withstand a pressure of thirty (30) pounds per square foot of sign area.

6.1604 Billboards

In the interest of preserving the aesthetics of the City, and with the understanding that the City is not great in size or population, and the general physical makeup of the City is that of residential and smaller buildings, billboards, as defined herein, are not allowed within the City limits. Any existing billboards at the time of the entrance of this ordinance shall be allowed to remain in the City limits for the remainder of the lease or agreement allowing the billboard. However, the time in which the billboard may remain within the City limits shall not exceed 10 years. After the expiration of the lease or agreement or after the expiration of 10 years, whichever occurs first, the sign must be removed. If the City annexes any property, this ordinance shall apply. A billboard is defined, for purposes of this ordinance, as any sign referring to a product or carrying a message that is not related to the property where the sign is located and is not in compliance with the restrictions set forth in Sections 6.1602 and 6.1603 of this Article.

ARTICLE 17 – Supplementary Regulations

6.1701 Qualifications to District Regulations

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

- 1. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one (1) foot of additional height will be permitted for each one (1) foot of additional building setback provided.

2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage tower or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed one hundred fifty (150) feet.
3. Accessory buildings may be built in a rear yard in districts where they are a permitted use. Such accessory building shall comply with the side line set back requirements for that district.
 - a. If the accessory building's main door is perpendicular to the alley, the accessory building shall not be located closer than three (3) feet from the alley line.
 - b. If the accessory building's main doors are parallel to and facing the alley, the accessory building shall not be located closer than ten (10) feet from the alley line.
 - c. If the accessory building's main door is parallel but not facing the alley, the accessory building shall not be located closer than three (3) feet from the line.
4. The setback line shall be determined by measuring the horizontal distance from the property line to main building line.
 - a. Notwithstanding any provisions contained within this ordinance, no architectural projection of a building shall extend within three (3) feet of the property line.
5. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the City for a distance of not more than three and one-half (3 ½) feet and where the same are so placed as not to obstruct light and ventilation.
6. For the purpose of the side yard regulations, a two-family dwelling, or a multiple-family dwelling shall be considered as one building occupying one lot.
7. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.
8. Where a lot or tract is used for a nonresidential purpose, more than one (1) principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
9. No side yards are required where dwelling units are erected above commercial and industrial structures.
10. Whenever the number of employees is restricted in connection with any use in the neighborhood shopping or commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or similar activities.
11. Radio and television towers shall be permitted in Districts "C-1", "C-2", and "I-P", providing the height of said radio or television tower does not conflict with any other City ordinance.

6.1702 Fences

Except as otherwise specifically provided in other codes, ordinances or resolutions, the following regulations shall apply to the construction of fences:

1. No fence shall be constructed without first obtaining a land use permit and no land use permit shall be issued unless the proposed fence is to be constructed in accordance with the following provisions of Paragraphs 2-6, as determined by the City.

2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the City has certified that the proposed fence will not constitute a traffic hazard.
3. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
4. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence which shall adversely affect the public health, safety and welfare.
5. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet; provided, however, that the Board of Zoning Appeals may, by special permit, authorize the construction of a fence higher than six (6) feet if the Board finds the public welfare is preserved.
6. All fences shall conform to the construction standards of the building code and other applicable ordinances.

6.1703 Lots of Record

A lot or group of lots which were platted and recorded in the office of the Register of Deeds prior to the effective date, as defined in the definitions of this ordinance, may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure on a lot or group of lots that do not conform with the minimum yard and height requirements unless specifically authorized by the Board of Zoning Appeals.

6.1704 Canopy and Marquee

A canopy or marquee may be permitted to “overhang a public way” in District “C-1” providing:

1. The canopy or marquee is constructed and maintained in accordance with the City Building Code and other codes, ordinances and resolutions.
2. No portion of the canopy or marquee shall be less than eight (8) feet above the level of the sidewalk or other public way.
3. The canopy or marquee shall not extend beyond a point two (2) feet inside the curb line of a public street.

6.1705 Minimum Building Requirements

No building or structure shall be erected, enlarged, reconstructed or moved into the planning area with less than the following:

1. Dwelling Units:
 - a. All dwelling units shall provide a minimum floor area, exclusive of porches, breezeways and garages, as follows:

Type of Dwelling Unit	Minimum Area
Single-Family	Six hundred (600) square feet
Two-Family	Six hundred (600) square feet per unit
Multiple-Family	Four hundred eighty (480) square feet per unit

- b. Every dwelling unit shall be provided with at least one (1) water closet, which water closet shall be located within the dwelling and in a room which affords privacy.
 - c. Every dwelling unit shall contain a kitchen sink which is connected to running water and an approved sewer system.
 - d. Every dwelling unit shall be enclosed with an exterior wall surface, other than tar paper or corrugated metal.
 - e. No basement or cellar shall be occupied for residential purposes until the main portion, above ground, is completed.
2. Motels:
- a. The number of motel units permitted on a tract of land shall not exceed the number obtained by dividing the total square feet of area of the site by one thousand five hundred (1,500).
 - b. Motels shall be served with an approved public water supply and approved public sanitary sewer system.
 - c. Each motel unit shall contain not less than two hundred (200) square feet of floor space.
3. Tents:
- a. No tent, except play tents for children, shall be used for any purpose except those authorized by the City Council.

6.1706 Elevation

Unless otherwise directed by the City, the first floor elevation of a building or group of buildings shall be at least eighteen (18) inches above the grade of the center of the street or roadway.

6.1707 Seismographic Exploration

The provision of this section shall in no way restrict or interfere with the normal digging, drilling, or excavation for agricultural purposes, the operation of coal and subsurface exploration operations, oil and gas drilling, transportation and production facilities.

