

# **Jamestown Zoning Ordinance**

## **Appendix C – Zoning Regulations**

Revised January 3, 2022

Ordinance No. 1556

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# General Provisions

## Sections:

- 1.1 TITLE
  - 1.2 PURPOSE
  - 1.3 CONFLICTING LAWS; ORDINANCES REPEALED
  - 1.4 INTERPRETATION
  - 1.5 SEVERABILITY
  - 1.6 DATE EFFECTIVE
- 

### 1.1 TITLE

This ordinance shall be known as the Zoning Ordinance of the City of Jamestown.

### 1.2 PURPOSE

The regulations and restrictions established herein have been made in accordance with a plan of land use whose purpose is to:

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

And such regulations have further been made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

### 1.3 CONFLICTING LAWS; ORDINANCES REPEALED

This ordinance upon its effective date shall supersede all of the following, which shall thereupon be repealed:

Chapter 38 of the 1938 Revised Ordinances of the City of Jamestown and the amendments thereto, and Ordinance 159 and amendments thereto.

## **1.4 INTERPRETATION**

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements adopted for the promotion of the public health safety, morals, comfort, convenience and general welfare. Wherever the provisions hereof require a greater width, depth, size of yards, courts or other open spaces; or require a lower height of building or fewer stories; or less lot coverage; or require a greater lot area or width, a greater first floor area, or a larger number of automobile parking spaces; or impose other higher standards than are required by any other statute, ordinance or regulations, the provisions of this ordinance shall govern. Wherever the provisions of any statute, ordinance or regulation require a greater width, depth, size of yards, courts or other open spaces; or require a lower height of a building or fewer stories; or less lot coverage; or require a greater lot area or width, a greater first floor area, or a larger number of automobile parking spaces; or impose other higher standards than are required by the provisions hereof, the provision of such statute, ordinance, or regulation shall govern.

## **1.5 SEVERABILITY**

Sections, subsections, clauses, provisions and portions of this ordinance are deemed to be severable and should any section, subsection, clause, provision or portion of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## **1.6 DATE EFFECTIVE**

This ordinance shall take effect and be in force from and after one publication thereof in the official paper of the municipality, which publication shall include the accompanying District Map.

Date Effective: January 3, 2022

# Article 2. Definitions

## Sections:

- 2.1 GENERAL WORDS AND PHRASES
  - 2.2 DEFINITIONS
- 

### 2.1 GENERAL WORDS AND PHRASES

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure," except as may otherwise be specified. The term "used" shall mean "used or intended to be used or arranged or designed for use." The term "occupied" shall mean "occupied or intended to be occupied or arranged or designed for occupancy." The word "including" shall mean "including but not limited to."

### 2.2 DEFINITIONS

For the purpose of this ordinance certain terms and words are hereby defined and shall have the following meanings unless it shall be apparent from the context that a different meaning is intended.

**A.**

**Architectural Metal:** Metal that is factory-fabricated and finished a durable non-fade surface and fasteners of a corrosion-resistant design. Includes pre-weathered metal.

**Assisted Living (Use Definition):** Multi-family housing with 24-hour custodial care.

**Automobile Camp (Use Definition):** Land or premises used or occupied, for compensation, by campers traveling by automobile or otherwise, or occupied by trailer coaches or movable dwellings, rooms or sleeping quarters of any kind.

**Automobile Court (Use Definition):** A building or group of two or more buildings containing guest rooms or apartments with automobile storage space providing in connection therewith, and used primarily for the accommodation of automobile travelers; including those designated as auto cabins or courts, motor lodges or hotels, motels, and those similarly designated, but not including an automobile camp, as defined herein.

**Auto Repairs/Storage Garage (Use Definition):** Specialized or major repairs to passenger vehicles, light trucks, and other motor vehicles, including the repair, installation, removal, painting, or modification of integral component parts of the vehicle body or chassis.

**Auto Maintenance (Use Definition):** Routine maintenance and minor repairs to passenger vehicles; the customer generally waits in the vehicle or nearby while the service is performed.

**B.**

**Boardinghouse (Use Definition):** A dwelling wherein three (3) or more persons, not members of the principal family therein, are provided lodging, and/or meals for compensation, but not including a building having ten (10) or more guest rooms.

**Building:** A structure having a roof supported by columns or walls, including tents and mobile homes, whether movable or stationary.

**Building, accessory:** A subordinate building the use of which is incidental to that of the main building on the same lot.

**Building, height:** The vertical distance from the average elevation of the finished ground at the exterior walls of a building to the highest point of the roof or, in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof.

**Building, main:** A building in which is conducted the principal use of the lot on which it is situated.

**C.**

**City Council:** The city council of the City of Jamestown.

**Commercial Skating Rink (Use Definition):** An ice- or roller-skating rink that provides recreational amusement for private profit or gain.

**Continuing Care Communities (Use Definition):** Campus-like communities providing care or services to residents, which comprise a variety of housing including senior independent living, assisted living, and nursing homes.

**D.**

**Day Care (Use Definition):** A childcare center licensed with the State of North Dakota to provide care, supervision, education, or guidance of children on a regular basis away from their primary residence for less than 24 hours per day. Per State of North Dakota regulations, a licensed day care center may provide childcare services to nineteen (19) or more children (NDCC 50-11.1-02). Day care centers may also serve adults rather than children.



***Dwelling Unit (Use Definition):*** A building or part of a building that is used as a permanent home or residence by one person or a group of persons who maintain a common household.

***Dwelling, one-family (Use Definition):*** A detached building containing one (1) dwelling unit.

***Dwelling, two-family (Use Definition):*** A building containing two (2) dwelling units which have direct access to a street and separate entrances. Common dwelling types include duplexes (two attached dwellings on one lot) and twin homes (two attached dwellings on separate lots).

***Dwelling, multiple (Use Definition):*** A building containing three (3) or more dwelling units.

#### **E.**

***Essential Services:*** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution system and structures, or collection, communication, supply or disposal systems and structures, as are reasonably necessary for the adequate service by such public utilities or governmental departments or commission or as are required for protection of the public health, safety or general welfare; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings or microwave radio relay structures. For the purpose of this definition the word "building" does not include "structures" for essential service.

#### **F.**

***Family Child Care (Use Definition):*** A private residence licensed with the State of North Dakota to provide care, supervision, education, or guidance to children on a regular basis away from their primary residence for less than 24 hours per data. Per State of North Dakota regulations, a home-based daycare may provide childcare services to no more than seven (7) preschool-aged children at one time, and up to two (2) additional school-age children. (NDCC 50-11.1-02).

#### **G.**

***Gas Station/Convenience Store (Use Definition):*** A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service being incidental.

***Garage, private (Use Definition):*** An accessory building or part of a main building used for the storage of motor vehicles and other household items. Home occupation accessory

uses which involve repair, rental, washing, or sales of motor vehicles or equipment are prohibited.

**Group Home (Use Definition):** A community-based residential home, licensed by the appropriate State of North Dakota licensing authority, that provides room and board, personal care, rehabilitation services, and/or supervision in a family environment.

#### H.

**Home Occupation (Use Definition):** A customary use carried on for gain or as a hobby entirely within a dwelling or within an accessory building by a member or members of the household, and which is clearly incidental and secondary to the residential use of the premises and does not change its character.

**Home Professional Office (Use Definition):** The office or studio of physician, surgeon, clergyman, architect, artist, engineer or similar professional person, located in the dwelling of the principal practitioner, but not including any display of such use outside the dwelling.

**Hotel (Use Definition):** A building that provides public lodging for compensation, in which ingress/egress to all rooms is made from within the building, with staff supervision available at all hours. As such, it is distinguished from a boarding house, lodging house, or multifamily dwellings, which are defined separately herein.

#### I.

**Industrial, general (Use Definition):** Light manufacturing which does not produce substantial off-site impacts or “nuisances” as defined herein. General industrial uses often conduct limited sales or services on site, and may be compatible within a mixed commercial/industrial setting.

**Industrial, heavy (Use Definition):** Large manufacturing facilities or intensive industrial operations that produce substantial off-site impacts, including impacts to the environment, public infrastructure, traffic, employment, or “nuisances” as defined herein.

**Industrial Storage and Transport (Use Definition):** Uses which involve warehousing and/or freight transport of raw resources, manufacturing materials, or finished products. Examples include truck terminals and lumberyards.

#### J.

**Junkyard (Use Definition):** Any area used for the outdoor storage, keeping, or abandonment of scrap materials, discarded items, containers, vehicles, machinery or parts, etc.

#### K.

## L.

**Lot:** An entire parcel or tract of land occupied or to be occupied by a main building and its accessory buildings, including the yards and open spaces required therefor by this ordinance and other applicable law.

**Lot Line Adjustment:** The relocation of the lot line between two adjoining lots located in the same subdivision with the consent of the owners of record.

**Lot Combination:** A combination of two (2) or more previously platted lots or existing partial lots into a single lot whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision.

**Lot Depth:** The perpendicular distance measured from the midpoint of the front lot line to the rear lot line.

**Lot Split:** The subdivision of an existing lot which results in the creation of two or more new lots.

**Lot Width:** The width at a distance back of the front lot line equal to the required front yard depth.

## M.

**Manufactured Home (Use Definition):** Any prefabricated home which is manufactured off-site and then transported to the building site for final installation. A modular home is a type of manufactured home which is assembled on-site from prefabricated sections. Modern manufactured homes are designed to resemble site-built homes and are permitted in similar zoning districts.

**Mobile Home (Use Definition):** The term “manufactured housing” is preferred. However, the term “mobile home” may be applied to manufactured housing constructed prior to 1976, when the U.S. Department of Housing and Urban Development (HUD) adopted its Manufactured Home Construction and Safety Standards (the “HUD Code”), in order to differentiate manufactured housing which predates this code from modern manufactured housing.

**Motel (Use Definition):** A building or group of buildings used for the temporary residence of motorists or travelers with external access to rooms.

## N.

**Neighborhood Market (Use Definition):** Commercial uses which primarily serve a neighborhood customer base, and which are compatible in scale and operation with surrounding residential and other land uses. They have moderate lot sizes and parking

requirements, may be located on collectors or local streets, or integrated with various compatible uses in a mixed-use development.

**Neighborhood Office (Use Definition):** Professional office and services which are compatible in scale and operation with surrounding land uses. They have moderate lot sizes and parking requirements, may be located on collectors or local streets, or integrated with various compatible uses in a mixed-use development.

**Nonconforming Lot:** A lot that was legally created in accordance with zoning district minimum lot size and dimensional standards, but which, because of subsequent amendments to zoning regulations, no longer complies with the dimensional standards of the underlying zoning district.

**Nonconforming Structure:** A building or structure that was in accordance with zoning regulations at the time of its establishment, but which, because of subsequent amendments to zoning regulations, no longer complies with the dimensional standards of the underlying zoning district.

**Nonconforming Use:** A use that was in accordance with zoning regulations at the time of its establishment, but which, because of subsequent amendments to zoning regulations, no longer complies with the use regulations of the underlying zoning district. amendments to the zoning map or text.

**Nuisance:** An unreasonable interference with a person's use or enjoyment of their property. Common examples include noise, glare, odor, and emissions.

**Nursing Home (Use Definition):** Multi-family housing with 24-hour custodial and skilled care.

**O.**

**Overlay District:** A zoning district which is applied over one or more previously established zoning districts that establishes additional standards and regulations for covered lots in addition to those allowed by the underlying zoning district.

**P.**

**Planned Unit Development (Use Definition):** A PUD is a development that has been approved in a process that requires the comprehensive review of project design and that can include a variety of project types, including infill developments, housing developments, and mixed-use developments, or unique industrial and/or commercial developments.

**Planning Commission:** The planning commission of the City of Jamestown.

**Public Utility (Use Definition):** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under public regulation to the public,

electricity, gas, heat, power, steam, telephone, other communication, video, telegraph, transportation, or water.

**Q.**

**R.**

**Residential Mobile (Use Definition):** Any mobile home type of prebuilt construction having not less than seven hundred twenty (720) square feet of living area on the main floor with steel undercarriage, constructed to be moved on its own chassis, placed upon a permanent foundation and occupied as a one-family dwelling.

**S.**

**Senior Independent Living (Use Definition):** Single and multi-family housing developments inhabited by populations over 55 years of age.

**Shouse (Use Definition):** A structure that contains a dwelling unit within or attached to an oversized garage, storage space, or personal workshop. Shouses are generally constructed of seam metal, with residential-style doors and windows along the primary frontage.

**Story:** That portion of a building between the surface of one (1) floor and the ceiling or roof above it. A basement is a story for the purpose of height regulations if the vertical distance from grade to the ceiling is more than seven (7) feet. The grade shall be the average elevation of the finished ground at the exterior walls of a building.

**Story, half:** A story with at least two (2) opposite, exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

**Street:** A public or private thoroughfare which affords the principal means of access to abutting property.

**Structure:** Anything constructed or erected on or under the ground or attached to something on or under the ground.

**Structural Alteration:** Any change in or addition to the supporting members of a structure, including any enlargement or extension of outside building dimensions or building height or depth, including repairs, alteration and reconstruction.

**Subdivider:** Any person, firm, corporation, partnership or association who causes land to be divided, platted or planned, into a subdivision for himself or others.

**Subdivision:** The division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or of building development, any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-ways,

whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas or open spaces. Lot line adjustments and lot splits shall be included in the definition of a subdivision. Lot combinations shall be considered a subdivision as set forth in Section 5.1 of Appendix B.

**Subdivision, Major:** Any subdivision that does not meet the definition of a "Minor Subdivision". A major subdivision plat includes the processing of a preliminary plat and a final plat as stipulated in Appendix B of the Code of the City of Jamestown.

**Subdivision, Minor:** A subdivision that meets all of the following criteria:

- a) Does not require the dedication of rights-of-way.
- b) Does not land-lock or otherwise impair convenient ingress and egress to the subject tract or any adjacent property.
- c) Does not fall within the corridors of any planned or proposed street as shown in the adopted Land Use and Transportation Plan.

A minor subdivision plat must comply with the final plat requirements as stipulated in Appendix B of the Code of the City of Jamestown. Preliminary plat requirements and procedures do not apply to a minor subdivision.

## T.

**Trailer Court (Use Definition):** Any park, trailer court, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach or trailer coaches and upon which any trailer coach or trailer coaches are parked and shall include all buildings used or intended for use as part of the equipment thereof. This term shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

## U.

**Use:** The purpose for which land or a building or structure thereon is used, occupied or maintained.

**Use, accessory:** A subordinate use on the same lot with the principal use and incidental and accessory thereto.

## V.

**Visual Relief:** The incorporation of design features such as windows, horizontal or vertical patterns, contrasting colors, or varying wall depths, used to avoid a large, blank façade.

## W.

**Wireless Communication Facilities (Use Definition):** A freestanding structure, such as a monopole or tower, or a facility attached to a structure, designed to support wireless facilities. Such facilities may support services such as radio, television, phone to the general public. All wireless communication facilities comply with current FCC regulations in addition to local requirements.

**X.**

**Y.**

**Yard, front:** A yard extending across the full width of a lot whose depth is the shortest distance between the front line of the lot and the main building, including an enclosed or covered porch, provided that the depth shall be measured from a future street line for a street on which a lot fronts, when such line is shown on the district map on an adopted street map or is otherwise established.

**Yard, rear:** A yard extending across the full width of a lot whose depth is the shortest distance between the rear lot line and the main building.

**Yard, side:** A yard between the side line of the lot and the main building extending from the front yard to the rear yard whose width is the shortest distance between said side line and the main building.

**Yard, required:** That portion of a side, front, or rear yard, nearest the designated lot line and having the width or depth required in the district in which located.