All seismic exploration, either explosive or nonexplosive, shall be considered a conditional use, subject to conditional use permit fees, in A-1 District under a temporary permit issued by the City Zoning Administrator to the party actually conducting such seismic exploration. Each permit granted hereunder shall contain and be conditioned on the following permit regulations:

1. The application for permit or renewal of permit shall state the name of the applicant, the address and telephone of applicant's principal place of business, the address and telephone, if any, of the place of business maintained by applicant in the State of North Dakota and the name and address of the applicant's resident agent for service of process.
2. Prior to each seismic operation to be conducted under the permit, the permittee shall submit to the City the following date and documents.
 - a. A statement setting out the date upon which seismic exploration is expected to commence; the method to be utilized in the exploration; the estimated depth and number of the drill holes, if applicable; and the estimated range of exploration charge to be used in the operation, if applicable.
 - b. A plat showing the location by quarter section, township and range of the lines to be explored.
3. Within 30 days following any calendar month in which a seismic operation is completed, the permittee shall file with the City and the owner or occupier of any land upon which such

operations were conducted, a statement showing the date the operation was commenced, the date completed, and the location by quarter section, township and range on which such operation was conducted.

4. The permittee shall obtain consent from the owner or occupier of the land and the City of Alexander prior to commencing seismic operations thereon.
5. The permittee may not utilize any water from land on which a seismic operation is to be conducted without the prior consent of the owner or occupier of said land.
6. A seismograph survey shot hole site shall be no closer than 1,200 feet to any water wells, developed springs or city water mains and not any closer than 1,000 feet to any occupied buildings or other water structures, i.e., dams, dug-outs, unless such a site is mutually agreeable between the surface owner and the city and the mineral operator. The distance for non-explosive seismic activity shall be 300 feet unless the site is mutually agreeable between the surface owner, the mineral operator, and the city.
7. Unless otherwise agreed by the owner or occupier of the land, the permittee shall plug all drill holes as required by N.D.C.C. 38-08-1-06 and shall restore the surrounding surface as nearly as is practicable to its original condition, including the removal of trash or other material which was brought onto the premises by the permittee.
8. All permits granted under this section shall be effective for a period of 1 year.
9. The violation of any permit requirements as set out here as determined by a court or proper jurisdiction shall result in the immediate termination of the permit in addition to any fine or other penalty which may be assessed. In the event of such termination, no further seismic exploration permits shall be granted to the permittee without the expressed approval of the City Council, and upon such further terms and conditions as the City Council may impose.

6.1708 Flood Hazard Regulations

All development and/or construction shall be in conformance with FEMA, see Chapter 16 Flood Damage Prevention.

6.1709 Storage Containers

Storage Containers, whether wheeled or un-wheeled, shall only be allowed within City limits on property zoned I-P and only if they are located a minimum of three hundred feet from property zoned R-1, R-2, R-3, M-H, or C-2, or are completely screened from view by means of a privacy fence. The total area of Storage Containers may not exceed three (3) percent of any parcel of land and must be used as an accessory to an existing structure.

If a Building Permit has been obtained, Storage Containers may be permitted within the City, regardless of the zone, for a period of no longer than six (6) months on the same or adjacent property as that property for which the building permit is effective. One extension shall be available for those who have not completed their construction project within that time. If it is shown that the Storage Container is to be used in a public construction project (i.e., roads, water, sewer, etc.) or in a large scale private construction project with a cost of over five hundred thousand dollars (\$500,000.00), the City may allow the Storage Container to remain in place for a period of time of more than six (6) months or one (1) year and commensurate with the time expected to complete the construction project.

In all instances of Storage Containers being allowed within the City limits not in conjunction with a building permit, a permit must be applied for and issued by the City prior to its entry. The fee for a Storage Container Permit shall be one hundred dollars (\$100.00). Permits for Storage Containers meant to stay longer than one hundred twenty (120) days shall only be valid for one (1) year from the date of issuance, after which time a renewal application may be made. The City may consider the condition and appearance of the Storage Container in determining whether or not to issue a permit. If a Storage Container has holes, defective doors or latches, rust or graffiti, a permit shall not be issued. All Storage Containers must be either Class A or Class B.

ARTICLE 18 – Demolition and Moving Regulations

6.1801 Permit Required

No building or structure which is greater than 200 square feet and has a buried foundation shall be demolished, burned or purposely destroyed within the city limits without first obtaining a demolition permit.

No building or structure which is greater than 200 square feet and has a buried foundation shall be moved from its existing site within the city limits without first obtaining a moving permit. Mobile homes may be moved without a permit.

6.1802 Conditions for Granting a Demolition Permit

Each permit shall be granted only upon the following conditions:

1. A site restoration plan shall be required which ensures that the following is accomplished:
 - a. The foundation walls shall be removed down to the footings. The concrete floor can remain on the site.
 - b. All debris shall be removed from the site.
 - c. The water and sewer shall be capped to the satisfaction of the Superintendent of Public Works.
 - d. The hole shall be filled with granular fill material which contains no debris greater than one foot (1') in diameter and is acceptable to the City. The top two inches (2") shall be top soil.
 - e. Seed the site with a grass mixture.
 - f. All nonfunctional structures or safety hazards on the lot shall be removed at the discretion of the City.
 - g. Final site conditions shall be filed at the Register of Deeds office.

6.1803 Conditions for Granting a Moving Permit

Each permit shall be granted only upon the following conditions:

1. A bond of a specified amount per square foot as set by resolution by the City Council and shall be on file for inspection at the office of the City Auditor during normal business hours, shall be required to be deposited with the City Auditor. The bond shall be refunded in full if all conditions and requirements of the City regulations are completed. The bond shall be forfeited to the City upon the failure to comply with all city regulations, including completion of the restoration plan.
2. The site restoration requirements for a moving permit are the same as those for a demolition permit as shown in Section 6.1702 (1) above.

6.1804 Buildings and Structures Moved In

Buildings and structures may be moved into various districts providing:

1. A land use permit and a building permit are obtained.
2. The proposed use conforms with the district zoning regulations of the district into which it is to be moved, and

3. The building or structure meets building, fire, safety, and health regulations, and
4. The Planning Commission finds that the building or structure will not devalue properties in the area where the structure is proposed to be moved.

ARTICLE 19 – Nonconforming Uses

6.1901 May Be Continued

The following lawful uses of land may be continued:

1. A use of land which existed prior to the effective date of this ordinance, as defined in the definitions of this ordinance.
2. A use of land existing at the time of the annexation of such land to the City, or at the time it comes under the zoning jurisdiction of the City.
3. A use of land existing at the time an amendment is made to the zoning ordinance of the City which changes such land to a more restricted district, although any such use does not conform to the provisions of this ordinance. However, if such nonconforming use, or another nonconforming use to which the land may be changed, is discontinued for a period of six (6) months or more, then any future use of said premises shall be only in accordance with the provisions of the zoning ordinance of the City.

The lawful use of a building located upon any land, except as provided in Section 6.1902 below, may be continued although such use does not conform with the provisions of the zoning ordinance of the City and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made nonconforming by any subsequent amendment or change of the zoning ordinance of the City. Notwithstanding anything to the contrary in this Article, a building which has been damaged or completely destroyed by fire, explosion, act of God, or the public enemy, may be repaired or restored within that building's original footprint, and in accordance with all other zoning regulations of the City.

6.1902 May Not Be Continued

Nonconforming uses which may not be continued:

1. Whenever a nonconforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
2. Where land is used for business signs, bulletin boards or billboards, at the time of passage of the zoning regulations, and are not in conformance with the zoning regulations, the use of such land for said business signs, bulletin boards or billboards shall be discontinued and the sign removed within one (1) years after the effective date of this ordinance, as defined in the definitions of this ordinance. Land, as used in this paragraph, shall mean signs on supports on vacant land, as well as signs on buildings.
3. The premises upon which a mobile home is located at the time of the effective date of this ordinance, as defined in the definitions of this ordinance, shall revert to the use permitted in said district after said mobile home has been relocated. An unoccupied mobile home that has been unoccupied for a period of six (6) months from the effective date of this ordinance, as defined in the definitions of this ordinance, shall be subject to immediate removal.

6.1903 Certification of Legal Nonconforming Uses

Within one (1) year after the effective date of this Zoning Ordinance, as defined in the definitions of this ordinance, the City shall by appropriate certificate certify all legal nonconforming uses in existence at the time of the adoption of this ordinance and in addition those which may have become nonconforming by the adoption of this ordinance.

ARTICLE 20 – Conditional Uses

6.2001 Requirements for Conditional Uses

A Conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effect on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

6.2002 Applications

Application for a Conditional Use Permit shall be submitted by the property owner to the City on forms provided by the City Auditor. The fee for defraying the costs of the proceedings prescribed herein shall be set by resolution by the City Council, and shall be on file for inspection at the office of the City Auditor during normal business hours. The application shall include:

1. The name and address of the applicant.
2. The date of application.
3. A description of the site and its relationship to the surrounding area.
4. A preliminary map showing boundary lines and location of structures to be developed on the site.
5. Location of existing structures on adjacent property.
6. Parking plan showing off-street parking areas and/or loading areas.
7. Names and addresses of adjacent property owners.
8. Any reasonable information the Planning Commission deems necessary.
9. Deposit is required with application to be valid.

6.2003 Planning Commission Recommendation

The City, upon receipt of an application for a Conditional Use Permit, shall present the same to the Planning Commission at its next regular or special meeting, at which time a date within the next sixty (60) days shall be set for a public hearing for the proposed conditional use. Following the public hearing, the Planning Commission shall consider the application and make a recommendation to the City Council within thirty (30) days.

6.2004 Public Notice

The Planning Commission shall notify the Applicant of the date of the public hearing. The Planning Commission shall publish a notice of the public hearing in the official city newspaper at least ten (10) days before the hearing. Cost of this publication shall be paid by the Applicant. Notice shall include the date, time, place and purpose of the hearing and shall be approved by the Planning Commission. In addition to the published notice, the Planning Commission shall send written notice to all owners of property adjacent to the property upon which the conditional use is sought. Proof of the publication of the notice shall be filed with the Planning Commission secretary prior to the public hearing.

Any party who desires to appeal any action taken by the Planning Commission upon a Conditional Use permit application may have the action reviewed by the Board of Zoning Appeals by filing an appeal with the City Auditor within seven (7) days from the date of the action appealed from as provided for under Article 23.

6.2005 City Council

Upon receipt of the Planning Commission's recommendations, or if the Planning Commission has not acted within the required time limits in Section 6.2003 of this Article, and if an appeal has not been filed, the City Council may either grant or deny the proposed conditional use.

ARTICLE 21 – Amendments

6.2101 Amendments

The City Council may from time to time amend, supplement or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected. All such proposed changes shall be submitted to the Planning Commission for recommendation and report. The Planning Commission shall prepare final written findings which shall be submitted to the City Council within 90 days after the time of referral of the proposed amendment to the Planning Commission.

6.2102 Applications

The party desiring any change in zoning district boundaries or regulations contained in this zoning ordinance as to any lot, tract or area of land, shall file with the City Auditor an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. Deposit must be provided with application for consideration.

6.2103 Filing Fee

The fee for defraying the costs of the proceedings prescribed herein shall be set by resolution by the City Council, and shall be on file for inspection at the office of the City Auditor during normal business hours. Promptly upon the filing of an application, the City Auditor shall refer the application to the Planning Commission for study and recommendation and shall report to the City Council concerning the nature of the application and that said application has been referred to the Planning Commission.