**Z.**

# Article 3. Establishment of Base Zoning Districts

## Sections:

- 3.1 DISTRICTS ESTABLISHED
  - 3.2 DISTRICT MAP
  - 3.3 DISTRICT BOUNDARIES
  - 3.4 DISTRICTS FOR AREAS HEREAFTER ANNEXED
- 

### 3.1 DISTRICTS ESTABLISHED

The following districts are hereby established within the City of Jamestown:

1. POC Public, Open Development and Conservation District
2. R1 One-Family Residential District
3. R1-A One-Family Residential District and Duplex or Two-Family Residential District
4. R2 One- to Six-Family Residential District
5. R2-A One- to Twelve-Family Residential District
6. R3 General Multiple Dwelling District
7. RM Residential Mobile Homes District
8. RMI Residential Mobile Independent District
9. R4 Planned Residence District
10. C1 Local Commercial District
11. C1-S Local Shopping Center District
12. C2 General Commercial District
13. C2-S General Shopping Center District
14. CC Central Core Commercial District
15. M1 Limited Industrial and Manufacturing District
16. M2 General Industrial and Manufacturing District
17. OSP Off-Street Parking District



18. A1 Agricultural District

19. RMIA Residential Mobile Independent Alternate District

20. T1 Recreation and Tourism District

### **3.2 DISTRICT MAP**

Said districts are shown upon the district map, which is maintained by the City of Jamestown. Said map and all notations, references, and other information shown thereon, shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

### **3.3 DISTRICT BOUNDARIES**

For determining the boundaries of the districts shown on the district map, the following rules shall apply:

1. Where boundary lines are obviously following road, street, lot or property lines or section lines such lines shall be the Areas within lakes, streams, and drainage ditches are declared to be in POC District.
2. In unsubdivided property or where a district boundary divides a lot or parcel of property, the location of any such boundary, unless the same is indicated by dimensions shown on the district map, shall be determined by the use of the scale appearing on such map.
3. The board of adjustment established hereby shall, upon application or upon its own motion, determine the location of boundaries in cases where uncertainty exists, after the application of the rules.

### **3.4 DISTRICTS FOR AREAS HEREAFTER ANNEXED**

Areas hereafter annexed to the City of Jamestown shall be considered to be in the POC District and may be changed wholly or partly to any other district or districts only by amendment, as provided for herein. Within ninety (90) days after the effective date of any annexation, the city council shall cause studies initiated by or for the city planning commission as required for determining the need, if any, for any change, and for reporting back to the council within one hundred eighty (180) days after such annexation.

## **Article 4. Base Zoning Districts**

### **Sections:**

- 4.1 PUBLIC, OPEN SPACE, AND CONSERVATION DISTRICT (POC)
  - 4.2 AGRICULTURAL DISTRICT (A1)
  - 4.3 ONE-FAMILY RESIDENTIAL DISTRICT (R1)
  - 4.4 ONE- TO SIX-FAMILY DISTRICT (R2)
  - 4.5 ONE- TO TWELVE-FAMILY DISTRICT (R2-A)
  - 4.6 GENERAL MULTIPLE DWELLING DISTRICT (R3)
  - 4.7 RESIDENTIAL MOBILE HOMES DISTRICT (RM)
  - 4.8 RESIDENTIAL MOBILE INDEPENDENT DISTRICT (RMI)
  - 4.9 RESIDENTIAL MOBILE INDPENDENT ALTERNATE DISTRICT (RMIA)
  - 4.10 PLANNED RESIDENCE DISTRICT (R4)
  - 4.11 LOCAL COMMERCIAL DISTRICT (C1)
  - 4.12 GENERAL COMMERCIAL DISTRICT (C2)
  - 4.13 CENTRAL CORE COMMERCIAL DISTRICT (CC)
  - 4.14 LIMITED INDUSTRIAL AND MANUFACTURING DISTRICT (M1)
  - 4.15 GENERAL INDUSTRIAL AND MANUFACTURING DISTRICT (M2)
  - 4.16 OFF-STREET PARKING DISTRICT (OSP)
  - 4.17 RECREATION AND TOURISM DISTRICT (T1)
  - 4.18 DEVELOPMENT EXCEPTIONS
-

## 4.1 PUBLIC, OPEN SPACE, AND CONSERVATION DISTRICT (POC)

### A. General Description

The purpose of the POC District is to provide for the reservation of public and institutional uses or managed open space. Such areas are intended to be maintained as long-term public and institutional development or open space. This district is not intended as a "holding" zone for future development land. The POC District does not have a corresponding land use category in the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area and Yard Setback Requirements

#### POC

<b><i>Maximum Building Height</i></b>	Main building(s) – 2.5 stories or 35 feet Accessory buildings – See Section 7.4
<b><i>Maximum Lot Coverage</i></b>	Main buildings and accessory buildings – 10% Greenhouses and accessory farm buildings – 30%
<b><i>Minimum Yard Setbacks</i></b>	Front – 25 feet (See exception Section 4.18) Side (interior lot line) – 20 feet Side (corner lot or abutting street) – 25 feet Rear – 25% of lot depth, but not less than 35 feet or more than 50 feet
<b><i>Minimum Lot Width</i></b>	General farm dwellings – 300 feet Small farm dwellings and nonfarm dwellings – 125 feet
<b><i>Minimum Lot Area</i></b>	General farm dwellings and accessory building lots – 20 acres Small farms and truck gardens – 2 acres Nonfarm dwellings – 1 acre

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## 4.2 AGRICULTURAL DISTRICT (A1)

### A. General Description

The A1 District is established as a district, in which the principal use of the land shall be for farming, ranching and related uses. The A1 District falls within the Agriculture Land Use Category of the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental Use Regulations.

### C. Lot, Height, Areas, and Yard Setback Requirements

#### A1

<b>Maximum Building Height</b>	No requirement
<b>Maximum Lot Coverage</b>	10%
<b>Minimum Yard Setbacks</b>	Front – 25 feet Side (interior lot line) – 10% of lot width, but not less than 6 feet or more than 12 feet Side (corner lot or abutting street) – 10% of lot width, but not less or more than 11 feet or more than 17 feet Side Yard Garage Exception – 5 feet Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b>Minimum Lot Width</b>	No requirement
<b>Minimum Lot Area</b>	Lots containing residential buildings – 1 acre Other lots – no requirement

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## 4.3 ONE-FAMILY RESIDENTIAL DISTRICT (R1)

### A. General Description

The R1 District is established as a district in which the principal use of land is for single-family dwellings and related residential neighborhood uses. The R1 District falls within the Low-Density Urban Residential Land Use Category of the Jamestown Land Use and Transportation Plan with a density range of two (2) to six (6) dwelling units per acre.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental Use Regulations.

### C. Lot, Height, Area and Yard Setback Requirements

#### R1

<b>Maximum Building Height</b>	Main building(s) – 2.5 stories or 35 feet Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 30% Greenhouses and accessory farm buildings – 20%
<b>Minimum Yard Setbacks</b>	Front – 25 feet (See exception Section 4.19) Side (interior lot line) – 10% of lot width, but not less than 6 feet or more than 12 feet Side (corner lot or abutting street) – 10% of lot width, but not less than 11 feet or more than 17 feet Side Yard Garage Exception – 5 feet Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b>Minimum Lot Width</b>	One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4-family dwellings – 60 feet Buildings over 3 stories or 35 feet in height – 70 feet

## R1

<b>Minimum Lot Area</b>	One-family dwelling on subdivision lot – 6,000 square feet One-family dwelling not on subdivision lot – 7,000 square feet 2-4 family dwellings – 8,000 square feet Over 4 dwelling units – 8,000 square feet, plus 2,000 square feet for each unit over 4
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### 4.4 ONE-FAMILY RESIDENTIAL DISTRICT AND DUPLEX OR TWO-FAMILY RESIDENTIAL DISTRICT (R1A)

#### D. General Description

The R1A District is established as a district in which the principal use of land is for a mix of single-family and two-family dwellings and related residential neighborhood uses. The R1A District falls within the Low-Density Urban Residential Land Use Category of the Jamestown Land Use and Transportation Plan with a density range of two (2) to six (6) dwelling units per acre.

#### E. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental Use Regulations.

#### F. Lot, Height, Area and Yard Setback Requirements

## R1A

<b>Maximum Building Height</b>	Main building(s) – 2.5 stories or 35 feet Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 30% Greenhouses and accessory farm buildings – 20%

## R1A

<b><i>Minimum Yard Setbacks</i></b>	Front – 25 feet (See exception Section 4.19) Side (interior lot line) – 10% of lot width, but not less than 6 feet or more than 12 feet Side (corner lot or abutting street) – 10% of lot width, but not less than 11 feet or more than 17 feet Side Yard Garage Exception – 5 feet Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b><i>Minimum Lot Width</i></b>	One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4-family dwellings – 60 feet Buildings over 3 stories or 35 feet in height – 70 feet
<b><i>Minimum Lot Area</i></b>	One-family dwelling on subdivision lot – 6,000 square feet One-family dwelling not on subdivision lot – 7,000 square feet 2-4 family dwellings – 8,000 square feet Over 4 dwelling units – 8,000 square feet, plus 2,000 square feet for each unit over 4

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## 4.5 ONE- TO SIX-FAMILY DISTRICT (R2)

### A. General Description

The R2 District is established as a district in which the principal use of land is for single-family, two-family dwellings, and larger attached and multiple family dwellings of up to six units in one structure, or up to twelve units on one lot. The R2 District falls within the Medium-Density and High-Density Urban Residential Land Use Categories of the Jamestown Land Use and Transportation Plan with a density range of four (4) to twenty (20) dwelling units per acre.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

## C. Lot, Height, Area, and Yard Setback Requirements

### R2

<b>Maximum Building Height</b>	Main building(s) – 2.5 stories or 35 feet Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 40% Greenhouses and accessory farm buildings – 20%
<b>Minimum Yard Setbacks</b>	Front – 25 feet (See exception Section 4.19) Side (interior lot line) – 10% of lot width, but not less than 6 feet or more than 12 feet Side (corner lot or abutting street) – 10% of lot width, but not less than 11 feet or more than 17 feet Side Yard Garage Exception – 5 feet Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b>Minimum Lot Width</b>	One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4-family dwellings – 60 feet Buildings over 3 stories or 35 feet in height – 70 feet
<b>Minimum Lot Area</b>	One-family dwelling on subdivision lot – 6,000 square feet One-family dwelling not on subdivision lot – 7,000 square feet 2-4 family dwellings – 8,000 square feet Over 4 dwelling units – 8,000 square feet, plus 2,000 square feet for each unit over 4

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## 4.6 ONE- TO TWELVE-FAMILY DISTRICT (R2A)

### A. General Description

The R2A District is established as a district in which the principal use of land is for single-family, two-family dwellings, and larger attached and multiple family dwellings of up to twelve units in one structure, or up to twelve units on one lot. The R2A District falls within the Medium-Density and High-Density Urban Residential Land Use Categories of the Jamestown Land Use and Transportation Plan with a density range of four (4) to twenty (20) dwelling units per acre.



## B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

## C. Lot, Height, Area, and Yard Setback Requirements

### R2A

<b>Maximum Building Height</b>	Main building(s) – 2.5 stories or 35 feet Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 40% Greenhouses and accessory farm buildings – 20%
<b>Minimum Yard Setbacks</b>	Front – 25 feet (See exception Section 4.19) Side (interior lot line) – 10% of lot width, but not less than 6 feet or more than 12 feet. 0 feet for attached dwellings Side (corner lot or abutting street) – 10% of lot width, but not less than 11 feet or more than 17 feet Side Yard Garage Exception – 5 feet Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b>Minimum Lot Width</b>	One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4 family dwellings – 60 feet Buildings over 3 stories or 35 feet in height – 70 feet
<b>Minimum Lot Area</b>	One-family dwelling on subdivision lot – 6,000 square feet One-family dwelling not on subdivision lot – 7,000 square feet 2-4 family dwellings – 8,000 square feet Over 4 dwelling units – 8,000 square feet, plus 2,000 square feet for each unit over 4

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## 4.7 GENERAL MULTIPLE DWELLING DISTRICT (R3)

### A. General Description

The R3 District is established as a district in which the principal use of land is for single-family, two-family dwellings, and larger attached and multiple family dwellings of up to twelve units in one structure, or up to twelve units on one lot. The R3 District falls within the High-Density Urban Residential Land Use Category of the Jamestown Land Use and Transportation Plan with a density range of nine (9) to twenty (20) dwelling units per acre.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

#### R3

<b>Maximum Building Height</b>	Main building(s) – 6 stories or 75 feet. 45 feet for any building or portion thereof within 20 feet of any lot zoned POC, R1, R2, C1, or C1S Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 40% Greenhouses and accessory farm buildings – 20%
<b>Minimum Yard Setbacks</b>	Front – 25 feet (See exception Section 4.19) Side (interior lot line) – 10% of lot width, but not less than 6 feet or more than 12 feet. 0 feet for attached dwellings Side (corner lot or abutting street) – 10% of lot width, but not less than 11 feet or more than 17 feet Side Yard Garage Exception – 5 feet Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b>Minimum Lot Width</b>	One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4 family dwellings – 60 feet Buildings over 3 stories or 35 feet in height – 70 feet

## R3

***Minimum Lot Area***

2-4 family dwellings – 8,000 square feet

Over 4 dwelling units – 8,000 square feet, plus 1,500 square feet for each unit over 4

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## 4.8 RESIDENTIAL MOBILE HOMES DISTRICT (RM)

### A. General Description

The RM District is established as a district in which the principal use of land is for mobile home parks. The RM District falls within the High-Density Urban Residential Land Use Category of the Jamestown Land Use and Transportation Plan with a density range of nine (9) to twenty (20) dwelling units per acre.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental Use Regulations.

### C. Mobile Home Park Requirements

RM	
<b>State Rules</b>	ND Administrative Rules Chapters 33-33-01 and 33-33-02 shall be followed.
<b>License</b>	Fee as established by City Council shall be assessed annually, payable January 1.
<b>Minimum Units</b>	10 units per mobile home park
<b>Minimum Lot Area</b>	40,000 square feet

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## 4.9 RESIDENTIAL MOBILE INDEPENDENT DISTRICT (RMI)

### A. General Description

The RMI District is established as a district in which the principal use of land is for mobile homes up to 16 feet in width on individual lots not in a mobile home park. The RMI District falls within the Medium and High Density Urban Residential Land Use Categories of the Jamestown Land Use and Transportation Plan with a density range of four (4) to twenty (20) dwelling units per acre.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

#### RMI

<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 40%
<b>Minimum Yard Setbacks</b>	Front – 25 feet Side – 7 ½ feet Rear – 10 feet Building to building (same lot) – 3 feet
<b>Minimum Lot Dimensions</b>	Width – 50 feet Depth – 70 feet
<b>Minimum Lot Area</b>	5,000 square feet

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### D. District Requirements

#### 1. General

No more than one (1) single-family mobile home shall be placed on each lot. All single-width residential mobile homes shall not exceed a width of sixteen (16) feet and shall be permanently attached to the required footings. The first floor area shall not be less than seven hundred twenty (720) square feet, exclusive of the area of any attached component. No mobile home shall be used for other than residential purposes. Basements shall be permitted.

#### 2. Lot Development Standards

Each mobile home not having a full basement shall be placed upon a stand which provides an adequate base for anchoring facilities to secure the home against any accidental movement. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home as a result of any frost action, poor drainage, vibration, or other similar forces. The footings for the mobile home shall be constructed below frost line and shall extend to a minimum height of twenty-four (24) inches. Such footing shall be reinforced and leveled in conformity with each other to form a horizontal plain upon which the structures will be placed. Shims may be used only to compensate for a leveling due to frame irregularities. Such installation, erection, construction, and materials shall meet the Building Code of the City of Jamestown. The bottom enclosure shall be attached to the perimeter of the mobile home and shall be constructed of material that shall not rust, warp, or deteriorate.

3. *Ground Clearance*

The crawl space under said mobile home shall meet all requirements for said Building Code. The height of the mobile home floor shall be at least twenty-four (24) inches above ground at the utility's connection.