6.2104 Public Hearing and Notice

Before the Planning Commission shall, by proper action, formulate its recommendation to the City Council on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the City Council, the Planning Commission or by the property owner, the Planning Commission shall hold a public hearing on such proposal. The Secretary of the Planning Commission shall cause a notice of public hearing to be published once a week for two consecutive weeks prior to the time set for the said hearing in the official city newspaper. Such notice shall contain:

1. The time and place of the hearing.
2. A description of any property involved in any zoning change, by street address if streets have been platted or designated in the area affected.
3. A description of the nature, scope, and purpose of the proposed regulation, restriction, or boundary.
4. A statement of the times at which it will be available to the public for inspection and copying at the office of the City Auditor.

In addition to the publication, the Planning Commission shall send written notice of the proposed variance to all owners of property adjacent to the property upon which the zone change is sought.

6.2105 City Council Approval and Appeals

Upon receipt of the recommendations from the Planning Commission on any proposed amendment, or in the event of the failure of the Planning Commission to so report after 90 days from the date of the public hearing before the Planning Commission, the City Council may either grant or deny the proposed amendment. The City Council may hold a public hearing on the proposed amendment to gather further information upon the proposed amendment. Notice of the public hearing to be published as set forth in Section 6.2004.

Any party who desires to appeal any action taken by the Planning Commission on a proposed amendment may have the action reviewed by the Board of Zoning Appeals by filing an appeal with the City Auditor within seven (7) days from the date of the action appealed from as provided for under Article 23.

6.2106 Protest

If a protest against a change, supplement, modification, amendment, or repeal is signed by the owners of twenty percent or more of the area of lots included in such proposed change; or of the area adjacent, extending one hundred fifty feet (45.72 meters) from the area to be changed, excluding the width of the streets. The amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council, provided that protests in writing must be filed with the City Auditor within seven (7) days from the recommendation of the Planning Commission. If no protest is filed, a majority decision of the City Council shall be sufficient.

ARTICLE 22 – Variances

6.2201 Requirements for Variances

The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of this zoning ordinance or where, by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, the strict application of the terms of this zoning ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

6.2202 Limitations

Variances shall include yard and height regulations only and are limited to the following:

1. A yard regulation variance may not be more than one-half (½) the required yard and shall not encroach upon the required setback for adjacent buildings.
2. Ten (10) feet in height may be allowed for each one (1) foot of building setback in addition to the setback required by the district regulation in which the property is located.
3. A front yard set back to less than one-half (½) of the required front yard on top of existing footprint of structures constructed before the effective date of this ordinance.
4. A front yard setback, rear yard setback, or side yard setback in the case of corner lots, less than one-half (½) of the required setback can be granted provided that:
 - a. The existing structure is located on the property such that no improvements can be made to the structure due to Limitation (a) above; AND
 - b. The existing structure predates the implementation of the City of Alexander’s Zoning Ordinance.

6.2203 Applications

The applicant seeking a variance shall file with the City Auditor an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the planning commission. Deposit must be provided with application for consideration.

6.2204 Filing Fee

The fee for defraying the costs of the proceedings prescribed herein shall be set by resolution by the City Council, and shall be on file for inspection at the office of the City Auditor during normal business hours.

6.2205 Public Hearing and Notice

Before the Planning Commission shall, by proper action, formulate its recommendation to the City Council on any variance application, the Planning Commission shall hold a public hearing on such proposal. Upon receipt of an application for a variance, the Secretary of the Planning Commission shall cause a notice of public hearing to be published at least ten (10) days prior to the time set for the said hearing in the official city newspaper. Such notice shall contain:

1. The time and place of the hearing.
2. A description of any property involved in the variance application, by street address if streets have been platted or designated in the area affected.
3. A description of the nature of the variance sought.

In addition to the publication, the Planning Commission shall send written notice of the proposed variance to all owners of property adjacent to the property upon which the variance is sought.

In granting a variance, the Planning Commission must satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner. The Planning Commission shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of this zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries. Under no circumstances shall the Planning Commission grant a variance allowing a use within a district not permissible under the terms of this ordinance.

6.2206 City Council Approval

Upon receipt of the recommendations from the Planning Commission on any proposed variance, or in the event of the failure of the Planning Commission to so report after ninety (90) days from the date of the public hearing before the Planning Commission, the City Council may either grant or deny the proposed variance. The City Council may hold a public hearing on the proposed variance to gather further information upon the proposed variance.

Any party who desires to appeal any action taken by the Planning Commission on a proposed variance may have the action reviewed by the Board of Zoning Appeals by filing an appeal with the City Auditor within seven (7) days from the date of the action appealed from as provided for under Article 23.

ARTICLE 23 – Board of Zoning Appeals

6.2301 Board of Zoning Appeals Established

A Board of Zoning Appeals is hereby created. Such Board shall consist of the Mayor and the City Council.

6.2302 Records

The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and voting upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

6.2303 Filing Fee

The fee for defraying the costs of the proceedings prescribed herein shall be set by resolution by the City Council, and shall be on file for inspection at the office of the City Auditor during normal business hours. Promptly upon the filing of the appeal and receipt of the required filing fee, the City Auditor shall present the appeal to the Board which may refer the appeal to the Planning Commission.

6.2304 Planning Commission Recommendation

Upon receipt an appeal referred to the Planning Commission for its recommendation, the Planning Commission shall fix a reasonable time for a public hearing on the appeal. Notice of the time, place and subject of the hearing shall be published once in the official city newspaper at least ten (10) days prior to the date of the hearing. After the public hearing, the Planning Commission shall make its recommendation to the Board, however, its decision may be deferred for up to thirty (30) days to gather further evidence.

6.2305 Board of Zoning Appeals Public Hearing and Notice

Upon the filing of the appeal, or if a Planning Commission recommendation has been requested and, after receiving the recommendation of the Planning Commission, or if the Planning Commission has not reported after sixty (60) days, the Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Notice of the time, place and subject of such hearing shall be published once in the official city newspaper at least ten (10) days prior to the date fixed for the hearing. A copy of said notice shall be mailed to each party to the appeal.