4. *Drainage*

Ground adjacent to the mobile home shall be graded to obtain adequate drainage away therefrom.

5. *Carport*

Carports shall be located so that proper clearances can be maintained between the mobile home and other structures.

6. *Anchors*

In order to secure mobile homes against overturning forces, such mobile home must be anchored to the foundation. Anchors shall be cast-in-place concrete "dead men" or eyelets embedded in concrete are required. Two (2) anchors shall be required at the bearing points at each end of the mobile home, and each anchor shall be capable of withstanding a tension force of at least two thousand eight hundred (2,800) pounds. The cable or other device connecting the mobile home and the anchors shall be able to withstand a tension of at least two thousand eight hundred (2,800) pounds; the tongue and axle are to be removed.

7. *Connection to City Water and Sewer*

Each structure so placed shall be connected to the sanitary sewer and water system of the City of Jamestown. It will be the owner's responsibility to protect all water and sewer lines, including the water meter located on their property, from freezing or other damage. Any expense incurred by the city to repair said water and sewer lines, including the

water meter, will be borne by the property owner. A "curb stop" valve will be installed for each mobile home.

#### *8. Installation of Utilities*

- a) Water, sewer, electricity, natural gas, cable TV, fiber-optic internet, and telephone lines shall be installed underground.
- b) All exterior electrical wiring, equipment, street lighting and appurtenances in an RMIA District must be installed and maintained in accordance with the applicable regulations and requirements established by the City of Jamestown.
- c) All exterior plumbing in an RMIA District must be constructed, installed and maintained in accordance with the regulations and requirements established by the City of Jamestown.
- d) The developer of an RMIA District shall install all sanitary sewer lines, water mains, and curb stop valves before any adjoining lots are sold or inhabited.

#### *9. Parking*

Each lot shall provide off-street parking of at least five hundred (500) square feet (boulevard square footage excluded). The surface of the off-street parking shall be asphalt or concrete.

#### *10. Additions*

No additions shall be attached to the mobile home unless they are constructed of new material or manufactured as a component or auxiliary part of the home, nor shall any mobile home be attached to any existing structure.

#### *11. Fuel Storage*

No above-ground storage of fuel shall be permitted. No liquified petroleum gas (LPG) or fuel oil container shall be placed inside or beneath any mobile home, storage cabinet, carport, or other structure.

#### *12. Personal Storage*

The owner of each mobile home shall provide facilities on their lot for the storage of yard care equipment. Storage of personal property underneath a mobile home shall not be permitted in an RMIA District.

#### *13. Open Space*

In each development, suitable areas shall be dedicated as parks and playgrounds subject to the acceptance of such dedication by the City of Jamestown.

*14. Modular Homes*

Modular Homes are permitted in any RMIA District, provided they conform with regulations set forth under this appendix for single-family dwellings.

*15. Additional Code Compliance*

All structures shall comply with the ordinances and regulations of the city not inconsistent herewith.



## 4.10 RESIDENTIAL MOBILE INDEPENDENT ALTERNATE DISTRICT (RMIA)

### A. General Description

The RMIA District is established as a district in which the principal use of land is for mobile homes not less than 24 feet in width on individual lots not in a mobile home park. The RMIA District falls within the Medium-Density Urban Residential Land Use Category of the Jamestown Land Use and Transportation Plan with a density range of four (4) to eight (8) dwelling units per acre.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

#### RMIA

<b><i>Maximum Lot Coverage</i></b>	Main buildings and accessory buildings – 40%
<b><i>Minimum Yard Setbacks</i></b>	Front – 25 feet Side – 7 ½ feet Rear – 10 feet Building to building (same lot) – 3 feet
<b><i>Minimum Lot Dimensions</i></b>	Width – 50 feet Depth – 70 feet
<b><i>Minimum Lot Area</i></b>	6,500 square feet

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#### **D. District Requirements**

1. No more than one (1) single-family mobile home shall be placed on each lot. The mobile home shall be not less than twenty-four (24) feet wide and the first-floor area shall not be less than eight hundred forty (840) square feet, exclusive of the area of any attached component. No mobile home shall be used for other than residential purposes. Basements shall be permitted.
2. The property shall also comply with the standards set forth in Section 4.9.D District Requirements, items 2-15.

## 4.11 PLANNED RESIDENCE DISTRICT (R4)

### A. General Description

The R4 District is established as a district that facilitates the development of areas designated for residential use in the Jamestown Land Use and Transportation Plan by permitting greater flexibility and more creative designs for the development of such residential areas than generally is possible under conventional zoning regulations. This district is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. District Requirements

#### 1. General

All uses shall be laid out and developed as a unit according to an approved plan for the purpose of providing modern residential facilities of integrated design in appropriate locations, and further, when development and use of property is undertaken in accordance with the following procedure.

#### 2. Plan Requirements:

- a) To be drawn to scale;
- b) The proposed R4 District shall not be less than two (2) acres in area;
- c) Show the boundaries or property to be developed;
- d) Show existing topography with contour line intervals of not more than two (2) feet;
- e) Show in detail the manner in which the land is to be used, including the size, location, character, appearance, use and arrangement of buildings, parking areas with proposed arrangement of stalls and number of cars, service areas, walks, public areas, play areas, lighting, the provision for grass, trees, shrubs, and other landscaping adjustments to the property, and entrance and exit driveways and their relationship to existing and proposed streets;
- f) Show the drainage plan with sufficient control grades to indicate the intent of the developer;

- g) Indicate building location and use of properties adjacent to the proposed development;
- h) Provide for the dedication of any right-of-way for the widening, extension or connection of major streets as shown on the official Land Use and Transportation Plan or similar adopted transportation plan.
- i) Indicate the stages, if any, which will be followed in construction of the complex;
- j) With the plan, proponents shall submit a construction schedule. Construction shall begin within three (3) years after approval of the plan and shall be completed within five (5) years after approval, except that the city council may extend such periods upon a showing of good and sufficient cause. If development is not complete within this timeframe, the right to develop in accordance with the approved plan shall lapse and be of no further effect. In the event of such lapse of approval, the property shall revert to its prior zoning classification(s).

## 4.12 LOCAL COMMERCIAL DISTRICT (C1)

### A. General Description

The C1 District is intended to allow the establishment of limited-scale neighborhood commercial centers that offer basic convenience type goods and services to the immediately surrounding residential neighborhoods. It is not intended to permit major commercial or service establishment. The C1 District falls within the Neighborhood Commercial Land Use Category of the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area and Yard Setback Requirements

#### C1

<b>Maximum Lot Coverage</b>	Main buildings and accessory buildings – 40%
<b>Maximum Building Height</b>	Main building(s) – 2.5 stories or 35 feet Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	Residential and hotel/motel buildings – 40% Other buildings – no requirement
<b>Minimum Yard Setbacks</b>	Front – 25 feet Side – 6 feet for residential buildings. 6 feet for any building adjoining POC, R1, R2, R3, or C1S districts. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet. Rear – 25% of lot depth, but not less than 25 feet or more than 40 feet
<b>Minimum Lot Width</b>	Non-residential – no requirement One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4 family dwellings – 60 feet Residential buildings over 3 stories or 35 feet in height – 70 feet

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## 4.13 GENERAL COMMERCIAL DISTRICT (C2)

### A. General Description

The C2 District is intended to provide areas for general commerce and services typically associated with major thoroughfares. The C2 District falls within the Community and Regional Commercial Land Use Category of the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

#### C2

<b><i>Maximum Building Height</i></b>	Main building(s) – 6 stories or 75 feet. 45 feet for any building or portion thereof within 20 feet of any lot zoned POC, R1, R2, C1, or C1S Accessory buildings – See Section 7.4
<b><i>Maximum Lot Coverage</i></b>	Residential and hotel/motel buildings – 40% Other buildings – no requirement
<b><i>Minimum Yard Setbacks</i></b>	Front – no requirement Side – 6 feet for residential buildings. 6 feet for any building adjoining POC, R1, R2, R3, or C1S districts. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet. Rear – 15 feet. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet when adjoining POC, R2, R1, R3, or C1.
<b><i>Minimum Lot Width</i></b>	Non-residential – no requirement One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4 family dwellings – 60 feet Residential buildings over 3 stories or 35 feet in height – 70 feet

## C2

***Minimum Lot Area***

No requirement

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## 4.14 CENTRAL CORE COMMERCIAL DISTRICT (CC)

### A. General Description

The CC District is established as the central core business district in which use of the land is primarily for commercial and service uses. The character of the CC District should reflect the existing character of historical downtown business with high-quality design. New development in this district shall create a unifying identity and transition between different uses through high quality design, pedestrian amenities, compact development, and connections to public spaces. The CC District falls within the Community and Regional Commercial Land Use Category of the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

CC	
<b>Maximum Building Height</b>	Main building(s) – 6 stories or 75 feet. 45 feet for any building or portion thereof within 20 feet of any lot zoned POC, R1, R2, C1, or C1S Accessory buildings – See Section 7.4
<b>Maximum Lot Coverage</b>	No requirement
<b>Minimum Yard Setbacks</b>	Front – no requirement Side – 6 feet for residential buildings. 6 feet for any building adjoining POC, R1, R2, R3, or C1S districts. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet. Rear – no requirement
<b>Minimum Lot Width</b>	Non-residential – no requirement One-family dwelling lot in a subdivision – 40 feet Other one-family lots – 50 feet 2-4 family dwellings – 50 feet More than 4 family dwellings – 60 feet Residential buildings over 3 stories or 35 feet in height – 70 feet
<b>Minimum Lot Area</b>	No requirement

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## 4.15 LIMITED INDUSTRIAL AND MANUFACTURING DISTRICT (M1)

### A. General Description

The M1 District is established as a district in which the principal use of land is for light industrial consisting of non-nuisance industries. This district is to provide an area for the establishment of manufacturing, warehousing and light industrial development. The M1 District falls within the Light Industrial and Business Parks Land Use Category of the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

#### M1

<b><i>Maximum Building Height</i></b>	Main building(s) – 100 feet. 45 feet for any building or portion thereof within 20 feet of any lot zoned POC, R1, R2, or C1. 75 feet for any building or portion thereof between 20 and 35 feet from any lot zoned POC, R1, R2, or C1. Accessory buildings – See Section 7.4
<b><i>Maximum Lot Coverage</i></b>	Residential and hotel/motel buildings – 40% Other buildings – no requirement
<b><i>Minimum Yard Setbacks</i></b>	Front – 10 feet Side – 6 feet for residential buildings. 6 feet for any building adjoining POC, R1, R2, R3, or C1 districts. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet. Rear – 15 feet. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet when adjoining POC, R2, R1, R3, or C1.

***Minimum Lot Width***

Non-residential – no requirement

One-family dwelling lot in a subdivision – 40 feet

Other one-family lots – 50 feet

2-4 family dwellings – 50 feet

More than 4 family dwellings – 60 feet

Residential buildings over 3 stories or 35 feet in height  
– 70 feet

***Minimum Lot Area***

No requirement

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## 4.16 GENERAL INDUSTRIAL AND MANUFACTURING DISTRICT (M2)

### A. General Description

The M2 District is established as a district in which the principal use of land is for heavy industrial establishments, which may create some nuisance, and which are not properly associated with nor compatible with residential, institutional, and neighborhood commercial and service establishments. The M2 District falls within the General and Heavy Land Use Categories of the Jamestown Land Use and Transportation Plan.

### B. Uses

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

### C. Lot, Height, Area, and Yard Setback Requirements

#### M2

<b><i>Maximum Building Height</i></b>	Main building(s) – 100 feet. 45 feet for any building or portion thereof within 20 feet of any lot zoned POC, R1, R2, or C1. 75 feet for any building or portion thereof between 20 and 35 feet from any lot zoned POC, R1, R2, or C1. Accessory buildings – See Section 7.4
<b><i>Maximum Lot Coverage</i></b>	Residential and hotel/motel buildings – 40% Other buildings – no requirement
<b><i>Minimum Yard Setbacks</i></b>	Front – 10 feet Side – 6 feet for residential buildings. 6 feet for any building adjoining POC, R1, R2, R3, or C1 districts. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet. Rear – 15 feet. Setback increased 1 foot for every 3 feet of building height in excess of 35 feet when adjoining POC, R2, R1, R3, or C1.

***Minimum Lot Width***

Non-residential – no requirement

One-family dwelling lot in a subdivision – 40 feet

Other one-family lots – 50 feet

2-4 family dwellings – 50 feet

More than 4 family dwellings – 60 feet

Residential buildings over 3 stories or 35 feet in height  
– 70 feet

***Minimum Lot Area***

No requirement

## **4.17 OFF-STREET PARKING DISTRICT (OSP)**

### **A. General Description**

The OSP District is established as a district reserved for off-street parking on surface lots and parking garages. The OSP District does not have a corresponding land use category in the Jamestown Land Use and Transportation Plan.

### **B. Uses**

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

## **4.18 RECREATION AND TOURISM DISTRICT (T1)**

### **A. General Description**

The T1 District is intended to provide specific districts within the city which will enhance the recreational and tourist appeal of the city both for its citizens and as a destination for guests to the community. The T1 District does not have a corresponding land use category in the Jamestown Land Use and Transportation Plan.

### **B. Uses**

All uses allowed in this district, either permitted or permitted with special use permit, can be found by referencing Table 6.1, Zoning District Use Table. Any regulations applicable to a specific use can be found in Chapter 7, Supplemental District Regulations.

## **4.19 DEVELOPMENT EXCEPTIONS**

### **A. Building Heights**

1. Established building limits shall not apply to belfries, cupolas, spires, monuments, radio or television antennas, flag poles, chimneys or flues, water towers, or to poles, towers and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending from a roof upward and occupying no more than twenty-five (25) percent of the area of such roof as projected onto a horizontal plane.
2. When permitted in a district, public buildings, community buildings, schools, churches, hospitals and other institutions, public utility and public service buildings and those for essential services, may be erected to a height not exceeding seventy-five (75) feet, provided the side yard width and the rear yard depth be each increased one (1) foot over and above the district requirement for each two (2) feet of building height above the height limit.

### **B. Lot Area**

1. Lot areas required in individual cases may be reduced by the zoning administrator by not more than fifteen percent when the lot is one in a subdivision plat of record, or approved by the city council, in which the average area of all lots is not less than that required for the district.
2. Each two guest rooms or sleeping rooms in any auto court, hotel, motel, tourist home or similar accommodation shall be considered as one dwelling unit in determining the lot area requirement.

### **C. Front Yard Exception**

POC, RA, R1, R2, and R3 Districts: Where front yard depths of existing buildings within a distance of one hundred fifty feet on both sides of a building average not more than six feet greater or not more than six feet less than the front yard depth required in the district, the front yard depth for the building shall be not less than the average set backs of the existing buildings within a distance of one hundred fifty feet. If the difference is more than six feet the Board of Adjustment may vary the depth required.

# Article 5. Special Purpose Districts

## Sections:

- 5.1 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)
  - 5.2 DOWNTOWN OVERLAY DISTRICT
- 

### 5.1 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

#### A. Description

A Planned Unit Development (PUD) is land that is developed as a single entity, with development characterized by a unified site design. The PUD - Planned Unit Development District is intended to provide a flexible alternative to Jamestown's standard residential, commercial, and industrial zoning districts. In return for greater flexibility in site design requirements, each PUD is expected to deliver exceptional design and community amenities that exceed the standards of Jamestown's base zoning districts.

#### B. Purpose

The purpose of the Planned Unit Development District (PUD) is to:

1. Provide an alternative development approach to produce better design than is achievable through the strict application of the standard residential, commercial, and industrial zoning districts of this Ordinance.
2. Provide flexibility for unified site design of large development sites.
3. Encourage a blend of supportive land uses that supports the goals and objectives of the Comprehensive Plan.
4. Facilitate an efficient arrangement of land uses, buildings, transportation systems, and utilities, with coordinated planning and development phasing.
5. Encourage the creation, preservation, and enhancement of open space to provide maximum benefit to residents of the development and the broader community.
6. Provide for the development of unique sites that would not be possible under the strict application of this Ordinance.



### **C. Usage**

1. A PUD may contain one or more residential developments, one or more public, quasi-public, commercial, or industrial areas, or a combination of these uses. The PUD District is appropriate for the Mixed Residential/Commercial land use designation indicated on Jamestown's Future Land Use Map.
2. The Planning Commission shall determine when the PUD process is used. A PUD shall be deemed appropriate when no existing base zoning district(s) matches the proposed uses of the developer, and/or when the PUD process is necessary to achieve the desired benefits or amenities of development.
3. A PUD shall not be a substitute for rezoning to an appropriate base zoning district.
4. A PUD shall not be a substitute for a Special Use Permit or variance. These procedures remain suitable for resolving localized zoning issues, such as those which pertain to a single lot.
5. The PUD District can be used for planned residential developments and is encouraged as an alternative to the R4 – Planned Residence District.

### **D. Zoning Implementation**

1. The PUD District is a floating zone. This means that Jamestown does not pre-designate land for the PUD District before development is proposed. Use of the PUD District shall be triggered by a development proposal.
2. When a PUD is approved, the PUD District zoning designation shall replace the existing zoning designation(s) for the development site and the new PUD standards shall take effect.
3. Each approved PUD District shall be numbered on the City's official zoning map.

### **E. General Standards**

#### *1. Approval Standard*

A PUD may be approved only when the applicant demonstrates to the satisfaction of the Planning Commission and the City Council that a proposed PUD project would result in greater benefit to the City than would occur through the use of conventional zoning district regulations. Final approval or denial of a PUD is at the sole discretion of the City Council.

#### *2. Developer's Statement of Intent*

Each application shall include a statement by the applicant describing how the proposed development provides greater benefits to the City than a development carried out in accordance with otherwise applicable land development regulations.

### *3. Ownership Requirement*

Each PUD shall be under common ownership and/or unified control. If there are two or more owners, the PUD application must be filed jointly by all such owners.

### *4. Platting*

Nothing in this Ordinance shall negate the necessity for an approved plat filed with the City Recorder as required by City Ordinance.

### *5. Permitted Uses*

- a) A PUD may include any use that is permitted by right or permitted with a Special Use Permit in the Zoning and Land Use Table. A PUD may also include uses that are not listed in the Zoning and Land Use Table, subject to City Council review and approval.
- b) Each PUD application shall list all proposed uses. If proposed uses are not listed in the Zoning and Land Use Table, the Zoning Administrator shall make a similar use determination based on the Zoning and Land Use Table.
- c) All uses shall be compatible with one another and with the existing neighborhood context.
- d) The approved Development Plan for the PUD shall establish the permitted uses that are desirable and appropriate for achieving the objectives of each PUD.

## **F. Development Standards**

### *1. Dimensions, Density, and Bulk Requirements*

- a) A PUD Development Plan shall identify proposed dimensions for setbacks, lots, and buildings. The dimensional requirements for Jamestown's base zoning districts may serve as a guide.
- b) The City Council is authorized to approve all dimensional requirements for a PUD.
- c) No single-family detached or attached dwelling or accessory structure shall be erected closer than 15 feet to any public street right-of-way line unless approved by the City Council.
- d) The allowable density for residential uses shall be within the ranges established in the Comprehensive Plan, unless the City Council agrees to allow increased density in exchange for additional development benefits. In this case, the average gross density for residential areas may be increased by up to 33 percent from the maximum described in the Comprehensive Plan.

LAND USE	DENSITY RANGE	AVERAGE GROSS DENSITY	MAXIMUM DENSITY BONUS
Rural Residential	1 unit/acre or less	NA	NA
Low-Density Urban Residential	2-6 units/acre	3 units/acre	4 units/acre (max 33% increase)
Medium-Density Urban Residential	4-8 units/acre	6 units/acre	8 units/acre (max 33% increase)
High-Density Urban Residential	20 units/acre	12 units/acre	16 units/acre (max 33% increase)

- e) A PUD featuring predominantly rural residential uses may cluster housing in exchange for the preservation and enhancement of natural open space, provided that the average gross density of the entire PUD is consistent with the Comprehensive Plan's guidance for rural residential, and that open space preservation will be ensured through a development covenant, land transfer, or other means.
- f) The Future Land Use Map shall be a guide for determining appropriate housing densities, including density bonuses, if applicable.

2. *Building Spacing, Orientation, and Buffering*

- a) Building spacing, orientation, and buffering shall minimize negative site impacts to adjacent properties.
- b) In residential areas, building spacing, orientation, and buffering shall ensure indoor privacy between living spaces.
- c) In residential areas, building spacing and orientation shall create courtyards and common open space to the extent possible.

3. *Streets and Driveways*

- a) The PUD shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development.
- b) Streets and driveways within the PUD shall be adequate to serve the uses within the development.
- c) The PUD may be designed to discourage through traffic, subject to City Council approval.

#### 4. *Infrastructure, Services, and Utilities*

- a) The PUD shall not create an excessive burden on infrastructure, services, and utilities which serve or are proposed to serve the development which may include but are not limited to existing streets, water, and sewer systems.
- b) The construction and maintenance of all utilities, roads, parking, and other improvements must be in accordance with the requirements of this Ordinance and all City regulations.
- c) At the City Council's request, an agreement to complete all infrastructure and utility improvements shall be established between the developer and the City.

#### 5. *Parking and Loading, Landscaping, and Signs*

Each PUD shall adhere to all applicable requirements for parking and loading, landscaping, and signage, as prescribed herein.

#### 6. *Open Space*

Common open space shall be improved for its intended use, unless it contains natural features worthy of preservation. Improvements shall demonstrate consideration for the site's existing topography and natural features.

#### 7. *Homeowner Associations*

If the PUD establishes a homeowner association (HOA), the following shall apply:

- a) The applicant shall submit to the City Attorney all required HOA documents prior to Development Plan approval. These documents shall list all items owned in common by members of the HOA, including roads, recreation facilities, parking, common open space, and utilities.
- b) Parcels of land to be set aside for parks, ponding, or other purposes shall be approved by the Park District and/or City as applicable. If such open space is intended to be public, an agreement must be included with the appropriate entity responsible for maintenance (e.g. Park District, City, etc.). If such areas are not intended to be publicly owned, an HOA or similar private entity must maintain such areas.

### **G. Preapplication Meeting**

When submitting the Concept Plan, applicants are required to meet with the Zoning Administrator to review their concept for the site, application submittal requirements, and general PUD requirements to identify and resolve potential issues before proceeding with the Development Plan.

## **H. Concept Plan**

Prior to submitting a Development Plan to the Zoning Administrator, applicants shall prepare a Concept Plan that includes the following:

1. Project description
2. Proposed land uses with an indication of the zoning districts under which these uses are typically permitted (e.g., R1, R2, C1, M1, etc.)
3. Proposed density for residential uses (units/acre) and intensity for commercial/industrial uses (square footage)
4. General location of proposed open space
5. General location of existing and proposed buildings
6. Conceptual transportation connections
7. Existing and proposed utilities and public services

## **I. Development Plan**

### *1. Application Materials*

- a) A complete application shall include all items specified by the Zoning Administrator. Application forms and checklists may be obtained from the Zoning Administrator or from the City's website.
- b) Submittal of a PUD Development Plan shall include a standard application fee. The City Council is authorized to set the fee amount and change it at any time.

### *2. Application Submittal and Review*

- a) The Development Plan shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission's regularly scheduled meeting.
- b) Upon receipt of the Development Plan, the Zoning Administrator will notify the applicant of any missing information and provide for revision and resubmittal, if necessary.
- c) At its regularly scheduled meeting, the Planning Commission will review the Development Plan and either:
  - i. recommend approval or denial of the General Development Plan and submit its recommendation to the City Council.

- ii. Advise the applicant in writing of any recommended additions, modifications, or corrections to the Development Plan. The applicant may then submit a revised Development Plan for a second Planning Commission review without paying an additional application fee. The Planning Commission will then recommend approval or denial of the Development Plan and submit its recommendation to the City Council.
- d) The City Council, after receipt of the recommendations from the Planning Commission, may approve or deny the Development Plan.
- e) The Planning Commission's motion to the City Council and the City Council's action of approval or denial of the Development Plan must set forth their reasoning in writing, including, but not limited to, findings of fact on the following:
    - i. The proposed PUD does not endanger public health, safety, or general welfare for any portion the community.
    - ii. The proposed PUD is not injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted.
    - iii. The proposed PUD does not impede the normal and orderly development and improvement of surrounding property.
    - iv. The proposed PUD makes adequate provision for roads, utilities, drainage, off-street parking and loading, pedestrian facilities, and vehicular ingress and egress designed to minimize congestion and promote safety on all streets.
    - v. The location and arrangement of structures, parking areas, walkways, lighting, signage, and other appurtenances present a unified development concept and are compatible with the surrounding neighborhood and adjacent land uses.
    - vi. The proposed PUD is consistent with the spirit and intent of the Comprehensive Plan and meets all applicable Ordinance requirements.
    - vii. Those areas of the PUD that are not paved or built upon are suitably landscaped.
    - viii. The Development Plan supports the public interest.

**J. Public Hearing Requirements**

1. Meetings of the Planning Commission and City Council to review a proposed PUD Development Plan shall adhere to City requirements for public hearings and notification thereof (See Section 11, Amendments).
2. Once a PUD is approved, any major change shall adhere to City requirements for public hearings and notification thereof (See Section 5.1.M., Major Changes and Section 11, Amendments for the public hearing and notification process).

## **K. Concurrent Subdivision Review**

1. If a subdivision application is involved with the Development Plan, then the applicant may submit a preliminary plat application to run concurrently with review of the PUD Development Plan at the Planning Commission and City Council meeting.
2. Once the City Council has approved the Development Plan and the preliminary plat, the applicant may proceed with developing the final plat.

## **L. Post Approval**

1. The applicant shall submit a revised Development Plan, as necessary, incorporating any modifications or conditions from the Planning Commission or City Council. The final approved Development Plan will be filed with the Zoning Administrator.
2. Jamestown's official zoning map will be amended to show the boundaries of the new PUD District and the number assigned to it (e.g., PUD-1, PUD-2, etc.).
3. All subsequent building permits and development approvals shall conform with the objectives of the approved PUD District. The City Building Inspector or Zoning Administrator is not authorized to issue permits for improvements that are not indicated on the approved Development Plan unless said improvements have been approved as a Minor Change in Subsection 5.1.M below.

## **M. PUD Amendments**

1. A PUD amendment may be requested by any owner of individual property regulated within approved PUD District.
2. A minor change that does not alter the overall concept, density, intensity traffic impact, or environmental impact of a PUD may be authorized by the Zoning Administrator. Minor changes shall be defined as:
  - a) A one-time building addition of up to 25% of the existing floor area, including a permitted accessory use, if applicable, and subject to HOA conditions.
  - b) A one-time increase of up to 50% in the impervious surface coverage on a single-family lot, including a permitted accessory use, if applicable, and subject to HOA conditions.
  - c) A change in the landscaping, exterior building colors, or materials.
3. A major change that alters the overall concept, density, intensity, traffic impact, or environmental impact of a PUD shall require approval of the Planning Commission and City Council through the process as specified in Sections 5.1.I and Section 5.1.J. Major changes shall be defined as:
  - a) Any change in principal use.

- b) Any building addition of 25% or more.
- c) Any increase in impervious lot coverage of 50% or more.
- d) Any decrease of more than 10% to the amount of common open space.
- e) Any addition, closure, or relocation of a roadway access.
- f) Any increase in building height, excluding approved appurtenances such as building-mounted telecommunication facilities or solar panels.
- g) Any new building construction, except for detached garage or storage shed that does not increase impervious lot coverage by 25% or more.
- h) Any change in the configuration of lots, blocks, public rights-of-way, or easements that requires a re-plat.



## **5.2 DOWNTOWN OVERLAY DISTRICT**

### **A. General Description**

The Downtown Overlay District is intended to relieve development of the requirements for off-street parking in the City's Downtown core, in order to help spur reinvestment and redevelopment in the Downtown consistent with the objectives of the City's Land Use and Transportation Plan.

### **B. Uses**

Any use permitted in the underlying zoning district(s) shall be permitted in the Downtown Overlay District.

### **C. Parking Requirements**

Within the Downtown Overlay District, all uses shall be relieved of the minimum off-street parking requirements for the underlying zoning district(s).

# Article 6. Zoning and Land Use Table

## Sections:

- 6.1 TABLE DESCRIPTION
  - 6.2 TABLE ORGANIZATION
  - 6.3 UNLISTED USES
  - 6.4 ZONING AND LAND USE TABLE
- 

### 6.1 TABLE DESCRIPTION

Table 6.1 provides a Zoning and Land Use Table that matches existing and potential future land uses to Jamestown’s zoning districts. The table provides an organizational system that enables users to look up specific uses and identify the districts in which they are permitted, prohibited, or permitted with a special use permit.

### 6.2 TABLE ORGANIZATION

#### A. Use Classifications

To aid look-up, the use table is organized as follows:

1. Residential
2. Commercial
3. Agricultural
4. Industrial
5. Institutional
6. Recreation
7. Miscellaneous

These use classifications are identified and color-coded on the left side of the table. The use classifications provided a systematic basis for assigning present and future uses into general classifications (e.g., residential or commercial uses).

#### B. Use Categories

Each use classification includes sub-categories that further categorize the uses. For example, the Industrial Classification includes these sub-categories: Food Processing and Packaging,

General Industrial, Heavy Industrial, Industrial Storage and Transport, and Resource Extraction. Uses are alphabetized within each category.

### C. Table Symbols

The Zoning and Land Use Table uses the following symbols to indicate whether a use is permitted, permitted by Special Use Permit, or prohibited:

<b>SYMBOL</b>	<b>EXPLANATION</b>
<b>P</b>	Permitted Use
<b>SUP</b>	Permitted with Special Use Permit
<b>(Shaded)</b>	Use Not Permitted/Not Applicable

### D. Supplemental Use Requirements

In addition to the base zoning standards described in Article 4 of this Ordinance, some uses are controlled by supplemental use regulations. The right-most column in the Zoning and Land Use Table indicates whether supplemental use regulations apply. Article 7 describes supplemental use regulations in full.

## 6.3 UNLISTED USES

If an application is submitted for a use that is not listed in Table 6.1, the Zoning Administrator is authorized to classify the new or unlisted use according to listed uses that are most similar. If no similar determination can be made at the zoning administrator's discretion, the use will be considered prohibited, and an ordinance amendment would need to be initiated to determine if, where, and how a proposed unlisted use could be established.

## 6.4 ZONING AND LAND USE TABLE

The Zoning and Land Use Table is provided on pages below.

Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS	
RESIDENTIAL	Single Family	One-Family Dwelling, Farm	P										P						P		Section 7.5.A	
		One-Family Dwelling, Non-Farm	SUP	P	P	P	P	P						P								Section 7.5.A
	Two-Family	Two-Family Dwelling			P	P	P	P				P	P									
	Multi Family	Multifamily Residential, Max 12 Units					P															Section 7.5.B
		Multifamily Residential, Max 6 Units				P																Section 7.5.B
		Multifamily Residential, Min 4 Units													P							Section 7.5.B
		Multifamily Residential, Min 8 Units														P						Section 7.5.B
		Multifamily Residential, No Units Restriction							P				P	P								Section 7.5.B
	Senior Living	Senior Independent Living, 1-Family Dwellings			P								P	P								
		Senior Independent Living, 1- and 2-Family Dwellings				P							P	P								
		Senior Independent Living, Not to Exceed a 6-Plex					P						P	P								
		Senior Independent Living, Not to Exceed a 12-Plex						P					P	P								
		Senior Independent Living, More than a 12-Plex							P				P	P								
		Assisted Living	P	SUP	SUP	P	P	P	SUP	SUP	SUP	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
		Continuing Care	P	SUP	SUP	P	P	P	SUP	SUP	SUP	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
		Nursing Home	P	SUP	SUP	P	P	P	SUP	SUP	SUP	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
	Group Living	Boarding and Lodging Houses				P	P	P						P								
		Fraternity or Sorority			SUP		P	P	P					P								
		Group Home, Max 4 Unrelated Persons			P		P	P														Section 7.5.C
		Group Home, Max 8 Unrelated Persons				P			P					P	P	P						Section 7.5.C
	Manufactured Homes	Single Manufactured Home, Max 16' Wide									P											
		Single Manufactured Home, Max 24' Wide										P										
		Manufactured Home Park								P												Section 7.5.E
	Other Housing	Loft Apartment													P	P						
		Planned Residential Development											P									
		Seasonal Homes and Cabins							P					P								
		Shouse	P	P																P		Section 7.5.H

Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS	
		Temporary Campgrounds, Vehicle Camps, and Trailer Courts	SUP													SUP	SUP			SUP		
UPCOMMERCIAL	Food and Drink	Bakeries and Cafes											P	P	P							
		Liquor Stores											P	P	P							
		Restaurants												P	P	P					SUP	Section 7.6.A
		Bars, Taverns, and Night Clubs													P	P	P	P				
	Motor Vehicle Sales and Service	Car Wash												P	P	P	P	P				
		Auto Dealership												P	P	P	P	P				
		Autoparts Store												P	P	P	P	P				
		Gas Station/Convenience Store												P	P	P						
		Tire Repair													P	P	P	P				
		Auto Maintenance												P	P	P	P	P				
		Auto Repairs/Storage Garage													P	P	P	P				
		Used Car/Equipment Lot													P							
	Neighborhood Business	Barber Shop/Beauty Salon												P	P	P	P	P				
		Drug Store												P	P	P	P	P				
		Florist												P	P	P	P	P				
		Hardware Store, Cabinetry, and Plumbing												P	P	P	P	P				
		Household Appliance Stores												P	P	P	P	P				
		Home Items Repair												P	P	P	P	P				
		Jeweler												P	P	P	P	P				
		Neighborhood Market												P	P	P	P	P				
		Neighborhood Office												P	P	P	P	P				
		Photography/Art Studio												P	P	P	P	P				
		Tailors and Shoemakers												P	P	P	P	P				
		Variety Store												P	P	P	P	P				
	General Business	Assembly Space, Capacity 300												P	P	P	P	P				
		Bed and Breakfast/Resort							P					P	P	P	P	P				
		Broadcasting Stations (Radio or TV)												P	P	P	P	P				

Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS			
		Commercial Warehouse												P	P	P	P							
		Dance/Music Studios and Conservatories													P	P	P	P						
		Day Care	P																					
		Department Stores													P	P								
		Dry Cleaners													P		P	P						
		Hotel/Motel							P					P	P		P	P			SUP	Section 7.6.D		
		Household Equipment Repair													P		P	P						
		Laundries													P		P	P						
		Medical, Dental, and Optical Clinics													P		P	P						
		Mortuary							SUP															
		Paint Shops and Services													P		P	P						
		Printing, Publishing, and Photofinishing													P		P	P						
		Produce Market															P	P						
		Theater, Lodge, Assembly Hall, Auditorium, or Arena														P							Section 7.6.E	
		Veterinary Hospital and Kennels															P	P						
		Hospital	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		
		Wholesale Business														P		P	P					
		Commercial Entertainment and Recreation Areas	Amusement Park	SUP												P	P	P	P				P	Section 7.8.C
			Beach	SUP																			P	Section 7.6.B
			Bowling Alley													P	P	P	P					Section 7.6.B
Dance Hall														P		P	P					Section 7.6.B		
Drive-in Movies																					SUP	Section 7.6.C		
Driving Range	SUP													P	P	P	P				P	Section 7.6.B		
Miniature Golf	SUP																				P	Section 7.6.B		
Outdoor Theater/Performance Area																					SUP	Section 7.6.B		
Picnic Area	SUP																				P	Section 7.6.B		
Playground	SUP																				P	Section 7.6.B		
Pool Hall															P	P								

Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS		
		Commercial Skating Rink												P									
AGRICULTURAL	Agriculture and Horticulture	Commercial Garden	P																				
		Commercial Greenhouse	P																	P			
		Cropland																			P		
		Fruit and Berry Raising	P											P									
		Tree Farms	P																			SUP	
		Tree Nurseries	P																				SUP
				Bottleworks (Non-Alcoholic)													SUP						
INDUSTRIAL	Food Processing and Packaging	Bottleworks (Alcoholic)															SUP						
		Sugar Refining																P					
		Creamery, Dairy, Ice Cream Plant													SUP	SUP	P	P					
		Food Processing/Packaging (Non-Alcoholic)															P	P					
		Meat Processing/Packaging																SUP					Section 7.7.C
				Concrete Mixing/Concrete Products Manufacture														P	P				
	General Industrial	Electroplating															P	P					
		Light Manufacturing															P	P					Section 7.7.A
		Machine Shop														SUP	P	P					
		Machinery/Equipment Sales and Services																P					
		Vehicle Parts Manufacture/Assembly															P	P					
		Welding Facility															P	P					
	Heavy Industrial	Blast Furnace/Metal Forging																SUP					
		Crematory																SUP					
Engraving Works																	SUP						
Grain Mill																	SUP						
Livestock Stockyard																	SUP					Section 7.7.D	
Lumber Mill																	SUP						
Manufacture of Hazardous Chemicals and Compounds																	SUP						
Petroleum/Mineral Refinery																	SUP						

Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS			
		Steam Plant/BoilerWorks															SUP							
		Stone Quarrying and Processing																SUP						
		Tannery																SUP						
	Industrial Storage and Transport	Bus or Truck Storage and Terminals														SUP								
		Cold Storage Facility														SUP	P	P						
		Commercial Above-ground Fuel Storage														SUP								
		Creamery Depot														SUP								
		Grain Elevators															P	P						
		Industrial Warehouses														SUP								
		Junkyard																SUP						
		Lumber Yards and Pipe Yards															P	P						
		Railroad Lines, Spurs, and Terminals														SUP								
		Storage of Hazardous Materials																SUP						
Resource Extraction	Oil and Gas Wells or Drilling		SUP													SUP	SUP							
	Sand and Gravel Mining		SUP													SUP	SUP							
	Mineral Exploration and Recovery		SUP													SUP	SUP							
INSTITUTIONAL	Education, Civic, and Religious	Cemeteries and Memorial Gardens	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	SUP			
		Colleges and Universities	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		
		Community Center	P	P	P	P	P	P														P		
		Library	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	Section 7.8.A	
		Museum	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	Section 7.8.A	
		Places of Worship, Convents, and Parish Houses	P	P	P	P	P	P													P			
		Preschool	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	SUP		
		Primary and Secondary Schools	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
		Public Buildings and Uses	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P		
		Vocational/Trade Schools	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	SUP	P	P	SUP	SUP	SUP	SUP	SUP	
	Cellular and Radio Facilities		SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP			



Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS		
	Government and Utilities	Police and Fire Stations	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P			
		Water Towers and Reservoirs	P	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P		
		Pumping Stations	P	P	P	P	P	P	P	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P		
		Hazard Mitigation Structures/Flood Control	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	
		Public Utilities, Infrastructure, and Service Buildings	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	P	
RECREATION	General Recreation	Country Club	P	P	P	P	P	P															
		Golf Course	P	P	P	P	P	P													P	P	
		Recreation Center	P	P	P	P	P	P														P	
		Swimming Pool	P	P	P	P	P	P														P	
		Tennis Court	P	P	P	P	P	P														P	
		Marina	P	P	P	P	P	P														P	
		Playground	P	P	P	P	P	P															
		School Athletic Field	P	P	P	P	P	P															
		Private Recreation Use	P	P	P	P	P	P															
		Private Club or Lodge							P														Section 7.8.A
		Nature Preserve or Refuge Area																				P	
		Horse Stables and Riding Academies	SUP																			SUP	Section 7.8.B
		Concession Stand	SUP																				
		Park	P	P	P	P	P	P															
MISCELLANEOUS	Accessory Uses	Accessory Buildings	SUP																			Section 7.4.A	
		Accessory Dwellings	P	P	P	P	P	P														Section 7.4.A	
		Accessory Restaurants													P	P							
		Accessory Sales of Crops, Produce, and Plants	P																				
		Accessory Manufacturing and Processing													SUP		P	P					
		Home Occupations		P	P	P	P	P					P								P		Section 7.4.C
	Signs	On-Site Property Advertisement up to 12 SF	P	P	P	P	P	P														Section 7.9.D	

Table 6.1. Zoning and Land Use Table

	USE CATEGORY	USE	POC	R1	R1-A	R2	R2-A	R3	RM	RMI	RMIA	R4	C1	C2	CC	M1	M2	OSP	A1	T1	SUPPLEMENTAL USE REGULATIONS		
		On-Site Advertisement for Farmed Goods/Supplies up to 6 SF	P	P	P	P	P	P														Section 7.9.D	
		On-Site School or Church Bulletin up to 12 SF	P	P	P	P	P																Section 7.9.D
		Home Occupation Sign (1 SF)	P	P	P	P	P																Section 7.9.D
		Digital/Illuminated Signs and Billboards	SUP																			SUP	Section 7.9.D
		On-site Commercial Advertisements												P	P								Section 7.9.D
	Other	Dog Pound	SUP														SUP	SUP					
		Hatchery															P	P					
		Landfill	SUP															SUP					
		Medical Marijuana Dispensary													SUP			SUP		SUP			Section 7.7.B
		Parking Lot	SUP	SUP	SUP	SUP	SUP	SUP										SUP	P			SUP	
		Parking Structure							SUP														Section 7.9.A
		Recreation and Tourism Businesses																SUP				SUP	
		Temporary Crew Camp Housing															P	P					
		Temporary Portable Toilets	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Section 7.9.B
Zoo																				SUP	Section 7.8.C		

# Article 7. Supplemental Use Regulations

## Sections:

- 7.1 PURPOSE
  - 7.2 USING THIS SECTION
  - 7.3 SITUATIONS REQUIRING SPECIAL USE PERMIT
  - 7.4 ACCESSORY USES
  - 7.5 RESIDENTIAL USES
  - 7.6 COMMERCIAL USES
  - 7.7 INDUSTRIAL USES
  - 7.8 GENERAL RECREATION USES
  - 7.9 MISCELLANEOUS USES
- 

### 7.1 PURPOSE

In order to mitigate the potential adverse impacts of certain uses, supplemental use regulations are provided in addition to the regulations set forth in each zoning district section and otherwise provided herein. These regulations can apply to uses permitted by right and uses permitted with special use permit.

### 7.2 USING THIS SECTION

The Zoning and Land Use Table indicates which land uses are subject to supplemental regulations and provides references to applicable sections of the Ordinance.

Sections 7.4 through 7.9 codify the supplemental regulations for specific land uses. For some land uses, the nature and extent of supplemental regulations varies by zoning district. Reference the appropriate zoning district(s) as needed.

### 7.3 SITUATIONS REQUIRING SPECIAL USE PERMIT

The following shall be permitted only through special use permit:

1. The extension of a use into a district where otherwise prohibited when a lot is in two (2) or more districts.
2. Buildings or uses other than agricultural and other similar open uses of land, within a planned highway or road right-of-way, which shall have been adopted by the City Council as provided in Section 7.6.

3. Accessory buildings and uses and those customarily incidental to a dwelling as provided in section 7.4, when such dwelling is a nonconforming use in any district.
4. Moving a nonconforming use to a location in a district where it would be a conforming use.

## 7.4 ACCESSORY USES

### A. Accessory Buildings and Structures

DISTRICT(S)	STANDARDS
<b>All permitting districts</b>	<ol style="list-style-type: none"> <li>1. Sills, cornices, buttresses, eaves, open work fire balconies and fire escapes, chimneys flues, and similar building appurtenances, may extend not more than four (4) feet into a required yard.</li> <li>2. Uncovered porches and steps to building entrances may extend not more than twelve (12) feet into any required front yard or rear yard and not more than six (6) feet into any required side yard or court provided outer edge thereof is not closer than three (3) feet to lot line.</li> <li>3. Walks, steps on ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas, structures used ornamentally or for essential services when permitted in yards and courts, provided they are placed completely within the property lines. No fence or hedge in any yard of a corner lot within twenty (20) feet of the corner at the street intersection shall be more than three (3) feet above the level of the center of the roadway nearest it.</li> <li>4. Architectural metal is permitted. Architectural metal, as defined herein, is factory-fabricated metal that is finished with a durable non-fade surface and corrosion-resistant fasteners. Pre-weathered metal is acceptable.</li> <li>5. All garages constructed in such a manner so as to have the garage opening, for passage of an automobile, facing an alley shall have a setback of twenty (20) feet from said alley line. However, said setback shall not be required of those garages constructed parallel to the alley, or at such an angle so as to permit the easy access of a standard type automobile from the lane of traffic of such alley closest to said garage.</li> </ol>
<b>POC</b>	<p>Accessory buildings are permitted in side yards and front yards, observing the required yard distances away from the side and front lot lines.</p>

<b>All permitting districts except POC</b>	Accessory buildings are permitted in a rear yard and shall be not closer than three (3) feet to any lot line, when not more than fifteen (15) feet in height, with one (1) additional foot of distance required for each three (3) feet of additional height to a height limit of twenty (20) feet.
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<b>R1, R2, R3, RMI, and RMIA</b>	Accessory buildings shall not exceed a sidewall maximum height of twelve (12) feet and a maximum overall building height of twenty (20) feet.  Non-painted galvanized finish on architectural metal siding is prohibited.
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**B. Employee Residence**

DISTRICT(S)	STANDARDS
<b>M1, M2, and T1</b>	Onsite residence must be for employees having duties in connection with any operation requiring them to live onsite, alone or with their families.

**C. Home Occupation and Home Professional Office**

DISTRICT(S)	STANDARDS
<b>All permitting districts</b>	There shall be no external evidence of the business except for the display of a name plate.

**7.5 RESIDENTIAL USES**

**A. One-family Dwellings**

DISTRICT(S)	STANDARDS
<b>All permitting districts</b>	<ol style="list-style-type: none"> <li>1. The home shall be constructed or installed on a permanent foundation that complies with the uniform building code and the city's building code;</li> <li>2. The home shall have a minimum gross main floor area of nine hundred (900) square feet;</li> <li>3. The home shall have a minimum ceiling height of seven (7) feet;</li> <li>4. Architectural metal is permitted. Architectural metal, as defined herein, is factory-fabricated metal that is finished with a durable non-fade surface and corrosion-resistant fasteners.</li> </ol>

Pre-weathered metal is acceptable. Non-painted galvanized finish is prohibited.

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### B. Multiple-family Dwellings

DISTRICT(S)	STANDARDS
R2-A	Multifamily dwellings shall not exceed a 12-plex.
C2	Multifamily dwellings shall contain at least four dwelling units.
CC	Multifamily dwellings shall contain at least 8 dwelling units.

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### C. Group Homes

DISTRICT(S)	STANDARDS
<b>DISTRICT(S)</b>	The following are required prior to the issuing of a building permit for all group homes in any zoning district: <ol style="list-style-type: none"><li>1. A complete engineering or architectural set of blueprints.</li><li>2. Blueprints shall indicate that the completed group home and all associated structures will, on the exterior appearance, blend in with the existing structures in the immediate area.</li></ol>
<b>All permitting districts</b>	Up to four (4) unrelated persons may permanently reside in one group home, excluding live-in supervision. Each home must provide a group cooking facility.
R1	Up to eight (8) unrelated persons may permanently reside in one group home, excluding live-in supervision. Each home must provide a group cooking facility.