6.2306 Powers and Jurisdictions

The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the zoning ordinance. The Board shall have the following specific powers.

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.

2. To interpret the provisions of this ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive city plan, and as shown upon the zoning district map fixing the several districts accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the zoning district map.
3. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this ordinance. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.
4. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administration official or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance or to effect any variation of this ordinance.

6.2307 Procedure

1. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the City or any governmental agency or body affected by any decision of the official administering the provisions of this zoning ordinance.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
3. Appeals and requests to the Board for variances and exceptions to this zoning ordinance shall be prepared and submitted on forms furnished by the City.
4. After the filing of the appeal and requisite fee, the Board shall either hold a public hearing on the appeal or refer the appeal to the Planning Commission for its recommendation as provided for in Section 6.2304 above and then hold a public hearing on the appeal as provided for in 6.2305.
5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the City official for action, if action is required.
6. Any person, official or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of McKenzie County, North Dakota, to determine the reasonableness of any such order or determination.

ARTICLE 24 – Administration and Enforcement

6.2401 Enforcement

A City Official shall administer and enforce this zoning ordinance. Appeal from the decision of the City Official enforcing may be made to the City Council.

6.2402 Permits Required

No land use permit or building permit shall be issued by the City Official or representative except in conformity with the provisions of this ordinance. A Land Use Permit is required for new fences, alteration of

building foundations or load bearing walls and all concrete work. Building Permits are required for any new structures, structural alterations or additions of 120 square foot or more.

1. Land Use/Building Permits Not Required: A permit may not be required for repair of existing structures, or replacement of existing structures listed below provided they meet all the provisions of this ordinance. In all cases, the City Official shall make the determination if a land use or building permit is not required.
 - a. Fences
 - b. Decks
2. Fee: The fee for defraying the costs of the proceedings prescribed herein shall be set by resolution by the City Council, and shall be on file for inspection at the office of the City Auditor during normal business hours.

6.2403 Extra-Territorial Zoning

In the area of the City of Alexander's extra-territorial zoning jurisdiction, a land use permit and building permit shall be required except as otherwise stated in this chapter.

6.2404 Plats

Each application for a construction permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this regulation. A record of applications and plats shall be kept in the office of the City.

6.2405 Violation and Penalty

The owner or agent of a building or premise in or upon which a violation of any provision of this ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premise in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premise in or upon which a violation has been committed or shall exist, shall be punished by a fine of five hundred dollars (\$500.00). Each and every day that such violation continues shall constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this regulation, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

6.2406 Fees

Unless otherwise stated within this Chapter, the fees for defraying the costs of the proceedings prescribed in this Chapter shall be set by resolution by the City Council, and shall be on file for inspection at the office of the City Auditor during normal business hours.

ARTICLE 25 Subdivision Regulations

6.2501 Purpose of Chapter

This Ordinance is adopted in order to safeguard the best interests of the City of Alexander and to assist the subdivider in harmonizing their interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community to which the community will adhere, and because piecemeal planning of subdivisions will result in an undesirable, disconnected patchwork of roadways and poor

circulation of traffic unless its design and arrangement is correlated to the Comprehensive Plan and the Street and Highway Plan of the City, aiming at a unified scheme of community interests, to prevent the creation of non-conforming lots, to insure that all subdivisions of land are platted by professional land surveyors registered in the state of North Dakota, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. These regulations are hereby adopted for the following purposes:

1. To establish standard procedures, requirements and conditions for the preparation, submission and approval of plats of the subdivision of land within the City and its un-incorporated jurisdiction thereof, as provided in Chapter 40-48 of the North Dakota Century Code, and to enable the City Planning Commission to exercise the authority granted therein, and
2. To require that such plats conform satisfactorily to the comprehensive plan for the territorial jurisdiction of the City Planning Commission and other plans for such jurisdiction or part thereof, including the land use plan and other portions of the Comprehensive plan.

6.2502 Title of Chapter

These regulations shall be known as the “Subdivision Regulations of the City of Alexander.”

6.2503 Conformity with Chapter

Hereafter all subdivisions made within the City and within the designated areas outside of the corporate limits thereof, and not located in any other municipality, shall be subject to and shall conform to these regulations and shall conform to the major thoroughfare plan and other plans for such territory, or part thereof, including the land use plan and other portions of the Comprehensive Plan.

6.2504 Approval of Plats

Plat approval as required herein and in conformity with statutory authority within the Planning Commission’s territorial jurisdiction, shall be by the Planning Commission, with confirmation approval by the City Council. In all cases where land is offered for dedication for streets, utilities, or other public purposes, the governing body affected shall act to accept or reject the offer of dedication and the deed for the fee to such lands. The approval of other jurisdictional Planning Commissions shall be required on all plats of land situated within the unincorporated jurisdiction of the City of Alexander, North Dakota.

6.2505 Procedure for Approval of Plats

All subdivision sketches submitted for approval, as well as all plats, preliminary and final, shall be prepared in conformance with the provisions of this ordinance and in conformance with the Alexander Comprehensive Plan. The subdivider shall be responsible for such conformance.

Preliminary Steps

1. Before preparing the general plan of a subdivision, the subdivider shall consult informally with the City Engineer concerning the relation of the property to existing conditions, future plans, and community facilities, utilities and services.
2. It will be the duty of the Planning Commission to discourage the subdividing of lands that are far in advance of the needs of the community; or that by their location cannot be efficiently served by public utilities, schools, fire protection, police protection or other municipal service; or that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely subdivided. It shall also be the duty of the Planning Commission to encourage the replatting of lands deemed to be unsatisfactorily subdivided or are underdeveloped.

3. It shall also be the duty of the Planning Commission to encourage the coordinated platting of adjacent small parcels of land.

Preliminary Plat Approval

The subdivider shall apply in writing to the Planning Commission for tentative approval of the preliminary subdivision plat.