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### D. Basement Dwellings

DISTRICT(S)	STANDARDS
<b>All permitting districts</b>	No basement dwelling shall hereafter be permitted in any district, unless specifically permitted under other applicable ordinance. Existing basement dwellings shall be subject to time limits and other requirements heretofore or hereafter established for completion of whole dwellings as permitted in the districts in which located.

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## E. Manufactured Homes

DISTRICT(S)	STANDARDS
R1	<ol style="list-style-type: none"><li>1. The home shall be constructed or installed on a permanent foundation that complies with the uniform building code and the city's building code;</li><li>2. The home shall have a minimum front width of twenty-four (24) feet and a minimum depth of twenty (20) feet;</li><li>3. The home shall have a predominantly double-pitched roof with a minimum vertical rise of two and two-tenth (2.2) inches for every twelve (12) inches of horizontal run and a minimum eave projection and roof overhang of ten (10) inches on at least two (2) sides. Gutters shall be counted in calculating roof overhang;</li><li>4. The home shall have a minimum gross main floor area of nine hundred (900) square feet;</li><li>5. The home shall have a minimum ceiling height of seven (7) feet;</li><li>6. The home shall have permanently attached to it a label certifying that it was built in compliance with the Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15, 1976 and any amendments thereto.</li></ol>

## F. Temporary Campgrounds, Automobile Camps, and Trailer Courts

DISTRICT(S)	STANDARDS
POC, M1, AND M2	Campgrounds, automobile camps, and trailer courts are limited to temporary periods
T1	No space for which compensation of any type is received shall be occupied by an individual or unit for more than twelve (12) consecutive weeks.

## G. Nursing Homes

DISTRICT(S)	STANDARDS
POC	Nursing homes in the POC District shall be subject to R4 District requirements

## H. Shouses

DISTRICT(S)	STANDARDS
<b>All permitting districts</b>	<ol style="list-style-type: none"><li>1. Shouses shall be structurally anchored to a permanent foundation that meets local, state, and/or international building codes.</li><li>2. The ground floor of a shouse shall contain a minimum of seven hundred twenty (720) square feet for dwelling purposes, exclusive of the ground floor area of the workshop/garage. Additional dwelling space may be contained within a loft above the workshop/garage.</li><li>3. When lot is developed with a shouse, construction of the dwelling area and the garage/workshop shall be completed at the same time.</li><li>4. All shouses shall have bathroom facilities, including a toilet, sink, and a bathtub or shower.</li><li>5. All shouses shall have a kitchen area with sink.</li><li>6. All shouses shall provide heating and cooling systems as required by local, state, and/or international codes.</li><li>7. All electrical systems shall comply with all local, state, and/or international electrical codes.</li><li>8. All shouses shall comply with all egress requirements in local, state, and/or international codes.</li><li>9. All structural changes to a shouse, as well as any structural changes needed to convert an existing accessory structure (i.e., a garage, workshop, or barn) to a shouse with dwelling, shall be stamped and signed by a structural engineer and shall comply with the current adopted International Residential Code (IRC).</li><li>10. The total floor area of a shouse and any accessory structure(s) shall not exceed the maximum lot coverage for the permitting district.</li><li>11. Each side of the shouse shall include some form of visual relief. Visual relief includes the incorporation of design features such as windows, horizontal and vertical patterns, contrasting colors, or varying wall depths.</li><li>12. Architectural metal is permitted. Architectural metal, as defined herein, is factory-fabricated metal that is finished with a durable non-fade surface and corrosion-resistant fasteners. Pre-weathered metal is acceptable. Non-painted galvanized finish is prohibited.</li></ol>

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## 7.6 COMMERCIAL USES

### A. Restaurants

DISTRICT(S)	STANDARDS
R3	Restaurants in the R3 District must be in connection with permitted uses, subject to restrictions as to time of operation during evenings, Sundays, and holidays, and other needed limitations, as imposed by the Board of Adjustment and/or the City Council as conditions of the approval of any such use permit.

### B. Commercial Recreation Areas

DISTRICT(S)	STANDARDS
POC	Commercial recreation areas in the POC District shall not be located closer than five hundred (500) feet, or such larger distance as may be deemed desirable, to any R1, R2 or R3 District or to any land subdivided or used for a nonfarm residential purposes.

### C. Outdoor Movie Theaters

DISTRICT(S)	STANDARDS
T1	Outdoor movie theaters in the T1 District shall not be located closer than five hundred (500) feet, or such larger distance as may be deemed desirable, to any R1, R2 or R3 District.

### D. Hotels, Motels, Tourist Homes, and Automobile Courts

DISTRICT(S)	STANDARDS
R3	No business shall be conducted except as a service for guests.

### E. Theatres, Lodges, and Assembly Facilities

DISTRICT(S)	STANDARDS
C1	Maximum seating capacity shall be for three hundred (300) persons (outdoor theaters excluded).

## 7.7 INDUSTRIAL USES

### A. Light Manufacturing and Light Processing Industries

DISTRICT(S)	STANDARDS
M1	Food and beverage processing activities in M1 shall exclude the processing of alcohol or alcoholic beverages, fish, meat products, pickles, sauerkraut, soybeans, vinegar and yeast, or anything resulting in the emission of strong odors.

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### B. Medical Marijuana Dispensary

DISTRICT(S)	STANDARDS
All permitting districts	Medical marijuana dispensaries shall conform with N.D.C.C. §19-24.1 and any amendments thereto.

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### C. Slaughterhouse

DISTRICT(S)	STANDARDS
C2	<ol style="list-style-type: none"><li>1. Must be a state/federally licensed meat-processing plant.</li><li>2. No exterior pens or enclosures shall be permitted.</li><li>3. Location must be appropriate and compatible with existing land uses.</li></ol>
M2	May not include slaughter of poultry or rabbit.

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### D. Stockyards

DISTRICT(S)	STANDARDS
M2	May not include slaughter of poultry or rabbit.

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## 7.8 GENERAL RECREATION USES

### A. Private Clubs, Lodges, Libraries, and Museums

DISTRICT(S)	STANDARDS
R3	Any associated commercial use must be a secondary use.

### B. Riding Stables

DISTRICT(S)	STANDARDS
POC and T1	Riding Stables in the POC and T1 Districts shall not be located closer than five hundred (500) feet, or such larger distance as may be deemed desirable, to any R1, R2, or R3 District or to any land subdivided or used for a nonfarm residential purpose.

### C. Zoos and Amusement Parks

DISTRICT(S)	STANDARDS
T1	A zoo or amusement park in the T1 District shall not be located closer than five hundred (500) feet, or such larger distance as may be deemed desirable, to any R1, R2, or R3 District or to any land subdivided or used for a nonfarm residential purposes.

## 7.9 MISCELLANEOUS USES

### A. Parking Structures

DISTRICT(S)	STANDARDS
R3	Parking structures in the R3 District shall be located within 500 feet of the primary onsite use.

### B. Temporary Portable Toilets

DISTRICT(S)	STANDARDS
C1, C2, and CC	Portable toilets are permitted provided they are placed within an enclosed secured structure or behind a solid fence six (6) feet in height with access controlled by solid locked gate. Portable toilets without enclosure shall be temporarily allowed within the district for use by owner or tenant of the property, their guests and invitees for

periods not to exceed seventy-two (72) hours. The term of placement may be extended by written permission of the office of the zoning administrator of the City of Jamestown.

**C. Buildings within Planned Highway and Road Rights-of-way**

DISTRICT(S)	STANDARDS
<p><b>All permitting districts</b></p>	<ol style="list-style-type: none"> <li>1. Whenever the city council shall adopt by resolution a plan, map or description of any planned highway or road right-of-way, including a relocation, extension or widening of an existing state highway, county road or town road, or location of a new highway, or road, and shall order in such resolution that no permits except special use permits shall be issued for any building or uses within such planned rights-of-way, except only agricultural uses of land and similar upon uses of land, the following regulations shall apply:</li> <li>2. Such buildings and uses shall require special use permits as provided herein.</li> <li>3. Prior to approval of the issuance of such permit by the board of adjustment, the state or county highway department or other department interested shall be notified of the application for such permit and shall be requested to submit a report and recommendations with respect thereto.</li> <li>4. If such report is not received within sixty (60) days, the board of adjustment shall proceed with its consideration of the application for the issuance of a special use permit as provided in this ordinance.</li> </ol>

**D. Signs**

DISTRICT(S)	STANDARDS
<p><b>POC</b></p>	<p><b>Mailbox and fire protection identification, official traffic signs, and the following:</b></p> <p>Permitted signage includes one (1) sign not more than twelve (12) square feet in area pertaining to the lease, hire or sale of land or a building located thereon, and not more than six (6) square feet for farm equipment or the sale of farm products from the premises; one (1) outdoor bulletin board not more than twelve (12) square feet in area for a church or school located thereon; and one (1) name plate not more than one (1) square foot in area pertaining to a home occupation or permitted use. No signage except official</p>

traffic signs shall be illuminated by other than the reflector method.

**Informational and directional signs:**

Any use permit shall be for a period of not more than one (1) year and subject to conditions specifying location and size of sign, message, and illumination.

**C1**

**Advertising signs:**

Must be appurtenant to the use of the property on which displayed.

**C1S and C2S**

**Information and directional signs:**

The zoning administrator shall require the installation of such signs, marking and traffic control and regulatory devices as are necessary to promote vehicular and pedestrian safety in any C-1-S and C-2-S District development and its access drives.

**T1**

**Information and directional signs:**

Any use permit shall be for a period of one (1) to five (5) years and subject to conditions specifying location, size of sign, and illumination as approved by the City Council.

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# Article 8. Supplemental Development Regulations

## Sections:

- 8.1 FENCES
  - 8.2 YARD MEASUREMENT FROM FUTURE STREET
  - 8.3 DWELLING GROUPS
  - 8.4 SITE PLANS
  - 8.5 DEVELOPMENT STANDARDS IN C-1-S AND C-2-S DISTRICTS
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## 8.1 FENCES

### A. Permits

It shall be unlawful for any person to install, erect, construct, relocate, or alter a fence within the city without first obtaining a permit therefor from the city inspection department. The fee for such permit shall be as established from time to time by resolution the city council.

No permit shall be issued if the building official determines that the proposed fence does not meet the requirements of this section. A sketch or design of the proposed fence, including a description of materials to be used and specification of height, shall be submitted with the application for a permit. All fences except security fences shall be of a decorative nature.

### B. Height Restriction

It shall be unlawful for any person to erect or construct a fence exceeding six (6) feet in height on any residential property within the city.

Fences exceeding six (6) feet in height, in zoning where it is permitted, and fences to be placed around school grounds, construction sites, etc., shall be constructed as required in the Uniform Building Code.

### C. Prohibitions

#### 1. *Electric Fencing*

It shall be unlawful for any person to erect, install, or maintain any electrically charged fence within the city except, upon approval from the building official, for retaining animals as allowed by city ordinance upon proof that the fence will not be hazardous or dangerous to life.

#### 2. *Barbed Wire Fencing*

It shall be unlawful for any person to erect, construct, or maintain any barbed wire fencing within the city except:

- a) One course of barbed wire may be installed above the top of a six-foot or higher fence located in a district zoned for industrial purposes or on property used for industrial purposes under a valid nonconforming use.
- b) Barbed wire fences which comply with state statutes may be erected, constructed, and maintained on premises zoned for permitted agricultural uses.

### 3. *Safety Hazards*

It shall be unlawful for any person to erect, install, or maintain a fence which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.

#### **D. Exceptions**

This section does not apply to fences in existence before January 1, 1995.

## **8.2 YARD MEASUREMENT FROM THE STREET**

On a lot adjoining a future street line as may be established by this ordinance and shown on the district map, or as may be established otherwise and shown on an adopted street map, measurements for determining required lot area and required depth or width of an adjoining yard shall be made from such future street line instead of from the existing right-of-way line.

## **8.3 DWELLING GROUPS**

#### **A. Yards, Courts, and Lot Coverage**

1. No building of the group shall be closer to the side of another building than twelve feet or to the rear or front of another building than thirty feet.
2. Side, rear and front yards for the entire lot occupied by a dwelling group shall be not less than required in the district in which located.
3. Width of a court providing access to dwelling of a group shall be not less than thirty feet when dwelling is on one side only, and not less than forty feet when on two sides, with five feet wider required for each ten feet that the highest building exceeds twenty-five feet in height.
4. Lot coverage by all buildings shall be thirty percent or less.

#### **B. Playgrounds**

Playground area shall be provided as follows:

- a) Dwellings for five through twelve families – Two thousand square feet.
- b) Dwellings for thirteen or more families – Four thousand square feet.

## **8.4 SITE PLANS**

### **A. Site Plan Approval**

1. Site plans of one or more existing or proposed dwellings, or other buildings, proposed lots, or building arrangements on lots, with lot sizes and shapes, yard sizes or other open spaces varying from the requirements herein, and site plans of proposed C-1-S and C-2-S District developments showing the proposed location and arrangement of buildings, parking spaces and other required spaces and facilities, may be approved by the Zoning Administrator under certain conditions as specified below and subject to such additional conditions of approval as may be set in acting on each case.
2. The Zoning Administrator shall not approve a site plan unless satisfied that it is suitable as to sanitary water supply, sewage disposal, street grades and similar matters, and satisfactory from the standpoint of community planning and zoning and may require the plan to be studied and checked by qualified persons, with a report of their findings. The applicant for approval of a site plan may be required to pay the costs of such services.

### **B. Exceptions to Development Standards**

1. A site plan of proposed lots or buildings and lots, with lots smaller than required in the district, and arranged in groups or clusters, may be approved when additional permanently maintained open space is shown and the average lot area including such open space, but not including streets or wetlands, is not less than the district lot area requirement.
2. A site plan of a building on a lot of record or a portion of such lot, with lot width narrower and certain proposed yards smaller and with lot coverage larger than required in the district in which located, may be approved if the lot area is not less than required in the district.
3. Site plans of proposed C-1-S and C-2-S District developments, with all the spaces and facilities required in Section 8.4, but with variations of minimum widths and distances and parking space ratio, may be approved.
4. In each such case, proposed individual lot areas and widths and all proposed spaces, facilities and buildings shall be shown upon the approved site plan as required spaces and facilities, widths and distances, in lieu of larger or smaller requirements herein.



## 8.5 C-1-S AND C-2-S SUPPLEMENTAL DEVELOPMENT STANDARDS

### A. Purpose

The following requirements are intended for the purpose of avoiding traffic congestion, traffic hazard, and other dangers and of protecting and conserving the residential character of adjoining neighborhoods, present and future.

### B. Building Placement

#### 1. *Setback Requirement*

Buildings and uses, except automobile parking and loading spaces, driveways, essential services, walks, and planting spaces, shall be not closer to any street or alley line, or to the boundary line of any other district, than forty feet.

#### 2. *Site Plan Exception*

C-1-S and C-2-S developments, may be shown in site plans as authorized in subsection F of this section. In such plans, permitted buildings and uses may be approved closer to street and alley lines and to the boundary lines of certain districts than forty feet, except P-O-C, R-1, or R-2 Districts.

### C. Parking Design

1. Off-street automobile parking and loading spaces around buildings shall be separated from the edge of the roadway in any street by a curbed strip containing a walk not less than ten feet in width and a planting strip with trees and shrubs not less than ten feet in width, both to be maintained adequately for these purposes. Driveways across such strip shall be where approved by zoning administrator.
2. The off-street parking area shall be four times or more the aggregate floor area and all other area planned for ultimate business purposes, and such area requirement shall not include driveways, truck loading spaces, courts, promenades, planting spaces, and other open spaces.