1. Eight (8) prints of the preliminary subdivision plat shall be submitted to the City Engineer for the Planning Commission at the City Hall at least twenty-one (21) days prior to the Planning Commission meeting at which the same shall be considered. The preliminary plat shall comply with provisions of Section 6.2409 of these regulations. For Submission fees, refer to most recent City of Alexander fee schedule. The City Engineer shall prepare a report, thereon; setting out whether or not said plat meets the requirements of the City Ordinance, and the City of Alexander Comprehensive Plan. City Engineer shall present said report together with recommendations thereon, to the next meeting of the Council, filing as herein set out.
2. After receipt of the application for preliminary plat approval, the Engineer shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Alexander or in the county concerned at least ten (10) days prior to the date of such hearing. The subdivider will furnish the name and address of the owner of the land, or his agent, at the time of application, and the secretary of the Planning Commission shall send to said address by registered mail a notice of the time and place of such public hearing not less than five (5) days before the date fixed for the hearing. The public hearing may be held at a regular meeting or special meeting of the Planning Commission.
3. Within sixty (60) days after the submission of a plat, the Planning Commission shall approve or disapprove it. If the plat is not approved or disapproved within such time, it shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand. The applicant, however, may waive the requirement that the commission shall act within the sixty (60) days and consent to an extension of such period. The grounds upon which any plat is disapproved shall be stated upon the records of the commission.
4. Upon the making of its determination, the Planning Commission shall embrace the same within a motion, which shall include all conditions it required for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. A copy of the motion shall be sent forthwith to the subdivider and a copy thereof to the City Council together with the plat if it is approved, conditionally or otherwise.
5. Approval shall be effective for a maximum period of twelve (12) months, unless upon application by the developer, an extension is granted. If the plat or portion thereof has not been submitted for final approval within the time limit, a preliminary plat must again be submitted for approval.
6. The City Council shall review the preliminary plat and the recommendations of the Planning Commission at their next regular meeting following the action of the Planning Commission and shall take action on such plat and recommendations within sixty (60) days. Failing to do so, it shall be considered an approval of the plat and a certificate to that effect shall be issued by the City Council on demand. Procedures for approval, approval with conditions or denial shall be as prescribed by the Planning Commission.

Final Approval

After the preliminary plat has been approved, and the subdivider determines to proceed to secure final approval of all or a part thereof as a final plat, the final plat shall be submitted to the Planning Commission with a letter requesting such approval and describing the proposed development schedule for the subdivision.

1. One (1) Mylar original and two (2) reproducible copies of the final plat shall be submitted to the City Engineer at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The application shall be accompanied by such other documents and materials as may be required by these regulations or by the City Engineer. The Engineer shall

prepare a report thereon setting out whether or not said final plat is in substantial agreement with the preliminary plat and if not, in what particulars it varies therefrom; whether or not it conforms to the requirements of State law and the City Ordinance, and that the final plat meets all the conditions as attached to the approval of the preliminary plat. At this time an adjusted filing fee shall be determined and any additional fee shall be paid.

2. If the Planning Commission approves the subdivision, such approval will be entered upon the original and copies of the plat and will be signed by the Chairman of the Planning Commission. If the Planning Commission disapproves the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Planning Commission and a copy of such record will be sent to the subdivider. If it shall determine that it cannot approve it unless certain conditions are attached, it shall by motion set forth the conditions for approval and forthwith send a copy of such conditions to the subdivider, and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if no further action is taken by the subdivider within a thirty (30) day period, the plat shall be deemed to be disapproved.
3. The Planning Commission will act upon all requests for final approval of a subdivision within thirty (30) days after application for such approval is made. Failure by the Planning Commission to act within such period shall be deemed as approval of the subdivision and the Secretary of the Planning Commission shall issue a certificate to the effect upon demand. However, the subdivider may waive this requirement and agree to an extension of this period.
4. Upon final approval of a subdivision involving the creation of new streets, the widening, decreasing or vacation of existing streets or alleys, or the creation, enlargement or decreases of other lands devoted to public use, the Planning Commission shall thereby and without further public hearing have approved such change in streets, alleys, or public lands as an amendment to the Comprehensive Plan. The Planning Commission will transmit notice of such action to the City Council of the City of Alexander together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of other dedicated lands. In the case of streets, alleys and public lands lying outside the City of Alexander, notice of the action of the Planning Commission and appropriate recommendations will be transmitted to the board of County Commissioners of McKenzie County, the Township Board, and other bodies having jurisdiction.
5. Final action by motion on the final plat shall be communicated forthwith to the subdivider by the City Engineer for the Planning Commission, and a copy of the motion shall be sent to the City Council, together with the plat, and such other data as the Council shall determine.

Submittal to the City Council:

1. Upon the adoption of the motion of approval or disapproval by the Planning Commission, the final plat shall come before the City Council for review.
2. The Council shall have the authority to hold such hearings on the final plat as it shall determine, and upon such notice as it shall provide.
3. If the Council is not satisfied with the final plat as presented, it may: (a) disapprove the same; (b) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (c) refer the same to the Planning Commission which shall act thereon at the next meeting and report back to the City Council no later than sixty (60) days after the said action of the City Council.
4. If the City Council shall determine to accept the plat, it shall by resolution so determine, and the resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other spaces dedicated to public purposes.
5. The action of the City Council finally determining the matter shall be communicated to the subdivider, and if the plat be disapproved, reasons given by the Council for such determination shall be set forth.

6. A final plat that is approved by the City Council shall be filed by a City Official for record with the Register of Deeds of McKenzie County, within thirty (30) days after approval.

6.2506 Plats Outside Corporate Limits

Procedure for approval of preliminary and final plats of land outside of the corporate limits of Alexander shall be the same as set forth in Section 6.2405 of this Ordinance, except that one (1) copy of the preliminary plat shall be referred to the McKenzie County Commission, and one (1) copy to the affected townships with a request for their recommendations to be submitted to the Alexander Planning Commission. The Alexander Planning Commission shall consider such recommendations prior to taking action on the plat. If no such recommendations are received by the Alexander Planning Commission within sixty (60) days, the plat shall be deemed approved by the County and the township.

6.2507 Vacation of a Plat of Record

Conditions: A subdivider or owner may make application to the Planning Commission to vacate any plat of record under the following conditions:

1. The plat to be vacated is a legal plat of record.
2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
3. Vacation of the subdivision will not be contrary to the Alexander Comprehensive Plan.
4. Procedure: Shall comply with vacation proceedings as outlined in Chapter 40-50.1 of the North Dakota Century Code. The land owner or owners shall present a proposal to the Planning Commission, containing the legal description and plat of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the County Recorder. All fees for the recording of such vacation shall be paid by the subdivider.

6.2508 Professional Assistance

The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted, expenses to be paid by the owner or subdivider.

6.2509 Specification for Plats

Specifications for Preliminary Plats:

The following data regarding identification and description of the preliminary plat shall be provided:

1. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat or existing subdivision heretofore recorded in the County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating “(said rearrangement) hereafter to be known as _____.”
 - a. Location by section, township and range, or by other legal description.
 - b. Names and addresses of the owners, subdividers, and developers having control of the lands included in said preliminary plat, the designer of the plat, the surveyor and his registration number.
 - c. Graphic scale, not less than one (1) inch to one hundred (100) feet, or other scale as approved by the City Engineer.
 - d. North point.

- e. Date of preparation.
 - f. Font size shall be a minimum of 0.1 inches in height. Font type shall be Aerial, Calibri, Helvetica, or Verdana.
2. The following data regarding existing conditions shall be provided for preliminary plats:
- a. Boundary line survey, including measured distances and angles which shall close by latitude and departure with an error of closure not exceeding one (1) foot in ten thousand (10,000) feet.
 - b. Total acreage in said preliminary plat computed to one one-hundredth (1/100) of an acre.
 - c. Total square footage of each lot.
 - d. Location and names of existing or platted streets or other public ways, parks and other public open spaces, buildings and structures, easements and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract at the time of submission of the plat.
 - e. If the proposed subdivision is a rearrangement or a replat of any former plat, the lot and block arrangement of the plat of record along with its original name shall be indicated by dotted or dashed lines. Also, any revision or vacated roadway of the original plat of record shall be so indicated.
 - f. Location and size of existing surfaced streets shall be shown, as well as all railroads, sewers, water mains, fire hydrants, gravel pits, culverts, or other underground facilities within and to a distance of one hundred (100) feet beyond the tract.
 - g. Boundary lines of adjoining platted or unplatted land within one hundred (100) feet beyond the tract.
 - h. Complete topography map that extends 100 feet beyond the subdivision boundary line with contour intervals not greater than two (2) feet, water courses, high water elevation, and date thereof (of parts of platted area that are wet or have been wet, or have been subject to flooding), marshes, rock outcrops and other significant features; all superimposed on at least one (1) print of preliminary plat. United States Geodetic Survey datum, including date of datum used, shall be used for all topographic mapping.
 - i. In the case of a subdivision where no new street is involved, the prescribed topographic map requirements shall be left up to the discretion of the City Engineer.
3. The following data regarding proposed development design features of the preliminary plat shall be provided:
- a. Layout of proposed streets, alleys, pedestrian ways and easements, showing right-of-way widths and proposed names of streets. The name or number of any street similar to or heretofore used in the City of Alexander shall not be permitted unless the proposed street is an extension of an already named street in which event that name or number shall be used. All street names or numbers shall be subject to the approval of the Planning Commission and City Council. All north-south travel ways shall be streets and all east-west travel ways shall be avenues. Alleys shall be unnamed.
 - b. Layout, numbers and dimensions of lots, square footage area of each lot, and the number or letter of each block.
 - c. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - d. Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

- e. Vicinity sketch, at a scale of one (1) inch equals one thousand (1,000) feet or less for an area one-half (½) mile in radius of the tract, to show the relation of the plat to its surroundings.
- f. Existing and proposed covenants, if applicable.
- g. A statement of proposed improvements to be installed by the subdivider including provisions for stormwater disposal.
- h. Profiles showing existing ground surface and proposed street grades, including extensions for a distance of three hundred (300) feet beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk.

Specifications for Final Plats

The owner or subdivider shall submit a final plat together with any necessary supplementary information. The final plat shall consist of one (1) Mylar original and two (2) prints on a reproducible Mylar base or other media approved by the City Engineer, and in sheet sizes of 22 × 34 inches, 24 × 36 inches, or other size approved by the City Engineer. Font size shall be a minimum of 0.1 inches in height. Font type shall be Aerial, Calibri, Helvetica, or Verdana.

The final plat shall contain the following:

1. The final plat prepared for recording purposes shall be prepared in accordance with provisions of North Dakota State Statutes and applicable City and County regulations.
2. Name of subdivision: Names shall not duplicate or too closely approximate the name of any existing subdivision in McKenzie County except when such plat is an addition to an existing plat of record. The name of a rearrangement of an existing plat may be shortened from a complete legal description of the rearrangement by stating “(said rearrangement) hereafter to be known as _____.”
3. Location and description and North Dakota State plane coordinates of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners, quarter-section corners, or to existing recorded physical monuments.
4. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in ten thousand (10,000) feet. The location of monuments shall be noted or shown on the final plat. Location of such monuments shall be shown in reference to existing official monuments or to the nearest established street lines, including true angles and distances to such reference point or monuments. Permanent monuments shall be placed at each corner of each lot or portion of a lot, points of curvature, points of street intersection, and points of tangents on street lines, at each angle point on the boundary of the subdivision, at each intersection of a lot line with the centerline of an easement for a public utility or an easement for public use, and at each angle point or point of curvature for an easement for a public utility or an easement for public use. A permanent monument shall be deemed to be a steel rod, one-half (½) inch in diameter extending at least two (2) feet below the finished grade. In situations where conditions prohibit the placing of monuments in the location prescribed above, offset markers are permitted. Permanent monuments placed within the paved portion of a street shall be a brass or aluminum cap monument set on top of a thirty (30) inch long by five-eighths (5/8) inch diameter steel rebar contained in a cast iron monument case.
5. Locations of lots, streets, public highways, alleys, parks and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to produce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