### D. Planting Strips

1. A screen planting strip not less than twelve feet in width shall be provided along all boundaries that do not adjoin streets.
2. All planting strips shall be planted and maintained. For vision clearness for traffic the height of planting within fifty feet of any driveway shall be not more than thirty inches above the elevation of top of curb alongside it. Elsewhere it is the intent to produce tree and shrub growth of good height and density as early as possible for a screen of such planting between the development within such district and residential districts around it.

# Article 9. Automobile Parking and Loading

## Sections:

- 9.1 OFF-STREET PARKING REQUIREMENTS
- 8.2 OFF-STREET LOADING REQUIREMENTS
- 9.3 UNLISTED USES

### 9.1 OFF-STREET PARKING REQUIREMENTS

Whenever any plan or requirement for providing or reserving off-street automobile parking spaces in one (1) or more sections of the city shall be adopted by the city council, then such plan or requirement shall govern within such sections. Properties located in the Downtown Overlay District are exempt from all off-street parking requirements. Otherwise, off-street automobile parking spaces shall be provided in various districts, for buildings hereafter erected, constructed, or moved, uses hereafter established, and for extensions and enlargements of buildings and uses, on the basis of the minimum requirements in Table 9.1.

Table 9.1. Minimum Off-Street Parking Requirements		
<i>Off-street parking requirements do not apply in the Downtown Overlay District</i>		
	USE	MINIMUM PARKING REQUIREMENT
<b>RESIDENTIAL</b>	Single family and two-family dwellings	Two (2) spaces for each dwelling unit.
	Multiple-family dwellings:	One (1) space for each efficiency unit, one and one-half (1.5) spaces for each two (2) bedroom unit, and two and one-half (2.5) spaces for each three (3) bedroom unit or larger.
	Rooming houses	One (1) space for each sleeping room rented, plus two (2) additional spaces for the owner or operator of the rooming house.
	Fraternity or sorority houses	One (1) space for every two hundred (200) square feet of floor area of the fraternity or sorority house, including developed and livable areas in the basement.

Table 9.1. Minimum Off-Street Parking Requirements

Table 9.1. Minimum Off-Street Parking Requirements		
<i>Off-street parking requirements do not apply in the Downtown Overlay District</i>		
	USE	MINIMUM PARKING REQUIREMENT
	Senior independent living	Two (2) spaces for each single-family dwelling unit, one (1) space for each one (1) bedroom multi-family unit, one and one-half (1.5) spaces for each 2 bedroom multi-family unit, and two and one-half (2.5) spaces for each three (3) bedroom or larger multi-family unit.
	Assisted living and continuing care communities	Assisted living facilities with no shared kitchen facilities or community space: One (1) space for each one (1) bedroom unit, one and one-half (1.5) spaces for each two (2) bedroom unit, two and one-half spaces for each three (3) bedroom or larger unit, and one (1) space for each peak hour employee.  Assisted living facilities with a communal kitchen or community space: One (1) space for every three (3) beds, and one (1) space for each peak hour employee.
	Nursing home	One (1) space for every four (4) beds, and one (1) space for each peak hour employee.
<b>COMMERCIAL</b>	Commercial recreation areas, including skating rinks, dance halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, zoos, racetracks, fairgrounds, circus grounds.	One (1) space for each four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greater number of parking spaces.
	Day care center	One (1) space for each employee and one (1) space for each ten (10) children.
	Filling station	Adequate off-street parking must be provided for all operator equipment and at least one (1) space for each two (2) employees, and at least five (5) spaces for each service stall or bay on the premises.

Table 9.1. Minimum Off-Street Parking Requirements

Table 9.1. Minimum Off-Street Parking Requirements		
<i>Off-street parking requirements do not apply in the Downtown Overlay District</i>		
	USE	MINIMUM PARKING REQUIREMENT
	Hospital	One (1) space for each two (2) patient beds plus one (1) additional space for each two (2) employees.
	Hotels and motels	One (1) space for each guest room. If, in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments, or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses.
	Medical facilities, including chiropractic, dental, psychiatric, podiatry, vision, and similar clinics.	One (1) space for each doctor, one (1) space for each two (2) employees, and one (1) space for each three (3) patients.
	Mortuary/funeral home	One (1) space for each four (4) seats for patron use or one (1) space for each sixty (60) square feet of building area, whichever is greater.
	Office buildings, including commercial, governmental and professional buildings, except as otherwise provided for in this section	One (1) space for each two hundred fifty (250) square feet of gross floor area.
	Restaurants, including bars, taverns, nightclubs, lunch counters, diners, and all other similar dining or drinking establishments.	One (1) space for each three (3) seats provided for patron use, or one (1) space for each one hundred (100) square feet of gross floor area, whichever is greater.

Table 9.1. Minimum Off-Street Parking Requirements

Table 9.1. Minimum Off-Street Parking Requirements		
<i>Off-street parking requirements do not apply in the Downtown Overlay District</i>		
	USE	MINIMUM PARKING REQUIREMENT
	Restaurants, drive-in	Facilities with seating shall require one (1) parking space for each three (3) seats or one (1) parking space for each one hundred (100) square feet of gross floor area whichever requires the greater number of parking spaces. In addition, one (1) ingress automobile parking space shall be provided on the premises for each twenty-five (25) square feet of floor space within the establishment excluding any area used for customer seating but not to exceed forty (40) percent of the gross floor area of the building. There shall be an automobile stacking reservoir of not less than twelve (12) spaces serving drive-up service areas. These spaces can be included in the required off-street parking space communications for ingress automobile parking.
	Retail establishments, including personal service shops, equipment, or repair shops	In C1, C2, M1, and M2 districts: One (1) space for each one hundred fifty (150) square feet of floor space area on the ground floor, plus one (1) space for each three hundred (300) square feet of floor area in a basement or any story above the ground floor; except that a furniture store shall have one (1) space for each six hundred (600) square feet of floor area.  In C2 zoning involving covered malls and shopping centers, off-street parking shall be provided in an amount equivalent to five (5) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed without a circulation plan prepared by the shopping center and approved by the building official.
	Theaters	One (1) space for each four (4) seats provided for patron use.

Table 9.1. Minimum Off-Street Parking Requirements

Table 9.1. Minimum Off-Street Parking Requirements		
<i>Off-street parking requirements do not apply in the Downtown Overlay District</i>		
	USE	MINIMUM PARKING REQUIREMENT
	Veterinary hospital or kennel	One (1) space for each two hundred fifty (250) square feet of gross floor area.
	Engraving works, blueprinting	One (1) space for each two hundred fifty (250) square feet of gross floor area.
	Animal hospitals	Three (3) spaces per doctor and one and one-half (1.5) spaces for every employee.
<b>INDUSTRIAL</b>	Terminal facilities, including airports, railroad, passenger and freight stations, bus depots, truck terminals, and all similar personal or material terminal facilities	Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons, and visitors, plus space to provide one (1) off-street parking space for each employee, plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses, and similar motor vehicles.
	Manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumberyards, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits	One (1) space for each manufacturing employee on the largest shift, plus sufficient space to park all company owned or leased vehicles including passenger automobiles, trucks, tractors, trailers, and similar company owned motor vehicles, plus one (1) space for each two hundred fifty (250) square feet of office area.
	Wholesale	One (1) space for each manufacturing employee on the largest shift, plus sufficient space to park all company owned or leased vehicles including passenger automobiles, trucks, tractors, trailers, and similar company owned motor vehicles, plus one (1) space for each two hundred fifty (250) square feet of office area.

Table 9.1. Minimum Off-Street Parking Requirements

Table 9.1. Minimum Off-Street Parking Requirements		
<i>Off-street parking requirements do not apply in the Downtown Overlay District</i>		
	USE	MINIMUM PARKING REQUIREMENT
<b>INSTITUTIONAL</b>	Colleges and universities, preschools, primary, and secondary schools	One (1) space for each employee, plus additional space for any places of public assembly in accordance with the requirements set for such uses. In addition, all senior high schools and colleges shall provide one (1) space for every five (5) student
	Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, churches, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly.	One (1) space for each four hundred (400) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, or clients, whichever requires the greater number of parking spaces.
	Vocational/trade school	One (1) space for each two hundred fifty (250) square feet of gross floor area.

## 9.2 OFF-STREET LOADING REQUIREMENTS

Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use a plot plan showing the required space or structural design for off-street loading purposes to be provided in connection with such building improvement or use, in accordance with this section, and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan. Such off-street loading space shall be provided in accordance with Table 9.2.

Table 9.2. Minimum Loading Requirements

	USE	SIZE/INTENSITY	LOADING REQUIREMENT
<b>RESIDENTIAL</b>	Multifamily	0 to 9 units	0
		10 to 30 units	1
		Each additional 30 units	+1
<b>COMMERCIAL</b>	Hospitals Retail establishments/ department stores	Less than 25,000 square feet of gross floor area devoted to use	0
		25,000 but less than 40,000 square feet	1
		Total area devoted to use is 40,000 but less than 100,000 square feet	2
		100,000 but less than 160,000 square feet	3
		160,000 but less than 240,000 square feet	4
		Each additional 90,000 square feet	+1
	Hotels Mortuary/funeral home Office buildings	Less than 50,000 square feet	0
		50,000 square feet up to and including 250,000 square feet	1
		Each additional 200,000 square feet of floor area.	+1
	<b>INDUSTRIAL</b>	Manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumberyards, soft drink bottling establishments, fabricating plants, and all other structures devoted to	Less than 25,000 square feet of gross floor area devoted to use
25,000 but less than 40,000 square feet			1



Table 9.2. Minimum Loading Requirements

	USE	SIZE/INTENSITY	LOADING REQUIREMENT
	similar mercantile or industrial pursuits Terminal facilities, including airports, railroad, passenger and freight stations, bus depots, truck terminals, and all similar personal or material terminal facilities Wholesale	Total area devoted to use is 40,000 but less than 100,000 square feet	2
INSTITUTIONAL	Places of public assembly, including auditoriums, convention halls, exhibition halls, and sports arenas	Less than 50,000 square feet	0
		which has an aggregate gross floor area of fifty thousand (50,000) square feet up to and including two hundred fifty thousand (250,000)	1
		Each additional 200,000 square feet of floor area.	+1
<p><i>*In computing the ground coverage of the principal building and all accessory buildings for any nonresidential use, sufficient area shall be added to the actual area of the principal building and all accessory buildings to provide off-street parking as required by this section.</i></p>			

### 9.3 UNLISTED USES

For any use not specifically mentioned in Section 9.1 or Section 9.2, the requirements for off-street parking and off-street loading facilities for a use which is so mentioned and to which said use is similar, shall apply. In such cases, either the building official or the applicant for the certificate of occupancy or building permit may apply to the board of adjustment for an interpretation of the provisions of this article for such off-street parking and off-street loading requirements, and the board of adjustment shall render a decision in writing in the manner provided for in this article for such action in accordance with 12.3.C. A decision of the board of adjustment shall be final.

# Article 10. Nonconforming Uses

## Sections:

- 10.1 AUTHORITY TO CONTINUE
  - 10.2 DISCONTINUED USE
  - 10.3 CHANGE IN USE
  - 10.4 STRUCTURE DAMAGE AND RESTORATION
  - 10.5 CHANGE IN DISTRICT
  - 10.6 SINGLE-FAMILY HOMES ON NON-CONFORMING LOTS
  - 10.7 SUBJECT TO PERMIT
  - 10.8 NUISANCE ABATEMENT
- 

### 10.1 AUTHORITY TO CONTINUE

The lawful, nonconforming use of land or of a building existing on or before November 6, 1960 may continue, provided said use or building shall not be allowed to expand. If changed, the use shall conform to the provisions hereof. No nonconforming use of land shall not be enlarged or moved unless moved to a district where it would be a conforming use, after securing a special use permit therefore, as provided in Section 11.2.D hereof. A nonconforming use of a building may be extended throughout the building, provided no structural alterations, additions or enlargements are made, unless said changes are necessary to protect public health or safety.

### 10.2 DISCONTINUED USE

If any nonconforming use of land is discontinued for a period of twelve (12) consecutive months it shall not be resumed and any future use shall conform to current standards.

### 10.3 CHANGE IN USE

Any nonconforming use may be changed to a use permitted without a special use permit in the same or in a more restricted district.

### 10.4 STRUCTURE DAMAGE AND RESTORATION

A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to not more than sixty (60) percent of its full market value at that time may be restored; provided, however, that any dwelling damaged to the extent where such cost would amount to not more than seventy-five (75) percent of its full market value at that time, may be restored. When destroyed or damaged to a greater extent or to such an extent that

demolition is required by existing or hereinafter adopted laws or ordinances, or to protect the public health or safety, or when restoration is not started within a period of one (1) year and carried on diligently, any restored or future structures or use shall conform to the provisions hereof.

## **10.5 CHANGE IN DISTRICT**

The provisions of this section shall apply to any use that may become nonconforming due to a change in the classification of a district in which it is located, from the effective date of such change.

## **10.6 SINGLE-FAMILY HOMES ON NONCONFORMING LOTS**

On existing lots of record where the owner owns no adjoining property, a one-family dwelling may be erected in any district except P-O-C, C-1, C-1-S, C-2, C-C, C-2-S, M-1 and M-2 Districts, when the lot area or lot width or both are less than required in the district in which located, except where greater area or width would be required for sanitary sewage disposal and water supply.

## **10.7 SUBJECT TO PERMIT**

Any use which is permitted in a district only upon the issuance of a permit therefore shall, upon its establishment, be considered a conforming use in that district, but subject to any conditions imposed by such use permit.

## **10.8 NUISANCE ABATEMENT**

The provisions herein for the continuance of nonconforming uses shall not prevent or interfere with action that may be taken to abate any nuisance in any manner provided by law.

# Article 11. Procedures

## Sections:

- 11.1 PLANNING COMMISSION
  - 11.2 ZONING ADMINISTRATOR, PERMITS, PLATS
  - 11.3 BOARD OF ADJUSTMENT
  - 11.4 LOT COMBINATIONS
  - 11.5 AMENDMENTS
  - 11.6 CERTIFICATES OF OCCUPANCY
  - 11.7 ENFORCEMENT, VIOLATION, AND PENALTIES
- 

## 11.1 PLANNING COMMISSION

### A. Powers and Duties

The planning commission shall be responsible for reviewing zoning ordinance text amendments, zoning map amendments, preliminary and final plats, special use permits, and other matters as determined by the city council or provided by the North Dakota Century Code.

### B. Recommendation to City Council (Findings of Fact)

1. The planning commission may recommend rejection or approval, with or without modification of the proposed development plan, zoning amendment, or special use permit, and shall report its recommendations to the city council. The report shall state the reasons for the recommendations and shall show specific evidence and facts showing that the proposal meets the following conditions:
  - a) The proposal complies with all regulations of this ordinance and specifically those regulations of this section;
  - b) The proposal is in the best interest of the city and is consistent with the city's comprehensive plan;
  - c) The proposal is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.
2. If the planning commission rejects the proposal, the rejection may be appealed to the city council.

3. If the planning commission approves the proposal, the city council may approve the proposal with or without modification.
4. No building permit shall be issued for any building or use that is not in accordance with a development plan approved by the city council. Approved development plans may be amended by the same procedure by which they are approved.

### **C. Appeals Process**

1. The City Council shall hear and decide appeals to proposals denied by the Planning Commission. With the concurring vote of four (4) members the City Council may reverse any decision of the Planning Commission. An appeal to the City Council may be taken by any person aggrieved by the decision of the Planning Commission.
2. Such appeal shall be submitted within 30 days of the decision of the Planning Commission, by the filing a notice of appeal with the zoning administrator. The notice of appeal shall specify the reasoning for the appeal. The zoning administrator will schedule the appeal to be heard by the City Council.
3. The board shall fix a reasonable time for the hearing of any appeal and shall give due notice thereof to the parties and adjoining landowners. Upon the hearing, any party may appeal in person or by agent or by attorney. The board may reverse or affirm, in whole or in part, or may modify, the decision appealed from. The decision of the City Council shall be final.