6. Boundary lines and description of boundary lines on any areas other than streets and alleys, such as easements, which are to be dedicated or reserved for public use.
7. Lots shall be numbered clearly and the square footage of each lot shall be shown. Block numbers shall be shown clearly in the center of the block and all streets shall be named.
8. Names and addresses of owners, subdividers, and developers, designer of the plat, surveyor and his registration number, making the plat.
9. The scale of the plat shall be not less than one (1) inch to one hundred (100) feet or other scale as approved by the City Engineer to be shown graphically, north point, and date of preparation.
10. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements."
11. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby also dedicated.

Certifications Required on Final Plats

Refer to the Mylar Wording provided by the City Auditor's office for the required blocks for Mylar maps.

6.2510 Open Space Requirements

General:

Residential subdivisions, other than those simple lot splits meeting the requirements of Section 6.2412 of these Ordinances, shall be required to provide open space. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas as well as to provide passive recreational opportunities. Each area set aside shall be of suitable size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned by the developer and Planning Commission. The area shall be shown and marked on any tentative and final map.

Minimum Requirements:

1. Amount of Open Space Required. Open space shall be required in the amount of two and one-half (2½) acres per one thousand (1,000) residents expected to reside in the subdivision. Number of residents shall be calculated using the persons per type of dwelling unit determined by the 1990 U.S. Census as follows:
 - a. Persons Per Single Family Detached Unit 2.63
 - b. Persons Per Single Family Attached Unit 2.31
 - c. Persons Per Mobile Home Unit 2.47
 - d. Persons Per Multi-Family Unit 1.91
2. Alternate Calculation: Where types of dwelling units to be constructed are not specifically determined, persons per single family detached unit shall be used in calculating number of residents.
3. Location of Open Space Parcels: Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generated by certain recreational activities, they shall be sited with sensitivity to surrounding development.

Improvement of Open Space Parcels:

1. Developed Open Space: The Planning Commission may require the installation of recreational facilities, taking into consideration:
 - a. The character of the open space land;
 - b. The estimated age and the recreation needs of persons likely to reside in the development;
 - c. Proximity, nature, and excess capacity of existing municipal recreation facilities; and
 - d. The cost of the recreational facilities.
 - e. Land reserved for developed open space shall be relatively level and dry, and shall have frontage on one (1) or more streets. The Planning Commission shall refer any subdivision proposed to contain developed open space to City Council.
2. Payment In Lieu of Open Space: In lieu of providing open space within its development, developer may request that the City Council allow the developer to make payment to the City of Alexander, in an amount equal to any required reservation, for development or acquisition of open space at some other mutually agreed upon area. Such funds shall be used by the City of Alexander for the agreed upon purpose only.
3. Undeveloped Open Space: As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, equestrian use or the provision of picnic areas, etc. In addition, the Planning Commission may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.

Exceptions to the Standards:

The Planning Commission may permit minor deviations from open space standards when it can be determined that: a) the objectives underlying these standards can be met without strict adherence to them; and/or b) because of peculiarities in the tract of land or the facilities proposed, it would be unreasonable to require strict adherence to these standards.

Deed Restrictions:

Any lands reserved for open space purposes shall contain appropriate covenants and deed restrictions approved by the City of Alexander Attorney ensuring that:

1. The open space area will not be further subdivided in the future;
2. The use of the open space will continue in perpetuity for the purpose specified;
3. Appropriate provisions will be made for the maintenance of the open space; and Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

Open Space Ownership:

The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Commission. Type of ownership may include, but is not necessarily limited to, the following:

1. The City of Alexander
2. McKenzie County
3. Quasi-public organizations, subject to their acceptance
4. Property-owner, condominium, or cooperative associations or organizations

5. Shared, undivided interest by all property owners in the subdivision

Property-Owners Association:

If the open space is owned and maintained by a property-owner association or condominium association, the developer shall file a declaration of covenants and restrictions or other suitable document that will govern the association, to be submitted with the application for the final map approval. The provisions shall include, but are not necessarily limited to, the following:

1. The property-owners association shall be established before any lots are sold;
2. Membership shall be mandatory for each property-owner;
3. The open space restrictions shall be permanent, not just for a period of years;
4. The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Property owners shall pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the property-owners association; and

Maintenance of Open Space Areas:

The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

6.2511 Public Property Dedication

General:

Residential subdivisions, other than those simple lot splits meeting the requirements of Section 6.2412, shall be required to provide acreage for the development of school sites, hospitals or other community related development or cash in lieu of dedicated acreage at the request of the City.

Minimum Requirements:

1. Amount Of Dedication Required. Dedication shall be required in the amount one (1) acre per twenty (20) acres of residential development. Number of acres shall be calculated using the gross acreage of the development site.
2. Payment In Lieu Of Dedication: In lieu of dedicating acreage within its development, developer may request that the City Council allow the developer to make payment to the City of Alexander, in an amount equal to the appraised value of the calculated acreage. Such funds shall be used by the City of Alexander for the agreed upon purpose only.

6.2512 Simple Lot Split

A simple lot split shall be allowed when street improvements, water or sewer line improvements or other public improvements are not required, and no more than four (4) lots are created. Upon approval by the City Council, a simple lot split may be recorded. Notwithstanding the foregoing, all lot design standards and zoning requirements are required to be met.