## **11.2 ZONING ADMINISTRATOR, PERMITS, PLATS**

### **A. Zoning Administrator**

The city council shall appoint a zoning administrator for administering and enforcing the provisions of this ordinance, for exercising the following powers and duties and such additional as the council may direct:

1. To issue, or approve, all permits, and certificates required by this ordinance, including temporary permits for temporary nonresidential buildings and uses when necessary for and incidental to the erection, construction, reconstruction, alteration, enlargement, moving or equipping and servicing of structures or uses permitted in any district.
2. To cause any building, structure, land, place or premises to be inspected and examined and to order in writing the remedying of any condition found to be in violation of this ordinance.

3. To act as secretary for the board of adjustment, to forward any action or recommendation of the board to the city council, and to follow up as necessary any action or determination by the council.
4. To adjust front or side yard requirements on a corner lot for the purpose of aligning buildings on streets and avenues.

#### **B. Permits Required**

A building permit or special use permit shall be applied for and issued before the erection, construction, reconstruction, alteration, enlargement, or moving of any building, except minor alterations or repairs not involving enlargement, moving, change of use or establishment of a new use, and whose full value is less than five hundred dollars except for painting and decorating.

If the zoning administrator is someone other than the building inspector, a building permit issued by the building inspector shall be approved by the zoning administrator.

#### **C. Permit Application; Plat**

Each application for a building permit or special use permit shall be accompanied by a drawing or plat in duplicate drawn to scale and showing the dimensions and location of lot, proposed buildings, and existing buildings and yards, proposed use of all buildings, proposed sewage disposal, waste disposal and water supply systems meeting the requirement of applicable ordinances, regulations and codes and such information on front yard depths and other yards sizes on other lots and such other information as the zoning administrator shall require for the enforcement of this ordinance.

#### **D. Special Use Permit**

A special use permit shall be applied for and issued for such buildings and uses as are permitted herein for various districts only after securing such a special use permit. The zoning administrator shall receive such applications, shall refer them to the planning commission for review and recommendation to the city council, and the city council is responsible for consideration of approval of such applications. Special use permits shall be issued after securing written agreements or other required assurance of faithful observance of such conditions as may have been established in the council's action.

#### **E. Land Alteration Permit**

A land alteration permit shall be applied for and shall be issued by the zoning administrator after review by the city engineer, for such excavating, grading and filling of any land as would be a substantial alteration of existing ground contour or would change existing drainage or cause flooding, and for such removal or destruction of ground cover as would result in less beneficial cover for present and proposed future development, or would impair the use and enjoyment of any property according to the intent and purpose of this ordinance. When required by the zoning administrator, or the city engineer, a plan of the proposed alteration,

with proposed changes and present and proposed elevations or contours, and all additional information needed, shall be submitted by the applicant.

#### **F. Authority of the Zoning Administrator to Issue Building Permits over Interior Lot Lines**

The Zoning Administrator shall have the authority to issue building permits and exempt set back requirements for interior lots lines of multiple lots under the following circumstances:

1. The applicant is the owner of two (2) or more platted lots or partial lots which are contiguous;
2. There is an existing structure extending across interior lots lines;
3. The zoning for each lot is the same; and
4. All other zoning and permitting requirements are met.

#### **G. Withholding Permits for Unsafe, Unsanitary Construction**

No permit shall be issued for any building or construction or land alteration not in conformity with the regulations hereof, or with the regulations and requirements of other applicable ordinances or codes, or for any which the zoning administrator or other issuing officials determine would be unsafe or unsanitary. No permit for any building or construction on land not adequately drained or on land subject to flooding level, shall be issued.

#### **H. Fees**

Fees for building permits and other permits required for zoning purposes shall be established by the city council, and may be made sufficient to defray the cost of the issuance of permits and any examinations or investigations required in connection therewith and made by the issuing officials, or by engineers or consultants retained for the purpose.

### **11.3 BOARD OF ADJUSTMENT**

The city council shall establish a board of adjustment sometimes referred to hereinafter as the board. The board members shall be appointed by the mayor subject to council approval. The board shall have the power and duties authorized by law and by this ordinance.

#### **A. Membership Organization**

The board shall consist of five members, each to be appointed for a term of three years after first appointments of one member for one year, two members for two years, and two members for three years. At a meeting to be held within thirty (30) days after the date of

effect of this ordinance and thereafter at a meeting held within thirty (30) days after the first day of each year, the board shall elect one of its members chairman and one vice-chairman. The zoning administrator shall act as secretary for the board but shall have no vote. Rules and regulations for the transaction of business shall be adopted. All meetings, transaction and records of action shall be open to the public.

#### **B. Powers of the Board**

The powers and duties of the board, except its power of interpretation, shall be limited to action on specific appeals and application only. No board action shall have the effect of changing any rule, regulation, provision or restriction of this ordinance, except by following the procedure prescribed herein for amendments, but shall affect only its application to a specific case before the board.

#### **C. Appeals**

The board shall hear and decide appeals from and shall review any order, requirement, decision or determination of the zoning administrator, and shall hear and decide all matters referred to it or upon which it is required to pass under this ordinance. With the concurring vote of four (4) members the board may reverse any order, requirement, decision or determination of the zoning administrator, may decide in favor of the applicant on any matter requiring its approval under this ordinance and permit any variation from ordinance regulations or make any interpretation. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Jamestown.

#### **D. Timing of Appeal**

Such appeal shall be submitted within 30 days of the decision of the zoning administrator, by the filing with the officer from whom the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken forthwith shall transmit to the board all papers constituting the record upon which the action appealed from was taken.

#### **E. Stay of Proceedings**

An appeal to the board stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a court of record, on application, and on due cause shown, after notice to the officer from whom the appeal is taken.



## **F. Public Hearing**

The board shall fix a reasonable time for the hearing of any appeal and shall give due notice thereof to the parties and adjoining land owners. Upon the hearing, any party may appeal in person or by agent or by attorney. The board may reverse or affirm, in whole or in part, or may modify, the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end the board shall have all the powers of the officer from whom the appeal is taken. Where there is practical difficulty or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the board, in passing upon an appeal, may vary or modify any of the regulations or provisions of the ordinance relating to the construction or alteration of buildings or structures including yard, lot areas, lot width, lot coverage, open space and height regulations, the use of land, building or structures, or automobile parking or loading spaces, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done, except that said board shall not have the power to grant zoning variances. The decision of the board of adjustment shall be final.

## **G. Ordinance Interpretation**

The board shall interpret the words, terms, rules, regulations, provisions, and restrictions of this ordinance, where there is doubt as to the meaning thereof and shall determine the location of boundaries of districts where uncertainty exists after the rules of section 3.3 hereof for determining said boundaries have been applied. Before making any interpretation, the board may hold a hearing thereon, after fixing a reasonable time for the hearing and giving due notice thereof to the parties.

## **H. Miscellaneous Variances**

The board may, upon written application therefor, filed with the secretary, make the following variations, adjustments, and modifications after a hearing thereon, with a reasonable time for such hearing fixed and due notice thereof given to the parties.

1. Approve site plans, with variances, as authorized in section 8.4 hereof.
2. Vary the front yard depth required in a specified case where front yard depth of existing buildings within a distance of one hundred forty feet on both sides of a building to be erected in any POC, R-A, R1, R2, or R3 District average more than six feet greater of more than six feet less than the front yard depth required for the district.
3. Modify the requirements of Article 9 for the provision of automobile parking stalls.
4. Vary the requirements of Article 9 for the provision of automobile parking or loading spaces in a case where it is clearly shown by an applicant for such variation to the satisfaction of the board that, due to the particular nature or method of conducting a

proposed use, or, due to other special or limiting conditions, such requirements would be unnecessary, would cause practical difficulty or would create an unnecessary hardship.

## **I. Conditions**

In acting on any matter the board may determine that, in order to protect the public health, safety, convenience or welfare, or to avoid traffic congestion or hazard or other dangers, or to promote conformity of a proposed use with the character of adjoining property and uses and the district as a whole, or to protect such character, the issuance of a permit applied for should be subject to the following or other conditions, and may impose such conditions:

1. Adherence to modified yard, lot area, lot width, lot coverage, floor area, parking space, open space and height requirements in lieu of the requirements herein.
2. Provisions of off-street parking spaces in specified amounts, provision of spaces or easements for screen planting, for utility lines or for necessary facilities and services and provisions of other areas and open spaces.
3. Limitation of use of specification of manner of maintaining and conducting same.
4. Drainage or sanitary requirements.
5. Structural requirements and location of buildings and structure.
6. Dedication to the city of reservation of areas required for public or protective purposes.
7. The board may require a written agreement, deposit of certified check or funds, a bond or other assurance of faithful observance of conditions, the violation of which shall invalidate the permit and shall be considered a violation of this ordinance.

## **J. Action**

The board shall decide on any matter within thirty days after date of hearing thereon. Decision in favor of any applicant shall be approval or conditional approval of the matter applied for and shall be an order to the zoning administrator to carry out such action, subject to any such conditions. The decision of the board shall not become final until the expiration of five (5) days from the date of entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

## 11.4 LOT COMBINATIONS

### A. Authority

1. The Planning Commission, in its sole discretion shall have the authority to approve lot combinations with the recommendation of the Zoning Administrator when finding:
  - a) The lots proposed to be combined are all located within the same subdivision and zoning district;
  - b) The lots proposed to be combined are not subject to different variances;
  - c) The lots proposed to be combined or any other resulting lots outside of the combined lots otherwise cannot create a lot or new partial lot of insufficient size to build a structure in compliance with applicable zoning;
  - d) The lots proposed to be combined have the exact same owner;
  - e) The proposed lot combination will not affect the general character of the neighborhood;
  - f) Consolidation of the lots does not affect access to water, sewer, utility, stormwater, or public right of ways;
  - g) The lots are contiguous and the proposed lot combination does not change the exterior lots lines of the combined lot as determined by a review of the existing plat; and
  - h) The owner of the lots complies with all requirements of this Section.
2. If the proposed lot combination does not meet all of the above criteria, then the lot combination must be approved through the Minor or Major Subdivision process.

### B. Procedure

The Zoning Administrator shall create and revise from time to time an application and require the payment of a fee as set by the City Council of the City of Jamestown. Upon receipt of the completed application and fee, the Zoning Administrator shall review, seeking guidance of the City Engineer or other City officials as needed. The Zoning Administrator may request additional documentation from the owner. If the Zoning Administrator is satisfied that the application meets the requirements of Lot Combination set forth in Section 11.4(A), the Zoning Administrator shall place the item on the agenda at the next Planning Commission meeting for a hearing. Notice of the hearing must be published no later than 5 days prior to the scheduled meeting. At the hearing, the Zoning Administrator shall make a recommendation to the Planning Commission. Any member of the public may address the Planning Commission regarding the application at the

hearing. At the conclusion of the hearing, the Planning Commission must approve, disapprove, or take any other action the Planning Commission deems appropriate. If the Planning Commission authorizes the combination, the Zoning Administrator shall require the owner(s) to sign an Affidavit and Covenant restricting the partial sale of the combined lot. The lot(s) shall not be deemed to be combined for zoning or other purposes until the Affidavit and Covenant have been recorded at the Stutsman County Recorder's Office.

### **C. Appeal Procedure**

Any aggrieved party may file an appeal with the City Council of the City of Jamestown within 7 days of the decision. Upon notification of the appeal, the City Council shall conduct a hearing at a City Council meeting within 60 days from the notice of the appeal unless otherwise agreed to by the parties. Notice of the meeting must be provided to all interested parties. Notice must be mailed at least 7 days prior to the scheduled meeting. The City Council shall have the authority to approve, approve with conditions or deny the application. The decision of the City Council shall be final.

### **D. Repeal of Lot Combination**

If the owner of any combined lot desires to repeal the combination, the owner must comply with all applicable provisions for a subdivision.

## **11.5 AMENDMENTS**

The city council may amend this ordinance from time to time by supplementing, changing, modifying, or repealing any of the regulations, restrictions, or other provisions hereof, or the district map, the districts on said map, or the boundaries of such districts. Approval of a Planned Unit Development shall also comply with Chapter 5 of the Zoning Code. A proposed amendment may be initiated by the council upon its own motion or upon receipt of request therefor, from the zoning commission or the city planning commission, or upon receipt of a petition therefor, from any interested persons or person or their agents.

### **A. Report by Zoning Commission – Public Hearing**

The city council shall refer any proposed amendment to the planning commission before taking final action thereon. The planning commission shall thereupon make a preliminary report and hold a public hearing thereon. Its final report shall be submitted within sixty (60) days after the time of referral of the proposed amendment to it, unless the council extends this time.

### **B. Action by City Council – Public Hearing**

After receipt of the required final report from the planning commission any amendment, or in the event of the failure of the commission to report, after sixty (60) days, the time of referral of the proposed amendment to it, the city council shall hold a public hearing, after which the

proposed amendment may be passed, modified, or defeated. Not less than fifteen (15) days' notice of the time and place of hearing shall first be published in the official paper of the City of Jamestown. Parties in interest and citizens shall be given opportunity to be heard. Action by the City Council shall be final.

### **C. Fee for Publication Required**

Any proposed amendment under this ordinance must be accompanied by a filing fee, such fee as may be established from time to time by resolution of the city council, to be paid to the city auditor by the applicant and shall be used to help defray expenses of giving notice of the hearing and other expenses in connection therewith. Any costs incurred in excess of the above fee shall be charged to the applicant. The City of Jamestown and any of its agencies are hereby exempt from the provisions of this section.

### **D. Vote, After Protest**

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

1. Of the area of the lots included in such proposed change; or
2. Of the area adjacent, extending one hundred fifty (150) feet from the area to be changed, excluding the width of streets.

The amendment shall not become effective except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all the members of the city council.

## **11.6 CERTIFICATES OF OCCUPANCY**

A certificate of occupancy, stating that the provisions of this ordinance have been satisfactorily complied with is required prior to any occupancy or use of any structure, prior to any change of use of an existing structure or prior to any change of any nonconforming use.

Application for a certificate of occupancy shall be made to the zoning administrator prior to occupancy of the structure or use. Within ten days thereafter he shall inspect same and shall sign and issue a certificate of occupancy only if found to be in conformity with the provisions of this ordinance.

## **11.7 ENFORCEMENT, VIOLATIONS, AND PENALTIES**

### **A. Permits**

All departments, officials, and employee of the City of Jamestown who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of the ordinance.

## **B. Remedies**

1. If any building or structure is erected, constructed, reconstructed, repaired, altered, enlarged, converted, maintained or moved, or if any building, structure or land is used in violation of this ordinance the zoning administrator shall order in writing the correction of such violation. If, within thirty days, or such longer time as the zoning administrator may in writing authorize, any such conditions have not been corrected, he shall cause appropriate action to be instituted for correction or abatement.
2. The zoning administrator, or city attorney or other official designated by the city council may institute appropriate action or proceedings for the purpose of:
  - a) Preventing any violation.
  - b) Restraining, correcting or abating such violation.
  - c) Preventing the occupancy of any building, structure or land in violation of this ordinance.
  - d) Preventing any illegal act, conduct, business or use in or about any building, structure or land in violation of this ordinance.

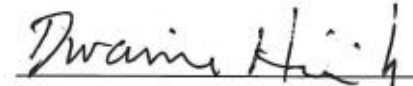
## **C. Penalties**

Any person, firm or corporation violating the provisions of this ordinance shall upon conviction thereof be punished by a fine not exceeding \$1,500 or by imprisonment in a jail for a period not exceeding thirty (30) days. Each day any violation shall exist shall constitute a separate offense.

ATTEST:

  
Sarah Hellekson  
City Administrator

APPROVED:

  
Dwaine Heinrich  
Mayor

Introduced by Council Member Kamlitz

Seconded by Council Member Steele

First Reading: December 6, 2021

Second Reading: January 3, 2022

Final Passage: January 3, 2022

Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent.